

## STAFF REPORT



## PLANNING &amp; ZONING COMMISSION

Village Green Municipal Building, Council Chambers

47 Hall Street

Wednesday, November 10, 2021

7:00 P.M.

**1. SUBDIVISION WITHOUT PLAT (Case 2021-38SR Eyecare Professionals)**

Applicant: EyeCare Professionals of Powell c/o Craig Moncrief  
 Location: 265 N Liberty St  
 Zoning: PC – Planned Commercial District  
 Request: Review and approval of a Subdivision without a Plat to split a parcel into two separate lots.

Aerial Site Image: <https://goo.gl/maps/V3HnrBbjXqb3eAat8>

**Project Background**

Ordinance 1995-32 approved the Combined Preliminary and Final Development Plan for the agency Graphic Design, Inc. for a new office building and various site improvements at 265 North Liberty Street. EyeCare Professionals of Powell purchased the properties at 265 and 267 North Liberty Street in 2019 and received approval from City Council on April 21, 2021 (ORD 2021-04) for an amendment to the 1995 development plan to expand the building. Improvements to the site, including the relocation of the entry drive, expansion of the parking lot, addition of parking lot lighting, and new signage were also approved. EyeCare Professionals of Powell combined the two lots at 265 and 267 North Liberty Street through the amendment process, and are now proposing to split the lot into two separate parcels.

**Proposal Overview**

The applicant is proposing to split parcel number 31942601004000, which consists of  $\pm 1.75$  acres, into two separate lots. The north lot will include the existing two-story white structure on 0.766 acre, and the lot to the south includes the EyeCare Professionals office building on the remaining  $\pm 0.985$  acre. No other site improvements are proposed.

**Ordinance Review**

In accordance with the requirements of Codified Ordinance 1105.04 – Approval of Subdivision Without Plat:

“A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than three lots after the original tract has been completely subdivided, may be submitted to the Planning and Zoning Commission for approval without plat. If the Commission acting through its properly designated representative is satisfied that such proposed division is not contrary to applicable platting, subdividing or zoning regulations, it shall within seven working days after submission approve such proposed division and, on presentation of a conveyance of said parcel, shall stamp the same “Approved by Planning and Zoning Commission; No Subdivision Plat Required” and have it signed by its Clerk, or designated representative. The request for approval of subdivision without plat shall include a deed map showing the boundaries of tract being subdivided, and the zoning classification of the tract. At such time as the subdivided tract is developed, submissions shall be made as described in Section 1105.09(b).”

**Staff Comments**

The property line for the proposed lot split is in substantially the same location as the previous property line prior to the parcel merge. Approval of the Subdivision Without Plat will allow the property owners to sell the northern lot, while retaining the property at 265 North Liberty Street. The proposed subdivision variances will be necessary for the northern lot to meet the Zoning Code. The property owners have requested two variances to be heard by the Board of Zoning Appeals at the December 2<sup>nd</sup> meeting:

- 1) Section 1143.15(a) of the Zoning Code requires a minimum street frontage of one hundred and sixty feet (160'). The property currently has approximately two hundred and ninety-nine feet (299')

of street frontage. After the split, the northern parcel will have approximately one hundred and seven feet (107') of street frontage.

- 2) Section 1143.15(a) of the Zoning Code provides for a minimum side yard of twenty-five feet (25'). After the split, the building on the northern property will be nineteen feet and five inches (19'-5") from the new property line.

### Staff Recommendation

Staff recommends approval of the Subdivision Without Plat, with the following conditions:

1. That the applicant obtain approval of variances from the Board of Zoning Appeals, prior to recording the subdivision, for:
  - a. A decrease in the minimum required street frontage from 160' to 107'
  - b. A decrease in the minimum required side yard setback from 25' to 19'-5"
2. That the property owner create and record a cross access agreement between the two newly created parcels.