

February 2, 2021

CALL TO ORDER:

Mayor Spalding called to order the New Albany City Council Meeting of February 2, 2021 at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, Ohio. Staff attending were City Manager Joseph Stefanov, Administrative Services Director Adrienne Joly, Police Chief Greg Jones, Deputy Public Service Director Mike Barker, and Clerk of Council Jennifer Mason. Staff tele-present were Law Director Mitch Banchefsky, Community Development Director Jennifer Chrysler, Finance Director Bethany Staats, Public Service Director Mark Nemec, Planning Manager Stephen Mayer, Engineer Ed Ferris, Engineering Manager Ryan Ohly, Chief Communications and Marketing Officer Scott McAfee; and Human Resource Officer Lindsay Rasey.

Mayor Spalding led the assemblage in the Pledge of Allegiance.

ROLL CALL:

The following Mayor/Council Members answered Roll Call:

Mayor Sloan Spalding	P– Tele-present
CM Colleen Briscoe	P
CM Marlene Brisk	P
CM Michael Durik	P – Tele-present
CM Chip Fellows	P
CM Kasey Kist	P
CM Matt Shull	P

ACTION ON MINUTES:

Mayor Spalding asked if council had reviewed the proposed January 19, 2021 regular meeting minutes and if there were any additions or corrections. Hearing no changes, Mayor Spalding moved to adopt the January 19, 2021 regular meeting minutes. Council Member Fellows seconded and council voted with seven yes votes to approve the January 19, 2021 regular meeting minutes.

ADDITIONS OR CORRECTIONS TO THE AGENDA:

NONE.

HEARING OF VISITORS:

NONE.

BOARDS AND COMMISSIONS:

PLANNING COMMISSION: Council Member Shull reported that the PC approved a variance for a deck to be located closer than 10 feet from the property line.

PARKS AND TRAILS ADVISORY BOARD: Council Member Fellows reported that the PTAB heard and voted 3-1 to endorse the Strategic Plan.

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ARCHITECTURAL REVIEW BOARD: Council Member Brisk reported that one request for a variance was tabled. A separate variance to build an accessory structure out of metal at a Doran Drive home was approved. There were other metal accessory structures in that area.

BOARD OF ZONING APPEALS: No meeting.

ECONOMIC DEVELOPMENT COMMISSION: No meeting.

PUBLIC RECORDS COMMISSION: No meeting.

INCLUSION DIVERSITY & EQUITY ACTION COMMITTEE: No meeting. Next meeting was scheduled on February 11, 2021.

CEMETERY RESTORATION ADVISORY BOARD: No meeting.

CORRESPONDENCE AND COMMUNICATION:

NONE.

SECOND READING AND PUBLIC HEARING OF ORDINANCES:

ORDINANCE O-01-2021

Mayor Spalding read by title AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEW ALBANY BY AMENDING THE ZONING MAP TO REZONE 3.35 +/- ACRES OF LAND LOCATED AT 4093 REYNOLDSBURG NEW ALBANY ROAD AND 6 HAWKSMOOR DRIVE FROM ITS CURRENT ZONING OF RESIDENTIAL ESTATE (R-1) AND INFILL PLANNED UNIT DEVELOPMENT (I-PUD) TO INFILL PLANNED UNIT DEVELOPMENT (I-PUD) AS REQUESTED BY D&H HAWKSMOOR PROPERTIES LTD., c/o AARON UNDERHILL, ESQ.

Planning Manager Stephen Mayer explained that this legislation rezoned two parcels that ran from Hawksmoor Drive to Reynoldsburg-New Albany Road. Both parcels were zoned for single family residential uses. Since no new lots were being created, there were no open space or parkland requirements. The rezoning would change the size of lots, include architectural standards found in the Hawksmoor development, and modify some of the building setbacks.

There were two contemplated development scenarios in the zoning text based on the future home orientation. If the home on Lot 6 were oriented west, a 50 foot building setback overlapping a 20 foot tree preservation would apply to the western property line. If the home on Lot 6 were oriented south a 20 foot building setback and overlapping 20 foot tree preservation zone would apply to the western property line. In both cases, the building setback along the north property line would be reduced from 50 feet to 30 feet, matching up to the existing tree preservation zone. The house location, orientation, and architecture would be subject to secondary review by the Planning Commission. The Final Development Plan approval process also required 200 foot neighbor notification.

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Staff had done more research and found it was common for setbacks and tree preservation zones to match and named several examples. The Lot 6 property was unique in that it was comprised of two zones, I-Pud and R-1. The R-1 zoning required the 50 foot setback. The proposed setbacks were consistent with the surrounding properties and the Hawksmoor subdivision. The rezoned properties created an extension of the Hawksmoor subdivision and would contain the same development and architectural standards. The zoning text matched the use and density recommendations of the 2014 Strategic Plan. Planning Commission recommended approval at their December 2020 meeting.

Council Member Kist asked and Manager Mayer replied that neighboring Hawksmoor Lot 7 had a 30 foot tree preservation and building setback on its northern border. Council Member Fellows asked Manager Mayer replied that the setbacks on properties to the west and north, zoned R-2 and R-3, had 30 foot rear yard and 10 foot side yard building setbacks. The applicant was proposing to keep the 30 foot tree preservation zone and make the building setback match the tree preservation zone for Lot 6.

Council Member Kist asked and Manager Mayer answered that an owner could build a deck, paver patio, or accessory structures in a building setback area. He confirmed that even with a 50 foot building setback, the trees not in the preservation area could be removed and something built there. No variance would be required. The Final Development Plan would go back to Planning Commission, but would not be back before council.

Council Member Briscoe asked and Manager Mayer answered that for Lot 6, based the strict definition from the city's codified ordinances, since it had frontage on Hawksmoor, even with the flag shape, the northern property line was considered a rear yard. However, the applicant proposed to treat the northern property line as a side yard given its proposed flag shape. Regardless of the house orientation, the eastern, tail end of the flag shape became the rear yard. This is consistent with Hawksmoor Lot 7 which had a 30 foot building setback and tree preservation zone along its northern property line and a 50 foot rear yard setback on its western property line. The rezoning would establish the same criteria for Lot 6. Since the top half of Lot 6 was currently zoned R-1, it had a 50 foot rear yard setback.

Council Member Brisk asked and Manager Mayer confirmed that a building could be built right up against the trees if the setback were reduced to 30 feet. Manager Mayer did not know how often homes had been built right up to tree preservation areas at other locations. Council Member Fellows observed that the new zoning would maintain the standards as the neighborhoods to the north and west. Manager Mayer agreed that the R-2 and R-3 zoned lots backing up to the subject properties had 30 foot rear yard setbacks.

Council Member Briscoe asked and Manager Mayer agreed that design considerations would impact whether a home would be built right up against the trees. More likely a patio or other structure would go there. The accessory structure next to the trees on Lot 7 could also be built on Lot 6 against the tree preservation zone.

Mayor Spalding asked and Manager Mayer replied that the R-2 zoned homes north of the subject properties had 30 foot building rear yard setbacks. Aaron Underhill, attorney for applicant, stated that the home north

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of Lot 6 must have gotten a variance because, based on the Auditor's website measurements, the building was 20 feet from the lot line. Council Member Kist posited that perhaps that it was a side yard. Mayor Spalding stated some odd-shaped lots had unusual setbacks.

Mr. Underhill whole-heartedly disagreed that the zoning requested would be considered a variance. This was a strange condition with R-1 zoning on a rectangle going east-west and PUD zoning on the frontage. Mr. Underhill told council that the applicant was not asking for anything that was out of line of what had been planned in the area. He denied that it was inequitable or decreasing the neighboring property values by adding this opportunity. It was very unlikely that the applicant would plan to have a home right up against the tree preservation zone. Doing that would mean no patios, etc.

Mr. Underhill reviewed PowerPoint slides he created with council (attached). He reviewed the common setbacks for R-2 and R-3 zoned properties. Looking at the site immediately to the north of Lot 6, there was a 20 foot rear yard. Mr. Underhill stated the zoning said 30 foot. The Auditor's map showed it was twenty feet. Mr. Underhill would argue, by suggesting there should be an additional setback requirement on the applicant, that the other property, either the owner or a predecessor, actually created the condition that was at least partially problematic. Mr. Underhill showed a Google aerial map from March of 1995. The whole area was forested. As of May of 2002, the property to the north, had all sorts of trees on it. In December of 2004, there were very few trees in the back yard of the neighboring northern property.

Mr. Underhill described the offered compromise to provide an additional 10 foot building setback along the northern property line that runs a distance of 120 feet from the western of the property line. The compromise would still give the applicant the ability to accommodate a home like the one on Lot 7 of Hawksmoor in the arc condition where a little bit of the home would be within 40 feet of the northern property line. The applicant didn't anticipate building further west and so could offer the additional setback proposed. He anticipated that Mr. Vadala would argue that Mr. Underhill's client was somehow destroying a view straight south by eliminating the setback. It was discussed the prior week that detached structures could go into the 50 foot setback today, so it couldn't be confused with the tree preservation zone which was not being modified. It was not an uncommon condition throughout the New Albany community that one would, at some point, be looking out in the distance at one's neighbor from their back yard. There was no easement protecting that view shed. This was a condition that many people looked at every day.

Council Member Kist asked and Mr. Underhill responded that the applicant had Brian Jones Architects lay out a home that followed the arc condition and would be of a size that the market would want to see. The architect imagined a home oriented westward, but maybe rotated a bit, which would mean part of the home had to go a little further north. The applicant came up with 120' compromise because they believed they could place a home back there – that's as far as it could go under that condition and layout. The home would be further east of the additional 10 foot setback.

Mr. Underhill stated it was very unusual for a residential property, single occupant condition, and two lots to go back to Planning Commission for a secondary review. You can think of all the subdivisions the city had done over the years. They had gotten a Final Development Plan approved - which didn't include any particular homes – and then those homes were built according to the standards written in the zoning. Here, the applicant felt it appropriate, given the conditions of the property, to give the Planning Commission

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another look at it. The homes to the north didn't have to go through that. They had property that was zoned and a Final Development Plan approved. So, the applicant recognized that this was a unique condition and a second review by the city would give some comfort about making sure the result was good for all involved.

Council Member Kist asked if Mr. Underhill's client would consider adding 10 feet to the existing tree preservation area. Mr. Underhill anticipated the difficulty would be – this would be a custom home – he didn't know if there would be a driveway coming through that area. Perhaps half of the 120 feet could be made a tree preservation zone. Mr. Underhill wasn't sure that would solve Mr. Vadala's issue.

Council Member Durik asked the distance from the northern property line to the closest southern property line of Lot 6. Mr. Underhill estimated 160 feet – taking out the tree preservation zone left 130 feet. Council Member Durik stated 130 feet was a substantial amount of room for any Hawksmoor house. Mr. Underhill stated that a standard M/I home would have a 120 foot rear yard, typically. This property was not much larger. Council Member Durik and Mr. Underhill discussed whether the home was being squeezed in and the layout of the property on Lot 7 with the arc condition. Mr. Underhill stated a portion of the home on Lot 6 – not a large portion - would possibly get into the existing setback area. Council Member Durik understood that was a function of development, that every developer had to deal with the size of the lot and configurations, and built a house that fit within it. Mr. Underhill reiterated that they were asking for the same thing as what was going on around them.

Mayor Spalding asked if the home could be built under the R-1 zoning condition. Mr. Underhill replied that this rezoning moved the lot line further to the east. Technically speaking, under current zoning, the applicant would have to request variances for setbacks to build over the existing line. In rezoning, they were trying to create the condition which would leave more options and provide two properties that were more equally-sized and enabled the owner to build homes with the quality one would expect at Hawksmoor. Mr. Underhill stated, with the rezoning, the applicant was providing 130 feet of setback from Reynoldsburg-New Albany Road. The existing setback was 50 feet.

Mayor Spalding opened the public hearing.

Shawn Vadala, 4107 Belmont Place, told council he went outside and measured from his garage to a stake in the ground that the developer placed to denote the property line. He measured 28 feet. Mr. Underhill's picture showing 20 feet was misleading and was exacerbating the size of the tree preservation zone from a visual perspective. He questioned – a lot of discussion about whether the house should sit in the back of Lot 6 when it could go to the southern part of Lot 6. The applicant was proposing a new 40 foot setback on the southern part of Hawksmoor – but one could visualize an existing lot – one could go to the east and look at that lot or Lot 3 – houses of that size could fit perfectly fine in the existing Lot 6.

There was a lot of focus on 50 foot setbacks to the east and west of Lot 6, but not a lot of focus on maintaining the 50 foot setback between the his property and Lot 6. He wasn't sure why the rear of his home should be considered differently from the rear of the proposed home. These were his comments on Mr. Underhill's displayed chart.

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Mr. Vadala said his comments, some of which restated his comments from the last council meeting – he wanted to talk through those points and then go through a copy of his slides. First, he thanked everyone for listening to his concerns. He and Mr. Underhill had had cordial conversations, and conversations with the developer, before the last council meeting. Mr. Vadala had been a resident of New Albany for 18 years. He had lived at 4107 Belmont Place for the past 8 years. His wife and he continued to have serious concerns with these proposed changes because the proposed zoning was seeking to reduce the current setback. Since the January 19th council meeting, he and Mr. Underhill's client had tried to find a solution. They discussed the matter on January 25th, but he had not received any new information.

As discussed at the last council meeting, the proposal – the Vadalas had several concerns. One was eliminating the existing setback adjacent to the 30 foot tree preservation area. The Vadalas believed the elimination of the existing 20 foot setback would decrease the value of their home given how the windows in the rear of their home faced this property line.

Clerk Mason brought up Mr. Vadala's PowerPoint slides where are attached. Mr. Vadala stated that, the way their house was designed, the arrows that Mr. Underhill drew showing sight lines – that was not how the house was designed. He showed his main window in yellow on the drawing. Their exterior living space was also in close proximity to the Lot 6 property line. The Vadalas were concerned the existing tree preservation area would be jeopardized without some sort of minimum setback. Eliminating the 20 foot setback could potentially harm the preserve area. Mr. Vadala encouraged council to make sure everybody properly understood the environmental issues surrounding this before eliminating the setback on what was intended to be an environmental preservation area. The Vadala's garage had a setback. It was approximately 28 feet.

The proposed property was 1.7 acres. He, personally, struggled with why there was not a solution to build an estate home with such a large property. Looking at the property, he didn't know why it would need a new 40 foot setback from the southern property line when the house would be built there. If a developer preferred to build a home in the rear portion, which they were entitled to, he would still expect there was plenty of space to design something within those constraints.

There was no homeowner for the proposed construction site. The Vadalas also struggled to understand why an existing resident of 18 years should be harmed for the benefit of maximizing the potential development value. The proposed setbacks between Lot 6 and Lot 19 were 50 feet on either side, but, again, there was a lot of focus on protecting setbacks between Hawksmoor neighbors, but not necessarily the same concern for the neighbors to the north. It had been explained to them that this was because theirs would be a rear property line, but, from the Vadala's perspective, even when they try to change the house – the back of house facing the Vadala's property – they still didn't acknowledge or grant them the same courtesy of a 50 foot setback at the rear of the property.

During the January 19th council meeting and earlier tonight – this proposal of an additional 10 feet for a distance of 120 feet from the western point on the property – his window as marked on his "Appendix C" and shown on his "Appendix A" and "Appendix B" – that was not being addressed. The diagonal arrows were misleading because that was not how his home was situated. He again believed the maroon preservation area was being overstated compared to the distance from his garage to the shared property

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line. The proposal also didn't fully address his concerns around protecting a minimum setback adjacent to a tree preservation zone. The proposal only went for 120 feet, not the entire preservation area. During his discussion with Mr. Underhill on January 25th, Mr. Vadala offered two reasonable compromises. One was that the existing 20 foot setback was not eliminated, but viewed again in the future once the building plan was developed. The second offer was that the Vadalas would consider a reduction in the setback of 10 feet, but only if the tree preservation area was increased by ten feet to the south. The Vadalas still preferred that there was a setback next to the tree preservation area, but would expect that, by increasing the size of the tree preservation area, that at least should mitigate their general concern.

In summary, the Vadalas didn't see equity in the developer's proposals. They believed them to be counter to the original planning. Mr. Vadala realized there was a lot of technicality presented to council earlier that evening. At the same time, at some point in time, somebody thought this was the right thing to do – to put a 30 foot tree preservation area and have a 20 foot existing set back – and now it was changing. The Vadalas just didn't understand that.

Mr. Vadala apologized for not realizing the situation prior to the Planning Commission meeting on December 21st. They were not able to attend the meeting. They didn't realize that the zoning proposals were attempting to reduce their setback. The original Planning Commission meeting was rescheduled to right before Christmas. They didn't look at the plans for that meeting. Mr. Vadala thought it was also important to note that the Planning Commission did talk favorably about increasing the eastern property setback, but there was no discussion in the minutes regarding the reduction of their setback. The Vadalas were asking council not to reduce their existing setback. They objected to this proposal for that reason. They would be happy to continue to have discussions on this – whether it goes back to the Planning Commission or whether council could continue to table this discussion to a future date to give them adequate time. Something like March 16th should give them more time for the developer to really consider the Vadala's proposals and have more discussion.

Council Member Brisk asked and Mr. Underhill answered that he wasn't sure the applicant would move on this. The applicant wasn't asking for this just to ask for it. He didn't know if they were going to make any movement in that regard. Their preference was to move forward.

Council Member Briscoe asked – if the parties could reach an agreement regarding the 10 foot setback versus the 20 foot setback – but the applicant also agreed not to build any real buildings in that setback, i.e. an auxiliary garage or pool house – she wasn't talking about a patio – she thought everyone present understood that that the applicant could build a building right up against the preservation zone as long as it was an auxiliary building. If there could be some kind of agreement whereby the parties would agree to the 10 feet, but the applicant agreed not to build any buildings over a height certain right up against the tree preservation zone - she wondered if that was something that might be able to be worked through. It seemed to Council Member Briscoe that the parties could be arguing over nothing if the owner decided to build a pool house right up against the tree preservation zone. Mr. Underhill said he would check with his client.

Council Member Shull asked and Mr. Underhill answered that, according to the Auditor's site, there appeared to be 136 feet from the Lot 6 western property line to the western edge of the Vadala's garage.

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Council Member Shull asked if, in addition to Council Member Briscoe's comment, the applicant would be willing to extend the offered setback the additional distance to the garage, with the same provision of not necessarily putting an additional building on that site. Mr. Underhill didn't know if he could offer that.

Mr. Underhill stated the developer offered to plant evergreens on the Vadala's side of the property line as a compromise. Those would provide screening year-round.

Council Member Brisk noted that she mistakenly called the setback reduction a variance. She observed that it bothered Mr. Underhill. Mr. Underhill explained that a variance indicated that one was doing something contrary to what the underlying code would allow. The applicant was asking – depending on how you looked at this thing in terms of – was it more appropriately zoned in an R-1 District or was it more appropriately zoned like the R-2 and R-3 properties around it. Today, it was zoned R-1, but everything around the property was zoned something else with a 30 foot setback. If the northern property line was a side yard – which it could be – it would be a 20 foot setback, except for the tree preservation zone. The applicant felt like, in the context of the area, they were not asking for something that was out of the ordinary.

Council Member Brisk stated, in the end, the applicant was getting the same result, but they were coming at it from a different direction with a different set of standards for council to be looking at in how they determined whether they would allow the reduction to happen. Mr. Underhill agreed that, in a variance situation, there were various factors to be weighed – it was more of a legal proceeding than a policy decision. Council Member Brisk stated she wouldn't approve this, by those standards, under a variance request.

Mr. Underhill stated that, for him, the question for council in making this decision was – are we doing anything that was over and above what others – was the applicant asking for something that others had been able to do? He showed the 20 foot setback to the Vadala's garage – maybe it was 28 feet – he was showing council what he measured on the Auditor's site which showed 20 feet. He sent that to Planning Manager Stephen Mayer a moment ago. Mr. Underhill thought the developer was asking to be treated in the same manner as everyone else around here. Just because they were last to the party, didn't mean they should be treated differently. In fact, they were doing more – they had tree preservation where others did not.

Council Member Briscoe asked Mr. Vadala if he would consider any of council's ideas. Was it worth council tabling this matter so that he and Mr. Underhill could talk? Mr. Vadala thought, for him, to find a compromise, the first priority would be to extend out the 120 feet to at least the corner of his garage. Council Member Briscoe clarified that she wasn't trying to negotiate – she wanted to figure out if it was worth tabling this matter one more time. Mr. Vadala agreed that there were questions that would give the parties an opportunity – but he also felt like he came – since the last meeting – he felt like he was proactive in contacting the other side to try to have these conversations. He thought the other side needed to be willing to have discussions as well.

Ken Vitellas, 4090 Belmont Place, commenting by phone, told council that the property that had the initial R-1 category, which was 50 foot setbacks, that was the one hadn't changed. He thought that Mr. Vadala was the nearest property to it - the zoning would have been the same for them. They came to New Albany,

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bought a nice home, big property, obviously, thinking it would stay the same. For this to change - that would be very wrong. By this logic - with regard to comparing the R-1 with the R-2 properties that were built after his lot was built - which he thinks was wrong. And this lead to discussions, the meeting - the one individual wasn't sure if this had ever happened before, which obviously, it had happened, but was very rare. In that regard, it's wrong. The other thing was, with regard to one home versus two homes, the setbacks, the 50 versus 30, they discussed - obviously because there was enough in there for two homes to be built - two good-sized homes - with keeping the setbacks the same as 50 feet. Mr. Vitellas, home - *<unknown>* - his was 50 foot setback, his should be the same. They live in the community of New Albany. Pride in community spirit. This was not in line with community spirit.

Also, Mr. Vitellas stated - the way it was - he was not sure of the communication initially with Mr. Vadala, in December - but, you kind of wonder - this process, if it can change the fact that the city could change zoning to the rest of New Albany - that somehow, that that be direct communication on that door or communication back from the resident to New Albany that they had received notice, and not just let it go by and have no communication happen without really having this important discussion. So, again, keeping the zoning as R-1 was really the way to go. The right thing to do. And keeps in line with community spirit of New Albany. And also use more means to somehow include communication with the residents. He thanked council.

Council Member Kist asked and Director Joly replied that everyone within 200 feet of the property being rezoned was notified by mail. There was notification at the Planning Commission level and also when the rezoning went to council.

Paul Naumoff, 7783 Fenway Road, stated he had addressed council at the prior meeting, but had some comments from that to reiterate. He thought that having the setback right against the tree preservation area - that was the policy in New Albany - the city ought to really consider if that was the right policy. He knew the area on the north of Lot 7 was a woodworking shop. He suspected there were trees down. He knew from personal experience with putting in a patio that, pretty soon, you're going to kill off a root system. Putting it down, without any protective layer, for this property, for this particular dispute, he thought it was something the city ought to reconsider. It would be a reason itself to reject the one at this point.

1.7 acres was a very large lot. There were a lot of great architects in this town who built beautiful homes. He struggled with the notion of not being able to put a beautiful, large home in. He'd heard a lot of aesthetically imaginative *<unknown>*, but as he thought Mr. Vadala said, we were pitting lawyers versus residents, residents versus residents, Hawksmoor versus Fenway. And were pitting existing law or precedent with a proposal to cut a land deal. At the end of the day, they were trying to sell two lots at a higher price. And taking away, effectively, a 50 foot setback from existing residents and homeowners.

He got frustrated listening to this. It was not a very New Albany discussion. It was against the community spirit. Something he felt should be resolved outside this discussion. As a resident, he came also due to enjoyment of the area in between Fenway and Hawksmoor and would presume, when this was put together the first time, there was a reason that setback was there. The woods added a nice aesthetic to the neighborhoods. And despite some assertions, people enjoyed looking back at those trees versus homes. He

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hated to see this going down this way. He hoped council would see it was reasonable to object to the proposal.

Council Member Brisk moved to add the letters council received regarding this matter as an exhibit to these minutes. Council Member Shull seconded and council voted with seven yes votes to attach the letters addressed to council to the February 2, 2021 minutes.

Council Member Shull stated that he, personally, wanted to see if there was some sort of resolution between the parties. He wanted to give one more opportunity for the parties to reach an agreement. There had been some excellent thoughts by both parties on the matter.

Mr. Underhill stated he would agree with tabling to see if they could work thing out.

Mayor Spalding closed the public hearing. He solicited any additional comments from council or the applicant.

Mr. Underhill stated he would work with the architects to see what they could do. He took a bit of umbrage with not having to do this in New Albany. We had a ripe condition for development. The applicant was not in charge of notices. This matter was originally on the Planning Commission agenda back in September of 2020. It was tabled because a deal fell through. He thought they had done everything right. They engaged in conversation with the neighbor, and the fact that they don't agree – they don't agree. The applicant was not asking for anything out of the ordinary or doing something untoward.

Mayor Spalding stated that this matter was a good example of a public conversation on topics that we didn't always agree on. Everyone had been civil and made their points. Anytime someone's home was impacted, there was a lot of passion. When someone purchased an expensive property and wanted to build something nice, sometimes the two competing rights caused pressure. He hoped everyone could take some time to work through it again. Council Member Brisk thanked the parties for their civil discourse.

Council Member Briscoe moved to table Ordinance O-01-2021 to February 16, 2021 council meeting. Council Member Shull seconded. Council clarified with the parties their time preference. Mr. Underhill offered to speak to Mr. Vadala the following day and find a time to meet in the next few days. Council voted with seven yes votes to table Ordinance O-01-2021 to the February 16, 2021 regular council meeting.

ORDINANCE O-03-2021

Mayor Spalding read by title AN ORDINANCE TO ACCEPT WATER LINE, SANITARY SEWER, STREET AND STORM SEWER IMPROVEMENTS AND APPURTENANCES THERETO FOR NOTTINGHAM TRACE, PHASE 2A, AS REQUESTED BY PULTE HOMES.

Engineering Manager Ohly told council this ordinance would accept the water line, sanitary sewer, street and storm sewer improvements, and appurtenances such as curb, street lighting, and signage, for Nottingham Trace Phase 2A. The developer had submitted a two-year maintenance bond, an engineering inspection fee deposit, and a five-year settlement bond per codified ordinance. Any infrastructure items

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which could not be completed due to weather conditions had been identified, and a performance bond submitted. The weather-delayed items would be installed by July 30, 2021. Manager Ohly gave a detailed listing of the items that would be accepted with this ordinance.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Mayor Spalding moved to adopt the ordinance. Council Member Briscoe seconded and council voted with seven yes votes to approve Ordinance O-03-2021.

ORDINANCE O-04-2021

Mayor Spalding read by title AN ORDINANCE TO MODIFY THE SPEED LIMIT FOR A 1.3 MILE SEGMENT OF U.S. 62 WITH THE SOUTHERN LIMIT BEING THE EXISTING 35 MPH SPEED ZONE SOUTH OF THURSTON HALL AND THE NORTHERN LIMIT BEING CENTRAL COLLEGE ROAD AND TO REPEAL ANY AND ALL SPEED LIMIT ORDINANCES AND RESOLUTIONS ALONG THIS ROADWAY SEGMENT.

Deputy Public Service Director Mike Barker told council that this legislation supported the upcoming interchange improvement plan to US 62 and State Route 161. The plans were in Stage 1 review with ODOT. Progress was being made. Safety was primary. The intent was to not only reduce the speed limit, but also to add provisions for leisure trails, dedicated and protected on-street bike lanes, and pedestrian connectivity between the north and south sections of New Albany.

The city had to perform a speed study to prove cars were actually traveling at a slower speed. The study supported a 5 mph reduction from 50 mph to 45 mph. ODOT reviewed and approved it. The reduction was significant to the design criteria. The lower limit enabled the city to design narrower roads, introduce medians, and include other appropriate features. Staff saw this reduction as an initial step towards continuing to reduce speeds in this area. The city would implement the improvements, keep a watchful eye on the speeds, and eventually conduct another speed study to hopefully support further reductions.

Council Member Kist and Deputy Director Barker discussed the success of traffic calming measures on Dublin-Granville Road. Chief Jones had not seen issues on Dublin-Granville Road. Council Member Kist wanted to see the same on US 62 to make it more pedestrian friendly. Director Joly concurred and stated the city hoped to go through the same process.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Council Member Fellows moved to adopt the ordinance. Council Member Kist seconded and council voted with six yes votes to approve Ordinance O-04-2021.

INTRODUCTION AND FIRST READING OF ORDINANCES

NONE.

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READING AND PUBLIC HEARING OF RESOLUTIONS:

RESOLUTION R-06-2021

Mayor Spalding read by title A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE, BID, AWARD AND EXECUTE ALL CONTRACTS RELATED TO TURF AND LANDSCAPE MAINTENANCE FOR THE CITY OF NEW ALBANY.

Deputy Public Service Director Mike Barker described the city's history with mowing its green spaces. The current contract was competitively bid in 2016 and included turf maintenance, landscaping, edging, mulch, fertilizer, and weed control. It was a three year contract with two one year extensions. The contract expired in 2021.

This resolution authorized the city manager to bid, award, and execute all contracts related to turf and landscape maintenance for all public-owned properties and open spaces. The contract included provisions for all finish mowing, all fertilizer and weed control, plant and landscape bed maintenance, and represented a collective area of around 114 acres. The city was again seeking a three year contract with two one year renewals. Deputy Director Barker reviewed the mowing, fertilizing, landscaping, and leaf removal proposed schedules. The contractor would also pick up litter, paper, and fallen limbs, and remove grass clippings from the area. The city could add to or reduce the number of mowing events. All work would include provisions for inspections by a Public Service Department supervisor and there would be weekly reporting obligations by the contractor. The preliminary estimate was \$235,000 annually, which funding was in the city's 2021 operating budget.

The only area the city staff finish-mowed was the New Albany Cemetery, between the Police Department and Village Hall, to better protect the headstones.

Council Member Fellows asked and Deputy Director Mike Barker replied that city staff performed all roadside mowing using a boom mower, covering approximately 150 acres. Fewer contractors offered boom mowing versus finish mowing, so it was still cost beneficial to do roadside mowing. Deputy Director Barker confirmed that the contract required the company to pick up garbage on the properties before mowing.

Council Member Briscoe asked and Deputy Director Barker replied that staff would request and expect that the companies would not mow over wet grass putting tracks in the turf.

Council Member Durik asked and Deputy Director Barker answered that city staff mowed the Beech Road interchange. City Manager Stefanov told council, when State Route 161 was built, the city assumed the maintenance responsibility for the mowing, streetlights, and any accessories to the road. ODOT provided some paving support, but, technically, the city was also responsible for that. The city agreed to this because it wanted to maintain a higher finish at this intersection. There

February 2, 2021

was a lower finish to Beech Road at this time. The equipment needed determined whether the mowing was done in-house or contracted out.

Mayor Spalding asked and Deputy Director Barker responded that the city last bid out this contract in 2016. At the end of the 3 year contract, the city would be evaluating where pricing stood and would determine if there was a benefit to continuing. City Manager Stefanov reminded council that the city chose the one year extension to make sure they were able to synchronize the new areas the city was adding, including Rose Run Park.

Mayor Spalding opened the Public Hearing. Hearing no comments or questions from the public, he closed the Public Hearing.

Council Member Briscoe moved to adopt the resolution. Council Member Kist seconded and council voted with seven yes votes to approve Resolution R-06-2021

STANDING COMMITTEE REPORTS:

- A. Finance Committee: No report.
- B. Safety Committee: No report.
- C. Public Utilities: No report.
- D. Service and Public Facilities Committee: No report.
- E. Planning and Economic Development Committee: No report.
- F. Administration Committee: No report.
- G. Grants and Non-Profit Funding: No report.

REPORTS OF REPRESENTATIVES:

- A. Council Representative to MORPC: No meeting.
- B. Council Representative to Joint Parks and Recreation: No report.
- C. Council Representative to New Albany Plain Local Schools: Council Member Kist reported that the school board continued to update their attendance model, going from hybrid to all-in. The schedule that week ran until noon so all the teachers could get vaccinated in the afternoons. Vaccinations started for staff on February 2nd. Going forward, K - 12 would be all-in for the foreseeable future.

February 2, 2021

D. Council Representative to Plain Township: No report.

REPORTS OF CITY OFFICIALS:

- A. Mayor: Mayor Spalding thanked the Public Service Department for their hard work moving snow for the last several days. He also thanked the council clerk for handling the virtual meetings.
- B. Clerk of Council: Clerk Mason reminded council to file their Ohio Ethics Commission report by May 17th and to forward the filing receipt to her.
- C. Finance Director: Director Staats directed council's attention to the December YTD Financial Summary report. The city ended 2020 better than anticipated. In 2021, the city would be watching the General Fund closely due to the impacts from COVID and the Net Profits tax issues. Withholdings did increase within the General Fund. Net Profits showed a small increase. Individuals showed a small decrease. The city anticipated 2021 would see more COVID-related impact on individual income tax revenue as losses would show one tax returns filed in 2021 for 2020. Expenses were 80% of appropriations. This was consistent with prior years and attributed to the city's conservative budget. Director Staats also shared the city's Income Tax Trend Analysis for All Funds and the General Fund for 2011-2020. She shared a report of the city's investments for the month. The city wasn't seeing significant interest, but was holding its own. Director Staats reported that the city was still utilizing a reserve balance above and beyond the excess reserve in anticipation of any COVID or other financial environment effects.
- D. City Manager: Mayor Spalding asked and City Manager Stefanov answered that one city employee was impacted that the 1099-G unemployment fraud that was happening across Ohio. Director Staats clarified that the city was looking into a second case. Human Resource Officer Lindsay Rasey was in contact with the unemployment office and also reported through the state's website. Director Staats understood that the state was paying these claims and creating a new way of starting a fraud case. Director Staats was part of a discussion about this fraud was going on all over the country. Different states were having issues with unemployment claims, some related to the Equifax breach.

City Manager Stefanov asked council for a motion to authorize the city to select the Joint Park District Foundation as the successful proposal to take the retired street name signs. Council Member Briscoe moved as stated. Council Member Shull seconded and council voted with seven yes votes to accept the Joint Park District Foundation's proposal for the disposal of street name signs.

Council Member Kist told council that he confirmed with the Joint Parks District Foundation that all proceeds would go to the Michael Lucey Basketball Court and the Miracle Field. Council Member Shull clarified that those would be the two projects getting funds now, but that there could be more later.

February 2, 2021

- E. City Attorney: Law Director Banchefsky stated reported that the Buckeye Institute filed a lawsuit against the Columbus City Auditor regarding HB 197 which contained provisions that kept municipal tax payments in place during the pandemic. Supported by many municipalities and the state attorney general's office, the City of Columbus filed a Motion to Dismiss which was awaiting a decision. The assigned judge's term expired at the end of 2020. A new judge was now sworn in and it would take some time for the new judge to get up to speed. If the Buckeye Institute prevailed, it would create chaos in the municipal tax system. It would also affect economic development deals based on numbers of employees and/or tax revenue. If the City of Columbus was not successful, it was likely that decision would be appealed.

The City of Athens versus the Ohio Tax Commissioner case involved the centralized municipal tax collection by the state. The Ohio Supreme Court found, in a split decision, that centralized collection was constitutional, but the court struck down the state's 0.5% collection fee. One potential problem was, if a company's net losses resulted in a refund request, the city would have to pay the state, and the state would have to issue the refund to the company. Additionally, New Albany shared its income tax proceeds with several entities. Law Director Banchefsky was working with Director Staats to find ways to handle that process. Mayor Spalding was aware, and Law Director Banchefsky agreed, that there was an appellate case involving the fee collected by the state. There were discussions about coming up with an order to address when and how the \$600,000 in fees would be refunded.

POLL FOR PUBLIC COMMENT:

NONE.

POLL FOR COUNCIL COMMENT:

NONE.

EXECUTIVE SESSION:

Mayor Spalding moved that council go into executive session pursuant to Ohio Revised Code 121.22 (G)(1) to consider appointment of a public official. Council Member Shull seconded and council voted with seven yes votes to go into executive session at 8:46 pm.

Council Member Kist moved that council come out of executive session and resume the regular meeting. Council Member Shull seconded and council voted with seven yes votes come out of executive session and resume the regular meeting at 9:15 pm.

OTHER BUSINESS:

Strategic Plan Update - Administrative Services Director Adrienne Joly told council that this report was meant to be an opportunity for council to get a draft of the Strategic Plan and get a quick primer on the structure and what to look for as it reviewed the draft. Chris Hermann and Sarah Lilly were present from MKSK.

Council Minutes – Regular Meeting

February 2, 2021

Mr. Herman reviewed the attached slides with council. This was an update of the 2014 Strategic Plan. The goal was to get a thorough amount of data. He described work groups, the steering committee, round table discussions, neighborhood meetings, mobile meetings, postings at festival, and workshops. He reviewed the history of the city with planning, strategic plans, and more focused plans. He covered the main topic areas for which they gathered feedback. He described the Strategic Plan structure, including Goal Statements, Strategies, and Objectives.

Director Joly told council that there were a number of opportunities to get feedback from the community on this draft. It had been sent out to the Strategic Plan Steering Committee and presented to and received endorsements from the Rocky Fork Blacklick Accord and the Parks and Trails Advisory Board. It would be presented to the Architectural Review Board and Planning Commission in February. Staff also wanted to set up individual briefings with council members. Administration Assistant Alicia McGovern would be contacting council to set up the meetings.

Depending on the outcome of all the feedback, staff hoped to make the formal presentation to council and provide accompanying legislation at a March council meeting.

Council Member Kist asked and Director Joly confirmed that the Parks and Trails Advisory Board approved the Plan on a 3-1 vote. Staff connected with the dissenting PTAB member. Director Joly's understanding was that the no vote was less about the Plan content, but that the motion included some revised language – the PTAB's discussion involved the possibility of a field house and how strong that language should be in terms of a recommendation or a strategy. It seemed the PTAB member didn't object to the Plan content but did not understand that the motion included those changes. Staff would also follow up by phone with the PTAB member to ensure that the discussion included her stated concerns.

Mayor Spalding thanked staff and MKSK for their hard work. He noted how many conversations were had with the community and how much people appreciated the Strategic Plan as a great guiding document.

Mayor Spalding asked Mr. Hermann answered that he was most impressed by how much diversity and interest in wellbeing came up – even in 2019 and going into 2020. This was reflected in the Plan.

ADJOURNMENT:

With no further comments and all scheduled matters attended to, Mayor Spalding moved and Council Member Fellows seconded to adjourn the February 2, 2021 regular council meeting at 9:28 pm.

ATTEST:


Jennifer H. Mason, Clerk of Council


Sloan Spalding, Mayor


Date



Attachment to 2-2-21 Council Minutes - Underhill letter to council

Aaron L. Underhill
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

P: 614.335.9321
F: 614.335.9329
aaron@uhlfirm.com

January 29, 2021

New Albany City Council
c/o Jennifer Mason
Clerk of Council
99 West Main Street
New Albany, Ohio 43054

RE: Pending Ordinance No. O-01-2021, Rezoning of 3.35+/- acres located generally to the west of Reynoldsburg-New Albany Road and to the north of Hawksmoor Drive, in a zoning district to be known as Hawksmoor North

Dear Council Members:

At the second reading of the above-referenced ordinance by City Council at its meeting on January 19th, the major topic of conversation concerned tree preservation and setbacks from the northern property line of the westernmost of the two parcels that are being proposed in the rezoning application. This letter is an effort to provide further background for consideration at your next meeting as discussion continues on this matter.

This rezoning seeks to accomplish two basic goals. First, to provide uniform regulations for properties that are under common ownership but presently are governed by two zoning classifications. The rectangular portion of the site extending from Reynoldsburg-New Albany Road on the east to the western boundary of the proposed zoning district on the west is presently zoned with the R-1 designation. The balance of the site is zoned PUD as part of the Hawksmoor subdivision. This means that the northern half of the existing western tax parcel is zoned R-1, while the southern half is zoned PUD. This rezoning will eliminate this inconsistency.

The second goal is to shift an existing parcel line approximately 155 feet to the east, to balance the sizes of the two parcels within the zoning district. It is noteworthy that an existing home on the subject site, which is in the process of being demolished, is valued by the County Auditor at \$537,000. In order to justify the demolition of a home of that value, the economic reality is that homes on the two lots being created will need to be of an outstanding caliber, even by the high standards of New Albany. Construction of estate-type homes will provide the highest and best uses of the parcels. The shifting of the property line is needed to create two parcels worthy of consideration for these types of homes.

As to the impact of this type of future development on other properties, the applicant is maintaining a 30-foot wide tree preservation zone that exists in the northwestern portion of the site. By comparison, the six parcels immediately to the south of and adjacent to the proposed zoning district all have a 30-foot minimum rear yard requirement. All of the parcels to the north of and adjacent to the zoning district are zoned either R-2 or R-3, which also have a minimum 30-foot rear yard setback (the lone exception being one parcel with frontage on Reynoldsburg-New Albany Road). Moreover, most other parcels within a stone's throw of the site have the same minimum rear yard requirement, and they are within the Country Club communities. Exhibit A to this letter demonstrates the zonings of these other parcels.

Therefore, a 30-foot rear yard minimum is the rule for this part of New Albany rather than the exception. The request before you imposes the same requirement as applies to the vast majority of other residential parcels in the area, but with one distinct and important difference: Nearly all (if not all) of those other parcels do not include 30-foot tree preservation zones. So, this proposal actually maintains an enhanced rear setback condition as compared to others.

This is despite the fact that the entire area was once forested. A Google satellite image dating to 1995 shows that the Hawksmoor and Fenway areas were previously covered with trees (see Exhibit B to this letter). If the 30-foot rear yard setback were considered to be a problem for home buyers, then there would have been several opportunities throughout this area to provide the same buffer as this site provides. But even without such preservation zones, the neighborhood has flourished. It would be surprising if the City hears any complaints about the proximity of homes in the existing neighborhood.

As to the parcel located directly to the north, it was almost completely wooded as late as May 2002, but by December 2004 nearly all of those trees were gone. See Exhibit C to this letter. In the place of the woods, a home was constructed that extends to within 20 feet of that lot's rear boundary, and with no appreciable preservation of trees. Now, because this property is last to the dance in terms of development, it is being suggested that it should bear the burden of a larger required setback than most other lots in its vicinity. This would be an inconsistent application of setback requirements when compared to similarly situated properties.

Acceptance of an argument that a neighboring property owner's views into an adjacent property need to be protected to a greater extent than anyone else's would allow that owner (or more accurately, its predecessor who built the adjacent home) to shift the burden onto the applicant to fix problems caused by the development of the adjacent site, which includes a mere 20-foot rear yard setback with very little tree preservation and no legally binding requirement not to cut down more trees. Most homeowners in New Albany have to look at the rear façade of a neighbor's home without the benefit of 30 feet of mature trees providing some blockage of that view.

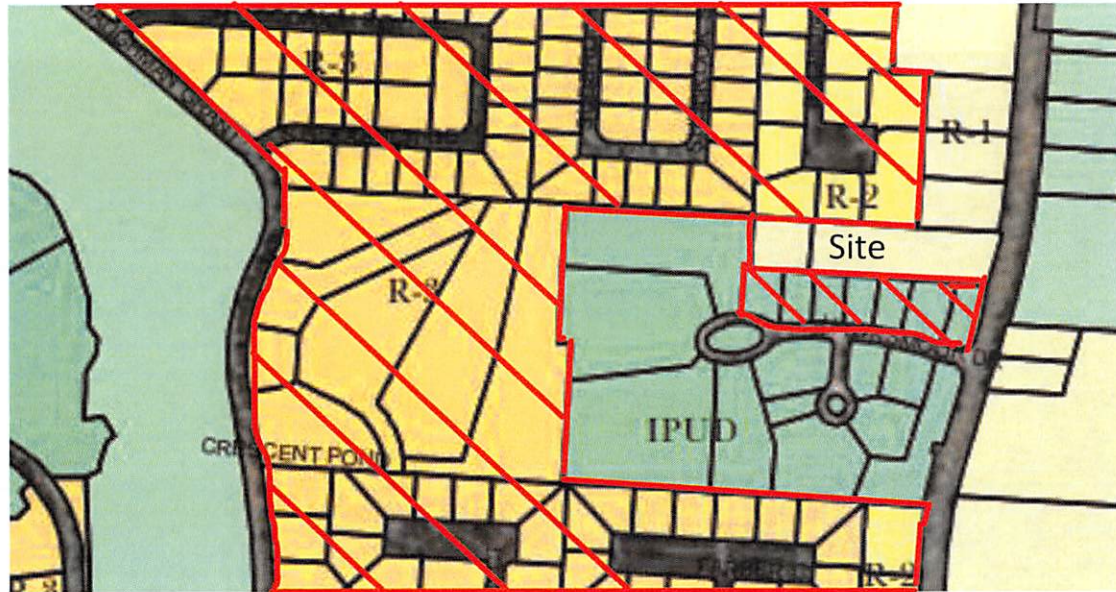
In closing, the applicant continues to offer, as a compromise, a 40-foot rear yard building setback from the property line at issue for a distance of 120 feet from the western boundary line of the zoning district. Within this portion of the property, it would provide 25% more of a setback distance than applies to most other neighboring properties, and two times the setback that has been provided by the home to the north. The applicant respectfully requests your vote to approve the pending rezoning ordinance.

Sincerely,

A handwritten signature in blue ink that reads "Aaron L. Underhill". The signature is fluid and cursive, with the first name "Aaron" and last name "Underhill" clearly legible.

Aaron L. Underhill

Exhibit A



Current Zoning Requires
30' Min. Rear Yard

1133.05 - DEVELOPMENT STANDARDS.

The standards for the arrangement and development of land and buildings in the R-2, R-3 and R-4 Districts shall be according to the following schedule:

District	Min. Lot Size (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Width on Curving Street (ft.)	Min. Front Yard (ft.)	Min. Side Yard (ft.)	Min. Rear Yard Depth (ft.)
R-2	20,000	100	60	30	10	30
R-3	15,000	90	50	30	10	30

Exhibit B

March 1995



Image U.S. Geological Survey

Google Ea

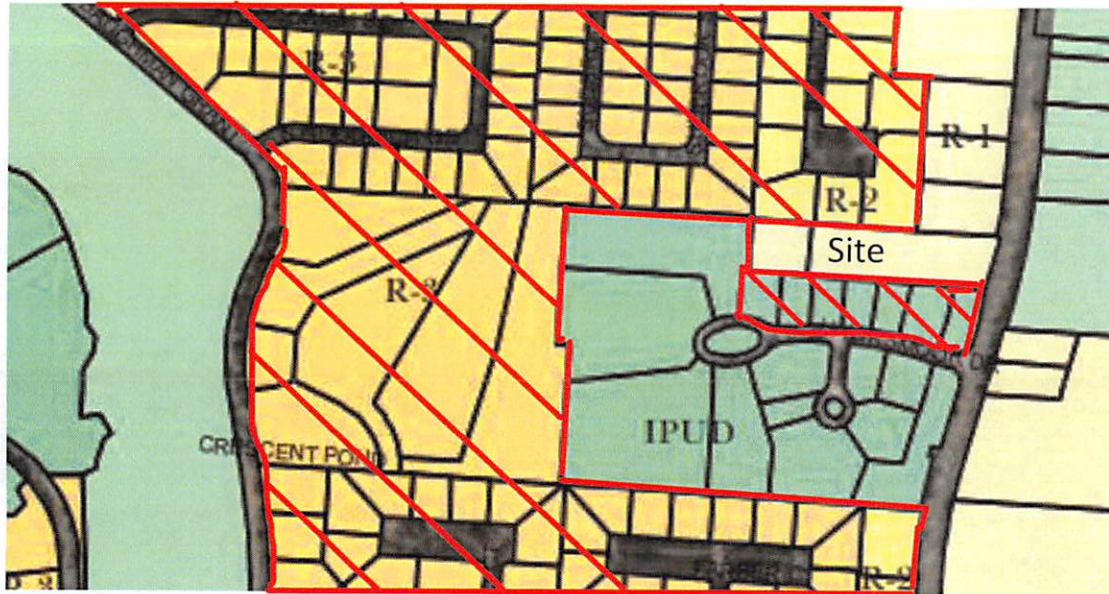
Exhibit C

May 2002



December 2004





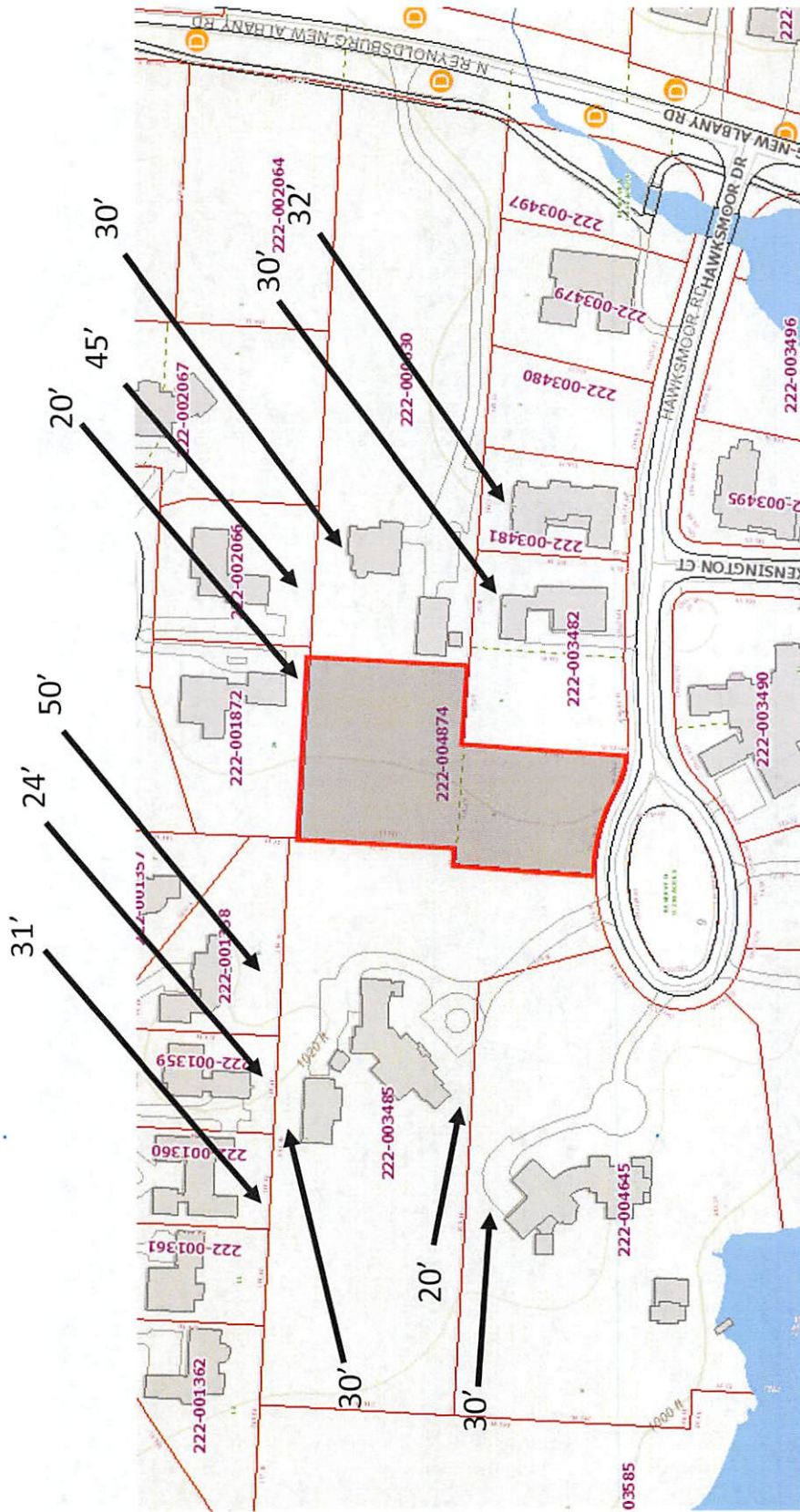
Current Zoning Requires
30' Min. Rear Yard

**Attachment to 2-2-21 Council Minutes -
Underhill PowerPoint slides**

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R-2	20,000	100	60	30	10	30
R-3	15,000	90	50	30	10	30



March 1995





5/2002

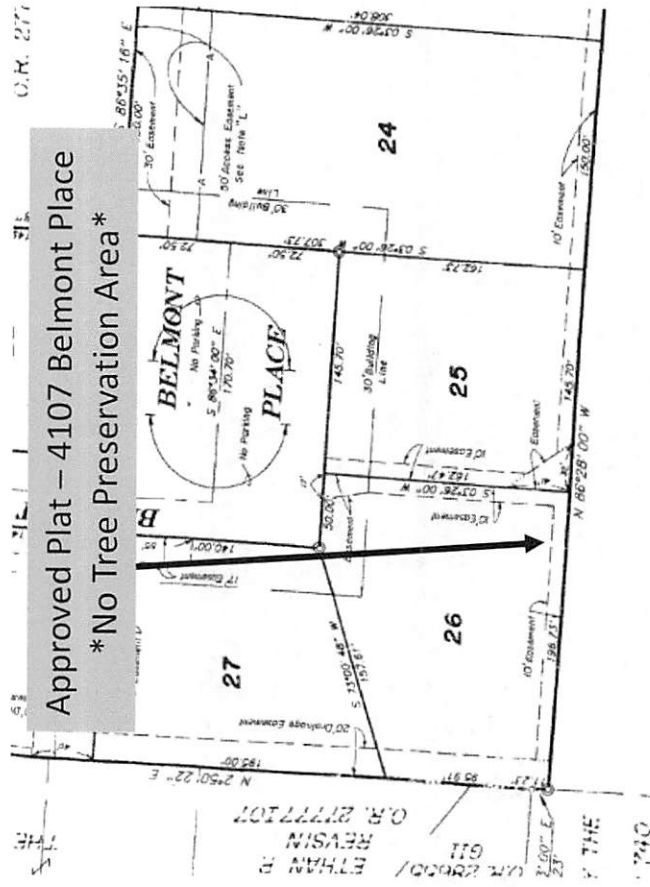
May 2002



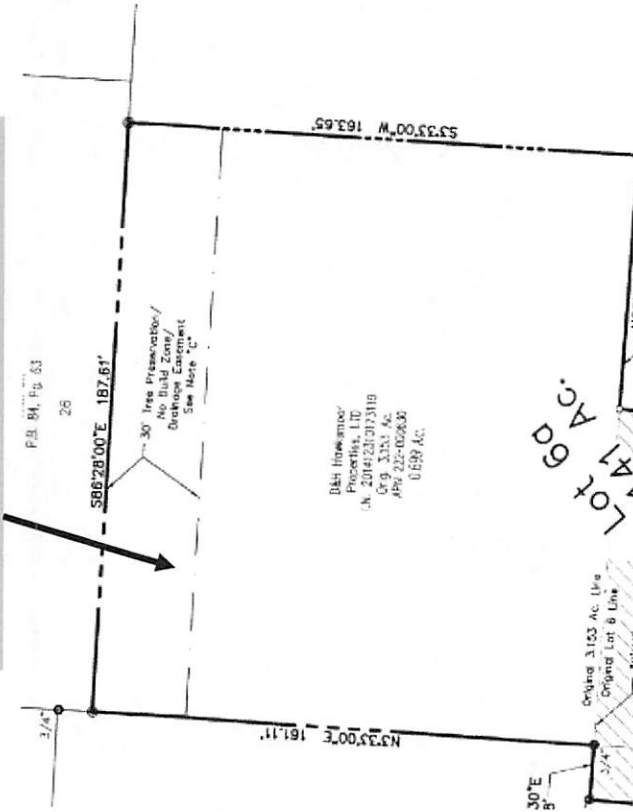
12/2004

December 2004





Approved Plat - Subject Property
30' Tree Preservation Area





Additional 10' building setback

February 1, 2020

**Attachment to 2-2-21 Council Minutes -
Vadala - letter to council**

New Albany City Council
c/o Jennifer Mason
Clerk of Council
99 West Main Street
New Albany, Ohio 43054

RE: Pending Ordinance No. O-01-2021, Hawksmoor North Rezoning

Dear Council Members,

We would like to thank you again for listening to our concerns during the recent Council meeting on January 19 relating to the Hawksmoor North rezoning proposal. Since the Council meeting, I contacted the attorney representing the Hawksmoor property developer in an effort to find a solution. Unfortunately we have not received any additional information or proposed changes to matters discussed during the Council Meeting.

To facilitate the Council's upcoming discussion on February 2, we would like to summarize our primary concerns:

- The zoning proposal is eliminating an existing 20 foot setback adjacent to a 30 foot tree preservation area adjacent to our property line.
- The elimination of the existing 20 foot setback would decrease the value of our property as the rear windows of our home from our main living area directly face this property line as depicted in Appendix A. We do not have west-facing windows in the rear of our home as we have a porch on the west side of our home. In addition, our outdoor living area is in close proximity to the property line as depicted in Appendix B, and our porch faces this property line.
- An existing tree preservation area on our property line would be jeopardized without a minimum setback. Eliminating the existing 20 foot setback could potentially harm a preserved area. We would encourage the Council to more closely study this environmental issue before eliminating or reducing the setback.
- The proposed property will be 1.7 acres and should have plenty of space to design an appropriate home. It should be noted that each Hawksmoor home on the east side of the proposed property would appear to easily fit on the proposed lot without eliminating the existing setback.
- There is no current homeowner or proposed construction on the site. Why is it appropriate to harm a resident of New Albany for the past 18 years for the benefit of maximizing development value?

- The proposed setbacks between lots 6 and 19 are 50 feet on each side of the property line. It has been explained that this is because this is the rear property line. We consider the property line to Hawksmoor as our rear property line, and question why the same courtesy would not be provided to us.

During the Council Meeting on January 19, the attorney representing the developer mentioned a compromise of only reducing the existing setback by 10 feet for a distance of 120 feet from the western boundary line (Appendix C). As I described during the Council Meeting we do not see value in this proposal as:

- This proposal does not address our concern because there would still be an elimination of the full 20 foot setback in the direct line of sight of the rear of our home as depicted in Appendices A and B. The proposal also misappropriately infers that we have a diagonal view to the rear corner of our property which is not correct.
- The proposal also does not address concerns regarding a minimum setback adjacent to a tree preservation area.

During my recent discussion on January 25 with the attorney representing the developer, I offered what I believe to be two very reasonable compromises:

- 1) That the existing 20 foot setback is not eliminated but could be reviewed again in the future once a building plan is developed.
- 2) We would consider a reduction of our set-back by 10 feet if the tree preservation area is increased by 10 feet to the south. We still prefer a set-back to the tree preservation area, but the increased size of the preservation area would help mitigate our concern.

In summary, we do not see equity in the developer's proposals, and believe they are counter to the original planning which went into the planning for the Hawksmoor and Fenway developments.

As mentioned at the previous Council meeting, we apologize for not realizing this situation prior to the Planning Commission meeting on December 21. We were not able to attend this meeting and did not realize that the zoning proposals would attempt to reduce our set-back.

In summary, we are simply asking not to reduce our existing setback. We request that you reject the request to reduce our existing setback and remand this matter back to the planning commission for a full hearing and discussion amongst the developer, adjacent property owners and impacted neighbors. Alternatively, we ask that you again table this matter until March 16 to enable the developer to more fully review the two proposals of compromise we have put forward.

Thank you once again for considering our concerns.

Respectfully,



Shawn Vadala
4107 Belmont Place
New Albany, OH



Rebecca Vadala
4107 Belmont Place
New Albany OH

Appendix A

View from Living Room window
(4107 Belmont Place)



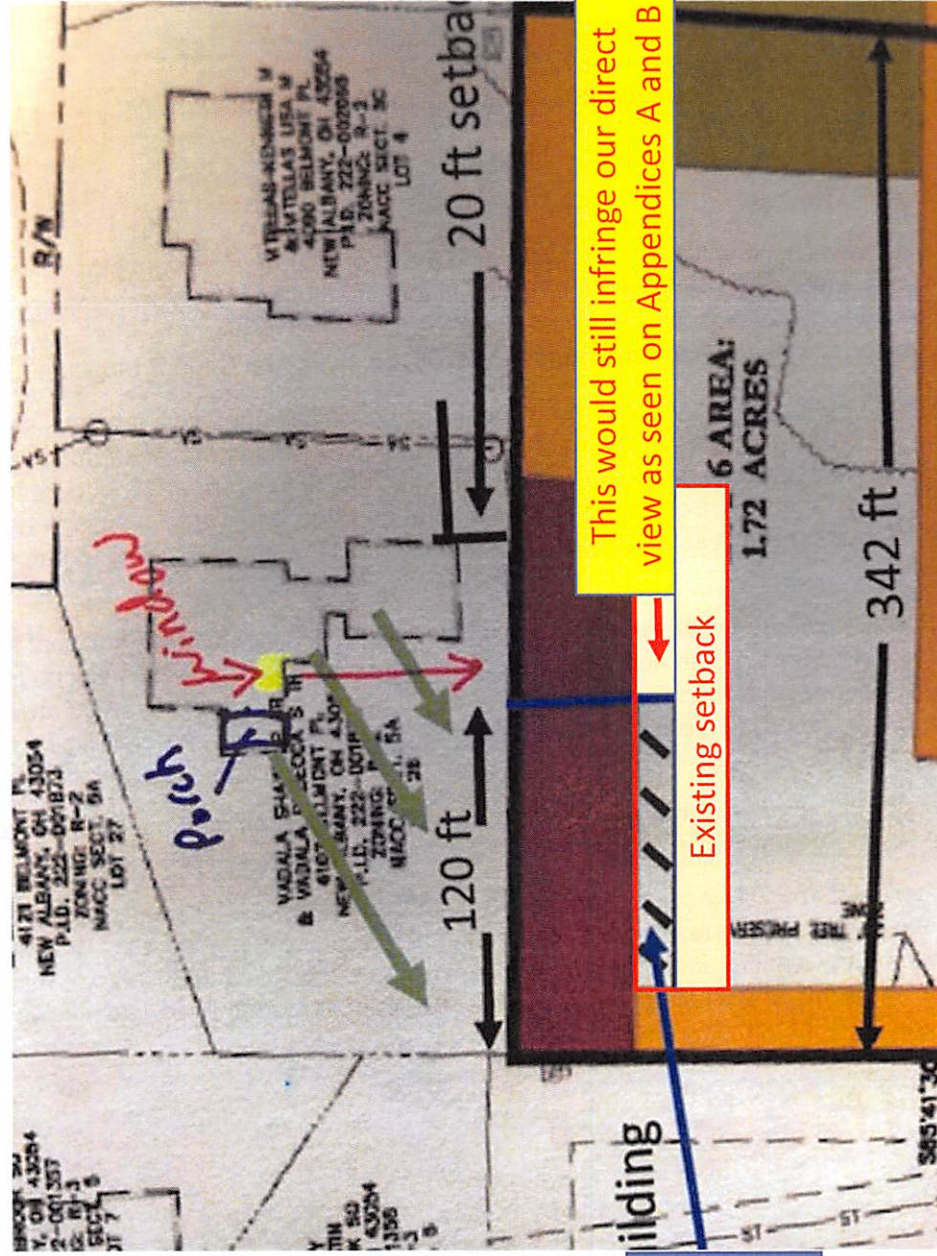
Appendix B

View from Back Patio
(4107 Belmont Place)



Appendix C

Back Window Positioning (4107 Belmont Place)



This would still infringe our direct view as seen on Appendices A and B

Existing setback

Developer
proposal discussed
at Jan 19 Council
Meeting

February 1, 2021

**Attachment to 2-2-21 Council Minutes -
neighbor letters**

New Albany City Council
c/o Jennifer Mason
Clerk of Council
99 West Main Street
New Albany, Ohio 43054

RE: Pending Ordinance No. O-01-2021, Hawksmoor North Rezoning

Dear Council Members,

We would like to thank you again for listening to the concerns of our neighborhood during the recent Council meeting on January 19 relating to the Hawksmoor North rezoning proposal. Since the Council meeting, we understand that the developer has not provided any additional information or proposed changes to matters discussed during the Council Meeting.

We believe that the zoning proposal runs counter to previously approved setbacks and tree preservation areas approved as a part of the Hawksmoor development. It seems unfair for the developer to now to revisit these proposals when the setbacks (which are important to the entire Belmont Place, Sudbrook Square and Fenway neighborhood) were previously agreed to by the developer when originally seeking approvals for lotting of Hawksmoor, including parcel 222-001872.

We specifically disagree with the elimination of the existing 20 foot setback adjacent to a 30 foot tree preservation area on the northern property line of Hawksmoor lot 6. In addition to reducing the value of our neighborhood, we believe this would harm an existing preserved area, and we encourage the Council to more closely study this environmental issue before eliminating or reducing the setback.

We also struggle to understand why it is necessary to eliminate an existing 20 foot setback on a proposed property that will be 1.7 acres.

We are asking that you reject the request to reduce the existing setback and remand this matter back to the planning commission for a full hearing and discussion amongst the developer adjacent property owners and impacted Fenway neighborhood. Alternatively, we ask that you again table this matter until March 16 to enable developer to more fully review the two proposals of compromise offered by the Vadala family.

Thank you for considering our concerns.

Sincerely,

Belmont, Sudbrook, Fenway Neighbors

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Kenneth M. Vitellas, MD
Kenneth M. Vitellas, MD

4090 Belmont Place

New Albany, Ohio 43054

Don Lh

Name: *LYON SWINERT*
Address: *410 SADBROOK ST
NEW ALBANY, IN*

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Off Zim

Name: *JOHN L. L.*
Address: *SWINERT
410 SADBROOK ST
NEW ALBANY, IN*

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Aaron Case

Name: Aaron Case
Address: 4121 Belmont Pl.

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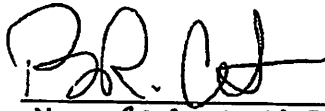
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Name: BRIAN R. CARTER
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John E. Brown IV

Name: *John E Brown IV*
Address: *4142 Belmont PLACE*
New Albany, OH 43054

Sandy Brown
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Address: *4142 Belmont Pl*

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Name: Brian Olah
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New Albany OH

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February 1, 2021

New Albany City Council
c/o Jennifer Mason
Clerk of Council
99 West Main Street
New Albany, Ohio 43054

RE: Pending Ordinance No. O-01-2021, Hawksmoor North Rezoning

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We would like to thank you again for listening to the concerns of our neighborhood during the recent Council meeting on January 19 relating to the Hawksmoor North rezoning proposal.

Since the Council meeting, we understand that the developer has not provided any additional information or proposed changes to matters discussed during the Council Meeting.

- We believe that the zoning proposal runs counter to previously approved setbacks and tree preservation areas approved as a part of the Hawksmoor development. It seems unfair for the developer to now to revisit these proposals when the setbacks (which are important to the entire Belmont Place, Sudbrook Square and Fenway neighborhood) were previously agreed to by the developer when originally seeking approvals for lotting of Hawksmoor, including parcel 222-001872.
- We specifically disagree with the elimination of the existing 20 foot setback adjacent to a 30 foot tree preservation area on the northern property line of Hawksmoor lot 6. In addition to reducing the value of our neighborhood, we believe this would harm an existing preserved area, and we encourage the Council to more closely study this environmental issue before eliminating or reducing the setback.
- We also struggle to understand why it is necessary to eliminate an existing 20 foot setback on a proposed property that will be 1.7 acres.

We are asking that you reject the request to reduce the existing setback and remand this matter back to the planning commission for a full hearing and discussion amongst the developer adjacent property owners and impacted Fenway neighborhood. Alternatively, we ask that you again table this matter until March 16 to enable developer to more fully review the two proposals of compromise offered by the Vadala family.

Thank you for considering our concerns and service to our community.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Naumoff', is written over the printed name.

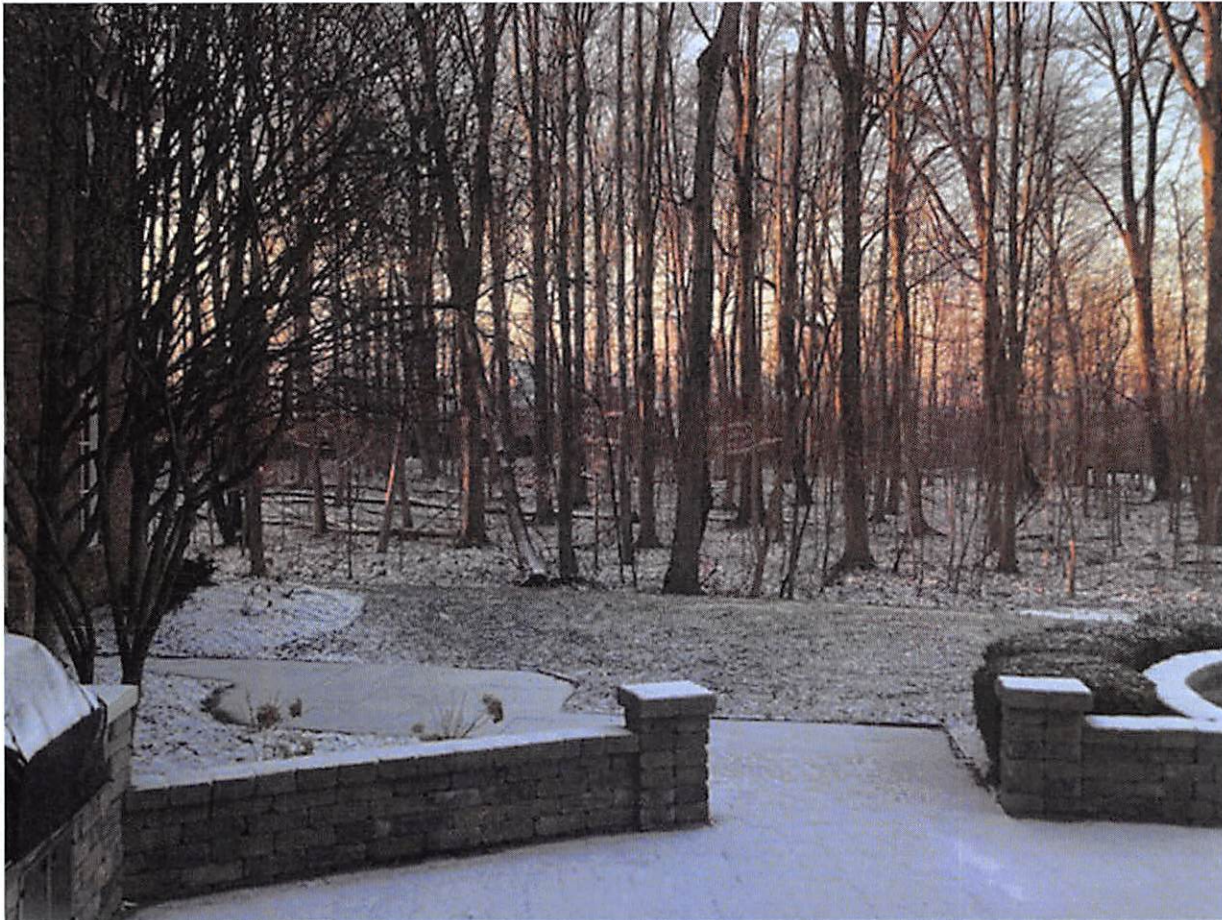
Naumoff family – Paul, Jen, Madeleine, Lucy, Henry, Charlie

7783 Fenway Road

**Attachment to 2-2-21 Council Minutes -
Vadala PowerPoint slides**

Appendix A

View from Living Room window
(4107 Belmont Place)



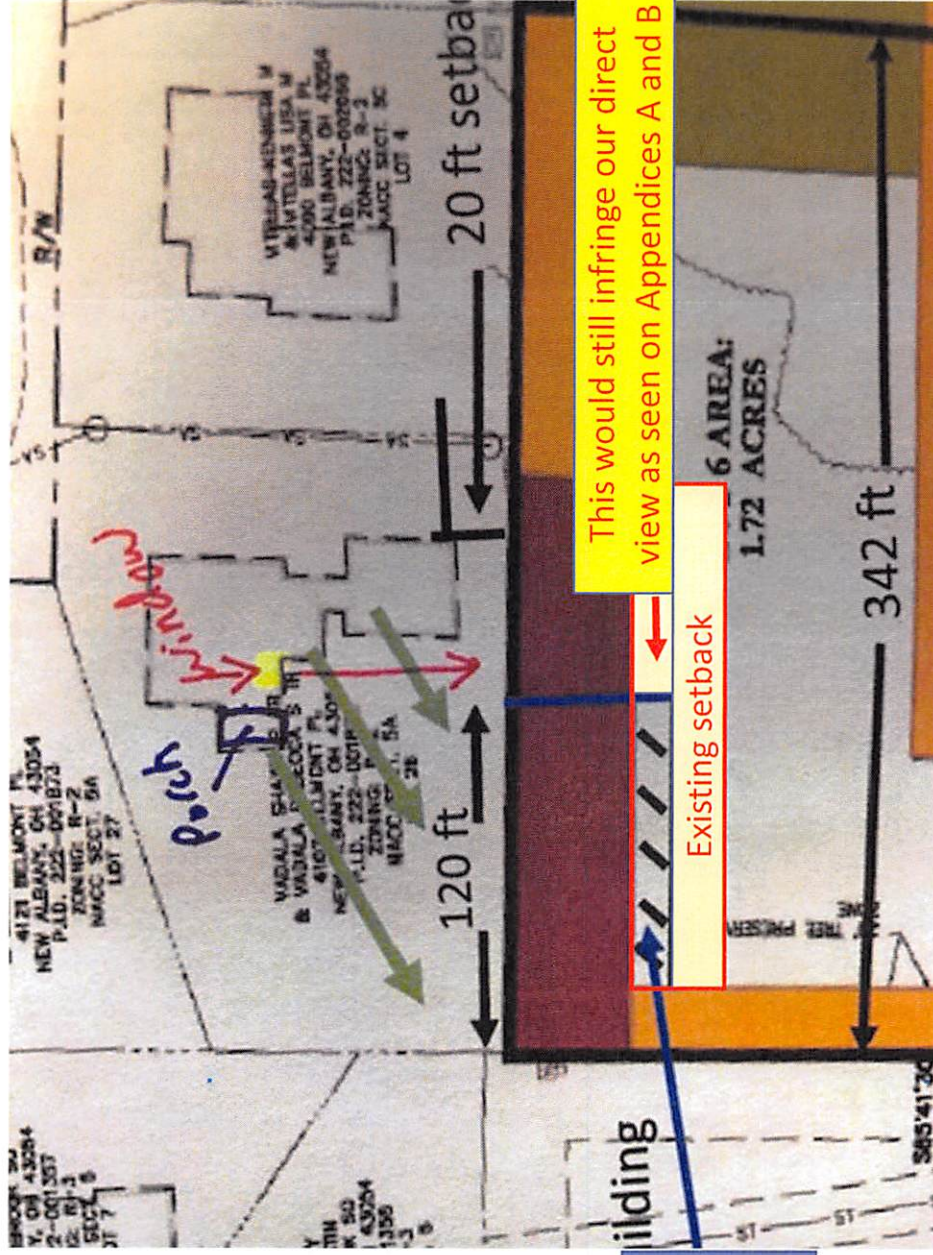
Appendix B

View from Back Patio
(4107 Belmont Place)



Appendix C

Back Window Positioning (4107 Belmont Place)



ENGAGE NEW ALBANY

You're part of the plan

Attachment to 2-2-21
Council Minutes - MKSK
PowerPoint slides



CITY COUNCIL UPDATE

February 2, 2021

AGENDA

ENGAGE
NEW ALBANY

- 1 | Strategic Plan Overview
- 2 | Adoption Schedule & Next Steps





STRATEGIC PLAN OVERVIEW

WE HEARD FROM THE COMMUNITY

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Working Group

A team consisting of key city staff/administration that provided the first level of review of all work products.



Steering Committee

A group formed to guide and advise the planning team throughout the process.



Roundtable Discussions

A series of small group discussions with key stakeholders divided into five broad topic areas.



Mobile Meetings

Conducted at community events and festivals by staff using a mobile meeting kit of materials.



Neighborhood Gatherings

Targeted small group gatherings hosted by community members in four neighborhoods throughout the community.



Project Website & Social Media

An Engage New Albany project website and social media were utilized to maximize the project's community input and outreach opportunities.



Community Workshops

Three public workshops were held across the arc of the process to share the work progress and gather community feedback.

WE HEARD FROM THE COMMUNITY

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706
Online survey
responses

50+
Roundtable
participants



41
Steering Committee
members

75+
Neighborhood Gathering
attendees

150
Community Update Chamber
Luncheon participants

1,300+
People engaged in the first phase
of Engage New Albany

115
Mobile meeting
participants



PLANNING LEGACY

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PLANNING

IMPLEMENTATION

Rocky Fork
Blacklick Accord

1996



Village of New Albany
Strategic Plan Updates
Rocky Fork Blacklick
Accord Update

2001



Stormwater Mitigation Strategy
New Albany Strategic Plan Update
Village Center Form Based Code
NAPLSD Campus Master Plan

2010



Bike New
Albany Plan

2015



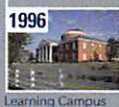
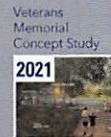
Western Licking
County Accord

2017

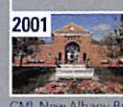


Leisure Trails
Master Plan
Update

2019



Learning Campus



CML New Albany Branch



New Albany Nature
Preserve



McCoy Community
Center for the Arts

1999
Village Hall

1997
SR 161
Expressway



Philip Helt Center
for Healthy New
Albany



Rocky Fork Metro Park



Market & Main
Apartments



Rose Run Phase I

TOPIC AREAS OF THE STRATEGIC PLAN

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STRATEGIC PLAN STRUCTURE

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PARKS & RECREATION



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STRATEGIC PLAN STRUCTURE

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PARKS & RECREATION

Goal Statement

Overarching outcome intended to guide recommendations

Strategies

The focused approach to achieve the goal

Objectives

Actionable steps the city and its partners can take to achieve the strategy, which often take the form of a policy or program

DRAFT	
SUMMARY OF RECOMMENDATIONS The table on the following pages summarizes all of the sustainability recommendations. A more detailed summary matrix can be found starting on page 222.	
P. PARKS & RECREATION Goal: Enhance the quality of life and health in New Albany and connect residents with the outdoors through parks and recreation. PA. Protect and preserve the existing network of parks, natural open spaces, and green infrastructure. <ol style="list-style-type: none"> 1. Increase the quality and maintenance of existing parks. 2. Manage and maintain the natural beauty, scenic views, and natural open spaces by restoring a tree canopy, developing green infrastructure, and creating new green spaces. 3. Improve the quality of the natural natural resources, especially wetlands, and other ecologically sensitive areas. 4. Preserve the integrity of historic and cultural resources in the city's parks and green spaces. 5. Establish and promote critical greenways and trails. 6. Increase the visibility of green infrastructure in development areas of Living County. PB. Promote the use of parks and recreation facilities. <ol style="list-style-type: none"> 1. Develop a parks master plan for the city. 2. Provide a detailed analysis to determine the physical access to parks and natural areas for all residents. 3. Increase the percentage of New Albany residents who use either a bike, use walk from a park. 4. Create a park system to reflect the needs of a variety of user groups with a variety of active and passive recreation options. 5. Create a park system to reflect the needs of a variety of user groups with a variety of active and passive recreation options. 6. Use the development process to ensure adequate open space and parks and recreation for all new residential development and commercial development and to ensure that all new development is consistent with the city's parks and recreation goals. PC. Increase the quality of parks and recreation facilities. <ol style="list-style-type: none"> 1. Increase the quality of parks and recreation facilities to meet the needs of the community. 2. Increase the quality of parks and recreation facilities to meet the needs of the community. 3. Increase the quality of parks and recreation facilities to meet the needs of the community. 4. Increase the quality of parks and recreation facilities to meet the needs of the community. 5. Increase the quality of parks and recreation facilities to meet the needs of the community. 6. Increase the quality of parks and recreation facilities to meet the needs of the community. 	P. PARKS & RECREATION Goal: Enhance the quality of life and health in New Albany and connect residents with the outdoors through parks and recreation. PA. Protect and preserve the existing network of parks, natural open spaces, and green infrastructure. <ol style="list-style-type: none"> 1. Increase the quality and maintenance of existing parks. 2. Manage and maintain the natural beauty, scenic views, and natural open spaces by restoring a tree canopy, developing green infrastructure, and creating new green spaces. 3. Improve the quality of the natural natural resources, especially wetlands, and other ecologically sensitive areas. 4. Preserve the integrity of historic and cultural resources in the city's parks and green spaces. 5. Establish and promote critical greenways and trails. 6. Increase the visibility of green infrastructure in development areas of Living County. PB. Promote the use of parks and recreation facilities. <ol style="list-style-type: none"> 1. Develop a parks master plan for the city. 2. Provide a detailed analysis to determine the physical access to parks and natural areas for all residents. 3. Increase the percentage of New Albany residents who use either a bike, use walk from a park. 4. Create a park system to reflect the needs of a variety of user groups with a variety of active and passive recreation options. 5. Create a park system to reflect the needs of a variety of user groups with a variety of active and passive recreation options. 6. Use the development process to ensure adequate open space and parks and recreation for all new residential development and commercial development and to ensure that all new development is consistent with the city's parks and recreation goals. PC. Increase the quality of parks and recreation facilities. <ol style="list-style-type: none"> 1. Increase the quality of parks and recreation facilities to meet the needs of the community. 2. Increase the quality of parks and recreation facilities to meet the needs of the community. 3. Increase the quality of parks and recreation facilities to meet the needs of the community. 4. Increase the quality of parks and recreation facilities to meet the needs of the community. 5. Increase the quality of parks and recreation facilities to meet the needs of the community. 6. Increase the quality of parks and recreation facilities to meet the needs of the community.

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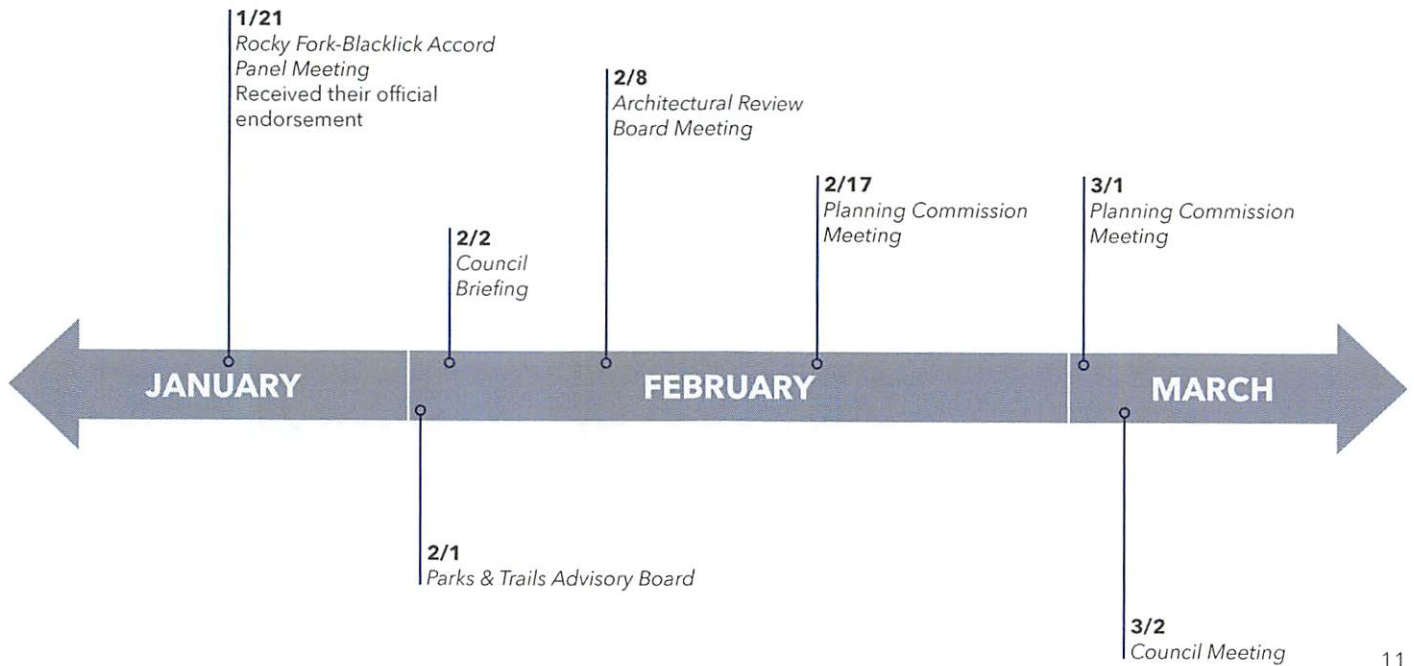


ADOPTION SCHEDULE & NEXT STEPS

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ADOPTION SCHEDULE

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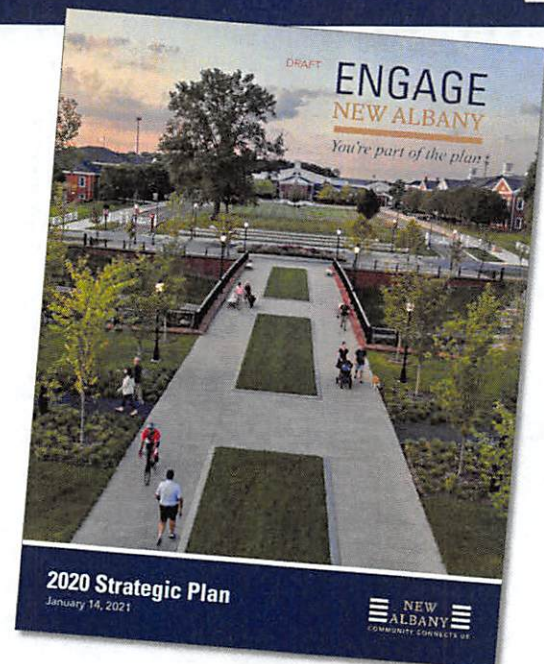


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NEXT STEPS

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- Review the final draft plan
- Formal presentation and legislation at March 2nd meeting



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