



STAFF REPORT  
PLANNING AND ZONING COMMISSION  
Powell Village Green Council Chambers  
January 12, 2005  
7:30 pm

ZONING TEXT AMENDMENT PUBLIC HEARING

- a. Review and approval of new zoning text section creating Section 1143.14 Downtown Zoning District which sets forth regulations for a new Downtown Zoning District.

In previous meetings the Planning and Zoning Commission has spent a significant amount of time discussing membership of the Historic District Commission and the process through which development applications will follow. As a comparison, we researched the zoning code of surrounding communities.

The process is generally consistent in other communities in where the zoning districts found in the respective historic districts are straight zoning districts; meaning, if the zoning requirements are not met a variance is requested from the Board of Zoning Appeals. The review of the application before the Historic District Commission is focused on the quality of the site and structural improvements. Any rezoning or certain subdivisions are addressed by the community's respective Planning and Zoning Commission. There are of course exceptions. The key is that unless a rezoning or subdivision is required the process is typically a one Commission approval followed in some instances with a Council review or adoption.

Memberships of the Commissions vary widely. Generally, Historic District Commissions in surrounding communities are seven (7) member boards and separate from the Planning and Zoning Commission. Worthington (with a modification) and Gahanna do utilize their Planning and Zoning Commissions for historic review. Hilliard has a Planning and Zoning Commission member sit on their Historic District Commission and Delaware has a Council member on their Commission. In nearly all cases the residents and business owners of the respective district are represented on the Commission. In terms of qualifications, Dublin and Delaware seek membership from people with professional backgrounds in historic design and preservation.

Below is a snapshot of a few communities' Historic District Commissions.

City of Dublin – five (5) member Commission consisting of one (1) member appointed from each of the following groups: Dublin Historical Society, resident in the historic district, commercial property owner in the historic district, merchant in the historic district, and a person with either extensive architectural training, building experience, or building inspection experience.

City of Worthington – five (5) member Planning Commission with two (2) additional persons, one of whom must be a resident of the historic district.

City of Westerville – seven (7) member Commission with all being either electors of the City or business owners in the historic district.

City of Gahanna – seven (7) member Planning and Zoning Commission, which is required to have an architect, landscape architect, and professional engineer.

City of Hilliard – seven (7) member Commission consisting of one (1) member appointed from the Planning and Zoning Commission, four (4) residents or business owners in the historic district, and two (2) at-large members.

City of Delaware – seven (7) member Commission consisting of one (1) City Council member and whenever possible six (6) members from the following groups: professional historic preservationist or historian, architect, real estate agent or developer, and property owner in the historic district. At least four (4) members must be residents of the City.

Whether or not the Powell Historic District is a straight zoning district or planned district is irrelevant. Both can work very well. Staff prefers the planned district model as we are familiar with it and it provides the most flexibility to do what makes sense rather than relying on strict maximums and minimums. The planned district model can be accomplished with two Commissions or one. As we discussed previously any number of processes can work. Our goal is to simplify the process without compromising the quality of the review and resulting built product.

There are several alternatives we have discussed thus far,

1. As presented in the current draft where both the Planning and Zoning Commission and the Historic District Commission participate in a Sketch Plan, the Planning and Zoning Commission then approves the Preliminary Plan, followed by the Historic District Commission approving the Final Plan, and finally adoption by Council.
2. The Historic District Commission is eliminated, retaining the Architectural Advisor and the Planning and Zoning Commission conducts the approval process entirely.
3. The Historic District Commission is reduced and modified to an Advisory Board that simply participates in a Planning and Zoning Commission process by offering input and recommendations (this is somewhat similar to the Worthington example except that in Worthington the additional members vote).

As of yet we have not reviewed any of the site regulations. They are relatively straightforward and can be discussed at a point when the Commission is comfortable with the development process.

No changes have been made since the previous meeting. This meeting will be a second public hearing for this zoning text amendment. Staff has notified all property owners affected by this zoning text. For the benefit of the public, Staff will give a presentation similar to that given last month, which reviews the need for the amendment and changes proposed.

Action on this amendment is not anticipated.

b. Review and approval of a Zoning Text Amendment as it relates to political signs, Section 1151.05(d).

Staff has re-written portions of the proposed text amendment that is in your packet. The shaded areas are the portions that were changes:

- Removed language regarding other points of view as they are opinions.
- Removed language regarding dates posted when signs are moved or re-posted.
- Added language regarding maintenance provisions.
- Clarified the language pertaining to "next election".

The changes that have been done make the new legislation consistent with the recent court decisions and still provides us with some review authority over these types of signs.

Staff recommends approval.

#### PRELIMINARY DEVELOPMENT PLAN

Applicant: Maple Crest Builders, Ltd.  
Location: 4 acres located on the north side of Zion Drive east of Sawmill Road.  
Current Zoning: Liberty Township FR-1, Farm Residence District  
Proposed Zoning: City of Powell PR, Planned Residence District  
Request: Review and approval of a Preliminary Development Plan for 10 single-family lots on 4 acres.

The site located on the north side of Zion Drive directly to the east of the large lot single-family homes fronting Sawmill Road and to the west of the homes on Eagleview Court in the Woods of Sawmill Subdivision. Public street access to this site is only available from Zion Drive. The surrounding properties are developed as single-family homes making a street connection to Sawmill Road and Presidential Parkway extremely difficult and unreasonable for the developer and neighboring property owners. Additionally, the intersection distance created by connecting this subdivision to Sawmill Road or Presidential Parkway would be unsafe for collector streets such as Sawmill Road and Presidential Parkway. It is understood that there seems to be some concern from the Lakes of Powell residents regarding this access to Zion Drive. This is a different situation than the Commons of Powell where access was available to Sawmill Road as the site fronted it. In this application there is no other choice than Zion Drive. Also, Staff believes a mid-block intersection on Zion Drive would help to slow traffic.

The applicant is proposing a 10 lot single-family subdivision. The original submittal showed 12 lots and was reduced based on comments at the Sketch Plan. Although these are fee simple homes on a public street, a homeowners association will be responsible for all private yard and common space maintenance.

The southern two-thirds of the site are moderately wooded. The north of the site is open, has a pond in the northeast corner, and an open intermittent stream running along the north property line. As proposed, a cul-de-sac will extend to the north from Zion Drive with 10 lots fronting it. A new pond, retaining a portion of the existing pond, will be preserved as open space and used as a retention pond. A majority of the existing pond will be filled. Ponds, whether man-made or naturally occurring, are subject to the requirements of the Clean Water Act. The applicant has not submitted an environmental site assessment showing the impacted wetlands (i.e., pond and stream). Depending on the area to be filled or disturbed, a permit and possibly mitigation will be required by the Army Corp of Engineers. The applicant needs to clarify the extent of the wetland(s) to be impacted by this development and any permit/mitigation requirements.

Density for this development was discussed at length during the Sketch Plan. Based on those comments, it was determined 10 lots, resulting in a density of 2.5 du/ac, was appropriate. This is in the range of the surrounding Commons of Powell (2.98 du/ac), Woods of Sawmill (1.92 du/ac), the Lakes of Powell (3.56 du/ac), Wedgewood Place (2.90 du/ac), and large lot homes fronting Sawmill Road (1.0 du/ac). The Planning and Zoning Code allows a base density of 0.7 du/ac with parkway and open space bonus allowing up to 1.7 du/ac. As with other smaller infill properties, like the Commons of Powell, it is difficult or impossible to obtain any type of density bonus. It becomes difficult to limit an infill development to 0.7 du/ac when the surrounding developments are much higher than even the 1.7 du/ac. In the Commons of Powell example, a bikepath leading through the open space of the project leading to Sawmill Road and south to the southern edge of the Zion Methodist Church was required for the density bonus. As discussed in the Sketch Plan, Staff has identified a need to connect a bikepath through this proposed development to Presidential Parkway. This would allow convenient access to the bikepath system for residents in the far southwest area of the City. Presently the only access they have to the bikepath system is at Salisbury Drive near Tyler Run Elementary. It is unlikely a bikepath connection will be a possible along Sawmill Road due to the constraints presented by obtaining easements and the number of public utilities in the way. The applicant has shown a portion of this pathway on the submitted plans but does not show how the connection will be made to Presidential Parkway at the intersection with Sawmill Road. It is very important the applicant show this connection in detail with any easements that will be required through the adjacent Ross property, through which the connection will run. Also, the applicant shows a 10 feet wide pathway. This should be changed to 8 feet wide matching the width of the Presidential Parkway pathway being tied into. Finally, the applicant is also proposing to provide access to public sewer for the three single-family properties along Sawmill Road, which currently have septic systems. This is an additional public improvement. Staff finds the proposed density acceptable given the context of the surrounding subdivisions and the proposed public improvements.

The average lot size proposed is 0.28 acres with a minimum 65 feet width and 165 feet depth. The lot size has been reduced slightly since the Sketch Plan to allow for more open space area. As a comparison, the lots on Eagle View Court in the Woods of Sawmill average 0.33 acres with 80 feet of width and 175 feet of depth and the Lakes of Powell averages 0.18 acres with 65 feet of width and 120 feet of depth. The minimum lot width required by the zoning code is 90 feet; a minimum lot size is not established. Staff is supportive of the lot width divergence and proposed lot size as it allows for additional common open space.

Setbacks for the homes are proposed at 25 feet for the front, 7.5 feet for the sides, and 40 feet for the rear. The zoning code requires 30 feet for the front, 8 feet for the sides, and 30 feet for the rear. While the proposed setbacks are greater than the Lakes of Powell (5 feet), the Woods of Sawmill requires a total side setback of 20 feet with a minimum on one side being 4 feet, and the large lot homes on Sawmill Road are widely spaced. Staff would suggest the front setbacks be considered build-to lines, where the homes have to be built within five feet of the setback. This will allow for deeper scenic easements (discussed later) while still allowing sufficient space for future decks and patios. Staff is supportive of the 0.5 feet divergence to the side setback and 5 feet divergence to the front setback as the divergences allow for greater tree preservation and additional common open space.

Three home styles have been submitted. The homes range from 1,600 to 2,400 square feet in size. Although the proposed homes are smaller than those found in the Woods of Sawmill, the preliminary design is consistent. The applicant anticipates price ranges of \$275,000 - \$425,000. This range is consistent with the surrounding properties and neighborhoods of the Lakes of Powell and Commons of Powell, and the upper end of the range is consistent with recent home sales in the Woods of Sawmill.

With the scenic easements and open space combined, 29% of the site is dedicated to open space. A 25 feet wide scenic easement is shown along the east and west sides of the development and a 25 feet landscape easement along Zion Drive. The storm sewer as proposed will impact the scenic easement. Staff believes it is possible to redesign the storm sewer system so that no storm lines run parallel along the scenic easement. This can be accomplished by extending the storm line in the street to the south and running laterals down the side yards to reach the rear of the lots. Doing so allows for additional scenic easement area and eliminates one inlet/headwall from the pond, giving a better appearance. With this change and only limited grading work to the rear of the homes will allow for a 40 feet scenic easement, which should be incorporated.

An overall landscaping plan and general tree survey has been submitted. Reference is made to a typical lot landscaping drawing that has not yet been completed. This will be submitted with the Final Development Plan. The tree survey submitted is sufficient for general purposes of identifying tree location but is insufficient in determining the caliper inches of trees to be removed. A detailed tree survey showing exact location, tree species, size, and health must be submitted for all trees over 6 caliper inches.

On the landscaping plan, the applicant is showing street trees, landscape treatment of the open space, and proposed location of entry features. A number of trees that would otherwise be removed will be transplanted to the northwest corner of the site that is not currently treed. Although transplanting trees is a tremendous benefit there are risks with the survival of the trees. In the event a transplanted tree dies, the applicant will need to plant an equal number of caliper inches of new trees to replace the dead tree. Until the extent of transplanting is determined, it is not possible to calculate the tree replacement requirements. Staff believes the applicant will not have any problems meeting the tree planting requirements. The open space is being upgraded with landscaping and seating near the pond. Staff would suggest a fountain be added to the pond. Not only does it provide a nice aesthetic feature but is a tremendous benefit to the health of the pond. No landscaping is shown in the landscape easement along Zion Drive. Although there is the possibility of tree preservation in this area, much of the existing vegetation is scrub shrubs and trees. This area should be cleaned up, preserving the quality trees, and enhanced with additional plantings and possibly transplanted trees.

There are several engineering issues that will need to be addressed with the Final Development Plan. The applicant needs to prepare storm water calculations and demonstrate an ability to meet retention requirements. The sanitary sewer needs to extend to the south to serve the lots near the entrance and it needs to be shown how the large lots on Sawmill Road are being provided access. Additionally, the applicant needs to demonstrate sewer feasibility by submitting a letter from the County Sanitary Engineer stating capacity is sufficient for the proposed development (including the three Sawmill lots). The bulb of the cul-de-sac is dimensioned incorrectly and is too small for a turn around by larger Fire Department equipment. Staff believes that given the short length of the cul-de-sac the Fire Department is able to back out of the development, which is acceptable to the Fire Department. Regardless, this will need to be reviewed by the Liberty Township Fire Department. Finally, the applicant needs to examine the proposed intersection with Zion Drive. As shown the proposed cul-de-sac opens to the right-of-way not the existing street pavement.

Overall this is a very good use of infill development in this situation. With the comments above, it will fit nicely within the existing surroundings while providing public improvements such as the bikepath connection and sewer service to lots currently on septic service. Staff recommends approval of the Preliminary Development Plan for Junia Glen with the following conditions:

1. That the CEDA Review Committee provides recommendations to the Planning and Zoning Commission prior to the Final Development Plan.
2. That an environmental site assessment be submitted showing the extent of all wetlands, the amount of disturbance, and the proposed mitigation of the disturbance as required by the Army Corp of Engineers and/or the Ohio Environmental Protection Agency.
3. That the applicant works with Staff to show the preliminary design of the proposed bikepath connection to the existing path at the intersection of Presidential Parkway and Sawmill Road, including demonstrating the ability to secure any easements required. This shall be submitted with the Final Development Plan.
4. That the applicant eliminates the storm sewer lines running parallel along the scenic easements in favor of servicing those areas with laterals extending from the street down the side yards allowing for greater tree preservation.
5. That the applicant limits grading at the rear of the lots to allow for a 40 feet wide scenic easement.
6. That a fountain be used in the retention pond for aesthetic appeal and pond health.
7. That the area along Zion Drive within the proposed landscape easement be removed of any scrub shrubs and trees as approved by Staff and be enhanced with additional tree plantings.

8. That a detailed tree survey be submitted with the Final Development Plan showing the exact location, species, size, and health of all trees on site over 6 caliper inches.
9. That the applicant determines the trees to be transplanted and submit a detailed landscape plan showing the tree species and size to be planted or transplanted with the Final Development Plan.
10. That the applicant provides access to sanitary sewer service for the three lots fronting Sawmill Road that are currently using a septic system and submits a letter from the County Sanitary Engineer's Office that capacity is available for this development, including the three Sawmill lots.
11. That the applicant works with the City Engineer to provide storm water retention calculations and demonstrate and feasibility to meet the storm water retention requirements with the Final Development Plan.
12. That the applicant reviews the proposed cul-de-sac with the Liberty Township Fire Department to ensure adequate emergency access.
13. That the applicant makes changes to the proposed intersection with Zion Drive to properly show the intersection.

#### AMENDMENT TO APPROVED DEVELOPMENT PLAN

Applicant: Village Pointe Shopping Center  
Location: 300 West Olentangy Street  
Zoning: PC, Planned Commercial District  
Request: Remove existing parking lot light fixtures with 15' tall poles and replace with new light fixtures with 25'5" poles.

The property owner wishes to replace the parking lot lights at the front of Village Pointe Shopping Center. They indicate that the current lighting is inefficient and does not provide for public safety within the parking lots and add to security problems for the businesses within the center. There have been some break-ins at the center over the past few years. Staff has discussed this issue with the Police Chief and he indicated that better lighting would provide for better safety at this location.

The proposed light fixtures are the same ones that have been installed at the new fire station on Sawmill Parkway. Although the proposed height is about 5 feet higher than what we typically want to see, the light spread as indicated on the site plan is being kept to what we normally will approve and indicates that the spread does not project beyond the property lines in a negative way. The only place that we have a concern is at the main drive aisle where light from two fixtures overlap considerably, creating a much brighter situation at that location. Staff recommends approval with the condition that cut-offs may need to be added to one or two fixtures at the center drive aisle in order to prevent the center area from becoming too bright, as directed by Staff.

#### AMENDMENT TO APPROVED DEVELOPMENT PLAN

Applicant: Victory Healthcare (Al Vrabel)  
Location: 45 Grace Drive  
Zoning: PC, Planned Commercial District  
Request: Review and approval of a 2,464 sq. ft. addition to an existing 4,000 sq. ft. building for use as bus storage and office.

Staff has met with the property owner to discuss this project and the owner has indicated that they will be revising the submittal and preparing some new drawings to present to the Commission. We discussed improving the building design substantially and increasing landscaping and other site plan issues. Although we recommended to the owner that more complete plans are necessary, he still wanted to review with the Commission his proposal and get some feedback. Staff thought that would be a good idea.

The owner of the property currently leases the front office space to an engineering firm and utilizes the bulk of the storage areas for his own company and personal vehicles, including several buses. The buses are utilized for Ohio State Buckeye games and golf outings as part of his business as owner of Bash Driving Range on Riverside Drive. The purpose of the proposed addition is to have more bus storage and a small office space and gathering space for people prior to the outings.

The property owner worked closely with the City when we rebuilt and expanded Grace Drive. His property was the most impacted by the right-of-way take needed to increase the radius of the curve of the road at that location. At the time of the discussions, it was assured that the owner would be able to add on to his building up

to the point of the building line from the previous alignment. The survey on the first sheet of the revised plan shows that this proposal does just that. The only divergences that Staff anticipates will be a reduction of the front setback that currently is in place due to the realignment of the street. There is enough land area and green space to allow an addition of this size.

Once a more complete set of plans are submitted, Staff will provide a complete report. No action will be necessary on this application at this time. Staff and the applicant recommend the Commission table this item to the February meeting.

#### OTHER COMMISSION BUSINESS

- a. Review of proposed Zoning Text Amendment regarding publication and sending of notices for public hearings.

Due to changes in the Charter and the need to make consistent our process for public notification, Staff recommends to the Commission that some code changes are necessary. You will find these proposals in your packet.

Staff recommends that the commission set a public hearing for the February meeting.