



## STAFF REPORT

### PLANNING & ZONING COMMISSION

Zoom Webinar

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Wednesday, August 12, 2020 (VIRTUAL)

7:00 P.M.

#### 1. 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.

Aerial Site Image: <https://goo.gl/maps/cjoGbKGgTRKgMum2A>

#### Project Background

This project was originally approved on November 12, 2014, and the Development Plan has been granted several extensions.

#### Proposal Overview

The developer/owner of the project is asking for another extension of 12 months.

#### Changes since the Last Submission

No other changes are being proposed.

#### Ordinance Review

In accordance with the requirements of codified ordinance 1143.11(p), if required plats are not properly recorded and/or if no construction has begun on the site within two years of such approval, the approved final development plan shall be void unless an application for a time extension is submitted and approved, which approval may be withheld for good cause.

#### Comprehensive Plan Consistency

The use is still consistent with the Comprehensive Plan and the Zoning District, as they have not changed since the original approval. However, changes to downtown traffic patterns may affect the site. There is an increase of traffic being diverted away from the four corners with additional left turn movement restrictions, causing more traffic to turn at the intersection of Grace Drive and East Olentangy Street.

#### Staff Comments

Staff believes this proposal is a good project for the site, but understands the problems the applicant has had in the past. However, the applicant has had ample time to get the project off the ground and since approval there have been many changes to the city, especially including new owners of the shopping plaza, the adoption of the Keep Powell Moving Plan, a new light at the Grace Dr and Olentangy St. intersection, etc. Staff believes it would be beneficial for this proposal to be reviewed with a new eye, taking into consideration all the changes since the Final Development Plan was approved 6 years ago. We must acknowledge considerable delays could have been caused by the coronavirus pandemic, which is out of the applicant's control.

#### Staff Recommendation

Staff recommends approving the extension request, with the same conditions that were requested a year ago:

- a) That the extension shall be for (12) months
- b) That the applicant shall demonstrate a valid commitment within the twelve (12) month extension that a pathway to completion exists; and

- c) That the Planning and Zoning Commission shall accept a proof of financing as an indication of said commitment.

*Alternative recommendation:*

If the Commission does not support an extension, staff recommends bringing the proposal back through the full review process.

**2. MINOR AMENDMENT TO APPROVED DEVELOPMENT PLAN**

Applicant: Harpers Pointe Land Co LLC  
Location: 159 Chedworth Row  
Existing Zoning: (DR) Downtown Residence District  
Request: To change the setback requirements for lot 3977 on the recorded Plat for Harpers Pointe.

Aerial Site Image: <https://goo.gl/maps/ZjxXCEftULo5fxpC8>

**Project Background**

As the project engineering has progressed and home designs have been proposed, it appears as though there is one lot that was created by the plat that will not fit any of the model homes.

**Proposal Overview**

The proposal is to grant changes to the side setback requirements within the Development Plan text for the lot 3977, to the setback as shown on the exhibit. The setback on this lot is proposed to be 2 feet rather than the 5 feet that is consistent with the rest of the development.

**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 believes the side yard setback encroachment along the north property line is minor and will not be noticeable from the street. Even with the reduced setback, a 10-foot distance between the structures will be maintained, which is consistent with the rest of the development.

## Staff Recommendation

Staff recommends approval of the Amended Development Plan for Harpers Pointe with the condition that the revised plot plan come through the Building Department with wording on it stating, "Setback Encroachments approved by the Planning Commission of the City of Powell dated August 12, 2020."

### 3. CERTIFICATE OF APPROPRIATENESS

Applicant: Jess Howard Electric  
Location: 62 Clairedan Dr.  
Existing Zoning: (PC) Planned Commercial District  
Request: To review the addition of parking lot lighting.

Aerial Site Image: <https://goo.gl/maps/1F5Lf9KnWyytfmrC6>

## Project Background

Ohio Health Primary Care, the tenant at 62 Clairedan Dr, is requesting the addition of parking lot lighting to create a safer environment for their patients.

## Proposal Overview

The applicant is asking for the Commission's approval of the proposed lighting.

## Ordinance Review

In accordance with the requirements of codified ordinance 1143.30, the Planning and Zoning Commission is the Architectural Review Board for reviewing extensive changes to buildings outside of the Historic District that do not create added square footage or provides a greater intensity of use. We also recommend that the Commission utilize the Pedestrian Scale Design Guidelines as a reference for this proposal.

The Code mentions:

The Board shall endeavor to assure that the exterior appearance and environment of such buildings, structures and spaces will:

- (1) Enhance the attractiveness and desirability of the district in keeping with its purpose and intent.
- (2) Encourage the orderly and harmonious development of the district in keeping with the character of the district.
- (3) Improve residential amenities in any adjoining residential neighborhood.
- (4) Enhance and protect the public and private investment and the value of all lands and improvements within the district and adjoining districts.

## Staff Comments

Staff believes the addition of lighting will enhance this property's safety, especially in the winter months. The type of lighting proposed is similar to that of neighboring properties, and will not significantly emit light onto surrounding areas. The addition of parking lighting is consistent with Section [1149.05](#) of the code by providing adequate lighting for the property, while being arranged as to direct the light away from adjoining properties.

## Staff Recommendation

Staff recommends approval of the proposal as submitted.