



## STAFF REPORT

### PLANNING & ZONING COMMISSION

Village Green Municipal Building, Council Chambers

47 Hall Street

Wednesday, April 10, 2019

7:00 P.M.

#### 1. AMENDING AN APPROVED FINAL DEVELOPMENT PLAN REVIEW

Applicant: Litech Lighting  
Location: 9590 Sawmill Parkway  
Existing Zoning: Planned Commercial District  
Request: Review an amendment to a final development plan to allow another gas price sign.

Aerial Site Image: <https://goo.gl/maps/ZxyQLkhK8jUkDar89>

#### Project Background

The applicant received initial approval of their development plan in 2011. They now decided to change their gas station signage to add another sign on the canopy. A sign change, which is a part of the development plan, requires an Amendment to a Final Development Plan review process.

#### Proposal Overview

To remove the existing sign and replace it with four new LED signs.

#### Ordinance Review

In accordance with the requirements of codified ordinance 1143.11(r), all plats, once a final development plan for a planned district has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as a new substitute plan and repatriation of the procedures established in these sections. "Substantial change" for the purposes of this section shall mean any modification of an approved planned district development plan, as determined by the Zoning Administrator that results in:

1. Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;
2. Decrease in the approved minimum lot size, number of parking spaces to be provided, and/or trash storage areas;
3. Change in the approved location of land uses, land use subareas or sub-elements, streets, public or private parklands and other public facilities, and/or natural environmental preserves or scenic easements by more than thirty (30) feet;
4. Reduction in area of public and/or private parklands or other public facilities and/or natural environmental preserves or scenic easements;
5. **Alteration of the basic geometry and/or operational characteristics of any element of the approved street pattern, parking facilities, service access, trash storage facilities, and/or system of pedestrian and/or equestrian paths that results in a change in operating characteristics or character;**
6. Any circumstance below the minimum requirements established in this Zoning Ordinance or as required in the approval of a conditionally permitted use in a planned district.

#### Staff Comments

Staff does not see a drastic change by adding an additional sign to the gas station canopy. The site is set back far enough from Sawmill Parkway that it will not be very visible or obtrusive. Furthermore, a sign already exists here and this addition would panel that overall, not be overly large or unsightly.

#### Architectural Advisor Comments

Given the streetscape along Sawmill Parkway and abundance of signage at all of the commercial establishments lining both sides within Powell's jurisdiction, we don't have an issue with what Giant Eagle is proposing here in terms of adding one more digital sign to each side of their canopy.

## Staff Recommendation

Staff recommends approval of the amendment allowing the change of signage used on the gas station.

## 2. PLAT REVIEW

Applicant: Arlington Homes  
Location: 2470 East Powell Road  
Existing Zoning: Downtown Residence District  
Request: Review phase 1 & 2 plats.

Aerial Site Image: <https://goo.gl/maps/PQ64zPqFFsBAPCNEA>

### Project Background

The property was received Final Development Plan approval in 2017. Since then, the applicant worked with staff on site engineering (i.e. road widths, lot configuration, and utility locations). The applicant is now farther along in the process and has a plat for P&Z review.

### Proposal Overview

To review changes to the site layout and review the two plats.

### 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.

### Approved Development Plan Synopsis

The approved development plan is for a fee-simple, single-family development aimed at empty nesters/retirees. The original development plan is available [here](#).

### Staff Comments

The subdivision plat is the recorded document that establishes the dedication of public streets and rights-of-ways, and establishes the private lots on which homes and/or open spaces are located.

The proposed subdivision plat layout of lots, streets, right-of-ways and open spaces are consistent with the approved development plan for Harper's Pointe but have changed slightly to now include two less home lots. During engineering review, it was determined that there is need for additional storm water capacity and as a result, lots 1 and 8 are open space instead of home lots. These and other open spaces are to be dedicated to the Homeowner's Association as approved by City Council.

The development has a two-phase process, with the first phase completing the entrance and the first dozen lots. The second phase will complete the remaining lots and storm water controls. Plats are valid for nine months and the applicant is aware of this requirement but is sure to commence the second phase before this time period lapses. Furthermore, as per 1107.08, the owner shall file the Plat with the Delaware County Recorder within 12 months of its approval by Council, unless this time is extended by Council, or the approvals of the Planning and Zoning Commission and Council shall be null and void.

Staff will review all of the landscaping requirements at the time of acceptance of the subdivision improvements and prior to the occupancy of the first home.

### Comprehensive Plan Consistency

These 2 plats are consistent with the Comprehensive Plan and approved Development Plan.

### Staff Recommendation

Staff recommends approval of the Harper's Pointe, Phase 1 plat with the following conditions:

1. That the City Engineer have final approval over addresses, lot numbers, easements and rights-of-way needs and other items prior to recording of the plat.

Staff recommends approval of the Harper's Pointe, Phase 2 plat with the following conditions:

1. That the City Engineer have final approval over addresses, lot numbers, easements, rights-of-way needs and other items prior to recording of the plat.

### 3. COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN REVIEW

Applicant: McClurg Properties, LLC  
Location: 204 South Liberty Street  
Existing Zoning: Downtown Business District (DB)  
Request: To review a combined plan for the demolition of existing buildings and construction of a new office and garage.

Aerial Site Image: <https://goo.gl/maps/aP9r7XaKahHqYgiX9>

#### Project Background

This is a new submittal for the property at 204 S Liberty Street, which is included in the Downtown Business District. McClurg Properties purchased the property in 2012, and has since used it as a residential rental property. The applicant is requesting to demolish the current structures and construct an office and storage garage in order to bring his business, Buckeye House Painting, into Powell. P&Z reviewed this proposal at a Sketch Plan review on April 4, 2019.

#### Proposal Overview

McClurg Properties LLC is proposing to demolish the three existing structures on the property including a house built sometime prior to 1901 and in their place, construct a new office and garage.

#### Changes Since the Last Submission

- 1) Landscaping layout and rendering provided.
- 2) Applicant provided an alternate to the garage – with/without dormer.

#### 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 proposal is consistent with the intent and requirements of the zoning code. It meets all use and dimensional requirements – the office use appropriate for this location and the building setbacks as well as height are fitting as well.

**(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;**

The property is located in the city's Mixed Use Village Center (Comprehensive Plan district), which calls for a mix of residential and commercial uses. As such, the proposal type and location is appropriate. The amount and intensity is also appropriate since the two building proposed are between 1-2 stories tall and have a design aesthetic that breaks up the massing of building.

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

The proposed use should fit into the existing context with little issue. A school and a residential property on the north side surround the site. Neither of these uses will notice much activity from a business use such as this. As a result, Staff sees the relationship between the uses and this office as harmonious. As for streets and pathways, this proposal is not likely generate much traffic to and from the site. Not to mention existing office/business uses in this part of Liberty have seen little negative impact on the roadways. As such, Staff sees a similar a relationship for this proposal.

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

As stated above, the site is not likely to have much traffic to the site. That being said, the proposed layout of the site, with access onto Liberty Street, has adequate dimensions to handle traffic to and from the site.

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

For a business use, the proposal has sufficient yard space along the front and rear of the office building, a large swath of land in the middle of the site, and greenspace around the garage.

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

As above, there is sufficient open spaces for the type of use proposed.

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

To be constructed in one phase.

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

The proposal should take less than a year to construct.

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

No improvements needed by the city.

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

There are no additional public service costs.

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

Staff believes the proposal will have a positive effect on the downtown core. Over time, the downtown has seen a revitalization, with renovated buildings and new construction bringing in new businesses into the downtown core. This site is on the periphery of the downtown core and in this way, it will act as a welcoming feature. With its unique architecture, it will be a statement piece for the historic core. It will be reference point for those entering Powell from the South. Instantly a visitor will know they are entering the downtown core. The unique architecture shows off Powell's vision for the future with a nod to the history of old Powell.

Beyond the architecture, this proposal brings another business into the City of Powell. This is another message that Powell is open for business and we welcome those coming to the City. In addition, the office workers at this site are likely to frequent the other shops and restaurants in the downtown core. A good mix of office, retail and restaurant helps completes the vision of vibrant downtown core.

*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."*

## Ordinance Review

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

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

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

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

Staff is sure that the applicant will begin construction following approval and complete construction within a year.

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

This property is part of the Mixed Use Village Center where we want to see further mix of residential and commercial uses. Along South Liberty Street, there has been the development of various commercial and office users. The houses along South Liberty Street have transitioned from owner occupied to rental residential, and then from rental residential to commercial. This property is happening in the same manner. As such, this proposal is consistent with the comprehensive Plan.

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

The proposed office will have more traffic than the current residential home but Staff is confident that the number of cars to the site will not overload the street network.

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

As per the Comprehensive Plan, this is the appropriate location for this type of use. The proposed building and garage are no larger than a single family home so the scale is in line with the surrounding area.

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

There is no housing component to this proposal.

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

No lands to be dedicated for public use.

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

This development does not impede the development of the surrounding uses. Instead, such a development could help to spur on the redevelopment/expansion of other sites. Revitalization of one property tends to have a positive effect on those close to it.

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

Staff is not concerned about utility services since a house already existed on site.

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

The Engineering Department has done a cursory examination of the proposal and are satisfied with the design at this point. A review of the engineering plans for the school site shows a connection specifically designed to take water from this site. Further engineering review will be completed pending P&Z and Council approval.

### Staff Comments

Staff is pleased with the proposal. The type of use, the redevelopment of a residential site, and the uniqueness of the design make this a good fit for Powell. It is beneficial for the City and its residents to have more business in the City. Both from a tax and service perspective. Powell's land use is almost 50% residential, redevelopment of this one site to commercial helps add to the only 7% commercial land that exists today. Also, the location of such a use on the periphery of the historic downtown has its benefits to the City. This unique

design, which HDAC approved of (see attached minutes), will add to the character of the community and become a gateway feature. For these reasons, Staff is supportive of this proposal.

#### Staff Recommendation

Staff recommends approval of the combined preliminary and final development plan with the following conditions:

- 1) All Engineering Department requirements are met.

## **SKETCH PLAN – April 10, 2019**

### **Project Background**

This is a new submittal for the property at 204 S Liberty Street, which is included in the Downtown Business District. McClurg Properties purchased the property in 2012, and has since used it as a residential rental property. The applicant is requesting to demolish the current structures and construct an office and storage garage in order to bring his business, Buckeye House Painting, into Powell.

### **Proposal Overview**

McClurg Properties LLC is proposing to demolish the three existing structures on the property including a house built sometime prior to 1901 and in their place, construct a new office and garage.

### **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 property is part of the Mixed Use Village Center where we want to see further mix of residential and commercial uses. Along South Liberty Street, there has been the development of various commercial and office users. The houses along South Liberty Street have transitioned from owner occupied to rental residential, and then from rental residential to commercial. This property is happening in the same manner. As such, this proposal is consistent with the comprehensive Plan.

### **Staff Comments**

This proposal has two main components: A) whether demolishing existing structures is appropriate and B) whether the proposed office and garage are compatible uses with suitable architecture.

A) When considering demolishing a structure in the historic district, the Demolition Hearing Procedures of [Chapter 1143.18 \(I\)](#) in the Code of Ordinances will have to be met:

1. That the structure contains no features of architectural and/or historic significance;
2. That there exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition, or that deterioration has progressed to the point where it is not economically feasible to restore the structure as demonstrated by the applicant through supporting documents such as cost analyses, structural reports, and/or other necessary documents.

Although this property can remain as-is and used for a rental residential use, Staff does not believe that this is a reasonable economic use for both the landowner and the City. In addition, there is no architectural or historical significance to these structures or property. Renovating the house to a commercial use is economically infeasible since the existing home is made of many different rooms and steep stairs going to the second floor. For utilization as a commercial use, it is best to demolish the structures and construct a new development that is consistent with the Architectural Guidelines.

B) For new development within the Historic District, the intent is not to copycat the historic properties in Powell. Rather, the Guidelines state:

“When new construction is being contemplated in the Historic District, careful attention to details can help create architecture which is contemporary, but compatible with the historic character of the City. Exact replication of typical architectural and decorative elements in



the City is not necessary or desirable. A more appropriate approach is to design new elements to reflect the important visual characteristics of typical Powell elements. Whether architectural and decorative elements are being repaired, replaced, or used in new construction, the effect of any one element on the whole composition of the building must be studied carefully. Although some elements, such as an elaborate porch, dominate visually, it is the effect of all the elements working together which truly defines the character of a building.”

It is in this manner that the proposed new buildings are contemplated. Although more contemporary in nature in the front with the proposed gathering porch, fireplace and design, the new front office building as a whole fits the design and scale of the Historic District. The side elevations, garage in the rear, and the rear storage building are consistent with the Historic District Guidelines. There should be more wood trim between the two levels of glass (the doors and the windows) in the front façade and the windows on the north and south elevations where the front room is. Additional trim on all of the other windows should be similar to those shown in the Architectural Guidelines.

From a site perspective, the entrance to the new development is located at the northern end of the property. Although we would like to see shared access drives, trying to utilize the pre-school driveway is not one of them. The site layout makes a lot of sense and there is plenty of room for staff and customer parking. The rear building is for storage of tools, supplies and vans utilized for their business. Most of the painting employees go from their home to the work site and never come into the office on a day-to-day basis. The proposed landscaping seems appropriate, except there should be more landscaping along the north property line, which is required as the property to the north is still in residential use.

#### Staff Recommendation

Staff likes the level of detail presented within the Sketch Plan review and recommends that applicant submit for a Preliminary Development Plan review.