



## City of Powell, Ohio

### ORDINANCE 2015-52

Adopted December 15, 2015

**AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR A PROPOSED 308 RESIDENTIAL UNIT ACTIVE ADULT COMMUNITY, AND 5 ACRES OF PLANNED COMMERCIAL DEVELOPMENT ON ROUGHLY 39 ACRES.**

**AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR A PROPOSED 308 RESIDENTIAL UNIT ACTIVE ADULT COMMUNITY, AND 5 ACRES OF PLANNED COMMERCIAL DEVELOPMENT ON ROUGHLY 39 ACRES.**

**WHEREAS,** the Planning and Zoning Commission of the City of Powell has recommended approval of the Final Development for a proposed 308 residential unit active adult community and 5 acres of planned commercial development on approximately 39 acres; and

**WHEREAS,** the Final Development Plan has been submitted to City Council by the Planning and Zoning Commission pursuant to the provisions of Section 1143.11 of the Codified Ordinances of Powell; and

**WHEREAS,** City Council has determined that the implementation and approval of the Final Development Plan, which is attached hereto as Exhibit "A" and incorporated herein by reference, is in the best interest of the residents of the City of Powell;

#### **NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

**Section 1:** That the Final Development Plan for a proposed 308 residential unit active adult community, and 5 acres of planned commercial development, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, is accepted and approved by the Council of the City of Powell, subject to and contingent upon the following conditions as recommended by the Planning and Zoning Commission:

1. That all on and off site engineering shall be reviewed and approved by the City Engineer;
2. That all off site engineering shall be reviewed and approved by the Delaware County Engineer's office;
3. That Staff and Architectural Advisor comments shall be incorporated into the Final Development Plan as outlined on Exhibit A;
4. That all of the following divergences shall be hereby granted:
  - a. Building lot coverage shall be 22.3% versus the maximum allowable 20%, in consideration for other community improvements;
  - b. The number of units per acre in building A shall exceed the 12 unit per acre allowable in consideration for other community improvements;
  - c. Multiple onsite amenities and multiple open green spaces shall be allowed as the alternative requiring a single 5 acre open space; and the developer shall construct one additional pickle ball court than is currently proposed or substitute another amenity subject to Staff approval;
  - d. The A buildings and C units shall be allowed to have more than 4 attached units as is appropriate for this development.
  - e. Gates, fences and columns in the front yard shall be allowed a zero (0) foot setback to allow for gates at the entrances;
  - f. Three sign locations shall be allowed as depicted on the plans, one at Sawmill Parkway and the new street, one at Seldom Seen Road and Bunker Lane, and one on Sawmill Drive. These may be joint use monument signs for the commercial lots as well as the Powell Grand community;
  - g. The maximum height for the A buildings area shall be approximately 39' which exceeds the 35' allowed maximum in consideration for other community improvements; and
  - h. Vinyl siding shall be allowed. The developer shall gain final Staff approval for the manufacturer, the manufacturer's product series, the manufacturer's handling and installation instructions, the colors and the finish, which have been provided the City Development Director are outlined on Exhibit B. The City Inspector shall be expected to ensure and enforce proper handling and installation methods are followed by a certified installer. Upon request by the City, the Applicant

shall provide the City Development Director with a copy of applicant's annual vinyl siding inspection report.

5. Staff shall work with the County Engineer to coordinate traffic signal timing for the new traffic light to allow traffic gapping to improve south bound turns out of The Woods at Big Bear Farms; and
6. The developer shall work with Staff and the Architectural Advisor on the final architectural details and overall relation of buildings A area with the remainder of the development, requiring final approval from Staff.

**Section 2:** That the City Council hereby concludes that the following supplementary conditions and safeguards be adhered to with the approval of the Ordinance, per Section 1143.11 (o).

1. Occupancy Limitation and Control: In order to support the health, safety and welfare of the Powell Grand Active Adult Community, and to maintain the market value of the asset, for all rental units within the Powell Grand Active Adult Community, rental agreements shall limit occupancy to no more than two persons per bedroom.
2. Active Adult Community Controls: In order to support the health, safety and welfare of the Powell Grand Active Adult Community and so that the residents of the Powell Grand Active Adult Community are active adults, who are primarily empty nesters, senior residents, and mature adults, the following controls will be instituted:
  - a. Architectural Elevations and Interior Floor Plans: Whereas the Building Architectural Elevations and Interior Floor Plans as depicted in Exhibit I to the Powell Grand Active Adult Community Final Development Plan Application (the "Plans"), are designed to meet the needs of active adults, who are primarily empty nesters, senior residents, and other mature adults, all Building Architectural Elevations and Interior Floor Plans shall be maintained in compliance and in accordance with the with the approved Plans. Any reconfiguration or alteration to the Plans shall require an amendment to the approved Final Development Plan Application.
  - b. Community Public Amenity Areas: Whereas the Powell Grand Active Adult Community Public Amenity Areas (as listed below) are designed to meet the needs of active adults, who are primarily empty nesters, senior residents and other mature adults, all Community Public Amenity Areas shall be maintained in compliance and in accordance with the with the approved Plans. Any reconfiguration or alteration to the Community Public Amenity Areas shall require an amendment to the approved Final Development Plan Application.
    1. Community garden
    2. Dog park
    3. Putting Green
    4. Pickle Ball Court (1 total pickle ball court)
    5. Formal green
    6. Bocce Ball
    7. Park benches
    8. Community Gazebo
3. Maintenance Services: In order to support the health, safety and welfare of the community and to maintain the market value of Powell Grand and protect the property as a community asset, the applicant shall establish a property maintenance program that includes a 24 hour, 7 day per week maintenance service and/or emergency maintenance service for all rental units.
4. Sub-area B Building Restriction Anything in the foregoing paragraphs to the contrary notwithstanding, for the Building B only (15 buildings) , which are the ranch attached homes located in Sub-area B, no less than eighty percent (80%) of the Building B dwelling units shall have at least one occupant who is 50 years of age or older. Upon request by the City, the Applicant shall provide the City Development Director with a copy of applicant's annual active adult occupancy report.
5. Sub-area A Building Restriction: In addition to requirements of section 4 above, Building A, located in Sub-area A, (The four 3-story buildings with 120 total rental units) will be designated as adults only buildings, and no Building A units will be rented or occupied by any person under the age of eighteen.
6. Parking Modification: The Applicant agrees to modify the Building A parking areas by relocating 30 parking spaces away from the Seldom Seen Road frontage and to increase the green space and buffer areas along Seldom Seen Road. In addition, the overall parking count will be reduced by 6 spaces which meets the code parking requirement of 3 spaces per rental unit. The revised parking layout to be reviewed and approved by City Staff.

**City Council**

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Richard Cline

Tom Counts

Mike Crites

Brian Lorenz

7. Setbacks: For purposes of future property lines and lots splits, building setbacks to any internal property lines within the residential subareas shall be 10 feet and paving, and parking setbacks shall be zero feet. The Applicant acknowledges that any such reconfiguration of property lines/lot splits will require plat approval by the City, and Applicant and the City agree to process the approval of the plat expeditiously as set forth in the subdivision code.
8. Pool Hours: Pool hours for children shall be restricted on weekdays.
9. Public Improvements: In consideration of the terms, conditions, limitations and restrictions imposed on the Applicant by this Ordinance, the Applicant and the City are currently in final discussions regarding a proposed Tax Incremental Financing (TIF) and TIF Agreement, the terms of which TIF and TIF Agreement will require for the Applicant to construct certain public improvements and to pay for a portion of those public improvements.

**Section 3:** It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

**Section 4:** That this Ordinance shall take effect on the earliest period allowed by law.

VOTE ON ORDINANCE 2015-52:      Y   7                N   0  

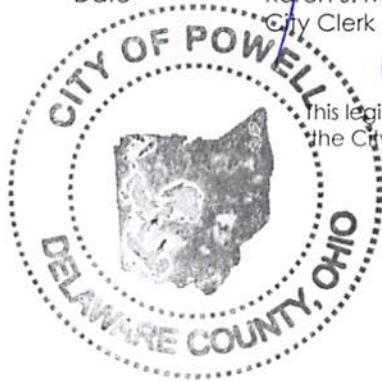
  
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 Jim Hrivnak  
 Mayor

12-22-15  
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 Date

  
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 Karen J. Mitchell  
 City Clerk

12/24/2015  
 \_\_\_\_\_  
 Date

EFFECTIVE DATE:    January 14, 2016



This legislation has been posted in accordance with the City Charter on this date 12/24/2015.  
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 City Clerk

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