

**MINUTES  
PLANNING AND ZONING COMMISSION  
JANUARY 10, 2001**

A regular meeting of the Village of Powell Planning and Zoning Commission was held on January 10, 2001, and called to order at 7:30 p.m. by Chairman Don Emerick. Other Planning and Zoning Commissioners present were Dave Lackey, Dan Wiencek, Elmer Meider, Art Schultz, and Rob Cohen. Karen Woods was absent. Also present were David Betz, Director of Development; Dawn Nauman, Planning and Zoning Clerk; residents and representatives of the press.

**HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA**

There was none.

**APPROVAL OF MINUTES**

The minutes of December 20, 2000 were approved as printed.

**PRELIMINARY DEVELOPMENT PLAN**

**Applicant:** Burt Crimmel  
**Address:** 9158 Liberty Road  
**Current Zoning:** R –Residence District & PI – Planned Industrial District  
**Proposal:** Approval of a Preliminary Plan for Brookehill Senior Community.  
Phases I and II: 34 condominium units on 10.4 acres  
Phase III: Assisted care facility with approximately 32 units on 2.79 acres.

Burt Crimmel, Applicant, was present to discuss this plan. He reviewed that the density currently is about 3.4 du/acre, with 17 buildings (attached condominiums) on 10 acres. The lots vary from 1,800-2,200 sq. ft. The assisted living portion originally proposed on this original 10 acres has been moved to 3 acres that adjoin their parcel. He said they have first right on that property if tonight's discussion is favorable.

David Betz, Director of Development, gave his Staff Report on this issue (Exhibit 1). He said this plan has changed dramatically, and it is a good choice to move the assisted living, which was quite a large building. He said connecting Village Park Drive remains an option in this plan, where the last did not.

Mr. Crimmel reviewed that this is a community for those aged 55 and over, although 30% could be under the age of 55. There is a restriction that children are not permitted to live on the site for more than 3 months out of the year.

Commissioner Emerick opened the hearing to public comment. Hearing none, he closed the public comment session.

Commissioner Wiencek asked about setback between buildings. Larry Crimmel, architect, said it is 25 feet. Mr. Betz said the code requires 30 feet. Burt Crimmel said they are trying to work within the topography of the site and provide better park dedication.

Commissioner Wiencek asked if the pond is needed for retention or proposed for aesthetic reasons. Mr. Crimmel said that depends on engineering. Commissioner Wiencek said that the Parks and Recreation Advisory Board feels unanimously that Village Park Drive shouldn't be connected but he feels this is the best option because it retains the possibility. He said the Parks and Recreation Advisory Board is reviewing the development plan for Memorial Park (North Park). He said the long term plan is to make the maintenance barn a youth recreation or educational facility. In addition, the pond in front of the barn will be enlarged and turned into a fishing pond. He questioned whether the retention for this site could be moved to the existing pond to remove the applicant from the maintenance and provide a larger pond for the park. Burt Crimmel said that is a great idea. Mr. Betz said some kind of retention facility is necessary because the commercial and industrial development upstream will increase the chance of flooding.

Commissioner Wiencek said he approves of moving the multi-bed facility. He said this is a great plan, but that moving the large building to the front will mean tougher architectural requirements because it will front Liberty Road. He said he doesn't think parking in the front will be approved, and that the applicant should consider rear

and side parking. He said he would rather see the building closer to the street if that is what it takes to move the parking to the rear.

Commissioner Lackey said he feels this is a good plan and much better than the last. He said he was opposed to this development at first, but now he is in favor of it. He said he concurs with Commissioner Wiencek's comments.

Commissioner Cohen asked if the multi-bed facility is still part of the plan. Burt Crimmel said that it is, and they have discussed with John Hill the purchase of additional land for that facility. Commissioner Cohen asked if the land Judge Hill will be providing includes where his house is located. Burt Crimmel said it does not. Commissioner Cohen asked if the pond and park area will be dedicated to the Village. Burt Crimmel said he anticipates that the 2-2.75 acre lot will be donated. Commissioner Cohen asked if the portion of the plan being considered tonight is contingent upon approval of the larger parcel. Mr. Crimmel said it is not. Commissioner Cohen said he doesn't want to lead the applicant to believe that the multi-bed facility is a given if this is passed.

Burt Crimmel said they could move the parking to the back to improve the aesthetics of the building.

Mr. Betz said that he has reviewed some of the floor plans provided, but there were no elevation drawings. He said the applicant has committed to all-natural materials, with a mixture of stone and wood siding. He said this is a very basic preliminary development plan, and much greater detail is needed for the final development plan. He said the drive that goes through the site needs to be reviewed by the fire department. He said one area is quite tight, and it may be necessary to increase the turn radius. He said he would suggest a sidewalk through the site that connects with the bikepath system. Commissioner Lackey asked if the development will be gated. Mr. Betz said he thinks pedestrian access would be acceptable.

Mr. Betz said the applicant will go through the Zoning Map Amendment and Final Development Plan process during which time the architectural details will be reviewed thoroughly.

**MOTION: Commissioner Wiencek moved to approve the preliminary development plan with the following conditions:**

- 1. That the applicant look at making connections to the existing bikepath.**
- 2. That detailed elevations of the units will be reviewed during the Final Development Plan.**
- 3. That the applicant review the possibility of sharing the stormwater retention with the Village at the North Park Site.**
- 4. That a traffic study be completed and that it consider the need for a turn lane on Liberty Road.**

Commissioner Meider seconded the motion. The motion was approved. Yes: Lackey, Meider, Wiencek, Cohen, Emerick.

#### **FINAL DEVELOPMENT PLAN**

**Applicant:** Fiori Homes  
**Location:** Northwest corner of N. Liberty Street and Seldom Seen Road.  
**Current Zoning:** PR – Planned Residence District  
**Proposal:** Approval of a Final Development Plan for a condominium development containing 80 dwelling units and a clubhouse.

Commissioner Cohen abstained on this issue due to conflict of interest. A brief break was held pending the arrival of Commissioner Schultz.

Forrest Gibson, Schmidt Land Design, presented a color rendition and color elevation drawings of this plan. He reviewed the two access points on Liberty (main) and Seldom Seen (secondary) roads. He reviewed the main entrance and clubhouse area. He said that based on stormwater requirements, they are proposing a large wet retention pond with a fountain. He said they have changed the configuration slightly to attempt the separation of buildings required by the code. He said they are trying to avoid a grid system and create more of a neo-traditional development with a consistent streetscape theme. He said the homes create a cohesiveness along the street and the open spaces behind the buildings provide public and private areas. He said each cluster will have 2-4 units. He said they have a minimum setback between some buildings of 15 feet, which is a variance from the code. In most areas, they have been able to get the required 30-foot setback.

Mr. Gibson reviewed the bulleted list in the Staff comment letter from December 29 (Exhibit 2). *Italicized text indicates response to Staff's recommendation.*

- A traffic study should be completed by a traffic engineer that indicates the impact the proposed development will have on the public roadways. Specifically, the study should indicate whether there is a need for a left turn lane northbound on Liberty Street into the site or eastbound on Seldom Seen Road. Other specific items that should be examined include the need for deceleration lanes and/or ditch improvements along the right-of-way. *This study is underway.*
- Show the right-of-way dedication, 40 feet from centerline, to happen by deed or plat at the time engineering plans are approved. *The right-of-way dedication has been changed to 50 feet.*
- Show existing pavement along Liberty and Seldom Seen Roads and how proposed entrances tie into pavement. *A survey is being prepared to provide the exact information.*
- Show revised "private park" and open space areas. Areas within rights-of-way and building setbacks along the roads do not count. *They are revising the park information. He said they will illustrate all open space.*
- There is a conflict at the southwest corner of the site with a proposed drive and a landscape easement, which belongs to the Homeowner's Association. Re-design this area to remove drive from the easement. *They are currently trying to reorient the homes and drives to keep them out of the easement.*
- Bold or otherwise highlight the building separation variance areas. *There are areas below the 30-foot requirement to create a neo-traditional development that accentuates the streetscape. He said that this can be accomplished by tightening up the space in between buildings, particularly garage to side or side to side where there are no windows. He said they would like to propose a minimum separation of 15-feet, which would conform to any fire access regulations..*
- Label the typical driveway widths at eighteen (18) feet. *This is just a matter of indicating such on the plan.*
- Show pathway connections and provide a pathway easement. *This would be illustrated as part of the breakdown of open space and building coverage.*
- Provide amount of building coverage to determine proper tree caliper planting requirements. *This would be illustrated as part of the breakdown of open space and building coverage.*
- Show existing tree plantings and mounding along North Liberty Street. Is this to be re-worked?
- Show all existing easements on site. *Easements will be shown with the additional survey.*
- Show typical foundation planting plan around units. *They are in the process of developing the foundation plans.*
- Show outdoor lighting locations. Post lights for individual units? Any entrance lighting proposed at street? *Additional details will be provided.*
- Submit architectural design criteria and/or elevations. *The elevations were submitted under the preliminary development plan, but they will provide 8.5 x 11 elevations. Any items presented tonight can also be provided if it is desirable.*
- Show how proposed electrical, phone and gas utilities will be accessed (all underground). Will utility poles need moved? *This is dependent on the survey information.*
- What is the nature and extent of earthwork needed? *This will be determined during final engineering.*
- Any mounding, landscaping, white rail fencing along North Liberty Street or Seldom Seen Road being proposed to fit in with community character of Powell? *They propose mounding, landscaping and a white rail fence. He said that there are areas where they will stop the white fence because there is not enough room to fit both the trees and white fence in those areas.*

Commissioner Emerick opened this issue to public comment.

Dave Goodrich, 99 Chenango Drive, said that he owns a lot just north of the development, and he asked about the setbacks from the Powell Place property line. Mr. Betz said it is proposed at 40 feet which meets the code requirements. He said the mounding is actually on the property for this development, and they have indicated plans for supplemental plantings. Mr. Goodrich asked if the tree line on the drawing is that which already exists. Mr. Betz said it is, and it will be supplemented. Mr. Goodrich said he would like to see the trees put in before construction starts to provide screening for this large-scale construction project.

There being no further public comment, the public hearing was closed.

David Betz, Director of Development, gave his Staff Report on this issue (Exhibit 1). He reviewed the changes in the plan. He said the pond in Powell Place is not built to handle the retention of this site, and they will need their own stormwater retention. He said that in addition to the points in the letter reviewed by Mr. Gibson, he would also like to determine whether turn lanes are needed on this property. If they are needed because of this development, the developer should pay for them. He said he would like to see a traffic study. He said during the

zoning of this property, it was discussed that rail fencing and mounding may not be needed along Liberty and Seldom Seen Roads because of the homes facing the road. With the change in the plan, additional fencing and mounding should be considered. In addition, it may be needed at the access points. He reviewed that there should be a pathway to connect to Chenango Drive. He said a much more detail is needed for this plan.

Commissioner Lackey said that Council indicated a desire to set a maximum percentage and minimum quality of vinyl siding permitted during this phase of the plan. Mr. Betz said no information on siding has been provided by the applicant. Commissioner Lackey said he is traditionally against the use of vinyl siding. He said he understands it is less expensive to install, but he questioned the costs for maintaining and repairing stucco verses vinyl. Mr. Betz said that would be a question for the architectural advisor, who isn't here. Commissioner Lackey said he understands that the applicant would like easy upkeep for the condo association, but expressed concern about the maintenance of such siding over time. He said that he would also like to see renderings of the view of this development from both Liberty and Seldom Seen Roads.

Commissioner Meider said this plan is decidedly different than the last in terms of the view from Liberty Street, and the difference is negative. Where there once was a private park, pond, and gazebo in the southeast corner, there is now a building. Commissioner Schultz said that he thinks the view from Liberty Road is one of the key aspects of the aesthetics of this project, and this is a giant step back from where the plan was before. He said that the view of this property is dramatically changed in the new plan. Commissioner Meider added that the 1/3 acre of open space that once buffered the housing to the north is gone.

Commissioner Lackey asked about the landscaping between Liberty Road and the buildings. Mr. Gibson said they will add landscaping, including mounding and fencing. In the areas north of the pond, it would be advantageous to have the buildings front Liberty Road. Commissioner Schultz said that there have been specific discussions that there should be an entry feature into Powell on the corner of this lot, and that is one thing he liked about the previous plan. He said he is not sure a mound is enough. He said that the view from the road will not be as good as in the original plan, where a pond and gazebo were proposed. Mr. Gibson said that a geographical challenge is that the area where the pond was originally proposed is actually the highest point on the site. Commissioner Meider said it should be obvious what is the highest point. He said the Commission was presented one approach to this development, then told the topography is not appropriate.

Robert Fiorita, developer, said that the preliminary information by the seller of this lot indicated that the stormwater would be taken off site and handled in Powell Place. In actuality, all water needs to be retained on site. He said the pond will be aesthetic and retain water as well.

Mr. Betz said that the sanitary sewer has been provided adequately for this site and that the stormwater retention issues will have to be clarified during the development plan process.

Commissioner Lackey said this is the main northwest bypass of the four corners and will see a lot of traffic. That is why the view from the road is important.

Commissioner Wiencek said he is very disappointed that the total look and feel along Liberty has changed substantially. He said he understands the need for the retention pond, but he feels there should be another solution of how to arrange homes in a way closer to what was there before. Commissioner Wiencek expressed concern that the road comes very close to the bikepath along Seldom Seen, and he would like to see landscaping to address that. He said that the developer has indicated they will spend \$2,000 per unit on landscaping, and he would like to make sure that doesn't include the peripheral mounding, street trees, and everything else the code already requires. He said he wants to see substantially more landscaping in this development than the code requires.

Commissioner Wiencek said he would like the entrance to be from Village Park Drive rather than Seldom Seen so there is no need for a turn lane or curb cut on Seldom Seen Road. Commissioner Wiencek asked about the patios included in the plan. Mr. Gibson identified patios, screened porches, and enclosed patios. Mr. Fiorita said that the patios are standard, and upgrades are available on lots where there is room for them.

Commissioner Lackey asked about plan language regarding the ability to introduce "new condominiums" in the building design section. Mr. Gibson said that allows them to manipulate which building is placed on each lot based

on individual buyer's preference. He said the character won't change, but the floor plan and footprint could. Mr. Betz said they can clarify that later by selecting specific elevations.

Commissioner Wienczek echoed concerns about vinyl siding. He said the intent of the Commission and Council was for more natural materials than were used at the applicant's Villages of Olentangy development, including on the sides and rear of the building. He asked if the privacy fence will be maintained by the Homeowners' Association. Mr. Gibson said it will. He expressed interest in seeing the Deed Restrictions, particularly limiting or prohibiting on-street parking and limiting outside storage. He said that the Commission should review the entry signage and landscaping. Commissioner Wienczek said that the plan shows an 8-foot bikepath and the text refers to a 5-foot path. He said 8 foot is the standard in the Village.

Commissioner Lackey asked if any other members of the Commission are interested in seeing a rendering of the street view from Liberty and Seldom Seen. Commissioners Meider, Schultz, Wienczek and Emerick said they are. Commissioner Wienczek said it can't hurt, but he expressed concern that such views typically identify 40-year old trees. He said he would like some thought given to rearranging this plan to provide more of the look that was identified in the previous plan.

Commissioner Meider reiterated that this revision is unacceptable. He said density concessions were given with the belief that there would be a pond and park-like views from Liberty Road, and those have disappeared. He said he understands some of that is because of the retention, but it doesn't seem that the retention pond is bigger on this plan. He said he could not vote for this plan in its current state.

Commissioner Emerick echoed comments made this evening and said he, too is concerned about the look from Liberty Street.

Commissioner Wienczek asked about moving the entrance to Village Park Drive. Commissioner Schultz said that makes a lot of sense. He said he agrees that a turn lane should serve the rest of the neighborhood also. Mr. Betz noted that residents did not want the entrance off of Village Park Drive during the development plan process. He said this could be considered as part of their traffic study. Commissioner Lackey said it looks like a dangerous condition. Commissioner Emerick said it is important to consider the increased traffic volume anticipated on Seldom Seen. Commissioner Schultz said he doesn't remember access on Village Park Drive as an extremely contentious issue. Commissioner Wienczek said he doesn't remember it being brought up at all.

Commissioner Wienczek said that he remembers concerns expressed about the lack of curbs on streets at another development built by this applicant. Mr. Betz said they have added curbs to the driveways to address that concern.

Mr. Betz reviewed that Section I of the Zoning Map Amendment for this application reflects a whole paragraph on the minimum 1.75-acre private park at the corner of Liberty and Seldom Seen Road.

Commissioner Wienczek asked if this plan was supposed to be reviewed simultaneously with western parcel. Mr. Betz said that they are being developed at the same time, and the other application may be at the next meeting.

Mr. Betz read the language regarding the use of vinyl siding, which is permitted, with the maximum amount to be determined during the final development plan process.

**MOTION: Commissioner Schultz moved to table this application until more detail is provided. Commissioner Wienczek seconded the motion. The motion was approved. Yes: Meider, Schultz, Wienczek, Emerick, Lackey. Abstain: Cohen.**

#### **FINAL DEVELOPMENT PLAN**

**Applicant:** Brad Yates, Manor Homes  
**Location:** Southwest Corner of N. Liberty Street and Clairedan Drive  
**Current Zoning:** PO – Planned Office District  
**Proposal:** Approval of a Final Development Plan for five office buildings, each between 7,000 and 9,216 sq. ft.

Brad Yates, applicant, reviewed that they are back with a revised plan based on comments made at the last meeting. He said they have made an effort to break up the façade and create diversity among the buildings. He said that landscape plans have been provided and are in accordance with the Zoning Code requirements.

David Betz, Director of Development, gave his Staff Report on the issue (Exhibit 1). He said that during the rezoning process, the applicant was asked to have a setback greater than what the code requires. He said that regarding the landscape plan, it is desirable to move the street trees behind the sidewalk and create landscaping where there is a detention area. The caliper of the trees still needs to be compared to the pavement of the development.

Commissioner Meider asked about signage. Mr. Betz said they do have an idea for a sign out front and individual units within the site.

Mr. Betz reviewed the elevations provided and described the buildings as a combination of brick and wainscoting. He noted that there has been a change in the roof line. He said that one building has dormers and one has shutters. He identified the view from Liberty Street.

Commissioner Lackey said that the difference between this plan and the last is that the change in roof line. He said there was discussion about breaking the building in half and moving one portion forward or back. He said that the depth that was achieved with this plan is much better. Mr. Betz noted that it was also undesirable to push the buildings too far back, because the parking and sidewalk is already tight. Commissioner Lackey asked if the architectural advisor has looked at this plan. Mr. Betz said he is out of town right now. He said that Staff is very pleased with the design of the buildings, and feels they are residential in scale, particularly with the porch element.

Commissioner Meider asked about the setback from Liberty Road. Mr. Betz reviewed that it is 145 feet, and that Aeroflex Lintek on one side is at 160 feet, and the Vet clinic on the other is at 130 feet. He said he is pleased overall with the plan, but would like to see better landscaping.

Commissioner Emerick noted that the plan and written description of the signage disagree. Mr. Yates said the sign will be 6.4 feet high. Commissioner Meider asked if there has been a change in the distance between buildings along Liberty Road. Mr. Betz said that there has not.

Commissioner Lackey asked about the secondary signs. Commissioner Schultz said the idea is once you are in the development, the additional signage shows you where to go.

Mr. Betz said the final engineering is almost complete. He said he doesn't think there will be any major considerations for stormwater drainage. He recommended approval with the condition that the Commission review the landscaping plan and signage later.

A brief discussion was held regarding building materials. Commissioner Schultz asked if consideration was given to using different earth tone colors for different buildings to create a greater contrast. Commissioner Wiencek said he would be fine to leave them alone. Mr. Yates said that when he met with the architectural advisor, they discussed the variety of materials presented as the way to provide contrast. He said they hadn't considered a different color.

Commissioner Lackey asked if different shingles could be used. Mr. Betz recommended that the same be used and that in subdivisions, the same shingle provides continuity. Commissioner Meider said he would like to see a dimensional shingle. Commissioner Wiencek agreed. Mr. Yates said they would like to use an upgraded shingle that gives a dimensional look and has a 25 year guarantee. The Commission agreed they would like to see the Horizon shingle described by Mr. Yates.

Commissioner Lackey noted potential problems with the legal description. Mr. Betz said that Staff will make sure all the legal descriptions are correct during the right of way dedication process.

Commissioner Schultz said that when the property to the south was developed, there was a great deal of discussion regarding the residential use across the street. A main concern was the maintenance of the landscaping, and the developer was required to install a sprinkler system. Commissioner Lackey doubted that the Commission should make such a requirement. Commissioner Wiencek asked if there is any way that Staff can require maintenance of such a sprinkler system. Mr. Betz said there are requirements for landscape maintenance in the Zoning Code. Commissioner Wiencek noted there are no requirements that anyone maintain their sprinkler system.

Commissioner Wiencek said he would like additional trees in the landscaping islands in the parking lot. He asked if there will be grass in those islands in accordance with the Code. Mr. Betz said that grass is difficult to maintain because of the heat of the parking lot. He said the applicant has not indicated whether they will use mulch or grass. Commissioner Wiencek agreed with Mr. Betz's comments about the landscaping along the front. He asked if a fence is proposed along the front of this property. Mr. Betz said that there is no fence at the vet clinic or Aeroflex-Lintek. Commissioner Wiencek noted it makes no sense then to have one at this location.

Commissioner Wiencek expressed concern about the sign, and said he wants to be sensitive to the residential development across the street. He asked if a sign is really necessary, and whether there could be alternative ways to identify this complex. Mr. Betz said the sign they have proposed would meet the Zoning Code. Commissioner Schultz reiterated that landscaping and signage can be reviewed later. Commissioner Meider said it would be unreasonable to prohibit a sign when the zoning permits a business. Commissioner Lackey asked about signage on adjacent property. Mr. Betz said the vet clinic has a sign with a brick base and that Aeroflex does not, although, they may come back with one in the future. Mr. Betz said this applicant could reconsider the name of his business to reduce the sign required. Discussion ensued.

**MOTION:** Commissioner Schultz moved to approve the Final Development Plan with the following conditions:

1. That the Commission review the landscape plan at a later date.
2. That the Commission review the signage plan at a later date.
3. That the Commission review the type of shingles to be used at a later date.

Commissioner Meider seconded the motion. The motion was approved. Yes: Meider, Schultz, Wiencek, Emerick, Lackey, Cohen.

#### **PROPOSED ZONING CODE AMENDMENT**

**Amending Section 1143.25 of The Planning And Zoning Code of the Village of Powell Regarding Appeals of the Historic District Commission.**

David Betz, Director of Development, reviewed that the Law Director has recommended that a change be made so that appeals of the Historic District Commission be heard by the Board of Zoning Appeals (BZA) rather than the Planning and Zoning Commission. This is recommended because the BZA is quasi-judicial body and better suited for such appeals. It also changes some of the timing for Staff to complete paperwork. Staff recommends approval of this amendment.

Commissioner Emerick opened the hearing to public comment. Hearing none, he closed the public hearing.

**MOTION:** Commissioner Wiencek moved to approve the Zoning Code Amendment as written. Commissioner Lackey seconded the motion. The motion was approved. Yes: Meider, Schultz, Wiencek, Emerick, Lackey, Cohen.

#### **OTHER COMMISSION BUSINESS**

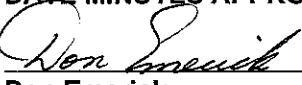
Commissioner Wiencek asked for an update on John Barton's property at 119 N. Liberty Street. Mr. Betz said he is out of time on his extension, and Staff may follow up legally. Commissioner Wiencek asked about Mr. Pendleton's roof. Mr. Betz said that is still an issue, but that Mr. Pendleton is no longer living at home.

Commissioner Schultz noted that Council is set to begin their discussion and prioritization of Capital Improvement Projects for this year, and he asked that Commission members contact him with their thoughts on projects that should be a priority. Mr. Betz noted that he always thought that after Grace Drive, a suitable project would be continuing VillageScape to the east.

#### **ADJOURNMENT**

The Commission adjourned at 9:45.

**DATE MINUTES APPROVED: February 28, 2001**

  
Don Emerick  
Chairman

3-28-01  
Date

