

RESOLUTION 2004-13  
Passed June 1, 2004

A RESOLUTION TO REFER TO THE PLANNING AND ZONING COMMISSION FOR STUDY AND RECOMMENDATION AN AMENDMENT TO THE POWELL PLANNING AND ZONING CODE, SECTION 1143.15.

WHEREAS, the City of Powell Council has determined that it is necessary to review the Zoning Code of the City of Powell for the purpose of considering a proposed amendment which limits the size, by reference to square footage of floor space, of all retail and commercial establishments and businesses in the PC-Planned Commercial District; and

WHEREAS, at its October 21, 2003 meeting, the City of Powell Council passed Resolution 2003-17, "Opposing the Construction of a Big Box Retail Establishment on Sawmill Parkway," which provided, in part, that big-box retail establishments are "inconsistent with the small town and semi-rural township flavor desired by the residents of both Liberty Township and the City of Powell;" that the City "desires to encourage small businesses and is concerned about the detrimental impact Wal-Mart Stores has on small businesses;" and which further stated the concern of the City of Powell "about the increased amount of criminal activity that 'big box' retail establishments bring to the area in which they are located, and the negative impact of that activity on our residents and on our police services;" and

WHEREAS, according to Section 1131.03 of the Powell Zoning Code, such amendments may be initiated by a Resolution of Council.

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That Council hereby requests the Planning and Zoning Commission to study an amendment to Section 1143.15(a) of the Zoning Code of the City of Powell, which adds a dimensional requirement in the PC-Planned Commercial District, as follows: "MAXIMUM FLOOR AREA: No structure shall contain more than 65,000 square feet of total gross floor area."

Section 2: That the Planning and Zoning Commission recommend to Council: (a) whether an amendment of the type set forth in Section 1 of this Resolution will further the goals and purposes of the Comprehensive Plan of the Municipality, the Planned Districts of the Municipality, and the prior Resolutions of this Council, and if so, (b) what the appropriate maximum floor area limitation should be (*i.e.*, whether 65,000 square feet, a lower or higher maximum square feet of total gross floor area, or some other distinct and uniform measure of maximum floor area); and (c) whether any additional sections of the Zoning Code should be amended as a result of the Commission's study. In the alternative, the Planning and Zoning Commission shall recommend to Council whether some other amendment to the Zoning Code is appropriate to further the goals and purposes set forth in this paragraph, and in that instance shall state the amendment and the reasons therefore. If the Planning and Zoning Commission determines that no changes to the Zoning Code are necessary, it shall so report to Council.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 4: That this Resolution shall take effect immediately upon its adoption.

VOTE ON RESOLUTION:

Y 7

N 0

Dan Wiencek 6/15/04

Dan Wiencek  
Mayor

Date

Dawn Nauman 6/23/04

Dawn Nauman  
Clerk of Council

Date

This legislation has been posted in accordance with  
the City Charter on this date 6/23/04

D Nauman  
Clerk of Council

