



PLANNING & ZONING COMMISSION

Village Green Municipal Building, Council Chambers

47 Hall Street

Wednesday, October 9, 2019

7:00 P.M.

1. MAJOR AMENDMENT TO DEVELOPMENT PLAN TEXT

Applicant: The Retreat Association, an HOA c/o Dan O'Brien, President
Location: The Retreat Subdivision
Existing Zoning: Planned Residence District (PR)
Proposed Zoning: Planned Residence District (PR)
Request: To rezone the Retreat Subdivision from PR to PR with a new zoning text.

Aerial Site Image: <https://goo.gl/maps/PMCVMRGRkY4Y6RBR6>

Project Background

The Retreat Section1 was developed in 1974, and zoned into a straight R-2 Zoning District. Since that time, there has been several Zoning Code re-writes and area-wide zoning map amendments, most recently in 1990 when the whole Zoning Code, and Zoning Map, were revised placing the Retreat area within the PR, Planned Residence District. Our current code is based upon that change, with many amendments in between. The Retreat was developed in Sections, each with its own set of Deed Restrictions and Covenants. We are told all restrictions expire at the end of the year so that is the impetus of the Retreat HOA submitting this request.

Representatives from The Retreat met with staff almost a year ago to determine what could be done to have some regulations in place to protect the look, feel, and character of the Retreat and Cardinal Hill subdivisions. Staff determined the major amendment process was the appropriate avenue. Over the course of many months the HOA drafted a document that staff provided some guidance on. The HOA finalized the document and submitted it for review to P&Z on September 24.

In the meantime, the HOA set up an open house on October 2 that Staff attended. The purpose of the open house was to provide residents with the ability to comment on what the HOA representatives drafted. The open house had good attendance and there was great discussion amongst the residents. There were residents in favor of the text and others who had concern ranging from specific details within the text to whether the text was need at all. Staff, at the request of the HOA, is keeping the development text on the agenda for P&Z review with the understanding that changes will be made to the text to help address the concerns that were heard at the meeting.

Proposal Overview

All of the property within the area in question is zoned PR, Planned Residence District. This action is technically rezoning the property, but merely placing an overlay text on top of the existing PR, Planned Residence District, which creates a new Planned Residence District for The Retreat.

Ordinance Review

This application is being handled as a Rezoning, as it is creating a text overlay of the existing PR, Planned Residence District. This item is required to be reviewed, and approved, by this Commission and City Council in order to take affect. It is creating an amended development plan just the same, and Staff created a new fee process for reviewing Development Text plan changes only, as there are no physical changes that are being proposed to the existing layout of streets, lots, open spaces, etc.

Comprehensive Plan Consistency

The Comprehensive Plan suggests that the City support the maintenance of existing residential areas. One way of doing so is to keep ahead of the curve, so to speak, on regulations that will help older neighborhoods continue to improve over time. While the City updated its Zoning Code recently, it is difficult for subdivisions to do the same with their restrictions and covenants, which oftentimes requires 100% of the households to approve of changes. By creating a new zoning text for the area, all of the requirements for the neighborhood are getting updated under current zoning standards and even more so creating some restrictions that go beyond current zoning code requirements.

Staff Comments

Staff did a comparison of the current zoning code requirements and the proposed text changes. See the chart on the following page:

Retreat Zoning Text as Proposed	Current Powell Zoning Regulations
Lot Maintenance (subjective wording - 7 inches)	7-inches
Building Exteriors	Maintenance the same; materials and colors no regulations.
Hard surface paved driveways	Same
Lawn equipment storage indoors or out of sight	Same
Parking of Commercial Vehicle	Same
Solar Panels OK	Same
Recreational Structures OK	Same
Utilities underground	Same
Satellite dishes up to a meter OK	Same
No Above ground pools	Same
Outside storage tank up to 20 gallons	Same
Outside building materials wood, stone, Hardi-plank, etc.	Same
No Dumping of materials	Same
No changes to streams and areas	Same
Temporary signs	Same
Home Occupations	Same
Parking during construction	Same
Obnoxious or nuisance uses (subjective)	Same
Corner lot sight lines	Same
Parking vehicles generally	Same except 7-day parking & not move
Trash receptacle placement	Similar
No outside buildings for pets	The City allows buildings for pets.
Fencing	The City allows fences.
Outbuildings (only gazebos and pool buildings)	The City allows outbuildings.
Temporary roof covering due to storms, etc.	The City does not have regulations for this.
Holiday decorations down within 30 days	The City does not regulate this at present.
Electric Generators	The City has no specific regulations for generators.
Drives and Walks Maintenance	The City is not as specific on this item.
Accumulation of household items outside (toys, furniture)	The City is not as specific on this item.
No plastic mailboxes	There are no architectural requirements for mailboxes.
Architectural Review Committee recommendations	There is no architectural review by the City at present.

As one can see from this comparison, there are not a whole lot of differences from what the current zoning code regulates. Some minor differences exist; as an example where vehicles are prohibited from being parked outside on a driveway for over 7 days. That seems to be an undue burden, especially if one prefers not to park in the garage. All of the other restrictions that go beyond Powell Zoning requirements are not going to be a problem for Staff to enforce as these are seldom seen problems. The main difference between our zoning code and their proposed regulations includes the provision for an Architectural Review Board, who will make recommendations for improvements to properties within the area. This is not unusual for the City of Powell where the majority of subdivisions have some sort of review authority. At the open house residents asked that details of the ARC be fleshed out. Namely, who sits on the board and what exactly they look at when reviewing applications.

Staff Recommendation

It is hard to predict how things might be different if this proposal is not approved. Although there are but a few differences between this proposal and the City's existing zoning code, the largest difference being that this text gives authority to an Architectural Review Board to make recommendations to homeowners that are proposing to make exterior changes. This can be very helpful for neighbors to exchange ideas about what is good for each other as they consider exterior remodeling, it is all in how this is implemented that is the key. As written, this committee makes recommendations...it is not intended to be the heavy hand that there may once have been. There is, of course, the 30 day limitation within our Zoning Code that allows the City to go ahead and issue Zoning Certificates for areas that have Architectural Review Authority and they cannot come up with plans that are mutually agreeable.

An Approved Development Plan Text such as what is proposed lays a firm groundwork toward keeping a neighborhood such as The Retreat the nice place that it is today, without really providing that much over burdensome regulations that otherwise would hinder people's choices.

Expiring covenants and restrictions is a unique situation and Staff appreciates residents taking a proactive approach to addressing it. This is a grassroots effort that the City is aiding through the process. Ultimately, Staff has no problem with the request as long as the details of the Architectural Review Committee review authority are clear and there is support by the residents to whom this applies.

2. FINAL DEVELOPMENT PLAN REVIEW

Applicant: Andy Johanni
Location: 8930 Liberty Road
Existing Zoning: Planned Commercial District (PC)
Request: To review a plan to construct six commercial buildings on approximately 4.44 acres.

Aerial Site Image: <https://goo.gl/maps/JhUBCJ5WFny>

Project Background

The project came before Planning and Zoning Commission on December 12, 2018 as a Sketch Plan Review, and again as a Preliminary Development Plan on September 11, 2019. Zoning for the property was established in 1988 based upon the Huffman-Hill Master Plan, which developed all of the property containing Wolf Commerce Park. The City approved a previous project, for offices and a day care, which never came to fruition due to the recession. Information on these plans are included in the packet below.

Proposal Overview

The proposal is for six office buildings, which range in size from 4,021 to 10,017 square feet. The proposal is for an office condominium development, with each building able to provide one or two units each. A large green space is provided along the street frontages on Liberty and Seldom Seen Roads. This is where storm water will be controlled with the combination of a wet pond and a dry basin. There will be a semi-controlled access point (no left turns in controlled by signage) on Seldom Seen Road, and a controlled access point across from the entrance of the Ashmoore subdivision on Liberty Road. A traffic analysis has been conducted to be sure that this plan is acceptable. The City and County are planning to install a signal and north bound left turn lane for the intersection. In terms of timing, the City expects that the intersection improvements will be completed around the same time the buildings final occupancy is given.

Changes since the Last Submission

- 1) Design changes have been made to the proposed buildings to address some of the architectural comments made from the last submission.
- 2) Handicapped parking spaces have been moved closer to the building entrances.
- 3) The bike path intersection with the site entrance at Liberty Road has been redesigned.

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;**

This development will be built incrementally since the buildings are build-to-suit. Currently buildings #3 and #6 are a dental office and daycare center. Other buildings will come back later, and the development may take 3-5 years to be fully completed.

(2) The requirements of the Comprehensive Plan relative to the site at issue have been fulfilled;
This property is located near Wolf Commerce Park, in the city's Employment Center as called out in the Comprehensive Plan's Future Land Use Map. The community currently has a limited amount of employment centers and infill near existing business parks is encouraged. As such, the proposed office condominiums are appropriate for this location.

(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;
A traffic study is currently being done on the site. The City and County are planning to install a traffic light at the intersection of Seldom Seen and Liberty Roads, as well as adding left turn lanes. Although the development will create additional traffic on the roadways, the limitation to the access points as well as the turn lane/signal improvement to the intersection will lessen the potential negative impacts.

(4) Proposed non-residential developments can be justified at the location and in the amounts proposed;
The proposed office use fits well into the existing context, as it shares the same use with Wolf Commerce Park, which borders the site. A proposed commercial use along one of Powell's major roadways will help to provide needed services for the surrounding residents.

(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 are no residential units being proposed for this development.

(6) Lands to be dedicated to public use are of acceptable and usable size, shape, and location;
No lands are being dedicated to public use.

(7) The area surrounding the development can be planned and zoned in coordination with and in substantial compatibility with the proposed development;
The area surrounding the proposed development has already been developed. The area southwest of the Seldom Seen and Liberty Road intersection is zoned Planned Commercial District and the remainder of adjacent areas consists of residential developments. The low density, agricultural looking, residential style will help to connect the style and scale of this development with the residential condominiums to the north, as well as the commercial buildings to the west.

(8) The existing and proposed utility services are adequate for the population densities and uses proposed, and
The Ohio Utilities Protection Service found that the only utility marked on the site is a sanitary sewer along Liberty Road. Also indicated near the intersection of the roads is an AT&T Transcontinental Buried Cable running south & east, but no other markings were observed. The City staff would like to be provided with utility letters to make sure the existing and proposed utility services are adequate for this development.

(9) Adequate provision has been made for the detention and channelization of surface drainage runoff.
Green spaces will be provided along the frontage of both Seldom Seen Road and Liberty Road. Within these green spaces, a wet pond along Seldom Seen and a dry basin along Liberty Road will help to control surface drainage runoff and storm water on the site.

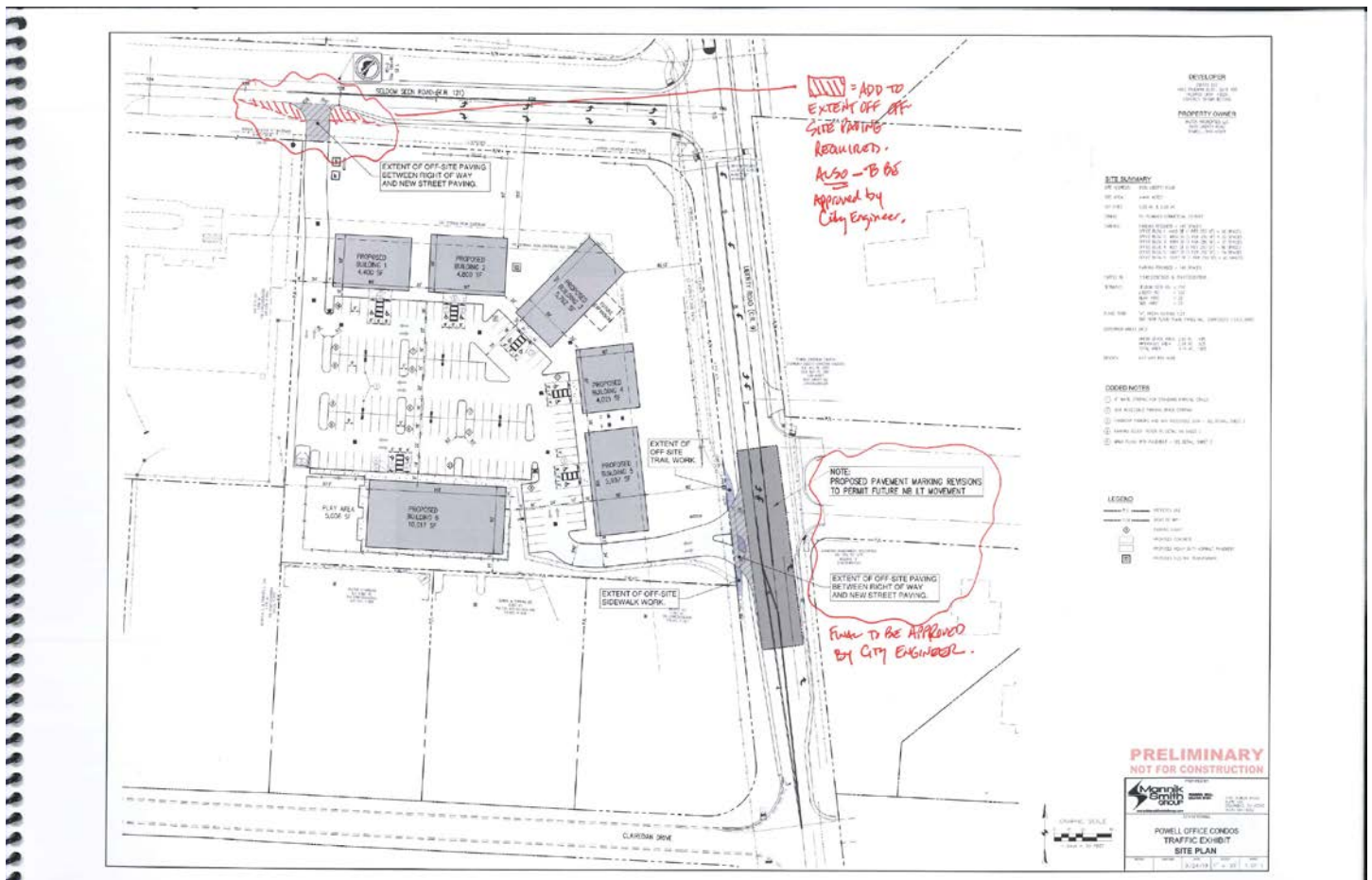
Comprehensive Plan Consistency

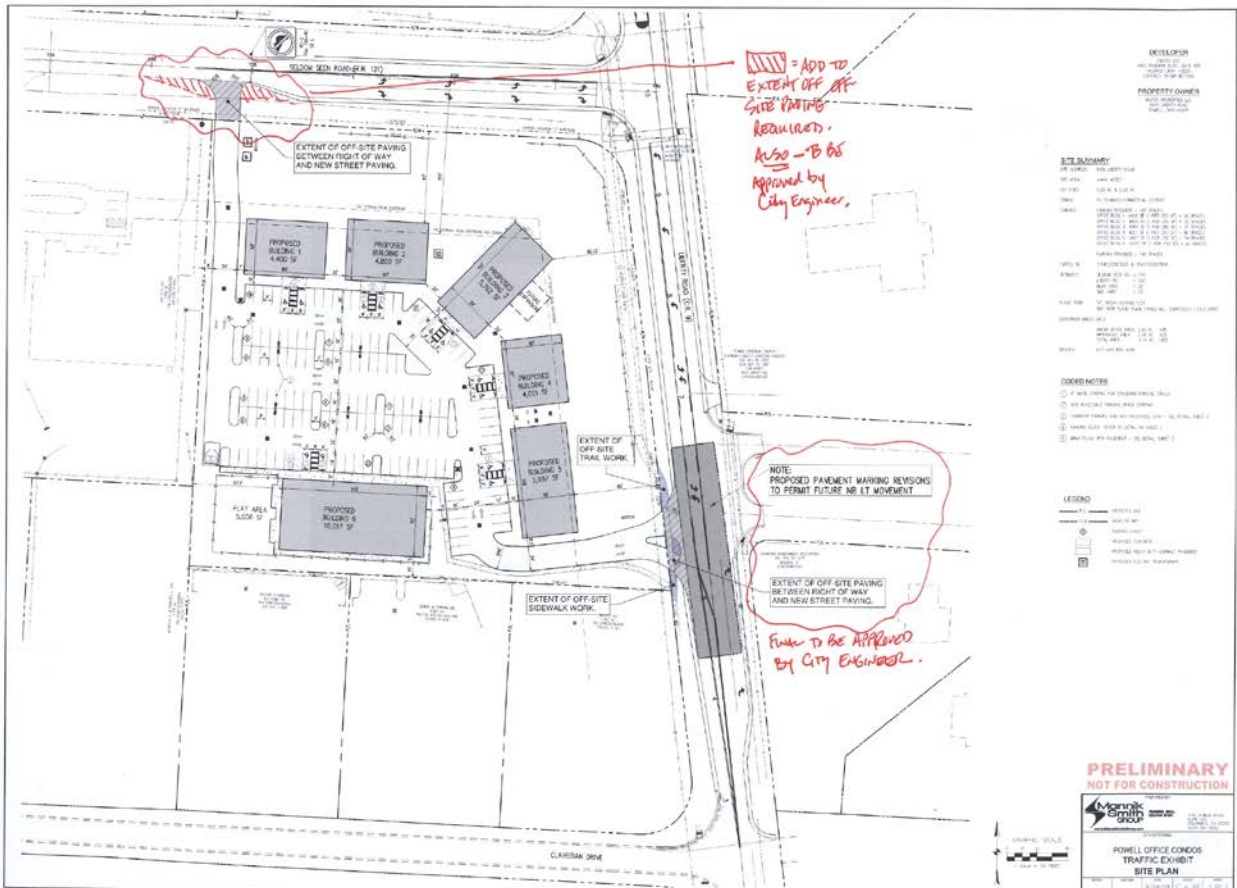
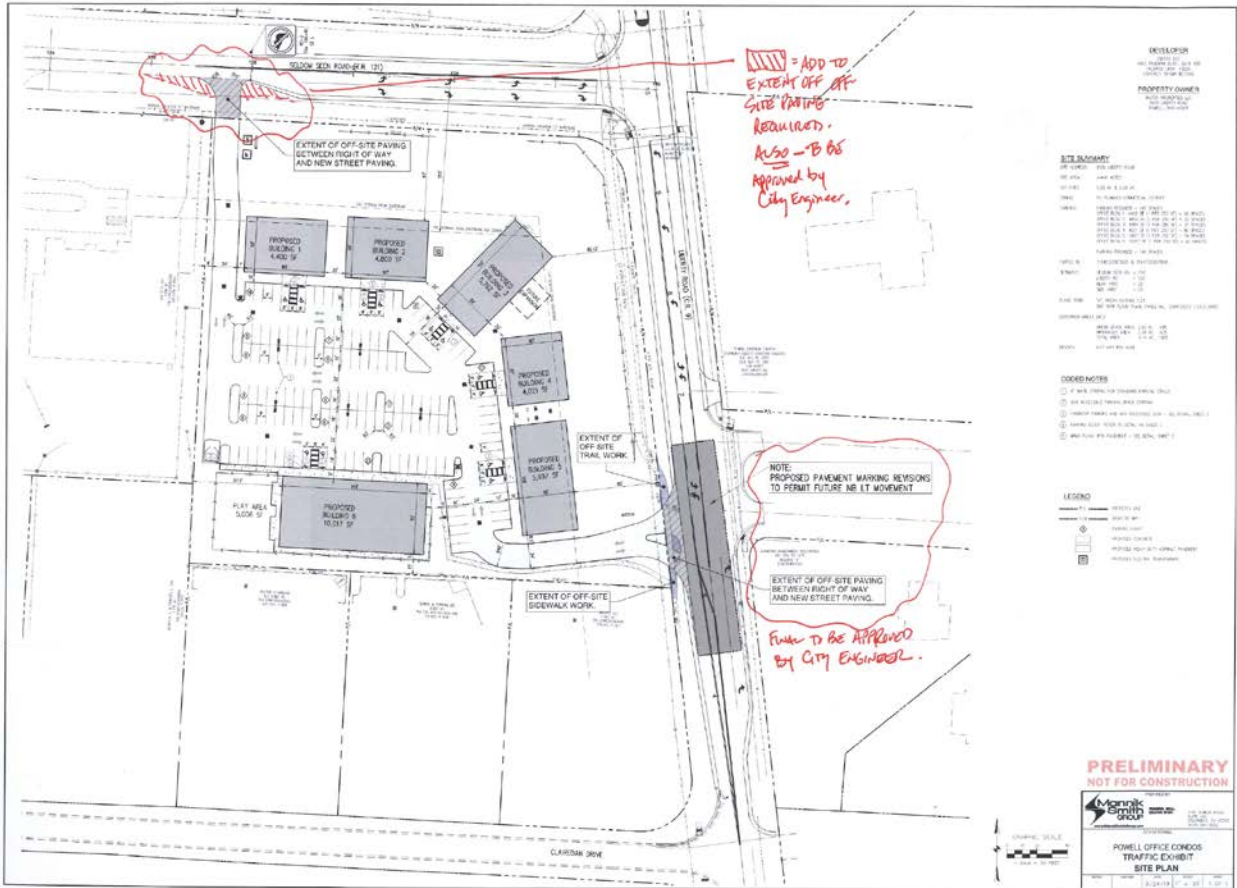
This plan is very consistent with the Comprehensive Plan. This area is slated for office and commercial uses. It is anticipated that medical offices and ancillary uses will be in this development. Business services such as insurance agencies, law offices etc. are also anticipated. The Comprehensive Plan calls for commercial uses along major roadways. This proposal does just that. In addition, one of the Plan's guiding principles is to have "new commercial development contribute to both the service needs of the community as well as the economic and fiscal well-being of the City." A proposal such as this will help with the city's tax base and provide services to our residents.

Staff Comments

The proposal is a positive development for the City of Powell. On two major routes, the existing empty lot needs to be activated and a development like this helps to add to the tax base but also provides services to our residents. The proposed architecture adds to the character of Powell with a unique feature on the corner. Staff defers to the Architectural Advisor for more detailed review of the design. The proposal is also in line with the Comprehensive Plan and our City Code. As such, Staff looks forward to more business coming into Powell and having the remaining four buildings occupied quickly.

One item missing from the proposal is a development text along with the utility letters mentioned above. Also, Staff would like to mention three items. One, the striping of the roads be to the City Engineers stands/requirements (see below site plan). Two, additional trees be added to the landscaping plan (see below L1.0). Lastly, submit a new concept for the parking lot lighting. There are no large overhead lights at any of the commercial areas to the south and the proposed lighting would be out of character with the area.





Staff Recommendation

Staff recommends approval to of the preliminary development plan with the following conditions:

- 1) The site plan incorporates an addition to the extended off-site paving along the Seldom Seen entrance, and that the City Engineer approves it.
- 2) The City Engineer approves the final design of the new street paving, bike path, right of way paving, and the north bound turn lane that make up the entrance/exit from Liberty Road.
- 3) That additional trees and/or landscaping provided in the green space fronting Seldom Seen and Liberty Roads.
- 4) A revised different lighting plan be submitted,
- 5) That the comments from the Architectural Advisor be implemented in the Development Plan.

Preliminary Plan Review – September 11, 2019

Project Background

The project came before Planning and Zoning Commission on December 12, 2018 as a Sketch Plan Review. Zoning for the property was established in 1988 based upon the Huffman-Hill Master Plan, which developed all of the property containing Wolf Commerce Park. The City approved a previous project, for offices and a day care, which never came to fruition due to the recession. Information on these plans are included in the packet below.

Proposal Overview

The proposal is for six office buildings, which range in size from 4,021 to 10,017 square feet. The proposal is for an office condominium development, with each building able to provide one or two units each. A large green space is provided along the street frontages on Liberty and Seldom Seen Roads. This is where storm water will be controlled with the combination of a wet pond and a dry basin. There will be a semi-controlled access point (no left turns in controlled by signage) on Seldom Seen Road, and a controlled access point across from the entrance of the Ashmoore subdivision on Liberty Road. This design is similar to the previously approved plan. A traffic analysis has been conducted to be sure that this plan is acceptable. The City and County are planning to install a signal and north bound left turn lane for the intersection. In terms of timing, the City expects that the intersection improvements will be completed around the same time the buildings final occupancy is given.

Changes since the Last Submission

- 1) The buildings on the north and east side of the site have been pushed into the setbacks along Seldom Seen and Liberty Road, following staff comments provided from the Sketch Plan.
- 2) Originally designed with seven buildings, now the development only proposes six buildings as a daycare is planning to move into a large space in the southwest corner of the site.
- 3) Design changes have been made to the proposed buildings to address some of the architectural comments made from the last submission.
- 4) A landscape plan has been added for the development, which includes the relocation of the dumpster farther from the main thoroughfare, as well as the addition of landscaping islands in the parking lot.
- 5) Sign plans are now included to show the design for monument signs near the site entrances at Seldom Seen Road and Liberty Road.

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 requirements of the City Code. Dimensionally, the site meets height, size, and lot coverage requirements. As for setbacks, at the request of Staff, the buildings along the streets were brought into the 150 foot setback. This helps add more character to the street. As for use, the commercial uses proposed are allowed in the Planned Commercial District.

(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;

This property is located near Wolf Commerce Park, in the city's Employment Center as called out in the Comprehensive Plan's Future Land Use Map. The community currently has a limited amount of employment centers and infill near existing business parks is encouraged. As such, the proposed office condominiums are appropriate for this location.

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

The proposed office use fits well into the existing context, as it shares the same use with Wolf Commerce Park, which borders the site. The low density, agricultural looking, residential style will help to connect the style and scale of this development with the residential condominiums to the north, as well as the commercial buildings

to the west. Although the development will create additional traffic on the roadways, the limitation to the access points as well as the turn lane/signal improvement to the intersection will lessen the potential negative impacts.

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

A traffic study is currently being done on the site. The City and County are planning to install a traffic light at the intersection of Seldom Seen and Liberty Roads, as well as adding left turn lanes.

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

For a business use, the proposal has sufficient green space along the street frontages. About 48% of the site is designated as green space.

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

Green space along Seldom Seen and Liberty Roads will help to create an aesthetically pleasing buffer between the development and the existing bike path and streets, as well as control the site's storm water.

(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 be built incrementally since the buildings are build-to-suit. Currently buildings #3 and #6 already have tenants, a dental office and daycare center, and are working on designs to be reviewed and approved by the Commission. Other buildings will come back at a later time, and the development may take 3-5 years to be fully completed.

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

See above.

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

There are no improvements needed by the City.

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

There is minimal community cost to providing service to the site. Additional Police presence may be needed but likely no more than is already present at this location, since it is so close to Wolf Commerce Park.

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

The project should have minimal impact on the surrounding areas. The site is surrounded by commercial uses on three sides and a residential use across the street. There will be more traffic to the site but it will also provide a service to the residents to its north and be another office use similar to the neighboring small offices.

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. This area is slated for office and commercial uses. It is anticipated that medical offices and ancillary uses will be in this development. Business services such as insurance agencies, law offices etc. are also anticipated. The Comprehensive Plan calls for commercial uses along major roadways. This proposal does just that. Also, one of the Plan's guiding principles is to have "new commercial development contribute to both the service needs of the community as well as the economic and

fiscal well-being of the City.” A proposal such as this will help with the city’s tax base and provide services to our residents.

Staff Comments

The proposal is a positive development for the City of Powell. On two major routes, the existing empty lot needs to be activated and a development like this helps to add to the tax base but also provides services to our residents. The proposed architecture adds to the character of Powell with a unique feature on the corner. Staff defers to the Architectural Advisor for more detailed review of the design. The proposal is also in line with the Comprehensive Plan and our City Code. As such, Staff looks forward to more business coming into Powell and having the remaining four buildings occupied quickly. One item missing from the proposal is a development text that Staff would like to see with the Final Development Plan submittal.

Staff Recommendation

Staff recommends approval to of the preliminary development plan with the following conditions:

- 1) That a Development Plan Text be submitted with the Final Development Plan. Within this text, there should be included anticipated approved and unapproved uses, the restriction of turning movements as recommended by the City Engineer on the Seldom Seen Road entrance, condominium documents, maintenance responsibilities for all improvements on the site, and a lighting plan.
- 2) That all Engineering Department comments are adhered to as part of the Final Development Plan and Engineering Plan Review process.
- 3) That the comments from the Architectural Advisor be implemented on the Final Development Plan submittal.

Sketch Plan Review – December 12, 2018

Project Background

This is the first time in reviewing this project. The City has approved a previous project, for offices and a day care, and the great recession hit right after that so the project did not proceed. The zoning for the property was adopted in 1988 based upon the Huffman-Hill Master Plan when all of the property containing Wolf Commerce Park. We have included this information in the packet. We do find that this proposal is very consistent with the plans dating back to 1988 and our current Comprehensive Plan.

Proposal Overview

The proposal is for seven office buildings of 4,200 to 5,780 square feet. These buildings will be built as an office condominium development, with each building able to provide one or two units each. A large green space will be provided along the street frontage in keeping with the large setbacks that are required. This is where the storm water control will happen, with a mix of wet pond and dry basin. There will be a proposed full access point on seldom Seen Road and a controlled access point across from the entrance of Ashmoore subdivision. This is a similar design to the previous plan approval. A traffic analysis is being conducted to be sure that this plan is acceptable. The City and County are planning a signal installation and north bound left turn lane for the intersection. In terms of timing, it is the City's intention that the intersection improvement will be completed prior to final occupancy of all of the buildings.

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. This area is slated for office and commercial uses. It is anticipated that medical offices and ancillary uses will be in this development. Business services such as insurance agencies, law offices etc. are also anticipated.

Staff Comments

Staff has the following comments that are all intended to make this development more compatible to the area and to help with providing alternative access to the property via our pathway plan:

1. Build a sidewalk along the fronts of the building so people can access the doors easier by walking on a sidewalk.
2. Building No. 2 should be pushed in front of the setback line by 10 feet and moved a little northeast. This may also be done to Building Number 4. By setting the buildings at different setbacks will add visual interest.
3. Increase the interior parking lot green space by making a larger landscape island in the middle utilizing at least 4 to 6 bays.
4. Provide an overall sign plan with the development plan to include how wall signs, monument signs and interior traffic maintenance directional signs will be utilized.
5. Provide detailing of the proposed fencing. Recommended 3-rail white fencing to match existing in the area.
6. Architecture is fitting the area. Be sure to add something to roofline to lessen its massing. Staff will rely on the Architecture Advisor for advice in this regard.

Staff Recommendation

Staff recommends that the applicant pursue a Preliminary Development Plan. We find that this proposal is well in keeping with the Comprehensive Plan and the current zoning for the property.

Hill/Huffman Master Plan and Zoning for property since 1988 – See included Documents Below.

3. MINOR AMENDMENT TO APPROVED DEVELOPMENT PLAN APPLICATION

Applicant: KAD, LLC
Location: 233 S. Liberty Street
Existing Zoning: Downtown Business District (DB)
Request: To review a plan to construct two buildings, one residential and the other mixed use, on the front portion of approximately 1.5 acres.

Aerial Site Image: <https://goo.gl/maps/597RtcAQM6sRhv4C7>

Project Background

The property received the original approval in 2008 (see attached ordinance and development plan), which approved the structure to the rear of the site and two toward the front. The applicant built the rearmost structure and moved his company into the building but did not build the other buildings. Since that time, almost 11 years, the applicant has re-thought his property and is proposing changes to the approved plan.

Proposal Overview

The applicant, instead of constructing two buildings toward the front of the site, wants to build two buildings with different uses and locations. One building toward the front of the site is a proposed three-unit mixed-use building and the other is a two-unit apartment, in the middle of the site.

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.

Comprehensive Plan Consistency

The proposal location and type are consistent with the City's Comprehensive Plan. Under the guiding principles (p. vi) it states that "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." The proposal adds more commercial space to the city, which leads to an increase in taxes that helps the city's economic well-being. In addition, the type of use proposed, a live/work products, not only adds to the service needs of the community but also introduces another type of housing product not availability in the City today.

The proposal is within the *mixed use village center* area identified by the future land use map and meets the intent of the area (p. 30). Furthermore, the new commercial space will add to the employment opportunities in the city – the very purpose of this area.

Staff Comments

Staff is pleased with the revised proposal for the site. It adds more character along the street face, along with a new residential type and additional commercial in the downtown area. Dimensionally, the proposal is in line with the zoning requirements for height and setbacks. Although, not specified in the submission, from a cursory examination it seems the proposal is in line with the lot coverage maximum of 20%.

Staff also sees the proposed architecture to be in line with the historic guidelines but defers to the Architectural Advisor for specific details. Staff would mention though that the stone on the front building is not in line with the character of Powell and a different materials should be selected, namely wood or hardi. Lastly, lighting selections and colors should be provided to P&Z or to staff for final review. It should also be noted that P&Z has the option to send this to HDAC for detailed review if they wish.

The applicant accounted for storm water detention/retention onsite but the specific sizing and design of it will reviewed by the Engineering Department. At this point, what is provided seems sufficient for P&Z review.

Staff Recommendation

Staff recommends approval of the amendment to approved development plan with the following conditions:

- 1) That all Engineering Department comments are adhered to as part of the plan and engineering plan review process.
- 2) That the comments from the Architectural Advisor be implemented.
- 3) Signs come back before P&Z for review.
- 4) Material, color and fixture selections to be review by Staff before issuing a building certificate.

4. MINOR AMENDMENT TO APPROVED DEVELOPMENT PLAN APPLICATION

Applicant: Pulte Group
Location: Steitz Road and Hunters Bend
Existing Zoning: Planned Residential District (PR)
Request: To change the setback requirements for lots 3806 and 3816 on the recorded Plat for Shelly's Retreat at Carpenter's Mill.

Aerial Site Image: <https://goo.gl/maps/6A3hSjtAzpP2JcNWA>

Project Background

As the project engineering has progressed and home designs that were originally proposed have been tightened down, it appears as though there are two lots that were created by the plat that will not fit any of the models that were proposed.

Proposal Overview

The proposal here is to grant changes to the setback requirements within the Development Plan text for the two lots, 3806 and 3816, to the setbacks as shown on the plot plans.

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.

This proposal deemed a minor change is approvable by the Planning and Zoning Commission.

Staff Comments

Staff and the Engineering Department reviewed the proposed setback changes and options presented as shown on the plot plans. With concerns over the drainage easement encroachments, it was Staff's opinion that the front setbacks be diverged as that will really be un-noticeable from the street and will keep the drainage easements open in case of future repairs on the storm sewers within them. The applicant has provided three options for each lot. Staff defers to the applicant and P&Z on which of the three is most suitable.

Staff Recommendation

Staff recommends approval of the Amended Development Plan for Shelly's Retreat at Carpenter's Mill with the condition that the revised plot plans come through the Building Department with wording on them saying, "Setback Encroachments approved by the Planning Commission of the City of Powell dated October 9, 2019."