

**MINUTES
PLANNING AND ZONING COMMISSION
JUNE 13, 2001**

A regular meeting of the Village of Powell Planning and Zoning Commission was held on June 13, 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, Kelvin Trefz, Tom Counts, and Roger Coville. Robert Cohen arrived at 7:42 p.m. Also present were David Betz, Director of Development; Dawn Nauman, Planning and Zoning Clerk; Shawn Leininger, Development Planner, residents and representatives of the press.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

There was none.

APPROVAL OF MINUTES

The minutes of April 25, 2001 and May 23, 2001 were approved as printed.

CERTIFICATE OF APPROPRIATENESS

Applicant: Rick Lopez, La Tavola
Location: 33 Beech Ridge Drive
Zoning: PC, Planned Commercial District
Request: Approval of fenced patio seating area.

Krista Lopez, La Tavola, said they would like to add outdoor dining at their restaurant. She noted that Tria, a restaurant down the road, has recently received approval for the same. She said they are proposing a very small patio with 4-6 tables. She said this will provide a nice addition, as many people enjoy dining outdoors.

David Betz, Director of Development, gave his Staff Report on this issue (Exhibit). He reviewed the site plan and the patio in reference to the building elevation. He noted that the patio is proposed at the area farthest away from the residential properties.

Al Faber, 55 Beech Ridge Drive, stated opposition to this patio. He said he can currently hear low-level conversation from the parking lot of this restaurant from his property. He said adding 4-6 tables outside will put "a party outside his backyard five nights a week," where a residential neighbor would only have a party once a month or so. Mr. Faber said he had "someone come over" and appraise his home, and they said his property would depreciate by 15-20% with this patio. Mr. Faber complained that La Tavola's mailbox sits on his property but they don't pick up their mail and newspapers, and he has to clean up after them. He said the mailbox doesn't meet required specifications.

Don Muir, 54 Beech Ridge Drive, concurred with Mr. Faber about the trash and newspapers. He said he is not in favor of any expansion of commercial residences next to residential. He expressed concern that increased capacity could bring increased traffic and on-street parking. Mr. Muir added that he witnessed and reported to the police an employee of La Tavola emptying grease traps into the storm sewer.

John Sherba, 70 Beech Ridge, asked if increased seating capacity would require a "zoning change." Mr. Betz said requires a Certificate of Appropriateness for architectural review of the patio, and fencing. Mr. Sherba asked if restrictions on lighting and music would be in writing. Mr. Betz said they would. Mr. Sherba said he would rather not see an increase in the commercial enterprise. He complained that La Tavola's trash is picked up at 3:00 a.m. Mr. Sherba agreed with comments about the mail and newspapers. He asked about business hours. Ms. Lopez said they are open until 9 p.m. weekdays, and 10 p.m. on weekends.

Stephen Guth, 73 Beech Ridge, expressed concern for the increase in music and sound during evening hours. He said that with the "prevailing winds from the southwest and people drinking alcohol..." one will hear conversation, which will be a negative impact. He thanked the Commission for inviting the residents to express their opinion.

Commissioner Lackey asked if there are any plans to expand operating hours. Ms. Lopez said there are none, and the plan is to leave the patio open during all business hours, although probably not for lunch.

There being no further public comment, Commissioner Emerick closed the public hearing.

Commissioner Counts asked how long this premises has been used as a restaurant. Mr. Betz said it was converted from a bakery in 1992, and been two popular restaurants in between. Commissioner Counts asked how long the pistol range has been there. Mr. Betz said that he believes since the 1970's. Commissioner Counts asked how long this area has been zoned commercial. Mr. Betz said since prior to Olentangy Ridge. Commissioner Counts asked what is the seating capacity of the 6 tables proposed. Ms. Lopez said four residents per table. Mr. Counts asked about the total seating in the restaurant. Ms. Lopez said there are 66 at the tables, plus 6 at the bar. Mr. Counts said this could potentially increase business by 33%.

A resident who did not identify himself asked if the ownership had changed for the Powder Room. Mr. Betz said he is unsure. The resident asked if the commercial zoning goes only to the rear of the Powder Room or if it extends the residential and pond property. Mr. Betz said the commercial property ends shortly after the Powder Room. Another unidentified resident said there is an underground firing range that extends beyond the property line.

Commissioner Coville asked if the residents that live on south Beech Ridge can see the patio from their residences. Mr. Betz said the house on the hill has a good view. Commissioner Lackey said he is not happy to hear the restaurant has been a bad neighbor, and he would like to see good neighborly relations, but he has trouble finding that this application is unreasonable. He said the patio is opposite most adjacent residences, and they aren't not going to add music or lighting, or serve during unreasonable hours. He said this commercial establishment has been there since probably before anybody moved into their residences.

Mr. Faber said the restaurant was unoccupied when he bought his home, and there was a plan for a park in that location. Mr. Faber said, in addition, the Powder Room was closed, and if it closes for more than 180 days, it cannot reopen as the Powder Room. Mr. Betz said that is correct, as the Powder Room is a legal non-conforming use. Mr. Betz said a restaurant is a permitted use within that zoning district. Commissioner Counts asked if the pistol range is a legal non-conforming use because it is a pistol range. Mr. Betz said it is, and it could be used for other commercial purposes. Commissioner Lackey asked if it could become a restaurant. Mr. Betz said it could, if all other requirements met. Mr. Faber asked that Commission members visit his home to hear the noise. He said that it has been mentioned that the restaurant Tria has a patio, but there are not residences surrounding it. He said he doesn't have problems with the restaurant "as it is," he just doesn't want outside dining.

Commissioner Wiencek asked if the owners would be willing to limit use of the patio to something other than full business hours, for example, from 5 – 8 p.m. Ms. Lopez said they would consider it, but expressed concern about someone being seated at 7:45 p.m. Commissioner Wiencek said his concern is that someone is seated at 9:45 p.m. and wants to linger over their drinks for hours. He said he doesn't think it is fair to ask neighbors to accommodate that. Commissioner Cohen said that the neighbors are saying that the noise bothers them when they sit outside, and he doubts they will be sitting outside at midnight.

Commissioner Cohen said that although residents can express their views, he is struggling with the issue that the commercial property was here first. Commissioner Counts said that he would feel much more uncomfortable allowing this expansion if this commercial property were next door to a zero lot line residential development. He said these houses are farther away.

Mr. Trefz suggested that more intensive landscaping be placed around the patio to help mitigate some of the noise concerns. Mr. Muir asked how tall the fence will be. Mr. Betz said it will be 36 inches.

Commissioner Counts concurred that additional planting material is needed. He said he doesn't see why the applicant couldn't tear up some of the asphalt, and plant some a three-foot bed of evergreens on the east side of the patio. Commissioner Lackey asked if there is parking in that area. Mr. Betz said there is not, but there is delivery access. Commissioner Lackey expressed concern that that wouldn't allow the additional planting as discussed. Mr. Betz said they may be able to do some planting on the side of each gate.

Commissioner Trefz expressed concern about the fire and safety impact of additional interior traffic between the patio and the kitchen. Mr. Betz said that would be reviewed by the building department. He said that occupancy capacities are based on the size of the building rather than the movement inside. Mr. Trefz asked about the cooler. Ms. Lopez described a 6' x 5' x 5' cooler that is surrounded by a fence and won't be visible to patrons.

Commissioner Coville said while he doesn't think one can assume a business will stay closed, they shouldn't necessarily assume it will increase in size. He said he is unsure the sound can be screened appropriately. He said that people across the street will see it from the front door, and he is unsure this is an appropriate use.

Commissioner Cohen asked if anyone is interested in going to Mr. Faber's property and hearing the noise before deciding. Commissioner Lackey said he believes that they hear it. Commissioner Wiencek said he wouldn't mind waiting, but he is concerned that summer will be half over and the patio won't be usable for too long. Commissioner Cohen said that while the commercial place was there first, his primary concern is the residential community.

MOTION: Commissioner Lackey moved to approve the patio with the following conditions:

- 1. Review and approval by the Board of Health, Fire Department, and Building Department.**
- 2. That the tables, chairs, and umbrellas with no signage be used as submitted.**
- 3. That landscaping be added as discussed with removal of some asphalt in addition to plants to screen visually and for sound.**
- 4. That there be no music or additional lighting used on the patio.**
- 5. That there be no seating after 8:00 p.m.**

Commissioner Wiencek seconded the motion.

The motion was denied. Yes: Lackey, Counts, Trefz. No: Coville, Wiencek, Cohen, Emerick.

Commissioner Lackey said that if a new use came into a vacant building and wanted to increase the permitted size, the Commission would probably not allow it. However, outside dining at this location is not an unreasonable expectation. He said his concern about restaurants are for those like Saturday's, blaring music into the parking lot. He would rather support the existing tenant than make conditions that keep them from growing.

Commissioner Wiencek said the testimony of residents has changed his mind, and the argument that sways him the most is that this change could subject neighbors to a type of noise that they couldn't have anticipated. Commissioner Emerick agreed. He said he thought it would be a fairly simple vote, but he is concerned about the noise factor and he is unsure there could be enough screening to keep the noise from disturbing the residents. Commissioner Lackey asked how late the Powder Room is open. A resident said it is open until 8:00 p.m. They noted that they can hear the gunfire. Commissioner Trefz asked if it is possible to differentiate the noise from La Tavola and the Powder Room. A resident said that the concern about La Tavola is after 5:00 p.m. A lengthy discussion ensued between the Commission and unidentified residents.

Commissioner Counts asked if the Commission can be arbitrary in their approval or denial of a Certificate of Appropriateness. Commissioner Counts said he understands that neighbors are saying there shouldn't be commercial next to residential, but that is a different issue than that which is facing the Commission. He said he voted yes because he believes any increase in commercial activity is relatively insignificant compared to the benefits of having commercial activity within Powell. Mr. Betz read the section of the code pertaining to the Architectural Review overlay district (Exhibit).

After further discussion, Mr. Betz said that the Planning and Zoning Commission has taken a vote, and the applicant can come back if they wish to with a modified application. In the mean time, the members of the Commission can go take a look at the situation. He said the residents will be notified if the applicant comes back, but at this point, it is not approved.

Mr. Faber said that houses on Muladore Drive have a mound in the back with a fence to buffer the commercial area behind them. He suggested such a treatment for this property. Mr. Betz said that mound was installed by the developer of the residential subdivision when it was built because the commercial was there first. He said in this case, the restaurant owner will have to contact the property owner and see if something like that could be constructed here. He noted that it would be very expensive and probably not worth doing to install a patio. However, if this property were to be redeveloped, it would be appropriate.

Mr. Betz said another solution would be a taller board on board rather than a picket fence. Commissioner Wiencek said the emergency exit could also be moved in addition to landscaping. Mr. Betz suggested the Commission wait until the next meeting for additional deliberation. Commissioner Cohen said that obviously, the applicant is a resident of Powell, too, and it matters to him beyond being a taxpayer, it is nice to have the

restaurant. He said an outdoor patio would be nice, but if the trade-offs are such that it is undesirable, it doesn't work.

REQUEST FOR EASEMENT/LANDSCAPE PLAN REVIEW

Applicant: MI/SCHOTTENSTEIN HOMES
Location: Southeast and Southwest corners of the intersection of Salisbury Drive and Presidential Parkway.
Current Zoning: PR, Planned Residence District
Request: Approval of landscaping plan for Lakes of Powell Section 6 entry feature.

David Tyndall, MI Homes, reviewed their proposal to place an entry feature on a strip on either side of the intersection of Salisbury and Presidential Parkway. David Betz, Director of Development, gave his Staff Report on this issue (Exhibit).

Larry Trendel, 132 Presidential Parkway, asked if there will be any lighting in this area. Mr. Betz said the plan doesn't indicate lighting. Mr. Tyndall said there may be some flood lighting, but no additional down- or post-lighting. Mr. Betz said if there is concern about the existing streetlights, they can have a cut off installed to block the light from residences.

Commissioner Wiencek asked if this plan would make any impact on detention. Mr. Betz said it will not.

MOTION: Commissioner Wiencek moved to approve the easement and landscape plan. Commissioner Lackey seconded the motion. The motion was approved. Yes: Lackey, Counts, Trefz, Coville, Wiencek, Cohen, Emerick.

ADMINISTRATIVE REVIEW

Applicant: LAKES OF POWELL SECTION 5 AND 6 (MURPHY PARKWAY)
Location: East Side of property along South Liberty Street
Current Zoning: PR, Planned Residence District
Request: Review of proposed agreement for Murphy Parkway.

David Betz, Director of Development, said that the Lakes of Powell Section 5 and 6 Development Plan was approved a few years ago, and since that time, the alignment of Murphy Parkway and South Liberty Roads has been discussed at length. As part of this development plan, the alignment was along Liberty Road and adjacent to the railroad, but the Planning and Zoning Commission and Council conditioned approval on the final alignment of the roadway being approved at a later date. He said because the alignment has now been determined, this issue must be considered.

Mr. Betz said that one condition of the development plan is that MI pay for the improvement of the road. When the Lakes of Powell Section 6 plat came through, only phase 1 was submitted. Phase 2 will include the area with the road. He said that MI is arguing that the cost for the improvement of Murphy Parkway as it is now aligned is not part of their responsibility because it has changed considerably. They are willing to pay for the part they originally anticipated, which was improvement of Liberty Road to a parkway cross section, including widening the roadway, adding drainage, a bikepath, and fencing. He said they have submitted a cost estimate that has been revised by the City Engineer to a cost of just over \$100,000. He said MI and the City Engineer will review the cost further, but they would like approval of the "concept" that this is a major thoroughfare for the City, and is now a local improvement.

Commissioner Wiencek asked if MI is justified in assuming that all they have to do is upgrade a portion of Liberty Parkway and not build the new road when the original question was about the alignment of Murphy Parkway.

Commissioner Lackey said he thought the only change to Murphy Parkway is how it would connect to Liberty Road. Mr. Betz reviewed the layout from the original plan in comparison to the approved alignment. He said that MI has removed one lot to redesign a road as a culdesac and make the new alignment work. In addition, they dedicated much more land than was originally planned, which wasn't even accounted for as a credit in this cost analysis. He said the original plan showed Murphy Parkway along the railroad tracks, tying into Liberty, as shown on the Comprehensive Plan. He said it wasn't until after the study that the alignment was determined. Commissioner Lackey asked if the changes in alignment are based on topography or connecting to Liberty. Mr. Betz said it is based on the connection.

Commissioner Wiencek said that the question remains, if the alignment of Murphy Parkway was in question, MI would have to assume it's going to move.

Mr. Betz said read Section 1 item 9 of the original ordinance, which reflects that this was approved contingent upon the alignment. Commissioner Counts asked where cost-reimbursement is addressed in the ordinance. Mr. Betz said that it isn't. Right now, the City is not ready to make this improvement, but the developer is almost ready to start Section 6 part 2. Instead of making the improvements, the applicant is asking to pay the City what it would cost to make the improvement as would have been required when the development plan was approved. He said this road is for more than just development, and is adjacent rather than through. He said there is no access to this development from the roadway, and that makes a big difference in their eyes and in Staff's. He said that Staff recommends approval for MI to pay for the improvement, with the cost to be determined by Council. He said the cost will be based on all of the engineer's estimates. He said the money will be placed in a special fund, only to be used for this project.

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

MOTION: Commissioner Lackey moved to approve the request. Commissioner Counts seconded the motion. The motion was approved. Yes: Lackey, Counts, Trefz, Coville, Wiencek, Cohen, Emerick.

AMENDMENT TO APPROVED DEVELOPMENT PLAN

Applicant: Triangle Real Estate
Location: "Condo Site B", Murphy Party Barn Property
Current Zoning: PR, Planned Residence District
Request: Approval for use of Hardiplank Siding.

Paul Ross, Triangle Real Estate, asked approval to use Hardiplank siding for Condo Site B on the Murphy Party Barn site. He noted that the material was already approved for Condo Site A.

David Betz, Director of Development, reviewed that the Commission heard and denied a request to use OSB siding on this development last month. He reviewed that this project is for 96 units on 16.5 acres with a park to the north and single family development to the south.

Mr. Ross said that 22% of each building would have this product and the rest would be brick. Commissioner Lackey asked if he has been using this product for a long time. Mr. Ross said they have been using OSB, but "everyone else has been using (Hardiplank)."

Commissioner Trefz asked about materials. Mr. Ross said that the buildings will be mostly brick except for the portion above the garages and the gables. Commissioner Wiencek asked if the garage elevations face in from the park and from Gray Oaks Drive. Mr. Betz said they face each other rather than the street. They are side-by-side units with garages on each side with courtyards.

Mr. Betz said that Staff recommends approval. He said that other than the natural wood plank in the Zoning Code, this material is acceptable. Many historic districts and communities around Columbus have accepted this material.

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

Commissioner Lackey said he finds it troubling that in the numerous public hearings on this development, the Commission was told natural materials would be used. He said although Hardiplank was permitted in another development, and there are benefits to this product, there are detriments to this product in that it doesn't look like natural wood.

Commissioner Counts said that one should be careful when they say natural, because neither brick nor stucco are natural materials. He said the question is what will stand the test of time, and his experience is that this is a proven material that endures better than some natural wood products, including the cedar that he has on his house. He said secondly, the elevations currently being shown on this project show more brick than the original

plan, and whatever is approved should be approved in accordance with the currently proposed elevations. Mr. Ross noted that brick elevations will face the road and park, and siding elevations face each other.

Commissioner Emerick said that at a previous meeting where the Commission reviewed Hardiplank, a representative made a statement that the installation instructions had changed. He said that is untrue. He said he is very concerned with the installation of this product and how it holds up, and he is not in favor of widespread use.

Mr. Betz read the definition of natural materials from the Zoning Code. Commissioner Lackey said he thinks fiber cement board is not on that list. He agreed it is durable, but said it is not what was agreed upon.

Commissioner Wiencek said he agrees with Commissioner Lackey about the promise to use natural materials, however, he is somewhat swayed by the reduction in the amount of siding to be used. He said he thinks a slippery slope was started when this material was approved after the fact on two houses built by CV Perry. The approval of those houses was used by Council as a reason to approve Hardiplank in the last condominium development. He expressed concern that next week, Rockford will ask to use it on their homes in this development.

Commissioner Coville asked if the concern is that this is more difficult to install than wood. Commissioner Emerick said that there are installation requirements to keep from allowing water penetration and damage. In addition, if a nail-head penetrates, it must be sealed, and another added. Commissioner Wiencek said one of the primary concerns is cosmetic, and even with certified installers, there is no guarantee that it won't be installed poorly.

Commissioner Trefz asked if Hardiplank is more flexible than cedar. Commissioner Emerick said it is. He said the side of the house in Falcon Ridge that has this material has rippled like vinyl. He said that cedar typically doesn't do that. Commissioner Counts said that any material not installed properly will fail. Commissioner Coville asked if there are any conditions to limit the length. Commissioner Wiencek said in this instance, there is no way to limit the run without forcing a seam.

MOTION: Commissioner Wiencek moved to approve the use of Hardiplank with the following conditions:

- 1. That the elevations be changed as presented.**
- 2. That the material be installed by a Certified Hardie Alliance Dealer.**

Commissioner Lackey seconded the motion. The motion failed. Yes: Wiencek, Counts, Trefz. No: Coville, Lackey, Emerick. Abstain: Cohen

SKETCH PLAN

Applicant: Ruhl Properties
Location: East Side of Village Park Drive just south of Wolf Commerce Park
Current Zoning: PI, Planned Industrial District
Request: Review of Sketch Plan for 4 office warehouse buildings of 9,000 sq. ft. each.

John Fergus, Applicant, said he is working with Dick Ruhl on this project and he intends to be one of occupants of this development. Mr. Fergus said that there are future tenants of this building with the desire to build facilities to occupy their business and also house the cars they collect. Mr. Fergus described the site, and said they have tried to maintain and preserve the tree areas and maximize the green space. He noted the single drive and the attached parking. He said in addition to the buildings, there will be trucks and trailers used to transport vehicles. He said the turning radius is important for navigation.

Jim Harkin, Architect, said that this property is in a planned industrial district, as is the property to the north. He said the property to the south has recently changed zoning for a condominium development. He noted this development has 46% green space. He said some of the developed areas are encroaching on the required setbacks of the residential zoning, but that is because of the desire to preserve the best portion of the site.

Shawn Leininger, Development Planner, gave his Staff Report on this issue (Exhibit).

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

Mr. Fergus said they are proposing no landscaping islands in the parking lot to accommodate the tractor-trailers, but they are hoping to mitigate that by putting substantial green space around the site. Mr. Harkin said if they could further encroach on the easement to the north, that would preserve their access. Mr. Leininger said that Staff would rather have the encroachment to the north. Mr. Betz said that most of the area to the north is planned office that is anticipated for development by Lintek, and part of it is residential.

Commissioner Lackey asked what type of work will take place in these warehouses. Mr. Fergus said they maintain racecars, but there is no painting and it is not like a service station. Commissioner Wiencek asked if there will be engines running. Mr. Fergus said there will be periodically. Commissioner Wiencek asked if they are the "unmuffled Nascar type." Mr. Fergus said that they are not, but that typically they are unmuffled.

Mr. Betz asked if the trailers will be stored outside long-term. Mr. Fergus said they will. Commissioner Wiencek asked if that is considered outdoor storage. Mr. Betz said that it would be long-term outdoor parking, which is a conditionally approved use.

Commissioner Wiencek asked what are the sizes of other buildings in the neighborhood. He asked if this is part of Wolf Commerce Park. Mr. Betz said it is not part of Wolf Commerce Park, and the adjacent buildings are approximately 9,000 sq. ft. Mr. Fergus said his office is going to be in one of these buildings, and it won't be a situation where cars are being taken outside and engines revved. He said these are collector cars. Commissioner Wiencek said earlier in this meeting, four residents were complaining about people talking over their dinner, and now there will be residents listening to cars being tuned. Mr. Fergus said he would imagine it would be acceptable to have a condition that those activities occur inside.

Commissioner Cohen asked if there will be offices in each buildings. Mr. Harkin said the concept is that each footprint is about 9,000 sq. ft., with one-third offices, and the rest for housing cars. Commissioner Emerick asked if each building would have its own office and occupant. Mr. Fergus said they will.

Commissioner Wiencek expressed concern that the next user of these facilities could be a NASCAR driver or drag racer. He said he must consider the longer view and the impact of putting an automotive repair business adjacent to a residential development. He said the applicant has "a ways to go" before this could be approved.

Commissioner Trefz expressed concern about cast-off chemicals from maintaining these cars. Mr. Fergus said he anticipates they would be no worse than a garage. Mr. Betz said it would be helpful in a preliminary development plan to have a better description of the use. He asked about similar facilities elsewhere. Commissioner Trefz said he would like to see a list of anticipated chemicals. Mr. Fergus described such facilities in Grandview, and Dublin. Commissioner Wiencek asked for addresses of such facilities.

Commissioner Lackey said that while he is thrilled that the condominium community is being developed, that property was originally zoned industrial, and they knew this site would be for office/warehouse uses. Commissioner Emerick said when Judge Hill brought this in for rezoning, he mentioned that Dick Ruhl had purchased this property, and it was made clear at that time that the property to the south was going for residential zoning. Mr. Betz said that the use itself can be regulated in terms of intensity during the development plan phase.

Commissioner Cohen asked how it will be handled if the Commission wants to enforce the 50-foot setback on the south side. Mr. Harkin said that if they can further encroach to the northern setback, they can shift the development to the north and adjust the parking accordingly. He said they can fit all four buildings on this site without encroaching into the setbacks, but it would involve encroaching into trees. Mr. Betz said he doesn't know what size is needed for their operation, but the buildings could be made smaller.

Commissioner Wiencek said he is always concerned about dumpsters, and he noted they are not allowed in the setback. He suggested they be placed and away from the residential zoning.

Commissioner Lackey said that he is personally fine with the concept of no landscaping islands because of navigation issues, and that he prefers more green outside. Commissioner Counts said he always thought it stupid to place one tree in between four parking spaces, and said he would rather see it on the perimeter. Commissioner Wiencek said that in this particular case, with industrial zoning and parking that is not visible from a passing street, it is more appropriate to save the trees.

Commissioner Emerick asked if the number of parking spaces shown is required by the code. Mr. Harkin said it is very close. Commissioner Emerick said the Commission is always willing to reduce parking, which could increase landscape islands. Mr. Fergus said that much of that parking is used for space to move things around.

Commissioner Trefz asked about the dyke proposed for this property. Mr. Harkin described the plan to move earth on the south property line to create enough detention for a hundred year flood. He said it won't be a dam or active retention, and they will maintain the natural topography. Mr. Betz said that will need to be identified in the final development plan. He said they could do some detention in the parking areas as well. Mr. Fergus said they haven't done engineering calculations yet.

Commissioner Counts said he is concerned about permanent parking of trailers along the eastern side. He asked what kind of screening will protect the views of the residential area. Mr. Fergus suggested mounding and trees. Commissioner Emerick said that he would anticipate requiring quite a bit of landscaping. Mr. Harkin said there are currently quite dense evergreens already there, which he assumes they would add to. Mr. Betz added that extending the wall in that area would also help with screening.

Commissioner Wiencek asked if there is any issue with moving the truck storage to the west side of buildings number 3 and 4. Mr. Harkin said the question is which is preferable, having the building itself further away from residential use, or flipping the buildings and putting trailer storage on the other side, thereby making the buildings closer to the residential. He said their approach is to keep them as far away as they can from the property line. Commissioner Counts suggested that the applicant fully describe what types of trailers and vehicles will be in that area. Mr. Fergus described 16-42 foot single, double, and box trailers that they pull with a Kodiak Motor Home.

Commissioner Lackey asked about security measures. Mr. Fergus said they are proposing gating a portion of the property.

Commissioner Cohen asked if the current zoning permits this use. Mr. Betz said it is one on the list of permitted uses from which the Commission has the ability to choose. Commissioner Cohen said that the senior condominiums next door need to be taken into consideration. Commissioner Lackey said that this is not an ideal situation, but it is a benefit to have office/warehouse in the tax base and less traffic impact than residential development. He said it is nice to have a good mix, and he doesn't have any problems with this as long as it is screened well and the trees are preserved. Commissioner Emerick said the Commission will be interested in screening, tree preservation, and noise abatement.

Commissioner Coville asked if they plan to use security lighting all night. Mr. Fergus said he anticipates no more than is usual with most commercial developments. Mr. Betz said Staff would want to see a lighting plan because it is adjacent residential development.

Commissioner Coville asked how practical it is to think that an 18-wheeler can be screened by an 8-foot privacy fence without adding mounding and therefore disrupting trees along the eastern side.

Mr. Betz said the area to the east is zoned residential, but it will probably come back with a request for planned office development. He said it was part of the Brookehill proposal for assisted living, but he doubts it will develop as such. Mr. Betz the residential zoning must be considered with this development plan's landscape requirements.

SKETCH PLAN

Applicant: You Properties, Inc. (Michael Young)
Location: 3+ Acre Parcel on the south side of West Olentangy Street, West Of Murphy Parkway
Current Zoning: PC, Planned Commercial District
Request: Review of Sketch Plan for 31,100 sq. ft. of new retail shopping center.

Michael Young, You Properties, commented on Staff's comments about deficiencies in the plan (Exhibit). He said he was under the impression that a Sketch Plan is not the same as a preliminary development plan. Mr. Betz said that Staff did a complete review so the applicant understands areas of concern. Mr. Young described his plan for a "village-style" center with smaller scale uses such as ice cream store, sandwich shop, office, or salon. He said he anticipates that the park area to the south will have good access in this property and the south end of building

(rear) will have the same façade and access to the stores as the front. He noted patio areas that will accommodate bike racks, outside seating and park benches that can be used by non-vehicular access from the park. He reviewed an elevation drawing with 30 inches of stone, from the bottom to where the windows begin. The rest will be stucco. He identified a roof line with the appearance of slate. He said they anticipate landscaping the parking islands, and a main landscaping area along West Olentangy Street with a white fence, similar to Village Pointe.

Mr. Young said he feels this development will have good traffic flow and access. He described a service drive and dumpster locations. He said regarding the size of the buildings, they have talked about breaking them up, but he doesn't think that creates the village look, and he would like to keep it congruent.

Shawn Leininger, Development Planner, showed the commercial concept for this site that was before the Commission during the preliminary development plan for the Murphy property. He reviewed that it had no frontage, and was set up campus-style, with buildings integrated with open space and walkways. He noted the architectural was more rural. While Staff does not expect the exact development, what is proposed today is a 16,000 and 13,300 square foot sq. ft. buildings with two access points from Powell Road. He reviewed the concerns identified in the Staff Report (Exhibit).

Commissioner Emerick asked who is responsible for maintaining the common roadway between this development and the park. David Betz, Director of Development, said that the developer is responsible for installation, but if the design still has to be determined and an agreement has to be made.

Commissioner Coville said this is drastically different from the preliminary plan, and a lot of work needs to be done to fit into the character of what was originally proposed.

Commissioner Counts asked what is the rationale for designing it this way, assuming that the applicant looked at that plan. Mr. Young said that there are setback problems in terms of providing parking with the type of buildings discussed before. He said the other design would require parking right up against the building itself, which to him, is not a very good scheme, and it is not nearly as accessible to the park as they are proposing. He noted the pedestrian access and patio areas they are proposing.

Commissioner Lackey said the appearance of the previous plan is better. He said this is just like every other strip mall in the area, and the Commission was sold a package that is different than what Mr. Young is presenting. Mr. Young asked how large the other buildings were. Mr. Betz said the whole idea was setting this up campus style, with architectural styles that are not identical but still fit in with one another. He said the Zoning Code mentions breaking up such buildings and adding parking in interior spaces, and when Village Pointe was developed, it wasn't just the strip mall, but the office campus, also, so it was all considered. He said that with Village Pointe, it was determined that parking in the front was fine because of the bikepath, fence, and landscaping.

Mr. Betz said there are trees on this site about which staff is very concerned about preserving. Commissioner Lackey said it seems that pedestrian access would be better with the original intention. Mr. Betz agreed. Commissioner Emerick said the older design also spread parking around instead of concentrating it in front. Mr. Betz said the concept is different, and that is the biggest concern. He said the other issues in the Staff Report could be worked out during the development plan process. He noted that this is the first application for the commercial portion of this development, but it is also the largest.

Commissioner Emerick said he has to agree with Commissioner Lackey that this is "another typical strip center." Mr. Betz asked if the backs of the buildings will be the same as the fronts. Mr. Young said they will.

Mr. Young reiterated that their concept is more appropriate for access from the park because pedestrians won't have to mix with the cars. He said as long as the buildings have a "village look." Commissioner Lackey said these buildings look the same as many other area strip malls. Mr. Betz provided an alternative for changing the number and direction of the buildings.

Commissioner Coville asked how parking is determined. Mr. Betz said it is based on square footage, but accommodations can be made based on tenants of the building.

Commissioner Wiencek said he would expect to see this development plan come back that more closely mirrors that which was presented during the zoning process. It should include the connection to and design of the parking and access to the park. The anticipation was shared use of that parking to help alleviate some need for parking here. Park hour use is primarily opposite retail uses. He said he was pleased that the applicant is planning on a double-fronted building, which he thinks that is appropriate for this site.

Mr. Young asked about specific plans for the park. Mr. Betz said they have yet to be determined, and they will work with the developer on that.

Commissioner Wiencek said he would like to see parking minimized on Olentangy Street. He said that it was made clear to the developer that this development will be held to a higher standard than that which is across the street. Commissioner Wiencek said there should be consideration to putting an entrance feature for Powell at this location, and that should be coordinated with signage for this development. Mr. Young said they would welcome such a feature. Commissioner Wiencek said the elevations should be interesting architecturally. He suggest they be more residential, include more gables, etc., so that they are similar to that proposed in the concept plan.

Commissioner Cohen agreed that he is expecting a really high end development and not a strip shopping center. He said that any variance, any waiver of setback and parking lot spaces, will be restricted to what fits into that "high end development." He said he anticipates building materials such as stone, cedar, etc. He noted the strip center where Crown Mercedes is located in Dublin, and said it looks like an English village. Mr. Young said that this property is on a major highway and is not in the middle of a village. Commissioner Wiencek said that is a benefit to commercial development. Commissioner Cohen said the big issue is when something is made really nice, the applicant must cut down drastically on leasable space. He said he understands that makes it a very expensive development that is hard to make money from, but he is not concerned about that. He said he doesn't care if this sits as a vacant field, because eventually, someone will develop it nicely.

Commissioner Wiencek said that the intent with Village Pointe was to break it up and give it a multi-building look, but he doesn't believe that was a success. He said the board would not have passed that center today, and what is proposed tonight is very close to that development.

OTHER COMMISSION BUSINESS

- David Betz noted that the Village Green Master Plan has been presented to the Commission, and he asked for comments from members of the Commission.
- Commissioner Wiencek asked that Staff look into various signage concerns and the lack of trellises and landscaping at Village Self Storage.
- Commissioner Emerick noted that there is a satellite dish on the front portion of a chimney on a house at 316 Weatherburn Drive.

DISCUSSION

The Comprehensive Plan Discussion was postponed.


OTHER COMMISSION BUSINESS

Next Meeting: July 11, 2001, 7:30 p.m.

ADJOURNMENT

The Commission adjourned at 11:00 p.m.

DATE MINUTES APPROVED: July 11, 2001


Don Emerick
Chairman

8-7-01
Date