



## STAFF REPORT

### PLANNING & ZONING COMMISSION

Village Green Municipal Building, Council Chambers

47 Hall Street

Wednesday, July 8, 2015

7:00 P.M.

#### 1. ADMINISTRATIVE REVIEW

Applicant: Ron's Express Carwash & Oil Change, Inc.  
Location: 8888 Moreland Street  
Zoning: PC, Planned Commercial District  
Request: Review addition of two point-of-sale (POS) shelters and a canopy at a car wash facility.

Aerial Site Image: <https://goo.gl/maps/WnUQU>

#### Project Background

The applicant wishes to install one temporary structure for use as a shaded/tented inside detailing for the remainder of the year to see if there is any demand for interior detailing. They also want to install two permanent structures for an instant payment station and an I-pass station. These would allow for automated payment versus having an attendant.

#### Staff Comments

This property falls within the Golf Village development, and meets all of the zoning requirements for that Zoning Plan. The Golf Village Property Owner's Association will require approval as well.

#### Ordinance Review

The Golf Village Zoning Plan takes precedent over the City of Powell Zoning Code in this case. The proposed permanent structures meet setback requirements and only require Architectural Approval through the Property Owner's Association. It is unclear how temporary the interior detailing area will be.

#### Staff Recommendation

Staff recommends approval of this Administrative Review subject to the following conditions:

1. That the Golf Village Property Association approves the architectural review.
2. That the temporary structure gets removed by December 1, 2015.

## 2. FINAL DEVELOPMENT PLAN REVIEW

Applicant: Spectrum Retirement Communities, LLC  
 Location: Attucks Drive & Liberty Crossing Drive  
 Existing Zoning: Liberty Township, Planned Commercial District (PC)  
 Proposed Zoning: City of Powell, PC, Planned Commercial District  
 Request: To review a preliminary development plan for a proposed assisted living and memory care facility on 4.37 acres.

Aerial Site Image: <https://goo.gl/maps/UDMKq>

### Project Background

This project came before the Planning and Zoning Commission in May 2015 for a preliminary plan review (staff report provided below).

### Proposal Overview

Spectrum Retirement Communities is proposing to develop an 84 unit Assisted Living and Memory Care Facility on property that is proposed to be annexed into Powell and be zoned within the City of Powell PC, Planned Commercial District.

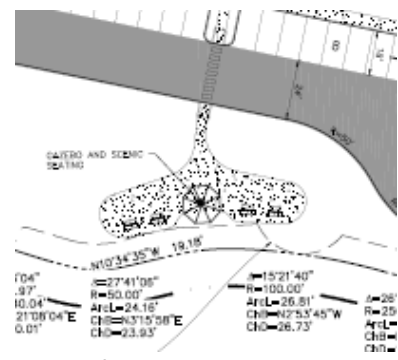
### Changes since the Last Submission

The applicant has made the following changes since the May 13, 2015 submission.

- Grading plan, as well as update landscape and utility plans provided.
- The pathway along the northwest of the site changed to a circular pathway.



- Gazebo and scenic seating area redesigned.



- Path connection in the south east portion of the site now shown.



## Ordinance Review

In accordance with the requirements of codified ordinance 1143.11(k), in approving a final development plan, the Planning and Zoning Commission shall adhere to the steps below:

**Recommendation by the Planning and Zoning Commission.** Within thirty (30) days after the Public Hearing on the final development plan the Planning and Zoning Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to Council.

Before making its recommendation, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

**(1) The proposed planned district development phase can be initiated within two (2) years of the date of approval and can be completed within five (5) years;**

The applicant is planning on a single-phase development to be completed within 12-14 months. The applicant has proven with their previous development that they are capable of meeting this deadline.

**(2) The requirements of the Comprehensive Plan relative to the site at issue have been fulfilled;**

The proposed site is located outside of current city boundaries and therefore the plan does not address it directly. However, using the primary goals of the city's comprehensive plan, staff finds the development in line with city's goals. Specifically, *to improve the quality of life for the residents of Powell*. As residents age and other residents want relatives closer by, this type of service facility provided a new option of housing that currently does not exist in the city.

**(3) The streets proposed are suitable and adequate to carry the anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned district plan area;**

The site is located in an area well serviced by roads – Liberty Crossing Drive (private), Heath Drive (private), Attucks Drive (variable-public), and Sawmill Road (public). With limited traffic to and from the site, as well as the many roads near the site, staff feels that the development will not generate traffic in an amount detrimental to the surrounding users.

**(4) Proposed non-residential developments can be justified at the location and in the amounts proposed;**

The proposed commercial/residential type of development fits nicely with the surrounding uses. The site has commercial located on three sides and residential developments on the south east. The proposed use will also have a natural synergy between uses. Residents at the assisted living facility are likely to frequent the nearby commercial uses. As a result, the location of the site is appropriate for the use.

The amount (scale and intensity) of the building proposed is appropriate for the site. Although larger than neighboring uses, the proposed building will be oriented toward Sawmill Road and is set back far enough from the residential areas to the east to not seem monolithic. The setback from the commercial neighbors to the north and south of the site is also significant enough to not cause issue. In addition, the rear of the proposed building backs onto the rear of the commercial uses to the west, which means the building's scale and intensity will have no negative impact.

**(5) Housing densities are warranted by amenities and conditions incorporated in the final development plan and are in accordance with these planned district development requirements;**

As a commercial use, the applicant is not tied to a particular density. Instead, staff focused on the intensity of use on the site and determined that it is reasonable.

**(6) Lands to be dedicated to public use are of acceptable and usable size, shape, and location;**

There are no lands being dedicated for public use.

**(7) The area surrounding the development can be planned and zoned in coordination with and in substantial compatibility with the proposed development;**

Yes. The surrounding area is mostly commercial, office, and residential. As a result, the proposed development is compatible with the neighboring uses. Also, the scale, size and development pattern is in line with the existing pattern of development. Furthermore, the type of use proposed will work synergistically with the existing uses, especially the restaurants and service businesses.

**(8) The existing and proposed utility services are adequate for the population densities and uses proposed, and**

Yes, the existing and proposed utilities are adequate. This will be confirmed by the City of Powell's Engineering Department and private utility providers.

**(9) Adequate provision has been made for the detention and channelization of surface drainage runoff.**

Yes, the applicant's engineer has addressed drainage runoff. The City of Powell's Engineering Department will review this to ensure that it is adequate.

### Staff Comments

Staff is pleased with the improvements the applicant made since the last submission. However, there are some items that staff feels need to be included moving forward. They are as follows:

1. The applicant needs to calculate height using the city's method – the mid-point between the eave and the ridge.
2. A pathway systems needs to be added to the side along the east (Sawmill Road) and north (Heath Drive) to increase connectivity with neighboring sites.
3. The applicant stripe crosswalks from their site to the neighboring sites.
4. On-street parking along Liberty Crossing drive is requested.

### Staff Recommendation

Overall, this is a very good plan for Powell and staff recommends final development plan approval with the following conditions:

1. All City Engineers comments and concerns are addressed.
2. All Architectural comments and concerns are addressed.
3. Staff's comments above are addressed.

## Preliminary Plan Review – May 13, 2015

### Project Background

This project came before the Planning and Zoning Commission in September 2014. At that time, the Commission suggested that the building front face Sawmill Road. The applicant has made some changes, added details as required by the requirements for a Preliminary Development Plan. The applicant has also worked with county sanitary engineer on a regional wastewater re-routing to increase capacity of the Leatherlips pump station.

### Proposal Overview

Spectrum Retirement Communities is proposing to develop an 84 unit Assisted Living and Memory Care Facility on property that is proposed to be annexed into Powell and be zoned within the City of Powell PC, Planned Commercial District.

### Changes since the Last Submission

The applicant has made the following changes since the September 10, 2014 submission.

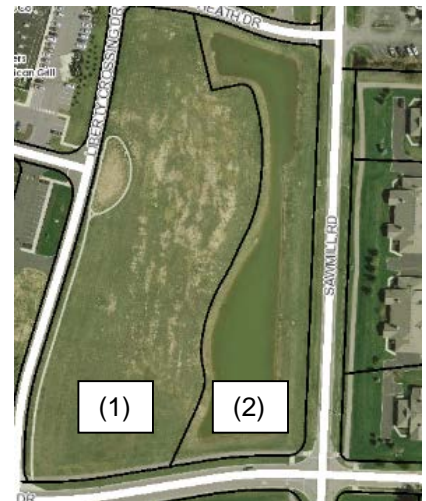
- The applicant mirrored the building and flipped it so that the building faces the pond and Sawmill Parkway.
- A landscaping plan has been submitted.
- Preliminary Engineering has been completed.
- Sidewalks have been added.

### Ordinance Review

In accordance with the requirements of codified ordinance 1143.11(g), in approving a preliminary development plan, the Planning and Zoning Commission shall consider:

**(1) If the proposed development is consistent with the intent and requirements of this Zoning Ordinance;**

- Staff finds this proposal to be consistent with the spirit of planned commercial district (PCD) regulations. Nursing homes and elderly housing facilities are both listed as permitted uses in PCDs. On a more detailed, requirements level, several site considerations are unclear.
- First, the proposed structure is slightly larger than the allowable building area. Plans show the building area at 38,730 SF – compared to allowable area of 38,087 SF. This puts the proposed structure 643 SF, or 1.6%, over the allowable area.
- Second, parcel ownership is unclear and thus establishing proper setback measurements is difficult. Plans only show Spectrum owning the western parcel (1). The eastern parcel is listed under ownership of the commercial center, and is used as a retention basin (2). This would effectively establish Liberty Crossing Drive as the front of this parcel. Given that is the case, quality development, while conforming to the letter of the law, is extremely restricted.



Now, coming from sketch to preliminary review, Spectrum has mirrored their building at the request of staff. Current plans show the building facing Sawmill Road. Regardless of ownership parcel ownership, it makes sense to measure setback from Sawmill Road, effectively establishing parcel 2 as the front yard for the development. In essence, the setbacks were established when the original development was platted, and in essence the

original development had the foresight that this lot would be developed overlooking the pond.

- Third, height measurements on plans need to reflect the City's method. Current plans show height measured to the top of the roof, instead of to the midpoint between the ridge and the eave. Submitted plans show the top of the roof line to be 36'. Given this, height should be well within Powell's requirements.

**(2) The appropriateness of the proposed land uses with regard to their type, location, amount, and intensity, where not specifically specified in this Zoning Ordinance;**

- Staff believes that Spectrum's proposal for an assisted living and memory care facility works on this site. Occupants, staff, and visitors will have easy access to daily uses, such as restaurants, within this commercial area.
- From an architectural and view shed standpoint, this proposal fits well. The proposed building, residential in style, will act as a transition between residences along Sawmill Road and the back of the commercial area. Additionally, as Sawmill Road experiences much higher traffic volumes than Liberty Crossing Drive, this arrangement benefits those passing through this area. Staff previously requested the proposed building to face Sawmill Road resulting in the residences and Spectrum facing each other, rather than the back of Spectrum facing the residences.

**(3) The relationships between uses, and between uses and public facilities, streets, and pathways;**

- Having streets all around the facility, there is very good access to the site. Sanitary sewer, storm sewer and the overall storm capacity has been accounted for. There is a need to connect this site to the overall pathway system and that has been done, but could be better to connect the pathway up around the north end along Heath Drive.

**(4) Adequacy of provisions for traffic and circulation, and the geometry and characteristics of street and pathway systems;**

- External road network: Given the proximity to Sawmill Parkway, this site has great access for both staff, and visitors. Traffic generated by occupants will be marginal as this is an assisted living center.
- Internal: Spectrum's proposal shows access to and from both Liberty Crossing Drive and Attucks Drive. Plans show a logical internal network given the oddly shaped eastern boundary.

**(5) Adequacy of yard spaces and uses at the periphery of the development;**

- As lot coverage requirements are met, open space is adequate.

**(6) Adequacy of open spaces and natural preserves and their relationships to land use areas and public access ways;**

- Preservation: as this site stands, undeveloped, there is no natural area to preserve.
- Landscaping: To meet code (1143.15) Additional landscaping, either natural or manmade such as a wall, is required to screen portions of the proposed parking lot. We suggest heavier landscaping along there.

**(7) The order, or phases, in which the development will occur and the land uses and quantities to be developed at each phase;**

- Site is to be developed as one phase.

**(8) Estimates of the time required to complete the development and its various phases;**

- Twelve to fourteen months.

- (9) **Improvements to be made by the Municipality, if any, and their cost;**
- No improvements to be made by Powell. Applicant is currently working on the sanitary sewer improvement to accommodate capacity needed for this project. It has already been approved by the Sanitary Engineer to begin construction of this facility.
- (10) **The community cost of providing public services to the development;**
- This site is likely to require a higher quantity of EMT service.
  - Site is unlikely to require much police service due to 24/7 staffing.
- (11) **Impacts of the development on surrounding or adjacent areas;**
- This proposed use has very little impact on the surrounding area. All of the services needed by the residents are internal to this property. Resident families will come and go from time to time, but the location of local retail makes it convenient.

#### Staff Comments

- This site is likely to require a higher quantity of emergency medical services (EMS).
- Site is unlikely to require much police service due to 24/7 staffing.

#### Staff Recommendation

- Staff believes Spectrum's proposal to be both generally meeting zoning requirements and a net benefit to Powell. Staff recommends approval of a Preliminary Development Plan for Spectrum to continue detailing their plans, including areas below, and advance to the Final Development Plan review, with the following conditions:
  - Update landscape plan to meet screening requirements.
  - Calculate building height using the City's method.
  - Consider altering structure materiality or color from Spectrum's previous proposal (Spectrum 1) in efforts to make it stand out differently from the other, however Staff does defer to the Architectural Advisor for further comments.

## Sketch Plan Review – September 10, 2014

### Project Overview

Spectrum Retirement Communities are proposing to develop an 84 unit Assisted Living Facility on property that is proposed to be annexed into Powell and be zoned within the PC, Planned Commercial District.

### Ordinance Review

In accordance with the requirements of codified ordinance 1143.11(a), the Commission shall review the Sketch Plan with the Owner and provide the Owner with comments during the meeting, it being understood that no statement by officials of the City shall be binding upon either. This submission is informal and for the purpose of establishing communication and discussing the concept for developing the tract. No formal action will be taken on the Sketch Plan.

### Staff Comments

The proposed development is similar to the one that previously went through Planning and Zoning except that the building design and resident makeup would be different. Unlike the first Spectrum development, this one is two stories and has a smaller footprint. Also, residents in this development would be offered greater assisted living services including memory care.

The property is currently located in Liberty Township on the corner of Liberty Crossings Drive and Attucks Drive. If approved, the property would be annexed into the city. The location of the site and the uniqueness of the use are both beneficial to the city. The city would increase the amount of land it has near Sawmill Parkway, an area that will likely see continued growth in the future. As for the use, Powell does not have any assisted living facilities in or near the city. The first Spectrum Retirement Communities development is more of an independent living situation and the proposed Ganzhorn Suites is memory care. Allowing this new type of use adds to the housing mix and could prove beneficial to residents and newcomers to the city.

Excerpts from the first Spectrum Development sketch plan review that are relevant to this proposal:

Aging in place has become a very important aspect of life in the United States. People are consistently living to an older age, and with that comes changes in attitudes about how and where that part of our population should live. A sense over independence and not being a burden on your kids and grandchildren is very important. Although the overall population of Powell is relatively young, census figures do indicate our average age is rising. Over 12% of Powell's population is 60 years old or older, and that will only increase over time. Therefore, the City should consider locations that will be good locations for retirement living.

The Powell Zoning Code does allow for elderly households, elderly housing facilities, and congregate housing within the PC, Planned Commercial District, for which this will be zoned upon annexation. However, there are no specific regulations as to what is allowed as a minimum or maximum density for this type of facility. Our code does address density as it relates to multi-family development at the extreme maximum of 9 dwelling units per acre within the Planned Residence District and our Downtown Business Districts. However, there needs to be, as part of the plan, a substantial amount of public infrastructure or streetscape improvement to achieve that density.

Here we have a different kind of proposal the like the City has not seen to date but Staff believes is very much needed within the City. Our zoning regulations are not



designed for such a facility, unfortunately. However, being a planned district, the Planning and Zoning Commission can grant divergences to the code requirements in a fashion that is in keeping with the size and scale of the community that provides what it believes are desirable land uses within the community. Regulations and a development plan text can be written with the controls that the City needs to make the facility something the community can be proud to have. The ability to provide for housing for any age, giving independence to those who deserve it, and a location in Powell for the continuation of housing within the community are all important ideals this community should have. Being at a location as proposed, access from Sawmill Parkway, with health care services, retail and office services and emergency services all nearby, is ideal. The key is to make it the size and scale to fit the community.

Staff finds the proposed use to be generally in line with the zoning code and in concert with the neighboring uses and an overall benefit to the city. There will be dozens of full time jobs created and provides for a place where existing residents can stay in Powell if they so choose this type of lifestyle. Also, many residents in Powell have parents or grandparents who can now choose to live closer to their family.

Staff however, has some reservations with the proposal. They are as follows:

- The long and narrow building does not seem to currently be designed to specifically meet our Pedestrian Scale Guidelines, however with some assistance from our Architectural Advisor we are sure that this can be figured out.
- It will be important for the east side of the building to be designed nicely as that is the side most seen from the public along Sawmill Road and the adjoining residential to the east.
- Heavy landscape screening should be provided for around the pond, especially for areas that will be service areas at the rear of this building.
- All sidewalks and pathway connections should be made.

### Staff Recommendation

The applicant continue to the preliminary plan stage.