

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

A regular meeting of the Village of Powell Planning and Zoning Commission was held on October 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, Kelvin Trefz, Tom Counts, Robert Cohen, and Roger Coville. 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 September 26, 2001 were amended and approved.

**CERTIFICATE OF APPROPRIATENESS**

**Applicant:** Yard Play

**Location:** 470 W. Olentangy Street

**Zoning:** PC, Planned Commercial District

**Request:** Approval of a Certificate of Appropriateness for a new free-standing sign.

Kevin Mullins and John Swain, applicants were present to discuss this plan. Mr. Mullins said the sign is located the proper distance from the right of way. They are planning for a sign on 4 x 4 redwood posts, and will have the name and phone number with the background design. He said that an 18" wide awning is proposed, and the sign will not be lit.

Shawn Leininger, Development Planner, gave his Staff Report on this issue (Exhibit 1).

Mr. Mullins added that his company leases this property, and it is for sale. He said that since he is not interested in purchasing this property, this sign is temporary.

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

Commissioner Lackey asked how many aluminum signs currently exist in Powell. David Betz, Director of Development, said they are located at shopping centers and businesses such as Liberty Plaza, Grace Plaza, and CESCO. He said there are no guidelines for materials identified in the Code.

Commissioner Counts expressed concern that the background picture of play equipment may make the sign too busy. Mr. Swain said the picture doesn't do it justice, as it is really will be just a silhouette or watermark.

Commissioner Wiencek said that he was originally more concerned about the sign, but now that he knows it is temporary, he is not as concerned. He said that everything coming into town is a monument sign, and he thinks they are more professional than this "state park look." Commissioner Wiencek asked if the next property owner might request a similar sign when this property changes hands. Mr. Betz said that the Commission could make an approval conditioned on this user only. Commissioner Wiencek said he would like to dress this up a little bit, and he suggested adding another set of "sisters" that come up  $\frac{3}{4}$  of the way with an angled top to give the sign more substance.

Commissioner Trefz said he certainly wouldn't point everyone in this direction for signage, although he is not necessarily opposed because of the temporary basis. He said he would favor a monument, which is a more finished sign, and expressed a desire for any approval of this sign to be based on this applicant.

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

1. That the sign is removed when the applicant leaves this property or the business changes hands.
2. That the supports for the sign be doubled.

Commissioner Trefz seconded the motion. The motion was approved. Yes: Lackey, Coville, Counts, Trefz, Wiencek, Cohen, Emerick.

**COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN**

**Applicant:** HER Realtors  
**Location:** Murphy Property Commercial, south side of West Olentangy Street, West of Murphy Parkway  
**Zoning:** PC, Planned Commercial District  
**Request:** Approval Of Combined Preliminary And Final Development Plan For an 11,000 Sq. Ft. Office Building on .99 Acres.

Larry Folk, architect, was present to discuss this plan. He reviewed updated drawings with people added for scale (Exhibit 2). He reviewed elevations for four sides of the building, which have been changed to help delineate the massing, shadow lines, and materials. He said they have added a darker brick to the base of the building to create a water table to anchor it, and added a hipped roof to cut down on the massing.

David Betz, Director of Development, said that at the last meeting, the Commission asked for a revised site plan according to Staff's recommendation. He said that this applicant is working with ASK Water Sports (who has a development plan for adjacent property) on that revision.

Mr. Betz said the biggest issue at the last meeting was the size of the building and how it relates to the site and to Powell. He showed Council an overhead of this site with the Lintek building laid over it to compare the basic footprint size. He said the building coverage is a little less than 14%, where a maximum of 20% is permitted. He said the lot coverage is 63%, and the green space is 37%. He said the City requires a minimum of 20% green space. He said the site coverage with the parking and building meets Zoning Code requirements.

Mr. Betz said there are two variances with this project. He said the first is that the building is set back 40 feet from Powell Road instead of 60 in order to keep the parking on the side and rear and green space in front. He said that the other variance is that the eave line will be on the second story rather than the first.

Mr. Betz said that the applicant has changed the architecture of the building by separating the windows, removing the gables, and hipping all of the roofs. He noted that Emil Slavik, Architectural Advisor to the Planning and Zoning Commission, provided comments on this plan (Exhibit 3). He said that Mr. Slavik felt the previously proposed gables broke up the building, and he recommended that different materials between the gables would also help break up the facade. Mr. Betz said that Staff feels taking the mullions out of the windows and making them 1/1 or 2/2 would make them fit more with the character of Powell. He said another recommendation is that the gabled areas jut out more than as currently proposed to form more of a shadow line.

Mr. Betz said that the site plan does need to be coordinated with ASK Water Sports. Staff did consider the possibility of an additional revision providing access from one parking area to another, but staff does not think there is enough of a hazard or inconvenience to add the pavement and reduce the parking.

Commissioner Emerick opened this item to public comment.

Garry Swackhamer, 76 Scioto Street, said the building is large, and there has been a lot of debate to reduce the size. He said his concern is that this building should compliment the downtown. He said this building may be more appropriate for Upper Arlington. He said he is concerned about the color of brick. He said the style is "too French Chateau." He said the parking should be on the side or rear, as there is nothing downtown with parking in the front. He said this building will be here for a long time, and he hopes it is done correctly. He said this is the gateway into the community, and a lot of money was spent downtown. He said that there are few brick buildings in Powell, and the ones that are located in the City are schools and have totally different architecture.

Hearing no further public comment, the public hearing was closed.

Commissioner Wiencek expressed appreciation for Mr. Slavik's review, the bottom line of which is that this building doesn't fit with the nature of the "village concept" of Powell. He said he agrees. He said that Mr. Slavik recommends radical changes to the concept that he is willing to consider. He said designing the building more like an "H" would shrink the length but remove two rows of parking. He said that identifies to him that the problem is not only the general size of the building but also the size of the lot. He said that many compromises are being made to try to sandwich this building on this property. He said that one of those compromises is the rear parking. He said if one combines this application with that for ASK Water Sports next door, the parking is only broken up by a 10-foot median. That is a lot of parking visible from the street. He said the only reason this building can fit on this lot is the variance to the front setback. Even though the Commission is not opposed to

that variance, he would think that 20 feet could be used for something else. He expressed concern that the access drive for this lot and those adjacent is being pushed back into the park.

Commissioner Wiencek said he is also concerned that this building could set a precedent. He said that four commercial lots remain in this area, and the lot to the east is actually larger. He asked how the Commission would say no to later large buildings if they say yes to this one. He said he would like to work with the applicant toward a solution that meets everyone's needs, but that would require radical changes that can't be made here tonight. He said if his opinion is in the minority, there are still other details on which he would like to comment. He expressed concern that there is very little room along the back of the building for landscaping. Mr. Folk said there is a large tree line along Powell Road that provides screening. Commissioner Wiencek expressed concern that those trees along Powell Road are deciduous, and provide only 6 months of screening annually. He said that most of those trees are also in the right of way, and he is concerned about how long they will remain there due to utility needs or basic tree life span. Mr. Folk said that this plan provides almost double the minimum green space required by the Zoning Code. He said with the revised site plan, there will be a huge area of green space directly behind the building between the two access points of the new road. Commissioner Wiencek said that the Zoning Code requirements for green space were created anticipating a single story building or the eave line at the first story.

Commissioner Lackey asked, if the style changed significantly, whether Mr. Swackhamer would have objection to the scale. Mr. Swackhamer said he is concerned with the precedent that could be set with such a large building. He said that the City battled this issue with the proposed school development. Commissioner Lackey said he has always been an opponent of large buildings in Powell. He said that Lintek is an example of such a large building, but it was located across from residential development. He said the proposed school building was very much opposed, because it, too, was next to residential development and located along a street with very small buildings. Commissioner Lackey said that he noticed that Mr. Slavik mentioned an H design, but he likes the T design, because it does look like a "stately manor" out front. He said that a style change could persuade him to approve the scale. He said he likes the hipped roof in front, but he would like less glass over the entry. He said he agrees with Mr. Slavik's suggestion for the side elevation with gables and a mix of materials. Even though he's usually opposed to materials like Hardiplank, he would consider it for the recessed portions of the side elevation.

Commissioner Counts said that he feels the Commission should try to achieve some planned spontaneity. For example, this building could replicate some of the architectural elements of the school building on South Liberty Street. He said that the South Liberty school building had brick variations along the edge, and that is something that he would suggest. He said he likes what has been presented, and he would echo Mr. Betz's comments about varying materials. He said that when he read Mr. Slavik's email, he took it to mean that the mass didn't necessarily bother him, but that he felt a building of this proportion needed to have some variation.

Commissioner Coville said that setback concessions were made to be more consistent as development funnels into downtown along Powell Road, but the result is a building that encroaches closer than the Code allows and is larger than the average residence along the rest of Powell Road. He said that the ASK Water Sports building is architecturally interesting, while this looks rigid and planned as one large structure very close to road. He said he understands the lot coverage and size are below the Zoning Code requirements, but he thinks the applicant still needs to find a way to make it smaller. He said that the brick on the building is uninteresting, and he agrees this building would be more appropriate in Upper Arlington or Dublin. He said this building needs a mix of brick, stucco, stone, hard wood, etc. He is not in favor of this design.

Commissioner Trefz said he would like to see the gables back on the side of the building, and the gabled portions deeper if possible. He said he would like to see a material change. Commissioner Lackey asked about the size of the building. Commissioner Trefz said he thinks it actually looks larger tonight than it did. He said he realizes it is sitting 4 1/2 feet down from the road. Mr. Folk said the top of the pavement would be at the bottom of the windows at the first floor. Commissioner Trefz said that his mind keeps going back to the "one story residential-looking" plan that was part of the concept design for the Murphy Party Barn property. He asked if the building could be lowered even further. Mr. Folk said that would be impractical in that it would be a sub-basement and require an elevator. There would also be problems with the entry at the back. Commissioner Counts asked if it would make any difference if the front building is at its current level, and the back at a lower level. Mr. Folk said it is possible, but it would be more of a function of how HER wants to use the building, the ease of movement, etc. Commissioner Wiencek said that he was a realtor for seven years, and the environment was that one should not be in their office. He questioned the need for this building design.

Harley E. Rouda, HER, said that some of the agents will have 7-8 staff members, and they need the size of office this plan allows. He said that they are trying to work with Powell, but the interior can't be changed that much, because agents often have many assistants, and they need a 12 x 15 or larger room.

Commissioner Trefz asked if one agent with several assistants would operate out of a suite or one continuous space. Mr. Rouda said they design the building according to need. One agent in the Westerville office has the whole right side of the second floor.

Commissioner Cohen said he is okay with the size. He said he would like the gables back on the side elevation, and said he approves of stone. Mr. Folk said that stone and brick would be acceptable to the applicant. They prefer low-maintenance masonry and while they wouldn't use wood, they would consider something like Simplank or Hardiplank. He said that they can change the hips to gables, set the recesses back 12-14 inches, and use different materials on them. That would provide a deeper shadow line. Discussion ensued.

Commissioner Cohen asked why this building was moved closer to the road. Mr. Betz said that it would save large trees in the rear. The existing shelter would have to be removed, but it is only a pole barn which is replaceable. He said that if it is desirable, the setback can be increased to 50 feet, with the shifting of two parking spaces.

Mr. Betz reviewed the Murphy Party Barn property Preliminary Development Plan. He said that this plan was originally considered as one lot, but then split into three. The concept plans called for separate buildings of similar footprints to HER and the ASK Water Sports proposals. He said this is a commercial and industrial area, and that across the street from this development are auto repair and body shops, and Village Pointe Center. He says as one comes into town, the HER and ASK water sports buildings will be a better welcome than those buildings across the street or adjacent. He said that he does not think this plan is inconsistent with the concept plan. He agreed that architecture is a big deal, but the size of the building relative to the use, proposed use and benefit to the overall community is acceptable.

Commissioner Emerick asked how many agents are anticipated at this office. Mr. Rouda estimated 35 – 40 agents, plus additional staff. Commissioner Emerick asked what geographical area these agents will represent. Mr. Rouda said they will work in the Powell area, to the north, and northwest, overlapping with agents in Dublin and Westerville. Commissioner Emerick agreed with comments regarding going back to gables, maximizing their offset, and varying materials. He said he would prefer stone and brick to Hardiplank.

Commissioner Lackey asked if it is desirable to move the facility back 10 feet. Commissioner Counts said it sounds as if mass is the determining issue.

Commissioner Cohen agreed with the gables, increased off-set, and stone and brick combination. He said this provides a rich look, and he likes that. Commissioner Cohen said he would be in favor of this project with those details. Commissioner Emerick agreed. Commissioner Lackey agreed.

Commissioner Wiencek said that if it looks like this may be approved, there are additional details that need to be addressed. He expressed concern about the view leaving town because there are no trees on the east side of the building. Mr. Folk said there will be landscaping right up against building, and they will meet the code requirements. Mr. Betz said that a shrub hedge could be installed along the parking area, and that parking lot islands will add more landscaping. Commissioner Wiencek suggested moving one of the parking lot islands to the north to allow for more substantial landscape. He asked if a triangular space in the southwest corner of the front of the building can be rounded off to allow for more landscaping space.

Mr. Betz recommended that the Commission approve this with conditions and that the applicant come back before the Commission with the revised site plan. That way Staff can move forward with the Council process.

Mr. Rouda said that the window over the entryway is very much needed because it is a two-story space. Commissioner Emerick said he personally likes the window. Commissioner Lackey said he is the only one that objected. He asked Staff if the mullions are appropriate in that window. Mr. Betz said that would be okay. Mr. Rouda said his other concern is that they are already 4-5 spaces low on parking, and he is concerned that moving the building back would result in 2 less spaces. Commissioner Trefz questioned how much of a difference 10 feet would make. Mr. Betz said it would not be a big difference, it would just put everything closer to the back. Commissioner Emerick suggested that that be an option for Staff to review.

**MOTION:** Commissioner Lackey moved to approve the Combined Preliminary and Final Development Plan with the following conditions:

1. That gables be reinstated on the sides of the buildings.
2. That the mullions come out of the windows and they be replaced with 1/1 or 2/2 windows.
3. That the gabled side areas come out 12-14 inches.
4. That materials on the side of the building be changed. The three recesses will contain stone, with brick on the rest.
5. That staff review the option of moving the building back 10 feet.
6. Landscaping, signs, and building materials are subject to review by the Planning and Zoning Commission.
7. That the Planning and Zoning Commission review the site plan and revised elevations at the next meeting.

Commissioner Trefz seconded the motion.

**MOTION:** Commissioner Wiencek moved to amend the previous motion by adding condition 8: "That the applicant hire an arborist to review the health of the trees on site so that the Planning and Zoning Commission can make informed decisions of those which should be avoided and those that should be saved." Commissioner Trefz seconded the motion. The motion was approved. Yes: Lackey, Counts, Trefz, Wiencek, Cohen, Emerick. No: Coville.

**VOTE ON APPROVAL WITH 8 CONDITIONS:** The motion was approved. Yes: Lackey, Counts, Trefz, Cohen, Emerick. No: Coville, Wiencek.

#### **SKETCH PLAN**

**Applicant:** Avalon Swim Club  
(ASK Water Sports)  
**Location:** Murphy Property Commercial, south side of West Olentangy street, West of Murphy Parkway  
**Zoning:** PC, Planned Commercial District  
**Request:** Review of a Sketch Plan for an 8,050 sq. ft. indoor swim club with office and retail space on .99 acres

Jim Clarke, architect, was present to discuss this plan. He reviewed the revised site plan and revised elevation. He said that they would like to keep a water table in the split face block, with everything above it stucco.

Carol Kender, applicant, provided Council with samples of proposed colors for the building and with elevation drawings. She said since the last meeting, she has spent a great deal of time driving through the area looking for the "Village Look" that was discussed at the last meeting. She said that she has decided against a barn, but is proposing a kind of farmhouse country look. She said she wants to continue to look at the park behind this property. She said that she has considered a red roof made of shingle or some sort of tile.

Mr. Betz said the applicant would like approval to submit a combined preliminary and final development plan. Again, with this plan, the building design, materials, and colors are a big issue. He said there will be more green space on this property than HER. The applicant is proposing a split face gray block base, with the majority of the building stucco with white and red accents. He said the roof material needs to be considered, and a standing seam metal roof could be considered. He admitted they are costly, but it would be compatible with stucco and the proposed colors. He expressed concern about a red shingled or tile roof.

Commissioner Emerick opened this item to public comment.

Garry Swackhamer, 76 Scioto Street, said that now it looks like next to a "French chateau" is something of a "prairie homestyle." He expressed concern that Worthington can have a continuous look from downtown to I-270, but Powell can't have anything consistent from the railroad tracks to Sawmill Road. He said to be forced to have something come in just because it is commercial but has an incompatible look that doesn't compliment the downtown totally saddens him. There being no further comment, the public hearing was closed.

Commissioner Trefz asked what is the overall height of this building. Mr. Clarke said it is about 25 feet to the tallest peak.

Commissioner Lackey asked about the area where there are recesses but no windows. Ms. Kender said that portion of the building won't be visible, and since there is no reason for the visual impact, they have been removed. She said the recesses were added to carry on the architectural effect of the windows. Commissioner Lackey said he would like to believe one won't see that area, but he is concerned about the impact if one could. Ms. Kender said there are large trees in that area, but if the Commission would prefer, they can put them back.

Commissioner Counts said that he would like to see a variation of materials. He would like to see the smaller office portion done in brick or something that would compliment the stucco. He said he thinks there is too much stucco. He suggested the band be done in wood. Ms. Kender said they talked about using wood for the office building. Commissioner Counts said he agrees with Commissioner Lackey that the "psuedo- windows" look odd, and he would like windows or nothing.

Commissioner Coville suggested that rather than a wall of windows along the front, that they be reduced from three across to two across so that those removed can be placed in the area without them for consistency. Commissioner Lackey said the owner wants people driving by to see the pool. Mr. Clarke suggested that they reduce some of the triple windows to doubles.

Commissioner Coville said he doesn't want every building to look the same from downtown to the river. He said he likes the contrast and different architectural shape of this building, which provides some interest and is not "just a massive building." He agreed that a contrasting, low-maintenance siding on part of the building would add something. He said that all of the stucco needs to be broken up. Ms. Kender suggested that the two story section of the office be stone or brick. She said they are looking for a style of a building that has been added onto over time.

Commissioner Emerick said he is pretty happy with building to this point, and he agrees with the comments made tonight.

Commissioner Wiencek asked if it would cost more to cover the concrete block with stucco stone than with stucco. Mr. Clarke said he doesn't know. Commissioner Wiencek said he would like that information at the next meeting. He expressed concern that this facility would not have adequate parking for swim meets. Ms. Kender said they do not intend to have swim meets at their facility.

Commissioner Wiencek suggested flipping the building so that the single-story elevation faces Powell Road. Ms. Kender said that that is the service end of the building, and it would have to be redesigned to make such a change. Mr. Betz said the entrance would no longer match the access drive, and site circulation would be ruined. He said that HER would have to be redesigned. Commissioner Wiencek said it would put all parking behind the building and put the more architecturally interesting portion in the front. No other Commission members spoke in support of this idea.

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

Commissioner Cohen asked if it is clear that when they come back, different materials are anticipated, and a "farmhouse theme" will be explored. Commissioner Wiencek said he isn't a big fan of the split face building, so he will be looking for ways to improve this development.

#### **SUBDIVISION PLAT**

**Applicant: M/I Schottenstein Homes, Inc.**

**Lakes of Powell Section 6 Part 2**

**Location: East of Lakes of Powell Section 5 just north of Tyler Run Elementary School**

**Zoning: PR, Planned Residence District**

**Request: Approval of a Subdivision Plat**

Dave Tyndall, M/I Schottenstein Homes, said that this section of the plat has recently revised to reflect the accurate final alignment of Murphy Parkway.

David Betz, Director of Development, reviewed plat for all of Section 6. He reviewed that this is an administrative procedure where lots are subdivided and recorded. He said there have been issues regarding how the lots in this part of the subdivision will be effected by the connection of Murphy Parkway south from Grandshire to Liberty Road. He said that Staff has been working with the applicant on how to have the reasonable lot sizes and setbacks with this connection. He said that Staff recommends approval with the

condition that the City Engineer continue to work on how the alignment works with the lots. He said that Staff would also like the alignment of Murphy Parkway identified on the plat drawings so that future homeowners will have knowledge of the road alignment. He said they would also like the plat to note the location of the sanitary sewer pump station. He said that who will own the pump station land has yet to be determined.

Commissioner Counts asked if it is correct that the lots won't change. Mr. Betz said that an adjustment might be made to align the lots with the right of way, but they wouldn't be made any smaller.

Commissioner Wiencek expressed concern that the scenic easement language on this plat is unchanged from that used in other subdivisions and has caused problems in the past. He said that the Commission at one time talked about creating different wording to make it clear that this area is to remain natural. Discussion ensued. Mr. Betz said the goal is to maintain the tree line. Commissioner Trefz expressed concern that utilities were placed in scenic easement areas in Ashmoore, leaving land that was then sodded or seeded, so the natural area wasn't consistently maintained. Mr. Betz said that in many areas in Ashmoore, trees were replaced. Commissioner Wiencek said that this language only says changes can't be made that would cause erosion, and it doesn't prohibit anyone from removing all of their trees.

Commissioner Coville asked if the Commission can change the number of lots at this stage. He said that the lots on the culdesac are tight and won't allow adequate on-street parking. Mr. Betz said they cannot, as that number was determined earlier in the zoning process, and these lots meet the standards.

**MOTION:** Commissioner Lackey moved to approve the subdivision plat with the following conditions:

1. That the location of the pump station be identified.
2. That the proposed Liberty Road/Murphy alignment be identified.
3. That the possible extension of the eastern-most lots be considered, subject to staff approval.
4. That the scenic easement language be reviewed and approved by staff.

Commissioner Wiencek seconded the motion. Yes: Lackey, Coville, Counts, Trefz, Wiencek, Cohen, Emerick.


#### **OTHER COMMISSION BUSINESS**

*Next Meeting: October 24, 2001*

#### **ADJOURNMENT**

The Commission adjourned at 9:30 p.m.

**DATE MINUTES APPROVED: October 24, 2001**

 1-8-02

Don Emerick  
Chairman

Date