



STAFF REPORT
PLANNING AND ZONING COMMISSION

Powell Village Green Council Chambers
May 23, 2007
7:30 p.m.

PRELIMINARY DEVELOPMENT PLAN

Applicant: Stavroff Interests LTD
Location: 8 North Liberty Street
Zoning: DB, Downtown Business District
Request: Approval of a Preliminary Development Plan for the demolition of an existing 4,063 sq. ft. retail structure and the construction of a 6,610 sq. ft. retail or retail/office structure located at the northeast corner of Olentangy Street and Liberty Street.

The City has been working with the property owner with regard to the acquisition of 10 feet of right-of-way along the frontage of North Liberty Street. There is an approved agreement between the property owner and the City Council for this acquisition. The property owner is responsible for bringing a proposal for the demolition of the existing building and the construction of a new proposed building for the redevelopment of this site. At this time, the applicant has submitted a Preliminary Development Plan. After this meeting, the applicant intends to submit a Final Development Plan.

PROPOSED DEMOLITION OF EXISTING STRUCTURE

The City Council approved a right-of-way acquisition agreement with the property owner. The right-of-way acquisition includes 10 feet along the Liberty Street frontage of the property. This right-of-way will be necessary in the future if the City ever decides to install left turn lanes on Liberty Street at the four corners. It was decided by City Council that now is the time to acquire the right-of-way in order to preserve that option in the future. With the purchase of the property by the applicant and their desire to redevelop the property, it was seen by City Council to acquire the right-of-way at this time rather than in the future when the property is redeveloped/restored and the acquisition would be much more expensive in the future.

The existing building actually sits within, in part, the rights-of-way of both Liberty Street and Olentangy Street by a couple of feet. The acquisition of the needed 10 feet of right-of-way along North Liberty Street brings the take within the existing structure and not just the front porch.

Section 1143.18 (l) explains the requirements for the approval by the Planning and Zoning Commission for the demolition of a structure within the Historic District::

(l) Demolition Hearing Procedures.

(1) A Certificate of Appropriateness is not required for the demolition of structures less than seventy-five (75) square feet in area. All other applicable permits are required.

(2) In cases where an applicant applies for a Certificate of Appropriateness to demolish a

1143.18(k)(2) when:

A. At a minimum, a Sketch Plan showing possible future redevelopment of the property is reviewed and found generally reasonable by the Historic Downtown Advisory Commission; and it is determined that one or both of the following conditions prevail:

1. That the structure contains no features of architectural and/or historic significance;

2. That there exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition, or that deterioration has progressed to the point where it is not economically feasible to restore the structure as demonstrated by the applicant through supporting documents such as cost analyses, structural reports, and/or other necessary documents.

(3) Every effort shall be made to reuse existing structures through adaptive reuse and to restore their historic character. Under no condition shall a structure that is able to be rehabbed be demolished for an off-street parking facility or loading space. Where structures must be removed, they shall be replaced with buildings of historic character and qualities of the District.

The applicant has indicated to Staff that they feel there is no reasonable economic use for the structure as it exists or as it might be restored and that conditions of the existing building has deteriorated to the point where it is no longer feasible to restore the structure, especially as it has been requested by the City to purchase the 10 feet of right-of-way. There are two possibilities for the restoration of the existing building when looking at the property with the right-of-way purchase:

1. The front several feet of the front of the main portion of the building can be removed and then a new front re-built in a position outside of the right-of-way purchase.
2. The entire building can be moved to a location outside of the right-of-way purchase.

Both of these options, as argued by the applicant, are not economically feasible or prudent alternatives to demolition. The applicant has submitted their documentation in this regard and will have their experts at the meeting to discuss this with the Commission. Staff has reviewed this document and can agree with the applicant, however the document has been written in general terms. As indicated in their report, the two option, besides demolition, appears to be economically infeasible due to many factors.

This existing building does have some historical significance to Powell. It was the old trading post and hardware store which was the main point in commerce for the community for many years. It has been said that movies were shown on the north side of the building. The Powell-Liberty Historical Society and the Design Committee for Historic Downtown Powell, Inc. have recommended against the demolition of this structure, and for the restoration of the existing building.

From a physical standpoint, the front porch can be considered an "architecturally nonconforming" addition due to the fact that it is a more modern addition, in design and materials, to what can be considered an "architecturally conforming" structure, the main portion of the building. The addition on the rear of the building is also later addition.

PROPOSED REDEVELOPMENT

The applicant, at Staff's request, has submitted three site plans to consider. Since the Sketch Plan, they have been able to provide for four parallel parking spaces along the north side of the building. Staff will review each of the site plans, identified in the lower right corner of the site plan sheet (A-1.1a; A-1.1b; A-1.1c):

A-1.1a

This site plan shows the maximum building square size at 6,081 sq. ft. It provides for one way access from North Liberty street and two-way access from Olentangy Street. As part of this plan, there would be an access easement provided by the property owner to the north in exchange for an access easement from this property to the neighbor for access to the rear of 22 N. Liberty Street (Freiheit). That is the reason for the two way access from Olentangy Street. Sometime in the future, access to parking behind 22 N. Liberty Street may be possible. The 12 foot aisle width for one way should be plenty. The 16 foot aisle width for two way travel is 6 feet short of our minimum requirements per the zoning code, however in this situation, much like an urban setting, should be appropriate from a safety aspect. It will be important for the applicant to review the site plans with the Liberty Township Fire Department before proceeding with Final Development Plan.

A-1.1b

This site plan shows a maximum building size at 6,448 sq. ft. It provides for one way access from Liberty Street and one way out only onto Olentangy Street. This limits access to the property but provides for the maximum amount of building coverage. It still provides access to the north, but not directly from Olentangy Street.

A-1.1c

This site plan shows the maximum building size at 5,867 sq. ft. It also provides for one way access, however it also curbs the entire north side and east side of the lot preventing any shared access at all.

The applicant has shown four parking spaces on site and has indicated that they will be able to provide additional off-site parking with arrangements with another property owner. Section 1143.16.2 (g) (7) requires that parking provisions in Chapter 1149 be met, however the Planning and Zoning Commission is allowed to reduce that number:

(7) The parking provisions set forth in Chapter 1149 shall be met. However, the Planning and Zoning Commission can consider reductions to those requirements provided it is sufficiently demonstrated through data, applicable standards, and/or other materials and information that the minimum requirement is not necessary

The applicant shall demonstrate that they have provided for the reduction of parking and can provide some alternative parking, otherwise a variance will need to be approved. Assuming that the entire first floor is retail and the second story is office, the parking requirements will be 12 spaces. If the first floor is restaurant, the number of parking spaces will be 13 for up to 75 seats plus 1 for every 4 employees, plus 6 spaces for the upstairs offices making a total of 19 spaces plus the number needed for the restaurant employees.

Staff recommends site plan A-1.1a as it provides for the most flexible site plan where all property owners in the immediate area can benefit. It provides for a few parking spaces on site and fits with the scale of the other buildings in the immediate area.

The basic design scheme and "story" to this building proposal includes an Italianate design main structure that is connected by a small connector to a brick commercial storefront type building. The main structure has a corner entrance and another entrance on each frontage. This allows for a maximum of four or five stores, or fewer larger stores. Included with this design are integral sign areas, external lighting, and many windows. Attention to detail is important and Staff recommends that the applicant look at the Architectural Guidelines for recommendations on window designs and trim, door designs and trim, etc. Also, no north or east elevations were submitted. These will need to be submitted as well with their next application.

The Historic Downtown Advisory Committee has recommended to the Commission that the existing building not be demolished and that the originally approved restoration plan be followed. They also passed a motion, that if the demolition of the building proceeds, that the proposed development plan architectural scheme be followed.

Staff will defer to the recommendations of the Architectural Advisor as well as the recommendations from the Historic Downtown Advisory Committee for the architecture of the building. Staff does feel that the proposed building is not out of scale as a replacement for that which is being demolished. In fact, this building is taking a cue from the old Odd Fellows building located on the southwest corner in terms of its basic design scheme, with a connector to a one story brick building to the east.

OVERALL REVIEW

It is very important for the Commission to consider the overall needs of the community with this application. There are several considerations when examining this application from the standpoint of allowing the City to preserve the future ability to handle traffic issues at the four-corners. At this time, as the property sits dilapidated and ready for either rehabilitation in place, moving the structure and its rehabilitation, or removal of the existing structure and providing for new construction, there is a property owner willing to redevelop the site. The City is at a point where it can acquire the right-of-way necessary to preserve the ability to install turn lanes in all directions at the four corners based upon the preliminary engineering study that was most recently done and shown on the drawings provided in the previous month's packet. This design allows for the installation of turn lanes with the least number of on-street parking spaces removed and the least impact upon existing structures located directly at the four-corners. At this time, the City is able to acquire the right-of-way at the cheapest possible rate. If this building were to be rehabilitated in place, the cost to purchase the right-of-way later will be much higher. It makes sense to decide to preserve the ability for future decisions about the four corners and not take that ability away.

The proposed building fits in terms of its size, scale and overall design as a replacement for that which is removed. Maybe, with this new development, there is an ability to provide for a new center of commerce at the four corners and if the north elevation is done correctly, movies can again be shown on the side of the building!!

There is a lot for the Commission to consider with this application. Staff has worked diligently with the property owner to devise a site plan that tries to provide overall benefits to the community and other nearby property owners. The overall plan fits the scale of the downtown and directly on the four corners.

Staff will be developing overall recommendations and detailed provision of conditions subject to approval of this Preliminary Development Plan for the meeting so that the Final Development Plan can be heard at the next meeting.

OTHER COMMISSION BUSINESS

Amending Sign Regulations Regarding Portable Signs

Within the packet is a legal opinion regarding the proposed multi-tenant restrictions for portable signs. As indicated in the memo, it is possible to regulate multi-user facilities. This is to be distinguished from multi-tenant restrictions (lease versus own). If we utilize and define multi-user appropriately, we should be able to pass constitutional muster. We would like the opportunity to discuss this issue and possibly then write language reflecting our discussion that will be utilized within the Zoning Code.

Next Meeting: June 13, 2007 @ 7:30 pm.