



**STAFF REPORT
PLANNING AND ZONING COMMISSION**

Powell Village Green Council Chambers
May 10, 2006
7:30 p.m.

ADMINISTRATIVE REVIEW

Applicant: Triangle Real Estate, Inc.
Location: Southwest corner of Murphy Parkway and West Olentangy Street
Zoning: PC, Planned Commercial District
Request: Request for Administrative Review of the uses permitted under Ordinance 2000-41.

The property owner has asked for the Planning and Zoning Commission to provide an Administrative Review, under the provisions of Section 1143.11(u) of the Zoning Code. This section allows for review... "to assure substantial compliance with the final approved development plan." In this case, Ordinance 2000-41 is the Ordinance which approved the zoning for the property in question and established it PC, Planned Commercial District as shown on the accompanying drawings and text attached as exhibits to the Ordinance, including the approved Preliminary Development Plan text approved by the Planning and Zoning Commission July 12, 2000. This Ordinance is enclosed within your packets, along with the minutes from the July 12, 2000 Planning and Zoning Commission meeting and the City Council minutes from their review of Ordinance 2000-41.

The question posed for Administrative Review is within the letter signed by Jill Tangeman within the last sentence of the second paragraph; "...the applicant requests a determination from the Planning and Zoning Commission that all restaurants are a permitted use on the subject property under Ordinance No. 2000-41."

Ordinance 2000-41, Section 3 indicates that the Zoning Map be amended as outlined in the plats, maps, and text which were attached and incorporated as part of the Ordinance. The maps indicated that the subject property be zoned PC, Planned Commercial District. The text indicated that the permitted uses would be the following:

"The permitted uses for the sites along Powell Road would include all of those outlined in Section 1143.15, "Planned Commercial District", except the following:

- 1) motels & hotels, 2) hospitals and clinics, 3) regional health care and retirement communities, 4) country clubs, golf courses and conference facilities, 5) automotive, mobile home, travel trailer and farm implement sales, 6) highway business, 7) automotive repair, 8) plant materials nursery"

Section 1143.15 lists many uses that are permitted uses within the PC, Planned Commercial District. Restaurants are listed as a permitted use within the PC, Planned Commercial District. Within the Zoning Code, restaurants are also listed within the definition of "Business, highway". Restaurants are also cited within the zoning code to determine parking space requirements depending upon the type of restaurant proposed (eat-in, carry out, drive-in). Also within the parking space requirement section, there is a requirement for vehicle storage spaces needed associated with drive-in restaurants. Therefore, the zoning code does distinguish that there are various types of restaurants with varying degrees of requirements.

PRELIMINARY DEVELOPMENT PLAN

Applicant: McDonald's Corporation
Location: Southwest corner of Murphy Parkway and West Olentangy Street
Zoning: PC, Planned Commercial District
Request: Approval of a Preliminary Development Plan for a new 4,300 sq. ft. restaurant with drive-thru.

The following is the Staff Report from the April 12, 2006 meeting:

The Commission is reviewing a Preliminary Development Plan for this site. Previously, the City approved a Zoning Map Amendment that included a Preliminary Development Plan for the entire 99 acre Murphy property. This approved Zoning Map Amendment zoned the subject property to the PC, Planned Commercial District with the restrictions as outlined in the Preliminary Development Plan text and the face of the Ordinance adopting the zoning of the property, all of which is included in your packet. The applicant is proposing a new access point on to West Olentangy Street which is not in general conformance with the Preliminary Development Plan within the originally approved zoning. This is a substantial change that requires the submission and approval of a new Preliminary Development Plan prior to going on to the Final Development Plan process.

McDonald's Corporation has updated their site plan to address the comments that they received from the previous Sketch Plan meeting. After review of the site plan, Staff finds that the applicant has attempted to make this the best site plan possible for this proposed use at this location. Enclosed in your packets you will also find the original zoning information for the entire Murphy Park acreage and the minutes from that review and approval.

Within this information you will find that highway business is one use that was specifically listed as one that is not permitted within the zoning text. By definition in Section 1123, Business, Highway is:

(18) Business, Highway: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

Highway Business includes restaurants, but in the term it is "restaurants and motels". It is unclear whether this means restaurants separately or restaurants with motels. Restaurants are also listed in the Permitted Use section of the PC District, again along with motels and hotels.

When the original zoning came through the process, the types of uses were discussed for the commercial area along Powell Road. In that discussion, you will find in the minutes, restaurants were seen as a viable use for these lots. There is no question that was discussed. However, the inclusion of restaurants within the definition of "highway business" may specifically exclude restaurants from this PC District. The Commission will need to sort through this very important issue.

If the Commission finds that a restaurant use is appropriate for this site, the remainder of the Staff Report will concentrate on the issues of the site plan and building plans. The site plan was amended from the previous meeting in the following ways:

- The proposed right-in/right-out access point on West Olentangy Street has been changed to accommodate exiting traffic to be opposite of the private drive across the street. This larger island design will also help to prevent illegal left turns into the site.
- The western portion of the parking lot has been revised to two-way 90 degree parking. This will actually provide for better internal circulation pattern.

- Pedestrian access points are now clearly designed. This will separate pedestrians from vehicular traffic in the most appropriate manner. There should be no crosswalks installed midway on the entrance drive. It is safest to have them at intersections.

The plans indicate one divergence from the zoning code. This divergence is in the amount of perimeter foundation landscaping and that is primarily due to having a drive thru. This is a minimal variance and the extra landscaping being provided around the perimeter of the paving area more than makes up for this divergence.

The submitted plans include a lighting plan. This lighting plan needs to be resubmitted for the Final Development Plan to include the standard light fixture previously approved for the other commercial properties within the Murphy Park plan. Emphasis should be placed at the minimal amount of lighting for safety purposes.

Traffic Engineering Services provided a traffic study for this project. Unfortunately, the traffic study does not take into account the extension of Murphy Parkway south to Liberty Road. This will greatly change the study and should be done in order to reach a more accurate conclusion. This also should be done prior to any approval of a Preliminary Development Plan.

The signage plan has also been submitted. It is Staff's recommendation that the directional signs off of the common access drive are not necessary as these access points provide for both entry and exit. Directional signs are only needed when one way situations exist. The ground sign out front in the northwest corner meets code in size and height, however the HER sign and Handel's center were approved with a slightly lower height. There should also be landscaping around the base. This is a minimal sign plan for a McDonald's. The sign plan also shows the proposed menu boards and drive through signs. Looking at their placement along with the landscape plan, these signs again are just about as minimal as it gets.

The Commission will need to rule on the intent of the zoning code and the definition of highway business and that of the original zoning of the Murphy property, and whether the zoning excludes this use due to it being a highway business. If the Commission decides that this use is excluded because it is a highway business, then the Commission will then need to deny this request. If the Commission interprets that the use is an appropriate use (not a highway business) then we need to further analyze the traffic impacts based upon a more appropriate traffic study prior to making a final decision.

The attorney representing the property owner has submitted a brief regarding their interpretation of the use issue. The City Law Director, Ken Molnar, has also submitted a brief regarding this matter. These are included in the packets. Mr. Molnar will also attend the meeting to help the Commission with questions.

Additional Staff Report Information for May 10, 2006 meeting

In addition to the information presented above, Staff did want to clarify the use issue presented. The issue regarding this particular restaurant use and whether it is a "highway business" of course cannot be determined from the beginning. It is recommended that the Commission continue through the Preliminary Development Plan review process and make the determination based upon the evidence presented and the facts of the case, and base the decision upon the requirements of Preliminary Development Plan review from Section 1143.11(g)(1-11).

NPDES STORMWATER CONTROL DISCUSSION

In your packet you will find information about this project. The Engineering Department and their consultant will be presenting this information for discussion purposes only. There is no action being

requested at this time. There will be a need in the future to present to the Commission some proposed code changes.

FINAL DEVELOPMENT PLAN ZONING MAP AMENDMENT

Applicant: Margello Development Company
Location: Approximately 9 Acres of Vacant Land between Sawmill Parkway & Sawmill Road on the south side of Presidential Parkway (10379 Sawmill Parkway) in Liberty Township
Existing Zoning: Liberty Township Planned Commercial District
Proposed Zoning: City of Powell PC, Planned Commercial District
Request: Approval of a Zoning Map Amendment for 9 acres of land recently being annexed to PC, Planned Commercial District, and approval of a Final Development Plan for a proposed Commercial Retail Center

Preliminary Development Plan Staff Report from April 12th, 2006

Since the Sketch Plan the applicant has updated the submitted plans and text and the City also had a review of the plan by the CEDA Review Committee as required by the CEDA with Liberty Township. The CEDA Review Committee is made up of members of the Township Zoning Commission and Powell's Development Committee of Council. The role of this committee is to provide non-binding recommendations to the City planning officials as property is annexed into the City. During that review meeting, the most important issue that was discussed is the effect approval of this property as commercial within Powell will have on the overall commercial "cap" limits that the Township is enforcing within the Wedgewood Commerce Center plans that this property is part of within Liberty Township. It is Staff's opinion that this development plan should have no effect upon what Liberty Township enforces within its own boundaries. What the City of Powell is considering is a zoning of property that is coming into its own jurisdiction. The basis of our review depends upon what our Comprehensive Plan and Zoning Code would allow for this area.

The Comprehensive Plan is made up of six major components. Within each component there are various policies that are utilized to guide new development proposals as they are being annexed into Powell. These six components and a brief review of this development as it pertains to each component follow:

Achieve the Identity of a Rural Greenbelt Town

The proposed property being annexed is nothing but a vacant field of land. There are no physical attributes to the property which would lend itself to fit within this component.

Redevelop the Town Center

The proposed property is not near the town center. The proposal, although commercial, will not have a negative effect on redeveloping the town center. The types of retail and office uses that are likely to locate here will be vastly different from those that might wish to locate in downtown Powell. Here you will tend to see businesses that require much greater exposure to traffic and may more often than not reflect a more corporate feel than the small quaint shops that have the tendency to locate downtown.

Institute and Access Management Program

The proposal has three proposed access points. All access points are reasonable from the proposed land use standpoint. The County Engineer has already reviewed the traffic study associated with this development and has recommended a right-turn lane be added to Sawmill Parkway. The access point on Presidential Parkway is directly across from the Greystone Plaza/Circle K entrance. The access point on Sawmill Road is a very minor access that will mainly be utilized by the eastern most buildings. The proposal also includes a bike path along its entire frontage in order to encourage connection to our current pathway system.

Achieve Balance in Land Use Mix

The proposal is for a mixed-use development in that there is retail, office, office warehouse and private recreation uses proposed. Although no residential is planned, it would seem unreasonable to have residential uses at this location anyway. The entire site is not being planned as a single-type use and development. This appropriate mix of uses seems reasonable for this property.

Shape a Small Town Economic Development Program

The proposal creates the ability for small retail and business service uses that are very compatible to the small town atmosphere and is being created at a pedestrian scale. The ability for start-up businesses to locate here is tremendous. The mix of uses allows for many types of services to be provided at one location which could make it convenient for residents once built out.

Limit Village Services

The proposal should not have a drastic impact on current City services. This property is directly adjacent to the City. It is not a terribly large area that cannot be easily serviced by our various departments. The positive income that this proposal will generate will also help pay for the services the City provides in the long run.

Since the Sketch Plan review the applicant has tied down the uses a little better for each building within the text. A landscape plan has also been submitted. This plan shows the concept that was discussed at the Sketch Plan where the interior parking lot landscaping is varied in a manner that allows for greater exterior landscaping around the perimeter. The applicant is looking for a variance in this regard in order to create an easier to maintain property for the commercial retail area. Staff is in support of this concept. The Commission will need to decide if there is enough appropriate perimeter landscaping that makes up for the difference. The specific variance includes:

- Interior parking lot landscape islands where 1 is required every 8 spaces, to be the same size as a parking space and planted with a tree. The proposal has one landscape island every 9 or 10 spaces, with the island being half the size of a space and planted with shrubs.
- Perimeter foundation plantings around the retail center are also being asked for a variance. There are no foundation plantings. Instead, the applicant proposes shrub hedges at the perimeter of the parking lot. There are appropriate foundation plantings around the other 4 buildings.

The applicant has proposed the planting of 236 inches of trees (not including arborvitae) and only 188 inches are required. The landscape plan addresses issues discussed at the Sketch Plan review.

Another Variance being requested is to reduce the number of required parking spaces from 423 to 314. With our experience at Village Pointe Shopping Center, which was built to meet code requirements, it appears as though a reduction of spaces seems appropriate. The site plan creates a well proportioned amount of parking for each building. There is no overabundance of parking in any one area. An issue that the Commission may want to address with this variance is the amount of restaurant and bar space that can be utilized within the retail center. It is Staff's experience that if over 50% of the space is utilized for restaurants then you will find that parking can become an issue.

The only issue Staff has a problem with is the drive-thru at the southern part of the retail center. With its close location to the entrance off of Sawmill Parkway, the uses within "Tenant T" should be restricted to non-food and beverage type uses. There is simply not enough stacking for vehicle waiting to order and receive their goods. There is also a conflict with internal traffic lanes and direction of travel. This is a site that the applicant has considered for a coffee shop. At times, this can be a very busy place. This might be an ideal drive through location for a film developer, video store, pharmacy, dry cleaners, or even a pizza pick-up. The Commission should have a good discussion of this issue.

With the above comments being addressed, Staff recommends approval of the Preliminary Development Plan subject to the property being approved for annexation by City Council.

FINAL DEVELOPMENT PLAN STAFF REPORT

The applicant has addressed the majority of concerns of the commission as outlined in the April 12th Planning and Zoning Commission meeting minutes. These are repeated below:

1. Incorporate the architectural suggestions of the Commission and Architectural Advisor.
2. Lighting plan, landscape plan, and a plan to show the items that protrude through or are located on the roof are to be defined.
3. The final material selections and samples must be provided.
4. Final location of landscape islands must be included in the landscape plan.
5. The description and requirements for the outdoor patio must be provided.
6. The sign plan must be provided.
7. Bike path connections must be determined.

The architectural suggestions have been incorporated as can be seen on the submitted elevations. The building façade has multiple material changes between brick, stone, and stucco, and the roof changes between metal and asphalt shingles. The applicant will bring material samples to the meeting.

The lighting and landscape plans have been submitted. Staff would like to know what kind of Magnolias are being proposed, and we would also like to point out that the southernmost proposed sign location will have its visibility sufficiently impeded by the proposed tree location. The landscape islands have been shown on the plan. The lighting plan indicates pole fixtures at eighteen feet in height. This is appropriate.

In regards to the items and mechanicals that are to be placed on or protrude through the roof, staff will have to review the locations at a later point down the road, since the tenants have not been finalized, and therefore the applicant could not demonstrate where such items would be on the plan. It appears as though the majority of the mechanicals will be placed off the rear wall of the center, based upon the elevation drawings. The description and requirements for the outdoor patio will also have to be provided at such a time as when a specific tenant has also been secured.

The sign plan has been provided, and two monument sign placements have been shown on the site plan. Staff wishes to note that the actual placement of the signs may vary from the site plan, as we need a chance to verify the distance from the ROW per City code and the specific sign submittal for the permit. The proposed design is submitted within the text. Also, the wall signs requirements have also been submitted within the text. The proposal is identical to the Village Pointe Center.

Bike path connections have also been determined and shown on the site plan. Staff also wants to note that what has been shown on the plan in regards to the bike racks is not sufficient. What we would like to see is a bike rack located around the termination of each entrance from the main bike path onto the property. The applicant can choose to locate these racks nearer to the building or on the side of the parking lot nearer to the main path, but staff feels that one rack location per bike path entrance is appropriate and convenient for bike riders. Riders, just like drivers, like to have convenient parking choices, which encourages people to ride their bikes.

Staff has some additional minor details to address for the Final Development Plan as follows:

Patio: The patio as previously mentioned will have to be reviewed at a later date once a tenant is secured. However, staff does have a couple of suggestions. First, there definitely needs to be a curb that surrounds the site. A fence of some type may be required to address the issue of keeping patrons within a certain boundary, but it does not help protect people from the traffic in the lot. What would be recommended would be for the area in question to simply be raised up to the same level as the surrounding curb/sidewalk. Also, as we have learned from Luce's restaurant, having a patio located on the western side of a building facing the parkway, the evening sun will beat down relentlessly on your patrons. Staff strongly recommends relocating the patio to the north side, where a single large deciduous tree will provide plenty of natural shade.

Drive Thru: The southern drive thru issues are seemingly resolved, given that Mr. Margello intends to move his window as far east of the building as possible so that he can get 4 vehicles in. Signage and striping will also be needed, and the applicant has denoted some curbing to be placed along the drive thru lane to further help with separating it from conflicting traffic movement. The northern drive thru will simply require some striping, which will assist drivers attempting to access the drive thru from the north. Staff feels it is best to help guide them in an elongated circle thru the wide open asphalt to the rear in order to make the traffic flow safe and efficient as possible.

With the above comments being addressed, Staff recommends approval of the Final Development Plan subject to the property being approved for annexation by City Council.

Next Meeting: June 14, 2006 @ 7:30 pm.

