



STAFF REPORT

PLANNING & ZONING COMMISSION

Village Green Municipal Building, Council Chambers

47 Hall Street

Wednesday, October 25, 2017

7:00 P.M.

1. ZONING CODE AMENDMENT PUBLIC HEARING

A public hearing to review updates to the city code. This review will focus on “minor changes”. For example, streamlined application requirements, new definitions, clarifying mobile businesses requirements, and requiring conduit for fiber in new developments.

The update to the Powell Zoning Code stems from the implementation recommendations of the Comprehensive Plan. It called for a code diagnostic, to see what kind of changes are necessary due to the policies set forth in the Comprehensive Plan. A Code Update Committee consisting of Staff, City Council members, Planning and Zoning Commission members and some resident citizens have met numerous times over the last year and a half and have presented changes in stages. This final stage consists of many items:

TITLE ONE

- Adds various types of streets as an update from the Keep Powell Moving Plan.
- Add electronic submissions.
- References current design manuals.
- Updates storm sewer design capacity.

TITLE THREE

- Adds Intent to achieve vision of Comprehensive Plan.
- Defines mobile business and adds food truck requirements.
- Changes submittal requirements.
- Updates items due to change from Village to City status.

TITLE FIVE

- Removes Zoning Upon Annexation requirements.
- Clarifies park dedication requirements and payments of fees in lieu of dedication.
- Adds provision of fiber optic or other utility conduit at City Engineer discretion.
- Requiring posting of hearing on City web site rather than newspaper ads.
- Makes reference to City's Pedestrian Scale Design Guidelines.
- Clarifies downtown district parking requirements.
- Establishes requirements for mobile businesses.
- Updates street tree list and adds park tree list.
- Adds Preservation and Enhancement of Environmental Character references and requirements such as slope preservation and stream corridor preservation zones.
- Removes Downtown Architectural Guidelines from Codification as it is its own adopted design manual referenced in code.

Frankly, there are very few substantive changes to the existing zoning code. This is due, in fact, that the current zoning code is very much in line with the Comprehensive Plan. That which was not consistent with the plan was added, altered or removed as stated above.

Staff recommends that the Commission approve these changes after the appropriate public hearing if they find no other changes are necessary.

2. 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

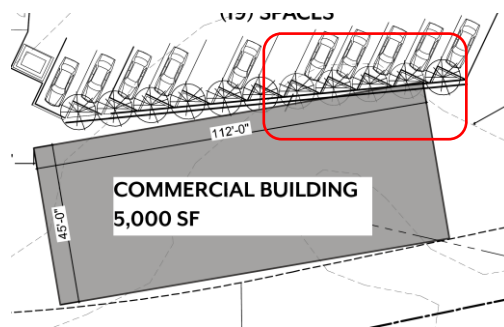
The applicant came before P&Z on August 9, 2017 and received comments from Staff and the Commission. Since that time the applicant made changes to the original submission and submitted it for preliminary plan review for the October 11 meeting. However, the applicant decided to table the proposal to make 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. Staff defers to P&Z as to whether the improvement of the entry up to Powell Center and the previously dedicated right-of-way warrant the density bonus.

Staff is of the opinion that this particular 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 previously dedicated right-of-way and future improvements to the Powell Center entry is sufficient to warrant the density bonus. 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	18.16 ~ 19
8	20.75 ~ 21
9	23.35 ~ 24

*2.594 acres is used as the total acreage of the site as the previous owners may have 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. Staff is still trying to figure out if this agreement exists.

(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. The developer shall be required to update the entrance drive to a public road cross section to achieve the proposed density bonus.

(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 as 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 seems to have too much contemporary flair and the number of units on the site too high. Furthermore, adding so much residential only buildings along Grace Drive would change the development direction of one of the last potential 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 or mixed in better.

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.

In the image below, we show an option for adding townhome portions to a commercial building. In this manner, there is still prominent commercial facing Grace Drive, and can be intermixed with a mix of townhomes and possibly upstairs apartments. Does this increase costs? Probably yes. Does this increase rents to make up for costs, probably yes. Will it take longer to rent the commercial space rather than the apartments, probably yes.

The 2016 Urban Land Institute in conjunction with The Ohio State University [Real Estate Trends in Central Ohio](#), shows that the mixed use concept creates more value with less space. We truly believe that done with compatible design something like that can be done in this location of Grace Drive on both sides of the street.

On this particular property, for example, we see the ability to provide around 12,000 to 16,000 sq. ft. of commercial/office space with about 17 to 18 dwelling units.

Village Center - Mixed Use/Commercial Examples



Baxter Village, Fort Mill, SC

Parking Behind Building

Urban Style Building

Transparent, Active First Floor Storefronts



New Town, VA

Flat Roofs

Townhome portion of commercial building.

On-Street Parking

Outdoor Dining

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) There needs to be a more commercial presence along Grace Drive, one that has more active commercial storefronts that could be utilized by a mix of commercial and office users. There is the ability to create a quite nice mixed use development with attached townhomes to the commercial spaces (see photo above) and/or upstairs flats with commercial uses on the first floor. The residential density should be based upon the existing amount of land and meet the Downtown Business District requirements.
- 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.

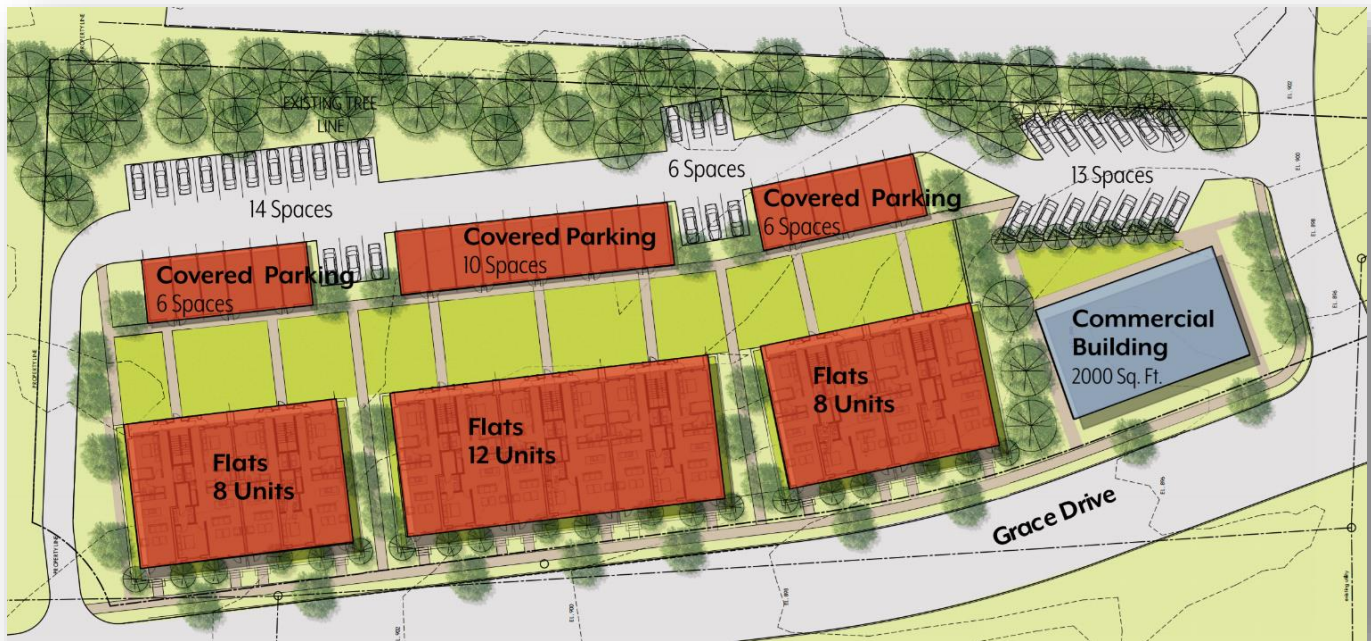
Sketch Plan Review – August 9, 2017

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.



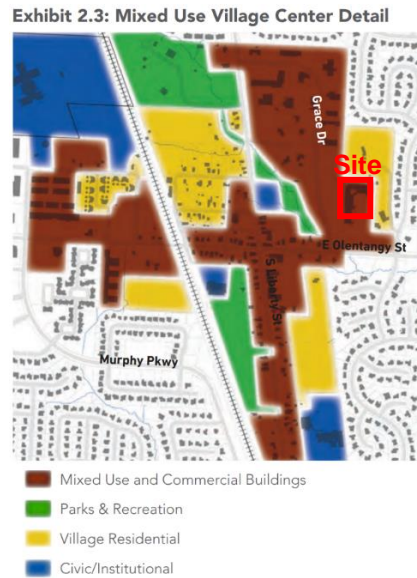
Comprehensive Plan Consistency

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."



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.

3. EXTENSION OF DEVELOPMENT PLAN APPROVAL

Applicant: The Day Dream Inn, LLC
Location: 80 E. Olentangy Street
Existing Zoning: DB, Downtown Business District
Request: To review an extension request for a previously approved plan.

Project Background

The previous application was approved over two years ago but no construction began since that time. The applicant is now asking for an extension of the previously approved development plan so that they may secure funding to initiate the project.

The applicant came before P&Z at this beginning of this year for an extension and was granted another one year. The applicant has still not been able to begin the project and is asking again for an extension.

Ordinance Review

Section 1143.11 (q) of the Powell Codified Ordinances requires that an extension of the time limits set in subsection (p) hereof, as a modification of the approved final development plan, may be approved by Council upon the recommendation of the Planning and Zoning Commission. Such approval shall be granted only upon a finding of a valid purpose and necessity for such extension and evidences of reasonable and diligent efforts toward accomplishment of the original development plan within the originally established time limits, and upon finding that such extension is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Administrator not later than ninety days before the expiration of the time limits set in subsection (p) hereof.

Section 1143.11 (p): Expiration of Approval Period. The approval of a final development plan for a planned district development shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. Where a project is completed within five (5) years, the approved final development plan shall remain as the effective zoning control over the area included in the plan, in addition to the requirements of this Zoning Ordinance. If required plats are not properly recorded within nine months of final development plan approval and/or if no construction has begun on the site within two (2) years of such approval, the approved final development plan shall be void, and the land shall revert to the original district zoning regulations unless an application for a time extension is submitted and approved, which approval may be withheld for good cause.

Staff Comments

Staff sees no reason to deny the applicant more time to obtain funding for the project. Overall, an improvement to this site would be an overall benefit to the downtown district and the Powell community. However, staff would recommend an extension of one year, at which point the applicant would need to come back before P&Z for approval.

Staff Recommendation

Staff recommends approval of the extension with the following condition.

1. That the extension be no longer than one year.
2. The applicant come back before P&Z should another extension be needed.

4. SKETCH PLAN REVIEW

Applicant: Platinum Group Investments (Steve Wilke)
Location: Lots 2392 & 2393, Liberty Street Business Park
Existing Zoning: DB, Downtown Business District
Request: To review a proposed real estate office building with 2 upstairs apartments.

Aerial Site Image: <https://goo.gl/maps/9J8wCupaWqK2>

Project Background

The South Liberty Business Park was envisioned to be where small office or retail buildings could be built in a manner consistent with the Downtown Architectural Guidelines. The buildings are to be up at the minimum setback with parking to the rear that has some common shared access ways that help with the distribution of vehicles coming and going along South Liberty Street. Over time, the City has grown and benefitted from the offices that have developed at this location. This is the next proposal within this development and includes a mix of two residential apartment units.

Proposal Overview

The proposal is being proposed on what was two lots within this commercial subdivision. The plat shows an existing shared access easement that will have to be abandoned as part of this development plan and re-established to where they propose a new driveway at the southern portion of the site. There are two more lots to the south of this site that are yet to be developed. The building is proposed to have an office for a real estate firm on the first floor consisting of 2,554 sq. ft., and two apartments upstairs consisting of 1,277 sq. ft. each with two bedrooms each. The main entrance to the apartments is located on the south side, having their own external covered stairwell. The building as proposed consists of a double gable front with a large front porch. All elevations have great detail of windows and porches and has nice massing. There will be a full basement to utilize for storage.

Staff Comments

This proposal will be very consistent with the existing buildings along this side of South Liberty Street. It makes for a good opportunity to add some residential units to mix of businesses within the downtown. Parking requirements are met, access to and from the site is well done as a change to the original plat, and the buildings design is very consistent with the architectural guidelines. Care must be taken as to the location of the air conditioning units, gas meters, electric meters, etc. Also, follow trim detailing as outlined in the Architectural Guidelines and be sure to make to post posts large enough to be consistent with the size of the porch and building. Skimpy posts would look funny. A lead walk should parallel the driveway leading back to the residential units and not just have a walk lead out to the driveway as shown on the site plan. The north/south parking lot drive aisle should connect to the property to the north. A good landscaping plan should accompany the plans as they are submitted for Final Development Plan.

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

This plan is very consistent with the Comprehensive Plan in that it is a mixed use proposal, adding office and much needed residential space to the downtown. It is being designed in a manner consistent with the Architectural Guidelines and it is connecting parking areas. There is plenty of parking and green space provided.

Staff Recommendation

The applicant has shown great promise with these plans. It is a very creative way of providing a mix of office and residential uses as outlined in the Comprehensive Plan. This is a perfect location for such a proposal. Staff would not have a problem for the applicant to submit a Combined Preliminary and Final Development Plan.