



## STAFF REPORT

### PLANNING & ZONING COMMISSION

Village Green Municipal Building, Council Chambers

47 Hall Street

Wednesday, July 26, 2017

7:00 P.M.

#### 1. COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN

Applicant: Ford & Associates Architects for Dr. Ali Khahsar (Henderson Retail, LLC)  
Location: SE corner of West Olentangy Street and Murphy Parkway  
Existing Zoning: Planned Commercial District (PC)  
Request: To approve a Combined Preliminary and Final Development Plan for a 13,606 sq. ft. retail center on 1.507 acres.

Aerial Site Image: <https://goo.gl/maps/69XrNGogFGB2>

#### Project Background

The property was originally zoned into the PC, Planned Commercial District with the zoning of the Murphy Park Development Plan. The commercial lots along Olentangy Street were designed to act a transition between the suburban growth patterns from the west to the old village area to the east. The Staff Report for the Sketch Plan review is below.

#### Proposal Overview

The proposal is for 13,606 square feet of mixed retail and commercial services uses with the provision of 43 parking spaces. The property shares an access drive from Murphy Parkway as well as the right-in/right-out at Olentangy Street.

#### Changes Since the Last Submission

There have been some changes from the last submission, all with the intent of meeting the considerations given to the applicant at the Sketch Plan meeting. From the site plan, the dumpster was moved to the southeast portion of the site, making it easier for pick-up and less noticeable from the street. Also, the sidewalks were moved away from the building to create nice landscaping areas at the foundation. Architecturally, the building was brought in at the corner, to create an overhang of sorts and making that part of the building more unique tying into a small "tower". Also, the architect has done a good job at creating areas for the utility meters, and hiding the electric meters. Also, pier lamps have been added with a sign element attached. Generally, the building design is very similar to the sketch plan and is an extraordinary design. The pathway along Olentangy Street is shown, as well as sidewalks leading to the building from this pathway at two locations. The continuation of the white fencing is also shown.

#### Staff Comments

All requirements of the original Murphy Park development plan have been met with this submittal. Also, a zoning code requirements have been met. The parking provided is for a mix retail and service commercial type businesses. Any restaurant user, even carry out, would require additional parking. Therefore, any approval should be conditioned that no restaurant be allowed per this plan. However, if the owner/applicant can get a shared parking agreement with the current vet clinic owner, where additional parking is shown on their approved development plan, then a restaurant user could be possible, based upon the number of spaces that can be utilized for the restaurant use. This can always be reviewed by the Planning Commission at a later date. The architectural and site plan changes that were made address all of the issues from the Sketch Plan.

## Ordinance Review

In accordance with the requirements of codified ordinance 1143.11(g), in approving a preliminary and final 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;**

Yes, this plan is very consistent.

**(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;**

Ayes, this plan meets the original Murphy Park development plan and all zoning requirements.

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

This plan connects the incomplete portion of the public pathway and puts the tooth back in the "missing tooth" look of that commercial area.

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

The provision for traffic and circulation is just as planned. Staff has asked the applicant to provide a letter from a traffic engineer to examine the striping at Murphy Parkway to see if a left turn lane makes sense where there is currently orange striped median area.

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

All setbacks are met and green spaces provided as required.

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

The appropriate amount of green space is provided within this plan.

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

This development will occur in one appropriate phase.

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

This development should take about 12 to 16 months to complete.

**(9) Improvements to be made by the Municipality, if any, and their cost;**

No public improvements are anticipated or needed with this development.

**(10) The community cost of providing public services to the development, and**

This development will more than pay for itself in terms of the provision of public services.

**(11) Impacts of the development on surrounding or adjacent areas.**

As this commercial development has been anticipated for several years and the planning we have done with the Comprehensive Plan and the surrounding area, this development is seen as not providing a negative impact upon the surrounding area.

*The Planning and Zoning Commission may require the staging of the planned development to minimize early stage major impacts on the community infrastructure and services systems, and may require the staging of land uses to be generally consistent with the phased development of supporting land uses and public services and facilities.*

*The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility."*

### Comprehensive Plan Consistency

This plan is very consistent with the Comprehensive Plan.

### Staff Recommendation

Staff recommends approval of the Combined Preliminary and Final Development Plan with the following conditions:

1. That final engineering plans are subject to the review and approval of the City Engineer and all engineering related items and easements as required by the City Engineer be implemented.
2. That if the applicant is able to produce a shared parking plan with the owners of the property to the direct east, whereby the additional parking is put in as shown on the approved development plan for that parcel (275 West Olentangy Street), then a restaurant user can be reviewed and approved by the Planning and Zoning Commission. Otherwise, restaurant users shall not be allowed as a permitted use within this development.
3. That is the owner or user would like to create an outdoor sitting area in front of their respective unit, then that can be accomplished with review and approval by Staff.
4. All site lighting be down-style lighting, with the exception of any landscape or building lighting that adds visual interest to the site.

## Sketch Plan Review – June 14, 2017

### Project Background

The applicant, the developer of Armita Plaza, has now purchased this land and had his architect meet with staff prior to submission. During this meeting, staff and the architect discussed different configurations of the site, the needs of Powell residents, and the City's Comprehensive Plan. Since that meeting, the applicant put together a formal application and submitted it for P&Z's review.

### Proposal Overview

The applicant is bringing forth a commercial project on a currently vacant lot on the southeast corner of West Olentangy Street and Murphy Parkway. The proposal is for a retail building of 13,836 square feet to be internally divided based on the needs of future tenants. The applicant has indicated he would like to restrict uses to retail, service businesses and office uses, and restrict restaurant uses at this location. There will be 43 parking spaces and a dumpster enclosure on site. Access to the site will be from two existing entrances, one off of Murphy Parkway and a right-in/right-out on Olentangy Street. These driveways were designed and built to be shared driveways per the original approved Murphy Park development plan for the commercial area. That plan also set up development requirements to follow zoning code requirements, such as

### Staff Comments

Staff, overall, is pleased with the location, use, scale, and design of this proposal. This site, zoned Planned Commercial District, is a prime location for commercial development. At the intersection of two major roads with frontage on a heavily travelled Olentangy Street. The proposed retail, that the comprehensive plan notes is important to the city, helps to expand the commercial service offerings and tax base for the city and its residents. The scale and design of the proposal is appropriate since it is essentially a mirror image of the existing retail space on the west side of Murphy Parkway. Even more interesting, the architect of that site is the architect for this proposal. In short, it is likely we will get a similar but different design which will further help to frame this area of Powell as a commercial corridor.

Staff would however make one suggestion, that the building have more of an on-street connection. For example, something similar to the outdoor patio on the west side of Murphy Parkway. The proposal has pathways leading to the site, with a bike rack that staff is pleased to see, but staff would be interested to see if it would be possible to create an outdoor seating area in front of the shops on Olentangy Street.

Staff defers to the Architectural Advisor on the design and materials of the building.

### 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.

### Comprehensive Plan Consistency

The proposed development is consistent with the following guiding principles of the comprehensive plan:

- 1) The historic, small town charm of Downtown Powell should be preserved and enhanced. Downtown Powell should be a vibrant, accessible center of the community with a diverse mixture of uses and activities.

- Although not in the center of the downtown, this site is considered a peripheral component of downtown. As someone enters from the west, going east, they would first be met by this development as they enter the downtown. The architectural proposed in this developed is such that it blends in nicely with the historic architecture of downtown and would “prime” the visitor with a historic idea. Similar to Armita Plaza and Traditions Commercial Projects on Lincoln Street, development that relates to the downtown helps to enhance the downtown. It helps to extend the downtown further out, not by imitation but by similarities of design, scale, and uses.
- 2) Development patterns should seek to minimize traffic impacts by mixing uses or locating compatible uses within walking distance (i.e. a 5 to 10 minute walk), and by providing interconnected street systems with sidewalks and multi-use paths that provide safe, comfortable and convenient pedestrian routes.
- This proposal locates compatible retail uses near other retail uses and has shared parking with its neighbor. In this way, it potentially helps minimize traffic, since users can park once and walk to multiple uses on and around the site. Also, the proposal provides an interconnected street and path system for pedestrian routes. This should also help to reduce car trips.
- 3) New commercial development should contribute to both the service needs of the community as well as the economic and fiscal well-being of the City.
- Adding to the commercial base of the city, residents are provided more services. This lends the city to becoming an even greater place to live. For instance, it may require residents to travel less out of the city to obtain services they can now find in the city. Commercial uses also help with the fiscal well-being of the city. By in large, commercial uses typically generate more revenue to the city's tax base than residential uses. Locating more commercial uses in the city is a two-fold win for residents. For one, the services they provide are directly for residents and two, the taxes they generate can be used by the city to provide municipal services.

The Comprehensive Plan also provides general policy and goals of land in different areas of the city. This site is located in the Mixed Use Village Center and is generally consistent with the goals of this land use category. A further analysis of this land use type will be conducted in later stages of the review process.

### Staff Recommendation

Staff recommends that the applicant submit a preliminary development plan submission.

## 2. CERTIFICATE OF APPROPRIATENESS

Applicant: Mathew Althouse  
Location: 26 W Olentangy Street  
Existing Zoning: Downtown Business District (DB)  
Request: To review a proposal to renovate an existing building for the purposes of a restaurant, and approve a parking plan for the proposal, as allowed by Section 1143.16 (g) (7) of the Powell Zoning Code.

Aerial Site Image: <https://goo.gl/maps/cZCvSouTw3U2>

### Project Background

The applicant, since the last meeting, has obtained a parking easement from their neighbor. As a result, the applicant has added a proposed parking plan and is bringing the application back before P&Z.

### Staff Comments

Staff appreciates the applicant working on obtaining a parking easement to ease P&Z's hesitation due to a perceived lack of parking.

Staff, in the meantime, did a review of the parking lot for the past 15 days using camera footage and determined that their preliminary findings still hold, that there is no parking shortage. Staff will bring the video to the next P&Z meeting for review and prove that there is ample parking available as per this cursory examination.

Lastly, staff would like to stress that improving a building in the downtown core, providing residents with another dining opportunity, and adding to the tax base is a great benefit and should not be overlooked due to a perceived parking problem.

### Staff Recommendation

Staff recommends approval of the Certificate of Appropriateness with the following conditions:

1. The applicant pursue additional parking in the future.
2. The applicant require employees to park at 22 South Liberty Street for the duration of his lease at that location or otherwise at the Municipal Parking Lot at Village Green.
3. The applicant work with the city's Public Service department to rearrange public seating adjacent to the structure.
4. Mock-ups of the signage are provided, however staff recommends allowing revisiting sign approval at a later date by Staff.
5. The Architectural Advisor comments are incorporated into the plan.

## **Certificate of Appropriateness Review – July 12, 2017**

### **Project Background**

The applicant came before P&Z on December 14, 2016. At the meeting P&Z's main causes for pause were the parking and needing to go before HDAC. At the request of P&Z, the applicant went before HDAC on January 19, 2017 and received an overwhelmingly positive response from HDAC.

Since these two meetings the applicant has made a significant good-faith effort to obtain parking agreements with his neighbors. Unfortunately, he was unable to obtain parking agreements no matter his diligent effort.

The applicant came back to staff to discuss his efforts and possible next steps. After discussion with the applicant and Staff's own preliminary analysis of the parking in the downtown core, Staff recommended that the applicant come back before P&Z for review.

### **Proposal Overview**

Review of the proposal to renovate an existing building to ensure that it conforms to the standards listed in the Powell Comprehensive Plan, the Downtown Revitalization Plan, and the Downtown Architectural Guidelines, and to approve a parking plan for the restaurant as allowed for in Section 1143.16 (g) (7) of the Code.

### **Changes Since the Last Submission**

The applicant has made the following changes to the submission since the December 14, 2016 submission.

1. Reduced seating on the interior plan.
2. A letter stating the applicant's efforts to obtain additional parking, and commitments made for employee parking to occur at either his current coffee shop at 22 S. Liberty Street or the Municipal Parking Lot at the Village Green.

### **Staff Comments**

Overall, Staff feels there is no need to hold up this business owner from renovating a structure that needs updating and starting his business in the downtown core at the behest of a "parking problem" that doesn't exist.

Staff has been conducting a parking census in the downtown area as part of the city's code update project. Preliminary findings of this census show that there is ample public parking space available. These results are preliminary, but staff is comfortable in making this assertion for the benefit of moving this project forward. The benefit of a new business in the downtown and the renovation of a building far outweigh what is a perceived parking problem.

It should be noted that staff has been privy to the applicant's numerous attempts to obtain additional parking. The applicant has met with numerous neighbors, drawn up potential parking configurations, and is willing to pay for the majority of improvements. However, neighbors are just not coming into agreement with his proposals. It should also be noted that this applicant is still willing to make future parking agreements if they are able to come to fruition.

The building and site improvements will add considerable value to the property, and thus add additional monies to the Tax Increment Finance District. This TIF District is most likely one way to pay for future additional public parking. Therefore, this applicant, by making these improvements, is contributing to future parking needs.

This proposal is a benefit to the City of Powell. It adds another business in our revitalizing downtown that adds another dining option for our residents, provides us with an improved building, and adds to the city's tax base. The question as to when is it time to not be able to rely on the Village Green municipal parking lot? The answer is that Staff continue to monitor the public parking situation from time to time and promote the parking, alley and roadway improvements identified in the adopted Keep Powell Moving Plan by funding the Capital Improvements program that is needed for these improvements.

### Staff Recommendation

Staff recommends approval of the Certificate of Appropriateness with the following conditions:

6. The applicant pursue additional parking in the future.
7. The applicant require employees to park at 22 South Liberty Street for the duration of his lease at that location or otherwise at the Municipal Parking Lot at Village Green.
8. The applicant work with the city's Public Service department to rearrange public seating adjacent to the structure.
9. Mock-ups of the signage are provided, however staff recommends allowing revisiting sign approval at a later date by Staff.
10. The Architectural Advisor comments are incorporated into the plan.



## Certificate of Appropriateness Review – December 14, 2016

### Project Background

Dustin Sun of Sun Properties (Owner of Espresso 22) recently purchased the building and is applying to renovate the property at 26 W Olentangy Street. The proposed project is a renovation of the exterior and interior of the property, to convert the space from retail to restaurant.

### Proposal Overview

Review of the proposal to renovate an existing building to ensure that it conforms to the standards listed in the Powell Comprehensive Plan, the Downtown Revitalization Plan, and the Downtown Architectural Guidelines.

The renovations suggested in the proposal are listed below.

- Exterior Renovation
  - New Sliding Barn Door
  - New Storefront Windows
  - New Side Paneling
  - Painting Existing Siding
  - Addition of Walk-In Cooler
  - Addition of Nine Parking Spaces
  - Addition of front "porch" with columned parapet
- Interior Renovation
  - New Restrooms
  - New Kitchen
  - Remodeled space for bar and dining area

### Ordinance Review

In accordance with the requirements of codified ordinance 1143.18(j)(2), any change in the outward appearance of a property within the Downtown District shall require approval of Certificate of Appropriateness by the Planning and Zoning Commission if any change in the outward appearance of a property within the Downtown District results in one or more of the following:

- A. **The plans call for a new non-residential structure or addition of occupied space to an existing non-residential structure, whether principal or accessory;** or
- B. The plans call for two or more new residential dwelling units; or
- C. There will be a demolition of a structure larger than seventy-five (75) square feet in ground floor area; or
- D. There is a request for rezoning, zoning variance, or subdivision of land within the Downtown District.

### Comprehensive Plan Consistency

The proposal of the renovation is in line with the city's 2016 Comprehensive Plan. Specifically, in regards to the following guidelines.

- Guiding Principle (pg. vi): The historic, small town charm of Downtown Powell should be preserved and enhanced. Downtown Powell should be a vibrant, accessible center of the community with a diverse mixture of uses and activities.
  - Staff believes the proposed renovation improves the property's compatibility with this principle.
  - The renovation is designed in a way that will better match the development style seen elsewhere in Powell. The construction materials used and the change in architectural style are two notable enhancements.
  - The addition of a dine-in/carryout restaurant adds diversity of building use to the Downtown corridor.

- Mixed Use Village Center Guidelines (pg. 30): Renovation proposal meets many Development Guidelines for the Mixed Use Village Center.
  - Commercial and mixed use buildings should be located adjacent to the public sidewalk with prominent main entrances and storefront windows.
  - High quality materials and architectural detailing is critical to ensure new development contributes to the village character.
  - Shared and interconnected parking areas should be provided behind commercial buildings. Parking lots should be physically linked together or accessible from public alleys.
- Transportation Plan (pg. 67): Although the property is close in proximity to the Four Corners, renovation of the building for this use would likely not create a noticeable impact on traffic or congestion beyond that of a normal addition of a mixed use site. This is speculative to the fact that the restaurant's parking is accessible from both Hall Street and Liberty Street by way of an alley at the rear of the building. Having primary parking accessible from several directions, mixed with on street parking in the front of the building, and two nearby public parking lots, the traffic impact should be nothing beyond normal.

## Staff Comments

The following sections are a congregation of staff comments after evaluation of these supplemental documents.

### **Downtown Revitalization Plan**

The proposal is in accordance with the following key areas of the Downtown Revitalization Plan.

- Recommendations for Powell's Northwest Quadrant
  - One issue mentioned in the Downtown Revitalization Plan is a lack of updating to existing structures, and staff believes this proposal is progress towards amending this issue.
  - The renovation to the exterior of the storefront should act as an improvement to the streetscape.

### **Downtown Architectural Guidelines**

The proposal is in accordance with the following key areas of the Downtown Architectural Guidelines.

- The proposed building materials are in line with those suggested in the Architectural Guidelines.
  - The proposal plans the use of board and batten siding, which is recommended.
  - Trim work and molding will be done with Hardie-trim and Hardie-plank boards.
- Proposed architectural elements are in line with the Architectural Guidelines.
  - The window design appears similar to those displayed in the architectural guidelines.
  - The proposed molding style matches acceptable style.
  - The addition of columns visually acceptable.
- The addition of the walk-in cooler is of no concern to building massing, as the increase of mass is relatively small.

After evaluation of the proposal, staff was able to determine the acceptable match of the items listed above to sections within the Comprehensive Plan, the Downtown Revitalization Plan, and the Downtown Architectural Guidelines, but needs further explanation to the questions listed below.

- What color will the building (painted portion and materials) be?
- What is the material of the paneling along the South Elevation?
- What is the material of the parking lot?
- The parking requirement is calculated for a sit-down restaurant which would require 13 parking spaces (25 required divided by 2 (within the DB District (old OPC District) = 12.5 and round up

to 13). 10 spaces are provided. There are two spaces directly in front of this use. Also, there are two public parking lots nearby. The DB code gives P&Z the authority to reduce the number of spaces required if through proper analysis they feel that the minimum is not needed to be met. The Applicant is discussing common parking plans with the adjacent owner, and will require his employees to park at the municipal lots.

Staff would also like to make P&Z aware that they may wish to leave the final details up to the Historic Downtown Advisory Committee.

Lastly, staff defers to the Architectural Advisor for more detailed analysis of the design of the proposal.

### Staff Recommendation

Staff recommends approval of the Certificate of Appropriateness with the following conditions:

- Acceptable answers to the questions mentioned above are provided.
- The applicant pursues additional parking in conjunction with neighboring lots, as proposed parking merely meets just less than minimum, and require employees to park within one of the public lots.
- The applicant work with the city's Public Service department to rearrange public seating adjacent to the structure.
- Mock-ups of the signage are provided, however staff recommends allowing revisiting sign approval at a later date by Staff.
- Design of the exterior of the walk-in cooler on the north elevation is provided.
- The Architectural Advisor comments are incorporated into the plan.