

**MINUTES  
PLANNING AND ZONING COMMISSION  
JUNE 26, 2002**

A special meeting of the City of Powell Planning and Zoning Commission was held on June 26, 2002, and called to order at 7:30 p.m. by Chairman Don Emerick. Other Planning and Zoning Commissioners present were Kevin Futryk, Dan Wiencek, Don De Palma and Brian Murphy. Roger Coville and Tom Counts were absent. Also present were 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**

There was none.

**APPROVAL OF MINUTES**

The minutes of June 12, 2002, were amended and approved.

**FINAL DEVELOPMENT PLAN (Tabled from the June 12 meeting)**

**Applicant:** Newbury Homes  
**Location:** 10331/10571/10441 Sawmill Road  
**Zoning:** PR, Planned Residence District  
**Request:** Approval of a Final Development Plan for 16.454 acres on the east side of Sawmill Road and west of Lakes of Powell for 15 two- unit condominium buildings (30 units) on 10.4 acres and an existing church on 6.25 acres

Samantha Shuler, Attorney for the applicant, reviewed changes to the plan from the last meeting. She said that there was discussion about the bikepath going around the pond. She said they are proposing that the path come in where it did before and go around in a circle and then come out onto Zion Drive. A public access easement will be provided. She said that their plan still lists vinyl as a permitted material, but that is a mistake. She said that they have no problems with the rest of the conditions in the Staff Report (Exhibit).

David Betz, Director of Development, gave his Staff Report on this item. He said that the current bikepath configuration provides a greater public benefit than that originally proposed.

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

Commissioner De Palma said that he is still disappointed that there have been no upgrades to the rear of the units, particularly those facing Zion Drive or Sawmill Road. He said that the backs look bland, and that is why he requested that the units backing onto those areas be three-bedroom. He suggested adding stone around the bottom.

Commissioner Wiencek said that the Commission did select three units that should be the three-bedroom style. Mr. Betz said the buildings have been renumbered, and now units 3, 10, and 15 should be three-bedroom. Ms. Shuler said that they were chosen because they have the more interesting rear elevations. Commissioner Wiencek asked about the emergency access drive. Mr. Betz said that it will be a gravel base with topsoil on top. The Fire Department will know it is there, but it won't be visible. Commissioner Wiencek said that he thought the Commission was asking the applicant to seek easements for bikepaths on the corner lot. He asked, if they are successful in obtaining those easements, will the applicant be installing those paths. Ms. Shuler said that they commit to stubbing it in to the other person's property. Commissioner Wiencek said that there has been public comment that the added density of this project should result in additional public good. He said he remembers that the applicant made a commitment to install the path along Sawmill if they get an easement. He said he would like the Commission to retain the right as well as encourage the path along Zion Drive. He asked for an estimate on the bikepath cost. Mr. Betz estimated \$12-15,000. Mr. Betz said there is some right-of-way along Sawmill, but the bikepath would have to be on the property along Zion because it is off-center from the right-of-way to provide the sidewalk on the north side.

Commissioner Wiencek said that there was an agreement that this development will be all-natural materials. He asked if the Commission can review materials and colors at a later date. Mr. Betz said either the Commission can review that, or the Architectural Advisor can review that. Commissioner Wiencek asked if Hardiplank is being considered as a natural material. Mr. Betz said that should be considered with this, as the Commission is currently considering a change to the Zoning Code regarding that material.

Ms. Shuler said that it seems to her that the bikepaths on adjacent property should be installed by the person who develops that property, at least along the longer side of it. She said they would like the option of using Hardiplank in addition to other natural materials.

Commissioner Futryk said that the front elevation will be stone and stucco and the chimney will be stone. He asked what other materials they are planning to use. Steve Newcomb, Newbury, said they don't think cedar is a very good product, and they plan to use Hardiplank. Commissioner Futryk expressed concern about Hardiplank on such a long expanse on the back. He asked how to break up that long line, considering that Hardiplank is made in 12-15 foot sections. He said the three-bedroom units are less of a concern. Mr. Newcomb said that he doesn't know how to break up the back without changing the floor plan. He noted that their office is Hardiplank, and there are long expanses on it.

Mr. Murphy said that he would like to see a requirement that they continue the bikepath on Zion Drive. He said that density concessions have been made, and such a path will benefit the community. He expressed concern that a public hazard rather than benefit might be created by stopping this path right in the middle of Zion Drive. He said he would like the applicant to make the effort to acquire the easement to continue the path and connect it into Sawmill. He said he would like to see this done in return for the density concessions that have been made.

Commissioner Emerick asked if the easement Mr. Betz mentioned is on both sides of the property. Mr. Betz said he is unsure if it is needed along Sawmill, as there is existing right-of-way

Commissioner Futryk asked, in addition to what is going around the tree stand and the pond, is there part of the bikepath that will come into the main development. Ms. Shuler said that it will continue into the development for private access for residents. It will be 4-foot wide rather than the 8-foot wide public portion of the path. Commissioner Wiencek asked if there isn't a sidewalk standard. Mr. Betz said it is 5 feet, but that would be private, so it can be 4 feet. Commissioner Wiencek asked, if the pathway truncates at the pond, whether it is appropriate to consider curb cuts and ramping. Mr. Betz said that the Commission can require that if they want one. Ms. Shuler noted that the pathway currently ends mid-street. Commissioner Emerick said he would like to see the path along Sawmill. If it ends at Zion, the ramps would need to be installed. He said he would prefer to see it all the way along Zion Drive. He said at one point, the Commission thought this development would have a density of 2.7 d.u./acre, but now, at 2.98 d.u./acre, it is "getting up there." Mr. Betz said there would have to be an easement to complete the pathway along Zion Drive, but if the property owner doesn't want to grant it, there is no way to force them.

**MOTION:** Commissioner Wiencek moved to approve the Newbury Homes Final Development Plan with the following conditions:

1. That the applicant determine the extent of the wetland delineation, provide Staff with a copy of the study, and determine how the applicant intends to mitigate.
2. That Staff approve the layout of underground utilities and that the utilities avoid treed areas.
3. That storm water feasibility calculations be provided to ensure the proposed retention pond is large enough to accommodate the development site, including the church.
4. That the units 3, 10, and 15 be 3-bedrooms units.
5. That the applicant shall have materials and colors approved by Staff.
6. That the zoning of the one-acre parcel will be effective upon the annexation of the 1 acre parcel.
7. That Staff approve the final condominium association documents to be sure they are consistent with City regulations and this development plan.
8. That assuming that the property owner to the Hwang parcel provides an easement along Zion Drive, that the applicant will be required to install a bikepath to Staff specifications and that the applicant be required to install the bikepath along the frontage of the Hwang property at Sawmill either if the owner provides an easement or if Staff is able to design a bikepath within the existing right-of-way.

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

**COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN** (Tabled from the June 12 meeting)

**Applicant:** Steve Moberger, Construction One, Ltd. (Goddard School)  
**Location:** 419 West Olentangy Street (Murphy Commercial)  
**Zoning:** PC, Planned Commercial District  
**Request:** Approval of a Combined Preliminary and Final Development Plan for an 8,000 sq. ft. Preschool/Daycare Building on 1.23 Acres

Steve Moberger, Construction One, said that they have fine-tuned this plan since they were last before the Commission. He said that they have flipped the building according to Mr. Betz's recommendation. The have

provided the Commission with a variety of suggestions for the elevation. He said that he prefers the wainscot brick on the bottom with stucco-stone on the top, but they have also provided the Commission with pictures of the stone on the bottom and brick on top. The third type was stucco-stone on bottom and stucco on top.

David Betz reviewed the elevations of the HER building planned for the adjacent lot. He said that the ASK Water Sports building proposed for the area will not be constructed, as they did not receive financing. He gave his 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 asked if this is adjacent to the HER building. Mr. Betz said it is not. Colonial Fireplaces is to the west, with a lot in between this building and HER. Commissioner De Palma said he would like to see a change in materials, or some diversity in the area. He expressed concern that this building is brick as is the HER. He noted that in subdivisions, there is an attempt to use different materials so that all of the houses don't look the same. He said that he likes the all brick, but he's concerned it is too much like the HER building. He said he thinks the applicant's preference is "busy-looking," but at least different.

Commissioner Wiencek said that he thinks that some measure of uniformity is appropriate. He said that the original concept for this area was the "college park" kind of look, and he would like to see more uniformity. He suggested varying brick colors to provide some contrast. He said that he is concerned with the lighting, and concurs with Staff about uniformity. He expressed concern about how some commercial developments tend to look like "landing strips." Mr. Betz noted that Village Pointe is a well-done parking lot. There is enough light for safety, but it is not blinding.

Commissioner Wiencek expressed concern about removal of a 30" maple tree. Mr. Betz said that some of the larger trees should be removed because of their health, and they are marked as hazard. Commissioner Wiencek suggested 4 foot black vinyl fencing around the playground. Mr. Moberger said that picket fences are used on every Goddard school, but he doesn't know why. Commissioner Wiencek said it is probably easier to climb a chain link fence than a picket fence, and that may be why. He asked if the white picket fence will match the parapet. Mr. Moberger said he has no problem with that. Commissioner Wiencek said that Abbington Estates, at the end of Old Sawmill road has a very nice solution to dumpster screening in that it has stone pillars on the corners with a wood fence in between. Since this dumpster will back up to a public park, he would like it to be as attractive as possible.

Commissioner Futryk said that at the last meeting, the Architectural Advisor noted that the doors on the side elevation are not symmetrical. He asked if they can be moved to align with the vents above. He noted that there are 5 on one side and three on the other. Mr. Moberger said that the doors are for egress from the 8 classrooms, and they can't be moved. Commissioner Futryk asked about concerns about the 4-paneled window. Mr. Betz said that he thinks the one 4-paneled window is out of balance. Commissioner Futryk asked if a better balance can be achieved for the five doors on the west elevation. Mr. Moberger noted that that elevation will be up against the adjacent development, and people won't really see it. Commissioner Futryk asked, on the eastern elevation, where there are two doors side to side, whether those can be moved for a better balance. Mr. Betz said that the fence will block part of that. Commissioner Emerick said that one of those doors is for the mechanical room, and could possibly be moved to the other side. Mr. Betz said that may actually make it off-balance. Commissioner Futryk suggested changing the windows on the doors so there are two panels rather than one. Mr. Betz recommended that the doors be changed to a full half-lite door.

Commissioner Murphy said that he thinks all of the elevations look good, and any variation is consistent with other area buildings. He said he would defer the applicant, whose preference is attractive and consistent with others in the area. He said he is fine with stucco stone and brick.

Commissioner Emerick said that his preference is brick over the stone, as it is a "cleaner looking building." He said that some things can be done to make it not identical to the HER Building. He agreed with Commissioner Wiencek that this whole project was proposed with a campus-type atmosphere which can be better achieved with uniformity in the buildings.

Commissioner Futryk said that he would prefer brick over stone, with the addition of stone on the front awning where stucco is shown.

**Commissioner Wiencek moved to adopt the Combined Preliminary and Final Development Plan for the Goddard School with the following conditions:**

1. That the applicant work with Staff to design the pork chop median of the right-in/right-out access in a manner so as to prevent left turns.
2. That the elevation be brick over a stone water table as submitted with the stucco on the front gable replaced with stucco stone. The applicant shall submit all materials and colors to the Commission for approval.
3. The applicant submit a cut sheet of the proposed classroom doors to the Commission for approval.
4. That the applicant arrange an on-site meeting with Staff and a Certified Arborist to determine the extent of tree removal.
5. That landscaping be added around the dumpster screening.
6. That a 50 feet tree preservation easement be shown at the rear of the property and the applicant work with Staff to determine the text of the easement.
7. That detailed sign drawings be submitted to the Commission for approval and any ground sign utilize a stone or brick base with a wood sandblasted sign.
8. That the applicant submit all engineering plans to the Engineering Department for approval.
9. That the applicant submit details of play equipment to be utilized for approval by the Commission.
10. That applicant work with Staff to identify appropriate decorative lighting to be used throughout the commercial properties at the Murphy development.
11. The applicant work with staff on an acceptable alternative material to stucco over the vent covers.
12. That the dumpster enclosure be of a pillar and fence construction and the applicant work with Staff on acceptable materials and design.

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

#### ADMINISTRATIVE REVIEW

**Applicant:** Church of Latter Day Saints  
**Location:** East Side of Liberty Street between Ashmoore Drive and Liberty Ridge Avenue  
**Zoning:** PR, Planned Residence District  
**Request:** Approval of a revised site plan based upon error in previously approved Final Development Plan.

Tom Karpinski, Architect, said that he is embarrassed to admit they have had computer errors that have caused problems with the scale in their designs for several projects. He said that as a result of this error, the building has been resized and the parking lot made smaller and shifted. David Betz, Director of Development, gave his Staff Report on this issue (Exhibit).

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

Commissioner Wiencek said that while it doesn't seem like a lot, this reduction in setback from 35 to 27 feet represents a 20% reduction. He said this will create a substantial visual impact. He asked what the minimum setback for parking is. Mr. Betz said that the minimum is 15 feet. Commissioner Wiencek asked if there is a need now to augment landscaping. Mr. Betz said that the planned mounding and landscaping will be fine.

Commissioner De Palma asked if there is any change to the lighting. Mr. Betz said there is not. The lighting is still around the interior of the building.

**Commissioner Wiencek moved to approve the amendment to the approved Final Development Plan as submitted. Commissioner Futryk seconded the motion. The motion was approved. Yes: De Palma, Emerick, Futryk, Murphy, Wiencek.**

#### OTHER COMMISSION BUSINESS

David Betz, Director of Development, reviewed the Comprehensive Plan Work Program proposal (Exhibit). He said he would like this to go before Council at their July 9 meeting.

Commissioner Wiencek said that Council has already unofficially determined that there is a desire for Powell to be an upper-tier community with upper-tier services, and he would like that vision kept in mind. He said he would like the first residents of Golf Village to be part of this planning process.

Commissioner Wiencek asked if the plan is to divide the City into zones. Mr. Betz said it is, with the four corners establishing quadrants. Commissioner Wiencek asked if research can be completed that identifies the likely

progression of businesses in the downtown area. Mr. Betz said a market study would be appropriate, to determine the downtown commercial area as well as the commercial areas outside, such as Sawmill Parkway.

Commissioner Wiencek commended Staff on this work program and said it is a good start. Commissioner Futryk said that heavy participation is important, and the more input, the better. He spoke favorably of including young people in the planning process.

Commissioner Murphy asked what the Cooperative Economic Development Agreement for Golf Village establishes regarding the Comprehensive Plan. Mr. Betz said that the area to the north of Home Road cannot be annexed without an agreement and a land use plan agreed on by the City and Liberty Township.

#### **ADJOURNMENT**

The Commission adjourned at 9:00 p.m.

**DATE MINUTES APPROVED: July 10, 2002**

 8-9-02

**Don Emerick**  
**Chairman**

**Date**