

**MINUTES  
PLANNING AND ZONING COMMISSION  
AUGUST 8, 2001**

A regular meeting of the Village of Powell Planning and Zoning Commission was held on August 8, 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, Roger Coville, and Robert Cohen. 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 were none.

**APPROVAL OF MINUTES**

The minutes of July 11, 2001 were approved as printed.

**SKETCH PLAN**

**Applicant:** HER Realtors  
**Location:** Murphy Property Commercial, West of Murphy Parkway  
**Zoning:** PC, Planned Commercial District  
**Request:** Review of Sketch Plan for an 11,000 sq. ft. office building and approval to submit a Combined Preliminary and Final Development Plan.

Jan Rouda, HER Realtors, was present to discuss this plan for an office building in the commercial area of the Murphy Property. He said they are requesting approval of the print submitted this evening, which is strictly a site plan. After that, they would like to move forward with the process.

Mr. Betz reviewed the zoning plan for the commercial area of the Murphy Property. He gave his Staff Report on this issue (Exhibit 1). He noted that the original plan was for individual buildings on these lots rather than a strip center. Office and retail uses are both permitted. He said this is the first lot to be reviewed by this Commission. He said that this lot is directly north of the public park area. Mr. Betz said that Staff is currently working with Triangle Real Estate to determine access to the park. He noted that retail and office uses impact traffic differently, and that will need to be considered. He said that they will need to work with the applicant regarding the sign design, size, and setback.

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

Commissioner Trefz asked about the location of handicap parking. Mr. Rouda identified the curb cuts on the sidewalks and handicap access. Commissioner Trefz asked why they are on the left side rather than in the center. Mr. Rouda said that it evened up the parking across the front. Mr. Betz said that there is also a rear entrance to the facility. Mr. Rouda said that is correct, but it has 4-5 steps. He said the front access is handicap accessible.

Commissioner Lackey asked about the size of the Westerville HER building. (Exhibit 2) Mr. Rouda said it is 18,600-sq. ft., and the Dublin building is 11,200 sq. ft. Commissioner Lackey asked how big the Westerville lot is. Mr. Rouda said it is smaller, with only 52 parking spaces, but he is unsure of the exact size. Mr. Betz asked if the proposed building will have a basement. Mr. Rouda said it will not, as they don't want to add an elevator.

Commissioner Wiencek asked if the Dublin office is at capacity. Mr. Rouda said it is, at either 48 or 52 realtors. Commissioner Wiencek said this building is a long way from the concept plan that the developer presented for this property. It is not very residential, and it needs more green space and landscaping. He asked how often the Dublin parking lot is full. Mr. Rouda said when they have weekly or bi-weekly meetings, the lot is 90-98% occupied (with 52 spaces). The number of associates can vary because many people work from homes. He said they also have Chicago Title and financial employees, and may have others. Commissioner Wiencek asked how many cars there are typically in the lot of the Dublin HER building on a non-meeting day. Mr. Rouda said there are anywhere from 20-40, with more on the weekends. Commissioner Wiencek said he is interested in eliminating the front row of parking and creating more green space. Mr. Rouda said they have already moved the building back 20 feet to create more green space. He said there will also be a pathway, and he imagines mounding. He said he

would hate to lose those 9 spaces, as they bought more land to move the building back. Mr. Betz said there will be an estimated 34 spaces in the park parking lot. Commissioner Wiencek asked how far that parking is from the proposed building. Mr. Betz said it is probably 120 feet. He said that this site plan shows six spaces over the parking requirements, so those could be removed.

Commissioner Trefz asked if removing six spaces would help position the drive to save the trees in the back. Mr. Betz said the only way to save the trees is to move the rear access drives. Commissioner Wiencek asked what is the lot coverage. Mr. Betz said he hasn't looked at it yet, but it is probably close to 80%. Commissioner Wiencek said that the code requires 20% green space at a minimum. He said this building is larger than anything anticipated when the zoning was approved, and it needs to be brought down a little.

Commissioner Coville asked about signage dimensions. Mr. Betz said that the maximum permitted in the code is 25 square feet, and this sign would need redesigned to meet code requirements. Commissioner Coville asked about placement. Mr. Betz said that is still being considered. The bikepath will be inside the right of way, and the sign will require a 15-foot setback. Mr. Betz said he thinks removing the nine spaces in the front plus the three handicap spaces would be too much, and there would be nowhere else to put them but along the rear access drive. Commissioner Lackey asked if the parking spaces could be replaced with a sign and grass. Commissioner Wiencek suggested that parallel parking be considered, and asked if they meet the handicap requirements. Mr. Betz said it could if it were reconfigured.

Commissioner Wiencek said he believes there will be a Welcome to Powell sign to the west of this property, so this sign should be placed on the eastern side of property.

Commissioner Coville said if one views this in isolation, there is a strip of green space backing up to another long line of parking spaces for the next property. If this property maximizes the lot coverage, there may be problems with the next property. Mr. Betz said the landscape plan will be key, but it is not required with a Sketch Plan. He said that a plan may alleviate some of these concerns. He said there are some trees that will be preserved, and a hedge could be considered along each side to break it up. He said 10 feet is a good tree lawn for a row of trees. He said these sites all can't be considered at once. He said that this applicant is "packing a lot" on this site, but they are going to be able to meet most if not all of the code requirements. Commissioner Wiencek said that is why he referred back to the concept plan by developer. He said that the size of this building would make it the second largest in Powell. He said that he doesn't think they've approved anything over 9,000-sq. ft. even in industrial areas.

Commissioner Counts said he likes the way this has improved over the previous drawings. He said he would be willing to remove some parking spaces for more green space. He expressed concern that the building design presented is quite Georgian and massive, and he is unsure that is consistent with the concept plan. Mr. Betz agreed the concept plan was for single-story buildings with high-pitched roofs and an eave-line on the first story. He said, however, that was being aimed more for a retail use than office. Commissioner Counts asked what type of materials will be used. Mr. Rouda said they are planning to use brick, and they can either remove the gables or leave them. He said the roof will be trussed and heavy duty, and there will be no stone except for the lintels under all of the windows.

Commissioner Wiencek asked, in the two HER buildings that have been discussed, if the rear portion is what makes the difference in size. Mr. Rouda said it is, and that most of the square footage comes off the back. Commissioner Wiencek asked if they are basically looking at the Westerville architecture but the Dublin size. Mr. Rouda said that would be correct.

**MOTION:** Commissioner Lackey moved to allow submittal of a Combined Preliminary and Final Development Plan. Commissioner Trefz seconded the motion. The motion was approved. Yes: Lackey, Coville, Counts, Trefz, Wiencek, Emerick. Abstain: Cohen.

**SKETCH PLAN**

**Applicant:** Oriental Trading Company  
**Location:** 40 Clairedan Drive  
**Zoning:** PC, Planned Commercial District  
**Request:** Review of Sketch Plan for a 6,000 sq. ft. office building and approval to submit a Combined Preliminary and Final Development Plan.

Brad Grywalski, Architectural Resource Group, reviewed that they have submitted a sketch plan 6,500 square feet, and they would like the option of adding an additional 1,000 - 1,200 square feet in the future.

David Betz, Director of Development, reviewed the location of this site, with the vet clinic to the east and the 5-office development to the south. He said that the proposal is for a one-story office building with an access drive to parking on the side and rear. He said the difference in two proposed site plans is the location of the handicap parking. He reviewed the proposed elevation for this building (Exhibit 3). He gave his Staff Report on this issue (Exhibit 1). He said it is residential in scale, and he believes the parking requirements will be met. He said they would like to see a detailed landscaping plan with the preliminary development plan.

Commissioner Emerick opened this item for public comment. Hearing none, he closed the public comment session.

Commissioner Lackey said this proposal currently shows more than double the minimum green space requirements. He asked how a 1,200 sq. ft. addition would impact that green space. Mr. Grywalski said it will be still well above the requirements.

Commissioner Wiencek asked if dumpsters are allowed in the setback. Mr. Betz said they are. Commissioner Wiencek suggested they be pushed to the west side of the property, as far away from Liberty Street as possible. Mr. Betz said the proposed location is opposite the dumpster for the vet clinic, which he thinks is a better location. Commissioner Wiencek agreed.

Commissioner Counts asked where the front entrance of the building is. Mr. Betz said it is on the east side.

Commissioner Wiencek asked what is the width of the drive alley. Mr. Grywalski said it will be 22 or 24 feet. Mr. Betz said it will have to be 22 feet. Commissioner Coville asked if there is any need for shipping or receiving on this property. Mr. Grywalski said nothing more than FedEx or UPS.

Commissioner Trefz asked if the brick will wrap around the building, or if there will be stucco. Mr. Grywalski said that there will brick wainscot around with stucco above.

Commissioner Wiencek asked if Dryvet stucco is the same as EFIS. Mr. Grywalski said it is. Commissioner Wiencek expressed concerns about EFIS and moisture, and he asked if the applicant would consider using traditional stucco. Mr. Grywalski said they would. Commissioner Wiencek said he would prefer to see traditional stucco rather than EFIS.

**MOTION: Commissioner Lackey moved to allow submittal of a Combined Preliminary and Final Development Plan. Commissioner Wiencek seconded the motion. The motion was approved. Yes: Lackey, Coville, Counts, Trefz, Wiencek, Emerick. Abstain: Cohen.**

**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.**

Charlie McJunkin, McJunkin Engineering, said that he appreciates the Commission's reconsideration of their application for a Certificate of Appropriateness for outdoor dining at La Tavola. He reviewed that they have revised their drawing to show a 5-foot staggered board fence on the east side of this property. The patio area will be located at the southwest corner of the building. He reviewed that to the west of this property is Powell Center, to the east is a residential development, and to the south is land owned by the shopping center for access. Mr. McJunkin said they are proposing that the west and south perimeter have a 3-foot enclosure fence with a new 5-foot board fence on the east side. He said the closest residence is Lot 607, just off the corner of the Powder Room, approximately 254 from the patio. He said other lots directly impacted are lots 606 and 640. He said that the Powder Room is between this property and lot 607, while other properties can actually see this development. He said they are proposing a maximum of six tables, or 24 seats. He said the hours of operation will be the normal restaurant hours, from 5-9 p.m. on weekdays, and 5 - 10 p.m. on Saturday. He respectfully requested that the Certificate of Appropriateness be granted for development and operation of the patio as outlined.

David Betz, Director of Development, reviewed the site plan and area of the proposed patio. He reviewed elevation drawings that identify the location of the patio (Exhibit 4). He said the patio will not be visible from the entrance. He reviewed the proposed 5-foot high board on board fence, and said it is similar to that already in Powell Center. He gave his Staff Report on this issue (Exhibit 1). He said a proposal was considered by Council to add pine trees along the fence between Col. Faber's property at 55 Beech Ridge Drive and the Powder Room. He said Staff recommends that some spruce or white pine trees be planted there with good planting techniques and spacing for the trees. Commissioner Lackey asked if there are trees there already. Mr. Betz said there are. He said there is a fence on Col. Faber's property, about 15 feet from the property line, and there are trees on the opposite side of the fence. He said there are heavier plantings on the resident's side of the fence.

Commissioner Lackey asked what type of ambient lighting is proposed. Krista Lopez, La Tavola, said they are proposing a candle on each table. Mr. Betz said that other than early spring and late fall, it will most likely still be light when people sit outside to eat.

Commissioner Emerick opened the hearing to public comment.

Al Faber, 55 Beech Ridge Drive, reviewed written materials that he previously presented to Council (Exhibit 6). He said that although he was previously opposed to this development, with the new site plan and City Council's commitment to plant trees on his property to buffer this addition, he would like to see this plan approved with conditions. He said he has worked with Mr. Lopez on this issue. He said that conditions should include that there be no additional music or lighting, and no parties. He said he has backed off on a condition of limiting hours the patio may operate. He said that he will assume maintenance past any one year warranty. He said this is a win-win-win situation. He said he would like to see the restaurant stay in Powell.

Commissioner Wiencek asked if there is a firm commitment from Council to pay for the trees. Col. Faber said there is. Commissioner Lackey said that he doesn't think the Planning and Zoning Commission has anything to do with the tree commitment. Mr. Betz said that the Commission could condition approval on the trees going in. Commissioner Emerick said at this point, Council hasn't completely approved the funding. Mr. Betz agreed that the appropriation will need to be made later. Col. Faber said he will take it on good faith that Council will pay for it.

Dan Asper, Powder Room, said they share a parking lot with La Tavola, and he came to talk on their behalf. He said this is a trendy, upscale operation, and not a rowdy bar. He said it is not noisy in the evenings. Commissioner Lackey asked how late the Powder Room is open. Mr. Asper said they are open from 10:00 a.m. to 8:00 p.m. every day, and closed on Mondays. He said they have a class on alternate Thursdays until 10:00 p.m.

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

Commissioner Coville said that the last time this was discussed, he was more concerned with the residents across the street and their view of this site. He didn't think the plan would impact residents on the west side of Beech Ridge. He said that after going out to see the property, he noted a great deal of vegetation between the nearest property owner and this site. He said Council should question whether they want to spend the money on trees. He said the perfect position for the patio is on the opposite side of the building, and he is in favor of approving it.

Commissioner Wiencek said he is concerned about having an unpainted board and batten type fence and then switching to white vinyl. Rick Lopez, owner, La Tavola, said they will probably paint it white to match the vinyl. Mr. Betz said that would go well, as the building is a dark maroon with white trim. Commissioner Wiencek asked if the existing enclosure fence around the coolers will be removed. Mr. Lopez said it probably will. He said they will have lattice shielding it.

Commissioner Cohen said the plans indicate the concrete slab has been poured, and he asked if that is correct. Mr. Betz said it is partially there, but it should be redone. Commissioner Cohen said that he went out to the site, and they had two people talk from where the patio area was originally proposed. He said that normal conversation couldn't be heard by those standing by the nearest resident's fence. He said if the patio is placed between the restaurant and shopping center, one wouldn't be able to hear it at all. He said he doesn't think this restaurant would be unreasonably loud.

Commissioner Lackey said he felt before that this was a reasonable application, and he was in favor of it with accommodations for legitimate resident's concerns. He said he isn't sure Council's commitment is necessary, but he's not going to complain if Council wants to add trees in the city. He said he still thinks it is a reasonable request. He commented on the argument that Col. Faber's property values would be reduced by 20%. He said he himself talked to an appraiser who didn't think that was the case. Additionally, Col. Faber's appraiser is saying that Col. Faber may lose some of an appreciation of 58% of the purchase price of the house.

Commissioner Counts echoed Commissioner Lackey's comments, and said he wouldn't make trees a condition of approval, as that is something for Council to do. Commissioner Wiencek said he feels some shrubbery is appropriate at the base of the 5-foot fence. Mr. Lopez asked if potted plants or hangers would be permissible. Commissioner Wiencek said he is looking for year-round coverage, such as that an evergreen would provide. He said it shouldn't be in front of the gate for deliveries. He said that could be left to Staff's recommendation.

Commissioner Wiencek asked about Staff's recommendation for improvement to the path to the shopping center. Mr. Asper said there is a break, with a broken gate and asphalt path that goes up from Powell Center to the left side of La Tavola's building. He said it could use some improvement. Commissioner Wiencek suggested that La Tavola fix that as a condition of approval. Mr. Betz said that it should be made safer, and Staff could work with them on that. Mr. Lopez questioned why he should be responsible for such a public area. He said he can improve it a little, but he can't invest \$2,000. He said if his landlord wishes to, that is his business.

**Commissioner Lackey moved to approve the Certificate of Appropriateness with the following conditions:**

1. **That Staff work with the applicant on improvement of the walkway between the buildings to ensure that it is safe.**
2. **That Staff work with the applicant on adding landscaping to either side of the gate on the tall fence.**
3. **That the tall fence be painted white.**
4. **That there be no additional lighting other than ambient lighting.**
5. **That there be no outdoor music.**
6. **That there be no parties on the patio.**
7. **That the 5-foot fence gates remain closed but for deliveries.**
8. **That the patio be fully compliant with drawings and plans submitted.**

**Commissioner Wiencek seconded the motion.**

Commissioner Cohen asked if it is realistic to have this use without additional lighting. Mr. Lopez said there is lighting out there now. Mr. Betz said there is a light on the wall, the sign gives off light, and they will have candles on the tables.

**The motion was approved. Yes: Lackey, Coville, Counts, Trefz, Wiencek, Emerick, Cohen.**

Commissioner Wiencek thanked Col. Faber, Mr. Lopez, and all of the parties involved for getting together and working on this to reach an agreement before coming back.

**PRELIMINARY DEVELOPMENT PLAN**

**Applicant: John Messmore**  
**Location: South side of West Olentangy Street just west of the CSX Railroad**  
**Zoning: PC, Planned Commercial District**  
**HD, Historic District Overlay**  
**Request: Approval of Preliminary Development Plan for Powell Junction, a mixed use, office retail and residential development.**

Forrest Gibson, Schmidt Land Design, gave a presentation on this development for 15 individual lots. He said they are proposing access to this site from a full-access curb cut on W. Olentangy through an access easement on the west side of their property. He said they are trying to create an extension of Old Powell with this development, and they have recreated features such as sidewalks and parallel parking. He reviewed that the parking has been moved so that the headlights face toward the internal circulation area. He said there will be extensive parking along the railroad, and a 15-foot landscape easement on the eastern and southern portion of the property. Mr. Gibson said that a key feature of this plan is that it is a mixed use, and a Greater's Ice Cream is included in the plan. He said in addition to retail uses, they anticipate office and residential uses. Mr. Gibson said each lot will be reviewed individually by the Planning and Zoning Commission and Historic District Commission (HDC).

Mr. Gibson continued with describing the planned retention facility that will act as a gathering space. They are illustrating an 8-foot brick walkway as an extension of that on the other side of Olentangy Street. There are brick accents with a gathering space adjacent to the central green space. Mr. Gibson noted that currently, brick walkways only extend along Olentangy Street and there are none north and south. Commissioner Lackey said there are plans to extend pavers beyond Olentangy street. He asked what kind of lighting will be used within the development. Mr. Gibson said they will use the Old Powell standard.

Mr. Gibson addressed the following concerns identified in the Staff Report:

Access to site: He said they will follow through with the traffic engineering study that was provided which discusses that a left turn lane be installed from the railroad track to this site. Staff is also recommending a third left turn lane for egress, which they can accommodate. He said they recognize that the entrance may need to become right-in, right-out at some point. He said it is important for this Commission to review that as adjoining properties develop. He said they have shown future road connections to access adjoining properties when that development takes place.

Parking: Staff indicates the number of parking spaces is appropriate, and provided two possibilities for locating parking. They would like to go ahead with the option that locates parking on lot #4 for aesthetic reasons. He said this would keep parking from being one's first view of the site.

Internal circulation: He said that Staff recommends changing of one way traffic through the section of the site with angled parking. He said they have no problem changing that to parallel to allow two-way movement.

Pedestrian access: He said they have a combination of brick and concrete blocks. They will be adding the additional walks at the request of Staff moving from the central green to each of those areas indicated in Staff's comments. They have no problem with tying into the bikepaths at the southeast corner.

Vegetation: They will complete an extensive tree survey as part of the Final Development Plan. They can add additional evergreen trees at the southern end of the two access drives to reduce light glare.

Detention and retention facilities. Extensive engineering studies will illustrate where water will be retained, and they will work with Staff on the size of the basin. He said that currently, Staff would like to see the outlet at the southwest corner.

Commissioner Lackey said that moving the parking closer to the restaurants and retail is a good idea. Mr. Gibson said they would locate another lot to the south. Mr. Leininger said that the big concern is not necessarily the number of parking spaces, but where it is distributed. With the two restaurant uses up front, there are concerns about circulation, and possibly confusion. Staff recommends more parking to the north.

Mr. Leininger said that it was discussed at the last meeting that the parking requirements may be high for a mixed-use development in the historic district. He reviewed an informal traffic survey of Old Powell parking, and noted that only 10-20% of all spaces downtown were occupied on the two days he surveyed. He said they don't anticipate more than 50% occupancy. He said that downtown parking is at about 1 space per 400 sq. ft., but with this development, 1 space per 300 square feet, or 180 spaces, would be a good compromise.

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

Commissioner Lackey said that Staff did a great job pointing out their concerns, and the applicant did a good job addressing them. Commissioner Wiencek asked what kind of limitations there are for two residents in the same building, with retail below and residential above. Mr. Betz said they could be designed to meet the Zoning Code and be used for either office or residential. He said they would need a separate entrance. Commissioner Wiencek asked if there is any concern that there could be a different impact on parking. Mr. Betz said there isn't, as mostly office and retail is expected. There are only a few residences on West Olentangy Street. Commissioner Wiencek asked if the architectural guidelines for certain limitations and guidelines will be part of any condominium association rules. Mr. Gibson said that much of it will be detailed in zoning.

Commissioner Wiencek said he would like to hear what Graeters volume is to make sure that this parking can adequately accommodate their peak hours. He said he would also like to know what will be left for other businesses. Commissioner Wiencek asked how people on the west side of the property will get access to their own property. Mr. Gibson said they will use their driveway on the west end. Mr. Betz said that existing driveway needs to be considered.

Commissioner Counts questioned whether a 50-foot setback is really appropriate to meet with Old Village characteristics. He said that most buildings in Old Powell hug the street. He said he would prefer that the buildable areas be moved a little bit closer to the street. Mr. Gibson said that from a planning perspective, they recognize this is a transition from Old Powell to a more suburban development. Commissioner Counts said that he still feels that lots 1 and 2 should be closer to the street to mirror those across the street. Commissioner Wiencek asked how these buildings compare in size to those in the old village. Mr. Gibson said they are about 1500 sq. ft. per floor, and the footprints are very similar to that in Old Powell.

Commissioner Lackey said he understands Commissioner Count's concerns, but he prefers to have the buildings back so that people can congregate out front. Commissioner Counts said he would prefer more green space behind lots 1 and 2. Commissioner Lackey said the only people that will really see that are the condo residents. Commissioner Emerick said he would prefer the 50 foot setback, as to him, the railroad track makes a natural break to start making a transition. Commissioner Wiencek said he could support shoving them up for symmetry across the street. He said if the architecture is "old style," it is appropriate on the street. Mr. Betz noted that a property owner across the street did ask that they be pushed back to provide more green space. Discussion ensued.

Commissioner Trefz asked about Staff's concern about the turning radius for fire equipment in the southwest corner. Mr. Gibson said they will get approval from the Fire Chief prior to the final development plan. Commissioner Trefz asked that Mr. Gibson review the genus and species of trees he has identified on the plan, as they may be extremely large trees when they are full-grown. Mr. Gibson reviewed types of trees they are proposing, and their size and attributes. He said they were considered carefully, and are appropriate. Commissioner Trefz asked if there are plans for any evergreen trees or shrubs. Mr. Gibson said that there will be a larger landscaping plan on the Final Development Plan, and that each unit will be reviewed individually. Commissioner Wiencek asked if the buildings will require base shrubbery. Mr. Betz said they will, and they will review them individually.

Commissioner Trefz said this is a very nice plan.

Commissioner Coville asked about moving the parking into Lot 4. He asked if the south parking will be moved. Mr. Leininger said the south parking will be lost. Commissioner Coville said that is more adjacent to lots 12-15, whereas the other property is adjacent to the property to the north. He suggested reversing that to avoid crossing the street after one parks to get to their destination. Mr. Gibson said that is a very good point. Mr. Leininger said that it doesn't matter which parking is removed, it would just move future access to a different location.

**MOTION: Commissioner Wiencek moved to approve the Preliminary Development Plan with the comments included in the Staff Report with the exception of the parking change. The parking to the north rather than the south will be deleted. Commissioner Lackey seconded the motion. The motion was approved. Yes: Lackey, Coville, Counts, Trefz, Wiencek, Emerick. Abstain: Cohen.**

**AMENDMENT TO FINAL DEVELOPMENT PLAN**

**Applicant: Powell Road Self Storage**  
**Location: 72 Industrial Park Place**  
**Zoning: PI, Planned Industrial District**  
**Request: To approve an Amendment to an Approved Development Plan allowing the outdoor storage of boats, trailers, and vehicles, rather than installing 2 storage facilities.**

Robert Fugate, Powell Road Self Storage, said that they are asking for approval to provide outdoor storage on the southwest side of their property. He said they are currently at 100% occupancy, and that this area was originally set aside for indoor storage buildings. He said that the addition of another Powell storage facility and current market conditions have made this expansion not feasible.

Commissioner Lackey said it sounds like the development plan for this property would have been completed before Village Self Storage was even built. Mr. Betz said they completed two buildings but decided not to complete the other two.

Shawn Leininger, Development Planner, reviewed the original development plan for this property. He gave his Staff Report on this issue (Exhibit 1). He reviewed photographs of the outdoor storage currently on this site and from adjacent condominiums. He said that Staff recommends approval with conditions.

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

Commissioner Lackey expressed concern that this plan was approved, and changes in the economy, etc., dictated that a different use be made of that land. Rather than coming back through the approval process, the applicant went ahead and made this use, and only after numerous violation letters did they come before the Commission to ask if what they were doing for the last three years is acceptable. He expressed concern about setting a precedent. Mr. Fugate said he understands, and that he recently joined this company. He apologized and guaranteed that any future change will go through the proper channels.

Commissioner Cohen said he doesn't like any outdoor storage, and he doesn't think this should be approved. Mr. Fugate said that this area really isn't visible, and they are providing a service to mostly residents of Powell. Mr. Betz said that these types of vehicles are prohibited in residential subdivisions, and there needs to be a place where people can store them. He said that this is probably the best spot in town for something like this.

Commissioner Wiencek asked if adjacent residents were notified of this application. Mr. Betz said they were, and there have been no concerns. Mr. Fugate said they do plan to upgrade the landscaping as suggested by Mr. Leininger, with 32 additional trees along the perimeter. He said that everything that was promised in their Final Development Plan was planted, but some as died off due to drainage. They should be able to plant trees in the end of September. Commissioner Wiencek asked to make sure that the trees they plant are suitable for the location, amount of water, etc.

Commissioner Wiencek agreed that this is not visible from the street. He said he was a tenant in this place for years, and didn't even know the outdoor storage was there. He said he is concerned about the visibility in the front, and asked how to hide the chain-link fence and starkness along Industrial Parkway. Mr. Fugate said that on both side of the entrance way is drainage, and they can add some landscaping, but they have to make sure they can still provide a good turning radius. Mr. Betz said that landscaping could be added, keeping in mind the drainage areas. Commissioner Wiencek questioned whether a slatted chain-link fence may be more appropriate. Mr. Fugate said that there is security in a fence that one can see through. Commissioner Wiencek asked if some landscaping could be placed on the inside of the east chain link fence to help solve the drainage concerns. Mr. Fugate said that they have removed the first six spaces on the existing RV lot to allow for proper turning radius with the electronic gate, and placed them inside the fence, so that space is occupied.

Mr. Betz suggested vine planting on the fence. Commissioner Wiencek suggested a condition of approval that the applicant work with staff to increase landscaping in the area. Mr. Fugate said they are working on other beautification items, such as resealing the blacktop, leveling some areas out, and generally sprucing up the property.

Commissioner Cohen asked if any properties adjacent to this are undeveloped. Mr. Betz said that the property to the east is partially undeveloped. He said that part of it is a heavily treed area. Commissioner Trefz asked what is to the north. Mr. Betz said there are apartments in the Township to the north.

**Commissioner Wiencek moved to approve the Amendment to Final Development Plan with the following conditions:**

- **The two parcels on which this development is situated be made into one taxable parcel by filing an application for combination with the Delaware County Auditor;**
- **This outdoor storage area be maintained in compliance with the regulations of Codified Ordinances of Powell;**
- **A height restriction be placed upon the amended area to prohibit the outdoor storage of any item taller than twelve (12) feet; and,**
- **The landscaping be brought into compliance with the 1996 plan and additional landscaping, with year round 80% opacity, be added to the perimeter of both outdoor storage lots, especially the western**

edge abutting the Villages of Clermont Condominiums and the eastern edge along Industrial Park Place.

- That the applicant work with Staff to develop a landscaping plan for the east chain-link fence area. Commissioner Lackey seconded the motion. The motion was approved. Yes: Coville, Counts, Trefz, Wiencek, Emerick. No: Cohen, Lackey.

**ZONING CODE AMENDMENTS:**

**Section 1147.15 – Recreational Structures**

**Section 1145.06 (d) – Parking and Storing Vehicles**

**Section 1147.13 – Seasonal Sales**

**Section 1147.11 B – Roadside Sales of Agricultural Products**

Commissioner Lackey made the following recommendations for changes:

- Recreational Structures: Section C, the word "requirement" should be changed to "setback."
- Seasonal Sales:
  - Section C, Commissioner Lackey expressed concern that not for profits can only conduct these sales on properties owned or leased by them (in any district). He asked if that would prevent someone from allowing a church to conduct a sale on his or her property by leasing it for \$1. Commissioner Cohen expressed concern that a resident could have a Christmas Tree sale for the Cub Scouts in his yard. Mr. Betz said for example, the Liberty Ridge Homeowners' Association has a mulch sale every year.
  - Commissioner Lackey continued, on page 2, he is concerned about the percentage of parking lot space that could be used for seasonal sales. He asked how you can cover no more than 25% of the parking spaces and still cover more than 50% of the total lot area, and he wondered if the land surrounding is to be considered. Mr. Betz said that it is meant to be no more than 50% of the whole property. Commissioner Lackey asked about Number 5, which requires sufficient lighting. He asked if the language should also consider that lighting should not adversely affect residents. Mr. Betz said a lighting plan is required.
  - Number 7: Commissioner Lackey rewrote Number 7 to read: "THE ZONING CERTIFICATE IS FOR A PERIOD NOT LONGER THAN SIXTY (60) DAYS. NO MORE THAN THREE (3) ZONING CERTIFICATES SHALL BE GRANTED FOR THE SAME OR SUBSTANTIALLY THE SAME SEASONAL SALES AREA IN A CALENDAR YEAR. FURTHER, NO MORE THAN TWO (2) OF SAID ZONING CERTIFICATES SHALL BE CONSECUTIVE."
  - Number 8: Commissioner Lackey said that Number 8 indicates that upon expiration of a zoning certificate, the area will be left in a clean and sanitary condition. He asked if a refundable deposit could be required to guarantee that. Mr. Betz said that could be part of the Zoning Certificate fee, with a portion being refundable.

**Section 1147.15 – Recreational Structures**

Commissioner Counts expressed concern that Recreational Structures are defined in a way that could mean any type of equipment, for example, a basketball. He said that Section C says that no recreational structure shall be located....in any sideyard setback or rear yard at anytime." He expressed concern that that would mean that one couldn't have a basketball in any of these areas, and he doesn't think that was the intention. He said he is also concerned that prohibiting playground equipment in side yard and rear yard setbacks could cause a problem.

Commissioner Emerick said that he assumes that those setbacks provide a buffer between neighbors, and the purpose is defeated if structures are permitted within them. Mr. Counts said that he thinks the purpose of those provisions is for buildings, but this definition of recreational structures is so broad that it includes all sorts of equipment, most of which everyone has. Further, this equipment is of a size and nature that doesn't prohibit the light and space the setbacks try to achieve. Commissioner Wiencek disagreed. He said to him, they are a visual blight, in that they are multi-colored, and he doesn't want one any closer than it has to be, and other residents feel the same. Commissioner Emerick said there are older residents in Powell who are past the age of having these structures in their yard, and they frankly don't want those structures next to their property line.

Commissioner Counts said that he thinks there will be problems with people who want very nice swing sets being forced to come before the Board of Zoning Appeals (BZA) for a variance. A lengthy discussion ensued. Commissioner Wiencek said he feels the reason for the BZA is for residents to address this type of concern. Commissioner Counts said that during his time on the BZA, there were many instances where the way a lot was

designed prohibited some residents from amenities that other residents enjoy, such as decks. Mr. Betz said that most people want such structures to be 5-10 feet away from the property line, and he doesn't think it will be an issue. He said this requirement only applies to the sideyard setback in the rear yard. Commissioner Counts said most the time, it won't be an issue.

**Section 1145.06 (d) – Parking and Storing Vehicles**

Commissioner Emerick asked if the building described in Paragraph B on page 1 should be described as "legally constructed." Mr. Betz said it doesn't, as that provision would be identified elsewhere in the code. Commissioner Wiencek asked if a definition of disabled vehicles is needed. Mr. Betz said that if it is not driveable on public streets, it is disabled. Commissioner Wiencek asked if that includes non-registered vehicles. Mr. Betz said it does.

Commissioner Trefz asked about Page 1, Item C, number 1. He said he thought they had discussed allowing 48 hours of parking in any 10-day period rather than 24. Mr. Leininger said that C 1 refers to limiting to 24 hours anything in front of the front building line. Parking would be permitted for 48 hours behind that building line, such as with a side-loading garage.

Commissioner Wiencek asked how one can get 50 feet of the road right of way in a residential area. He said that regulation seems to prohibit parking in one's driveway. Mr. Betz said those are one-acre lots and apply to the R-Residential district. He said most of Powell is PR, Planned Residence District, and those regulations don't apply.

After further discussion, Staff was instructed to revise these amendments for the next meeting.

**MOTION:** Commissioner Lackey moved to table the Zoning Code Amendments until the next meeting. Commissioner Wiencek seconded the motion. The motion was approved. Yes: Coville, Counts, Trefz, Wiencek, Emerick, Cohen, Lackey.

**OTHER COMMISSION BUSINESS**

David Betz, Director of Development, noted that the Commission has been provided with portable sign guidelines for their approval.

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

*Next Meeting: September 12, 2001*

**ADJOURNMENT**

The Commission adjourned at 10:15 P.M.

**DATE MINUTES APPROVED: September 12, 2001**

 9-26-01  
 Don Emerick Date  
 Chairman