



STAFF REPORT

**PLANNING AND ZONING COMMISSION
APRIL 10, 2002**

CERTIFICATE OF APPROPRIATENESS

Applicant: Yard Play
Location: 470 West Olentangy Street
Zoning: PC, Planned Commercial District
Request: Approval of Additional 1,600 sq. ft. for Outdoor Display and Sales Area for Recreational Structures

The site is located immediately to the east of Scott's Garden Center on West Olentangy Street, near Sawmill Road. The applicant is requesting to place an unknown number of recreational structures in a 40 by 40 feet area. Based on the brochures submitted, the structures are not unlike others that have been approved to be placed outdoors for sale in the city.

Although the site is moderately wooded, the recent wind storms have torn a couple of trees from the ground. The applicant is proposing to utilize this new found space to expand their sales area. There are usually five to seven structures on the site at any given time in the existing space, which is behind a split rail fence.

Staff is in support of this application but does have some concerns. From the information provided, it appears that three, possibly four, structures could fit comfortably in the proposed area. Staff recommends the number of structures allowed in this area, east of the drive, be limited to four. Additionally, Staff recommends a split rail fence, similar to that on the west side of the drive, be erected. Due to weatherization of the existing fence, both fences should be painted white so that they are similar in appearance. The City utilizes the color white on all split rail fences along major streets, including the Murphy Development.

Staff recommends approval of the Certificate of Appropriateness for an outdoor display and sales area with the following conditions,

1. The number of recreational structures to be placed on the east side of the drive in the area shown on the plans be limited to four units.
2. A split rail fence, similar to the existing fence on the west side of the drive, be added along West Olentangy Street and both fences be painted white.

CERTIFICATE OF APPROPRIATENESS

Applicant: Powell Prep Academy
Location: 489 Village Park Drive
Zoning: PC, Planned Commercial District
Request: Approval of Signage, Outdoor Recreation Area with Recreational Structures and Fencing for Private School

The applicant is a private school currently located in building 4 of Wolf Commerce Park. With the completion of building 8 and growing enrollment rates, the school is expanding to occupy the recently completed building 8. The current building is set back near the railroad on the south side of the south access drive on Village Park Drive. The new building is at the dead end of Clairedan Drive with frontage on Village Park Drive.

Other than the temporary ground sign along Village Park Drive, which will be removed with the approval of wall signage for the building, the school has no visible signage from the public right-of-way on this site. This application will provide one wall sign with 23.13 square feet of area, which meets the zoning code requirements. Typically, Staff is able to approve signs administratively if all the requirements of the zoning code are met.

However, the applicant is proposing to mount the sign above the eave of the northern entrance canopy. This north entrance is to serve as the main entrance for the school. Section 1151.08(a)(2)(A) allows signs to be attached to canopy, awning, roof, or marquee which projects the building over a walk or yard provided no part of such signs may extend above such canopy, roof, or marquee. Staff questions the intent of this language and is therefore bringing the applicant to the Commission for approval.

The proposed sign is unique, creative, and will be an attractive addition to the building. A similar sign can be found at the Compass School, 3989 North Hampton Drive, along Sawmill Parkway. This sign will be all aluminum with the lettering mounted to a sign plate at the bottom of the lettering. Some of the letters will be outlines open to the space behind.

Although Staff is in support of this application, we do have a concern regarding the placement of the sign. With no room to mount the sign directly to the building wall due to the window coverage, the options are limited for placement. While this is a reasonable request, Staff recommends the sign be mounted in the ground, just above the height of the shrubs and with matching aluminum material, between the north and central canopies. This creates a less awkward and more attractive area to place the sign. This will technically be a ground or free-standing sign for which there is already a plan in place. However, given the hardship created by the building wall surface, Staff feels this is the best solution.

The applicant is also requesting to add a 30 by 60 feet playground to the north side of building 8. This will involve a four feet tall privacy fence, with dog ear tops, and recreational structures being placed in the enclosed area. The privacy fence is needed for safety reasons and will match the existing fence utilized by the Village Academy to north. There will be three structures erected in the fenced area. Although a bit colorful for a commerce park, staff has no concerns.

The applicant has recently purchased acreage at the southwest corner of Liberty and Seldom Seen Roads. This will be the future home of the school once enrollment rates justify the construction. The fence and recreational structures are temporary and should be conditioned as such. Staff recommends the fence and recreational structures be removed when the applicant vacates the building.

Staff recommends approval of the Certificate of Appropriateness for signage and an outdoor recreation area with the following conditions,

1. The proposed sign be erected as a ground sign, with supports of matching aluminum material, between the north and central canopies at a height with the bottom of the sign being just above the existing shrubs.
2. The fence and recreational equipment be removed and the area restored to grass when the applicant vacates the building.

SKETCH PLAN

Applicant: Steve Moberger, Construction One, Ltd. (Goddard School)
Location: 419 West Olentangy Street (Murphy Commercial)
Zoning: PC, Planned Commercial District
Request: Review of Proposed 8,000 sq. ft. Preschool/Daycare Building on 1.23 Acres

The site is located at the far western part of the old Murphy Party Barn property just east of Colonial Fireplaces. The applicant is proposing to build a one story pre-school called The Goddard School. The proposal includes a one story brick building with a standing seam metal roof, parking accessed by a right-in/right-out drive from West Olentangy Street and the shared access drive from the east coming from Murphy Parkway through the Murphy Park, HER and ASK Watersports sites. Fenced in play areas are also being proposed. The applicant has submitted a site plan and photographs of a typical Goddard School building.

The proposed site plan has the building front facing east and a fenced in play area along the West Olentangy Street frontage. Parking is along the east side of the building so it is closer to the front entrance of the building. The play areas are to each side of the building, providing direct access to them from each individual classroom.

This is typical of the one-story Goddard School layout. However, this site plan does not work very well in the context of the adjoining development around this site.

Staff has shown a revised site plan that will fit in with the context of existing and proposed development along this street. The building should be turned 90 degrees so that the front of it faces West Olentangy Street. In order to provide as much play area as possible, the building is moved slightly to the east along with the parking and driveway. This also provides for saving additional trees on the site. Access to the play area can still be accomplished via a hallway that exists to the rear of the building. However, this layout does restrict access to the play areas from each individual classroom. The east elevation of the building could be changed because each classroom will no longer need a door. Additional windows could be utilized to give a better appearance to that side of the building.

The Goddard School has previously built some two-story buildings in other parts of central Ohio (Gahanna and Worthington Hills). With ASK Watersports and HER office both being two-story, Staff would recommend that discussion occur regarding the desirability to create a two-story building on this site. With regard to the proposed building, it may be desired that if a one story plan is continued, then the applicant should consider a higher roof pitch in order to make the building seem a little more substantial. A good example to look at is the Rutherford Funeral Home building across the street.

The original traffic study for the Murphy property zoning indicated that a right-in only was recommended at this location. After further consultation with the City Engineer, Staff is comfortable with this being a right-in/right-out access. The applicant should show the relationship of the proposed driveway with the driveways across the street in order to be sure of the proper placement of the proposed driveway. Staff's revised site layout shows a reduction of parking spaces to 30 from the required 32 spaces. Additional spaces could be installed on the southern end of the lot, however that would mean the destruction of additional trees. Thirty spaces should be plenty for this use. The site plan also shows the continuation of the bikepath and white fencing across the frontage.

Staff recommends that the applicant can proceed with a Combined Preliminary and Final Development Plan if the above concerns can be addressed in that submittal.

ZONING MAP AMENDMENT/ FINAL DEVELOPMENT PLAN

Applicant: Church of Latter Day Saints
Location: East Side of Liberty Street between Ashmoore Drive and Liberty Ridge Avenue
Present Zoning: FR, Farm Residential (Liberty Township Zoning)
Proposed Zoning: PR, Planned Residence District
Request: Approval of a Preliminary Development Plan for Proposed 12,800 sq. ft. Meeting House on 5.01 Acres and Proposed Zoning Map Amendment from FR, Farm Residential (Liberty Township Zoning) to PR, Planned Residence District (Powell Zoning)

Following up from the last meeting, the Applicant has submitted the Final Development Plan for the proposed new Meeting House. The applicant has revised their plans to address concerns raised at the Preliminary Development Plan. The following is the motion to adopt the Preliminary Development Plan and how the applicant has addressed these items:

MOTION: Commissioner Wiencek moved to approve with the following conditions:

- 1. That the applicant work with Staff and Emil Slavik to resolve any outstanding architectural issues.**
The only architectural issue that Staff had at the last meeting was the location of the HVAC vents on the front of the building. These are actually recessed back and painted to match the brick. Therefore, Staff and the Architectural Advisor do not have any outstanding architectural issues.
- 2. That materials and colors be approved by the Planning and Zoning Commission.**
The applicant has indicated material samples will be provided at the meeting.

3. **That the HVAC vents be removed from the front elevation and the fence screen around the mechanicals be replaced with a brick wall.**

See #1 above.

4. **That the applicant investigate using a smaller satellite dish and better screen the dish on all four sides.**

The applicant has provided an alternative location for the storage shed, satellite dish and dumpster facility which brings it away from the property line and still allows the use of the satellite dish. Staff recommends that this alternative location be approved and that additional spruce trees be planted in the parking lot island across from it to help screen the satellite dish from the front.

5. **That the applicant investigate using roll-out containers, including the possibility of enlarging the accessory building to allow for their storage.**

With this alternative location, the applicant can utilize a dumpster or roll our containers.

6. **That mounding be added to the north property line.**

This was not addressed in the revised plans and Staff recommends that mounding be installed.

7. **That the mounding use a variety of forms with breaks in the mounding rather than the single straight mound shown.**

This should happen along the north property line and on the east side of the lot.

8. **That the mounding be extended to the east to screen the future parking area.**

The mounding plan should reflect this in order to have the mounding and landscaping in right away, then when the parking expansion happens it is already there.

9. **That landscaping be added at the entry points and a landscaped sign area be shown on the Liberty Street edge of the front detention area.**

The applicant has provided this item.

10. **That a monument sign plan be submitted and approved by the Planning and Zoning Commission.**

The applicant has shown a sign that is appropriate for this location. The applicant should examine the possibility of placing the sign within the sanitary sewer easement if possible because at its current location it may look awkward and not be as readily visible. Permission must be granted by the County Sanitary Engineer.

11. **That a mix of deciduous and evergreen trees be used for screening along the north, south, east property lines.**

The applicant has provided an appropriate landscaping plan that meets code requirements.

12. **That the applicant work with the City Engineer.**

The applicant has discussed this site with the City Engineer and the preliminary engineering indicates that all requirements can be met.

13. **That the applicant will work with Staff on the design for the combination storage/trash/satellite dish area.**

The applicant has provided an alternative location and Staff recommends that alternative.

14. **That the applicant explore mounding to the north and the east of the property, such mounding to be approved at the Final Development Plan.**

This was addressed above.

15. **That the height and location of the lighting be included in the Final Development Plan.**

The applicant has provided a lighting plan that indicates that there will be no light spread onto adjacent properties. The proposed height of the light standards is 18 feet.

16. **Staff will explore possible usage limitations before the final development plan.**

The Federal Religious Land Use and Institutionalized Persons Act of 2000 bars a government from imposing land use regulation in a manner that treats a religious assembly or institution "on less than equal terms" with a nonreligious assembly or institution. We do allow other churches, public and private schools to assemble for educational purposes therefore we cannot exclude this religious institution from doing the same (Reference: Ohio Planning and Zoning Law, 2001 Edition, Meck and Pearlman).

In discussions with the City Engineer, a total of 40 feet of right-of-way will be required. This has been required for other developments along North Liberty Street and other streets as projects have been approved. Doing so now, enables the City to make the necessary right-of-way improvements in the future.

Staff recommends approval of the Final Development Plan and Zoning Map Amendment application with the following conditions:

1. That undulating mounding be added along the north side of the parking area.
2. That a brick wall is utilized rather than fencing as a screen for the AC units.
3. That the alternative location for the dumpster/satellite dish/storage shed be utilized and spruce trees be used in the parking lot island directly across the drive aisle from the dish.
4. That material samples and colors, including the parking lot lights, be approved by the Commission.
5. That the City Engineer approve all engineering aspects of the development.
6. That 40 feet of right-of-way from the centerline of North Liberty Street be dedicated to the City.

PRELIMINARY DEVELOPMENT PLAN

Applicant: Newbury Homes
Location: 10331/10571/10441 Sawmill Road
Zoning: PR, Planned Residence District
Request: Approval of a Preliminary Development Plan for 16.454 acres on the east side of Sawmill Road and west of Lakes of Powell for 17 two unit condominium buildings (34 units) on 10.4 acres and an existing church on 6.25 acres

After the Sketch Plan review at last month's meeting, the applicant has revised their proposal to try to address the concerns raised by the Commission and the public. The site plan has been changed by the removal of one two unit building and rearranging the layout to create greater amount of buffer space and preserve as many trees as possible.

The subject property was part of the original annexation of 65 acres that included Lakes of Powell Sections 1-4 and the Tyler Run Elementary School site. At the time of the annexation and zoning in 1996, the property was placed in the PR, Planned Residence District as a church site as the site had already been partially developed for the church. Church membership has declined over the years, so they would like to sell a portion of their property. Newbury Homes has submitted a plan for a condominium development that includes 17 two unit buildings, for a total of 34 dwelling units. Access to the site is provided from Sawmill Road, which will be the only way into and out of the development. The remainder of the church property will remain a church with the parking lots redeveloped as shown on the preliminary development plan.

The property totals 16.454 acres. The site area for the condominiums is 10.4 acres, so the residual for the church is about 6 acres. The density of the proposed condominium development is 3.27 dwelling units per acre. This is the net density of the subject 10.4 acre tract. As a comparison, the Lakes of Powell Section 1-4 net density is 3.56 dwelling units per acre. Surrounding land uses include Zion Drive and Woods of Sawmill subdivision (1.8 du/ac net) to the north, Lakes of Powell to the east, Wedgewood Place subdivision to the south, the Zion Church and Sawmill Business Park to the west. There are also two existing homes fronting Sawmill Road on either side of the entrance, one of which is in very poor condition.

The property is well suited for residential development, being adjacent to existing subdivisions. It will be important to determine the proper density and housing type for this property. The applicant is proposing to build two unit condominiums. The buildings are one story plans utilizing stone and vinyl siding as exterior materials. Each unit has two bedrooms, a den or spare bedroom, two baths and a screened in porch. There will also be some units with the option to have a third bedroom. Except for the proposed vinyl siding, the buildings are very nice looking. Condominium developments have been popular in this area and have sold quickly.

Staff studied the property for possible single family development. The only possible scenario is to have a cul-de-sac developed off of Sawmill Road and curve around to utilize the entire property. A retention pond open space area can also be preserved. This scenario would create 30 single family home sites with the same lot sizes within the Lakes of Powell. If a single-family subdivision were to be favored over condominiums, it will be important to create a subdivision that will be desirable for the community as a whole, and desirable for the potential residents who will live there. It does not make sense to have a subdivision developed where the density will be so low and

the lot sizes so large that will have to command a higher lot price and home price than what the market will find desirable for this location due to the land uses adjacent to this parcel at its entrance and having the church so close on two sides. If a single family subdivision is preferred, something similar to Staff's single-family layout is appropriate.

Comparing both plans, Staff prefers the proposed condominium concept for several reasons. The property is a transitional piece between existing single family residential uses and the commercial and office to the west side of Sawmill Road, and having another street, Zion Drive, along the north side of the property. The proposed condominium layout actually would provide for more green area and the buildings can be laid out to provide for more buffer and fewer buildings backing to the most affected subdivision Lakes of Powell. There is an existing stand of trees at the northeast corner of the site that can be better preserved with the condominium layout than the single family layout. Also, by having the development construct a private street owned and maintained by a condominium association rather than a public street owned and maintained by the City, there is less associated public cost to this development.

The Commission has asked Staff to cite other examples of condominiums being utilized as a transitional use and to see what affect, if any, this type of development would have on the community's tax base and what the resale aspects could be. The City has approved other condominium projects in the past as a transitional use from single family to commercial/office uses. The Murphy Park development plan includes condominiums as a transition. Also, the Village at Powell Condominiums at the northwest corner of Seldom Seen Road and Liberty Road is a transition from Powell Place single-family to Wolf Commerce Park office uses. The effect this development will have on the community's tax base will be minimal. Looking at minimum incomes needed to purchase a \$250,000 single family home versus a \$200,000 condominium, with everything else being equal, varies by about \$15,000 per year. This would make a difference of \$75 per year of income tax income to the City per dwelling unit. However, the City will have no maintenance liability and costs with regard to any public street with the condominium development. In relation to resale of condominiums, the City has historical resale information on the Woods of Big Bear Farms condominiums. Based on the Delaware County Auditor website, resale of five of those condominium units averaged an increase of \$12,675 in an average time period of 20 months. The average transfer value, base on the Delaware County Auditor, for the 14 Lakes of Powell homes adjacent to this site was \$222,595 (between 1998-2001)

At the previous meeting, there was concern with the density bonuses for this site based on no public improvements being provided. To help justify the 3.27du/ac, Staff has suggested the applicant secure easements on the two Township properties that are adjacent this site and construct a bikepath that will extend from Zion Drive to the south property line of the church. While this improvement does not justify a 1.57du/ac increase, it does provide some purpose to the bonus through the Master Bikeway/Walkway Plan.

The development plan has been amended to create greater buffer areas between the buildings and the adjoining properties. Only two buildings now back to Zion Drive with a setback of thirty feet shown from the road right-of-way. These two building plans have also been amended to have additional stone facing and additional windows added to give a better appearance to the rear of those buildings. Mounding and landscape screening is also proposed for this area, although this could probably be enhanced. Along the east side, the buildings have been relocated to have a setback of 80 to over 173 feet from the property line. These buildings have also been sited so that the sides of the buildings face the subdivision. The large tree grouping at the northeast corner of the site has now mostly been saved, with the exception of the area where building number 10 is located. Although being a nice grouping of trees, there are not that many trees over six inches in diameter that will be affected by the development. The tree survey that has been submitted is accurate, and the placement of buildings 9, 10, and 12 was done to minimize destruction of the better trees.

Since the Sketch Plan, the applicant has conducted an environmental assessment of the property; the final report is not yet complete but will need to be provided to Staff. Several wetland areas have been found on the site. The largest is in the area immediately off of Sawmill Road where the access drive and first three buildings are proposed. The second is at the east end of the property at the northeast corner with Zion Drive. The applicant will need to address these issues with Army Corps of Engineers and OEPA before completing the development plan approval

process. Until Staff is provided with the report, we are unsure of the ecological significance of these wetlands. Perhaps something could be done with the wetlands to justify the density bonus.

This development will require the removal and reconfiguration of the existing church parking lot. Although detailed parking information is not required, it is expected the provided parking will be less than required by the zoning code. Staff has no concerns with providing less parking than required, provided there are enough spaces for the current congregation and foreseeable future membership expansion. Several future parking expansion areas are noted on the site plan.

Overall, Staff feels this is a workable plan and could fit in nicely with the community if the issues above can be properly addressed. Staff recommends approval of the Preliminary Development Plan with the following conditions,

1. That the applicant work with Staff to identify public improvements that can be made to justify the density bonus.
2. That the applicant work with Staff on the alignment of the bikepaths.
3. Determine the extent of the wetland delineation, provide Staff with a copy of the study, and determine how the applicant intends to mitigate.
4. That the applicant add landscaping to the landscape bays of the parking lot for the church.
5. That Staff approve the layout of underground utilities and that the utilities avoid treed areas.
6. That storm water feasibility calculations be provided to ensure the proposed retention pond is large enough to accommodate the development site, including the church.
7. That the siding material be either cement-fiber or cedar wood.
8. That all units have fireplaces.

