



**New Albany Planning Commission**  
Meeting Minutes - Approved  
Monday, November 20, 2023 7:00 p.m.

**I. Call to order**

The New Albany Planning Commission held a regular meeting on November 20, 2023 in the Village Hall. Chair Kirby called the meeting to order at 7:03 p.m., and asked to hear the roll.

**II. Roll call**

Those answering roll call:

Mr. Kirby	present
Mr. Wallace	present
Mr. Schell	present
Ms. Briggs	absent
Mr. Larsen	absent
President Pro Tem Brisk	present

Having three voting members present, the commission had a quorum to transact business.

Staff members present: Law Director Albrecht; Engineer Albright; Planner Nichols; Planning Manager Mayer; Deputy Clerk Madriguera.

**III. Action on minutes:** October 16, 2023

Chair Kirby noted that the minutes from the October 16, 2023 meeting had been distributed and asked if there were any corrections to the minutes.

Hearing none, Commissioner Schell moved for approval of the minutes from the October 16, 2023 meeting. Commissioner Wallace seconded the motion.

Chair Kirby asked if there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Schell yes; Mr. Wallace yes; Mr. Kirby yes. Having three yes votes the motion passed and the October 16, 2023 meeting minutes were approved as submitted.

**IV. Additions or corrections to agenda**

Chair Kirby asked if there were any additions or corrections to the agenda.

Planner Nichols answered none from staff.

Chair Kirby administered the oath to all who would be addressing the commission and noted that now would be a good time to silence cell phones.

**V. Hearing of visitors for items not on tonight's agenda**

Chair Kirby stated that he had a speaker card from Tamara Davies who wished to address the commission for an item that was not on the agenda. He invited Ms. Davies to the lectern.

Ms. Tamara Davies, 8200 Central College Road. Ms. Davies read an excerpt from the June 19, 2023 Planning Commission minutes. [generally] At the June 19, 2023 meeting, Ron Davies stated that presently there was no water to the site and wondered who would be responsible for provision of water to the site. She continued that the June 2023 minutes included a response from Engineer Denny that the city was evaluating who would pay for the provision of water. Ms. Davies then stated that in January 2022 a grant request was made by the city and it was approved in March 2023 for sewer and water. Her question tonight was why Mr. Davies was not told of the approval of the grant for the provision of water and sewer at the June 2023 meeting.

Planning Manager Mayer responded that at the time, they did not have that information at hand. Funding and grants are handled by the city manager's office and the development department deals with site design and development. The agreement was signed by the city manager, and the development department did not know that information at the time.

Ms. Davies noted that Planning Manager Mayer was part of the planning committee and noted some of the names, Jennifer Chrysler and wondered whether the departments communicated. She stated that it seemed like there was a lack of transparency because by June who was paying for this project was well underway. She further noted that there have been a few times when answers from the city were less than forthcoming.

Planning Manager Mayer responded that he could not speak for everyone on staff with the city, but noted there was a lot going on. He stated that the information Ms. Davies obtained was public record and that the city would continue to provide records and answers, and further stated that he would be happy to answer any additional questions or provide additional information as needed.

Ms. Davies continued that within a month of the June meeting she received a letter from an engineering firm advising them that the water was coming through and the road would be closed. She noted that a project like this was lengthy process and she did not think everyone was being transparent that the city was getting the money from the Federal government.

Chair Kirby thanked Ms. Davies and advised her that she might want to address her comments to City Council and that they meet on Tuesday nights. He asked if there was anyone else present who wished to address the commission for an item not on the agenda. Hearing none, he introduced the first case and asked to hear the staff report.

**VI. Cases:**

**FDP-77-2023 Final Development Plan**

Final development plan to allow for construction of a CME Credit Union with a drive-through and Crimson Cup Coffee Shop on 2.03 acres located at the southwest corner of Beech Road and Smiths Mill Road (PID: 093-106512-00.00).

**Applicant: Brian Wellert**

Planner Nichols delivered the staff reports for FDP-77-2023 and VAR-79-2023 in one presentation.

Chair Kirby asked for comments from engineering.

Engineer Albright delivered the engineering staff report.

Chair Kirby asked to hear from the applicant.

Applicant Brian Wellert with Environmental Design Group in Akron. He stated he was okay with all of the conditions, including the proposed modification to condition number six. His concern with the circle was access by large vehicles and they were willing to work with the city to come up with a suitable solution.

Chair Kirby observed that the applicant had stopped a lot of questions by stating that he agreed with the conditions in the staff report. He asked for questions from the commission.

Commissioner Schell stated that he did not have any questions. He commented that he appreciated the applicant going back to the drawing board and noted that the site plan as originally presented was not palatable. He recognized that a significant amount of work and collaboration with the city that transpired to arrive at the current version of the site plan.

Mr. Wellert agreed and stated that he thought they ended up with something that was acceptable to everyone.

Chair Kirby asked whether there was anyone present from the public who wished to comment on the application. Hearing none, he asked whether there was anything additional that staff wanted to add regarding the variances.

Planner Nichols stated there was nothing to add beyond the staff report and presentation.

Chair Kirby moved to admit the staff report as amended and related documents into the record for FDP-77-2023. Commissioner Schell seconded the motion.

Chair Kirby asked whether there was any discussion on the documents motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Schell yes; Mr. Wallace yes. Having three yes votes, the motion passed and the documents, as amended, were admitted into the record for FDP-77-2023.

There was discussion regarding the wording of the revision to condition 6.

Commissioner Wallace moved for approval of FDP-77-2023, subject to conditions 1-5, and 7, as set forth in the staff report and the following revision to condition 6 which states that: The applicant shall be required to amend and modify the site plan to address and deconflict any eastern drive aisle and southbound traffic at the traffic circle, subject to staff approval. Commissioner Schell seconded the motion. Chair Kirby asked if there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Wallace yes; Mr. Schell yes; Mr. Kirby. Having three yes votes, the motion passed and FDP-77-2023 was approved with the conditions as stated above.

#### **VAR-79-2023 Variances**

Variance to eliminate the requirement that there be active and operable doors on the Beech Crossing elevation; associated with a final development plan application for a CME Credit Union with a Crimson Cup Coffee Shop development generally located at the southwest corner of Beech Road and Smiths Mill Road (PID: 093-106512-00.00).

**Applicant: Brian Wellert**

Chair Kirby moved to accept the staff reports and related documents into the record for VAR-79-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, Chair Kirby asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes. Having three yes votes, the motion passed and the staff reports and related documents were accepted into the record for VAR-79-2023.

Commissioner Schell moved for approval of VAR-79-2023 based on the findings in the staff report with the conditions listed in the staff report subject to staff approval, and noted that there were no conditions in the staff report. Commissioner Wallace seconded the motion.

Chair Kirby asked if there was any discussion on the motion. Hearing none, Chair Kirby asked to hear the roll.

Upon roll call: Mr. Schell yes; Mr. Wallace yes; Mr. Kirby yes. Having three yes votes, the motion passed and VAR-79-2023 was approved.

The commission wished the applicant good luck and thanked him for getting it right.

Chair Kirby introduced the next case and asked to hear from staff.

#### **VAR-89-2023 Variances**

Variances to C.O. 1154.12(b)(3) to allow both outdoor storage and indoor storage of hazardous materials to encroach into the setback where code requires such material to be at least 200 feet from all property lines at 3195 Harrison Road (PID: 095-111732-00.000, 095-111564-00.000).

**Applicant: Tuan Q. Luu with MDG Architecture Interiors on behalf of Rinchem Company LLC**

Planner Nichols delivered the staff report.

Chair Kirby asked to hear from engineering.

Engineer Albright stated that engineering had no comments.

Chair Kirby asked to hear from the applicant.

Hearing no response, Chair Kirby asked whether the applicant was present.

Planner Nichols stated that she had not met the applicant in person but it did not appear that the applicant was present.

Chair Kirby stated that this would be really hard to do without the applicant being present.

Planning Manager Mayer stated that the public hearing could still take place, but the application should be tabled until the next meeting so the applicant could be present.

Chair Kirby agreed and further observed that if the property to the north and to the east was owned by the applicant that this would be relaxed. He asked staff who owned the property to the north and east.

Planner Nichols responded that was correct, and stated that the applicant did not own the property to the north and east.

Chair Kirby stated that their input, as neighbors, would be helpful. He asked whether they were present.

Commissioner Wallace asked whether staff knew who the owners were.

Planning Manager Mayer responded that he had just checked the Licking County Auditor's website and MJB holdings is the owner to the north. COI Landholdings is the owner to the east.

Council Member Brisk asked Law Director Albrecht whether he recommended that the application be tabled.

Law Director Albrecht stated the hearing could go forward but counseled against the commission ruling on the application.

Commissioner Wallace recommended that the commission open the application up for public comment and suggested that those wishing to comment at this hearing, pose questions so the applicant can address those questions when they appear. He further suggested that people commenting at this hearing should return for the hearing the applicant attends. He observed that blanket opposition at this hearing, without questions, was of limited value to the deliberative process.

Council Member Brisk asked how many community members were present to speak on this application [several audience members raised their hands]. She apologized to them and stated that she wished this hearing could move forward as scheduled, but the commission needed to follow the advice of counsel.

Commissioner Wallace reiterated the importance of posing questions at tonight's hearing so that the applicant could have a running start when they appeared.

Chair Kirby added that high on his list was asking how the neighboring property owners felt about this application. He further remarked that letters of support from the neighboring property owners would be helpful.

Commissioner Schell confirmed that neighboring property owners would get another hearing notice.

Planner Nichols stated that was correct, neighbor letters would be sent out.

Council Member Brisk asked if it could be tabled to a date certain right now.

Planner Nichols confirmed that the applicant was advised that their application was scheduled to be considered at tonight's meeting.

Planning Manager Mayer suggested that the commission consider that the motion state the application is tabled to a date that the applicant can attend [as opposed to a date certain].

Commissioner Schell asked whether, if the applicant did not appear for the rescheduled meeting, whether the application could be voted upon in their absence.

Law Director Albrecht responded that he would be comfortable with that at that point.

Council Member Brisk remarked that the public is due consideration. She noted that several members of the public were present for this hearing, and the applicant did not appear. She recommended the commission set a date certain rather than operate at the convenience of the applicant who did not appear at tonight's hearing.

The commissioners agreed.

Commissioner Wallace observed that December's regular meeting would occur close to the end of the month and within close proximity to holidays and as such, that date may not be convenient for members of the public to attend.

Council Member Brisk agreed and suggested that the hearing be set for January.

Chair Kirby opened the public hearing.

Planner Nichols invited Paul Weinberger to the lectern.

Paul Weinberger thanked the commission and wished everyone a happy early Thanksgiving. He distributed and spoke from written testimony [see Appendix]. He raised the following issues in his remarks: It appears that Rinchem anticipated applying for a variance when they purchased the land so they could purchase a smaller parcel; sufficient property should have been purchased to avoid the need for a variance; public interest is not served by granting the variance because storage of the chemicals may adversely affect the safety of persons residing or working in the vicinity; Rinchem's statement that substantial justice would be done by granting the variance is not a valid argument, the need for a variance was created by Rinchem and New Albany Company, there are thousands of acres available and they chose an under-sized parcel next to a residential subdivision; this problem can be solved in some other manner than granting the variance, there are undeveloped properties to the north and east that can be purchased; in Chandler, AZ the chemical storage facility is approximately one mile from residential housing and 3.5 miles from Intel, but this proposed chemical storage facility is approximately 1/10 of a mile from residential housing and two miles from Intel; the public interest is best served when chemicals are as far away from people as possible; studies have shown that chemicals used in the manufacturing process carry health hazards, how many cancer cases, reproductive problems, and deaths have to occur before proper action is taken. Mr. Weinberger asked the commission to consider the following questions and issues:

- Why is a chemical storage facility closer to a residential development than to the manufacturer for which it is storing chemicals?
- This puts the residents at greater risk than Intel personnel.
- Why would the chemical storage facility not be next to Intel?

- Are the lives of Intel personnel more valuable than the residents who have lived here for more than 20 years?
- Is saving a few hundred thousand dollars' worth the risk to health and lives of people?

Mr. Wienberger thanked the commission and asked if there were any questions.

Council Member Brisk thanked Mr. Weinberger for his testimony.

Chair Kirby thanked Mr. Weinberger and stated that his remarks and written submission were all here and all clear. He confirmed with staff the road to the east's proximity to the lot line in order to make the point that they would not be constrained by the road and would have more than enough room if they controlled the property to the east and north.

Planner Nichols invited Jennifer and Jeff Jennings to the lectern.

Jeff and Jen Jennings, 116 Bermuda Dr. Ms. Jennings agreed with everything Mr. Weinberger said. Ms. Jennings told the commission that in the residents of the Bermuda subdivision have well water and their home was within walking distance of this site. Their concern was with contamination of their well. Her question for the applicant was:

- What would they do on a continual basis to ensure the health of the neighbors who use well water.

Ms. Jennings stated that the Bermuda subdivision residents were stuck in the Bermuda Triangle and they had no idea what kinds of chemicals would be stored at this site and she did not want to contract cancer as result of this facility.

Chair Kirby asked if they were requesting annual well testing.

Mr. Jennings replied yes, and reiterated that they did not know what kinds of chemicals or corrosives would be stored there or what the effects could be. He stated that he did not want to be a nimby neighbor but this facility was literally in his backyard and he wondered why this location was selected.

Planner Nichols invited Justin Williams to the lectern.

Justin Williams stated that he agreed with the preceding testimony. He stated this would be a bit redundant but wanted to clarify a few things. He wanted to be clear that when they moved into the subdivision it was surrounded by farms and everyone had well water. As time has moved forward some of the properties have been acquired by MBJ. He noted that there was an error from a previous meeting, and that he thought the record had been corrected, but he wanted to be clear again that there are 41 residential properties there and 33 are still owned by individuals. Action taken by property owners in surrounding areas, impacts everyone. If harmful chemicals get into the ground, they could contaminate the aquifer and he asked the following question:

- If that were to happen, what would be the corrective action?

Mr. Williams next asked why New Albany would have a different setback requirement (800 feet setback) than Licking County (200 feet) and this development.

Chair Kirby clarified that issue and determined that the setback requirement was the same.

Mr. Williams thanked Chair Kirby. Then he asked why chain link fencing was permitted in this area when it was not permitted in New Albany.

Chair Kirby responded that he thought data centers used chain link fencing but asked staff to clarify.

Planning Manager Mayer explained that vinyl coated chain link fencing was typically used for data centers, otherwise the typical landscape standard would be a combination of horse fence and mounding. He further noted the existing mounding on the back of the property.

Mr. Williams stated that the fundamental questions were what the corrective action would be if something were to happen and was this facility being held to a lesser standard that decrease the value of the neighboring residences.

Chair Kirby asked if anyone else wanted to speak on this application. If so, please come to the microphone and state your name and address.

Steve Blevins, 234 Bermuda Drive. In looking at the property to the east, there is more property in that direction and this could be moved even further away from the residences. He asked the following question:

- Could MSDS sheets be gathered from the applicant? The material safety data sheets would help the residents know exactly the chemicals to be stored would be.

Chair Kirby stated yes, and further that he would normally ask the applicant that question at the hearing.

Scott Driscoll, 156 Bermuda Drive. He noted that his was the southeast house. He noted that most of the dangerous stuff was being pushed away from his property which was good for him but not for the residents who lived in that direction. He asked whether, if this variance is approved, all the details were locked in place. Could the applicant later change the details of the plan.

Chair Kirby responded that the exact wording of the variance is fluid, but the commission is able to ask for and to impose specific conditions on a variance. He further explained that the commission is historically has a strong dislike of granting variances and likewise has the authority to impose specific conditions on any variance they approve.

Mr. Driscoll stated that just like his neighbors, he would like to know the names of the chemicals being stored.

Chair Kirby asked whether there were other members of the public present who wished to comment. Hearing none, he asked the commission for preferred dates and asked whether there was a preference for January or February. He proposed January.

Chair Kirby moved to accept the staff reports and related documents, including the handout submitted, into the record for VAR-89-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked for discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes. Having three yes votes, the motion passed and the staff reports and related documents including written testimony of Mr. Paul Weinberger, were admitted into the record for VAR-89-2023.

Chair Kirby moved to table VAR-89-2023 until the regularly scheduled January meeting. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes. Having three yes votes, the motion passed and VAR-89-2023 was tabled until the regularly scheduled meeting in January of 2024.

Council Member Brisk requested that the meeting date be stated, so everyone was very clear on when the date of the hearing would be.

Chair Kirby noted the holiday on Monday the 15<sup>th</sup>, and stated that the meeting date would be Wednesday, January 17, 2024.

Commissioner Wallace requested that staff send the applicant a copy of the meeting minutes so they could be apprised of the discussion.

Chair Kirby introduced the next case and asked to hear the staff report.

#### **VAR-104-2023 Variances**

Variances to the Reserve at New Albany PUD text and plat to allow a home extension to encroach into the rear setback and conservation easement, and to allow a paver patio to encroach into a conservation easement at 7823 Calverton Square (PID: 222-001816).

**Applicant: The Columbus Architectural Studio on behalf of Thad and Susanne Perry**

Planning Manager Mayer delivered the staff report for the variances.

Chair Kirby asked Planning Manager Mayer to read note f, regarding the conservation area.

Planning Manager Mayer read note f, which [generally] prohibits structures from being placed on or in the conservation area, and further prohibits work that would disturb or alter the trees or vegetation in the conservation area. He then indicated the location and boundaries of the conservation area on the site plan.

Chair Kirby asked for comments from engineering.

Engineer Albright stated there were no comments.

Chair Kirby noted that this was one of the first PUDs in the Village, and competition between developers had garnered the best they had to offer. He continued that the conservation easement

does not just apply to the trees, it applies to vegetation and the understory. Not all of the residents of this development realize how strict the conservation easement language is and that the easement is violated when they mow or otherwise remove the understory. He noted that the commission has been here before on the same matter. He asked to hear from the applicant.

Applicant Brenda Parker, architect for the project on behalf of the property owners. She stated that the property owners bought the house during the fall of 2023. She explained that because of the existing brick patio, the owners thought they could build a screened-in space and that they had a screened in patio at their former residence. She continued that she obtained the site survey and initially designed a structure that did not encroach into the easement. She explained that what was not shown on the diagram was the chimney. The chimney was very big and as a result of the size of the chimney more space was required in order to accommodate furniture and to make it a useable space. She noted that they were not adding any hardscape or lot coverage, they were proposing to build a cover over something which is already developed.

Chair Kirby asked whether the HOA had been consulted.

Applicant Ms. Perry, the homeowner, responded that she had not heard from them.

Chair Kirby responded that he was sorry to hear that this would be their welcome to New Albany. He explained that the HOA knows that the conservation easement language is particularly restrictive. He continued that he was unsure how long the home was owned by the prior owners, but the conservation easement language requires maintenance of the understory. A challenge with this neighborhood was the marking of the zones of the conservation easement. He asked staff whether there were any other variances of this nature in this neighborhood, the Reserve.

Planning Manager Mayer answered no, there are not. He distributed a letter of support from a neighbor.

Planner Nichols stated there was one neighbor present to testify.

Shawn Millerick, 4320 Vaux Link. Mr. Millerick said he had significantly fewer concerns after seeing the diagram and site plan. He stated that there is a separate patio on the property and he was concerned that the structure was planned to cover that patio. However, he had significantly less concerns after seeing it was not that area, but for the patio connected to the house. That being said, he continued, his concern here was with the precedent that the commission would set. The residents of this neighborhood purchased their homes with the intrinsic value of the natural setting not to be infringed upon. He was appreciative that these neighbors were seeking approval prior to construction, rather than after construction. He asked the commission to consider the precedent they were setting.

Commissioner Wallace stated that the problem here is that the prior homeowners did not do the right thing. They did not ask for a permit. If they had, the city would have told them that the patio they wanted was too big. If they had done it right, the house would have a smaller patio and they would not be here. As it is there was a bigger patio. One of the things to consider is the importance of the setbacks. The neighborhood is designed to maintain the conservation area. The commission has seen multiple applications for variances that resulted from prior ownership. Unfortunately, the current owner steps into the prior owner's shoes to some extent.

Mr. Perry, homeowner, stated that he has lived in the community for 25-years. They understand and respect rules. He explained that they moved into the house on September 1, 2023 and the neighboring homes are not visible. He explained that he grew up in the Adirondacks and his wife grew up in the Alps. Woods and fresh air are very important to them and they are not seeking to modify the yard, the woods, or the landscaping. He stated that he appreciated and understood the function of the commission and the HOA and respect and wanted to follow the rules.

Commissioner Schell thanked Mr. Perry, and stated that it was problematic for the commission because the HOA had not ruled on this request. The first step was to seek the approval of the HOA. It seemed likely that if this request was presented to the HOA, it would be denied. If the HOA approved the request, then the next step would be to get approval from the commission. Next, the commission had to consider precedent. Once the commission grants a variance of this type, other property owners in the area will request similar variances which, if granted, will change and undermine the design of the area. The fact that there had not yet been an approval of a similar variance request in this neighborhood made it particularly difficult, and it seemed like this request was facing an uphill battle.

Chair Kirby asked if there were additional questions or comments.

Hearing none, Chair Kirby moved to admit the staff reports and related documents into the record for VAR-104-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes. Having three yes votes, the motion passed and the staff reports and related documents for VAR-104-2023 were admitted to the record.

Chair Kirby was in the process of making a motion for approval of application VAR-104-2023 and Commissioner Wallace asked for a point of clarification.

Commissioner Wallace clarified that there were separate aspects to the variance requests and suggested that they should be voted on separately. He was concerned that if both aspects were not approved, then the patio would need to be removed.

Planning Manager Mayer confirmed that Commissioner Wallace's understanding. If the entire variance request was denied with a single vote, the existing patio would need to be removed. If the aspect of the variance to approve the existing structure was approved, the existing patio could remain.

Chair Kirby confirmed with the applicants they agreed with taking separate votes, then stated that he would hold off on the motion for approval.

Commissioner Wallace, the commission, and staff sorted through how the motions corresponded to approval to retain the existing patio, the B part, and to approval for the screened-in porch addition, the A part.

Chair Kirby withdrew his motion, and asked whether there was a motion on the B part.

Commissioner Wallace then clarified that the commission was simply making a recommendation to council. Council would have final approval. He further clarified that if the commission denied the variance, council had the authority to reverse.

Planning Manager Mayer agreed and stated that anytime the commission makes a recommendation council could reverse.

Chair Kirby asked staff to check whether a super-majority of council was required to reverse a decision of the commission.

Ms. Parker then asked about tabling the application so the applicants could revise the application and gather the support of the HOA.

Commissioner Wallace explained that they had two shots. If the application was denied by the commission, the applicants could gather the support of the HOA prior to going to council. Or, they could decide to table the application tonight.

Council Member Brisk asked if the applicant could table it until they gathered support from the HOA. Then they would have additional evidence in their favor when they return.

Commissioner Wallace responded that they could, but could not indicate what effect such an action would have on this commission's review.

Chair Kirby observed again that the HOA knew of and respected the restrictive language of the conservation easement.

Council Member Brisk explained to the applicant that there was no guarantee what the HOA would do, or what weight, if any, that HOA approval would have on the commission's review. However, the applicant had the option of tabling the application or moving forward at this meeting.

There was further discussion regarding next steps, revising the application and design.

Commissioner Schell stated that he appreciated the negotiation, but the first step was really the HOA.

Chair Kirby added that if the variance was granted, the HOA could still sue the property owners into oblivion.

Council Member Brisk stated that even if the commission approved the variance, the HOA can overrule the approval. The commission was really in the middle. The applicant needed the approval of the HOA, and also council.

Ms. Parker requested to table the application so that she could revise the application and gather the approval of the HOA.

Commissioner Wallace asked whether they wished to table the application until the December or January meeting.

Planner Nichols stated the December meeting was December 18<sup>th</sup>; the meeting in January was scheduled for January 17<sup>th</sup>.

Ms. Parker requested January 17, 2024.

Chair Kirby stated that the information regarding the super-majority was not needed now. He moved to table VAR-104-2023 until the regularly scheduled meeting on January 17, 2024. Commissioner Schell seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Schell yes; Mr. Wallace yes. Having three yes votes, the motion passed and VAR-104-2023 was tabled until the regularly scheduled meeting on January 17, 2024.

The commission wished the Perry's a happy anniversary.

Chair Kirby called a 10-minute recess at 8:40 p.m.

Chair Kirby called the meeting to order at 8:47 p.m., he introduced the next case and asked to hear the staff report.

**CU-105-2023 Conditional Use**

Request for a conditional use permit to operate a school located at 7527 and 0 West Campus Road and 6005 Nacot Place (PIDs: 222-002055, 222-004975, 222-004626).

**Applicant: Cornerstone Academy Community School, c/o Aaron Underhill, Esq.**

Planner Nichols delivered the staff report.

Chair Kirby asked for comments from engineering.

Engineer Albright delivered the engineering report.

Chair Kirby asked to hear from the applicant.

Applicant David Hodge, attorney for the owner. He stated that Planner Nichols put together a thorough staff report. He stated that the application met code requirements, and further that they agreed with all conditions in the staff report.

Planner Nichols added that staff just wanted clarification that if the athletic field parking was exceeded, that overflow could be accommodated on the large main lot.

Mr. Hodge stated that it could.

Planner Nichols thanked Mr. Hodge.

Chair Kirby asked whether he had any conflict with the conditions in the staff report.

Mr. Hodge stated he did not.

Chair Kirby asked if anyone from the public wished to comment on the application. Hearing none, he asked for comments from the commission members.

Commissioner Schell stated he had a question about admission enrollment numbers. If they were as planned, the four hundred [approximately], was that the maximum number. And then whether there was a plan if enrollment exceeded that amount.

Mr. Hodge answered that the applicant was prohibited from exceeded enrollment figures. He noted an exhibit in the packet that demonstrated additional property, thus there was room for additional growth on the site, but the applicant was not interested in creating a situation where they were exceeding their capacity.

Commissioner Wallace confirmed with staff that this was the same group that came before the commission a couple of years ago for the other parcel that was transferred and swapped. He further recalled that during that discussion, there was concern about the athletic fields being too close to 605. This seems to alleviate that.

Planning Manager Mayer confirmed that was correct and stated that he believed netting was required, and he assumed it would be transferred.

Chair Kirby asked for other questions and comments.

Hearing none, Chair Kirby to accept the staff reports and related documents into the record for CU-105-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes. Having three yes votes, the motion passed, and the staff reports and related documents were admitted to the record for CU-105-2023.

Commissioner Wallace moved for approval of application CU-105-2023 based on the findings in the staff report and subject to the conditions in the staff report, subject to staff approval. Commissioner Schell seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Wallace yes; Mr. Schell yes; Mr. Kirby yes. Having three votes, the motion passed and CU-105-2023 was approved.

Chair Kirby introduced the next case and asked to hear the staff report.

**CU-108-2023 Conditional Use**

Request for a conditional use permit to operate a model home located at 7215 Steeple Chase Lane N (PID: 222-005343).

**Applicant: Bob Webb Woodhaven, LLC, c/o Kirk Denyes**

Planner Nichols stated that she could present CU-108-2023 and CU-109-2023 separately or together.

Chair Kirby asked that she present them together and noted that they would be voted upon separately.

Planner Nichols noted that the applications had separate conditions of approval, and delivered the staff reports for the applications.

Chair Kirby asked whether Planner Nichols had said that staff approved the garage door that did not meet code.

Planner Nichols stated that was correct.

Planning Manager Mayer explained that this was the first home built and somehow that detail slipped by staff but the applicant was cooperative and was in the process of correcting the door to be a single-bay door.

Chair Kirby asked for comments from engineering.

Engineer Albright stated engineering had no comments.

Chair Kirby asked to hear from the applicant.

Applicant Kirk Denyes with Bob Webb. He stated that staff did a great job of explaining the applications. The models were furnished spec homes and the garage would not be converted to a sales center, so there would not be a need to convert it back to a garage.

Chair Kirby asked for questions or comments from the commission. Hearing none, he suggested that commission vote on condition three as submitted on the staff report for CU-108-2023. The commission will entertain the variance request related to that condition if and when it is scheduled for the commission's consideration.

Chair Kirby moved for acceptance of staff reports and related documents into the record for CU-108-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked if there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes. Having three yes votes, the motion passed and the staff report and related documents were admitted to the record for CU-108-2023.

Commissioner Schell moved for approval of CU-108-2023 based on the findings in the staff report with the conditions listed in the staff report, subject to staff approval. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was any discussion on the motion for 108. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Schell yes; Mr. Wallace yes; Mr. Kirby yes. Having three yes votes, the motion passed and CU-108-2023 was approved.

#### **CU-109-2023 Conditional Use**

Request for a conditional use permit to operate a model home located at 7390 Haven Green Lane (PID: 222-005319).

**Applicant: Bob Webb Woodhaven, LLC, c/o Kirk Denyes**

Chair Kirby moved to accept the staff reports and related documents into the record for CU-109-2023. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes. Having three yes votes, the motion passed and the staff reports and related documents were admitted to the record for CU-109-2023.

Chair Kirby moved for approval of CU-109-2023 based on the findings in the staff report with the conditions in the staff report, subject to staff approval. Commissioner Wallace seconded the motion.

Chair Kirby asked whether there was any discussion on the motion. Hearing none, he asked to hear the roll.

Upon roll call: Mr. Kirby yes; Mr. Wallace yes; Mr. Schell yes. Having three yes votes, the motion passed and CU-109-2023 was approved.

The commission wished the applicant good luck.

**VII. Other business**

Chair Kirby asked whether there was any other business before the commission.

Planner Nichols answered none from staff.

**VIII. Poll members for comment**

Chair Kirby polled the commission members for comment.

Each of the commissioners wished everyone a happy Thanksgiving.

**IX. Adjournment**

Having no further business, Chair Kirby adjourned the November 20, 2023 meeting of the New Albany Planning Commission at 9:11 p.m.

Submitted by Deputy Clerk Christina Madriguera, Esq.

**Appendix**

**FDP-77-2023**

**Staff Report**

**Record of Action**

**VAR-79-2023**

**Staff Report**

**Record of Action**

**VAR-89-2023**

**Staff Report**

**Written testimony of Mr. Paul Weinberger**

**Record of Action**

**VAR-104-2023**

**Staff Report**

**Updated statement of hardship**

**Letter of support from Nancy Morris**

**Record of Action**

**CU-105-2023**

**Staff Report**

**Record of Action**

**CU-108-2023**

**Staff Report**

**Record of Action**

**CU-109-2023**

**Staff Report**

**Record of Action**



**Planning Commission Staff Report  
November 20, 2023 Meeting**

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**CME CREDIT UNION AND CRIMPSON CUP COFFEE SHOP  
FINAL DEVELOPMENT PLAN**

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LOCATION: Located at the southwest corner of Beech Road and Smith’s Mill Road  
(PID: 093-106512-00.00)  
APPLICANT: Brian Wellert  
REQUEST: Final Development Plan  
ZONING: Beech Crossing I-PUD  
STRATEGIC PLAN: Retail  
APPLICATION: FDP-77-2023

Review based on: Application materials received October 31, 2023.

*Staff report prepared by Chelsea Nichols, Planner*

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**I. REQUEST AND BACKGROUND**

The application is a final development plan for a proposed CME credit union and Crimson Cup coffee shop with drive-throughs located at the southwest corner of Beech Road and Smith’s Mill Road.

The Planning Commission reviewed and tabled this application at the September 2023 meeting. The Planning Commission advised the applicant to re-evaluate the proposed site plan and consider revising it to reduce the number of variances that would be needed. Since that meeting, the applicant has revised the site plan to align with New Albany standards and to reduce the number of variance requests from three to one.

The applicant is applying for one variance related to this final development plan under application VAR-79-2023. Information and evaluation of the variance request is under a separate staff report.

The property in question is zoned I-PUD and is located within the Beech Crossing Zoning District which was reviewed and approved by the Planning Commission on January 22, 2020 (ZC-102-2019).

**II. SITE DESCRIPTION & USE**

The site is generally located north of State Route 161, south of Smith’s Mill Road and west of Beech Road. The site is 2.03 acres and is currently undeveloped. This is the fourth proposed development for this zoning district. The Planning Commission approved final development plan applications for Duke and Ditches on October 20, 2020, Holiday Inn Express on February 19, 2020, and Taco Bell on August 21, 2023.

**III. EVALUATION**

Staff’s review is based on New Albany plans and studies, zoning text, and 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 recommends the following development standards for the 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. Combined curb cuts and cross-access easements between parking areas are preferred between individual buildings.
- 5. Retail building entrances should connect with the pedestrian network and promote connectivity through the site.
- 6. Integrate outdoor spaces for food related businesses.

**A. Use, Site and Layout**

- 1. The proposed coffee shop with drive-through is a permitted use as a “carry-out food and beverage establishment with drive-through facility”. The proposed bank is permitted as a personal service. The drive-through associated with the bank is also a permitted use.
- 2. The applicant proposes to develop a 4,419 sq. ft. CME credit union and Crimson Cup coffee shop with drive-throughs.
  - a. The credit union floor area is be 1,309 sq ft,
  - b. The coffee shop is be 894 sq ft, and
  - c. 2,216 sq ft for shared space.
- 3. The PUD zoning text requires the following setbacks from these perimeter boundaries:
  - a. Beech Road:
    - i. Required minimum: 40-foot pavement and 75-foot building
    - ii. Proposed: 41.74+/- foot pavement and 112.24+/- foot building setback [requirement met]
  - b. Smith’s Mill Road:
    - i. Required minimum: 55-foot pavement and 75-foot building
    - ii. Proposed: 65+/- foot pavement and 135.5+/- foot building setback [requirement met]
  - c. Internal Parcel Boundaries (southern and western property lines):
    - i. Required minimum: 10-foot pavement and building setback
    - ii. Proposed (western property line): 11.9-foot pavement and 118.9-foot building setback [requirement met]
    - iii. Proposed (southern property line): 8.5+/- feet pavement and 65-foot building setback [The building setback requirement is met but the pavement setback requirement is not met. A variance has not been requested. Staff recommends a condition of approval that this be revised to meet code standards at the time of permitting (condition #1)]
  - d. Outparcel Access Road (Beech Crossing):
    - i. Required minimum: 15-foot building and pavement setback
    - ii. Proposed: 50+/- foot pavement (not counting drive aisle to enter the site) and 133+/- foot building setback [requirement met]
- 4. The development site is accessed by a private road which was reviewed and approved by the Planning Commission on October 21, 2019 (FDP-72-2019). This private road, Beech Crossing, was constructed by another private developer and includes street trees and a sidewalk along the road.
- 5. According to zoning text section C(1), the applicant is required to install leisure trail along Smith’s Mill Road. The site plan meets this standard by providing an 8’ wide leisure trail within the front yard of the lot along Smith’s Mill Road

6. Per zoning text section C(4), the applicant is required to connect into the existing pedestrian circulation system. The applicant is meeting this requirement by providing a direct connection into the future leisure trail along Smith's Mill Road, in addition to the existing leisure trail along Beech Road and the existing sidewalk along Beech Crossing.
7. The zoning text requires that the total lot coverage, which includes all areas of pavement and building, not to exceed 80% of the total area. The proposed development is at 54% lot coverage thereby meeting this requirement.
8. The Beech Crossing I-PUD zoning text places a limitation on total acreage that can be utilized for retail uses in the Beech Road / Smith's Mill Road area. The intent is to limit retail development to a maximum of 92 acres in this general area. Once 92 acres have been developed with retail uses found in the C-3 and GE zoning districts, the remainder of the land from all of these subareas can only allow non-retail General Employment (GE) zoning district uses listed in their respective zoning texts. This 2.03-acre development is subject to this overall 92-acre retail limitation.

**B. Access, Loading, Parking**

1. The site is accessed from one full access curb cut along Beech Crossing, which is near the southwest corner of the property.
2. Since the September 2023 Planning Commission meeting, the applicant has made the following revisions:
  - i. Site layout consists of two-way vehicular traffic traveling around three of the four sides of the building.
  - ii. The building has been rotated so the drive-through is located on the south side of the building.
  - iii. The dumpster, enclosure, and loading area have been relocated to the interior of the site, and out of view from traffic on Beech and Smith's Mill Roads.
  - iv. A second doorway to the two-story architecture feature has been added so that there are entrances along Smith's Mill Road and Beech Road.
3. The city engineer comments that the one-way lanes could potentially conflict with southbound circulation and for cars backing out of the first parking space. To remedy this comment, the city staff recommends a condition of approval that a private traffic circle be added to the site as suggested in the engineering comments and exhibit below. The curbed should be 6-inch mountable curbs so as to not negatively affect fire truck turning (condition #6).
4. The city staff also recommends a condition of approval that signage is installed to avoid improper vehicular circulation (i.e. right turns across entry drives in an effort to exit the site onto Beech Crossing). This shall be addressed at the time of permitting, subject to staff approval (condition #7).
5. The city parking code contains the following parking standards for coffee shops associated with a bank use.
  - a. Parking requirements for the bank, per Chapter 1167, is 1 parking space per 200 square feet of gross floor area. Drive-through for the bank; the number of stacking spaces are based on 80% of the required parking.
  - b. Parking requirements for the coffee shop, per Chapter 1167, is 1 parking space per 75 sq ft of gross floor area. Drive-through stacking spaces are based on 25% of the required parking.
  - c. The credit union floor area is 1,309 sq ft, the coffee shop is 894 sq ft, and 2,216 for shared space. The applicant divided the 2,216 sq ft in half to calculate 2,417 square feet for the credit union and 2002 sq ft for the coffee shop. Based on these calculations, 13 spaces are required for the credit union and 27 spaces for the coffee shop; for a total of 40 spaces required. The applicant is providing 43 parking spaces.
  - d. As for the required drive-through stacking spaces, 11 spaces are required for the credit union and 7 spaces are required for the coffee shop. It appears as though a minimum of 11 spaces are provided for the credit union between the drive through lanes and 10 spaces are provided for the coffee shop.

6. Per C.O. 1167.03(a), the minimum parking space dimensions required are 9 feet wide and 19 feet long. The applicant is meeting this requirement.
7. Per C.O. 1167.03(a), the minimum maneuvering lane width size is 22 feet for this development type. The applicant is exceeding this requirement at 24 feet.

**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. The zoning text contains architectural standards and the site also falls under the Section 6 of the Design Guidelines and Requirements: Commercial Outside Village Center.
2. The zoning text states that retail buildings shall be a minimum of one story and a maximum of two stories in height. This requirement is being met as the building is a one-story building.
3. The primary building material is brick, which is a permitted building material in the zoning text.
4. Zoning text section E.4(b) states that all rooftop mechanical units must be screened to limit off site visibility and sound. The applicant meets this requirement.
5. DGR Section 6(I)(A)(4) states that the number, location, spacing and shapes of window openings shall be carefully considered, particularly for buildings in retail use and shall impart a sense of human scale. The applicant meets this requirement by designing the windows with consistent spacing and shapes. The number and location of the windows are also appropriate.
6. DGR Section 6(I)(A)(6) states that all visible elevations of a building must receive similar treatments in style, materials and design so that no visible side is of a lesser character than any other. The applicant is meeting this requirement by using the same materials on all building elevations.
7. C.O. 1149.04 states dumpsters are to be located as to effectively be screened from view. The applicant has revised the plan since the September meeting to meet this standard.
8. DGR Section 6(I)(A)(12) states that buildings shall have active and operable front doors along all public and private streets. The building fronts onto Smith's Mill Road to the north, Beech Road to the east, and Beech Crossing to the southwest. The building design has been updated since the September meeting with an active and operable front door facing Beech Road and facing Smith's Mill. However, there is still no door facing Beech Crossing. The applicant requests a variance, under application VAR-79-23, to eliminate this requirement for southwest elevations of the building. This variance request is evaluated under a separate staff report.

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

1. Per Beech Crossing zoning text requirements G(a) and G(3)(a), a four-board horse fence is required to be installed along Smith's Mill Road. This requirement is met.
2. Per zoning text requirement G(8), a master landscape plan shall be completed as part of the first final development plan that is submitted for a property located west of the previously approved "Outparcel Access Road"/the existing Beech Crossing. This landscape plan is subject to the review and approval of the city landscape architect. The current property owner, the New Albany Company (NACO), had submitted the plan and it had been approved by the city landscape architect ahead of the future Taco Bell site to the west. The landscape standards established along Smiths Mill and Beech Road surround the proposed site to the north and east.
3. Per zoning text requirement (G)(3)(b)(i), a minimum of 6 trees per 100 lineal feet must be installed within the required setback area along Smith's Mill and along Beech Road. This requirement is being met.
4. Per zoning text requirement G(3)(c), a minimum 3.5-foot-tall landscape buffer must be provided to screen parking areas along all public rights of way. The proposed landscape plan shows that a 3.5-foot-tall landscape buffer installed along the parking areas that are along public rights of way, therefore this requirement is being met.

5. Per zoning text requirement G(3)(d), a landscape buffer is required to be installed within the required setback of any interior side parcel line and shall consist of a ten-foot landscape buffer with grass and landscaping and deciduous trees planted at a rate of 4 trees for every 100 feet of side property line and deciduous shrubs must be planted under the trees. The applicant proposes to install these 10 trees and shrubs along the west side within the 10-foot setback. Therefore, this requirement is being met.
6. Per zoning text requirement G(5), street trees shall be planted at a rate of one (1) tree for every thirty (30) feet of street frontage. Trees shall be regularly spaced along Beech Road and Smith's Mill Road. The proposed landscape plan shows the existing street trees along Beech Road and the proposed 9 trees along Smith's Mill Road, therefore this requirement is being met.
7. Per zoning text requirement G(7), a minimum of one tree for every 10 parking spaces is required and at least 5 percent of the vehicular use area shall be landscaped. The applicant is providing 43 parking spaces, and meeting this requirement by providing 5 trees. In addition, over 5% of the total parking area is landscaped. This requirement is being met.

**E. Lighting & Signage**

1. Section II(H)(1) of the zoning text requires all parking lot light poles to be downcast and use cut-off type fixtures in order to minimize light spilling beyond the boundaries of the site. The proposed light fixtures for the site lighting match the existing Duke and Duchess site with the development and meets the requirements. In addition, a detailed photometric plan was submitted showing that there is no light spillage from this site.
2. Section II(H)(3) states that all parking lot poles within the entire zoning district shall be black or New Albany Green, be constructed of metal and not exceed 30 feet in height. to the city staff recommends this site uses the same black metal poles that are installed at the existing Duke and Duchess site so there is consistent and cohesive lighting within the development. However, the applicant has not submitted this information. Staff recommends a condition of approval that all parking lot light poles are black metal, are to not exceed 30 feet in height, and are subject to staff approval at the time of permitting (condition #2).
3. The applicant requests to install a drive-through menu board sign for the coffee shop. Drive-through menu board signs are allowed and code states drive-through menu board signs shall not be visible from the public right-of-way. The plan has been updated to include the drive-through menu board sign on the western side of site. With the menu board sign being located behind the building, the sign location meets code.
4. Details, including location, for the proposed monument sign are not provided, in addition to other sign details still needed for a full evaluation. Staff recommends a condition of approval that all other sign details be subject to staff approval and must meet code requirements (condition #3). Any additional variances needed, other than what is included in application VAR-79-2023, must be heard by the Planning Commission at a later date in the future.

**Wall Signs**

1. The zoning text and C.O. 1169.15(d) permit one wall sign per tenant on each of the building frontages, either on a public or private road, with 1 square foot in area per linear square foot of building frontage, not to exceed 50 square feet.
2. This building has two tenants and three building frontages. This permits the building to have one wall sign per tenant on each of the three building frontages. Based on the architectural elevations, the applicant proposes one wall sign on the north elevation, four on the west elevation, and two signs on the east elevation. The west elevation currently shows one sign for the credit union and three for the coffee shop. There are two extra signs on the west elevation not permitted by code. Staff recommends a condition of approval that the western elevation be revised so that there is no more than one sign per tenant as permitted by code (condition #3).
3. As shown on the architectural elevation sheets, the wall signs are proposed:

**Smith’s Mill Northern Elevation Wall Sign for CME:**

The wall sign reads “CME Federal Credit Union” and featuring the company logo.

- a. Lettering Height: information not provided [must meet code, 24-inch maximum]
- b. Area: information not provided [must meet code]
- c. Location: facing northern elevation along Smith’s Mill Road [meets code]
- d. Lighting: external lighting [meets code]
- e. Relief: information not provided [must meet code minimum of 1-inch relief]
- f. Colors: red, grey, blue, black, and tan (total of 5 colors) [4 color maximum, a variance was not requested. Staff recommends a condition of approval that all signage is revised to meet code requirements, subject to staff approval (condition #3).]
- g. Material: information not provided [must meet requirements of C.O. 1169]

**Beech Road Eastern Elevation Wall Sign for CME:**

The wall sign reads “CME Federal Credit Union” and featuring the company logo.

- a. Lettering Height: information not provided [must meet code, 24-inch maximum]
- b. Area: information not provided [must meet code]
- c. Location: facing eastern elevation along Beech Road [meets code]
- d. Lighting: external lighting [meets code]
- e. Relief: information not provided [must meet code minimum of 1-inch relief]
- f. Colors: red, grey, blue, black, and tan (total of 5 colors) [4 color maximum, a variance was not requested. Staff recommends a condition of approval that all signage is revised to meet code requirements, subject to staff approval (condition #3).]
- g. Material: information not provided [must meet requirements of C.O. 1169]

**Beech Road Eastern Elevation Wall Sign for Crimson Cup:**

The wall sign reads “Crimson Cup coffee & tea”

- a. Lettering Height: information not provided [must meet code, 24-inch maximum]
- b. Area: information not provided [must meet code]
- c. Location: facing eastern elevation along Beech Crossing [meets code]
- d. Lighting: external lighting [meets code]
- e. Relief: information not provided [must meet code]
- f. Colors: red and black (total of 2 color) [meets code]
- g. Material: information not provided [must meet requirements of C.O. 1169]

**Beech Crossing Western Elevation Wall Sign for CME:**

The wall sign reads “CME Federal Credit Union” and featuring the company logo.

- a. Lettering Height: information not provided [must meet code, 24-inch maximum]
- b. Area: information not provided [must meet code]
- c. Location: facing northern elevation along Smith’s Mill Road [meets code]
- d. Lighting: external lighting [meets code]
- e. Relief: information not provided [must meet code minimum of 1-inch relief]

- f. Colors: red, grey, blue, black, and tan (total of 5 colors) [4 color maximum, a variance was not requested. Staff recommends a condition of approval that all signage is revised to meet code requirements, subject to staff approval (condition #3).]
- g. Material: information not provided [must meet requirements of C.O. 1169]

**Beech Crossing Western Elevation Wall Sign for Crimson Cup:**

The wall sign reads “Crimson Cup coffee & tea”

- a. Lettering Height: information not provided [must meet code, 24-inch maximum]
- b. Area: information not provided [must meet code]
- c. Location: facing eastern elevation along Beech Crossing [meets code]
- d. Lighting: external lighting [meets code]
- e. Relief: information not provided [must meets code]
- f. Colors: red and black (total of 2 color) [meets code]
- g. Material: information not provided [must meet requirements of C.O. 1169]

**Beech Crossing Western Elevation Wall Sign for Crimson Cup:**

The wall sign is not legible. Staff believes it says something about “coffee”.

- a. Lettering Height: information not provided [must meet code, 24-inch maximum]
- b. Area: information not provided [must meet code]
- c. Location: facing eastern elevation along Beech Crossing [does not meet code, two signs permitted, one sign per tenant on each frontage, a variance was not requested. Staff recommends a condition of approval that all signage is revised to meet code requirements, subject to staff approval (condition #3).]
- d. Lighting: information not provided [must meet code]
- e. Relief: information not provided [must meets code]
- f. Colors: red (total of 1 color) [meets code]
- g. Material: information not provided [must meet requirements of C.O. 1169]

**Beech Crossing Western Elevation Wall Sign for Crimson Cup:**

The wall sign reads “COFFEE”.

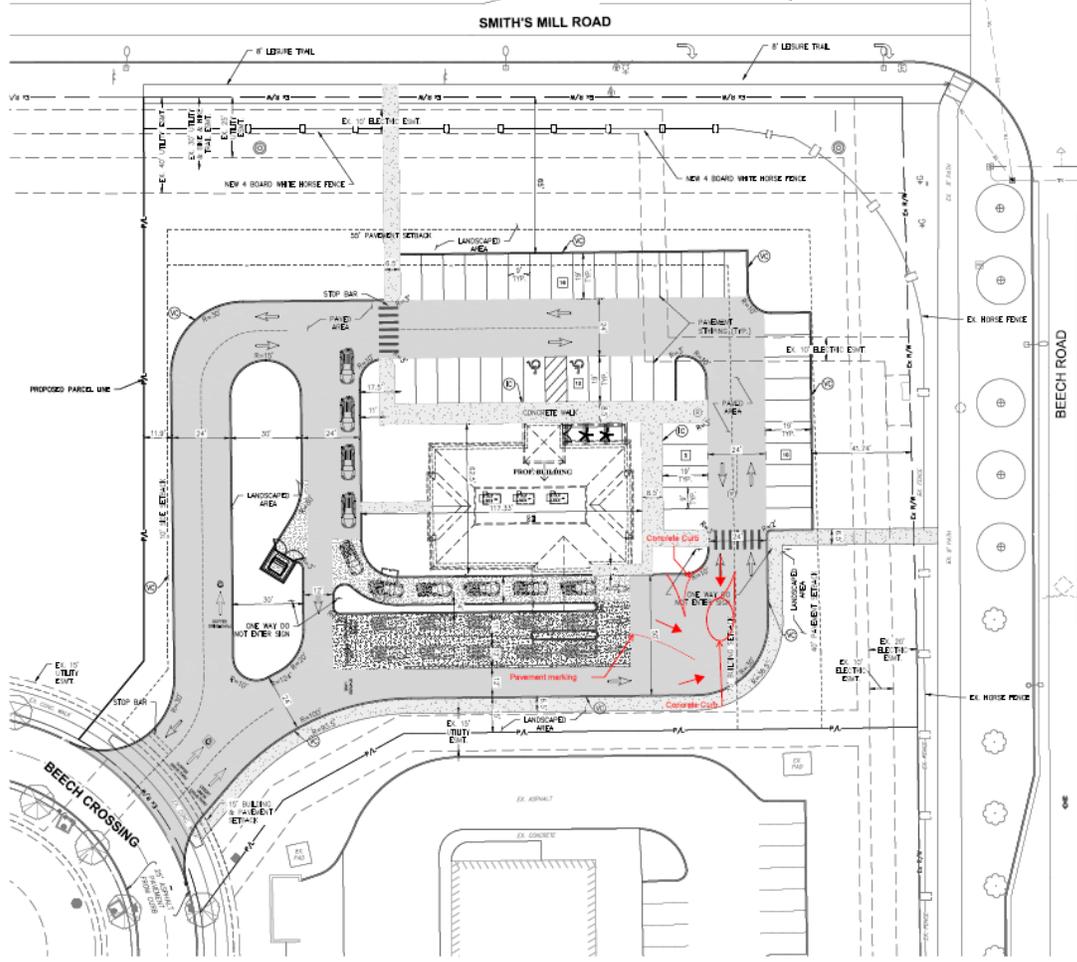
- a. Lettering Height: information not provided [must meet code, 24-inch maximum]
- b. Area: information not provided [must meet code]
- c. Location: facing eastern elevation along Beech Crossing [does not meet code, two signs permitted, one sign per tenant on each frontage, a variance was not requested. Staff recommends a condition of approval that all signage is revised to meet code requirements, subject to staff approval (condition #3).]
- d. Lighting: information not provided [must meet code]
- e. Relief: information not provided [must meets code]
- f. Colors: black (total of 1 color) [meets code]
- g. Material: information not provided [must meet requirements of C.O. 1169]

**IV. ENGINEER’S COMMENTS**

The City Engineer has reviewed the application and provided the following comments. These comments can also be found 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 (condition #4).

1. Refer to Exhibit A, note block 1.1.1. Delete the 2023 Specifications note block shown on sheet G.S. and add note 1.1.1 in its place.

2. Refer to sheet C1.01. Show the location of the stop bar and stop sign at the curb cut and provide a cross walk and signage that meets ADA requirements.
3. Refer to Exhibit B. Revise sheet C1.01 in accordance with this Exhibit. Consider mountable curb where concrete curb is proposed.
4. Refer to sheet L1.00. Provide a site distance triangle at the Beech Crossing curb cut and evaluate site distance relative to existing and proposed landscaping. Remove landscaping that may impede motorist view.
5. Provide parking lot lighting photometric analysis for staff review and approval.
6. Provide fire truck turning radius analysis.
7. In accordance with code sections 1159.07 (b)(3) sections Z. and AA. provide documentation indicating that all OPEA or ACOE issues have been addressed.
8. We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.



## V. SUMMARY

The proposed use is appropriate for this site given its proximity to State Route 161 and the New Albany International Business Park. This site, and the Beech Crossing development, is auto-oriented but still incorporates strong pedestrian connectivity. The use appears to be appropriate and with the revisions the applicant has made to the site plan, the building is appropriately oriented to the public streets.

The Engage New Albany Strategic Plan recommends retail sites have a strong street presence and include architectural and landscaping features that respond to the existing New Albany character. Ensuring a strong street presence that appropriately addresses the intersection is important since the site is located at a prominent gateway into the city and business park. The building orientation has been updated in the current plan to better align with New Albany's principle planning standards found in the city codes and plans.

The building is surrounded by the parking lot, a drive-thru lane and internal drive aisles. With the addition of the traffic circle, vehicles will be able to safely traverse throughout the site, and results in a strong circulation plan. The drive-through appears to be appropriately positioned on the site where it does not interfere with traffic on the rest of the site and will not cause traffic to back up onto the private road. By having a one-way drive aisle on just one side of the building, the site layout provides desirable and convenient circulation.

The updated site plan also provides a strong landscape plan that exceeds code standards. The plan also provides space for a future gateway feature at the corner of this prominent corner of the city.

## **V. ACTION**

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

### **Move to approve final development plan application FDP-77-2023, subject to the following conditions:**

1. The site plan shall be revised so that the pavement is at least 10 feet away from the southern property line at the time of permitting;
2. All parking lot light poles shall match the neighboring Duke and Duchess, are colored black, and shall not exceed 30 feet in height, and are subject to staff approval at the time of permitting;
3. All sign details are subject to staff approval at the time of permitting and all signage shall be revised to meet code requirements, subject to staff approval;
4. The city engineer comments must be addressed, subject to staff approval; and
5. Any additional variances needed, other than what is included in application VAR-70-2023, must be heard by the Planning Commission at a later date in the future.
6. A private traffic circle shall be added to the site as suggested in the engineering comments and exhibit. The curbed should be 6-inch mountable curbs as to not negatively affect fire truck turning.
7. Signage shall be installed to avoid improper vehicular circulation (i.e. right turns across entry drives in an effort to exit the site onto Beech Crossing). This shall be addressed at the time of permitting, subject to staff approval.

## Approximate Site Location



Source: ArcGIS

To: Chelsea Nichols  
City Planner

404.651-01  
October 30, 2023  
(Revised 11/6/23)

From: Matt Ferris, P.E., P.S.  
By: Jay M. Herskowitz, P.E., BCEE

Re: Credit Union Crimson  
Coffee - FDP (October)

We reviewed the referenced submittal in accordance with Code Section 1159.07 (b)(3) FDP.  
Our review comments are as follows:

1. Refer to Exhibit A, note block 1.1.1. Delete the 2023 Specifications note block shown on sheet G.S. and add note 1.1.1 in its place.
2. Refer to sheet C1.01. Show the location of the stop bar and stop sign at the curb cut and provide a cross walk and signage that meets ADA requirements.
3. Refer to Exhibit B. Revise sheet C1.01 in accordance with this Exhibit. Consider mountable curb where concrete curb is proposed.
4. Refer to sheet L1.00. Provide a site distance triangle at the Beech Crossing curb cut and evaluate site distance relative to existing and proposed landscaping. Remove landscaping that may impede motorist view.
5. Provide parking lot lighting photometric analysis for staff review and approval.
6. Provide fire truck turning radius analysis.
7. In accordance with code sections 1159.07 (b)(3) sections Z. and AA. provide documentation indicating that all OPEA or ACOE issues have been addressed.
8. We will evaluate storm water management, water distribution, sanitary sewer collection and roadway construction related details once construction plans become available.

MEF/JMH

(attachments)

cc: Cara Denny, Engineering Manager  
Joshua Albright, Development Engineer

# CITY OF NEW ALBANY STANDARD NOTES

Revised  
February 21, 2023

## 1 GENERAL

### 1.1 Standards

1.1.1 The City of Columbus and Ohio Department of Transportation Construction and Material Specifications, current editions, together with the City of New Albany specifications including all supplements thereto (hereafter referred to as Standard Specifications), shall govern all construction items of these plans unless otherwise noted. If conflict between specifications is found, the more strict specification will apply as decided by the City Engineer. CMSC item numbers listed refer to the City of Columbus Construction and Material Specifications.

### 1.2 Plan Modifications

1.2.1 Any modifications to the work as shown on these drawings must have prior written approval by the City Engineer, City of New Albany. Inspectors have no authority to approve revisions in the field.

### 1.3 Preconstruction Conference

1.3.1 A pre-construction conference involving a representative of the City of New Albany, the Owner, the Principal Contractor, and all available Sub-Contractors will be held prior to the start of construction.

1.3.2 All easements shall be recorded and submitted to the City Engineer prior to the pre-construction conference.

1.3.3 During the conference the Contractor shall submit his construction schedule, proposed schedule for controlling siltation and erosion, and for temporary and permanent seeding for the project.

### 1.4 Working Hours

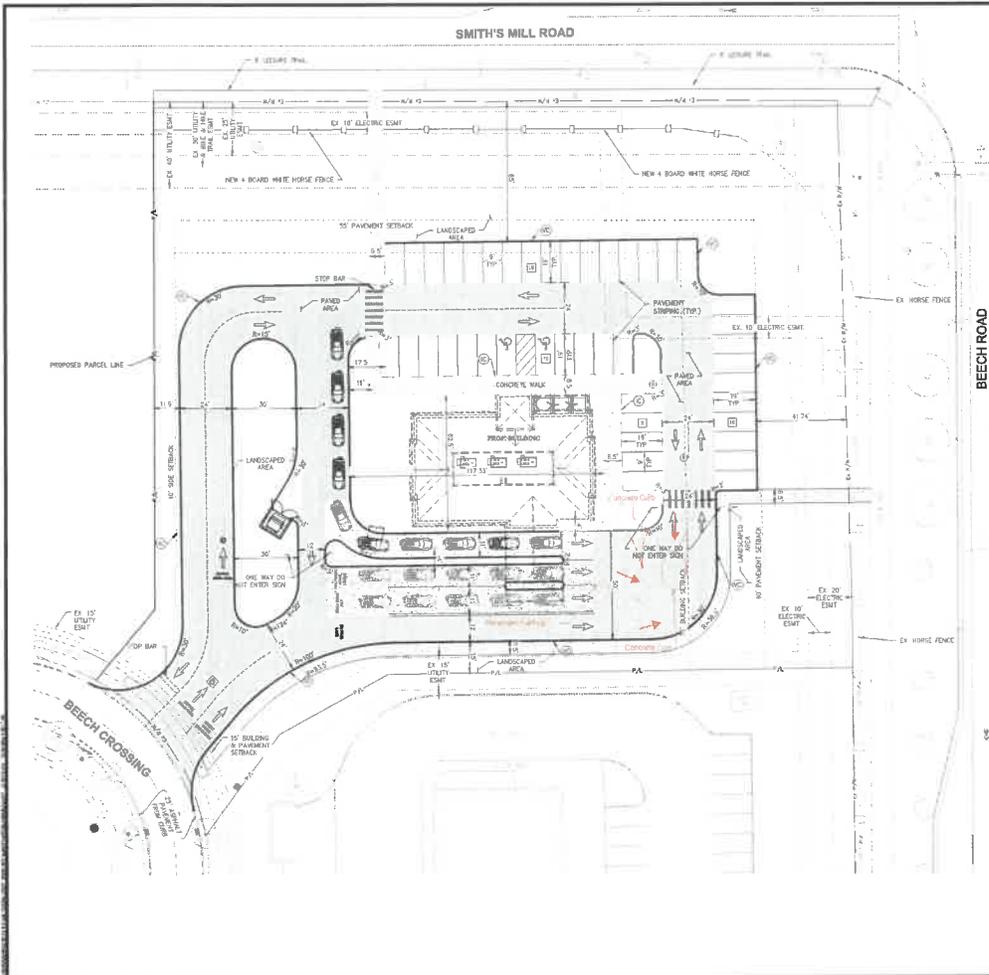
1.4.1 City Ordinance 521.12 restricts the hours of work to 7:30 am to 7:00 pm.

1.4.2 Work will not be permitted on Sundays unless otherwise approved by the City Manager.

### 1.5 Inspection

1.5.1 Inspection on this project will be provided by the representatives of the City of New Albany.

1.5.2 The Owner shall deposit with the City of New Albany the total estimated costs for construction inspection prior to any construction operations.



### PROJECT DESCRIPTION

1 THE CREDIT UNION AND OFFICE DEVELOPMENT INCLUDES THE CONSTRUCTION OF A 4,419 SQUARE FEET SINGLE STORY BUILDING

### STORMWATER MANAGEMENT

1 THE STORM WATER MANAGEMENT IS PROVIDED BY THE OVERALL DEVELOPMENT UNDER THE CONDUCTOR FOOTING #

### MONUMENTATION

1 MONUMENTATION IN COMPLIANCE WITH C.O. 106.07 (E) WILL BE SET PRIOR TO COMPLETION OF CONSTRUCTION

### SITE DATA TABLE

TOTAL SITE AREA	2.03 AC
PROPOSED BUILDING	4,419 SF
PARKING PROVIDED (1 SPACE PER 400 SF)	40 SPACES
PARKING PROVIDED	43 SPACES
HANDICAP PARKING REQUIRED	2 SPACES
HANDICAP PARKING PROVIDED	2 SPACES
LOT COVERAGE	2 SPACES
PAVEMENT/WALK	43,066 SF
BUILDING	4,419 SF
TOTAL COVERAGE	47,485 SF
SITE AREA (1:20 AC)	88,862 SF
PERCENT COVERAGE	54%
MINIMUM LOT COVERAGE	80%
TOTAL PARKING AREA	0.30 AC
INTERIOR LANDSCAPE AREA	
INTERIOR LANDSCAPE AREA REQUIRED	0%

### NOTES

- ALL ROADWAY 5' UNLESS OTHERWISE NOTED
- ALL CURBS TO BE 6" EXCEPT UNLESS OTHERWISE NOTED
- ALL DIMENSIONS ARE GIVEN UNLESS NOTED TO THE FACE OF CURB
- ALL PARKING DIMENSIONS GIVEN ARE MEASURED ALONG THE FACE OF CURB

### APPROVALS:

PLANNING COMMISSION CHAIR \_\_\_\_\_

VICE CHAIR OF DESIGNER \_\_\_\_\_

PROFESSIONAL ENGINEER \_\_\_\_\_

PROFESSIONAL SURVEYOR \_\_\_\_\_

AREA CALCULATIONS		PARKING	
CREDIT UNION	1308 SF	CREDIT UNION	1 200 - 14'00" = 15 SPACES
OFFICE	894 SF	OFFICE	1 75 - 14'00" = 17 SPACES
SHARED	2216 SF	TOTAL	60 SPACES REQUIRED
TOTAL	4419 SF		
		PARKING	
		STACKING	80% OF 15 SPACES = 11 CARS
		STACKING	20% OF 17 SPACES = 3 CARS
		TOTAL	14 SPACES REQUIRED



CONSULTANT  
 10450 South Union Ferry Drive  
 Gaithersburg, MD 20877  
 Ann Code 038 888-8100

**CME Credit Union**  
 New Albany, OH

DATE  
 10/19/2023  
 JOB NO.  
 29580-0002  
 SHEET  
 FINAL DEVELOPMENT  
 PLAN  
**C1.01**



## **Community Development Department**

RE: City of New Albany Board and Commission Record of Action

Dear ENV Design Group c/o Brian Wellert,

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



## Community Development Department

### Decision and Record of Action

Tuesday, November 21, 2023

The New Albany Planning Commission took the following action on 11/20/2023 .

#### Final Development Plan

**Location:** SW corner of Beech Road and Smith's Mill Road

**Applicant:** ENV Design Group c/o Brian Wellert,

**Application:** PLFDP20230077

**Request:** Final Development Plan for proposed CME credit union and Crimson Cup coffee shop with drive-throughs.

**Motion:** To approve with conditions

**Commission Vote:** Motion Approved

**Result:** Final Development Plan, PLFDP20230077 was approved with conditions, by a vote of 3-0.

Recorded in the Official Journal this Tuesday, November 21, 2023.

#### Condition(s) of Approval:

1. The site plan shall be revised so that the pavement is at least 10 feet away from the southern property line at the time of permitting;
2. All parking lot light poles shall match the neighboring Duke and Duchess, are colored black, and shall not exceed 30 feet in height, and are subject to staff approval at the time of permitting;
3. All sign details are subject to staff approval at the time of permitting and all signage shall be revised to meet code requirements, subject to staff approval;
4. The city engineer comments must be addressed, subject to staff approval; and
5. Any additional variances needed, other than what is included in application VAR-70-2023, must be heard by the Planning Commission at a later date in the future.
6. The applicant shall revise the site plan to alleviate potential conflict with southbound circulation in the eastern drive isle, subject to staff approval.
7. Signage shall be installed to avoid improper vehicular circulation (i.e. right turns across entry drives in an effort to exit the site onto Beech Crossing). This shall be addressed at the time of permitting, subject to staff approval.

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner



**Planning Commission Staff Report  
November 20, 2023 Meeting**

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**CME CREDIT UNION AND CRIMSON CUP COFFEE SHOP  
VARIANCES**

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**LOCATION:** Located at the southwest corner of Beech Road and Smith’s Mill Road (PID: 093-106512-00.00)  
**APPLICANT:** Brian Wellert  
**REQUEST:** (A) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the Beech Crossing building elevations.  
**ZONING:** Beech Crossing I-PUD  
**STRATEGIC PLAN:** Retail  
**APPLICATION:** VAR-79-2023

Review based on: Application materials received October 31, 2023

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*Staff report prepared by Chelsea Nichols, Planner*

**I. REQUEST AND BACKGROUND**

This application is for a variance related to a final development plan for a proposed CME credit union with a drive-through and Crimson Cup coffee shop located at the southwest corner of Beech Road and Smith’s Mill Road within the Beech Crossing development.

The applicant requests the following variance:

(A) Variance to DGR Section 6(I)(A)(12) to eliminate the requirement that there be active and operable doors on the Beech Crossing building elevation.

The Planning Commission reviewed and tabled this application at the September 2023 meeting. The application previously contained three variance requests. The Planning Commission advised the applicant to re-evaluate the proposed site plan and consider revising it to reduce the number of variances that would be needed. Since that meeting, the applicant has revised the site plan and building orientation to reduce the number of variance requests from three to one.

**II. SITE DESCRIPTION & USE**

The site is generally located north of State Route 161, south of Smith’s Mill Road and west of Beech Road. The site is 2.03 acres and is currently undeveloped. This is the fourth proposed development for this zoning district. The Planning Commission approved final development plan applications for Duke and Duchess on October 20, 2020 Holiday Inn Express on February 19, 2020, and Taco Bell on August 21, 2022.

**III. EVALUATION**

The application complies with the 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 DGR Section 6(I)(A)(12) to eliminate the requirement that buildings have operable and active front doors along all public and private roads.**

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

1. The applicant is requesting a variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads. The building has three frontages: Smith’s Mill Road (public street), Beech Road (public street), and Beech Crossing (private road).
  - a. The commercial building has active doors for the public streets facing Beech Road and Smith’s Mill Road (two of the three elevations meet the requirement). These doors are located within a two-story architectural feature on the north elevation of the building that includes an 8.5 concrete walk. There are no active doors along Beech Crossing, which is a private road.

2. As required by the zoning text, the building is designed with the same caliber of finish on all sides of the building using the same building materials.
3. The variance appears to preserve the “spirit and intent” of the zoning requirement. The intent of this requirement is to ensure that buildings maintain a presence on the street and not contain blank or “empty” building elevations so their architectural vibrancy and interest on all sides of a building. This site and the overall Beech Crossing developments are auto-oriented by design therefore it does not appear that maintaining an entrance on every street is as important in this development scenario. All sides of the building are designed with the same caliber of finish using the same building materials so none of the elevations appear as a “lesser” side of the building.
4. While there is not an active and operable door along the private road elevation (Beech Crossing), the applicant is providing strong architectural features and materials so the building adequately addresses the primary streets (Beech Road and Smith’s Mill Road) architecturally. The building is designed so the front door architectural elements and retail storefront windows front Beech Road and Smith’s Mill Road.
5. It does not appear that the essential character of the neighborhood will be altered if the variance request is granted. This same variance request has been granted for other developments within the nearby Canini Trust Corp. In addition, the Duke and Duchess immediately south of the subject CME site received the same variance and was approved by the Planning Commission at their October 20<sup>th</sup>, 2020 meeting.
6. 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. SUMMARY**

The proposed use appears to be appropriate for the site based on the current zoning and the site is strategically located to provide auto oriented services/retail uses due to its proximity to the interchange and to serve this end of the business park.

The purpose of the New Albany Design Guidelines and Requirements (DGR) is to help ensure that the New Albany community enjoys the highest possible quality of architectural design. The building architecture meets the city DGR requirements, and the building’s two-story architectural feature is appropriately positioned on the site facing Smith’s Mill Road Beech Road. This is desirable from a site layout perspective since it faces the building’s primary and active elevations to the city’s primary public streets.

## **V. ACTION**

Should the Planning Commission find that the application has sufficient basis for approval, the following motion 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-79-2023 (conditions may be added).**

**Approximate Site Location:**



Source: ArcGIS



## **Community Development Department**

RE: City of New Albany Board and Commission Record of Action

Dear ENV Design Group c/o Brian Wellert,

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



## Community Development Department

### Decision and Record of Action

Tuesday, November 21, 2023

The New Albany Planning Commission took the following action on 11/20/2023 .

#### Variance

**Location:** SW corner of Beech Road and Smith's Mill Road

**Applicant:** ENV Design Group c/o Brian Wellert,

**Application:** PLVARI20230079

**Request:** Variance to eliminate the requirement that buildings have operable and active front doors along all public and private roads.

**Motion:** To approve

**Commission Vote:** Motion approved

**Result:** Variance, PLVARI20230079 was Approved, by a vote of 3-0.

Recorded in the Official Journal this

#### Condition(s) of Approval:

N/A

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner

**RINCHEM  
HAZARDOUS MATERIAL SETBACK VARIANCE**

---

LOCATION: 3195 Harrison Road (PID: 095-111732-00.000, 095-111564-00.000)  
APPLICANT: Tuan Q. Luu with MDG Architecture Interiors on behalf of Rinchem Company LLC  
REQUEST: Variances to C.O. 1154.12(b)(3) to allow both outdoor storage and indoor storage of hazardous materials to encroach into the setback where code requires such material to be at least 200 feet from all property lines  
ZONING: Technology Manufacturing District (TMD)  
STRATEGIC PLAN: Employment Center  
APPLICATION: VAR-89-2023

Review based on: Application materials received on September 15, October 20 and November 1, 2023.

---

*Staff report prepared by Chelsea Nichols, Planner.*

**I. REQUEST AND BACKGROUND**

The applicant requests a variance to allow the storage of hazardous material to be setback less than the required 200 feet minimum for the current and future phases of the development. The current phase (phase one) includes the indoor storage of hazardous material setback 88' from the eastern property line and outdoor storage setback 35' from the northern property line and 30' feet from the eastern property line.

The proposed project would support chemical storage and distribution for Intel's semiconductor manufacturing campus in New Albany.

ISO tank containers comply with the International Standard Organization (ISO) standards. They are suitable for transporting both hazardous and non-hazardous bulk liquids. ISO containers are made with stainless steel and housed inside a protective layer.

**II. SITE DESCRIPTION & USE**

The 29.8-acre property is located on the north side of Harrison Road NW; which is generally west of the intersection at Harrison Road NW and Clover Valley Road NW, within Licking County. The property is surrounded by vacant TMD zoned land to the north, south and east. The site is also adjacent to vacant L-GE zoned property to the southwest and residential properties to the west.

**III. ASSESSMENT**

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. EVALUATION

**Variances to C.O. 1154.12(b)(3) to allow both outdoor storage and indoor storage of hazardous materials to encroach into the setback where code requires such material to be at least 200 feet from all property lines.**

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

1. The city’s Technology Manufacturing District (TMD) acknowledges that due to the nature of the permitted uses in the TMD, hazardous waste and materials storage and processing is anticipated. When such storage and/or processing are desired the following code requirements apply (chapter 1154.12(b)):
  - a. The nature of the storage and processing shall be described in a detailed written statement that shall be submitted as part of an application for a Planning and Design Permit. This statement also shall provide details regarding the safety measures and protocols that are proposed to prevent the migration of any hazardous materials outside of designated containment areas and procedures that will be implemented upon the occurrence of an event that does or has the potential to damage the environment, persons, or property. This information shall be provided so that relevant City departments and public safety providers will have notice of the presence of these storage and processing operations.



3. The “spirit and intent” of the zoning requirement is to create separation between the hazardous material stored on-site and neighboring uses. The applicant proposes to construct a 10-foot-tall concrete masonry wall around the portions of the site where the setback encroachment is proposed in order to create a physical and visual separation.
4. There does not appear to be special conditions or circumstances that exist which are peculiar to the land or structure involved which are not also applicable to other lands or structures in the same zoning district.
5. It appears that the problem could be solved in some other manner other than the granting of a variance request. There are undeveloped properties to the north and east where additional land may be purchased and phases could be altered to initially store the hazardous material 200 feet away from the property lines.
6. The Planning Commission should consider if granting the variances will 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.
7. Granting the variance would not adversely affect the delivery of government services.

#### IV. RECOMMENDATION

The TMD zoning code contemplates and permits hazardous material to be stored outside within this portion of the business park. Due to the potential hazards of chemical storage, the codified ordinances require a minimum 200-foot setback from property lines regardless of the neighboring use. The large setback is intended to reduce the risks and protect neighboring properties from adverse health effects and physical hazards such as spills that can harm people and property.

#### V. ACTION

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

**Move to approve application VAR-89-2023 (conditions of approval may be added).**

#### Approximate Site Location:



11/20/23

Paul Weinberger

## Rinchem LLC – Summary Version

It appears that Rinchem Company anticipated applying for a variance when they bought the land so they could purchase a smaller parcel and save money. They have several locations all over the world, as such, they should be experts at selecting sites and planning for their operations.

Without a variance how many acres would it have been necessary to purchase in order to achieve Rinchem's objectives stated in the documents provided:

1. to not cause a disorder to necessary site circulation,
2. to not cause inefficient truck movement and site operations,
3. for materials to be out of view,
4. allow sufficient shielding to the public from hazardous material storage, and
5. protect the other Technology Manufacturing District companies' personnel?

Why was sufficient property not purchased to avoid the need for a variance? How much money did the purchase of a smaller parcel save Rinchem Company?

Other than the wall and fence mentioned in the documents provided, what shielding materials/barriers will be used to keep the warehouse and ISO yard as out of view of the residential neighborhood?

Public interest (Factors considered) is not served if the variance is granted because it may adversely affect the safety of persons residing or working in the vicinity of the proposed development due to situating chemicals closer to people and facilities outside of Rinchem Company. Since chemicals will be closer to people outside of Rinchem Company it may be materially detrimental to the public welfare (Factors considered), or injurious (Factors considered) to private property in the vicinity.

Rinchem Company states "substantial justice would be done to the property-owner:" This is not a valid argument by Rinchem Company. It is reasonable to expect that Rinchem Company should have had knowledge of the zoning restriction and set back requirements (Factors considered). This variance issue was created by Rinchem Company and New Albany Company, with thousands of acres available, they chose a location next to residential housing and purchasing an undersized parcel to save money. The special conditions and circumstances are a result from the action of the applicant (factors to consider).

The problem can be solved by some manner other than the granting of a variance (Factors considered). Rinchem Company can build a smaller building and have a smaller yard while increasing operating efficiencies and improving configurations to avoid the need for a variance. This will allow a reasonable return and a beneficial use of the property without the variance (Factors considered). This will also allow the essential character of the neighborhood not to be substantially altered (Factors considered).

As stated in the PC 23 1120 Rinchem Hazardous Storage Setback Variance V-89-2023, section III. EVALUATION, 5: "It appears that the problem could be solved in some other manner other than the granting of a variance request. There are undeveloped properties to the north and east where additional land may be purchased and phases could be altered to initially store the hazardous material 200 feet away from the property lines."

The proposed use and variance will not preserve the “spirit and intent” of the zoning requirement (Factors considered) because having a chemical storage facility next to a residential development creates substantial unnecessary risks to the community (Factors considered). A “substantial justice” is not done (Factors considered), in fact a substantial injustice is created by allowing the variance and by Rinchem Company trying to save money at the expense of the residential community and workers in the Technology Manufacturing District.

Stating “will not diminish the values of surrounding properties,” is an incomplete statement by Rinchem Company. They have no mention of how having a chemical storage facility next to a residential housing development will affect the values of the existing homes.

Granting a variance from 200’ to 88’ and 35’ is substantial (Factors considered). The interest of the public (Factors considered) is best served when chemicals are as far away as possible from people.

Rinchem Company is requested to provide all environmental litigation, findings, court rulings, complaints (this includes but is not limited to civil, legal and otherwise) worldwide against Rinchem Company. Specifically noting where Rinchem Company is purported to be at fault. Without this the detriment to the public welfare (Factors considered) cannot be determined. To further determine any detriment to the public welfare, it is requested that Rinchem Company provide a list of all chemicals it anticipates storing at the New Albany, Ohio location.

The problem can be solved by some manner other than the granting of a variance (Factors considered). Rinchem Company should consider moving their location to where they can meet the setback requirements, do their civic and social responsibility to protect residential housing and people in the Technology Manufacturing District to ensure the public interest is served (Factors considered).

In Chandler AZ the chemical storage facility is approximately one mile from residential housing and 3.5 miles approximately from Intel. In New Albany Ohio the chemical storage facility is approximately 400’ to 800’ or approximately a tenth of a mile from residential housing and approximately 2 miles from Intel.

Studies have been shown that the chemicals used in the manufacturing process carry many health hazards. Some chemicals are known carcinogens, cause reproductive problems, etc. How many cancer cases, reproductive problems and deaths have to occur before proper action is taken?

- Why is a chemical storage facility closer to a residential development than to the manufacturer for which it is storing chemicals?
- This puts the residents at greater risk than Intel personnel.
- Why would the chemical storage facility not be next to Intel?
- Are the lives of Intel personnel more valuable than the residents who have lived here for more than twenty years?
- Is saving a few hundred thousand dollars worth the risk to health and lives of people?



## Community Development Department

RE: City of New Albany Board and Commission Record of Action

Dear MDG Architecture,

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Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



## Community Development Department

### Decision and Record of Action

Tuesday, November 21, 2023

The New Albany Planning Commission took the following action on 11/20/2023 .

#### Variance

**Location:** 3195 Harrison Road

**Applicant:** MDG Architecture

**Application:** PLVARI20230089

**Request:** Variance to allow the storage of hazardous material to be setback less than the required 200 feet minimum for the current and future phases of the development.

**Motion:** To table

**Commission Vote:** Application tabled to the January 17, 2024 meeting

**Result:** Variance, PLVARI20230089 was tabled, by a vote of 3-0.

Recorded in the Official Journal this Tuesday, November 21, 2023.

**Condition(s) of Approval:** N/A

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner

  
**NEW  
ALBANY**  
COMMUNITY CONNECTS US  
Planning Commission Staff Report  
November 20, 2023 Meeting

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**7823 CALVERTON SQUARE  
CONSERVATION AREA VARIANCE**

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LOCATION: 7823 Calverton Square (PID: 222-001816)  
APPLICANT: The Columbus Architectural Studio c/o Thad and Susanne Perry  
REQUEST: (A) Variance to the Reserve at New Albany PUD section 26.04.01 and the subdivision plat to allow a screened porch home addition to encroach into the minimum rear yard setback and a platted conservation area by 4 feet  
(B) Variance to the subdivision plat to allow an open paver patio to encroach a platted conservation area by 9 feet  
ZONING: Reserve at New Albany I-PUD  
STRATEGIC PLAN: Residential  
APPLICATION: VAR-104-2023

Review based on: Application materials received on October 20 and November 1, 2023.

*Staff report prepared by Stephen Mayer, Planning Manager.*

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**I. REQUEST AND BACKGROUND**

The applicant requests a variance to allow the construction of a home addition within the building setback and conservation area in the rear of the property. The home addition is a screened-in porch located over an existing paver patio. During the city staff initial review of the application, it was discovered the paver patio is encroaching into a conservation area. The city staff couldn't locate any historically issued variances or permits for the paver patio so the applicant has added a request to allow it to remain as constructed.

Section 18 of the Reserve at New Albany PUD text states that variances may be requested of the Planning Commission but must be approved by the city council. Accordingly, the Planning Commission is review and make a recommendation to city council regarding the variance requests.

**II. SITE DESCRIPTION & USE**

The 0.4-acre property is located in the Reserve at New Albany subdivision and contains a single-family residential home that was built in 1997. The property is surrounded by single family residential homes on all sides of the property.

**III. ASSESSMENT**

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. EVALUATION**

#### **(A) Variance to the Reserve at New Albany PUD section 26.04.01 and the subdivision plat to allow a screened porch home addition to encroach into the minimum rear yard setback and a platted conservation area by 4 feet**

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

1. There are two zoning regulatory restrictions located within the rear of the property:
  - The first is a minimum 30 foot rear yard building setback. This is the standard building setback applicable to the entire residential subdivision.
  - The second is a 30 foot conservation area which prohibits any structure or building from being constructed within it established by a subdivision plat note. The conservation area is located on the rear of lots within the western half of the subdivision.
2. The applicant is requesting a variance to allow a screened-in porch to encroach into both the minimum rear yard setback and a platted conservation area by 4 feet. The screened in porch is considered a home addition since it is attached to the primary home.
3. The variance request does not appear to be substantial. The property is 0.4 acres (17,424 square feet). The conservation area is 6,737 square feet, equating to 38.7% of the overall lot area. The screened in porch is 457 square feet in size and 124 square feet of it is encroaching into the building setback and conservation areas. The 124 square feet

- encroachment area is 1.8% of the conservation area on the lot.
4. It appears the problem can be solved by some manner other than the granting of a variance. The existing house is located 3.5 feet from the rear yard setback line and conservation area so there is buildable space behind the home. The applicant could reduce the size of the screened in porch by 4 feet, and utilize the 3.5 feet of buildable space, and not need a variance.
  5. There don't appear to be special conditions and circumstances that 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. Section 25.06 states "conservation areas will be designated in the rear of lots six (6) through thirteen (13) and sixteen (16) through twenty-four (24) in order to conserve the existing trees. The care of these areas will fall to each owner of a lot containing a conservation area. The subject property is lot 21 so the properties on both sides of it have the same conservation area.
  6. 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.
  7. Granting the variance would not adversely affect the delivery of government services. There are no easements or public utilities located within the rear of the property.

**(B) Variance to the subdivision plat to allow an open paver patio to encroach a platted conservation area by 9 feet**

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

1. The applicant is requesting a variance to allow an open paver patio to encroach 9 feet into a conservation area located on the back of the property. There is a 30 foot conservation area which prohibits any structure or building from being constructed within it established by a subdivision plat note.

*NOTE "F" - CONSERVATION AREAS: No structure or building shall be placed upon, in or under areas designated "Conservation Area" hereon, nor shall any work be performed thereon which would alter the natural state of such areas or damage any of the trees or vegetation thereon provided, however, 1) that there shall be such construction areas as may be required for the installation, operation and maintenance of utility and drainage facilities for the development as the developer may deem necessary for efficient development and 2) that within such areas in lots 10, 11, 18 and 19, such construction areas shall be replanted and re-vegetated with a minimum 30 - 2 inch to 4 inch hardwood trees. Such maintenance within said "Conservation Area" shall occur only in easement areas designated on this plat unless otherwise approved by the Village of New Albany Engineer. Areas disturbed by such maintenance shall be restored as nearly as practical to their original condition. Notwithstanding the foregoing, trees and/or vegetation which are dead or diseased may be removed therefrom.*

2. The codified ordinance section 1105.02(bbb) defines a structure as "anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including, among other things, walls, buildings, and patios. 'Structure' does not include fences."
3. That the special conditions and circumstances do not result from the action of the applicant. There is currently a paver patio constructed within the conservation easement. Based on aerial imagery, it appears the patio was constructed sometime between 1997 and 2000. The city staff could not locate any permits or variances associated with the paver patio. Therefore, a variance is required to allow the paver patio to remain within the conservation easement. The current property owners and applicant, Thad and Susanne Perry, purchased the property in 2023.
4. The variance does not appear to be substantial. This is a long-standing existing condition. The patio encroachment is very minor compared to the overall conservation area on the lot. The conservation area is 6,737 square feet, equating to 38.7% of the overall lot area.

The area of the paver patio encroaching to the conservation easement is 279 square feet. The 279 square feet encroachment area is 4.1% of the conservation area on the lot.

5. The variance request appears to meet the spirit and intent of the zoning requirement. The Reserve at New Albany PUD text allows for open porches and patios to encroach into the required yard if a minimum distance of 20 feet is maintained to any rear lot line. The existing patio meets this requirement. Additionally, allowing the patio to remain will not alter or negatively impact any of the existing trees within the conservation area.
6. 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.
7. Granting the variance would not adversely affect the delivery of government services. There are no easements or public utilities located within the rear of the property.

#### IV. RECOMMENDATION

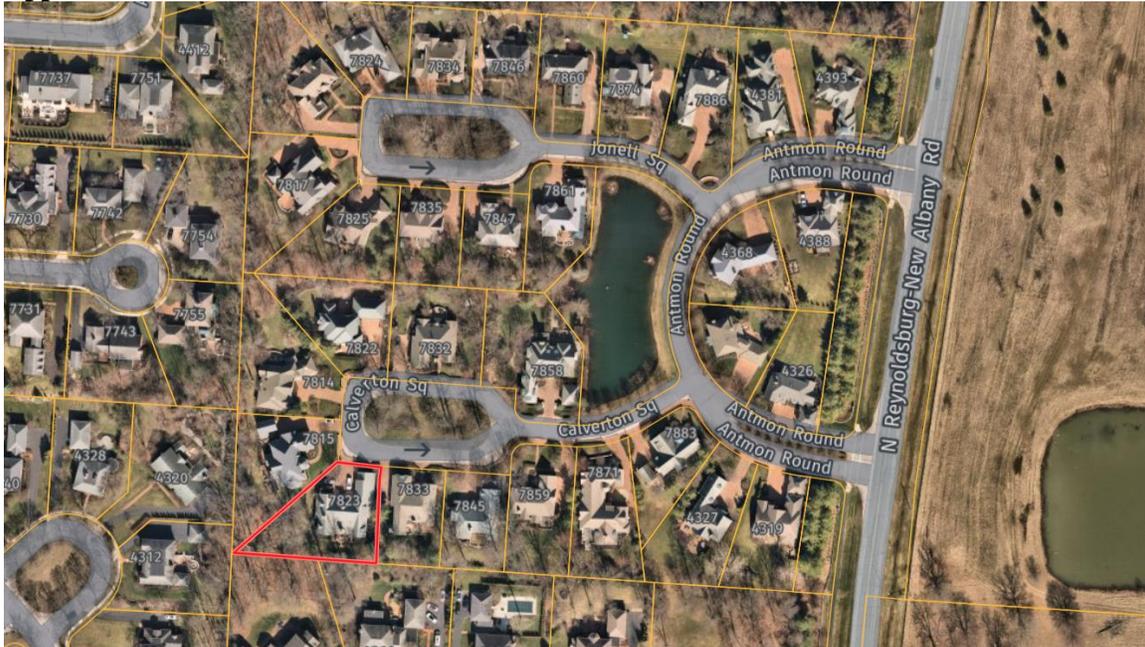
Staff recommends approval of the variance application should the Planning Commission find that the application has sufficient basis for approval. The addition of the screened in porch is located on an existing paver patio that is partially located within a conservation easement. Therefore, allowing the home addition will not negatively impact any trees within the conservation area. The home addition is also encroaching into the required rear yard setback but it appears to be a minor encroachment when compared to the size of the conservation area. The existing paver patio within the backyard is an existing condition requiring a variance since there is no evidence of it being permitted. The patio area is surrounded by landscaping and allowing it to remain will alter the spirit and intent of the conservation area which is to preserve trees.

#### V. ACTION

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

**Move to approve application VAR-104-2023 (conditions of approval may be added).**

#### Approximate Site Location:



Source: NearMap

7823 Calverton Square, New Albany, Ohio 43054

Request variance from Reserve at New Albany PUD Section 26.04 (Rear Yard) to reduce the rear yard setback at Lot 21 from 30'-0" to 26'-0" for a new screen porch 31'-0" in width.

Request variance from Reserve at New Albany PUD to allow a new screen porch to extend 4'-0" into the 30'-0" rear conservation easement.

Request variance from Reserve at New Albany PUD to allow for a brick paver patio to extend 9'-0" into the 30'-0" rear conservation easement.

The property at 7823 Calverton is located in the Reserve at New Albany neighborhood and consists of a single-family French country style house with an auto-court in the front and a brick patio at the rear. Due to the spatial requirements of the front auto-court, the house is pushed back to the rear of the property; 33'-7" from the rear property line. With the rear yard setback requirement of 30', there is only 3'-7" of buildable area at the rear of the lot. There is an existing brick patio at the rear of the house that extends 9' into the rear yard setback.

The owners purchased the property with the thinking that they would be able to construct a screen porch utilizing the footprint of the existing brick patio. When they received the property survey, it was realized that there is a conservation area extending 30' from the rear property line which aligns with the 30' rear setback line.

The design of the screen porch was studied utilizing the allowable buildable area. This would only allow an interior depth of 11'-0". With the location of the existing doors from the house, and the projection of the existing fireplace, this limited dimension was unusable to accommodate a small dining table and small lounge area.

Multiple iterations were then studied to identify the ideal dimension that allowed for the proper use of the screen porch while minimizing the encroachment into the rear yard. This ideal dimension is 15'-0" which is a 4'-0" encroachment into the rear yard. The proposed dimensions of the new screen porch do not extend the full depth of the existing brick patio. The edge of the brick patio will remain in place to allow for movement in and out of the screen porch down to the yard and to the side yards.

The 4'-0" encroachment into the rear yard results in a zoning variance request of reducing the rear yard setback from 30'-0" to 26'-0". It also results in an encroachment into the conservation easement of 4'-0".

Regarding the conservation area, per the PUD, the conservation areas were identified in order to preserve the mature tree canopy at various lots throughout the development. The new screen porch is being constructed over an existing brick patio and will therefore not jeopardize the health of the tree canopy or negatively impact the tree canopy in any way. Therefore, the intent of the conservation area remains intact even with the screen porch encroachment.

The zoning variance request to reduce the rear yard setback from 30'-0" to 26'-0" would only be to allow for the single-story screen porch with an overall width of 31'-0".

Upon submitting for the zoning variance for the new screen porch, it was realized that the existing brick patio at the rear of the house was installed without a building/zoning permit. The new owners (purchased the property in September) were not aware that the brick patio was in violation of the conservation easement. Therefore, the brick paver patio is not in compliance with the PUD. A zoning variance request is being made to bring the existing patio into compliance by allowing for the brick patio to encroach 9'-0" into the 30'-0" conservation easement for a total area of 141 sf.



**Chelsea Nichols**

VAR-04-2023

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**From:** Nancy Morris <morris.nancy@gmail.com>  
**Sent:** Monday, November 20, 2023 12:37 PM  
**To:** Chelsea Nichols  
**Subject:** Request for variance PID: 222-001816

Dear Chelsea and the New Albany Planning Commission,

This email is to inform you that Steve and I have no issue with the Request for Variance for our neighbors, Thad and Susanne Perry.

Please consider our wishes when deciding the variance.

Thank you for your time,

Nancy E/. Morris

7859 Calverton Square  
New Albany, OH 43054



## **Community Development Department**

RE: City of New Albany Board and Commission Record of Action

Dear Columbus Architectural Studio, c/o Thad and Susanne Perry

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



## Community Development Department

### Decision and Record of Action

Tuesday, November 21, 2023

The New Albany Planning Commission took the following action on 11/20/2023 .

#### Variance

**Location:** 7823 Calverton Square

**Applicant:** The Columbus Architectural Studio, c/o Thad and Susan Perry

**Application:** PLVARI20230104

**Request:** Variance to the Reserve at New Albany PUD section 26.04.01 and the subdivision plat to allow a screened porch home addition to encroach into the minimum rear yard setback and a platted conservation area by 4 feet.

**Motion:** To table

**Commission Vote:** Application tabled to the January 17, 2024 meeting

**Result:** Variance, PLVARI20230104 was tabled, by a vote of 3-0.

Recorded in the Official Journal this Tuesday, November 21, 2023.

**Condition(s) of Approval:** N/A

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner



**Planning Commission Staff Report  
November 20, 2023 Meeting**

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**CORNERSTONE  
CONDITIONAL USE**

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LOCATION: Located at 7525 and 0 West Campus Road and 6005 Nacot Place (PIDs: 222-002055, 222-004975, 222-004626)  
APPLICANT: Cornerstone Academy Community School, c/o Aaron Underhill, Esq.  
REQUEST: Conditional Use  
ZONING: Office Campus District (OCD)  
STRATEGIC PLAN: Employment Center  
APPLICATION: CU-105-2023

Review based on: Application materials received October 18, 2023 and October 31, 2023.

*Staff report prepared by Chelsea Nichols, Planner*

**I. REQUEST AND BACKGROUND**

The applicant requests approval of a conditional use to allow secondary school (middle school and high school) uses on 22.994+/- acres consisting of both developed and undeveloped properties zoned Office Campus District (OCD).

In 2021, the city approved a rezoning of other real property located at the northwest corner of New Albany-Condit Road and New Albany Road East to facilitate the development and construction of a new school campus for Cornerstone Academy.

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

In March of 2022, the Cornerstone Academy received conditional use approval to operate their secondary school at a 7.283+/- acre site that contains a 50,461+/- sq. ft. commercial office building. This building was formerly known as the NACOT I building. The Cornerstone Academy leases this building from NACO. The use of the building has proven to be a great fit for the school. Cornerstone has determined they would like to remain on the site permanently. Therefore, rather than developing the site located at the NW corner of New Albany-Condit Road and New Albany Road East, Cornerstone Academy seeks to purchase the surrounding properties to expand its campus at the existing school location.

**II. SITE DESCRIPTION & USE**

The 22.994+/- acre site is located in the Franklin County portion of the New Albany Business Park. One portion of the site contains 8.76+/- acres and a 68,463+/- sq. ft. commercial office building. The second portion of the site is 13.19+/- acres of undeveloped property located at the west of and adjacent to the intersection of New Albany Road East and West Campus Road. The third portion of the site is 1.044+/- acres containing an existing paved parking area.

**III. EVALUATION**

The general standards for Conditional Uses are contained in Codified Ordinance Section 1115.03. The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location meets all of the following requirements:

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

- The site is zoned Office Campus District (OCD). The applicant proposes to expand their secondary school campus.
- By adding these types of uses in commercial zoning districts such as this site, it allows diversification within the business park, encourages links between education and workforce development and in this case adds commercial income tax base.
- The existing school occupies a 50,461 sq foot building on 7.283 acres known as NACOT I. This conditional use allows an additional secondary school use within an existing 68,463+/- sq. ft. neighboring office building on a 7.283+/- acre commercially zoned property known as NACOT II.
- The conditional use allows the development of the unimproved parcel to the east of the existing school for accessory uses in support of the schools. Immediate plans call for two athletic fields and concession stands to be located on that land, which is 13.19+/- acres located at the southwest corner of New Albany Road East and West Campus Road. These fields and concession stands are located immediately next to a smaller lot (1.044+/- acres) that contains an existing parking, which would serve as athletic fields parking.
- The previously approved secondary school building will continue to contain grades 6-8<sup>th</sup>. This conditional use allows for a new secondary school building containing grades 9-12<sup>th</sup>. The applicant provides enrollment projection for the next three school years for both buildings:

<b>Enrollment Projections</b>			
	<b>2024-2025</b>	<b>2025-2026</b>	<b>2026-2027</b>
6-8th grade	325	350	400
9-12th grade	250	300	325

- The applicant states that there are approximately 75 employees for each building.
- It does not appear that the proposed use alters the character of the surrounding area. The site is located on the western edge of New Albany and all surrounding land uses within the city are commercial. To the west, within Columbus, there are multi-family and single family attached residential properties. The property is zoned for office uses and contains a large office building that is currently vacant.
- C.O. 1167.05(C)(2) states that 3 parking spaces are required for each classroom in the building or one parking space for every 5 seats in the main auditorium, whichever is greater. The applicant has indicated there will be no auditorium in the building. The applicant also indicated that there will be approximately 16 classrooms in the immediate future but that they plan to expand to 28 classrooms in the future. Therefore, 84 parking spaces are required to be provided. The applicant is exceeding this requirement as there are approximately 505 parking spaces on site. This is an ample amount of existing parking spaces available for use.



However, in the event this does occur there appears to be options for increasing on-site queuing and reducing the impact to West Campus. As a result, further traffic evaluation does not appear necessary.

2. We will provide recommendations regarding signage modifications required on West Campus Road when detailed construction plans become available.

3. Information was provided regarding traffic and parking associated with special events. The response was there is significant on-site parking capacity. At this time, we do not anticipate any issues with special event parking.

#### **IV. SUMMARY**

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

The Planning Commission approved a rezoning to allow the high school on a neighboring piece of undeveloped property located at the northwest corner of SR 605 and New Albany Road East. This application allows the same uses as the rezoning at the new site. This use will be harmonious with the existing or intended character of the general vicinity.

There is an existing middle school at NACOT I. By allowing the high school at NACOT II, the NACOT buildings are interconnected with streets and private drives and share parking lots. By allowing Cornerstone to operate within both buildings, it will allow the area to act as a school campus.

The NACOT buildings were designed and previously used as call centers. Call centers have a larger number of employees on each shift than typical office uses. In order to accommodate for the large number of employees, there is a large parking lot on the site with multiple means of access and public streets to disperse traffic. This makes the site ideal for a high school where it is expected to have students and teachers driving and parking at the site.

The site is zoned to allow, and has been occupied by, commercial office uses which typically generate a large number of daytime employees. The applicant submitted a site circulation exhibit which has been reviewed by the city traffic engineer.

Additionally, there is an ample amount of existing parking space on the site that allows for additional queuing/stacking for drop off/pick up lanes.

#### **V. ACTION**

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

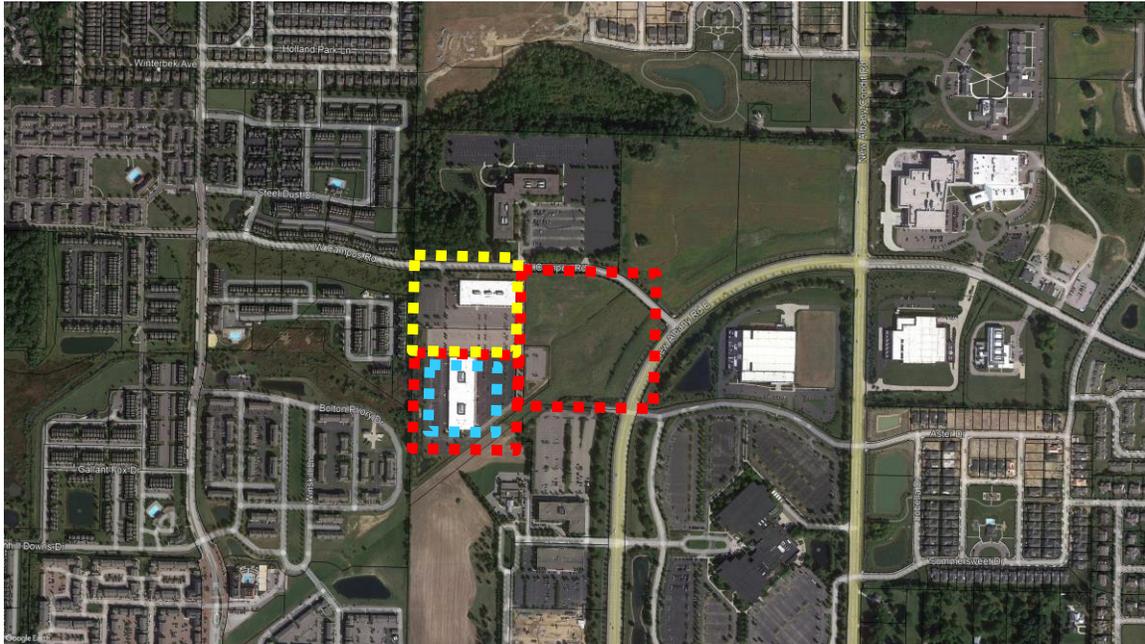
Should the Planning Commission find that the application has sufficient basis for approval, the following motion would be appropriate:

**Move to approve application CU-104-2023 with the following conditions:**

1. Comments of the city engineer are addressed, subject to staff approval.
2. Parking to be addressed and must meet code requirements at the time of permitting for the athletic fields and concession stands.

**Approximate Site Location:**

Existing school/previously approved conditional use in NACOT I shown in yellow. Proposed sites shown in red, including NACOT II in red and blue.



Source: Google Earth

401.60-149  
November 8, 2023

To: Chelsea Nichols  
Planner

From: Matt Ferris, P.E., P.S., Consulting City Engineer  
By: Jay M. Herskowitz, P.E., BCEE

Re: Cornerstone School  
Conditional Use

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We have the following review comments regarding this application:

- 1) Requested information regarding enrollment (current and future), existing car and bus traffic, and split between bused students and students dropped off by car (current and future) were recently provided. From our initial review of that information, it is anticipated the on-site backups are unlikely to extend onto West Campus in the future. However, in the event this does occur there appears to be options for increasing on-site queuing and reducing the impact to West Campus. As a result, further traffic evaluation does not appear necessary.
- 2) We will provide recommendations regarding signage modifications required on West Campus Road when detailed construction plans become available.
- 3) Information was provided regarding traffic and parking associated with special events. The response was there is significant on-site parking capacity. At this time, we do not anticipate any issues with special event parking.

MEF/JH

CC: Dave Samuelson, P.E., Traffic Engineer



## **Community Development Department**

RE: City of New Albany Board and Commission Record of Action

Dear Aaron Underhill,

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



## Community Development Department

### Decision and Record of Action

Tuesday, November 21, 2023

The New Albany took the following action on Monday, November 20, 2023.

#### Conditional Use

**Location:** 7525 WEST CAMPUS RD

**Applicant:** Aaron Underhill,

**Application:** PLCU20230105

**Request:** Conditional use to allow secondary school uses on 22.994 acres.

**Motion:** To approve with conditions

**Commission Vote:** Motion to approve with conditions.

**Result:** Conditional Use, PLCU20230105 was approved with conditions, by a vote of 3-0.

Recorded in the Official Journal this

#### Condition(s) of Approval:

1. Comments of the city engineer are to be addressed, subject to staff approval.
2. Parking to be addressed and must meet code requirements at the time of permitting for the athletic fields and concession stands.

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner



**Planning Commission Staff Report  
November 20, 2023 Meeting**

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**WOODHAVEN SUBDIVISION  
LOT 52 MODEL HOME CONDITIONAL USE**

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LOCATION: 7275 Steeple Chase Lane North (PID: 222-005343)  
APPLICANT: Bobb Webb Group c/o Kirk Denyes  
REQUEST: Conditional Use  
ZONING: Woodhaven I-PUD Zoning District  
STRATEGIC PLAN: Residential District  
APPLICATION: CU-108-2023

Review based on: Application materials received October 20, 2023 and November 1, 2023.

*Staff report completed by Chelsea Nichols, Planner.*

**I. REQUEST AND BACKGROUND**

The applicant requests conditional use approval for a residential model home to be located on lot 52 within the Woodhaven subdivision. The model is for the age-restricted home type which is permitted to be developed in the subdivision. The applicant requests the conditional use to be approved for a period of two years.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 7, 2021 (ZC-15-2021) and the zoning change was adopted by city council on July 7, 2021 (O-22-2021). The Planning Commission approved the final development plan for the subdivision on September 20, 2021 (FDP-83-201).

There is an additional conditional use application for a traditional single-family model home on the November 20<sup>th</sup> Planning Commission meeting agenda which is evaluated under a separate staff report CU-109-2023.

**II. SITE DESCRIPTION & USE**

The Woodhaven subdivision is located at the southwest corner of Bevelhymer Road and Walnut Street. The site is located immediately east of the Upper Clarenton subdivision, generally south the Rocky Fork Metro Park and Bevelhymer Park. All of the public streets have been installed in the subdivision and there are several homes actively under construction.

**III. EVALUATION**

General Standards for Conditional Uses (C.O. 1115.03)

The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- (a) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*
- (b) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*

- (c) *The use will not be hazardous to existing or future neighboring uses.*
- (d) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*

Residential model homes. Per Code, these are newly constructed homes or temporary structures placed in a newly constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home may be staffed and furnished. (C.O. 1165.11)

The criteria and the applicability of this application are detailed below (Section 1165.11(a)):

1. *Appropriate location within the community.*  
The proposed model home is located on lot 52 in the subdivision, addressed off of Steeple Chase Lane North. The model home is located close to the subdivision entrance when entering from Bevelhymer Road using Woodhaven Drive. The proposed location appears to be appropriate as it is easily accessible and identifiable when entering the subdivision. Additionally, the home is accessible by sidewalks and leisure trail adjacent to the site.
2. *It is integrated in the existing community with customary exterior residential lighting.*  
The home utilizes coach lighting fixtures consistent with the style and architectural features present on the other homes planned within the subdivision. The building permit for the home was approved by staff and constructed with a double wide garage door. Per Woodhaven zoning text section XI(A)(3), front loaded garages are required to use single bay doors with a minimum width of 9 feet and a maximum width of 10 feet. The applicant has been made aware of this requirement and its current condition. The city staff recommends a condition of approval that the model home is allowed to be operated within the building but the garage must be corrected to meet code requirements, or request and receive approval for a variance before it is converted and sold for private use (condition #3).
3. *The use is approved with limited duration.*  
The applicant states that they would like to utilize the model home until all lots within the community have been sold or for a period of time no less than 2 years. Historically, the Planning Commission has approved conditional uses for other model homes within the community for 1-3 years depending on the size of the subdivision. Since this model is utilized for 22 age restricted lots in the subdivision, staff recommends the model home approval be permitted for two (2) years and that any extension in time is subject to review and approval by the Planning Commission (condition #1).
4. *One sign is permitted.*  
The applicant proposes to install one ground sign which is evaluated in the staff report below.
5. *Shall not be used as a general real estate brokerage office.*  
The applicant states that the model home will not be used as a general real estate brokerage office.

The Planning Commission is also to consider the following (1165.11 (b)):

1. *Hours of operation*

The model home will operate Thursday through Monday, from 12:00pm to 5:00pm which is generally consistent with other model homes that have been approved by the Planning Commission.

2. *Number of employees and maximum number of employees at the site at one time.*

The applicant states that there will be one employee for both of the proposed model homes in the subdivision.

3. *Provisions for parking for employees and customers*

The applicant states that staff and customers will park on the driveway and use on street parking which is permitted in the subdivision.

4. *Size, lighting, content and location of signage*

C.O. 1169.10(e) of the city sign code permits one (1) sign not to exceed 6 square feet in size and no taller than 4 feet. Model home signs are not permitted to be illuminated and must be setback 10 feet from the adjacent street right-of-way. The applicant proposes to install a model home sign with the following dimensions. Staff recommends a condition of approval that the sign be revised to meet all code requirements found in C.O. 1169.10(e) (condition #2).

a) Size: 12 sq. ft. [does not meet code. City code allows a maximum area of 6 sq. ft.].

b) Height: 4.5 feet [does not meet code. City code allows a maximum height of 4 feet].

c) Location: The location of the sign is not indicated on the site plan. The sign is required to be setback 10 feet from the street right-of-way per C.O. 1169.10(e).

d) Lighting: none proposed [meets code].

5. *Landscaping and screening*

The applicant installed landscaping in landscape beds in front of and behind the home. In addition, evergreen trees and a deciduous tree has been installed along the rear property line as well as screening around the mechanical units located on the side of the home. All of the landscaping is complimentary and generally consistent with other residential homes in New Albany. According to the approved building permit plans, 3 street trees are to be installed within the street yard in front of the home.

## V. SUMMARY

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

If the recommended conditions of approval are met, the proposed model home is consistent with code requirements. Additionally, the operational aspects of the proposed model home are consistent with other model homes that have been approved to operate in New Albany.

## VI. MOTION

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

Move to approve conditional use application CU-108-2023, subject to the following conditions:

1. The model home is permitted to operate for a period of two (2) years and any extension in time is subject to review and approval by the Planning Commission.
2. The model home sign must be revised to meet all code requirements found C.O. 1169.10(e).
3. The model home is allowed to be operated within the building but the garage must be corrected to meet code requirements, or request and receive approval for a variance before it is converted and sold for private use.

**Approximate Site Location:**



Source: NearMap



## Community Development Department

RE: City of New Albany Board and Commission Record of Action

Dear BOB WEBB HOMES CO, INC.,

Attached is the Record of Action for your recent application that was heard by one of the City of New Albany Boards and Commissions. Please retain this document for your records.

This Record of Action does not constitute a permit or license to construct, demolish, occupy or make alterations to any land area or building. A building and/or zoning permit is required before any work can be performed. For more information on the permitting process, please contact the Community Development Department.

Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

Please contact our office at (614) 939-2254 with any questions.

Thank you.



## Community Development Department

### Decision and Record of Action

Tuesday, November 21, 2023

The New Albany took the following action on Monday, November 20, 2023.

#### Conditional Use

**Location:** 7275 Steeplechase Lane N, New Albany, OH 43054

**Applicant:** BOB WEBB HOMES CO, INC.,

**Application:** PLCU20230108

**Request:** Conditional use approval for a residential model home to be located on lot 52 within the Woodhaven subdivision.

**Motion:** To approve with conditions

**Commission Vote:** Motion approved

**Result:** Conditional Use, PLCU20230108 was approved with conditions, by a vote of 3-0.

Recorded in the Official Journal this

#### Condition(s) of Approval:

1. The model home is permitted to operate for a period of two (2) years and any extension in time is subject to review and approval by the Planning Commission.
2. The model home sign must be revised to meet all code requirements found C.O. 1169.10(e).
3. The model home is allowed to be operated within the building but the garage must be corrected to meet code requirements, or request and receive approval for a variance before it is converted and sold for private use.

Staff Certification:

*Chelsea Nichols*

Chelsea Nichols  
Planner



**Planning Commission Staff Report  
November 20, 2023 Meeting**

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**WOODHAVEN SUBDIVISION  
LOT 28 MODEL HOME CONDITIONAL USE**

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LOCATION: 7275 Steeple Chase Lane North (PID: 222-005343)  
APPLICANT: Bobb Webb Group c/o Kirk Denyes  
REQUEST: Conditional Use  
ZONING: Woodhaven I-PUD Zoning District  
STRATEGIC PLAN: Residential District  
APPLICATION: CU-109-2023

Review based on: Application materials received October 20 and November 1, 2023.

*Staff report completed by Chelsea Nichols, Planner.*

**I. REQUEST AND BACKGROUND**

The applicant requests conditional use approval for a residential model home to be located on lot 28 within the Woodhaven subdivision. The model is for the traditional single-family home type which is permitted to be developed in the subdivision. The applicant requests the conditional use to be approved for a period of two years.

The Planning Commission reviewed the zoning change and preliminary development plan for the property on June 7, 2021 (ZC-15-2021) and the zoning change was adopted by city council on July 7, 2021 (O-22-2021). The Planning Commission approved the final development plan for the subdivision on September 20, 2021 (FDP-83-201).

There is an additional conditional use application for an age-restricted model home on the November 20<sup>th</sup> Planning Commission meeting agenda which is evaluated under a separate staff report CU-109-2023.

**II. SITE DESCRIPTION & USE**

The Woodhaven subdivision is located at the southwest corner of Bevelhymer Road and Walnut Street. The site is located immediately east of the Upper Clarenton subdivision, generally south the Rocky Fork Metro Park and Bevelhymer Park. All of the public streets have been installed in the subdivision and there are several homes actively under construction.

**III. EVALUATION**

General Standards for Conditional Uses (C.O. 1115.03)

The Planning Commission shall not approve a conditional use unless it shall in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location shall meet all of the following requirements:

- (a) *The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Ordinance.*
- (b) *The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*

- (c) *The use will not be hazardous to existing or future neighboring uses.*
- (d) *The area will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- (e) *The proposed use will not be detrimental to the economic welfare of the community.*
- (f) *The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*
- (g) *Vehicular approaches to the property shall be so designated as not to create interference with traffic on surrounding public streets or roads.*

Residential model homes. Per Code, these are newly constructed homes or temporary structures placed in a newly constructed subdivision and used by a homebuilder or developer to display home styles and lot availability in a subdivision to promote the sale of new housing units. The model home may be staffed and furnished. (C.O. 1165.11)

The criteria and the applicability of this application are detailed below (Section 1165.11(a)):

1. *Appropriate location within the community.*  
The proposed model home is located on lot 28 in the subdivision, addressed of Haven Green. The model home is located close to the subdivision entrance when entering from Walnut Street. The proposed location appears to be appropriate as it is easily accessible and identifiable when entering the subdivision. Additionally, the home is accessible by sidewalks and leisure trail adjacent to the site.
2. *It is integrated in the existing community with customary exterior residential lighting.*  
The home utilizes coach lighting fixtures consistent with the style and architectural features present on the other homes planned within the subdivision.
3. *The use is approved with limited duration.*  
The applicant states that they would like to utilize the model home until all lots within the community have been sold or for a period of time no less than 2 years. Historically, the Planning Commission has approved conditional uses for other model homes within the community for 1-3 years depending on the size of the subdivision. Since this model is utilized for 38 traditional single family lots in the subdivision, staff recommends the model home approval be permitted for two (2) years and that any extension in time is subject to review and approval by the Planning Commission (condition #1).
4. *One sign is permitted.*  
The applicant proposes to install one ground sign which is evaluated in the staff report below.
5. *Shall not be used as a general real estate brokerage office.*  
The applicant states that the model home will not be used as a general real estate brokerage office.

The Planning Commission is also to consider the following (1165.11 (b)):

1. *Hours of operation*  
The model home will operate Thursday through Monday, from 12:00pm to 5:00pm which is generally consistent with other model homes that have been approved by the Planning Commission.
2. *Number of employees and maximum number of employees at the site at one time.*

The applicant states that there will be one employee for both of the proposed model homes in the subdivision.

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1169.10(e) (condition #2).

- a) Size: 12 sq. ft. [does not meet code. City code allows a maximum area of 6 sq. ft].
- b) Height: 4.5 feet [does not meet code. City code allows a maximum height of 4 feet].
- c) Location: The location of the sign is not indicated on the site plan. The sign is required to be setback 10 feet from the street right-of-way per C.O. 1169.10(e).
- d) Lighting: none proposed [meets code].

5. *Landscaping and screening*

The applicant installed landscaping in landscape beds in front of and behind the home. In addition, evergreen trees and a deciduous tree has been installed along the rear property line as well as screening around the mechanical units located on the side of the home. All of the landscaping is complimentary and generally consistent with other residential homes in New Albany. According to the approved building permit plans, 7 street trees are to be installed within the street yards in front of the home.

## **V. SUMMARY**

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

If the recommended conditions of approval are met, the proposed model home is consistent with code requirements. Additionally, the operational aspects of the proposed model home are consistent with other model homes that have been approved to operate in New Albany.

## **VI. MOTION**

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

Move to approve conditional use application CU-108-2023, subject to the following conditions:

1. The model home is permitted to operate for a period of two (2) years and any extension in time is subject to review and approval by the Planning Commission.
2. The model home sign must be revised to meet all code requirements found C.O. 1169.10(e).

**Approximate Site Location:**



Source: NearMap



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Additionally, if the Record of Action lists conditions of approval these conditions must be met prior to issuance of any zoning or building permits.

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Thank you.



## Community Development Department

### Decision and Record of Action

Tuesday, November 21, 2023

The New Albany took the following action on 11/20/23.

#### Conditional Use

**Location:** 7390 Haven Green Ln., New Albany, OH 43054

**Applicant:** BOB WEBB HOMES CO, INC.,

**Application:** PLCU20230109

**Request:** Conditional use approval for a residential model home to be located on lot 28 within Woodhaven subdivision.

**Motion:** To approve with conditions

**Commission Vote:** Motion approved

**Result:** Conditional Use, PLCU20230109 was approved with conditions, by a vote of 3-0.

Recorded in the Official Journal this

#### Condition(s) of Approval:

1. The model home is permitted to operate for a period of two (2) years and any extension in time is subject to review and approval by the Planning Commission.
2. The model home sign must be revised to meet all code requirements found C.O. 1169.10(e).

Staff Certification:

Chelsea Nichols  
Planner