



STAFF REPORT

PLANNING & ZONING COMMISSION

Zoom Webinar (VIRTUAL)

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Wednesday, February 24, 2021

7:00 P.M.

1. PRELIMINARY DEVELOPMENT PLAN & ZONING MAP AMENDMENT REVIEW

Applicant: Liberty Reserve LLC, c/o Aaron L. Underhill, Esq.
Location: 4026 Home Rd
Existing Zoning: FR-1 – Farm Residence District, Liberty Township
Proposed Zoning: PR – Planned Residence District, City of Powell
Request: To amend the zoning map from Liberty Township Farm Residence District to City of Powell Planned Residence District, and review a Preliminary Development Plan for a subdivision of 21 buildings containing 42 twin-single residential units on approximately 8.601 acres.

Aerial Site Image: <https://goo.gl/maps/UL1WZ2iActQ4LPNd6>

Project Background

This proposal was reviewed as a Sketch Plan at the December 9, 2020 Planning and Zoning Commission meeting. The next step in the development process is a Preliminary Development Plan review to discuss the merits of the proposal, and to open dialogue about its conformance with the City's Comprehensive Plan and development standards, in addition to an amendment to the zoning map to create a Planned Residence District in the City of Powell. The Preliminary Development Plan provides more detail on the proposed development than the previously reviewed, informal Sketch Plan.

The development site contains two parcels at 4026 Home Rd, which were annexed into the City of Powell from Liberty Township with the approval of Ordinance 2020-31 by City Council on January 5, 2021. The applicant is proposing to develop the site as a residential subdivision.

(Sketch Plan Staff Report attached below)

Proposal Overview

The applicant is proposing to develop the site with 42 twin-single residential units to be contained within 21 buildings. All streets are proposed to be private, with access off Home Road, and a street connection to the Township development to the north. The overall site acreage is ± 8.601 acres, with a gross density of ± 4.88 dwelling units per acre.

Proposal Update

Based on input from the Commission at the Sketch Plan review, the applicant made the following changes for this submission:

1. The buffering to east property line has been increased from 25' to 30'
2. The site layout was updated to relocate buildings and create larger setbacks along the site boundaries
3. The stormwater management has been determined to be a wet retention basin
4. Traffic calming devices and pedestrian crossings were added
5. The RI/RO off Home Road has changed with a new left in
6. The open space increased from 24% to 43.43 and includes open space surrounding the units
7. There is more architectural variety in the buildings.

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 applicant is requesting a zoning change from Liberty Township Farm Residence (FR-1) to Powell Planned Residence District (PR). If the Commission approves this request, the development will be regulated by the Codified Ordinances of Powell, Section [1143.13 – PR-Planned Residence District](#).

According to Code ([1143.09](#)), Planned Districts:

“are so created in order to permit the careful and coordinated physical planning and development of the land, to provide flexibility in the location of land uses, housing types, and their intensity, and to provide incentives for provisions of public parkland and private environmental conservation easements, public access pedestrian/bicycle/jogging paths and equestrian paths, the private construction of public parkways, and the construction of high quality housing through provision of housing density bonuses for the provision of such amenities, while simultaneously protecting and preserving the natural environment, providing for surface drainage runoff control, limiting the buildup of residential and through traffic on already congested access points into the area between the two rivers and on existing and future major streets, encouraging inclusion of pedestrian scale design elements, and conserving and enhancing the community and regional character as a green, open, rural setting, permitting development yet constraining the tendency to overbuild the region.”

The proposed twin-single residential units are permitted in the PR district regulations classified as single-family attached residences. However, the code does not specifically address this particular type of proposal in terms of lot standards and setbacks. While there are standards for two family housing units, those appear to be geared toward single townhomes on individual lots. The code addresses two family attached housing the same as single family detached standards; however this proposal consists of multiple twin-single units on one large parcel rather than individual lots, making the proposal more in line with the standards labeled “other than single-family or two family housing.”

Gross Density:

The proposed density of ± 4.88 du/ac is much lower than the allowable 9 dwelling units per gross acre.

Min. Street Frontage (Lots):

Lots of 5 acres or more are required to have 300' of street frontage, and this development proposes $\pm 440.5'$ of street frontage.

Min. Distance Between Buildings:

The PR code requires a minimum of 30' between buildings. Most proposed buildings meet this requirement, except between buildings 17 and 18, and buildings 19 and 20. The application states: “There shall be a minimum setback between building facades of 30 feet, except that there shall be a minimum setback between building facades of 23 feet for Buildings 17 and 18 and Buildings 19 and 20, as numbered on the preliminary development plan. There shall be a minimum distance of 25 feet between entry stoops, steps, and covered entries to individual units, except that such minimum distance shall be 15 feet as between Buildings 17 and 18 and Buildings 19 and 20.”

Min. Side / Rear Yards:

The code requires a 40' setback where the building on an adjacent lot is unknown and 10' where the building on an adjacent lot is known. The minimum rear yard setback is 40'. In the proposal, these setbacks are addressed in the perimeter boundaries section. The application states, “Buildings shall be located a minimum of 25 feet from the western perimeter boundary line of this zoning district. Buildings shall be located a minimum of 30 feet from the eastern perimeter boundary line and the northern perimeter boundary line of this zoning district.” These proposed setbacks/perimeter boundary lines deviate from the Planned Residence District regulations.

Min. Front Yards:

The 60' minimum front yard requirements are met with this proposal, as all units are set back at least 60' from Home Road. The proposal states, "One building may be located no closer than 60 feet from the right-of-way of Home Road, provided that its side façade is oriented toward that public street. For all other buildings, there shall be a minimum setback of 125 feet from the right-of-way of Home Road."

Max. Lot Coverage:

Code calls for a maximum lot coverage of 20%. The development proposes ±12.66% lot coverage.

Max. Bldg Height:

Per the PR code, principal buildings shall not be more than two stories, and a max of 35' high. The proposal limits buildings up to two and one-half stories, with a maximum height not to exceed 35'. The proposal meets this requirement.

Min. Floor Area:

Minimum square footage for each building is not provided in the application. The code requires the minimum floor area by the number of bedrooms, with a minimum of 1,500 sqft/building. Based on the proposed buildings this requirement appears to be met.

(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 proposed twin-single residential development, with the density of ±4.88 du/ac, is appropriate for this property, particularly considering existing and proposed surrounding land uses.

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

The site is located to the north of and adjacent to Home Road and to the east of the intersection of Home Road and Steitz Road. To the south of the property is Home Road and a single-family neighborhood (Golf Village) located within the City limits. To the west is a vacant property, planned for a park located outside of the corporate limits, and to the east is a church that also is unincorporated. To the north is property zoned in the Liberty Township for a large residential community consisting of over 900 units. As such, this small-scale residential development will fit with surrounding land uses, as well as provide more variety in the housing stock of the area. The large setbacks and landscaping buffers along Home Road will help to retain the rural charm as identified in the Comprehensive Plan. In addition, the application proposes a 10' wide multi-use trail along Home Road that will connect to the larger, regional trail system.

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

The proposed streets are adequate for the type and amount of development proposed. The private street system is proposed to connect to a public road in Liberty Township to the north, and the development will have main access off Home Road. Road "A" is illustrated as a one-way loop around the site that creates access to the residential units. At this point, the applicant has not indicated whether the private roadway network will be one-way or two-way, which will need to be determined prior to the Final Development Plan.

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

Each residential unit will have its own back yard space with a patio and privacy fencing. Additional open space and amenities are also provided.

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

The applicant shows ±3.735 acres of open space, making up ±43.43% of the development. The open space consists of "Open Space A" at the northwest corner of the development, "Open Space B" in the center of the site, and "Open Space C" which is the green space created from the Home Rd setback. The retention basin is

also included in the open space calculation. Staff requests the basin be revised to a more natural shape when submitted for Final Development Plan. A multi-use trail is proposed to run along Home Rd in "Open Space C". Sidewalks will also be built for pedestrian access to and around "Open Space B". Staff is concerned regarding the calculation of open space as certain areas appear to only be accessible by residents of certain units, which would not qualify to be considered public open space.

(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 in one phase.

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

The applicant estimates a 2 year build out.

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

The municipality will not be making any improvements for this development.

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

As this development will have private roads, the community cost to provide services is minimal.

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

The proposal is a low impact residential development with a minimal number of trips generated. However, staff is requesting the applicant further work with staff to adjust the entry drive to the north to alleviate any potential congestion. The proposal will not negatively impact the surrounding or adjacent areas as there is future connectivity included to the the east the proposed land use is harmonious with the surrounding area.

Comprehensive Plan Consistency

The Comprehensive Plan calls for a strategic annexation policy and redevelopment along existing corridors. Development scenario 3 specifically focuses on a northward growth corridor. In this scenario, Powell takes an active role in growth policy north of Home Road. The Land Use Plan depicts this site as part of a conservation development area, which "balances development pressures with goals of preserving open space and responding to market demands for alternative types of neighborhoods". This development style calls for clustering homes together to preserve open space, and the developments are most likely to be residential. The Liberty Reserve Plan proposes interconnectivity to other neighborhoods, no culs-de-sac, multi-use paths, and a large scenic landscape setback from Home Road, all of which are characteristics outlined in the development guidelines for conservation development.

Staff Comments

Staff recommends approval of the request to amend the Zoning Map and the proposed Preliminary Development Plan. Additional clarifications and refinements are needed, as outlined in this report, prior to a Final Development Plan submission. Particularly in terms of roadway geometry and connection to the property to the east, open space designation and architectural materials, the applicant will have to continue to work with Staff to finalize details. In terms of architecture, this proposal includes additional details for the units along Home Road, adjacent to the proposed open space and key intersection points as requested during the Sketch Plan review in addition to upgraded to the rear of the units. Engineering staff comments include requests to:

- 1.) Shift access drive on Home Rd. to the east to give more distance from Stietz Rd. intersection. This would also allow the recommended turn lane length from the TIS to be achieved. If the current location is utilized, it shall be restricted to a right in right out and have approved access to the north.
- 2.) The TIS study did not include any potential pass-thru traffic to the future development to the north. Please adjust TIS as necessary to accommodate this potential scenario.
- 3.) The development is proposing connecting a private roadway system into Liberty Township public roadway. An approval by Liberty Township is requested.

- 4.) Currently the drainage outlet from the proposed retention pond is to the northeast toward an area of future development.
The stormwater discharge detail is unclear at this time. More clearly describe the stormwater outlet and any coordination's that have happened with Delaware County Engineers office and/or the developer to the north.
- 5.) Delineate any wetland areas on site with an environmental study.

Staff Recommendation

The Planning and Zoning Commission should make two motions for this proposal, one for the Zoning Map Amendment application, and one for the Preliminary Development Plan application.

- 1) Staff recommends approval of the Zoning Map Amendment.
- 2) Staff recommends approval of the Preliminary Development Plan subject to the following conditions:
 1. That the developer take into account Staff recommendations for engineering related items as stated above.
 2. That the developer create a retention basin that is more natural in shape.
 3. That the developer explore open space amenities around the basin, subject to staff approval.
 4. That the developer determine one-way or two-way traffic for the proposed roadways and provide additional detail for on-street parking.

SKETCH PLAN REVIEW – December 9, 2020 P&Z Meeting

Project Background

This is a new submittal for the properties at 4026 Home Road, parcel numbers 31924001037000 and 31924001036001, both of which are currently in Liberty Township and zoned as Farm Residence District. The property at 4026 Home Rd is a single-family residence, and the other parcel is undeveloped. The applicant is proposing to annex both parcels into the City of Powell and develop them together as a residential subdivision. Council approved a pre-annexation agreement with Liberty Reserve in October of this year.

Proposal Overview

The applicant is proposing to develop the site with 42 twin-single residential units to be contained within 21 buildings. All streets are proposed to be private, with access off Home Rd, and a street connection to the Township development to the north. The overall site acreage is ±8.601 acres, with a gross density of ±4.88 dwelling units per acre. Two divergences are being requested: 1) a divergence to reduce the distance between buildings from 30' to 25', and; 2) a divergence to reduce the rear yard setback from 40' to 25'.

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

The Comprehensive Plan calls for a strategic annexation policy and redevelopment along existing corridors. Development scenario 3 specifically focuses on a northward growth corridor. In this scenario, Powell takes an active role in growth policy north of Home Road. The Land Use Plan depicts this site as part of a conservation

development area, which “balances development pressures with goals of preserving open space and responding to market demands for alternative types of neighborhoods”. This development style calls for clustering homes together to preserve open space, and are most likely to be residential. The Liberty Reserve Sketch Plan proposes interconnectivity to other neighborhoods, no cul-de-sacs, multi-use paths, and a large scenic landscape setback from Home Rd, all of which are characteristics outlined in the development guidelines for conservation development.

Staff Comments

The property where this proposal is located is situated in between single-family residential lots in Golf Village to the south, and a planned single-family residential development in the Township to the north. As such, this small-scale development should fit in well with surrounding land uses, as well as provide more variety in the area’s housing stock. The large setbacks and landscaping buffers along Home Road will enhance the area’s rural charm. However, staff would like to emphasize that home numbers 8 through 12 should be designed with four-sided architecture so they are appealing from Home Rd as well as the interior streets. Additionally, staff would like the housing styles to be more varied in design.

Staff is pleased to see a 10’ bike path incorporated into the site plan, but would encourage the development to have more designated open space. A conservation district neighborhood should have at least 50% open space that is naturalized in design, and this proposal contains only 24% open space. Staff has concerns about the traffic circulation through this site, as it connects with a northern development and the access point off Home Rd is a right-in/right-out intersection. Staff recommends the developer’s traffic engineer coordinate a memorandum of understanding with the City for a traffic impact study. This study should be performed during the development plan process.

Staff Recommendation

Staff recommends the applicant proceed through the review process with a preliminary development plan, taking into account comments by P&Z, residents, staff, and the Architectural Advisor.