

**MINUTES
PLANNING AND ZONING COMMISSION
APRIL 10, 2002**

A regular meeting of the City of Powell Planning and Zoning Commission was held on April 10, 2002, and called to order at 7:31 p.m. by Chairman Don Emerick. Other Planning and Zoning Commissioners present were Tom Counts, Roger Coville, Donald De Palma, Brian Murphy, and Kevin Futryk. Dan Wiencek arrived at 7:40 p.m. Also present were Shawn Leininger, Development Planner; David Betz, Director of Development, Dawn Nauman, clerk to the Planning and Zoning Commission, residents; and representatives of the press.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chris Kelly, 118 Chenango Drive, said that he is an owner of a home built by Maronda Homes, and as a result, he has to re-side his house. He said he is present to ask the Commission to consider revising Section 1147.12 of the Powell Zoning Code to allow cement-fiber siding. He identified Hardiplank as a brand of cement-fiber siding, but he said he would consider using a different cement-fiber product. He said that such a material would have the appearance of wood, but not the limitations. It will not burn or rot, and it will have a 50 year warranty. He said he would like to use this product because it needs repainted less. He said that many people who live in Powell Place subdivision will need to re-side their homes, and he knows of 5 or 6 property owners that would like the opportunity to use this material. He said he is not asking to lower the standards for curb appeal, but get more for his money. He said that he has used this material before on the east coast, and he was very happy with it.

Mr. Kelly said that his subdivision was mostly built by Maronda Homes, who cut corners and installed OSB (wood fiber) siding without sheathing underneath. He said that when there is moisture in the siding, it expands like a balloon. Many homeowners' brought suit against the builder to settle this problem. He said that fiber cement board will outlast cedar. Mr. Coville asked if it was correct that Maronda also left the siding exposed to the elements before installing it. Mr. Kelly said they did, which introduced a lot of moisture. He said he has repainted his house twice in seven years. He said the material he would like to use will hold paint for 15 – 20 years. While he may have to paint due to sun fading, he won't have to paint because it is an inferior product.

Commissioner Wiencek asked if Mr. Kelly can apply for a variance. Mr. Betz said he has that option, but that there are several residents that would like to use this product. He said the Planning and Zoning Commission has approved this product for other development plans in the City. The Commission considered a possible code change for this product last year, but they wanted more time to see how this material holds up. He said the new members might have a different opinion. He said this material is generally accepted throughout central Ohio. Staff is comfortable with it, including the building department. He said the section of the code to which Mr. Kelly refers exists to preserve and enhance the character of Powell, and he believes this product does that because it looks like wood and has a lifetime guarantee that one wouldn't get out of cedar. He said it is superior product to anything Staff has found.

Commissioner Wiencek asked if there are covenants and deed restrictions for Powell Place that would have to be amended for Mr. Kelly to use this material. Mr. Betz said there could be, but that is Mr. Kelly's concern. He said a Zoning Code change would effect Mr. Kelly as well as the whole community.

Mr. Betz said there are two options for this resident to use this material. One is for the Commission to hold a public hearing on the use of this material and amend the Zoning Code. The other option is to go before the Board of Zoning Appeals and request a variance, which may or may not be approved.

Commissioner Counts said this is not what would be considered a hardship for a variance, and he feels the Commission needs to consider this issue as a Zoning Code amendment. Commissioner Coville said he thinks it is a hardship for people that own those homes in that subdivision. Commissioner Counts said that he doesn't think this would apply to the technical description of a hardship for a variance. Mr. Betz said that no matter how much it costs, Mr. Kelly has other options that he can utilize, such as installing cedar siding. Commissioner Counts said that hardships for variances usually apply to unique situations. Mr. Coville said that he thinks the City allowing this product to be placed on homes to begin with justifies some consideration by this Commission or the Board of Zoning Appeals.

Mr. Betz said that a public hearing can be scheduled for the next meeting. Commissioner Wiencek said that in anticipation of that, he would like to review other fiber cement materials besides Hardiplank. He said he would anticipate supporting cement-fiber material, but limiting it to a specific style and possibly even specific manufacturer. There were no further public comments.

APPROVAL OF MINUTES

The minutes of March 13, 2002 were amended and approved.

PRELIMINARY DEVELOPMENT PLAN

Applicant: Newbury Homes
Location: 10331/10571/10441 Sawmill Road
Zoning: PR, Planned Residence District
Request: Approval of a Preliminary Development Plan for 16.454 acres on the east side of Sawmill Road and west of Lakes of Powell for 17 two unit condominium buildings (34 units) on 10.4 acres and an existing church on 6.25 acres

Samantha Shuler, attorney for the applicant, reviewed changes to the plan:

- One building has been removed, and they are down to 34 units.
- They have reoriented the buildings to create less of an impact on neighbors to the east, south, and north. They did this by increasing the distance between the east lot line and building line. This puts the buildings 82 – 173 feet away from the lot line. They also increased the difference between the north and south line. She said they also added mounding with trees along the north, east and south lot lines to create a visual buffer between the single family homes and these condos.
- They reoriented the buildings to try make avoid having the back of the building directly parallel to the lot lines. They have also added architectural features to the backs of these condominiums to break them up and make them more attractive.
- They have added a bikepath along Sawmill Road and through the wooded area at the request of Staff. They are going to work on acquiring easements for the bikepath along Sawmill Parkway for the property to the north and south so that it can have more connectivity.
- They have completed a tree survey, and they are planning to preserve a great amount of trees in the northwest corner.

David Betz, Director of Development, gave his Staff Report on this issue (Exhibit). He noted that they will have to preserve the existing drainage ditch, and he would like to see it cleaned up so that it drains well. He said the preliminary landscape plan does show a healthy number of trees. He said the tree survey indicates that one proposed building will take out a chunk of trees, but still preserve the back part to the east. He reviewed the utility locations. He said the applicant needs to work with the engineering department to determine whether engineering needs are met. He noted that the applicant has added some 3-bedroom units. They have provided different elevations, different materials, and garage locations. He noted that some units do not have fireplaces, and staff is recommending that they all have them.

Mr. Betz noted a rear end of the unit with additional wainscoting, stone and shutters that are proposed to back to Zion Drive. He said the nicer elevation is needed along there. Commissioner Wiencek asked what is the depth of the portion of the building that steps out. Bob Shepherd, Architect, said it actually recesses about 16 inches. Mr. Betz said that during the site review, Staff identified some wetland areas. They will have to provide a plan for mitigation and acquire the proper permit from the Army Corps of Engineers if the area is more than ½ of an acre. Mr. Shepherd said it is .2 acres.

Mr. Betz reviewed the density for this site and for other community condominium developments (Exhibit 2). He said that the only public benefit of this project is connection of the bikepath, which if it could also connect outside of the City, could eventually connect to Murphy Park. He reviewed that Staff would prefer condominium development to single family in this location. Mr. Betz said if the Commission is not happy with the density, one more building could be removed to save another group of trees. He said that fireplaces are important and should be on all of the buildings to increase the price point and make them more compatible to the Lakes of Powell. Mr. Betz reviewed information regarding the taxes and burden such a development would have, as well as the rest of the Staff Report. He noted that Staff recommends approval with 8 conditions (Exhibit).

Commissioner Emerick opened this item public comment.

Butch Knowlton, 560 Zion Drive, spoke as the representative of the residents of the Lakes of Powell Homeowners' Association. He said at the last meeting, Commissioner De Palma asked if there was anything in their contracts from MI guaranteeing that this land would remain green space. He said they have found nothing indicating as much. He thanked the builder for the changes they have made. He said while this is a long way from the original plan, there are still some concerns:

- That there be a 100 foot difference between these homes and the property line. He said the closest is currently at 80 feet.
- That the bikepath in the corner be reconfigured. He said the bikepath originally planned behind their homes will no longer be built, and he asked why this path is needed if it won't tie into the development. *Mr. Betz said the idea is to make sure that the residents of this proposed development can connect into the City of Powell's pathway system.*
- That the developer consider purchasing additional property to the southwest (it is up for auction) to reduce the density.
- That the direct site line from homes in the Lakes of Powell be considered, and that the buildings be turned to keep people from seeing directly into the windows of the properties.
- If the buildings are reduced to 16, that would help satisfy the adjoining residents' concerns.
- That the area to the east be filled in with trees.
- That the drainage area be cleaned up and supplemented with additional trees so that it is more forested than sparsely treed.

Janelle Mead, 473 Zion Drive, said that she still feels there is some merit in not developing every parcel of property to the maximum in Powell so that the rural community can be preserved. She said she also has concerns about the lights in the back of these condominiums.

Richard Levine, 542 Zion Drive, echoed Mr. Knowlton's remarks. He asked that the footprints of the buildings identify the location of screened porches so that the size and proximity of the building is clear. Mr. Shepherd said that they will be located under the roofs and are identified on the plans within the footprints of the building.

Ray Wasielewski 514 Eagleview Court, said that the developer has done a good job meeting the concerns of the "greatest number of people," in the Lakes of Powell. He said that he is tired of the development standards that were in place when his property was developed being ignored in subsequent developments. Dr. Wasielewski said that he felt he did not get an adequate buffer between his property and Zion Drive when the Lakes of Powell was developed. He said he believes there will be "more kids than taxes paid" in this development. He asked, if the Commission approves this, that they split the difference between property size between Woods of Sawmill and Lakes of Powell. He said he is frustrated because the Township (sic) has "done him a disservice...and its time for him to speak out." He said the Township (sic) needs to consider the impact of this development on him. He asked that his property values be considered, as they are higher and have been most effected by the road. Commissioner Wiencek asked if it would help if one of the units along Zion Drive were removed. Dr. Wasielewski said it would be good for him.

Dave Block, 520 Eagleview Court, said one of these condominiums will be in his backyard, and the distance, at 28 feet, means they lost their easement. He said he is concerned with the density without anything in return. He said that the only benefit is a bikepath that might run along Old Sawmill if an easement is acquired. He said if the density requirements are going to be ignored, they should be "taken off the books." If the density requirements are going to be kept, the developers should be made to meet them.

Steve Lesser, 345 Rosewood, said he missed the first meeting. He expressed concern that the only benefit is the bikepath. He said that though he doesn't directly border it, this development will impact him. He expressed concern that since he moved in, with the exception of Lakes of Powell, the development around him has been much condominiums He said he would prefer development more similar to his neighborhood. He said if multi-unit condominiums are approved here, he would like a better buffer for Woods of Sawmill and better angles of these buildings to improve what is visible to his neighborhood.

Burt Blosser, 533 Zion Drive, said that he would like to see the 1.7 d.u./acre density everyone thought they were buying into. He questioned whether there will be patios beyond the footprint of the building. Mr. Shepherd said they would sit in the niche between the screen porch and garage.

Bob Clouse, 543 Zion Drive, said that the only building that was not placed at an angle is the one behind his property. He said there is also no buffer or berm, and he asked for more trees between his property and this development to buffer the view.

Rich Brooks, 573 Zion Drive, asked if the bikepath would be on the south or north side of the fence. Mr. Betz said that it will be on the south side of the fence. The sidewalk will be extended, and the fence will stay.

Richard Levine, 542 Zion Drive, asked that decks be included in the footprint of the buildings. He expressed concern that decks could reduce the distance from existing homes and also remove additional trees.

Todd Atkins, 553 Zion Drive, echoed Mr. Clouse's comments about the bare area adjacent to his property. He said that additional coverage there well as the changes already proposed, will greatly improve the current configuration.

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

Commissioner De Palma asked if Newbury Homes owns this property. Ms. Shuler said they are in contract, and the sale is contingent upon approval of a preliminary development plan. Commissioner De Palma proposed deleting building 9 and angling buildings 5 and 8 to make the development more attractive from Zion Drive. He said he is concerned about the rear elevations on these units. He provided the Commission with photographs of an apartment community on Sawmill Road and noted that the rear elevations are attractive because they are broken up with a variety of materials. Mr. Shepherd said that the elevations will most likely be one story buildings behind a 4-foot fence, where Commissioner De Palma's example is for a two-story elevation with an open lawn. He said he doesn't think the rear elevations will be that significant, but he will work with the Commission to improve them. Commissioner De Palma suggested that the buildings that back upon Zion Drive be required to be three bedroom because that elevation is much more attractive. He suggested that those units have stone on the entire rear elevation except for behind the garages, where the wainscoting can continue. He asked that vinyl siding not be used, and that if cement-fiber is not approved, that cedar be required.

Commissioner Futryk asked about the bikepath that a resident said was originally proposed behind Zion Drive. Mr. Betz said that the City's bikeway and walkway plan doesn't identify one, but there was at one time a connection considered for that area that the residents opposed. Commissioner Futryk asked for what purpose is the easement behind the homes on Zion Drive. Mr. Betz said that it is a scenic easement for the preservation of trees. Commissioner Futryk asked if the drainage ditch behind the properties in the Lakes of Powell could be cleaned up to make it more of a flowing creek. Mr. Betz said it could be graded a little better, and a better seed mix could be used, but the retention for this proposal is for the pond, with an outlet at the northeast corner.

Commissioner Futryk agreed that either cement fiber siding or cedar should be used rather than vinyl. He said he agrees with Staff's recommendation that all of the units have fireplaces. He said that he is still most concerned with the density of the development. He said he is most concerned with units 5 and 8 that back to Zion Drive. He said that with only 25 feet to the fence line on these units, even with the mounding, there is not a lot of green space. He suggested, rather than removing building 10, perhaps units 5 and 8 should be removed and the rest shifted to provide more green space and lower the density. He agreed that the area that backs up to Zion Drive seems to be the worst in terms of site line problems, and the worst in terms of clustering a lot of units together without breaks. He asked if this is something the developer is willing to address.

Commissioner Futryk said that this plan has improved tremendously from the original. He questioned whether there will be mounding and trees along the property line. Mr. Shepherd said that the tree survey showed that as a blank area, and there will be no problem adding mounding. He noted that they will try to save as many trees as possible. Commissioner Futryk asked the residents of Woods of Sawmill what would address their concerns. Dr. Wasielewski said that he would like "an easement" comparable to what he has with his house.

Commissioner Futryk asked if patios and decks will be addressed in the deed restrictions. Mr. Betz said he will, but he doesn't anticipate many decks because these are slab-on-grade buildings, which make decks impractical.

Commissioner De Palma asked how many buildings could be built here if this were to conform to the permitted density. Mr. Betz said it would be 18 - 19 units.

Commissioner Wiencek said that he still feels an entrance off of Zion Drive is appropriate for this development. He suggested removing units 5 and 8 and turning them into single buildings to face an entry drive. This would provide more green space and cut the façade from 70 to 35 feet. He said he is not proposing removing the Sawmill Road access. He said that he knows that traffic studies assume ten trips a day for single family homes, but he knows it is less for condominiums. Mr. Betz said that condominiums typically represent 7 1/2 trips. Commissioner Wiencek said that condominium developments also typically have less children and less of an impact on the school district. Commissioner Wiencek said that an entry created off Zion Drive would serve approximately 2/3 of the units, as the people who live the eastern most section will exit from Sawmill Road.

Commissioner Wiencek suggested adding false gables and additional architectural elements to those units facing Zion Drive. He echoed the concerns about vinyl and said that cedar or cement fiber are more appropriate. He suggested that the applicant stick with Hardiplank, as it has been reviewed before, and that the Commission have the opportunity to approve the style. Commissioner Wiencek said he would like to see the Homeowner's Association rules before approving any final development plan. He said he would expect such guidelines to indicate that it is not permissible to turn screen porches into living space. He reviewed that additional mounding and trees should be placed behind unit 10. Until it is determined what will happen to units 5, 8 and 9, it is important to address landscaping.

Commissioner De Palma questioned whether the space is wide enough for an additional entry road. Mr. Betz said that the engineer would need to examine that. Commissioner De Palma said there may be merit to another entrance, but he is concerned about headlights of cars at that entrance shining into homes. Commissioner Wiencek said that additional landscaping on the opposite side of the street is typically required in such an instance. Mr. Betz noted that a road that forms a T could be installed to accomplish the same layout as Commissioner Wiencek suggested. He questioned whether the additional entry drive is possible.

Commissioner Counts asked how high are the proposed mounds. Mr. Shepherd said they are a minimum of three feet. Commissioner Counts asked if the ditches are part of the mitigation plan. Mr. Betz said that mitigation may actually be in the form of a payment. He said a portion of this is wetland and the applicant must be careful what happens there. He noted that the ditch is man-made. Commissioner Counts echoed comments regarding not allowing vinyl and increasing trees and mounding behind unit 10. He said that while he doesn't particularly care for the rear elevation of the units along Zion Drive, there will be a fence and three-foot high mound with trees, and he doesn't think much will be visible. He said regarding Commissioner Wiencek's proposal for another access, he is concerned about the headlights into the houses, and he also thinks most residents of this development would use it. Commissioner Wiencek asked about a culdesac. Commissioner Counts said that that has some merit.

Commissioner Counts expressed concern that all of this mounding may create a fortress. He said his concerns about density are in relation to that which has been approved in the past. He said that this property has a net density of 3.27 du/acre, and reducing one unit would make it 3.08 du/acre. He said the gross density, however, would remain the same. Mr. Betz said that is correct, because the church site is not counted. He said any open space would be counted, as in the Woods of Big Bear Farms, which had a net density of 3.02 du/acre because of the 12.5 acre park. Commissioner Counts noted that this would be less dense than any of the condos that have been approved previously. However, the gross density would be one of the highest. He said that another thing to consider is that the lower density condominium developments are on much larger parcels. He said he thinks this is more consistent with Brookehill, with 32 units, about the same density and a similar infill piece of land. Commissioner Wiencek noted that that development donated 2.5 acres to Memorial Park.

Commissioner Coville asked, if he were going to build a home in Lakes of Powell, and he asked what the permitted density on this property was, what would Staff say. Mr. Betz said that he would say that the Zoning Code maximum is 1.7 du/acre, however, that can be raised with other issues, such as open space. He said that he never guarantees anything to potential residents. He does tell them what the Comprehensive Plan indicates, as well as the Zoning Code, and the process to change the Zoning. He noted that homeowners are notified of zoning changes on adjacent properties. Commissioner Coville said that he would expect developers to understand that maximum densities are just that, and he would expect them to develop less than that. He said that if this development were approved, he would expect more architectural details on the units that face Zion Drive, and would ask for no vinyl siding.

Commissioner Murphy said that his real concern is that higher density developments typically have substantial contributions to the community. He said he doesn't think the bikepath is enough of a benefit. He said the only reason he would approve this is that it is a transition piece on an awkward property. He noted that this would be two awkward islands of single family homes if this were not developed as condominiums. He questioned what kind of development would be appropriate on this property if this is not.

Commissioner Wiencek asked about the additional property that may be available for this development. Pat Igoe, Newbury Homes, said that one parcel will be up for auction on Saturday, and one is "not for sale." She said they would add 2 units on the additional parcel.

Commissioner Emerick said that he is also concerned about density, and of course, would want no vinyl siding. Commissioner Wiencek said he doesn't hear a lot of unanimity amongst the Commission. Commissioner Emerick said he is sure the applicant would like some sense of whether this is going to move forward. He asked if there is

a density that a majority of the commission would support. Discussion ensued regarding removing some of the buildings. Discussion centered around removing four units. Commissioner Counts noted that that would make it the least dense condominium development in the City.

Ms. Igoe said they are willing to develop single family homes if that is preferred. Commissioner Emerick said the same problems would exist. Ms. Igoe said that everyone is talking about density, but the homes adjacent to this property have a 3.46 du/acre density, and there is commercial development across the street. She said they have taken direction from the Planning and Zoning Commission, removed one lot, and went from a 48 to 82 foot setback. She expressed concern that they need definite direction, and she is worried that she is hearing that condominiums may not be desired at all. Discussion ensued regarding condominiums on this site. Mr. Betz said that the Zoning Code does not address different land uses in the density requirements. He said that he doesn't think single family development at 1.7 du/acre is marketable at this location, which is a transitional, infill piece. He said that this landowner has rights to develop their property and the Commission needs to work with them on creating a project that works well with the community.

Commissioner Futryk asked about Commissioner Wiencek's plan to remove two units, make them single units, and turn them in toward a road. Mr. Betz said that would reduce 4 units, and lower the density to 2.8 du/acre. Commissioner Wiencek said he could support that, with minor tinkering, as most of the resident's concerns have been addressed. He said that certainly goes a long way toward lowering the density in his mind and also deals with the Woods of Sawmill residents that have larger homes than those in the Lakes of Powell.

Commissioner Futryk asked if it will be necessary to move the pond to accomplish the layout described by Commissioner Wiencek. Mr. Betz said it would not. He said that the Commission has 30 days to make a decision. Commissioner Futryk asked, if the applicant acquires additional property, will they increase green space. Mr. Betz said that the additional two units they would include would still lower density some. Ms. Igoe asked to clarify that it is a one acre parcel. Mr. Betz said they could add one building and not increase the density. Commissioner Counts said the Commission needs to tell them the appropriate density that would be desirable whether or not they add the land. Commissioner De Palma said that if the layout is changed as described, it makes the rear elevations concern moot.

Commissioner Futryk suggested that even with additional land, they should conform to the same 2.8 d.u./acre density. Ms. Igoe said she doesn't think they can. Commissioner Wiencek said he thinks two units would be appropriate on the additional land, as it will have no impact on the residents about which the Commission is concerned. Commissioner De Palma and Commissioner Futryk agreed. Commissioner Emerick said he would support a density around 2.7 - 2.8 with the additional landscaping to be discussed in further detail at the next meeting. Commissioner Counts said he thinks more than 2.8 du/acre is appropriate. Commissioner Coville and Commissioner Murphy both were not in favor of 2.8 d.u./acre or above. Mr. Shepherd asked if the Commission is indicating that 30 units is permissible. Commissioner De Palma said it would be 30 units with the current amount of land, and four units if they acquire new property.

Mr. Shepherd said he would be happy with the Commission's direction at this time, and he can come back in a month with a revised plan.

Commissioner Wiencek reviewed that the following should be considered by the applicant:

1. All of the comments in the Staff Report. Rather than fireplaces, a chimney would be requested on each unit.
2. Vinyl will not be approved. Hardiplank, cedar, and stucco stone, would be considered.
3. That the bikepath connection will be made.
4. That equivalent mounding and landscaping proposed behind building 12 - 15 also be installed behind building 10.
5. That lighting be considered. While it is assumed that residential porch lights will be used. Mr. Shepherd said they would have street lights on poles on the streets, not behind buildings.
6. That the applicant work with Staff on the configuration of and condition of the ditch.
7. That unit 9 be removed and units 5 and 8 be split into single units. This will address the worst of the architectural concerns for those buildings.
8. That the unit 10 be a three-bedroom unit so that it will have a gable and break up the back of the building.

Commissioner Coville asked about the traffic pattern around buildings 3, 4, and 6. Mr. Betz said that if the layout is changed as Commissioner Wiencek described, that will change as well.

MOTION: Commissioner Counts moved to table this application. Commissioner Wienczek seconded the motion. The motion was approved: Counts, Coville, Wienczek, Emerick, De Palma, Futryk, Murphy.

ZONING MAP AMENDMENT / FINAL DEVELOPMENT PLAN

Applicant: Church of Latter Day Saints
Location: East Side of Liberty Street between Ashmoore Drive and Liberty Ridge Avenue
Present Zoning: FR, Farm Residential (Liberty Township Zoning)
Proposed Zoning: PR, Planned Residence District
Request: Approval of a Preliminary Development Plan for Proposed 12,800 sq. ft. Church on 5.01 Acres and Proposed Zoning Map Amendment from FR, Farm Residential (Liberty Township Zoning) to PR, Planned Residence District

Mike Karpinski, Architect, reviewed the six outstanding issues in the Staff Report (Exhibit).

1. **That undulating mounding be added along the north side of the parking area.** Mr. Karpinski said they are currently opposed to this. He said they are concerned about site drainage through the mounds. He said they are screening through landscaping, which is permissible by code.
2. **That a brick wall is utilized rather than fencing as a screen for the AC units.** Mr. Karpinski said that they would prefer the fence, as it is available in a variety of materials, and it will break up the mass of the brick. He said he doesn't think the Zoning Code addresses that issue.
3. **That the alternative location for the dumpster/satellite dish/storage shed be utilized and spruce trees be used in the parking lot island directly across the drive aisle from the dish.** Mr. Karpinski said that their problem for the proposed alternate area is that it constricts the flow of traffic and the screening to the east. He said the dumpster is more visible with this location.
4. **That material samples and colors, including the parking lot lights, be approved by the Commission.**
5. **That the City Engineer approve all engineering aspects of the development.**
6. **That 40 feet of right-of-way from the centerline of North Liberty Street be dedicated to the City.**

Mr. Karpinski said he agrees with items 4-6.

David Betz, Director of Development, said that Staff recommends the alternative dumpster because the main issue of public comment during the preliminary development plan was that it be moved farther away from the property line. He said if there is a drainage concern with the mounding on the north side, the City Engineer can be contacted. He said he would imagine that the storm sewer in the parking lot could be extended to help with the drainage. He reviewed the fence location on the elevation drawings. He reviewed that the landscaping plan is similar to that installed at the Powell United Methodist Church, and that it does meet code requirements. He suggested that some of the deciduous trees be replaced by some kind of a spruce around the alternate dumpster location. Mr. Karpinski expressed concern that that would impact the flow of what they've done, with the deciduous trees surrounding the sidewalk and the building. Mr. Betz said it is far away enough from the street and that people will concentrate more on the building.

Commissioner Emerick opened this item to public comment.

Bruce Thompson, 34 Liberty Ridge, said that the side elevation with the white fencing is his view. He said that Staff's proposed relocation of the satellite and dumpster location would be appreciated by himself and his neighbors. He echoed Mr. Betz's concerns about the white vinyl fence.

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

Commissioner De Palma said that he feels the vinyl fence will detract from the brick. Mr. Karpinski reiterated that the fence will be softened with landscaping. He said it will be easier to maintain. He expressed concern about the maintenance with brick. He questioned how that is addressed in the Zoning Code. Mr. Betz said that the Planning and Zoning Commission has architectural review powers. Commissioner De Palma asked if a low stone wall would be possible. Mr. Karpinski said if they were forced to build a masonry structure, they would use brick with a stone cap. Commissioner Coville asked if it is okay to remove the fence. Mr. Karpinski said they want a physical barrier, particularly for the children. Commissioner De Palma said he would prefer the brick structure and the alternate location for the dumpster, etc. He said it gives adjoining neighbors relief from the structure right on the property line.

Commissioner Futryk echoed comments about the fence, which he feels will be too stark of a stark contrast to the building from Liberty Road. Mr. Karpinski asked if an alternate color would tone it down enough to permit the

vinyl fence. Commissioner Futryk said that the mountain grass proposed will not adequately screen the white fence, and that taller grasses could be considered. He said that he supports the alternative location for the dumpster and satellite. He said that a resident who lives in Ashmoore near the corner of this property was concerned with water pooling in her back yard. He asked if mounding will help with that. Mr. Betz said it might even block it, and he suggested that the City Engineer review the site for drainage issues. Mr. Betz said that any use of the parking lot at night will shine headlights on adjoining property, and that is the reason that the mounding is proposed. Mr. Futryk asked about the residents on the northern property line that requested mounding. Mr. Betz said that additional mounding could cause a problem. He would recommend the City Engineer examine whether mounding is feasible to keep those lights from shining into area homes.

Commissioner Futryk asked about property owners along the eastern property line that requested mounding. Mr. Betz said there already is a mound, and they are showing an additional 2-3 feet. He said that is plenty, as there is over 250 feet of grass area in between.

Commissioner Wiencek said the photo of the brick wall convinces him that it will look better than a fence. He said that he is in favor of the alternate dumpster location. He said he discussed with Emil Slavik, architectural advisor, that he is concerned about aluminum fascia. He asked that something else be used. He said if the City Engineer thinks mounding is appropriate, it should be installed to address the headlights of cars in the parking lot.

Commissioner Counts had no additional comments. Commissioner Coville asked if the alternate dish location will be more visible from Liberty Road. Mr. Betz said it may be a little more visible, but he doesn't think people will be looking at it. He said there is landscaping at the entrances, and trees in the parking lot that will help provide a buffer.

Commissioner Murphy and Commissioner Emerick had nothing further to add.

Commissioner De Palma said that the double density of landscaping proposed for the original dumpster location should be maintained for the new location.

Motion: Commissioner Wiencek moved to approve this Zoning Map Amendment with the following conditions:

1. That the alternative utility building and dumpster location be utilized.
2. That mounding along the north of the property, be installed if it is approved by the City Engineer.
3. That the landscaping to the south of the utility building be maintained as represented in the plan.
4. That the fence surrounding the mechanicals be of a brick material.
5. ~~That the materials on the fascia be approved by staff, but specifically excluding aluminum.~~

Commissioner Counts asked to discuss the fascia. Commissioner De Palma said that it was noted before that it detracted from the elevation. Mr. Karpinski noted that the building about which they noted that didn't have a gutter, while this one will. He said that most commercial buildings use that type of material. Commissioner Wiencek said he forgot about the gutter, and conceded the issue. He asked to remove condition number 5.

Commissioner Counts seconded the motion. The motion was approved: Counts, Coville, Wiencek, Emerick, De Palma, Futryk, Murphy.

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

1. That the alternative utility building and dumpster location be utilized.
2. That mounding along the north of the property, be installed if it is approved by the City Engineer.
3. That the landscaping to the south of the utility building be maintained as represented in the plan.
4. That the fence surrounding the mechanicals be of a brick material.

Commissioner De Palma seconded the motion. The motion was approved: Counts, Coville, Wiencek, Emerick, De Palma, Futryk, Murphy.

CERTIFICATE OF APPROPRIATENESS

Applicant: Yard Play
Location: 470 West Olentangy Street
Zoning: PC, Planned Commercial District

Request: Approval of Additional 1,600 sq. ft. for Outdoor Display and Sales Area for Recreational Structures

Kevin Mullins, Applicant, said they have been working to clean up their property, and they have been left with a large open space that they would like to utilize to display four play sets. He said that adding a fence as requested by Staff is no problem.

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

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

Commissioner De Palma said he has no objections to this proposal. Commissioner Futryk asked Mr. Leininger if "weathered" just means it needs to be painted. Mr. Leininger said it means it is discolored, but not rotted or damaged.

Commissioner Wiencek said he is not enamored with putting more structures on this property. He said the two structures already on the property advertise what they sell. Commissioner Counts asked if the number of structures on the Voss property were limited. Commissioner Wiencek said they limited them to two on the south side and not within 25 feet of the property line on the north side. Commissioner Counts said that ten seems to be a lot, but the site is so wooded, he is not overly concerned.

Commissioner Coville said that it is already clear what this company sells. He said he is more concerned with the area visible from the road. Mr. Murphy agreed.

Commissioner Wiencek asked if there is any support to limiting this to two units. Commissioner Counts asked how many are there now. Mr. Betz said that on the right side, there are none. Mr. Mullins said they would like to have more to display, and they will be sold at the end of the year. Commissioner Coville asked if the displays could be moved closer to the parking. Mr. Mullins said it cannot, as that is heavily wooded. Mr. Betz agreed.

Commissioner Emerick asked about the pines on this plan. Mr. Mullins said they are existing.

Commissioner De Palma moved to approve the Certificate of Appropriateness with the following conditions:

1. The number of recreational structures to be placed on the east side of the drive in the area shown on the plans be limited to four units.
2. A split rail fence, similar to the existing fence on the west side of the drive, be added along West Olentangy Street and both fences be painted white.

Commissioner Counts seconded the motion. The motion was approved: Counts, Coville, De Palma, Futryk, Murphy. No: Wiencek, Emerick

CERTIFICATE OF APPROPRIATENESS

Applicant: Powell Prep Academy
Location: 489 Village Park Drive
Zoning: PC, Planned Commercial District
Request: Approval of Signage, Outdoor Recreation Area with Recreational Structures and Fencing for Private School

Tom Runfoia, President, Powell Prep Academy, was present to address this application. Laura Ward, High Tech Signs, was also present.

Ms. Ward gave a presentation on their proposal for an individually lettered, non-illuminated sign to mount over the canopy of the main entrance. She said they chose the location because the building doesn't have much wall to make a sign of an effective size. She said the setback of the building from the road is too far to make the sign readable. She said that Staff mentioned putting the sign between two canopies. She identified the location, just above the bushes and mounted to the ground. She said she feels it will be ineffective. She reviewed that they are trying to mirror the Compass School on Sawmill Parkway.

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

Claire Jollof, Wolfe Commerce Park, asked if the sign can withstand snow accumulation and the west wind. Ms. Ward said it can.

Mr. Runfola expressed concern that if the sign is mounted on the ground as requested by Staff, that it will no longer be visible because of the vehicles parked in the lot. It will also block the view from two windows. Mr. Betz said that the photographs Mr. Runfola provided do indicate that a ground sign probably would not work. Commissioner Wiencek asked about a monument sign at the road. Mr. Betz said it is not out of the question, but that this applicant will eventually be moving, and such a sign should be of permanent nature.

Ms. Jollof asked if there isn't a "bump out" available for a sign. Mr. Betz identified a sign on the north side that identifies tenants within Wolfe Park. He said the sign on the canopy is not really a problem. He said the code allows for it, but not above the roof. He questioned how to interpret that. Commissioner Murphy said that he would interpret the language that extending above the roof line would be extending above the peak, or it would make no sense. He said he thinks this sign would be consistent with the intent of that.

Ms. Jollof asked the sign will be backlit or have a spot light. Mr. Runfola said it will not be illuminated. Ms. Jollof said that a monument sign is most likely illuminated. Mr. Runfola said that his concern for the sign is during daylight hours.

Commissioner De Palma said that he has no objections. He asked when the estimate is that they will move to another location. Mr. Runfola estimated it will be in 3-5 years, and they will remove the sign when they leave. Ms. Jollof said that this space will transition nicely back into office space.

Commissioner Futryk asked if a monument sign on one of the islands is out of the question. Mr. Runfola said that they hadn't considered that, but it could work if there is opposition to their proposal. Commissioner Futryk said he is concerned about how such an item would be anchored to the roof. Ms. Ward said that engineered drawings will be provided, and those details fully worked out. Commissioner Futryk said that he doesn't object unless other members would support going back and reviewing the possibility of a monument sign.

Commissioner Wiencek said he is not in favor of this sign. He said everything done previously in Wolf Commence Park has been muted, because these buildings are visible from residential areas. He said that this sign is anything but muted. He wouldn't support it as proposed, and he would rather see a monument sign. Ms. Jollof asked if a monument sign would be left for the next tenant or removed when this applicant leaves. Commissioner Wiencek said that if it were to be left permanently, the design standards would probably be higher. Typically the facing of a sign could be changed. He suggested that the landowner might share some of the cost of building such a sign. Ms. Jollof said if they lease the whole building, they can identify themselves on such a sign. Individual tenants would share a sign.

Commissioner Coville said the sign should be made flexible for a single user now and possibly multiple users later. He said there is a nice spot for a monument sign right next to the handicap parking in front of the building. He said he is not in favor of something above the gutter and possibly setting a precedent. He said the type of sign proposed is more consistent with retail than office space. Commissioner Murphy said that he doesn't really have a problem with this sign. He said he has been back in Wolfe Commerce Park, and it is difficult to find certain businesses, even with a monument sign. He asked if there is a reason that this is being reviewed by the Commission other than the question of interpretation. Mr. Betz said that the other requirement is for 25 sq. ft., with which this complies.

Mr. Runfola said they do have problems with people finding their school. He said that they will be one of the anchor tenants in this office park, and the other anchor is the Village Academy School. He said that he is unsure where a sign in the alternate location would face. He said that the sign is not an eyesore, and it is very much the same as the Compass School in Liberty Township.

Commissioner Futryk asked what kind of sign the Village Academy has. Mr. Betz said it is brass letters on brick, but a different type of building. Ms. Jollof said that she is sure that when the applicant designs their future building, they will plan for signage on the building. This sign would not set a precedence because it is a different design.

Commissioner Coville asked about installing this sign at the handicap space where there is only a driveway and not many cars that will block it. Commissioner Wiencek suggested other possible locations on the property. Mr. Runfola expressed concern that some of the locations would not be visible from Clairedan or Village Park Drive. Another location is too close to the school. He said that a location on the mound would be appropriate. Ms. Jollof said that location #2 would be blocked by the next building. Mr. Betz recommended location #3.

Commissioner Emerick said he would also prefer a monument style sign. He said if this were in a commercial area, such as Sawmill Parkway, it would be different. He said he feels that the Commission needs to address Mr. Betz's interpretation of the code. Commissioner De Palma said that there seems to be a consensus that this sign is not appropriate for this location, so that is a moot point. Commissioner Counts said he thinks it is important that this section of the code be applied consistently. Mr. Betz reviewed that Section 1151.08(a)(2)(A) "allows signs to be attached to canopy, awning, roof, or marquee which projects the building over a walk or yard provided no part of such signs may extend above such canopy, roof, or marquee."

Commissioner Futryk asked if the peak above the "p" in Prep is what should be considered. Mr. Betz said that is a hipped roof with a canopy, so part of the sign is above the roof line and part of it isn't. Commissioner Emerick asked how the Commission could define "projection above the canopy," when the signage is really on top of it. He said that he would interpret that this would definitely be projected above the canopy since it is mounted on top of it. Commissioner Futryk said that the "Pow" of Powell and "emy" of Academy are in his mind technically above the roof line. He asked if the applicant is adverse to considering the monument at one of the locations identified by Staff. Mr. Runfola said they will.

Steve Bissonet, 416 Village Ridge Court, said that his son attends Powell Prep Academy. He said this is a business that is doing great things for community children. He said that the fact that this school is in a commerce park shouldn't stop a whimsical sign from being installed. He expressed concern that there could be additional expenses to install a monument sign, and he noted that this is a temporary location.

Commissioner Emerick expressed concern about setting a precedence by allowing such a sign.

Mr. Runfola asked if a monument sign could be installed parallel to the building facing Clairedan Drive. There was no objection from the Commission. He asked if they could still use whimsical letters. There was no objection from the Commission. Mr. Betz noted that the size must comply with the code, and the words may have to be on two lines.

Commissioner Murphy asked if the Commission is applying an interpretation because the edges of the sign are over the roof line, or because such a sign must hang down. Commissioner Wiencek said it is difficult to interpret, and the Commission should look at re-addressing this for future applications. He said he originally thought any sign would need to hang down, but now that he has reviewed it further, he feels the question is more where it sits than where it attaches to.

Mr. Runfola asked if a monument sign could be lit or back lit. Ms. Jollof said that she would like it to be similar to other signs in the development, and if it may be used later, she would like it to be backlit. Mr. Runfola asked how large such a sign could be. Mr. Betz said it can be 25 sq. ft.

Michelle Sites, School Director, said that when she looks at this sign, she feels it is going above the canopy but not above the roof line. Commissioner Emerick said that the code says that "no part shall go above such canopy..."

Mr. Runfola said they will redesign the sign. Mr. Betz suggested a motion that approves a monument sign that Staff can approve if it meets all other zoning requirements.

MOTION: Commissioner De Palma moved to approve a monument sign that Staff may approve if it meets all other zoning requirements. Commissioner Wiencek seconded the motion. The motion was approved: Counts, Coville, De Palma, Futryk, Murphy, Wiencek, and Emerick

The Commission then discussed the playground. Commissioner Wiencek said he would like the fence around this playground to match the other fence and playground. Mr. Runfola said they will do that.

Commissioner Coville agreed the fence would be consistent, but he expressed concern it would be around multi-colored play areas. Ms. Jollof said there are already such structures at Village Academy.

MOTION: Commissioner Count moved to approve the Certificate of Appropriateness for the outdoor recreation area subject to the condition that the fence and recreational equipment be removed and the area restored to grass upon vacation of the applicant of the structure. Commissioner Futryk seconded the motion. The motion was approved: Counts, Coville, De Palma, Futryk, Murphy, Wiencek, and Emerick

SKETCH PLAN

Applicant: Steve Moberger, Construction One, Ltd. (Goddard School)
Location: 419 West Olentangy Street (Murphy Commercial)
Zoning: PC, Planned Commercial District
Request: Review of Proposed 8,000 sq. ft. Preschool/Daycare Building on 1.23 Acres

Bill and Steve Moberger, Construction One, were present to discuss this proposal for a Goddard school on the piece of property just to the east of the fireplace store on west Olentangy Street. Bill Moberger said they have submitted plans for the new prototype for the Goddard School. He reviewed the playground lots for the site and the necessary fence around the perimeter. He said they plan to maintain as many trees as possible. He said that the owners of the school require that no berry trees or "dirty" trees are used because of the children. He said he knows that Staff has a proposal for an alternate layout to that which they submitted.

David Betz, Director of Development, gave his Staff Report on this issue (Exhibit). He reviewed the plan, and future uses for adjacent properties. He reviewed the plans for an access drive, and a right in right out entrance. He reviewed photographs of the prototype one-story building in other communities. He reviewed the site plan as proposed by Staff, with the front of the building facing the street. He said that Staff feels it is a better layout. He said that an arborist will be needed to review the health of some of the trees on this site.

Mr. Betz said that the floor plan for this school has an access from each classroom to the outdoor play area. He said that Staff's proposal would allow access to the play area from a hallway for one of the classrooms. He said this could allow for the removal of some doors from the side elevation if the building code permits it. He said Staff's proposal reduces the parking by only two spots. He said that the revised site layout may allow the applicant to keep some significant trees that aren't identified on the plan.

Mr. Betz reviewed photographs of some two story buildings that the Goddard school has built in Gahanna and Worthington Hills. He asked that the applicant consider using the two-story façade. Commissioner Coville noted that the Worthington Hills building has a beautiful stone facade. Mr. Betz said that Staff feels this is a good use for the site, and that the applicant should proceed with the considerations in the Staff Report.

Commissioner Emerick asked about the square footage for the two story unit. Bill Mosberger said that the owners have stopped using the two-story unit because it has proven difficult access for the children and the teachers. Mr. Betz suggested a higher rake to the building and a higher pitched roof. He said the "prototype" that was presented to the Commission is too small in height to the adjacent buildings. He noted that Rutherford Funeral Home across the street has a higher pitched hipped roof, and that is something to consider.

Bill Mosberger said that he feels Staff's proposal is better. They like the exposure to the north. He said they will have to review it with Goddard. He said that Goddard would like to see a porch entry to the front that can be accessed from the parking area. He said that there are two playgrounds needed for different aged children, and that will require removing some trees. He said they are not opposed to losing two parking spaces. He said they are proposing a standing-seam metal roof, and they would prefer to maintain the roof pitch they have proposed. He said they can work something with the front entry to make it more substantial. He said they are proposing brick around the building. Commissioner Futryk asked if the front entry will have the canopy with the sign. Steve Mosberger said that it will. He noted that the drawings indicate otherwise, and that is confusing.

Commissioner Wiencek asked if a hipped roof is proposed. Bill Mosberger said they are planning a gabled roof. Mr. Betz asked if access to the playground from the center hallway rather than an individual door from the classroom is possible. He said it seems safer to him. Mr. Mosberger said that can be considered. He said a fence may be needed on the outside if that is done. Mr. Betz suggested that an alarm door, or childproof door that meets the building and fire code be considered. Mr. Betz asked that an arborist look at the trees and make suggestions about where the playgrounds can be placed to protect the trees.

Mr. Betz said that Staff does feel this is a great use. Commissioner Counts said he thinks this is an excellent use for this site, however, the design of the building is horrible. He said that the Planning and Zoning Commission spent a lot of time to make sure that adjacent developments are attractive. He said the Worthington Hills Building is attractive, and this looks like the auto repair store across the road. Commissioner Coville agreed. He said the building materials are inappropriate. Mr. Mosberger said that he is unsure whether the picture does the building justice. He said the building will be brick with a green standing seam metal roof.

Commissioner Wiencek concurred. He said this is a great use for the site, but the wrong building. He said there must be many things done to give it some more architectural entrance. Mr. Betz suggested an entry tower,

something higher, some second story treatment. Commissioner Wiencek asked why they want to maintain the roof pitch. Mr. Mosberger said that the Goddard school is trying to roll out a "prototype" building. Commissioner Wiencek said that he thinks at least a 6:12 roof pitch should be considered, with gables, bump ins, bump outs, and all of those architectural kinds of things. Commissioner Coville said that interesting windows should be considered. Commissioner Emerick said that the Commission views this as the gateway to the City of Powell, and they will be looking for a building that beautifies rather than detracts from this development. Commissioner Wiencek said that when this area was annexed, the developer proposed a set of very nice looking buildings. Although the development plans for this area are very different from the original proposal, the Planning and Zoning Commission has kept very high standards for architectural design control. They will continue that here. Commissioner Futryk agreed. He said this almost looks like a warehouse, or an office complex converted to a school.

Mr. Mosberger reviewed that it sounds to him like the use is appropriate. In addition, the northern exposure on Powell Road is acceptable, thirty parking spaces is sufficient, and that the playgrounds surrounded by the fencing is permissible. There were no objections from the Commission.

Commissioner Futryk asked if there are any office needs that would make a two-entry unit practical. Mr. Mosberger said that all they have is the administrator, who they want right by the front door.

Mr. Betz said that he knows that elementary schools are not designed with entries to each classroom, so he would ask that the details on those accesses be considered. Commissioner Wiencek asked about continuation of the bikepath. Mr. Betz said that is part of the plan.

Commissioner Futryk asked what is the pitch on the elementary schools. Mr. Betz said that those are 4:12, and much bigger buildings. Commissioner Wiencek added that they are nestled in residential areas where it is desirable to keep the pitch low. Mr. Mosberger said it sounds like there is an aesthetic concern.

Commissioner De Palma expressed concern that an all-brick building could be stark. He said he would like to see the elevation broken up so that any brick would be accented with stone. Mr. Mosberger asked if stucco stone would be more appealing. Commissioner Wiencek said there is brick on HER and stucco and stone on the ASK building. Commissioner Counts suggested the applicant review the plans for the HER and ASK building and try to blend in.

Mr. Betz suggested considering a two-story portion to the building. Commissioner Emerick suggested the applicant work with the architectural advisor to the Commission. Mr. Mosberger said they will work on some of the aesthetic concerns on the exterior of the building. Commissioner De Palma expressed concern that there are a lot of mechanicals coming out of the roof. Mr. Mosberger said those are flews from the bathrooms that are necessary. He said all of the HVAC equipment will be elsewhere. Commissioner Coville asked

OTHER COMMISSION BUSINESS

The Joint Meeting with Council will be held April 16.

The next Planning and Zoning Commission meeting will be held on May 8.

The Joint Liberty Township/Powell CEDA hearing will be held on April 24.


Mr. Betz noted that Council asked that the Planning and Zoning Commission review the Recreational Structures ordinance.

Mr. Futryk asked that Staff provide the new Commission members with the elevation drawings of the HER and ASK developments.

ADJOURNMENT

The Commission adjourned at 11:00 p.m.

DATE MINUTES APPROVED:

 8-9-02

Don Emerick
Chairman

Date

