



STAFF REPORT

PLANNING & ZONING COMMISSION

Zoom Webinar (**VIRTUAL**)

Register in advance for this webinar:

Wednesday, April 14, 2021

7:00 P.M.

1. CERTIFICATE OF APPROPRIATENESS REVIEW

Applicant: The Hessenauer Corporation c/o Michael Hessenauer
Location: 8 N. Liberty Street
Existing Zoning: DB – Downtown Business District
Request: Review and approval of a revised parking plan.

Aerial Site Image: <https://goo.gl/maps/Wg3JorAea4xPx9LMA>

Project Background

On July 17, 2007, Powell City Council approved Ordinance 2007-34 for a Final Development Plan for 8 North Liberty Street. The approval from City Council was subject to the following condition: "That in the event that there is intention to utilize part or all of the property for a high-use client, such as a restaurant, the owner is required to gain Commission approval of a parking plan prior to the approval of the Zoning Certificate."

To satisfy the conditions of Ordinance 2007-34, Ordinance 2007-64 was passed on January 3, 2008 to establish a Parking Agreement between the owner of 8 N. Liberty Street and the City. The Agreement reserved 12 parking spaces for the use of 8 North Liberty Street at a City owned building (44 N. Liberty St.). This parking agreement expired on December 31, 2020.

A new tenant, Mr. Chen, is now leasing space in the 8 N. Liberty St building to open a gourmet sushi restaurant. With the Parking Agreement expired, the building owner, Mr. Hessenauer, must gain Commission approval of a new parking plan, in accordance with Ordinance 2007-34, prior to the restaurant being granted a Zoning Certificate.

At its meeting on Wednesday, February 24, 2021, the Planning and Zoning Commission reviewed [this proposal \[AYS1\]](#) for the issuance of a Certificate of Appropriateness and denied the application with 3 members in favor and 3 members in opposition with one member abstaining due to a conflict of interest.

Proposal Overview

The proposed application is a request for a Certificate of Appropriateness to maintain the same parking plan as approved by Ordinance 2007-34.

The proposed application includes a request for the renewal of the expired lease with the City of Powell for the lot at 44 North Liberty Street and use of the previously allotted 12 spaces for 8 N. Liberty Street tenants. The applicant has stated that the parking lot will be maintained, and there will also be provision for valet parking whenever the restaurant is open. The renewal of the expired [lease \[AYS2\]](#) must be approved by City Council prior to the issuance of the Zoning Certificate.

Ordinance Review

The Final Development Plan approval expressly stated that the Commission prior to the approval of the Zoning Certificate must approve a parking plan. In this case, Staff determined the Certificate of Appropriateness review was appropriate to gain Planning and Zoning Commission approval and subsequent request of approval of the proposed parking agreement by City Council.

Staff Comments

Although a parking study was conducted in 2018 by City of Powell Staff, there has been no follow-up based on those findings. Staff has recently identified the subject of downtown parking as departmental priority and is working toward updating the study and proposing options to address potential solutions this coming year. The

applicant has also included a parking study related to his occupancy and the required Valet Plan that will be reviewed by staff prior to implementation.

While staff understands the concerns regarding the effect new restaurants, such as this one, may have on both the real and perceived issues surrounding parking in the downtown area, the Development Text of the Final Development Plan dated May 17, 2007 states in subsection E(1) that, "Irrespective of use, the property owner shall undertake reasonable efforts to provide a total of ten (10) combined parking spaces (both on and off-site)." Staff has determined this language legally binds the property owner to provide a total of ten (10) combined parking spaces as established in the text and by the passing of Ordinance 2007-34. Any attempt to change or further condition this requirement by staff and/or Planning and Zoning Commission would violate Ordinance 2007-34. This proposal does not constitute a change in use and therefore does not violate the original approval established by the original ordinance.

Staff will continue to work with this applicant to acquire parking spaces above that which has been established by ordinance. Staff has and will continue to work with this applicant to find ways to mitigate potential issues with neighboring businesses with respect to the parking issue through marketing and signage that clearly identifies the location of legal parking spaces for this business.

Staff Recommendation

Approval of the parking plan as defined in Ordinance 2007-34, subject to a parking agreement being approved by City Council and prior to the issuance of a Zoning Certificate.

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https://us02web.zoom.us/webinar/register/WN_SYU-VHoATnekwVUadOnA1A

Wednesday, February 24, 2021

7:00 P.M.

1. CERTIFICATE OF APPROPRIATENESS REVIEW

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On July 17, 2007, Powell City Council approved Ordinance 2007-34 for a Final Development Plan for 8 North Liberty Street. The approval from City Council was subject to the following condition: "That in the event that there is intention to utilize part or all of the property for a high-use client, such as a restaurant, the owner is required to gain Commission approval of a parking plan prior to the approval of the Zoning Certificate."

To satisfy the conditions of Ordinance 2007-34, Ordinance 2007-64 was passed on January 3, 2008 to establish a Parking Agreement between the owner of 8 N. Liberty Street and the City. The Agreement reserved 12 parking spaces for the use of 8 North Liberty Street at a City owned building (44 N. Liberty St.). This parking agreement expired on December 31, 2020.

A new tenant, Mr. Chen, is now leasing space in the 8 N. Liberty St building to open a gourmet sushi restaurant. With the parking agreement expired, the building owner, Mr. Hessenauer, must gain Commission approval of a new parking plan prior to the restaurant being granted a Zoning Certificate.

Proposal Overview

The proposed parking plan is a request for a two-year extension of the Parking Agreement City Council passed with Ordinance 2007-34.

The proposed application is a request for a renewal of the expired lease with the City of Powell for the lot at 44 North Liberty Street and use of the previously allotted 12 spaces for 8 N. Liberty Street tenants. The applicant has stated that the parking lot will be maintained, and there will also be provision for valet parking whenever the restaurant is open.

Ordinance Review

The proposed Parking Agreement review does not directly align with the Code section for Certificate of Appropriateness. However, the Final Development Plan approval expressly stated that the Commission prior to the approval of the Zoning Certificate must approve a parking plan. In this case, Staff determined the Certificate of Appropriateness review was appropriate, as the restaurant tenant will intensify the building use in the Downtown District.

Staff Comments

Although a parking study was conducted in 2018 by Powell Staff, there has been now follow-up based on those findings. Staff has recently identified the issue of downtown parking as departmentally priority and is working toward updating the study and proposing options to address potential solutions this coming year. Therefore, this agreement is limited to the two-year timeframe.

Staff Recommendation

Approval of the parking agreement for a two-year timeframe.