



**STAFF REPORT
PLANNING AND ZONING COMMISSION
JUNE 11, 2003**

FINAL DEVELOPMENT PLAN/ZONING MAP AMENDMENT

Applicant: M/I Schottenstein Homes, Inc.
Woods of Powell

Location: On the north and south Side of Rutherford Road, north of Powell Place,
west of Middlebury Estates, east of the CSX Railroad and south of Wyandot Elementary
School

Current Zoning: Liberty Township FR-1, Farm Residence District, and PR, Planned Residential District

Proposed Zoning: City of Powell PR, Planned Residence District

Request: Approval of Final Development Plan for 169 single-family homes on 134.3 acres, a
density of 1.25 du/ac, and approval of a Zoning Map Amendment

After Preliminary Development Plan approval, the applicant has revised the development plan to try to improve the plan and meet the Commission's requirements. The Commission's approval of the Preliminary Development Plan is as follows (in **bold type** are Staff review comments based upon this approval):

MOTION: Commissioner Wiencek moved to approve the Preliminary Development Plan for the Woods at Powell with the following conditions:

1. The utility layout will have to be re-designed because in numerous places they are being shown within scenic easement areas. **Staff has still found several areas where there are still utilities within these areas. Staff recommends that there may be places where this will be necessary to provide for proper drainage, especially the area along Middlebury Estates. The Commission may want to condition that utility intrusion to the Scenic Easement and No Build Zone areas be done on a minimal basis as approved by Staff during engineering review and field adjustments.**
2. The overall size and location of the retention pond along Liberty Street should be designed to affect the least number of ornamental trees located in the southern portion of that open space area. **The Commission will still want this as a condition and Staff will review this during engineering plan review. The tree survey does not indicate many trees 6" or greater in this area.**
3. Landscaping plans should be developed for all open space areas as needed. **A street tree plan has been submitted, but no plans for the open spaces or entrances. This can be reserved as a condition to submit for approval as part of the plat for Phase 1.**
4. The pathway to be constructed in the proposed park should be built to the north property line. **This has been done. Final alignment will be done in the field with Staff and the applicant.**
5. Coordinate with the school district the location of other pathways coming into the school sites. **This has yet to be done, however this can be done with the applicant during engineering plan review.**
6. Install a pathway along Liberty Road as part of the roadway improvement efforts. Investigate possibility of connecting to pathway in front of Middlebury Estates. **This has not been shown.**
7. Install white three rail fence along Liberty Street and where appropriate on Rutherford Road. **This has not been shown.**
8. That the landscaping plan that is ultimately submitted include screening for the homes that currently front Rutherford and along the elementary school. **The landscaping plan submitted shows this screening.**
9. That the developer is responsible for creating an underpass under Rutherford Road connecting bikepaths. **This has been shown but not labeled. Staff will coordinate with the Delaware County Engineer to accomplish this.**
10. That lots 103--107 be converted to a cul-de-sac similar to the lots 108-112. **This has been done.**
11. That the property proceed through the V.A.P. under terms approved by Staff and by City legal counsel. The developer is required to remove the debris on the site. **This is currently in process.**
12. That the minimum lot size in the Wallingford tract be 80 feet with the exception of the lots that back to the elementary school which shall be a minimum of 90 feet. **This has been done.**
13. That at a minimum, the fronts of all houses have at least 50% brick or stone and the designs are to be approved by staff or the Planning and Zoning Commission at the Final Development Plan stage. **The Architectural Standards meet P&Z's discussion.**
14. That cement fiber siding is an approved material subject to the installation requirements submitted to

Commission by M/I Homes. **This has been done.**

Commissioner Futryk seconded the motion. The motion was approved. Yes: Emerick, Murphy, Wienczek, Futryk, Counts. No: De Palma, Coville.

There are really no surprises since the Preliminary Development Plan was approved. The overall density of the proposed subdivision is now at 1.25 du/ac, with the northern portion being 1.15 du/ac. Most of the issues above from the Preliminary Development Plan have been accomplished with the ones remaining we can handle during final engineering and they shouldn't affect the layout. Confirmation from the developer should be received regarding the pathway and fencing along Liberty Road. Staff's only other major concern is the amount of Scenic Easement along the backs of lots # 12 through 19. We believe that there should be a minimum 70' Scenic Easement on lots 12, 13, and 16-19, and a minimum of 115 feet on lots 14 and 15. Another way to preserve additional trees in the rear yards is to reduce the front building line on the Cameron parcel to 25 feet.

We anticipate other design issues may need to be forwarded to Planning and Zoning Commission in the future (for example the design of the pedestrian tunnel under Rutherford Road) and that can happen with the submittal of the Plat for Phase 1.

Staff recommends approval of the Final Development Plan for Woods of Powell subdivision with the conditions from the Preliminary Plan that have yet to be met as stated above, the additional Scenic Easement areas on lots #12-19, and reducing the front building line on the Cameron parcel to 25 feet. Staff feels that the requirements of Section 1143.11 (k) (1-9) have been met with the conditions as stated above.

ADMINISTRATIVE REVIEW

Applicant: Powell United Methodist Church
Location: 825 East Olentangy Street
Zoning: PR, Planned Residence District
Request: Review of Revised Site Plan and Proposal to Preserve Existing Single-Family Structure

The Commission has previously approved a Preliminary Development Plan which showed the removal of the existing residence that is on the property. Because there are still issues with some of the surrounding property owners with regard to the issue of the house being removed, the applicant has submitted a site plan that shows how the proposed building additions and parking lot can occur with the house remaining. The Zoning Code allows for Administrative Reviews, but they usually will happen after the Final Development Plan is approved. However, this issue seemed to warrant such a review prior to the submittal of a Final Development Plan in order for the Commission to review the concept of keeping the house and examining the site plan necessary for the church to do so. At this administrative review, the Commission can review the plan and make recommendations to the applicant as to whether to submit the Final Development Plan with or without the house shown on the plan.

The previously approved Preliminary Development Plan site plan (attached) with the conditions would have a total of 310 parking spaces. The plan with the house as proposed shows 296 total parking spaces. This plan also allows the sanctuary encroach the front setback 8'8" rather than 5'8" as previously approved.

Although nothing is mentioned in the documentation submitted by the church, discussions with Staff have included the house remaining on the property, but no particular use has been established. The applicant has indicated that they are willing to allow a "community use" for the house, such as the City, or Historical Society or some other community group, if funds can be raised for its rehabilitation for this use within one year. If, after this time, nobody has stepped forward, the existing approved Preliminary Plan could be developed. The applicant and Staff is now looking for direction from the Commission.

Staff does not see a problem with having the plan be approved in two fashions. The way the house plan is proposed can be improved, as shown on the attached Staff House Plan. We feel that this is a workable solution for the possibility of preserving the house. If the Commission feels that the approved Preliminary Development Plan is still the best solution, then the Commission should indicate that, and the applicant will pursue a Final Development Plan that way.

CERTIFICATE OF APPROPRIATENESS

Applicant: Rutherford West Associates
Rutherford Estates
Location: 3303 Rutherford Road
Zoning: PR, Planned Residence District (Pending)
Request: Approval of Two Subdivision Marketing Signs

This request is for approval of two marketing signs for the recently approved Rutherford Estates subdivision. Typically, a new subdivision is permitted one marketing sign not to exceed forty-eight (48) square feet in area per side, Section 1151.07(b). The applicant is requesting two signs, each being thirty-two square and one-sided.

In the packet there are two sign permit applications for this property. The application showing Paul W. Phillips as the applicant is the marketing sign that would typically be permitted by Section 1151.07(b). However, the builders of the homes for the development are requesting a second marketing sign (application with Jim Saltz shown as the applicant). This second sign for the builders will be taken down once the lots are ready for development. Both signs will be placed along Rutherford Road.

The Paul W. Phillips sign is wood and is 8x4 feet, with eight feet being the vertical measurement. The background will be green with white lettering and will be placed at the east end of the development near the CSX railroad. It meets all requirements of the Zoning Code including the location requirement of being placed fifteen (15) feet behind the public right-of-way.

The Jim Saltz sign is also made of wood and is the same size and orientation and will be placed in the central portion of the development, just east of the proposed entry off Rutherford Road. This sign exceeds the number of permitted colors by code, three colors plus black and white, by including the builders' logos and the site plan on the sign. Ignoring the logos and site plan, the sign will be an almond background with bronze, gold, and forest green lettering, which also exceeds the maximum number of permitted colors. Staff is agreeable to allowing the builders' logos and the site plan without counting the colors against the sign. However, the remainder of the sign needs to be kept to the three colors plus black and white limit. Staff would suggest using a white background to eliminate one of the colors, however, we will defer to the Architectural Advisor for comment, if any.

Since the second sign will be removed once the lots are ready for development (at that time the builders can place real estate signs on their respective lots), Staff is in support of this Certificate of Appropriateness for two marketing signs in the Rutherford Estates Subdivision with the following conditions,

1. That the Jim Saltz sign be revised to meet the maximum color requirement of Section 1151.04(e) of the Planning and Zoning Code.
2. That the Jim Saltz sign be removed at the time the City Engineer conditionally accepts all public improvements allowing home construction to begin.

CERTIFICATE OF APPROPRIATENESS

Applicant: Furniture Gallery
Location: 420 West Olentangy Street
Zoning: PC, Planned Commercial District
Request: Approval of Two Wall Signs

The property is located across Olentangy Street from the recently completed Goddard School and east of the Rutherford Funeral Home. This is a multi-tenant building and this space fronts Olentangy Street. The space was most recently occupied by Floral Art and Interiors who has since moved to a space at the rear of this building.

The applicant is proposing to replace the two existing wall signs on the sign band for the building (the sign along Olentangy Street has been removed since the applicant took over the space). The proposed signs are channel letters (individual letters with internal illumination) with an overall area of 23.13 square feet per sign. The applicant is proposing red lettering; a color sample will be available at the meeting. Staff does question the spelling of the word Gallerie rather than Gallery. No such spelling could be found in the American Heritage on-line Dictionary.

The Zoning Code requires no wall sign be greater than 25 square feet in area, Section 1151.08(a)(7). Provided certain requirements are met, the Zoning Code does not limit the number of wall signs. All requirements of the Planning and Zoning Code have been met for this sign.

Staff would like to point out that there are vinyl letters affixed to the windows of this business. It has been determined this lettering is in violation Section 1151.05(i). Staff will notify the applicant of this violation have the lettering removed. The applicant has not advised Staff the lettering is part of this sign permit application.

Although Staff will defer to the Architectural Advisor for any design comments, Staff has no concerns with this application and recommends approval of the Certificate of Appropriateness for two wall signs for the Furniture Gallery at 420 West Olentangy Street.