



STAFF REPORT
PLANNING AND ZONING COMMISSION

Powell Village Green Council Chambers
September 13, 2006
7:30 p.m.

PRELIMINARY DEVELOPMENT PLAN
ZONING MAP AMENDMENT

Applicant: Discovery Land Limited
Location: 4.148 acres on the east side of Village Park Drive just north of Brookehill Condominiums
Existing Zoning: PI, Planned Industrial District
Proposed Zoning: PR, Planned Residence District
Request: Review of A Preliminary Development Plan and Zoning Map Amendment for a proposed 40 unit senior (age restricted) apartment complex, and amending the Zoning Map from PI, Planned Industrial District to PR, Planned Residence District.

The applicant, Discovery Land Ltd., has proposed creating an elderly apartment complex called "Abbotsgate" on a 4.148 acre parcel directly to the north of the Brookehill Condominium development. The site plan is fairly well laid out for an apartment complex, and the applicants have successfully utilized the existing perimeter tree line to provide a buffer to the southern condominiums, as well as to provide privacy to their future residents. A buffer area is lacking on the northern boundary, and some mounding and vegetation will have to be created.

As far as landscaping, the structures have a good amount of perimeter landscaping. The applicant shows a number of 2-inch caliper trees (48" total), but this is short of the required 180 caliper inches. The site is slightly under parked at 111 spaces, as 120 spaces are required (3 per unit). Staff does not view this to be a problem. The applicant, however, needs to include at least 9 handicap spaces as required by code. They may want to consider adding extra handicap spaces beyond code due to the more senior makeup of the future residents. The applicant also needs to add a couple planting bays in the southern row of parking spaces. There is one row of 12 consecutive spaces and one row of 14 consecutive spaces. Each row needs one 'planting bay' added in place of one parking space with grass/landscaping and one 1.5 caliper inch tree (min) as required by our landscaping code.

The traffic report is lacking in that it does not include turns onto/off of Brookehill Dr. Although this street is a private drive, the gate will not be in use, Staff has very little doubt that future residents of this development will take Brookehill Dr. to Village Park Dr, as it is the shortest route to/from Liberty St., and a more desirable drive visually.

The storm water retention seems to be sufficient at this point, as there are no glaring issues. The City Engineer will review the specific engineering requirements after approval. However, it is evident that the space and location they have identified provides for needed retention.

The proposed density will require approval of a variance. The density is proposed at 9.64 dwelling units/acre. The maximum density allowed by code is 9, if an apartment use is acceptable. A variance will also be required for the 12 unit structures, as our code only allows for a total of 4 dwelling units to be built side-by-side, and no more than a total of 8 units in any single structure. In this case there are six units side-by-side and a total of 12 units in a single structure.

The request for rezoning is where staff has some more serious concerns. As noted, this parcel is currently zoned Planned Industrial District, and is the southern most property within the Wolf Commerce Park area, even though it is not part of the Wolf Commerce Park development plan. As such, it is one of only a few undeveloped non-residential parcels this size left within the City of Powell. It is important to point out that Powell's future opportunities for annexing PO, PC, or PI acceptable

parcels are low at best. Powell's overall long term fiscal health is something that needs to be carefully considered when weighing this rezoning request, or any other changing from PI to PR.

The applicant will no doubt argue that such a small difference in the income tax revenue for these assumed uses is negligible (a difference of \$4,538 between just an industrial use and the residential use). Staff would argue that this amount adds up over the years, and should be looked at over the long term. From the example provided by the applicant, that difference would be nearly \$91,000 over 20 years. Staff would further argue that this difference could be much greater, as what happens to our taxable income when those already elderly residents retire? Some of them could be retired within a 5 year period and it is quite possible that those residents no longer produce a taxable income.

Furthermore, what happens if we are able to promote a planned office type of use and that business brings in 100+ high wage employees? This is quite possible given time for this 4+ acre site – even if this takes some time. Assuming an average salary of \$60,000 for 100 employees, that comes to \$45,000 a year in income tax revenue, and quickly catches up what we lost by waiting for a more appropriate use for this site. If we have to wait 10 years, we recover our loss in a year, if we have to wait 20 years then that loss is recovered by the 2nd year (based on the applicants assumed income tax intake for the City of ~\$3,600 per year).

Does Powell need elderly housing of some type? Yes. But staff disagrees that it belongs here. There are other parcels that are better positioned to take advantage of our existing amenities and current infrastructure, and the apartments as presented would be appropriate for one of these already PR zoned areas, or even nearer the downtown, with some minor changes. One issue with the currently proposed location is that the main entrance will be off Village Park Dr, and residents will have to take a route that will lead them deep within and through the Wolf Commerce Park and past offices and office warehouse uses (if you assume that they will not use Brookehill's private drive) to go to and from their homes.

There is also the issue of losing potential tax revenue over the long term. Short of any catastrophes, the City of Powell will be here for a long time, and even if this parcel takes somewhere between 5-15 years to properly develop, that is worth the wait, as the income tax gain over the long term is far greater than if it is lost to a residential use. Once it is rezoned to PR and developed, that potential income is likely lost forever. If the Commission wishes to insure that the development of this parcel is something more intense than a warehouse type use, Staff recommends that a rezoning take place at a later date which would change the district from a PI to a PO designation. This would also allow for better buffering of the condos of Brookehill from the rest of the PI to the north.

But the primary problem with this entire plan revolves around the request to rezone from PI to PR. Staff recommends that this request be denied. In our opinion, this proposal does not achieve the goals set forth in the Comprehensive Plan. Staff finds that the proposal does not meet the Comprehensive Plan in the following manner:

1. The property is identified for future use as planned office development, which can occur under the current zoning. An elderly apartment use here does not make sense from a land use standpoint as well due to non-residential zoning and users exist to the west and northeast and potentially to the north and east.
2. The proposed development decreases the long term tax benefits to the City and thus reduces its support for the provision of City services (Land Use Goal).
3. This type of proposed development is more suited toward the downtown area of Powell where services exist for the type of household being proposed, and the City would encourage this type of development nearer the downtown.

If the Commission finds that the plan to place elderly residential apartments on the property is appropriate, then we would recommend conditions be placed based upon the comments above.

ADMINISTRATIVE REVIEW

Applicant: Four Points Real Estate Development
Location: Sub-Area E Golf Village, southwest corner of Sawmill Parkway and Home Road
Zoning: PC, Planned Commercial District
Request: Administrative Review to allow a 10,000 sq. ft. La Petite Academy child day care in Sub-Area E of Golf Village.

The original zoning for Golf Village established commercial sub-areas, with this Sub-Area E being "...intended for a neighborhood scale office park." There is no indication that the only uses within this sub-area were to be office uses. It is clearly intended that there would be no retail centers or retail users within this area, or any other commercial uses associated with or intended to serve the motoring public, as they are separately described within the development plan text and map, and the zoning text. As part of our initial zoning review of this proposed use, Staff determined that the development plan is unclear as to whether this use is specifically an approved use, therefore it was determined to bring this to the Commission for an Administrative Review. What is being asked of the Commission is a determination that a child day care use is appropriate as a permitted use within Sub Area E of Golf Village. The architecture of the building and site planning requirements are to be reviewed separately by Staff and the developer. Preliminary sketch plans have been included in your packets for reference.

A child day care is often found in commercial and office areas, even on the edges of residential areas or as a transition from commercial to residential uses. Child day cares are also often found in office park areas. It is very convenient for someone who works in the office park to have their child in the day care near their office. A child day care is a relatively low-impact use. In general, they have peak times in the morning for drop off and late afternoons, up to 6:30 pm, for pick up. This particular one being located in an office area such as the one proposed makes a lot of sense. The only issue Staff can see is having the play area behind the building adjacent to the single family residential to the west. However, there is plenty of space to create a nice landscaped buffer between the residential and the day care.

Staff recommends that the Commission determine that a child day care is a permitted use within Sub Area E of Golf Village and that it is determined that this type of use is compatible with being within a neighborhood scale office park.

ADMINISTRATIVE REVIEW

Applicant: Andrews Architects, Inc.
Location: Sub-Area E Golf Village, southwest corner of Sawmill Parkway and Home Road
Zoning: PC, Planned Commercial District
Request: Administrative Review to allow a 20,000 sq. ft. J. Bently Studio & Spa in Sub-Area E of Golf Village.

The original zoning for Golf Village established commercial sub-areas, with this Sub-Area E being "...intended for a neighborhood scale office park." There is no indication that the only uses within this sub-area were to be office uses. It is clearly intended that there would be no retail centers or retail users within this area, or any other commercial uses associated with or intended to serve the motoring public, as they are separately described within the development plan text and map, and the zoning text. As part of our initial zoning review of this proposed use, Staff determined that the development plan is unclear as to whether this use is specifically an approved use, therefore it was determined to bring this to the Commission for an Administrative Review. What is being asked of the Commission is a determination that a personal care spa use, as described within the materials being resented, is appropriate as a permitted use within Sub Area E of Golf Village. The architecture of the building and site planning requirements are to be reviewed separately by Staff and the developer. Preliminary sketch plans have been included in your packets for reference.

A personal care spa is often found in commercial and office areas. The proposed spa itself does have many medical related treatment facilities and medical personnel, including physicians, located within the facility. This is somewhat more intense than a regular medical office facility, probably having more employees, longer hours and more visitors on a daily or hourly basis. However the uses within the site

for personal care are about the same. There are some site planning issues that is of concern for Staff and we will be able to deal with those with the proposed user and the developer. There is plenty of room toward the west side of the site to provide for a large buffer area toward the residents to the west.

Staff recommends that the Commission determine that a personal care spa is a permitted use within Sub Area E of Golf Village and that it is determined that this type of use is compatible with being within a neighborhood scale office park.

SKETCH PLAN

Applicant: Bob Cummins
Location: Southwest corner of Murphy Parkway and West Olentangy Street
Zoning: PC, Planned Commercial District
Request: Sketch Plan of an approximate 10,000 sq. ft. retail center.

Staff has met with the applicant regarding this request. The land owner, Triangle Real Estate, asked that this item be on the agenda and packet material be delivered on Monday in order to facilitate a review of the proposal so that the current court appeal of the previous Administrative Review can be dismissed if there is a positive response to the current proposal. Staff did not see a problem with this in light of the relatively short agenda.

OTHER COMMISSION BUSINESS

Zoning Code Changes Discussion

Staff is still working on some updates and will probably have some discussion items ready for the meeting. If possible, we will include these in the supplemental packet on Monday or via email.

Next Meeting: October 11, 2006 @ 7:30 pm.

SKETCH PLAN

Applicant: Bob Cummins
Location: Southwest corner of Murphy Parkway and West Olentangy Street
Zoning: PC, Planned Commercial District
Request: Sketch Plan of an approximate 12,300 sq. ft. retail center.

The applicant is proposing to construct a retail center consisting of 12,300 square feet. The proposed building is in a reverse "L" configuration where the building will be placed along the frontage with the parking behind the building. This will give the building itself fronts on all sides.

A quick review of the Sketch Plan indicates that there are several variances needed as part of the approval of this proposal. They are as follows:

- 40' building setback, which was established during the original development plan and zoning for Murphy Park.
- The required number of parking spaces is 62 based upon the proposed size of the building. The plan indicates 43 spaces. Staff proposes changes to the site plan which brings the variance number down from 19 spaces to 12 spaces. As long as a larger restaurant does not locate here, this should not cause any problems. Also, the public lot for parking at Murphy Park could be utilized however it should not be over burdened.
- The proposed wall signs are at 16 feet in height and the code requires a maximum height of 15 feet. As long as the design fits with the building Staff does not see this as an issue.
- There will be several places where the same business will have a wall sign on both sides of the building. Staff does not see a problem with this. The Commission may want to consider that the signage facing the parking areas can be smaller.
- If the sidewalk pavement at the building goes all the way to the building wall, then the 70% perimeter foundation landscaping cannot be met. Staff recommends small planting areas where the doors won't be located along the south and west sides.
- The building does not have a completely pitched and gabled roof.

The proposed building has a lot of character for a small strip center utilizing a brick water table, cement fiber siding, a pitched roof surrounding a flat roof, a trellis feature, properly fenestrated window and door treatments, awnings and signage with exterior down lighting. No landscape plan is submitted yet however the owner has indicated that it will be as nice if not nicer than the other commercial buildings in Murphy Park. The architectural advisor has submitted comments regarding this proposal.

Overall, this is a positive step toward the proposed development of this parcel. No restrictions on users have been proposed at this time and the Commission may want to discuss that with the applicant. Large full service restaurants and bars/lounges may pose problems with parking and the adjacency to the park. There may need to be a limit on seating for a restaurant. Due to liquor control laws near parks, the applicant should probably not allow bars and lounges with less than a certain percentage of projected business to be food. Some limitation on uses should be in the development plan text.

