



New Albany Architectural Review Board
Monday, February 12, 2024 Meeting Minutes - Approved

I. Call to order

The New Albany Architectural Review Board conducted a regular meeting on Monday, February 12, 2024 in the New Albany Village Hall. Board Member Brown called the meeting to order at 7:01 p.m.

II. Roll call

Those answering roll call:

Mr. Hinson	absent
Mr. Iten	absent
Mr. Maletz	absent
Mr. Brown	present
Mr. Davie	present
Ms. Moore	present
Mr. Strahler	present
Council Member Brisk	absent
Council Member Kist	present

Staff members present: Planner II Nichols, Planning Manager Mayer, Deputy Clerk Madriguera.

III. Action on minutes: December 11, 2023

Board Member Brown asked if there were any corrections to the minutes from the December 11, 2023 meeting.

Hearing none, Board Member Moore moved to approve the minutes. Board Member Davie seconded the motion.

Upon roll call: Ms. Moore yes, Mr. Davie yes, Mr. Brown yes. Mr. Strahler abstained from the vote noting that he was absent from the December 11, 2023 meeting. Planner II Nichols explained that despite the fact that Mr. Strahler was not present at the December 11, 2023 meeting, he was qualified to vote on the minutes if he had read them and determined they were a reasonable representation of what occurred at the meeting. Mr. Strahler replied that he had read the minutes and thought they were a reasonable representation, and then he voted to pass them. Having four yes votes, the motion passed and the December 11, 2023 minutes were approved as submitted.

IV. Additions or corrections to agenda

Board Member Brown asked if there were any additions or corrections to the agenda.

Planner II Nichols said there were none from staff.

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

Board Member Brown noted that other than the applicants, board members, and staff members, no people were present to address the board.

Board Member Brown administered the oath to the applicants.

VI. Cases:

ARB-001-2024 Certificate of Appropriateness with Waivers

Certificate of Appropriateness to construct a new daycare to be located generally at the southwest corner of Main Street and Miller (PID: 222-000019, 222-000219, 222-000030). **Applicant: J. Carter Bean Architect LLC**

Board Member Brown introduced the first and only case and asked to hear the staff report.

Planner II Nichols delivered the staff report.

Mr. Brown asked Planner II Nichols to touch base on the required loading space.

Planner II Nichols explained that the applicant was originally requesting a waiver for not meeting the requirement for one loading space. But, in the process of completing the site review staff determined that there would be sufficient space to meet the requirement. As a result, the waiver would not be needed and, she added that staff would be working with the applicant on the issue.

Board Member Brown replied, okay, so there is no need to include that issue in the motion and thanked Planner II Nichols.

Board Member Brown asked to hear from the applicant.

Applicant Carter Bean, architect, spoke in support of the application. He stated that although he had designed a lot of buildings in New Albany, this was the first building he had designed for New Albany's Village Center. He acknowledged that he was requesting waivers from code requirements but despite those requests, he believed this building met the spirit and intent of the Village Center design code. He displayed samples of some of the building materials he was intending to use. Regarding the parking, he explained that his firm had completed 10 or 11 of these schools and 55 spaces was where they liked to be. He reiterated that there was shared parking. He remarked that, as Planner II Nichols had suggested in her staff presentation, that they were willing to consider a two-space reduction of the four spaces along Miller Rd. He further explained that the existing utility boxes were not part of their project. Burying them would be a massive undertaking from a communications, time, and financial standpoint. They would like to screen them with heavy and fast-growing shrubs, rather than bury them and wanted to open up that conversation.

Board Member Brown asked for staff's view on the utility box issue; how much heartburn was involved in getting those buried, or vaulted.

Planning Manager Mayer responded that staff was certainly willing to lend any expertise that they could and were willing to share any contacts at the utility companies. He stated that city staff's view was that they would certainly like to see them buried since it is a code requirement.

Board Member Strahler asked whether they were approved.

Planning Manager Mayer answered that that was a good question and he was not completely sure. He stated that they were likely a holdover from an undeveloped site with the boxes installed to serve another site in the Village Center.

Board Member Strahler continued that he had driven past the location and wondered how far back the boxes were sitting and whether they would be against the fence.

Council Member Kist asked staff to demonstrate their location on the site plan.

Mr. Bean indicated their location on the landscape plan and their proximity to the building and the existing transformer.

Planning Manager Mayer indicated their location. He further noted that this year the city would be beginning the Market St. extension and could be relocated as part of that project.

Council Member Kist asked whether these utility boxes were active and mentioned that it appeared that Noah's has an active box.

Applicant Jim Yeager, stated that it is financially untenable for them to bury the utility boxes.

Council Member Kist asked whether the landowner bears 100% of the cost of burial or whether the utility bears any portion.

Planning Manager Mayer responded that he was not aware that the utility was responsible for any portion. He restated that there was the potential for a partnership with the Market St. Extension Project as that project would likely require some utility burial.

Council Member Kist asked whether it had been confirmed that these were in use. He further noted that it appeared as if Noah's had an active box adjacent to their property.

Planning Manager Mayer answered that they had not confirmed the status or ownership of the boxes.

Council Member Kist remarked that he hated to see such a beautiful new building with these green boxes stuck on the landscape.

Mr. Bean agreed and added that it was unfortunate that the cost was so high.

Board Member Brown observed that it sounded as if additional research was required. He continued and asked, if this was on a glide-path for approval, how the board should manage this. He noted that everyone, applicants included, wanted to see the boxes go away. However the costs involved presented an untenable situation.

Planning Manager Mayer responded that the board could recommend a condition of approval that the applicant work with the city engineer and city staff to relocate the utilities.

Council Member Kist stated that he thinks more due diligence is needed and that resolution requires more information.

Applicant Jim Yeager stated that they did not know the scope of the overall project, the timeline and the cost. He continued that the proposed screening is robust. There is a playground to the southeast. It is critical that they do not have to bury them. He also stated that he was not sure how they are addressed because they do not belong to them.

Council Member Kist remarked that until the boxes are opened up, a determination on how to best address this issue could not be made. It could be that there was an easy fix, or the remedy could cost \$200k. More information is needed.

Planning Manager Mayer agreed and stated that this application could move forward, and once more information is known, the applicant could submit a waiver request.

Applicant Jim Yeager that the utility boxes are unrelated to their project.

Council Member Kist noted that the applicant would need power from somewhere and that time could be a significant factor with securing a transformer.

Applicant Jim Yeager answered that their transformer is along Miller Ave.

Board Member Brown noted that they could end up being moved by the owners.

Board Member Brown then proceeded through the list of waivers so the board members could raise any areas of concern.

A Waiver to UCC Section 2.87 to allow the building width to be approximately 215.28' where code requires a maximum lot width of 200'.

B Waiver to UCC Section 2.87 to allow the southern side yard setback to be 130+/- feet where code requires a maximum 20-foot setback.

Council Member Kist asked about the side and rear yards noting that they seemed to be reversed.

Planner II Nichols explained the orientation of the site plan and the technical definitions of side and rear yards in city code.

C Waiver to UCC Section 2.87 to allow the building width to be 71.3% and 29% where code requires a minimum 80%.

D Waiver to UCC Section 2.89.2 to allow 55 off-street parking spaces where code requires a maximum of 37 spaces.

Council Member Kist asked whether staff was good with this waiver request, noting the significant difference.

Planning Manager Mayer responded that staff was good with the request because this is true shared parking with different users.

E Waiver to City of New Albany Codified Ordinance Chapter 1171.06 to allow peninsulas or islands within the parking lot to be constructed at less than 350 square feet when code requires landscape areas to be no smaller than 350 feet.

Board Member Strahler asked if Planner II Nichols' suggestion was incorporated, whether the waiver request would go away if the island is moved.

Planning Manager Mayer answered that it likely would.

F Waiver to UCC Section 2.89.5 to allow parking spaces to be located closer than 10' behind the street yard when code requires surface parking to be a minimum of 10' behind the street yard.

Board Member Brown asked whether the waiver could be replaced with a condition.

Planning Manager Mayer responded that the clearest thing for the record was to keep the waiver and to include a condition of approval.

Board Member Davie asked whether this was necessary and noted that this is an access drive.

Planning Manager Mayer responded that it is labelled an access drive but it is built to the standard of a public street and will be dedicated to the City of New Albany.

G Waiver to UCC Section 2.91.2 to omit the requirement that each front and side yard entrance to the building incorporate a permitted building frontage such as a stoop, covered stoop, side stoop, balcony, storefront, awning, gallery or arcade.

Board Member Strahler observed, and the board members agreed that it is consistent with other properties on Market St.

Board Member Brown asked if there were any further questions.

Board Member Strahler asked the applicant whether he was proposing two signs above the same door.

Mr. Bean answered yes, and explained that one sign has lettering and the other sign is the tree graphic. He further demonstrated their location on the building and their function relative to the parking and building entrances.

Board Member Moore confirmed that there will be signs on the door directing people to the entrance.

Mr. Bean responded yes but noted that as this is a child care facility, all doors will be secure.

Board Member Strahler asked whether the board had any concerns about the darkness of the color.

Mr. Bean remarked that there are many examples of darker colors in New Albany.

Planning Manager Mayer agreed and continued that the city architect commented that this is a traditional and historical color, but it was not often used because it was expensive to make.

Board Member Moore remarked that the color has an academic feel to it.

Board Member Brown asked whether the certificate of appropriateness and waivers could be disposed of with one motion, or whether they required separate motions.

Planning Manager Mayer stated that they could be disposed of with a single motion.

Board Member Brown moved to approve application ARB-01-2024, certificate of appropriateness and waivers A-G as noted in the staff report, subject to the following conditions, all subject to staff approval:

1. Above ground utility structures shall be located in the alley, side and rear yard and fully screened from the street. If the existing utility structures along Main Street cannot be relocated, they must be buried or vaulted. Subject to the City Engineer's review, and the applicant, coordinated with staff.
2. Two interior parking spaces to be removed and four head-in spaces on Miller Avenue shall be moved south for proper setback.

Board Member Strahler seconded the motion.

Upon roll call: Mr. Brown yes, Mr. Strahler yes, Ms. Moore yes, Mr. Davie yes. Having four votes, the motion passed and ARB-01-2024 was approved subject to the conditions as stated above.

The board wished the applicants good luck.

VII. Other business

Board Member Brown asked when the organizational meeting would occur.

Planning Manager Mayer explained that in 2023, the city council changed the rule that required the meeting to occur in March. Under the new rule the organizational meeting must occur within a span of time. This meant that the board would not be called to meet in March simply to conduct the organizational meeting. Rather, it would be scheduled at the next meeting in which a case was scheduled for consideration.

Board Member Brown asked if there was any other business before the board.

Planning Manager Mayer responded that this would be Planner II Nichols' last ARB meeting. He explained that she had been promoted to the position of Planner II in the Administrative Division and in that capacity she would be handling New Albany's Sustainability Advisory Board and New Albany's Inclusion, Diversity, Equity, Action Implementation Panel. He recognized and thanked Planner II Nichols for her great work and dedication during her tenure in the Community Development Department.

VIII. Adjourn

Having no further business, Board Member Strahler moved to adjourn the February 12, 2024 meeting of the New Albany Architectural Review Board. Board Member Davie seconded the motion.

Upon roll call: Mr. Strahler yes, Mr. Davie yes, Mr. Brown yes, Ms. Moore yes. Having four yes votes, the motion to adjourn passed and the meeting adjourned at 7:49 p.m.

Submitted by: Deputy Clerk Madriguera, Esq.

Appendix

ARB-01-2024

Staff Report

Record of Action

24 0212 ARB Meeting Minutes – Approved



**Architectural Review Board Staff Report
February 12, 2024 Meeting**

**CERTIFICATE OF APPROPRIATENESS & WAIVERS
BALANCED FAMILY ACADEMY**

LOCATION: Generally located at the southwest corner of Main Street and Miller Avenue
(PIDs: 222-000019, 222-000219, 222-000030)
APPLICANT: J. Carter Bean Architect LLC
REQUEST: Certificate of Appropriateness & Waivers
ZONING: Urban Center District within the Village Core Sub-District
STRATEGIC PLAN: Village Center
APPLICATION: ARB-01-2024

Review based on: Application materials received on January 12, 2024.

Staff report prepared by Chelsea Nichols, Planner.

I. REQUEST AND BACKGROUND

This certificate of appropriateness application is for a new daycare to be located generally at the southwest corner of Main Street and Miller Avenue. The proposal includes one building, a play area, the creation of off-street parking, and combining the three existing parcels.

The applicant requests the following waivers as part of the application:

- (A) Waiver to UCC Section 2.87 to allow the lot width to be approximately 215.28' where code requires a maximum lot width of 200'.
- (B) Waiver to UCC Section 2.87 to allow the southern side yard setback to be 130+/- feet where code requires a maximum 20-foot setback.
- (C) Waiver to UCC Section 2.87 to allow the building width to be 71.3% and 29% of the lot where code requires a minimum 80%.
- (D) Waiver to UCC Section 2.89.2 to allow 55 off-street parking spaces where code requires a maximum of 37 spaces.
- (E) Waiver to City of New Albany Codified Ordinance Chapter 1171.06 to allow peninsulas or islands within the parking lot to be constructed at less than 350 square feet when code requires landscape areas to be no smaller than 350 square feet.
- (F) Waiver to UCC Section 2.89.5 to allow parking spaces to be located closer than 10' behind the street yard when code requires surface parking to be a minimum of 10' behind the street yard.
- (G) Waiver to UCC Section 2.91.2 to omit the requirement that each front and side yard entrance to the building incorporate a permitted building frontage such as a stoop, covered stoop, side stoop, balcony, storefront, awning, gallery or arcade.

The majority of the site is located in the Village Core area within the Urban Center District (UCD). A small portion of the site is located in the NACO 1998 PUD Subarea 4C: Village Commercial zoning district. Per Codified Ordinance 1158.03(c), properties within the Architectural Review Overlay

District that are zoned PUD before Chapter 1158 of the city code was adopted in 2011, are permitted to either develop under the requirements of the underlying PUD zoning or the Urban Center Code. The applicant has elected to develop under the Urban Center Code, therefore the requirements of the Urban Center Code, the New Albany Design Guidelines and Requirements and city code apply to this site. Urban Center Code section 4.1 allows day care centers as a permitted use within the Village Core subarea.

II. SITE DESCRIPTION & USE

The site is surrounded by Urban Center and PUD properties. The property is currently 0.969 acres in size.

III. EVALUATION

The ARB's review is pursuant to C.O. Section 1157.06 (Architectural Review Overlay District). No environmental change shall be made to any property within the city of New Albany until a Certificate of Appropriateness has been properly applied for and issued by staff or the Board. Per Section **1157.09 Design Appropriateness**, the building and site should be evaluated on these criteria:

A. Certificate of Appropriateness

1. The compliance of the application with the Design Guidelines and Requirements and Codified Ordinances.

- Architectural standards for this site are regulated by New Albany Design Guidelines and Requirements (DGRs), Section 3 (Village Center Commercial).
- DGR Section 3 (II.E.1) states wood and brick are the most appropriate exterior materials. The DGRs state materials of which new building are constructed shall be appropriate for and typical of materials traditionally used in the commercial architecture which inspired the design of the new building. In general, wood and brick are the most appropriate exterior materials in the older areas of the Village Center District.
 - The architecture meets this standard as the majority of the building is brick.
- The exterior material of the building also includes sections of hardi-plank siding. DGR Section 3 (II.E.1 and II.E.2) states the uses of façade materials other than wood or brick must be approved by the Architectural Review Board. The use of alternate materials such as hardi-plank may be appropriate when they are used in the same way as traditional materials would have been used.
 - The Architectural Review Board should review and evaluate the appropriateness of the proposed hardi-plank material to ensure it is used in the same way as traditional materials (wood).
- DGR section 3(II)(A)(1) & (2) requires new buildings to follow the stylistic practice of traditional American commercial architecture as described in the DGRs and the "American Architectural Precedent" section. Building designs shall not mix elements from different styles. The number, location, spacing, and shapes of window and door openings shall be the same as those used in traditional commercial building design. All visible elevations of a building shall receive similar treatment in style, materials, and design so that no visible side is of a lesser visual character than any other.
 - The architecture meets these standards.
- The Design Guidelines and Requirements require new windows to be true divided light or simulated divided light. The DGRs require the simulated divided light window to be one in which the glass panes have vertical proportions (height greater than width) and correctly profiled muntin's with an internal spacer that gives the appearance of a muntin extending through the glass. New windows must be made of wood and may be either vinyl or aluminum cladding on the exterior.
 - The proposed aluminum clad windows with internal spacers meet these standards.

- DGR section 3(II)(B)(2) requires orientation of the main building facades, those with the primary entrances, shall be toward the primary street on which the building is located.
 - The proposed building does include a primary entrance along the primary street, which is Main Street.
 - Buildings shall also have operable and active front doors along all public and private roads.
 - In addition to a primary entrance along Main Street, the building also includes an active and operable door along Miller Avenue.
2. *The visual and functional components of the building and its site, including but not limited to landscape design and plant materials, lighting, vehicular and pedestrian circulation, and signage.*

Urban Center Code section 2.4 states that unless otherwise stated in the Urban Center Code, the development standards of Part Eleven of the Codified Ordinances of New Albany shall apply. This typically includes parking, landscaping and lighting requirements.

Landscape

- Urban Center Code Section 2.92.1 states all street and side yards, where present, shall be landscaped with trees, shrubs, grass, ground covers, or other plant materials or a combination of these materials.
- Per Codified Ordinance section 1171.05(e) the following minimums are required, based upon total ground coverage of structures and vehicular use areas for this site:
 - Between 20,000 and 50,000 square feet: A minimum of one tree for every 5,000 square feet of ground coverage and a total tree planting equal to ten inches plus one-half inch in tree trunk size for every 2,000 square feet over 20,000 feet in ground coverage.
 - The applicant is required to provide 7 trees and a total of 14” in tree truck size. The landscape plan meets this standard.
- The following parking lot island standards apply per Codified Ordinance section 1171.06:
 - Large, unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands.
 - The plan meets this standard.
 - No individual landscape area shall be smaller than 350 square feet. The applicant proposes to retain a couple of existing islands that are less than 350 square feet. The existing islands were approved as part of the former Noah’s building, which is the now Infinite church building. The applicant also proposes to construct two new islands and two new peninsulas.
 - One of the two new peninsulas is proposed to be 235 square feet, which is less than the require 350 square feet. The applicant has requested a waiver for the proposed, small peninsula.
 - For each 100 square feet, or fraction thereof, of parking area, a minimum total of five square feet of landscaped area shall be provided.
 - The applicant meets this standard.
 - Parking areas should contain a minimum of one deciduous canopy tree for every ten parking spaces. The landscape plan states they are adding an additional 40 spaces to the existing spaces, therefore requiring 4 trees. However, the requirement is based on the total 55 spaces provided on site.
 - Therefore, 6 trees are required and provided.

- Trees used in parking lot islands shall have a clear trunk of at least five feet above the ground, and the remaining areas shall be landscaped with shrubs, or ground cover, not to exceed two feet in height.
 - The landscape plan meets this standard.
- Buffering: Parking lots shall be screened from primary streets, residential areas, and open space by a 3.5-foot minimum height evergreen hedge or masonry wall, or combination of wall and plantings.
 - The landscape plan meets this standard.
- The city landscape code requires street trees to be installed. Street trees are typically installed 30 feet on center, shall be a minimum of three (3) inches caliper, and must be of the same genus and species planted continuously along the length of each street.
 - The applicant is providing 7 street trees along Main Street, which meets this standard. The street trees for Miller Avenue are existing.

Lighting

- External light pole locations and style are shown on the lighting plan provided by the applicant. Additionally, the photometric plan with foot candle units was provided. It appears as though light from the proposed fixtures will not bleed offsite.
- The parking lot lighting will match existing poles and fixtures as what is adjacent/next door at the Infinite Church lot.
- The city standard street light for the Village Center shall be installed along Main Street. The city staff has provided the design and construction specifications to the applicant and they commit to revising the plans and using the appropriate fixture. The city staff will continue to work with the applicant to ensure the Acorn style street light is installed along Main Street in order to achieve consistency between sites within the Village Center.

Parking and Circulation

- Urban Center Code Section 2.88.3 states coordinated driveway access and cross access to multiple sites should be provided where practice. The site meets this requirement with the coordinated driveway and cross access to the neighboring site to the southwest (Infinite Church).
- UCC Section 2.89.2 states sites containing a building typology of traditional commercial are required to have a minimum of 2 off-street parking spaces and a maximum of 1 space per 400 square feet of building area. The applicant proposes a 14,490 square foot building, which permits a maximum of 37 off-street parking spaces. The applicant proposes 55 off-street parking spaces; therefore, a waiver has been requested.
- Per UCC 2.89.3, available on-street parking within 100 feet of the property lines shall provide a ½ space credit towards the total off-street parking requirements. In addition to the off-street parking provided, the building will front onto Main Street. The applicant is proposing to provide 6 on-street parking spaces along Main Street in order to match the established streetscape in the immediate area.
- Per 2.89.5, surface parking shall be a minimum of 5' from any street right-of-way or side lot line and 10' behind the street yard. The applicant currently proposes four parking spaces along Miller Avenue that do not meet this requirement. A waiver has been requested.
- Per 2.89.7, 2 bicycle parking hitches are required and shall follow standards consistent with UCC Section 5.30. The applicant meets this requirement.
- Codified Ordinance Chapter 1167.06(a)(2) requires one loading space for commercial uses between 2,500 and 10,000 square feet. The applicant originally proposed zero loading spaces; therefore, requesting a waiver as part of their application materials. However, after further review, staff has identified a space on the plan that can

accommodate the loading space. City staff recommends a condition of approval that the plan be updated to meet this code requirement by showing the loading space onto the plan (condition #3).

Signage

- The applicant requests review and approval of new wall signage with the dimensions outlined below.

Wall Signs

- City sign code chapter 1169.16(d) permits a maximum area of one s.f. per linear s.f. of building frontage, not to exceed 40 s.f. and allows one wall sign per business entrance. External, neon and internal illumination is allowed.
- The proposal includes three wall signs; two on the front elevation and one on the rear elevation; which have the following dimensions:

Front Entrance along Main Street:

- a. Lettering Height: 11 ¾" inches tall [meets code].
- b. Area: 44 sq ft [Does not meet code and a waiver was not requested. The city staff recommends a condition of approval that the signage be revised to meet code (condition #2).]
- c. Location: on the front elevation, centered over the entrance along Main Street [meets code].
- d. Lighting: external, gooseneck lighting [meets code].
- e. Relief: 1 inch [meets code].
- f. Colors: jasper green and gold (total of 2) [meets code].
- g. Material: high density urethane and aluminum [meets code]

The sign reads "Balanced Family Academy"

Front Entrance along Main Street:

- h. Lettering Height: N/A
- i. Area: 38.50 sq ft [meets code]
- j. Location: on the front elevation along Main Street, centered on the same building feature as the entrance [meets code].
- k. Lighting: no lighting [meets code].
- l. Relief: 1.5 inches [meets code].
- m. Colors: jasper green (total of 1) [meets code].
- n. Material: high density urethane [meets code]

The sign features the company logo.

Rear Entrance along parking lot:

- o. Lettering Height: 8 ½" inches tall [meets code].
- p. Area: 10.56 sq ft [meets code]
- q. Location: on the rear elevation, centered over the primary entrance, which is situated along the parking lot [meets code].
- r. Lighting: internal halo-illuminated lighting [meets code].
- s. Relief: 1 inch [meets code].
- t. Colors: gold (total of 1) [meets code].
- u. Material: aluminum [meets code]

The sign reads "Balanced Family Academy"

Service & Utility Standards

- Urban Center Code Section 2.90.1 states that above ground mechanical devices shall be located in the side or rear yard, behind all portions of the principal façade, and shall be fully screened from the street and neighboring properties. The applicant proposes a new transformer to be installed on the property that will serve the site. The proposed transformer aligns with the main façade of the building, therefore meeting this standard.
 - Per 2.90.2, above ground utility structures shall be located in the alley, side and rear yard and fully screened from the street. The city staff recommends a condition of approval that if the existing utility structures along Main Street cannot be relocated, they must be buried/vaulted in order to meet this standard (condition #1).
 - The city Codified Ordinances section 11.71.05(b) requires all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning district. The height of such screening shall be at least six (6) feet in height. Natural vegetation shall have a maximum opaqueness of seventy-five percent (75%) at full foliage. The use of year-round vegetation, such as pines and evergreens are encouraged.
 - The plan meets these standards.
 - Per 2.90.3, trash containers shall be stored out of public view and be screened from adjacent properties. The plan meets this standard.
3. *The distinguishing original qualities or character of a building, structure, site and/or its environment shall not be destroyed.*
- The site is currently vacant. This site is across the street from the existing New Albany Exchange development and is adjacent to the Granger Senior Living center. This proposed structure appears to consider the distinguishing qualities of the overall Village Center architecture by adding roof elements that match other developments. Similar exterior materials are proposed for this building that currently exists on other sites.
 - The city architect has reviewed and approved the submittal.
4. *All buildings, structures and sites shall be recognized as products of their own time.*
- The proposed building is new construction and appears to be a product of its own time. It is appropriately designed using the Georgian architectural style.
5. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be created with sensitivity.*
- The shape, proportion and breakdown of architectural elements are appropriate for the proposed architectural style and compliments existing buildings in the immediate area.
6. *The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials.*
- Not Applicable
7. *Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.*
- Not applicable.

B. Urban Center Code Compliance

Sixteen building typologies are identified for Village Center development. Building typologies are permitted in corresponding sub-districts. The Village Core subdistrict permits 8 building typologies. The proposed building typology is Traditional Commercial.

Lot and Building Standards

Traditional Commercial (UCC Section 2.87)

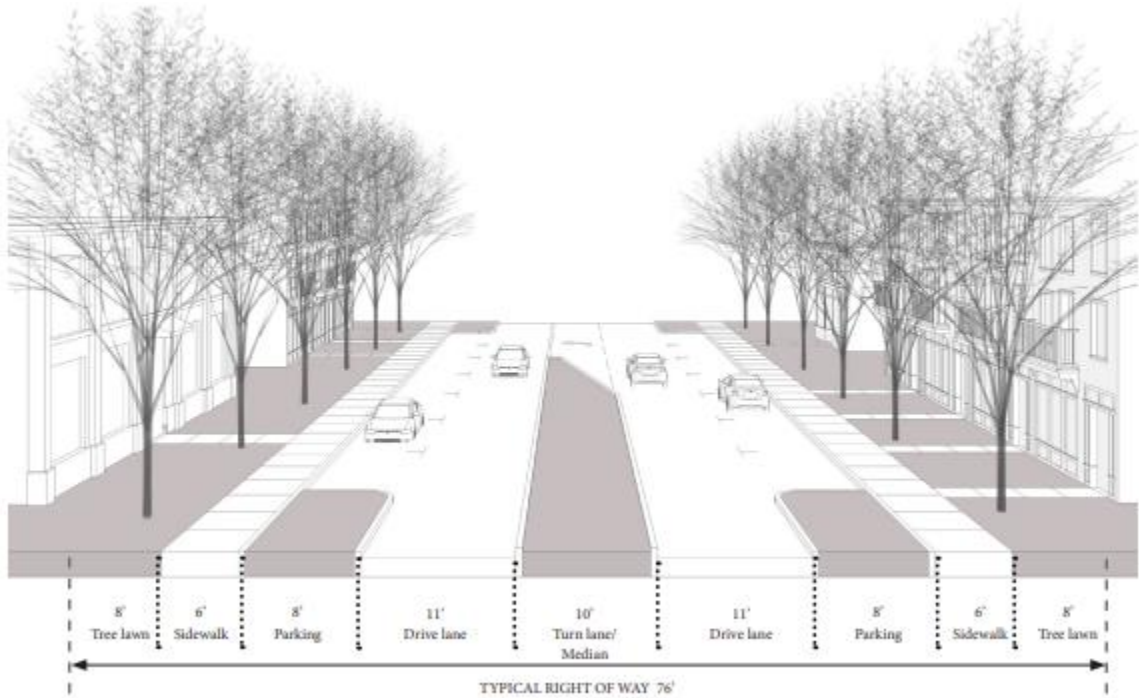
Standard	Minimum	Maximum	Proposed
Lot Area	No min	No max	0.969 acres
Lot Width	No min	200'	Main Street: 213+/- feet [does not meet code, waiver requested]
Lot Coverage	No min	100%	83% [meets code]
Street Yard	0'	20'	Main Street: 16 feet [meets code] Miller Ave: 5 feet [meets code]
Side Yard	0'	20'	Southeastern: 130 feet [does not meet code, waiver requested]
Rear Yard	15'	No max	Southwestern: 55 feet [meets code]
Bldg. Width	80%	100%	Miller Avenue: 71.3% [does not meet code, waiver requested] Main Street: 75% [does not meet code, waiver requested]
Stories	2	3	2.5 [meets code]
Height	No min	55'	43' 4" [meets code]

Building Frontage Standards:

- Urban Center Code Section 2.91.1 states at least one entrance to each ground floor unit must be from a street yard. The plan meets this requirement.
- Section 2.91.2 states each front and side yard entrance to the building shall incorporate a permitted building frontage in accordance with Section 3.2. Permitted building frontages in the Village Core include stoop, covered stoop, side stoop, balcony, storefront, awning, gallery, and arcade. As proposed, the two front entrances along Main Street and Miller Avenue do not meet this standard. A waiver has been requested.

Street and Network Standards:

The Urban Center Code contains a section regarding the Streets Standards Plan. This plan can be found in section 5 of the Urban Center code and it assigns typologies for existing streets, a street network layout, and typologies for new streets. This section of Main Street is designated as a Village Street. Standards for this typology can be found in section 5.13. The developer will need to install on-street parking, sidewalk, and street trees on **Main Street** in conformance with the standards listed below.



Standard	Min	Max	Proposed
Tree Spacing:	30'	35'	35' [meets code]
Tree Lawn:	8'	10'	8' [meets code]
Sidewalk Width:	6'	8'	6' [meets code]
Parking Lane Width:	8'	8'	8' [meets code]

C. Waiver Requests

The ARB’s review is pursuant to C.O. Section **1113.11 Action by the Architectural Review Board for Waivers**, within thirty (30) days after the public meeting, the ARB shall either approve, approve with supplementary conditions, or disapprove the request for a waiver. The ARB shall only approve a waiver or approve a waiver with supplementary conditions if the ARB finds that the waiver, if granted, would:

1. *Provide an appropriate design or pattern of development considering the context in which the development is proposed and the purpose of the particular standard. In evaluating the context as it is used in the criteria, the ARB may consider the relationship of the proposed development with adjacent structures, the immediate neighborhood setting, or a broader vicinity to determine if the waiver is warranted;*
2. *Substantially meet the intent of the standard that the applicant is attempting to seek a waiver from, and fit within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirements;*
3. *Be necessary for reasons of fairness due to unusual building, structure, or site-specific conditions; and*
4. *Not detrimentally affect the public health, safety or general welfare.*

The applicant requests the following waivers as part of the application.

- (A) Waiver to UCC Section 2.87 to allow the lot width to be approximately 215.28' where code requires a maximum lot width of 200'.
- (B) Waiver to UCC Section 2.87 to allow the southeastern side yard setback to be 130+/- feet where code requires a maximum 20-foot setback.
- (C) Waiver to UCC Section 2.87 to allow the building width to be 71.3% and 29% where code requires a minimum 80%.
- (D) Waiver to UCC Section 2.89.2 to allow 55 off-street parking spaces where code requires a maximum of 37 spaces.
- (E) Waiver to City of New Albany Codified Ordinance Chapter 1171.06 to allow peninsulas or islands within the parking lot to be constructed at less than 350 square feet when code requires landscape areas to be no smaller than 350 square feet.
- (F) Waiver to UCC Section 2.89.5 to allow parking spaces to be located closer than 10' behind the street yard when code requires surface parking to be a minimum of 10' behind the street yard.
- (G) Waiver to UCC Section 2.91.2 to omit the requirement that each front and side yard entrance to the building incorporate a permitted building frontage such as a stoop, covered stoop, side stoop, balcony, storefront, awning, gallery or arcade.

(A) Waiver to UCC Section 2.87 to allow the lot width to be approximately 215.28' where code requires a maximum building width of 200'.

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

1. Urban Center Code Section 2.87 states that the maximum lot width shall be 200'. The applicant proposes a maximum lot width of 215.28', therefore a waiver is required.
2. The site consists of three irregularly shaped parcels, but the development pad has already been setup and is situated between two curb cuts; one for Miller Avenue and one for the drive aisle to the neighboring site that contains shared parking and access drives.
3. The proposal provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. The Urban Center Code envisions an urban environment with rear loaded alleys. This existing parcel is wider than what code permits, but it shares a curb cut to minimize the number of curb cuts on Main Street.
4. The application substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. This requirement intends to create more density within the village center. Both the fronts yards will be landscaped, creating an attractive site that promotes an active, urban space.
5. The request could be considered to be necessary for reasons of fairness due to unusual building, structure, or site-specific constraints. This is an existing corner lot with two street yards. Each street yard contains curb cuts that were already approved with the adjacent building. The existing curb cuts have locked this site into the dimension it is today.
6. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

(B) Waiver to UCC Section 2.87 to allow the southern side yard setback to be 130+/- feet where code requires a maximum 20-foot setback.

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

1. Urban Center Code Section 2.87 states that the maximum side yard setback shall be 20'. The applicant proposes a 130+/- foot setback along the southeastern side yard property line, therefore a waiver is required.

2. While the southern property line/southeastern property line looks and feels like a rear yard, code defines it as a side yard. Where a corner lots exists, the city code defines the rear yard as the property line opposite to the front yard of least dimension. In this case the rear yard is the property line adjacent to the Infinite Church.
3. The application provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. The plan positions the building so that it meets the required setbacks along three of the four property lines. While it does not meet the side yard setback, the position of the building is one that is consistent with the existing adjacent building that it shares curb cuts, drive aisles, and parking spaces. Both the existing neighboring building and the proposed building meet this smaller front yard setbacks and contain parking behind.
4. The application substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. The spirit and intent is to prevent large gaps between buildings. In this case, there is an existing driveway with parking that makes it impossible for the setback to ever be met.
5. The request is necessary for reasons of fairness due to unusual building, structure, or site-specific constraints since this is an existing lot with two street yards. This waiver request is just for the portion of the development that serves as the back portion of the parking lot. The portion of the building that fronts onto Main Street and Miller Avenue meet the required setbacks. Therefore, the development still provides an appropriate pattern of development
6. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

(C) Waiver to UCC Section 2.87 to allow the building width to be 71.3% along Main Street and 29% along Miller Avenue where code requires a minimum 80%.

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

1. Urban Center Code Section 2.87 states that the minimum building width shall be 80% of the lot width. The applicant proposes a building width of 71.3% along Main Street and 29% along Miller Avenue, therefore a waiver is required.
2. The application provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. While the building width is smaller than what the code requires, the development on the lot still substantially fills the frontage along Main Street with the help of a fenced-in playground. In addition, it appears as though the neighboring Granger building and existing Infinite church building are also not meeting this code requirement, therefore the proposed building is consistent with the general development pattern in the area.
3. The application substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. This requirement intends to create more density within the village center, to create an urban feel, and discourage large gaps between buildings. While the building width is less than 80%, the applicant has incorporated an outdoor, fenced-in playground. While this does not count as building, it is still development that fills in the gaps between buildings.
4. The request could be considered to be necessary for reasons of fairness due to unusual building, structure, or site-specific constraints. Miller Avenue is not a primary street and considered a secondary street with an existing curb cut to facilitate the parking drive aisle and parking lot. Due to the existing driveway, the required frontage can never be achieved.

5. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

(D) Waiver to UCC Section 2.89.2 to allow 55 off-street parking spaces where code requires a maximum of 37 spaces.

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

1. Urban Center Code Section 2.89.2 states sites containing a building typology of traditional commercial are required to have a minimum of 2 off-street parking spaces and a maximum of 1 space per 400 square feet of building area. The applicant proposes a 14,490 square foot building, which permits a maximum of 37 off-street parking spaces. The applicant proposes 55 off-street parking spaces; therefore, a waiver is required.
1. The application provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. All of the parking spaces, except for four located immediately adjacent to Miller Avenue, are meeting code requirements for setbacks. Besides these four spaces, the parking lot is appropriately located on the site, behind the building. Those four spaces are evaluated under Waiver F below.
2. The request substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. While the plan exceeds the number of parking spaces permitted by code, the applicant has indicated that there are cross access easements in place between the Balanced Family Academy and the adjacent neighboring church. This will allow for shared parking between the two uses.
3. The request could be considered to be necessary for reasons of fairness due to unusual building, structure, or site-specific constraints. While the number of parking spaces exceeds code requirements, this site and the adjacent site will have shared parking which is a positive aspect of the plan and necessary to achieve this goal.
4. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

(E) Waiver to City of New Albany Codified Ordinance Chapter 1171.06 to allow peninsulas or islands within the parking lot to be constructed at less than 350 square feet when code requires landscape areas to be no smaller than 350 square feet.

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

1. Chapter 1171.06 states large, unbroken expanses of parking lot shall be avoided. Large lots should be separated into a series of smaller interconnected lots separated by peninsulas or islands. No individual landscape area shall be smaller than 350 square feet. The applicant proposes to retain a couple of existing islands that are less than 350 square feet. A waiver is not required for these two islands as they were approved as part of the plan for the adjacent building. However, the applicant also proposes to construct two new islands and two new peninsulas. Just one of the two new peninsulas is proposed to be 235 square feet; therefore, a waiver is required.
2. The application provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. The plan is still separating the parking lot into a series of smaller interconnected lots separated by peninsulas or islands.
3. The application substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. While the peninsula is smaller than what code allows, the city landscape architect has no concerns with the size. The required landscaping can still be planted and successfully grow in these peninsulas.

4. The request could be considered to be necessary for reasons of fairness due to unusual building, structure, or site-specific constraints. The majority of the improvements meet code requirements. The plan proposes two new islands and two new peninsulas. Both of the new islands meet code and only one of the two new peninsulas do not meet code. Additionally, it matches the development pattern and size of the existing parking lot islands already constructed in the connected parking lot.
5. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

(F) Waiver to UCC Section 2.89.5 to allow parking spaces to be located closer than 10’ behind the street yard when code requires surface parking to be a minimum of 10’ behind the street yard.

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

1. Urban Center Code Section 2.89.5 states surface parking shall be a minimum of 5’ from any street right-of-way or side lot line and 10’ behind the street yard. The Urban Center Code defines street yard as the area between the front façade of the structure and the public right-of-way. Therefore, parking spaces shall be at least 10’ behind the front façade of the building along Miller Avenue and Main Street.
2. The applicant proposes four parking spaces along Miller Avenue that are closer than 10 feet behind the street yard; therefore, a waiver is required.
3. The development proposes the building and parking spaces to be 5’6” from the property line along Miller Avenue. Therefore, the parking lot is required to be setback 15’6” from Miller Avenue. The proposal is requesting a zero-foot setback where the UCC requires the 10-foot setback from the front façade of the building (street yard).
4. The application provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard. All of the parking spaces, except for these four located immediately adjacent to Miller Avenue, meet code requirements for setbacks. Besides these four spaces, the majority of the parking lot is located behind the building. The applicant has demonstrated that the reduced setback still allows for the installation of appropriate landscaping for screening the spaces from the public road.
5. The application substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. This requirement ensures buildings front the street in order to create a traditional town form. Installing parking behind buildings helps to hide it and reinforce the urban form.
6. The request could be considered to be necessary for reasons of fairness due to unusual building, structure, or site-specific constraints. The UCC encourages shared access and shared parking between sites when possible. This site and the adjacent site will have shared access and parking, which is a positive aspect of the plan. As such, the sites share a drive aisle that takes up a portion of space on the lot where additional parking spaces could be located. The shared parking and shared access between sites outweigh any potential, minimal impact the setback variance would have on the secondary road.
7. It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

(G) Waiver to UCC Section 2.91.2 to omit the requirement that each front and side yard entrance to the building incorporate a permitted building frontage such as a stoop, covered stoop, side stoop, balcony, storefront, awning, gallery or arcade.

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

1. Urban Center Code Section 2.91.2 states each front and side yard entrance to the building shall incorporate a permitted building frontage in accordance with Section 3.2. Permitted building

frontages in the Village Core include stoop, covered stoop, side stoop, balcony, storefront, awning, gallery, and arcade. As proposed, the two front entrances along Main Street and Miller Avenue do not meet this standard; therefore, a waiver has been requested.

- The following table lists the permitted building frontages for the Village Core:

Permitted Building Frontages

	HC	VC	CR	VR	RR
Stoop (3.7)	Dark Red	Light Red	Brown	Yellow	Light Yellow
Covered Stoop (3.9)	Dark Red	Light Red	Brown	Yellow	Light Yellow
Porch (3.11)	Dark Red	White	Brown	Yellow	Light Yellow
Side Stoop (3.13)	Dark Red	Light Red	Brown		
Balcony (3.15)	Dark Red	Light Red	Brown		
Storefront (3.17)	Dark Red	Light Red	Brown		
Awning (3.19)	Dark Red	Light Red	Brown		
Gallery (3.21)	Dark Red	Light Red			
Arcade (3.23)	Dark Red	Light Red			

- The applicant states it provides an appropriate design and pattern of development considering the context in which the development is proposed and the purpose of the particular standard because while entry features along Main Street and Miller Avenue do not conform to the required building frontages, they are articulated with detailed, dimension, ornamental surrounds that they feel respects the intent of the requirement to provide visual interest.
- The applicant also states the request could be considered to be necessary for reasons of fairness due to unusual building, structure, or site-specific constraints because the location of utility easements and setbacks that are immediately adjacent to these faces of the building, constructing projections make construction not feasible.
- The Urban Center Code recognizes the need for flexible setbacks in the Village Core when requiring these features. Each feature is permitted to encroach into the setback to some extent. For example, a stoop may encroach up to 2' into the right-of-way, subject to the approval of the City Manager or designee. Porches may encroach up to 50% of their depth into the street or side yard.
- The application substantially meets the intent of the standard that the applicant is attempting to seek a waiver from, and fits within the goals of the Village Center Strategic Plan, Land Use Strategic Plan and the Design Guidelines and Requirement. This requirement intends to create active and vibrant architecture to create a pedestrian-rich environment.
- It does not appear that the waiver would detrimentally affect the public health, safety or general welfare.

IV. SUMMARY

The ARB should evaluate the overall proposal based on the requirements in the Engage New Albany Strategic Plan, the Urban Center Code, and Design Guidelines and Requirements. The proposed development meets many of the Engage New Albany Strategic Plan goals; including implementing retail infill to create continuous and activated street frontage throughout the Village

Center, and increasing the number of people working in the Village Center through this commercial development.

The city architect has reviewed the proposal and is supportive. Overall, it appears that the building enhances the appearance of this corridor within the city by providing an appropriately styled building located in the Village Center. The building's proposed architecture matches the standards found within the Urban Center Code and New Albany's Design Guidelines and Requirements. While the required building features at the entrances are not provided, the city architect comments that building is still well designed. In addition, due to easements, the building would have to be pushed back from the public streets to accommodate those elements. Pushing the building back is not desirable from a site layout standpoint. Locating the building close to the public sidewalk as proposed along Main Street results in consistency and unity between all the sites in the immediate area and achieves the desired urban form.

The site is well laid out. The building is appropriately positioned on the site to address the primary street and the proximity of the building to the road creates an urban streetscape that promotes walkability for pedestrians. The site meets the city's vehicular management goals of providing shared parking and doesn't add any new curb cuts to the public streets.

The Architectural Review Board should evaluate the appropriateness of the four parking spaces that do not meet the setback requirements along Miller Avenue. The need for additional parking in the Village Center is identified in the Engage New Albany Strategic Plan. However, these parking spaces may not be an appropriate design and pattern of development considering the urban context of the Village Center since it is the same distance to the sidewalk and street as the building.

V. ACTION

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

Move to approve application ARB-01-2024 subject to the following conditions, all subject to staff approval:

1. Above ground utility structures shall be located in the alley, side and rear yard and fully screened from the street. If the existing utility structures along Main Street cannot be relocated, they must be buried/vaulted.
2. That the proposed signage be revised to meet code, specifically with regard to the size of the wall sign situated over the entrance along Main Street.
3. That the plan be updated to include one required loading space.

Approximate Site Location:





Community Development Department

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

Dear J. Carter Bean Architect LLC,

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, February 13, 2023

The New Albany Architectural Review Board took the following action on 02/12/2024.

Certificate of Appropriateness

Location: Generally located at the southwest corner of Main Street and Miller Avenue

Applicant: J. Carter Bean Architect LLC

Application: PLARB20240001

Request: Certificate of appropriateness for a new daycare (PIDs 222-000019, 222-000219, 222-000030)

Motion: To approve ARB-01-2024 with conditions.

Commission Vote: Motion Approved with Conditions, 4-0

Result: Certificate of Appropriateness, PLARB20240001 was Approval with Conditions, by a vote of 4-0.

The approval includes waivers, which are listed on the following page.

Recorded in the Official Journal this February 13, 2024

Condition(s) of Approval:

1. Above ground utility structures shall be located in the alley, side and rear yard and fully screened from the street. If the existing utility structures along Main Street cannot be relocated, they must be buried/vaulted. The applicant shall coordinate this with the city engineer, subject to staff approval.
2. Two interior parking spacing shall be removed and the four head-in parking spaces along Miller Avenue shall be shifted 9 feet to the southwest.

Staff Certification:

Chelsea Nichols

Chelsea Nichols
Planner

- (A) Waiver to UCC Section 2.87 to allow the lot width to be approximately 215.28' where code requires a maximum lot width of 200'.
- (B) Waiver to UCC Section 2.87 to allow the southern side yard setback to be 130+/- feet where code requires a maximum 20-foot setback.
- (C) Waiver to UCC Section 2.87 to allow the building width to be 71.3% and 29% of the lot where code requires a minimum 80%.
- (D) Waiver to UCC Section 2.89.2 to allow 53 off-street parking spaces where code requires a maximum of 37 spaces.
- (E) Waiver to City of New Albany Codified Ordinance Chapter 1171.06 to allow peninsulas or islands within the parking lot to be constructed at less than 350 square feet when code requires landscape areas to be no smaller than 350 square feet.
- (F) Waiver to UCC Section 2.89.5 to allow parking spaces to be located closer than 10' behind the street yard when code requires surface parking to be a minimum of 10' behind the street yard.
- (G) Waiver to UCC Section 2.91.2 to omit the requirement that each front and side yard entrance to the building incorporate a permitted building frontage such as a stoop, covered stoop, side stoop, balcony, storefront, awning, gallery or arcade.

- (A) Waiver to UCC Section 2.87 to allow the lot width to be approximately 215.28' where code requires a maximum lot width of 200'.
- (B) Waiver to UCC Section 2.87 to allow the southern side yard setback to be 130+/- feet where code requires a maximum 20-foot setback.
- (C) Waiver to UCC Section 2.87 to allow the building width to be 71.3% and 29% of the lot where code requires a minimum 80%.
- (D) Waiver to UCC Section 2.89.2 to allow 53 off-street parking spaces where code requires a maximum of 37 spaces.
- (E) Waiver to City of New Albany Codified Ordinance Chapter 1171.06 to allow peninsulas or islands within the parking lot to be constructed at less than 350 square feet when code requires landscape areas to be no smaller than 350 square feet.
- (F) Waiver to UCC Section 2.89.5 to allow parking spaces to be located closer than 10' behind the street yard when code requires surface parking to be a minimum of 10' behind the street yard.
- (G) Waiver to UCC Section 2.91.2 to omit the requirement that each front and side yard entrance to the building incorporate a permitted building frontage such as a stoop, covered stoop, side stoop, balcony, storefront, awning, gallery or arcade.



New Albany Architectural Review Board
Monday, February 12, 2024 Meeting Minutes - DRAFT

I. Call to order

The New Albany Architectural Review Board conducted a regular meeting on Monday, February 12, 2024 in the New Albany Village Hall. Board Member Brown called the meeting to order at 7:01 p.m.

II. Roll call

Those answering roll call:

Mr. Hinson	absent
Mr. Iten	absent
Mr. Maletz	absent
Mr. Brown	present
Mr. Davie	present
Ms. Moore	present
Mr. Strahler	present
Council Member Brisk	absent
Council Member Kist	present

Staff members present: Planner II Nichols, Planning Manager Mayer, Deputy Clerk Madriguera.

III. Action on minutes: December 11, 2023

Board Member Brown asked if there were any corrections to the minutes from the December 11, 2023 meeting.

Hearing none, Board Member Moore moved to approve the minutes. Board Member Davie seconded the motion.

Upon roll call: Ms. Moore yes, Mr. Davie yes, Mr. Brown yes. Mr. Strahler abstained from the vote noting that he was absent from the December 11, 2023 meeting. Planner II Nichols explained that despite the fact that Mr. Strahler was not present at the December 11, 2023 meeting, he was qualified to vote on the minutes if he had read them and determined they were a reasonable representation of what occurred at the meeting. Mr. Strahler replied that he had read the minutes and thought they were a reasonable representation, and then he voted to pass them. Having four yes votes, the motion passed and the December 11, 2023 minutes were approved as submitted.

IV. Additions or corrections to agenda

Board Member Brown asked if there were any additions or corrections to the agenda.

Planner II Nichols said there were none from staff.

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

Board Member Brown noted that other than the applicants, board members, and staff members, no people were present to address the board.

Board Member Brown administered the oath to the applicants.

VI. Cases:

ARB-001-2024 Certificate of Appropriateness with Waivers

Certificate of Appropriateness to construct a new daycare to be located generally at the southwest corner of Main Street and Miller (PID: 222-000019, 222-000219, 222-000030). **Applicant: J. Carter Bean Architect LLC**

Board Member Brown introduced the first and only case and asked to hear the staff report.

Planner II Nichols delivered the staff report.

Mr. Brown asked Planner II Nichols to touch base on the required loading space.

Planner II Nichols explained that the applicant was originally requesting a waiver for not meeting the requirement for one loading space. But, in the process of completing the site review staff determined that there would be sufficient space to meet the requirement. As a result, the waiver would not be needed and, she added that staff would be working with the applicant on the issue.

Board Member Brown replied, okay, so there is no need to include that issue in the motion and thanked Planner II Nichols.

Board Member Brown asked to hear from the applicant.

Applicant Carter Bean, architect, spoke in support of the application. He stated that although he had designed a lot of buildings in New Albany, this was the first building he had designed for New Albany's Village Center. He acknowledged that he was requesting waivers from code requirements but despite those requests, he believed this building met the spirit and intent of the Village Center design code. He displayed samples of some of the building materials he was intending to use. Regarding the parking, he explained that his firm had completed 10 or 11 of these schools and 55 spaces was where they liked to be. He reiterated that there was shared parking. He remarked that, as Planner II Nichols had suggested in her staff presentation, that they were willing to consider a two-space reduction of the four spaces along Miller Rd. He further explained that the existing utility boxes were not part of their project. Burying them would be a massive undertaking from a communications, time, and financial standpoint. They would like to screen them with heavy and fast-growing shrubs, rather than bury them and wanted to open up that conversation.

Board Member Brown asked for staff's view on the utility box issue; how much heartburn was involved in getting those buried, or vaulted.

Planning Manager Mayer responded that staff was certainly willing to lend any expertise that they could and were willing to share any contacts at the utility companies. He stated that city staff's view was that they would certainly like to see them buried since it is a code requirement.

Board Member Strahler asked whether they were approved.

Planning Manager Mayer answered that that was a good question and he was not completely sure. He stated that they were likely a holdover from an undeveloped site with the boxes installed to serve another site in the Village Center.

Board Member Strahler continued that he had driven past the location and wondered how far back the boxes were sitting and whether they would be against the fence.

Council Member Kist asked staff to demonstrate their location on the site plan.

Mr. Bean indicated their location on the landscape plan and their proximity to the building and the existing transformer.

Planning Manager Mayer indicated their location. He further noted that this year the city would be beginning the Market St. extension and could be relocated as part of that project.

Council Member Kist asked whether these utility boxes were active and mentioned that it appeared that Noah's has an active box.

Applicant xxxxx, stated that it is financially untenable for them to bury the utility boxes.

Council Member Kist asked whether the landowner bears 100% of the cost of burial or whether the utility bears any portion.

Planning Manager Mayer responded that he was not aware that the utility was responsible for any portion. He restated that there was the potential for a partnership with the Market St. Extension Project as that project would likely require some utility burial.

Council Member Kist asked whether it had been confirmed that these were in use. He further noted that it appeared as if Noah's had an active box adjacent to their property.

Planning Manager Mayer answered that they had not confirmed the status or ownership of the boxes.

Council Member Kist remarked that he hated to see such a beautiful new building with these green boxes stuck on the landscape.

Mr. Bean agreed and added that it was unfortunate that the cost was so high.

Board Member Brown observed that it sounded as if additional research was required. He continued and asked, if this was on a glide-path for approval, how the board should manage this. He noted that everyone, applicants included, wanted to see the boxes go away. However the costs involved presented an untenable situation.

Planning Manager Mayer responded that the board could recommend a condition of approval that the applicant work with the city engineer and city staff to relocate the utilities.

Council Member Kist stated that he thinks more due diligence is needed and that resolution requires more information.

Applicant xxxxx stated that they did not know the scope of the overall project, the timeline and the cost. He continued that the proposed screening is robust. There is a playground to the southeast. It is critical that they do not have to bury them. He also stated that he was not sure how they are addressed because they do not belong to them.

Council Member Kist remarked that until the boxes are opened up, a determination on how to best address this issue could not be made. It could be that there was an easy fix, or the remedy could cost \$200k. More information is needed.

Planning Manager Mayer agreed and stated that this application could move forward, and once more information is known, the applicant could submit a waiver request.

Applicant xxxx responded that the utility boxes are unrelated to their project.

Council Member Kist noted that the applicant would need power from somewhere and that time could be a significant factor with securing a transformer.

Applicant xxx answered that their transformer is along Miller Ave.

Board Member Brown noted that they could end up being moved by the owners.

Board Member Brown then proceeded through the list of waivers so the board members could raise any areas of concern.

A Waiver to UCC Section 2.87 to allow the building width to be approximately 215.28' where code requires a maximum lot width of 200'.

B Waiver to UCC Section 2.87 to allow the southern side yard setback to be 130+/- feet where code requires a maximum 20-foot setback.

Council Member Kist asked about the side and rear yards noting that they seemed to be reversed.

Planner II Nichols explained the orientation of the site plan and the technical definitions of side and rear yards in city code.

C Waiver to UCC Section 2.87 to allow the building width to be 71.3% and 29% where code requires a minimum 80%.

D Waiver to UCC Section 2.89.2 to allow 55 off-street parking spaces where code requires a maximum of 37 spaces.

Council Member Kist asked whether staff was good with this waiver request, noting the significant difference.

Planning Manager Mayer responded that staff was good with the request because this is true shared parking with different users.

E Waiver to City of New Albany Codified Ordinance Chapter 1171.06 to allow peninsulas or islands within the parking lot to be constructed at less than 350 square feet when code requires landscape areas to be no smaller than 350 feet.

Board Member Strahler asked if Planner II Nichols' suggestion was incorporated, whether the waiver request would go away if the island is moved.

Planning Manager Mayer answered that it likely would.

F Waiver to UCC Section 2.89.5 to allow parking spaces to be located closer than 10' behind the street yard when code requires surface parking to be a minimum of 10' behind the street yard.

Board Member Brown asked whether the waiver could be replaced with a condition.

Planning Manager Mayer responded that the clearest thing for the record was to keep the waiver and to include a condition of approval.

Board Member Davie asked whether this was necessary and noted that this is an access drive.

Planning Manager Mayer responded that it is labelled an access drive but it is built to the standard of a public street and will be dedicated to the City of New Albany.

G Waiver to UCC Section 2.91.2 to omit the requirement that each front and side yard entrance to the building incorporate a permitted building frontage such as a stoop, covered stoop, side stoop, balcony, storefront, awning, gallery or arcade.

Board Member Strahler observed, and the board members agreed that it is consistent with other properties on Market St.

Board Member Brown asked if there were any further questions.

Board Member Strahler asked the applicant whether he was proposing two signs above the same door.

Mr. Bean answered yes, and explained that one sign has lettering and the other sign is the tree graphic. He further demonstrated their location on the building and their function relative to the parking and building entrances.

Board Member Moore confirmed that there will be signs on the door directing people to the entrance.

Mr. Bean responded yes but noted that as this is a child care facility, all doors will be secure.

Board Member Strahler asked whether the board had any concerns about the darkness of the color.

Mr. Bean remarked that there are many examples of darker colors in New Albany.

Planning Manager Mayer agreed and continued that the city architect commented that this is a traditional and historical color, but it was not often used because it was expensive to make.

Board Member Moore remarked that the color has an academic feel to it.

Board Member Brown asked whether the certificate of appropriateness and waivers could be disposed of with one motion, or whether they required separate motions.

Planning Manager Mayer stated that they could be disposed of with a single motion.

Board Member Brown moved to approve application ARB-01-2024, certificate of appropriateness and waivers A-G as noted in the staff report, subject to the following conditions, all subject to staff approval:

1. Above ground utility structures shall be located in the alley, side and rear yard and fully screened from the street. If the existing utility structures along Main Street cannot be relocated, they must be buried or vaulted. Subject to the City Engineer's review, and the applicant, coordinated with staff.
2. Two interior parking spaces to be removed and four head-in spaces on Miller Avenue shall be moved south for proper setback.

Board Member Strahler seconded the motion.

Upon roll call: Mr. Brown yes, Mr. Strahler yes, Ms. Moore yes, Mr. Davie yes. Having four votes, the motion passed and ARB-01-2024 was approved subject to the conditions as stated above.

The board wished the applicants good luck.

VII. Other business

Board Member Brown asked when the organizational meeting would occur.

Planning Manager Mayer explained that in 2023, the city council changed the rule that required the meeting to occur in March. Under the new rule the organizational meeting must occur within a span of time. This meant that the board would not be called to meet in March simply to conduct the organizational meeting. Rather, it would be scheduled at the next meeting in which a case was scheduled for consideration.

Board Member Brown asked if there was any other business before the board.

Planning Manager Mayer responded that this would be Planner II Nichols' last ARB meeting. He explained that she had been promoted to the position of Planner II in the Administrative Division and in that capacity she would be handling New Albany's Sustainability Advisory Board and New Albany's Inclusion, Diversity, Equity, Action Implementation Panel. He recognized and thanked Planner II Nichols for her great work and dedication during her tenure in the Community Development Department.

VIII. Adjourn

Having no further business, Board Member Strahler moved to adjourn the February 12, 2024 meeting of the New Albany Architectural Review Board. Board Member Davie seconded the motion.

Upon roll call: Mr. Strahler yes, Mr. Davie yes, Mr. Brown yes, Ms. Moore yes. Having four yes votes, the motion to adjourn passed and the meeting adjourned at 7:49 p.m.

Submitted by: Deputy Clerk Madriguera, Esq.

Appendix

ARB-01-2024

Staff Report

Record of Action