



STAFF REPORT

PLANNING & ZONING COMMISSION

Village Green Municipal Building, Council Chambers
47 Hall Street
Wednesday, October 25, 2017
7:00 P.M.

1. PRELIMINARY DEVELOPMENT PLAN REVIEW

Applicant: Chris Bradley
Location: 110 Grace Drive
Existing Zoning: DB, Downtown Business District
Request: To review a proposed mixed use project consisting of 25 residential units

Aerial Site Image: <https://goo.gl/maps/1hs5Q4WUuHy>

Project Background

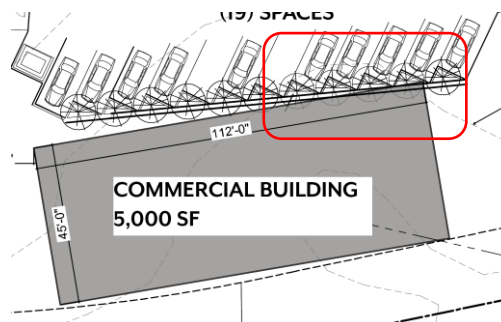
The applicant came before P&Z on August 9, 2017 and received comments from Staff and the Commission. Since that time the applicant made changes to the original submission and submitted it for preliminary plan review for the October 11 meeting. However, the applicant decided to table the proposal to make refinements. Also during this time Staff determined off site stormwater, overflow of the pond on the Powder Room site, flows across the site, and met with the applicant to ensure they take this into consideration. After meeting with staff and making changes to the plan, the applicant decided to bring the proposal to the October 25 meeting.

Proposal Overview

The proposal to construct a mixed used development remains the same but there are changes to the site plan, building configurations and square footage of buildings. Details of major changes below.

Changes Since the Last Submission

- Site data updated (i.e. site went from 2.7 acres to 2.594 acres).
- Went from three residential buildings to two.
- Commercial building increased from 2,000 sq. ft. to 5,000 sq. ft.
- Covered spaces turned into two story parking garages below with 1 bedroom flats above.
- Architecture changed on residential buildings and provided for the commercial building.
- Staff is disappointed as to how the site plans do not match (p 5 vs. p 12) so it is hard to tell exactly what is being proposed as to the front setbacks. Staff has asked for plans to be changed so that they match and each time resubmission has failed that endeavor.
- The applicant provided a refined site plan with a 20 foot setback. However, the commercial building now overlaps the parking and landscaped area.



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;

The proposed use is consistent with permitted uses outlined in the zoning code and the density of the proposal is also at the highest end of what is allowed in the DB, Downtown Business District. The DB allows a maximum of 7 units with a bonus of up to two units for public amenities. This calls into questions whether P&Z considers the improvement of the entry into Powell Center and the previously dedicated right-of-way enough of a public amenity to warrant the density bonus.

Staff is of the opinion that the design of the "mixed use" concept is not consistent with the Comprehensive Plan. Details of which are provided in items below.

The height is fine but through a cursory examination of lot coverage it seems to be at 21% versus the allowable 20%. Total lot coverage by building and pavement is less than 80%, providing for more than 20% green space. No landscaping or lighting plan has been submitted.

There is some questions about the setback requirement from Grace Drive. After some research, it was determined that the setback from the right-of-way of Grace Drive could be either 30 feet or 20 feet depending on whether past agreements or ordinances are observed. Current code requires a minimum of 20 feet and maximum of 25 feet. However, Ordinance 2000-17, which was the Ordinance adopted that indicated the right-of-way purchase agreements at the time Grace Drive was going to be built requires a 30 foot setback. The Downtown Business District code was written and this area rezoned after the right-of-way widening happened, so as a result there is a conflict. Staff does not see this as a critical item, it just needs to be clarified and identified as a change as part of this development plan approval. We would recommend a 20 foot setback in this particular development.

(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;

Commercial and residential uses along this portion of Grace Drive are appropriate as they are permitted uses in the Downtown Business District. However, the amount and intensity are not correct. Section 1143.16.1(e) states that:

The maximum density is seven dwelling units per acre. The Planning and Zoning Commission can set density bonuses up to an additional two dwelling units per acre for development that includes the expansion and/or creation of public amenities such as streetscape improvements, public gathering spaces, park improvements, and other notable public amenities as determined by the Planning and Zoning Commission.


The proposal calls for over 9 units/acre, however as stated above, by code that density is reserved for a development that provides for public amenities of some kind as approved by the Planning and Zoning Commission. Staff poses the question to P&Z as to whether the right-of-way dedication and improvement to the Powell Center is sufficient. The City adopted our Keep Powell Moving plan, which indicates that a public road is desirable to tie together Grace Drive and Beech Ridge Drive. This road could be at the location of the current private drive which leads to Powell Center, and traverses this property via a public access easement. This drive could be upgraded to a public road by this developer, therefore allowing for an upgrade to 8-9 dwelling units per acre. A table below shows the density per acre calculations, each of which shows that they are at odds with the applicant's proposed 25 units or 9.64 units per acre density.

Units/Acre (2.594 acres*)	Total Units
7	18
8	21
9	23

*2.594 acres is used as the total acreage of the site as the previous owners had an agreement with the city that if the land were to be developed the dedicated right-of-way would be included as part of the density calculation.

(3) The relationships between uses, and between uses and public facilities, streets, and pathways; Commercial and residential uses on this site would have a good relationship with its neighbors but staff argues not in the current configuration. Staff believes that Grace Drive should take on more of a commercial feel, with residences being a secondary use to the commercial. A two story development, with commercial on the first floor and residential on the second, is the mixed use that is currently the vision within our Comprehensive Plan:

Village Center - Mixed Use/Commercial Examples




Parking Behind Building

Urban Style Building

Transparent, Active First Floor Storefronts

Baxter Village, Fort Mill, SC



Flat Roofs

Active Second Floor Space

On-Street Parking

Outdoor Dining

New Town, VA

For example, the New Town image above shows a restaurant on the corner. To the right and the left could be flat apartments. In this unique way, the intermingling of commercial with residential is more appropriate than what is being proposed with this development. On the other hand, the building could contain all retail downstairs and apartments upstairs.

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

Although no real traffic analysis is provided, Grace Drive is designed for three lanes and would be capable of handling any increased mixed use traffic to and from the site. We would, however, like to have the developer prepare an analysis of their proposed one way circulation pattern, and see if a left turn lane into their site is needed on the new east/west road. We do not want to see traffic back up to Grace Drive trying to get into the site. The sidewalk along Grace Drive should be sufficient, and there should be lead walks from that sidewalk into and through the development to allow for a walkable plan.

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

There are adequate yard spaces on the proposed site. The proposal intends to keep the tree line to the east of the site.

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

There are no open spaces or natural preserves on the site, however there is over 20% green space and the applicant is intending on preserving existing trees toward the east side of the site as best as possible to provide for screening.

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

The development will be done in phases expected to take 12-18 months from ground-breaking:

- a. Site work completion
- b. Parking
- c. Residential buildings
- d. Commercial building – user dependent – may be done simultaneous with the residential construction or later (market driven)

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

See #7.

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

No municipal improvements are anticipated with this development.

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

There should be very little community costs of providing public services to this property as this is an infill development.

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

The proposal is currently configured would have a negative impact on its surroundings. The architecture and intensity does not match with the aesthetic of downtown Powell. The architecture is too contemporary and the number of units on the site too high. Furthermore, adding so much residential along Grace Drive would change the development direction of one of the last commercial spaces in Powell towards a residential model. This is not what the Comprehensive Plan calls for of major thoroughfares. A greater commercial presence along Grace Drive would be a better fit with the surroundings. For example, if the length of Grace Drive was commercial on the main floor and residential above.

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

Staff's sketch plan review Comprehensive Plan analysis still holds (see below). In short, what is being proposed is generally not in line with the vision of the Comprehensive Plan. The site is not the most appropriate location for this type of development since main thoroughfares should be reserved for primarily commercial uses. Furthermore, the plan states that new development should be "sensitively designed to fit with the scale and unique character of existing downtown development, a variety of housing options could be appropriate and beneficial in advancing the economic vibrancy, character, and livability of Downtown Powell" (p.30). What is being proposed does not meet this policy recommendation. Although what is proposed is a different housing option, it does not have the appropriate scale due to the higher than allowed density and urban-style form which is contrary to preserving the unique character of the existing downtown. What would be more appropriate is creating a new block of downtown, with storefronts below and residential above and behind even.

Staff Comments

The applicant has taken the comments from the Commission and Staff and has adjusted more commercial into the plan. They transferred apartments from a third building to above garages. Staff still believes in the concepts of the Comprehensive Plan are still valid, and an applicant should surely have to prove otherwise when submitting an alternative. A residential only portion along Grace Drive, which is and has been considered for additional commercial expansion of our downtown, should only be done with residential if the residential portion is not the only identifiable feature of land use; it needs to be blended together with commercial uses fronting the street. Whether that can be done with upstairs units and/or a building behind, the commercial frontage is important.

Staff Recommendation

Staff recommends not approving the preliminary development plan at this time, due to the fact that the plan is inconsistent with the Comprehensive Plan, the density is higher than allowed by the Downtown Business District, additional traffic analysis is needed to be completed, the submitted site plans are inconsistent with each other, and the architecture is not consistent with the Historic District Guidelines. Staff recommends the following changes:

- 1) Residential along Grace Drive is removed and the flats above the garages removed. In this way, the intensity of the site is reduced.
- 2) Add another commercial building along Grace Drive or have main floor commercial and upper floor residential along Grace Drive. This way the commercial component is the prominent feature along the road.
- 3) Change architecture of the commercial building. Provide some more ornamentation. For example, curved, carved brackets under roof overhangs and cornices, and hood moldings over doors and windows. In the current view, it seems too contemporary for a historic downtown. See comparison images below for what is proposed versus what exists at 8 N Liberty Street.

Add a second story for residences above the commercial.



SOUTH ELEVATION (NORTH ELEVATION SIMILAR)



- 4) The residential density of the proposal should stay in line with the Downtown Business District. Staff would recommend between 18-21 units if the existing drive access is upgraded to a public street and other changes to the site plan and mix are made.
- 5) Submit traffic analysis of proposed one way site operation and need for turn lane on the access road.

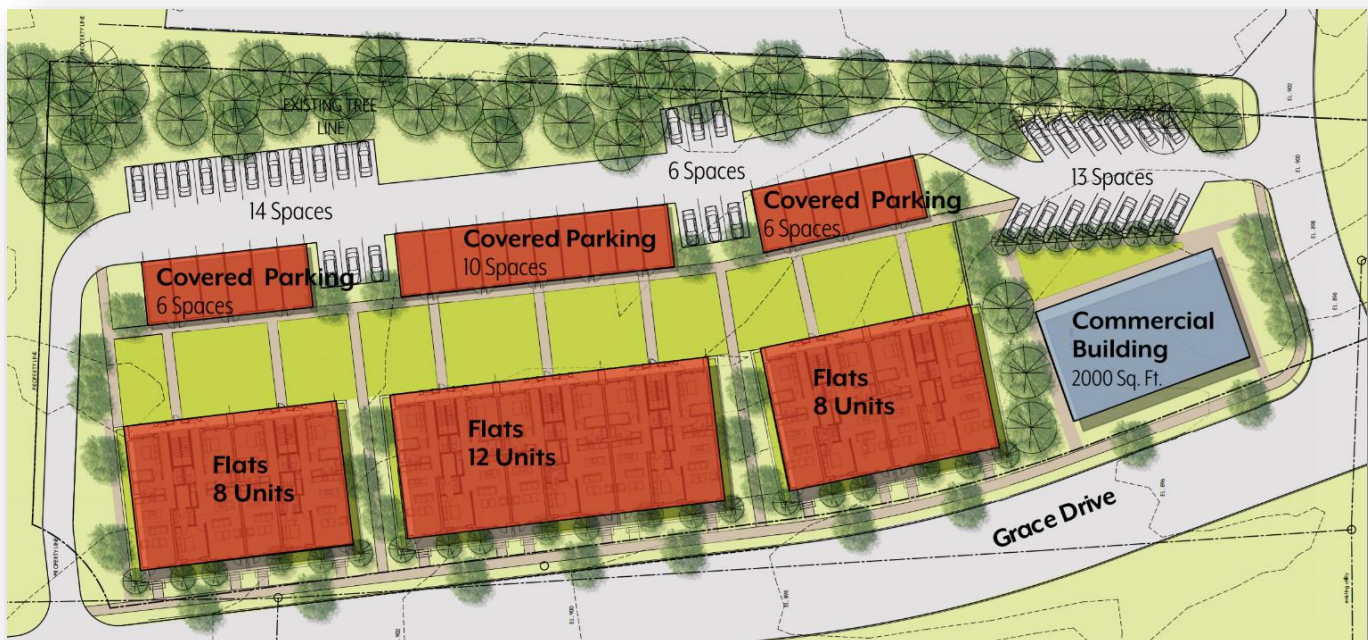
Sketch Plan Review – August 9, 2017

Project Background

The applicant met with staff before submission to discuss possibilities on the site. At these meetings staff provided the applicant with ideas of what the City would like to see on site. The applicant has now provided a sketch plan for review.

Proposal Overview

The proposal is to construct three two-story residential buildings, one two-story commercial building, 22 covered parking spaces, and 33 uncovered parking spaces. The three residential buildings will have a total of 28 units and the commercial space will be 2000 square feet. The site will be bound by a drive aisle with two access points on Grace Drive.



Comprehensive Plan Consistency

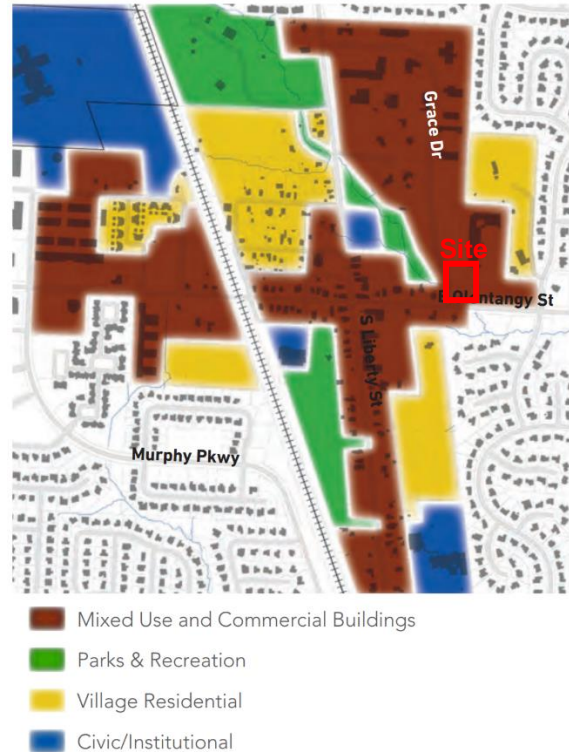
The proposal is not entirely consistent with the Comprehensive Plan. Although the development has aspects that are consistent with the Comprehensive Plan, there are areas that staff feels the plan needs to improve upon. Namely, the amount and location of uses proposed.

The Comprehensive Plan calls for new commercial developments that would contribute to the service needs of the community and the fiscal well-being of the city (p. vi). This development provides some of this through its single commercial building but staff feels that the amount of commercial is not sufficient. Grace Drive is one of Powell's only commercial corridors. These corridors should be protected and developed with primarily commercial since these types of uses provide services to residents and tax benefits to the city, especially through the contributions to the Downtown TIF District. Losing commercial land can be an error in the long-term as these lands typically do not return to commercial again. For this reason, staff would like to see the proposal become more commercial heavy, rather than residential heavy. This way, the city's financial well-being is better protected.

The Land Use Plan portion of the Comprehensive Plan, specifically the Village Residential portion that this site is located within (see image below) states that (p. 30):

“If sensitively designed to fit with the scale and unique character of existing downtown development, a variety of housing options could be appropriate and beneficial in advancing the economic vibrancy, character, and livability of Downtown Powell.”

Exhibit 2.3: Mixed Use Village Center Detail



Staff feels that the proposed architecture is very nice and could be an added benefit to the community. However, the location of housing along Grace Drive may not be the best place for it. A major thoroughfare, it sees a fair amount of traffic and having homes so close to it may be uncomfortable for anyone living in the homes. Also, this organization of buildings so close together to the road does not seem to fit within Powell's downtown esthetic. It feels more suburban than historic.

Furthermore, Land Use policy #6 (p. 49) recommends encouraging mixed use development in appropriate locations, as designated in the plan. This policy states that “in particular, large residential development sites with arterial roadway frontage should preserve that frontage for commercial uses that will both generate revenue for the City, while also providing jobs and services within walking distance of nearby homes.” This proposal is contrary to this policy recommendation.

Staff Comments

Many of staff comments were discussed in the previous section. Staff would ultimately like to see the proposal redesigned to include more commercial use or at least, less commercial use along Grace Drive in order to protect the little remaining commercial land we have in the City.

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 Recommendation

Staff recommends that the application resubmit a new sketch with the following changes:

1. Redesign the site plan to include more commercial.

2. PRELIMINARY DEVELOPMENT PLAN REVIEW

Applicant: Pulte Homes of Ohio LLC
Location: North of 8260 Steitz Road south of Hunters Bend
Existing Zoning: Planned Residence District (PR)
Request: To review and approve a subdivision plat for Carpenters Mill.

Aerial Site Image: <https://goo.gl/maps/HKPuWZg1QQm>

Project Background

The annexation and Final Development Plan were approved earlier this year. Now the developer is soon ready to begin construction and therefore is also ready to file the subdivision plat. The subdivision plat outlines the lots and blocks of the subdivision, and is the item that gets recorded with the Auditor to create the lots that can then be sold. The plat is a survey document with lot dimensions, easements and notes that accomplish the implementation of the Final Development Plan.

Approved Development Plan Synopsis

As approved in the development plan, this plat reflects the first two phases of the development. These lots are on the west side of Steitz Road. The engineering plans being reviewed at this time include these phases as well as the roadway improvement plans. It is anticipated that the roadway improvements and first phase construction will occur at the same time, with the building permits being held until the roadway improvements are completed, so that a turn lane is provided for during home construction.

Staff Comments

Staff has reviewed that plat and finds that it is in conformance with the approved development plan.

Ordinance Review

Section 1107.08 of the Powell Codified Ordinances requires a plat to be submitted and approved, and then recorded, prior to the sale of any lots and the dedication of streets for public use.

Staff Recommendation

Staff recommends approval of the plat for Carpenter's Mill Section 1 Part A and Section 1 Part B, with the condition that the City Engineer approve all lots, easements, notes, roadway dimensions, and survey markers as shown on the plat prior to signature.

3. Certificate of Appropriateness

Applicant: Steve Reynolds
Location: 41 Depot Street
Existing Zoning: Planned Commercial District (PC) (Retail)
Request: Site work including three (3) new public parking spaces and gravel service with employee parking. Architectural improvements including a 285 SF extension of the existing porch, and a 1,350 SF addition to the existing building to support tenant operations.

Aerial Site Image: <https://goo.gl/maps/zXF6vk83Xy82>

Project Background

The structure saw a fire a year or so ago and since that time it was refurbished and brought back online. The current owner purchased the property and further renovated the building. Now, a user is proposing to call the site home and complete further improvements.

Proposal Overview

Taken from the applicant's executive summary:

The proposed scope of work will create the new home for Nocterra Brewing Company, support brewing operations and include a tap room open to the general public. A 1,350 square foot addition is proposed to the west of the existing structure, containing the Brew House and Grain Storage. A prefabricated walk-in cooler will also be placed west of the existing structure, and north of the addition. The remainder of the existing facility will be fit-out on the interior for Brewing Operations, Barrel Storage, the Tap Room, Restrooms and General Storage.

Site work will include the creation of three (3) new public parking spaces along Depot Street, while maintaining the fourteen (14) existing parking spaces. A new service yard is proposed to the north which wraps around the addition to support daily building service and provide space for employee parking. The existing porch is proposed to extend to the west to provide additional exterior space for Tap Room patrons.

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.

In accordance with the requirements of codified ordinance 1143.18(a), the purpose of the Downtown District Overlay District (herein after referred to as the "Downtown District") is to promote the public, health, safety, and welfare by providing for the regulation of the downtown area through a single, unified district. This district is created to permit the careful and coordinated physical planning, development, and redevelopment of the land, and to provide flexibility in the location of land uses, housing types, and intensity. This district shall preserve, protect, and promote the historical nature of downtown by pursuing development that encourages a mix of uses in a manner that is safe, pleasant, convenient, and in context with the history of the area. It is also the purpose of the Downtown District to:

- (1) Safeguard the heritage of the City by preserving sites and structures within the historic central core of the City that reflect the City's history and its architectural history.
- (2) Stabilize and improve property values.
- (3) Strengthen the economy of the City by promoting business development through the allowance of buildings that provide flexible commercial opportunities yet in keeping with the village scale and character.
- (4) Protect and enhance the City's attractions to residents and visitors.
- (5) Enhance the visual and aesthetic character, diversity, and interest of the City's history.
- (6) Foster civic pride in the beauty, human scale, and human details of the City's history.
- (7) Promote excellence in small town design, incorporating elements that are consistent with the existing character of the area.
- (8) Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City.
- (9) Preserve sound existing housing stock in the historic central area of the City and safeguard the residential scale of the district and the character of sub-areas that are primarily residential in character.

The proposal meets many of the purposes of this district. To name a few:

- The proposal will help to improve property values of neighboring properties.
- This proposal is enhancing an existing structure in the historic core helping to preserve architectural history of the downtown.
- New commercial uses within walking distance of homes are valued in the current market.
- This new use will strengthen the economy of the city by bringing in new business into the city.
- This proposal offers a new attraction for residents and visitors to visit.

Plan Consistency

The proposal conforms to the standards listed in the Powell Comprehensive Plan, the Downtown Revitalization Plan, and the Downtown Architectural Guidelines.

Staff Comments

Staff appreciates a well done application package and that the applicant reached out to the neighbors regarding their proposed use.

Traffic, parking, noise and unruly guests are some of the concerns neighbors raised in relation to the proposal. Staff had similar reservations however, they were already answered by the applicant. Staff is impressed that the applicant responded to each of these concerns and is fine with the provided explanations. To deal with traffic and parking the applicant suggested that the city providing no parking signs and speed limit signs along Depot Street. Staff will look into this but sees no issue with this suggestion. As for noise, the applicant is not planning to have music on a regular basis but instead at an annual or biannual basis with restricted hours. The applicant also provided their hours of operations (see below) stating that they do not want to disturb the neighbors. Lastly, there was a

questions about unruly guests, Staff is confident that with the brewery's proximity to the Powell Police Department will help mitigate any issues.

Our planned taproom hours are. Monday - Friday 3pm -10pm Possibly closed on Mondays
Saturday 12pm - 10pm
Sunday 12pm - 8pm

We know that Powell is an early to bed town, that is why we like it so much. We both have younger kids and understand the importance of early out and in.

The additions proposed will be on the rear of the building facing the railroad tracks. These changes will have very little visual impact on the neighbors.

The parking provided exceeds what is required by code. Furthermore, there is additional public parking along Depot Street and the municipal lot is not a far walk if need be.

Staff Recommendation

Staff recommends approval of the certificate of appropriateness with the following conditions:

- 1) As per 1149.05(i), all parking areas for 12 or more spaces shall be marked with double paint lines located parallel to each other and 24 inches apart, which sets of lines shall be centered on the lines designating the side boundaries of each parking space. These lines shall run continuously from the frontmost to the rearmost limit of each space, facilitating movement into and out of the parking stalls by both vehicles and their occupants.
- 2)