

**MINUTES
PLANNING AND ZONING COMMISSION
JANUARY 8, 2003**

A regular meeting of the City of Powell Planning and Zoning Commission was held on January 8, 2003, and called to order at 7:30 p.m. by Chairman Don Emerick. Other Planning and Zoning Commissioners present were Kevin Futryk, Roger Coville, Dan Wiencek, Brian Murphy, Tom Counts and Don De Palma. Also present were David Betz, Director of Development; Shawn Leininger, Development Planner; residents; and representatives of the press.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Moved by Commissioner Wiencek and seconded by Commissioner Futryk, the Commission elected Don Emerick Chairman and Tom Counts as Vice Chairman of the Commission for 2003.

HEARING OF VISITORS FOR ITEMS NOT ON AGENDA

There was no discussion on non-agenda items.

MINUTES

The minutes of December 11, 2002 were amended and approved.

PRELIMINARY DEVELOPMENT PLAN

APPLICANT: Powell United Methodist Church
LOCATION: 825 East Olentangy Street
ZONING: PR, Planned Residence District
REQUEST: Approval of a Preliminary Development Plan for a new sanctuary addition of 15,577 sq. ft. and parking lot

Tony Eyerman, Applicant, reviewed the changes to the plan from original submittal. He said that those changes were made per the request of Staff and the Planning and Zoning Commission.

1. They have extended the parking lot to the north 11 feet and to the south 5 feet to accommodate two parking islands oriented in an east-west fashion. This revised layout maintains a 27-foot rear yard setback, where 20 feet is required. It maintains a 1-foot setback behind the existing parking lot. He said that it was discussed at the last meeting that this change will require a front yard setback variance.
2. They have increased the parking islands to comply with City standards. This allows for larger root zone for proposed landscaping. That will release them from their request for a variance from the parking island requirements.
3. They have aligned the fence as suggested by Emil Slavik, Architectural Advisor. He said they have brought the fence back at both entries to promote better visibility.
4. They are proposing additional plantings along the educational wing on Olentangy Street. The total additional plantings represent 34 trees, including the parking lot islands.
5. They have refined their parking tabulations to more accurately reflect the true increase in parking quantities. From existing to proposed, they have only increased the parking spaces by 88 plus 4 handicapped.
6. They propose to locate as many of the storm inlets in the grass islands to improve the quality of the stormwater from the site, as the grass serves as the filter. It also locates the stormwater retention areas away from the pedestrian areas.
7. The parking bays will be 18-feet deep as previously proposed. The islands allow for automobile overhang.
8. Regarding Staff's request that they replace the pole lighting in the south and west parking lot with bollards, they agree to work with Staff to either lower the fixtures there to an agreed-upon height, or to provide bollard lights on the existing pedestals. He said that both options would lower the light. They will put the lights on timers per Staff's request.
9. Regarding the impact of headlights into the church on residential properties across the street, they agree to provide mounding and screening at their own expense. He said the church realizes the original landscape was inadequate and they are trying to fix it.
10. He said that the City Engineer asked that the ditch along Olentangy Street be removed and replaced with a pipe, and they have agreed to do that.
11. They have hired Traffic Engineering Services to prepare the traffic management plan, which will be submitted as part of the Final Development Plan.
12. They have revised the permanent seat width, from 18" to 24" per Staff's recommendation, and that has had a great impact on the number of permanent seats and the calculation for the minimum church site.

He said that they meet the requirements of 7 acres for such a site, as they will have 7.6 acres.

Mr. Eyerman said that they have made no changes to the building layout at this point, and they are willing to discuss concerns about the 10-foot setback and 2-foot height variances. He said that Emil Slavik, Architectural Advisor to the Board, said at the last meeting that the applicant worked well to incorporate the use of landscape materials in complimenting the architecture, and he spoke favorably of the bell tower and the proposed addition.

David Betz, Director of Development, gave his Staff Report on this issue (Exhibit). Commissioner Wiencek asked if the space for loose chairs is included in the parking calculations. Mr. Betz said that the loose seats are to be included for consideration of necessary parking, and the Planning and Zoning Commission needs to consider whether the 24" change in calculation for seat size can be applied to the size of the site.

Mr. Betz asked if the narthex was included as part of the assembly area in the parking calculations. Mr. Eyerman said it was.

Commissioner Emerick opened this item to public comment, and reminded the public that they are asked to limit their comments to three minutes, per the Commission's rules of order.

Lee Ritchie, 640 Woods Hollow Lane, Secretary of Deer Run's Homeowners Association, reviewed the results of the survey of Deer Run residents regarding this development plan (Exhibit 2).

Joseph French, 18 Sycamore Ridge Drive, said that his home is adjacent to the church and he looks at it all the time. He said that he is president of Deer Run Homeowner's Association, but not here in that capacity. He said that he thinks the survey is important, but he questioned the response rate. Commissioner Wiencek said about half of the residents in Deer Run responded. Mr. French said he was disappointed with the last meeting when a member of the Commission said something like "the church didn't bring (him) something (he) could approve." He said the church is trying to address its need, and he doesn't understand that comment. He said that there was also concern about the sacristy coming out another 10 feet. He said that the 10 feet breaks the angle up, and he's not sure what is the concern about that. He said that he has worked for 30 years in an administrative and bureaucratic environment, and he understands that ordinances are guidelines. He said, however, the church has brought fourth logical and relevant reasons for the variances they are requesting, and the intent is to take those logical reasons and incorporate those into the decision process. He recommended that the bikepath be removed or run into the parking lot to allow for trees along Powell Road. He said that it is the intent of surrounding neighbors to work together to get as much green space as possible, and he spent a lot of time with the church working toward that goal.

Jon Airy, 575 Woods Hollow Lane, referred to the survey and the "overwhelmingly negative reaction" to this development. He said he agrees with staff's original comments that this is too intense on a relatively small tract. He said they would like to see the impact on Deer Run reduced.

Denise Meszaros, 1820 W. Powell Road, said that those concerned about this development have had many discussions and sought out opinions on this issue. She said that the zoning variances are extreme. She said that a 20% variance for a roof line is extreme, and the bell tower is immense. She said there are traffic and safety concerns. She said that the church needs to consider a turn lane or traffic signal in this area. She said that the S.R. 315 and Powell Road intersection is the 11th worst in the Columbus area, and in the "top 50" statewide. She said that she is concerned about the traffic not only on Sundays, when they have traffic being directed, but other times when they are "renting the facility out." She said she is concerned about the loss of green space and the height of the bell tower. She compared the bell tower in this development to a bell tower at Polaris. She said she talked to someone who is "into architecture," who said this plan looks too "mall-like." She said the 15-foot high cross on the bell tower will make it much taller and it is out of scope and out of scale with the area. She said that she has "had a historical relationship with Powell, the rural nature of this area, it would be a shame that we not continue to symbolize Powell in this way." She continued that "the variances truly do not fit into the civic design so important to the area as evidenced in recent surveys conducted by the City of Powell itself, and that's the Comprehensive Plan survey," which she said indicated that people move to the Powell because it is a quiet place to live. She said that is why white fences, silos, and churches that look like barns fit in better.

Patrick Doyle, 148 Valley Run Drive, said he moved here 4 years ago for a sense of a rural close-knit community. He said that he thinks this property is 2 ½ - 3 acres small for the number of cars. He said that he appreciates using the 24" calculation for parking, but noted that that represents 340 parking spaces in peak times on a two

lane road. He expressed concern about the traffic impact as well as the environmental impact of the additional cars. He said that this property is too dense.

Doug Meszaros, 1800 Powell Road, thanked the Powell United Methodist Church (PUMC) for the letter confirming they will work with them to provide screening. He asked why there was a proviso in that commitment that the City of Powell or Delaware County would have to approve the screening. Mr. Betz said that the Meszaro's property is outside the City of Powell and the City has "no control over it." He said that he is unsure of the correct approval process outside of the City.

Tom Anderson, PUMC, said that they put that condition in there because they didn't have an approval and didn't know if they need any. He said they have committed to complete the landscaping they agreed to during the education wing development process.

Alan Moore, 176 Ascot Court, said that he has lived in The Chase since 1988, and he is a member of the church. He said he believes the bell tower proposed is shorter than the present cross. He said that 130 families in the church live in the City, and 588 have Powell mailing addresses. He said he is probably just as close to the church in The Chase as those that live in Deer Run. He said that it is his prayer that all persons involved and affected can reach a compromise between that which is right for the City, Deer Run, and the church membership. He said they want to maximize the use of their facilities, and complete the construction. He said he knows that variances are to be avoided, but he doesn't think setting back the 10 feet into the education wing will be desirable. He said that 10 feet represents "3.3 yards in a football field."

There was no further comment and the public comment portion was closed.

Commissioner De Palma said that he wasn't at the last meeting, but he doesn't want to take up too much time bringing him up to speed. He asked Mr. French if he is a member of the church. Mr. French said he is not.

Commissioner De Palma asked how much of the \$4 million cost for this development included the purchase of the land. Mr. Anderson said that they estimate their cost at \$3 ½ - 4 million, but the additional land was purchased previously for \$392,000 and is not included in that cost.

Commissioner De Palma asked about the status of the traffic study. Mr. Betz said that Traffic Engineering Services is completing a traffic study and preparing a traffic management plan. Commissioner De Palma asked about Powell Road being expanded to 3 lanes as discussed at the last meeting. Mr. Betz reviewed that the State has plans to widen Powell Road from U.S. 23 to S.R. 315 and provide turn lanes for east-west bound traffic. He said that is planned for 2005. He said there are no plans for turn lanes on S.R. 315 north or southbound.

Commissioner De Palma asked about statements at the last meeting that the education wing is not compatible. Phil Harren, Architect, said that it was designed by another firm. He said they have a desire to make this compatible and create contiguity around Powell Road. Commissioner De Palma commented that he wondered if people will say this structure is incompatible in 10 years. Commissioner De Palma asked about the currently approved development plan that would allow some expansion. Mr. Betz said that the current plan has a sanctuary addition of approximately 2500 sq. ft. less than proposed. It also didn't include the office expansion included in this plan. Lester Noble, PUMC Building Committee, said that when the opportunity to purchase an additional 2.2 acres presented itself, they did so and enhanced the plan.

Commissioner De Palma referred to an email from Louise and Randy Fleming (Exhibit 3). Marcus Atha, Pastor, PUMC, said that they are not present due to a family medical emergency.

Commissioner De Palma said that he thinks the survey has a significant number of negative responses. He referred to the opinion letter he circulated to members the last time this issue was addressed (Exhibit 4).

Commissioner Futryk said that while he appreciates the efforts of the church, he is still concerned with the size of the sanctuary and the deviation from the setback requirements. He expressed a concern that a precedent could be set for such setback divergences. Commissioner Futryk asked if the proposed parking would be sufficient in the event that activity is occurring in the narthex, fellowship hall, and sanctuary at the same time. He asked if the entire footprint of the building should be considered in the parking calculation for the entire site. Mr. Betz said it should be, and that's where the 340 space calculation came from. Mr. Anderson said that there are education classes that go on during the church services and the narthex and fellowship hall will be used as a transition

space for coffee between the services. He said they are proud that this is a well-attended, family-oriented church. He said that frankly, there is not enough parking and there won't be with the originally-approved expansion plan, either. He noted that they plan to over-landscape the site to limit the impact of the much-needed parking. Commissioner Futryk said to him, the parking issues have been addressed, but he is still concerned with the setback.

Commissioner Futryk asked if there is enough of an easement on Powell Road to allow for widening and keep the bikepath and landscaping of this plan. Mr. Betz said that there should be plenty of right of way. Mr. Slavik said that the bikepath would be 25 feet from the street.

Commissioner Wiencek asked what the current seating capacity of the church is. Mr. Anderson said they use all moveable chairs. He said they can currently fit as much as 375. Commissioner Wiencek said the largest attendance records reported were 550-600 people, and he asked what the seating capacity of the current church. Mr. Betz said it is 250. Commissioner Wiencek asked how many people the church anticipates attending. Mr. Anderson said they are shooting for 600. Commissioner Wiencek questioned the church saying they already have 550-600 people attending on their busiest Sundays. Mr. Anderson said that those figures include church school. Commissioner Wiencek said if 600 will be attending the services, and there are 1.5 people per car, then 400 spaces would be needed, plus, he is hearing that there will be more of an overlap in services because of the additional space. Mr. Anderson said that as the church grows, and the parking lot is filled, they know that they are going to have to become more creative in spacing services and educational activities.

Commissioner Wiencek questioned the use of white pines in the landscaping plan, which he doesn't believe are approved trees. Mr. Betz said that guide is mainly for street trees, but different types of evergreens are permitted. Commissioner Wiencek expressed concern that they are the least expensive and probably provide the least screening. Mr. Anderson said they'd like to use them because they grow fast. Commissioner Wiencek said he would like to see some other trees and not just all white pines.

Commissioner Wiencek said he thinks the northern-most central parking island needs to be removed to provide 2 spaces as well as in-and-out access. He asked if there should be a planting bay at the end of the row, or whether the island should be truncated. Mr. Betz said that truncating the island will be less confusing.

Commissioner Wiencek said he thinks the applicant has gone a long way to reduce the parking concerns, and this current plan represents a good compromise.

Commissioner Wiencek said that he also looked at the clock tower at Polaris as similar to that proposed in this plan. He said he understands that Mr. Slavik thinks it works with the building, but he would like to know if there is something other than that being proposed to make the tower look less commercial. Mr. Slavik said that he thinks that comparison is an apples and oranges comparison. While the Polaris clock tower is commercial, this is more residential and rural in nature. He said the tower at Polaris is a beacon for the commercial environment. This is a similar circumstance, but it is done in a different way. He said it is erected for religious reasons and as one comes closer to it, the facility becomes more religious in nature. He said that he doesn't have a problem with this tower because it is in proportion with the adjacent building. He said the bands on the tower line up with the building. Commissioner Wiencek asked if the grout lines in the elevation drawings are going to be a heavy line or if they will fade away. Mr. Eyerman said they are limestone accents.

Commissioner Wiencek asked if a more substantial cross at the top would be desirable. Mr. Slavik said that he thinks the cross is strong, but could be made stronger.

Commissioner Counts asked if the Commission could deny approval of their existing expansion plan, not including the Goodman parcel. Mr. Betz said in his opinion, the Commission is unlikely to be able to turn it down. He said they have the sense of a right for expansion based on the previous final development plan and the existing zoning for the property. Commissioner Counts asked if the applicant could annex the Goodman property and develop it as a parking lot if they meet all the setback requirements. Mr. Betz said that within the context of it being annexed, it would be difficult not to approve that with all of the requirements met, because they are adding it to an existing church. He said it would be unreasonable to deny them the use of property immediately adjacent to the church. Commissioner Counts asked about the 130-foot setback from Powell Road. Mr. Betz said that 130-foot setback stems from the originally approved development plan, and it is consistent with areas along Powell Road, including the subdivisions. He said there are some homes close to the entrances of the subdivisions, but others back up to the road.

Commissioner Counts said he was unable to be at the last meeting, and would like to add some comments. He said that regarding the encroachment and setback, he would permit that because the existing education wing looks horrible. He said that putting the new sanctuary in that area lessens the impact of the education wing. He said he is also in favor of the bell tower, and he noted that it isn't any higher than the existing spire. He said that there needs to be variety in the community, and not everything should look the same. He said that he keeps hearing comments about being a rural community, but he thinks a city of 6,000 people is not rural. He said this is a City and a community, and that means that there are many uses in addition to just "living in our houses." He said there are schools, libraries, churches, and a lot of activity is an essential part of being a community. He said he doesn't like this additional parking, but lessening the impact, putting it lower, and providing additional screening provides a compromise that will satisfy everyone involved.

Mr. Murphy asked what the current zoning for the Goodman property is. Mr. Betz said it is Liberty Township Farm Residence. It does allow for churches, but there are minimum site requirements. Commissioner Murphy said that he is concerned that the Commission is being asked to use the lower seat number to determine the site requirements, but use the higher seat number to look at the amount of parking that should be allowed. He said that is not credible, and is illogical. He said that the Code allows for 24" per seat or the "indicated number of seats" intended to use at this site. He said the church has said what they intend to use, and they would need a divergence to use this property. He said he has a problem with so much parking. He doesn't want the entrance to Powell to be a parking lot. He said he also sees overwhelming opposition from the people who will be most impacted by this, and that is the residents of Deer Run. He said that it is incredible that they got such a high response rate and the opposition is so high. He said only two people thought that this was positive. He said he doesn't see this as being positive, and he thinks the church should be able to live within the previous development plan that was granted several years ago. He said he doesn't see the need or justification for this, and he is not going to support it.

Commissioner Wiencek asked how to address a condition of landscaping the lots on the north side of the road when those properties are not within the City and the Planning and Zoning Commission has no jurisdiction on them. He said he would like the details of such a proposal firm before the Final Development Plan stage. Mr. Betz suggested a condition that the church identify their proposal for providing that landscaping for review during the Final Development Plan.

Commissioner Wiencek asked if the applicant has met with and implemented the suggestions of Mr. Slavik. Mr. Slavik said they have met and worked out about 90% of the plan, and that most of the discussion was regarding the exterior environment. Commissioner Wiencek asked if the applicant has a preference between shortening the existing stand lights or removing them and replacing them with bollards. Mr. Slavik said that bollards tend to look out and down, and the higher you put them, the more you can see of the beam of the light bulb. He suggested cutting down the pole. He said the baffles on the sides will keep the light from the window of adjacent residences.

Commissioner Wiencek asked that Mr. Slavik's suggestion for a large tree in the front of this property be included in the landscape plan at the Final Development Plan. Mr. Betz said that they plan to move a 25 foot Pin Oak in that area. Commissioner Wiencek said he would like assurance that if moving the tree isn't possible, a larger-caliper tree could be installed. Mr. Anderson said they can commit to a 10" caliper tree.

MOTION: Commissioner Wiencek moved to approve the Preliminary Development Plan with the following conditions:

1. That the traffic management plan and traffic study be completed and included in the Final Development Plan. Traffic analysis is to be approved by the Planning and Zoning Commission at that time.
2. That the applicant modify the existing parking lot standards to a height of approximately 10 feet.
3. That the existing ditch along Powell Road from the eastern driveway to Valley Run Drive be piped for the ease of installation of the pathway, mounding, landscaping, and fencing.
4. That appropriate landscaping is installed on the north side of Powell Road as approved by those property owners opposite of the driveways to screen vehicle lights from shining on those properties, such agreement to be reached by the time of the Final Development Plan.
5. That the architectural recommendations from the Architectural Advisor be implemented in the Final Development Plan.
6. That the landscape plan be approved at the Final Development Plan.
7. That the northern parking island be truncated at the west end to allow egress of cars.

Commissioner Counts seconded the motion. The motion failed. Yes: Counts, Wiencek, Emerick. No:

Futryk, De Palma, Murphy. Abstain: Coville.

Commissioner Wiencek asked those who voted no to summarize the main items they would like to be changed prior to resubmittal.

Commissioner Murphy said that there need to be fewer spaces in the main sanctuary and at least 50 spaces less in the parking lot, specifically those that encroach over the current setback.

Commissioner Futryk reiterated that his primary concern is the setback violation. Mr. Anderson asked if there is a compromise from 0 to 10 feet. Commissioner Futryk said that he would like to explore a way to work within the current setback, and he would like to see some architectural details to help deal with that. Mr. Eyerman said that he feels the 10-foot encroachment is needed to create the symmetry on the other side. He said if the 10 feet is removed, "it's a whole different building." Commissioner Futryk asked if the structure of the window and arch couldn't be maintained. Mr. Eyerman said that it could be based on the remaining façade, but even the main gable encroaches 8 inches into the setback. He said that they will probably need to move the whole building back and lose space within the narthex. He estimated that 40 seats would be removed and the symmetry in the sanctuary space would be removed. He said the church would like a very traditional architectural statement within, and the symmetry makes that happen. Commissioner Futryk said the Narthex spaces seems very wide. He said the fellowship hall is available for meeting space, and he asked if the narthex could be made 23 feet wide. Mr. Eyerman said the usability of that space would be compromised. Commissioner Futryk asked what the would be used for that couldn't take place in the fellowship hall. Mr. Eyerman said that the narthex is more of a formal environment for receptions and gatherings, where the fellowship hall may be available for sports activities, etc. Mr. Anderson asked if a lesser variance compromise could be reached. He said that they have reviewed plans where those setbacks are met, but the building is not nearly as appealing. A lengthy discussion ensued.

Mr. Betz recommended that the Board have the applicant present the Commission with other renditions for reconsideration at the next meeting. The Commission can reconsider this item without new application. He said that notices will be sent out as soon as it is determined that the meeting will be held.

Commissioner De Palma said that the overall plan is too aggressive for the space. He said he also doesn't want to see a parking lot as a major entry point into the City. He said he would support a plan that meets the confines of the current zoning approval. He said he is struck by the percentage of negative responses from adjacent homeowners. He said he likes the design but it belongs on a 10-12 acre tract.

PRELIMINARY DEVELOPMENT PLAN

APPLICANT: Steve DeWesse, Esq.
Rutherford West Associates and Harold and Patsy Coleman
Rutherford Estates

LOCATION: 43.47 acres located on the south side of Rutherford Road just west of the CSX Railroad.

EXISTING ZONING: Liberty Township FR-1, Farm Residential District

PROPOSED ZONING: City of Powell PR, Planned Residence District

REQUEST: Approval of Preliminary Development Plan for 65 single-family dwelling units on 43.47 acres, including 2.85 acres of open space, for Property in Process of Annexation into the City of Powell

Ron Stone, Builder, was present to discuss this plan. He said that they have been working on this project for about a year. When it was originally reviewed by the Delaware County Regional Planning Commission, there were issues discussed regarding access to the property to the east. He said that in order to address those concerns, he has formed a partnership and submitted this plan with the owner of that property (Coleman). He said another consideration has been bikepath access to Golf Village. Mr. Stone described the bikepath that will tie in with the Centex development to the south and also access the park. He said that the park will be owned by the Homeowners' Association and maintained by them with no expenses for the City. He said that the density is less than 1.5 d.u./acre, and meets the Powell Code. He said they have agreed to join the Golf Village development to help pay for the bond for the infrastructure improvements. He said there are no variances to the code. Mr. Wiencek said there is a sideyard setback variance. Mr. Betz agreed. Mr. Stone said the homes will probably be in the \$4-600K price range.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed an area map as well as adjacent properties. He reviewed that they have met their open space requirements of 20% open space.

Mr. Betz reiterated that there is a variance to the sideyard setback requirements. He said they are proposing a setback equal to 10% of the lot width, which is the setback for Golf Village. However, for lots 90 feet or greater, that setback is 12 feet, and he would recommend that be consistent. He said they are also asking to use Hardiplank cement-fiber siding, which is not permitted by the code, but is allowed in Golf Village. He said to make it consistent with Golf Village, he would recommend it be approved. He said that Staff recommends approval with the conditions identified in the Staff Report.

Vice Chairman Counts opened this item to public comment.

Kim Cellar, Liberty Township trustee, 4635 Millwater Drive, said that this plan would violate the zoning for the unincorporated township in a number of ways. He said his calculations show that this and the next two developments represent close to 200 acres of land with 60 homes over the maximum permitted by Liberty Township. He said that represents 600 car trips over the maximum permitted and approximately 138 more children to educate. He said this could raise his taxes due to the impact on school taxes. He said the "violations" are as follows:

- Access: He said that Liberty Township mandates there be three entrances to any development for safety reasons.
- The minimum lot size enacted by Liberty Township in 1993 is not met. He said that he is glad to hear Commissioner Wiencek asked "why are these lots so tiny in Powell...but in Liberty Township they are so much larger." He said that Canterbury subdivision has quite small lots, but that was under the requirements in Liberty Township in 1988.
- The maximum density should not be allowed without significant community improvements. He said the maximum density was allowed in Golf Village because of the 4-lane highway and various parkway improvements.

He said that this property is "at least 11 homes over what the Township might allow, and potentially less than that." He said that the property owners knew of the conditions on this land when they purchased it. He said he believes that City Council passed a Resolution that says "annexation is not going to be something that will allow greater intensity use."

Doug Brown, 7991 N. Liberty Rd., questioned the estimated price of \$400-600K per home. He said that 1/3 of the development will abut an extensively traveled railroad track. He said that the drawing shows 2500 sq. ft. homes which in the Columbus Area go for between \$240-320k depending on the community. He said he is also curious about the traffic problems this development could create with only one access and the proximity to the railroad.

Dan Dorsey, 1740 Wren Lane, Westchester Subdivision, said that his comments are for this development and the next. He said that in the Comprehensive Plan update process currently going on in the City, it has been discussed that the City could grow to 30,000 in the next 10 years. He said that it would be great if the City of Powell could do something to widen Powell Road to allow better movement of traffic through the four corners, but "a city official" said that they don't expect to see the numbers grow as identified by the Ohio Department of Transportation (ODOT) or the Mid-Ohio Regional Planning Commission (MORPC), but rather have travelers use other roads to get through Powell. He said a survey of residents identified the problem of moving through the very heart of Powell. He said that the planning and development that is going on and could happen leads to the question of what is the infrastructure going to be. He said that the impact of the Township needs to be considered, particularly when considering shared services. He said they already have a great influx of City traffic in their neighborhood. He said they have a 25 mph speed limit that is exceeded. He expressed concern that this area is becoming "a Pickerington...with one way in and one way out." He expressed concern about his property values with maximum densities without the proper infrastructure to support it.

Jim Hoerath, Liberty Township Zoning Board, said he is also representing Steve Hebenstreit, Liberty Township Zoning, who asked him to pass along that Liberty Township spent money not to accept the zoning on the next development plan being considered, and at that time it had a density of 1.25 d.u./acre, which wasn't good enough. He said that Council has said that "intensity of use shouldn't increase with annexation." He said the Planning and Zoning Commission was talking to the church about not setting a precedent. He said the Commission has an opportunity to set a precedent here that increased density will not be allotted simply because the developer brings it forward. Mr. Hoerath said this 40-acre tract would be less than 40 homes in Liberty Township. He said there would be less traffic. He said that the only person that will benefit from more than 40 homes is the developer. He said that Golf Village provided a golf course, and this provides nothing. He said that Liberty Township requires a 25-foot minimum side yard setback. He spoke against the use of Hardiplank, which Forbes recently said was "good for cheap houses." He said the Commission doesn't have to approve the maximum. He said that if they

don't want to build, it can be left green.

Scott Hanes, Property Owner, said that he is proud of this development. He said he thinks it has evolved over time, and is as much like Golf Village as it could ever be. He said that when the Kenny Group asked to buy his property, he thought it had other potential, but as time evolved it became obvious it should be a little part of Golf Village. He said the lots are bigger and the houses will cost about the same. He said that the roadway will be paid for by the homeowners of these sixty lots.

Paul Phillips, Property Developer, said that he has no knowledge of this site coming before Liberty Township zoning in the past 1 ½ years. He said that the concerns expressed by the Township representatives were approved by them for the Golf Village development. He said their minimum lot size is 85 feet. He said that they are meeting the side yard requirements and square footage requirements previously approved by Liberty Township. He said there is nothing in their project that Liberty Township didn't already approve on over 900 home sites. He said this is a difficult site, especially with railroad tracks. Regarding access to the west, there should be access, but Liberty Township did not require it in the Golf Village development, and they can't change that now because the adjacent developer is not willing to give up a lot. He said they have tried to cover the access point issue with providing the bikepath for emergency vehicular access.

Jean Stahl, president of Westchester Homeowners Association, said that Powell has come so far north that the decisions it makes now affect her family and subdivision. She said her main concern is traffic and how people will get from their homes to S.R. 315 and over to Polaris. She said their homes are setback from the road and they have children waiting on buses, people collecting their mail and mowing their lawns. She said that they have been deeply affected by increased traffic.

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

Commissioner Coville asked about the setback from the road on the first two lots. Mr. Betz said the lot is about 105 feet wide, and the building setback line is about 100 feet from the center line of the road. Commissioner Coville said that the homes on Rutherford Road are setback much more, and there is a much more rural feel. Mr. Betz said that those on the east side are, but those to the west are very close. Mr. Betz identified an aerial photograph of the area. He noted the houses in the subdivision would be behind. He showed the setback for the houses on the east side. Mr. Leininger said they range from 110 to 50 feet. Commissioner Coville asked, if this property were incorporated into Golf Village, would it be more likely to be zoned similarly to the other properties in Golf Village. Mr. Betz said that Golf Village had a density of 1.5 d.u./acre, and this would have probably been incorporated into the single family lots. Commissioner Coville said that there is now cement-fiber siding in Powell due to the Cooperative Economic Development Agreement between the City and Liberty Township. Mr. Betz said that the CEDA was approved by both entities, incorporating the Golf Village zoning, which did allow for the use of cement-fiber siding.

Commissioner Murphy asked if there are gates on the railroad tracks on Rutherford Road. Mr. Betz said there are. Commissioner Murphy said that this is consistent with Golf Village. His only concern is that this development has the same side setbacks. He said the applicant has done a fairly nice job on an awkward piece of property.

Commissioner Counts asked about the bikepath proposed along Rutherford Road. He asked if the properties there are individual residences. Mr. Betz said that they are. Commissioner Counts asked if it would be likely that the bikepath would be extended into Golf Village. Mr. Betz said they would have to be publicly funded as there are no paths proposed in Golf Village except those on Sawmill and Seldom Seen Roads. Commissioner Counts said he also finds this plan acceptable.

Commissioner Wiencek asked if the emergency access has been requested by the fire department. Mr. Betz said it is being done because it is good practice. The Fire Department will generally review the issue before the final development plan stage. He said there really isn't a need for it because the widened throat at the entrance provides more than enough space for access. He questioned the likelihood of an accident at the entrance and an emergency within the subdivision at the same time. Commissioner Wiencek questioned the ability for a fire truck to make the turn as the emergency access is currently proposed.

Commissioner Wiencek questioned the size of the cul-de-sac and turning radius and the ability to park on the street. Mr. Betz said that he believes the minimum cul-de-sac bulb requirement is 50-foot radius, and Staff will

make sure this meets that. Commissioner Wiencek asked if that 50-foot radius assumes that the code requires 100-foot frontage, and he asked how the frontage is measured on pie shape lots. Mr. Betz said the measurement is at the building line.

Commissioner Wiencek questioned whether the density of this property isn't calculated incorrectly if the 1.5 d.u./acre includes the existing house on the property, which the Zoning Code indicates it should not.

Commissioner Wiencek said he agrees that these houses will more likely cost about \$300k. He said that the applicant's calculations show that the school district would "break even" in this development, but that is presuming a \$500k home.

Commissioner Wiencek expressed a desire to review the types of homes that will be put on these lots prior to construction. Mr. Betz suggested that the applicant identify proposed elevations and provide the architectural guidelines during the Final Development Plan stage.

Commissioner Wiencek asked how the park cost \$300k. He said that he thinks the bulk of the expense is the creation of the retention pond, but the retention pond had to be built anyway. Mr. Stone said that he can provide a cost break-down for the Final Development Plan. He identified the asphalt path and trees.

Commissioner Wiencek said that he thinks it is appropriate that if this developer joins the infrastructure district, but that does not represent any additional cost to the developer, nor will it decrease sales significantly. He said he is concerned with the need to close Rutherford Road to add the left turn lane. Mr. Phillips said he can't imagine having to close it, but the railroad may have an impact he is unsure about.

Commissioner Wiencek asked if the existing house will be part of the Homeowners' Association. Mr. Phillips said it will be, and they will upgrade the property to meet the deed restrictions.

Commissioner Wiencek said that he struggles with the density for this property, because he knows what is adjacent tends to help the Commission set the density for the following tract. He said if there were acre size lots next to this development, such lots may make sense here. He said he thinks this development plan suffers from the attempt to maintain the two properties rather than joining together. He said he thinks the park is a nice amenity, but not for the whole City but rather for the future residents who will be living in this community. He said he thinks the park provides the minimum green space required by the code. He said that He doesn't see what is in this plan that allows the City to follow the Zoning Code's requirement to start at .7 d.u./acre and move up from there. He said he thinks the developer needs to go back and scrub this plan and look to see whether 100 foot lots are appropriate.

Commissioner Futryk said he is struggling how a 2,700 sq. ft. home on a 3/10 of an acre lot will cost \$500k. He asked if these calculations need to be reviewed by the school board. Mr. Betz said that those calculations are so that the Commission can evaluate the overall impact. Commissioner Futryk said that he agrees with the struggle of creating a transition from Golf Village, but by his calculations, 11 of the 65 lots are three-tenths of an acre. He said he understands the density on the western boundary trying to match up with what is adjacent. He said he is still concerned that lots 64 and 65 won't command the price they are requesting. Commissioner Futryk asked what material the applicant proposes if cement-fiber siding is not approved. Mr. Stone said that they would prefer to use Hardiplank, but would agree to natural materials if they were not permitted.

Commissioner Futryk asked Mr. Cellar about Liberty Dale, Canterbury, and Wedgewood Place only having 1 entrance. Mr. Cellar said that those were mistakes that happened before he became a trustee. He said that requirement was changed in 1995. The 1995 Comprehensive Plan also reflected the minimum lot size. Commissioner Futryk asked Mr. Hoerath about the density brought before the Township previously on this property being unacceptable. Mr. Hoerath said that the Wallingford Property came through at 1.25 d.u./acre, and that was unacceptable. He said this property has never been before them, but if it had, "no where near this density would be acceptable because this brings nothing to us but traffic." Commissioner Futryk asked if this is despite the abutment to Golf Village. Mr. Hoerath said that Golf Village brought a golf course and a unified development, where this brings traffic.

Commissioner Futryk asked why this parcel should have 1-acre lots when the Township approved smaller lots in Golf Village. He said he disagrees that the Centex lots in Golf Village benefit directly from the golf course, because it is removed from where the houses are. He said he can't reconcile requiring 1-acre lots when there

are three-tenths of an acre lots right behind it. Mr. Hoerath said he thinks 3-4 houses would be appropriate on this lot.

Commissioner Coville asked if the township representatives are saying that if this were developed as part of Golf Village, it would have Golf Village sized lots. Mr. Hoerath said that is really possible, but he "didn't sit on Golf Village because he feared going to the maximum." Mr. Cellar said he voted on 1.5 d.u./acre, and the maximum density was permitted because of the golf course, nice improvements, and a four-lane highway that will serve Delaware County. In answer to Commissioner Coville's question, Mr. Cellar said that this would have been green space. Mr. Hoerath agreed, that if this parcel had been part of Golf Village "it absolutely would have been green space."

Commissioner Futryk said that he thinks that most of the increased traffic in this area is a direct result of Golf Village, and won't be from these 65 lots. He said that the overall development of the area and the current state of the infrastructure will make many of these problems unavoidable. A lengthy discussion ensued between Mr. Hoerath, Mr. Cellar, and Commissioner Futryk. Mr. Hoerath reiterated the comments he made previously in the meeting. Mr. Cellar said that a density of .7 d.u./acre would not create a huge increase in taxes for the current residents of Liberty Township.

Commissioner Futryk asked about Mr. Cellar's approval of cement-fiber siding in Golf Village. Mr. Cellar said he thinks it is a fabulous product.

Commissioner De Palma said he doesn't think what is approved in Golf Village should have a whole lot of bearing on what the Commission is doing this evening. Commissioner De Palma said that he went through all of the materials regarding this development in the last couple of days and "arrived at these conclusions without influence by the people who have talked this evening, either pro or con." He said he lived in Green Meadows for 14 years with one entry point, and it was hazardous. He said he moved out there to get away from Dublin, and now the same increases in traffic without proper development of the infrastructure is occurring in this community. He said he is also not a proponent of cement-fiber siding and he won't endorse it. He said he is not in favor of the plan, and it needs to be reworked and the density lowered considerably. He said the density should start at the bottom and work up. He said the only people who benefit by maximum density are the developers.

Commissioner Wiencek said that he would like to point out a basic different philosophical difference between how the City and the Township see property development. He said that he has heard a lot about minimum lot size, but it should be noted that the City promotes clustering which results in smaller lot sizes and more continuous open space. He said that provides an aesthetic appeal that having houses on a larger lot doesn't do. He said that is one of the reasons the Zoning Code allows variations from lot sizes and setbacks is to provide for this.

Mr. Betz responded to Commissioner Wiencek's questions about the existing house being included in the development. He quoted section 1143.14 of the Zoning Code: "If...the applicant includes a tract of land with one or more existing buildings...and the development plan does not contemplate the development of all or any portion of such tract of land by the applicant, then the number of gross acres associated with such tracts of land that is not to be developed by the applicant should not be included in the gross number of acres of the site described in the development plan for purposes of determining the number of dwelling units..." He said that goes back to when the Lakes of Powell was developed, and they didn't want to include churches, schools, etc. He said the key with this development is that the applicant is including it as part of the plan, and is rehabbing the house, changing the driveway, and it should be included. Commissioner Wiencek said he can accept that.

Commissioner Emerick summarized that density and lot size are both issues.

Mr. Betz identified the relationship of this property with Golf Village. He said that the traffic study indicates that approximately 60% of the traffic will utilize Sawmill Parkway. He noted that Golf Village was developed on the north side of Rutherford Road. There is open space along the railroad, and the lots are about the same size. He said another factor with this property is the extent of the retail and office with Golf Village. Commissioner Futryk asked if the buffering Mr. Betz pointed out is natural. Mr. Betz said it is graded off, and is a lawn area with ponds. He noted that all of the open space in Golf Village is to be maintained by the homeowners' association.

Commissioner Wiencek said he doesn't think there are enough votes either way. Mr. Betz said that the Commission has 30 days to make a decision. Commissioner Wiencek suggested tabling this issue. Mr. Phillips said he would like some feedback from the Commission on what they would like to see when they come back.

Commissioner De Palma said he would like to see the density substantially reduced. He suggested 40 houses and a density of 1.2 d.u./acre. Mr. Stone expressed concern that he would not be able to afford to be part of the financing authority with such a reduction.

Commissioner Futryk said that he would also like to see the density reduced more. He said he is intrigued by what Mr. Betz pointed out with the buffering, but he is still concerned with lots 63, 64, and 65 being too close to the railroad tracks. He said he is also concerned with the three-tenths of an acre lots, particularly numbers 31 through 36, and 8, 9, and 10. He said he would like to explore a reconfiguration.

Commissioner Coville said he is supportive of starting at .7 d.u./acre. He said he is a proponent of much larger lots, and something benefiting the community in return for going beyond that density. He said he is not thrilled with what Powell ended up with Golf Village, but now they have to deal with it.

Commissioner Murphy said that his position is that he doesn't want to hold these folks to greater standards than Golf Village was required. He said this is an island. He said that Golf Village was presented to the City by Liberty Township and the golf course is not a public benefit. He said most people in the community may never afford to play on it. He said he doesn't think requiring a great public benefit is justified, as long as this developer is held to the same standards as that which was previously approved. He said it would be great if the density were lower, but he thinks the developer has done a good job getting the plan to a place he currently finds acceptable. Commissioner Counts agreed.

Commissioner Wiencek said that he estimates that there are 15 lots that are less than 100 foot, and if the lots were made 100 foot, then the result would be a reduction of approximately 8-9 houses. Mr. Phillips expressed concern that Mr. Stone's property is more desirable, and eliminating the smaller lots may make his property undevelopable, because he'll only have 22 or 23 out of the 60. He said that the railroad track is a problem for him in terms of property value. Discussion ensued.

Mr. Betz clarified that there are 31 homes over 100 feet in size in this development plan. Commissioner Wiencek said that would reduce the homes by 5-6 according to his plan.

Commissioner Futryk asked about Mr. Stone's comments that a larger reduction in density would make them pull out of the financing authority. Mr. Betz said that it is estimated that the participation would pay off about 10 mills per lot. Mr. Stone said that it is their intention to be part of Golf Village if they do the project, and the question now is whether the economics to do the project are feasible.

MOTION: Commissioner Wiencek moved to table this Preliminary Development Plan to February 12, 2003. Commissioner De Palma seconded the motion. The motion was approved. Yes: Murphy, Wiencek, Counts, Coville, De Palma, Emerick, Futryk

A brief discussion was held regarding the lateness of the hour (11:15 p.m.) Mr. Betz said the applicant for the next development plan has agreed to complete their presentation, allow for public comment, and defer the Commission comments until the next meeting. Commissioner Wiencek said that would put the applicant at a disadvantage. Ben Hale, attorney for the applicant, said he would be happy to come back in 2 weeks. The agenda was not modified, and the meeting continued.

**APPLICANT: M/I Schottenstein Homes
The Woods of Powell**
LOCATION: On the north and south side of Rutherford Road, north of Powell Place and east of Middlebury Estates, and south of the Wyandot Elementary School.
EXISTING ZONING: Liberty Township FR-1, Farm Residence District and PR, Planned Residential District
PROPOSED ZONING: Powell PR, Planned Residence District
REQUEST: Approval of a Preliminary Development Plan for 205 single-family lots on 133.31 acres, including 63.47 acres of dedicated open space.

Ben Hale, attorney for the applicant, gave a presentation regarding this plan. Jack Reynolds, attorney, and Steve Kaplinger, M/I Land, were also present. Mr. Hale said they would like to continue the success M/I had with the Lakes of Powell in this location. He said this plan represents 47% open space, a large portion of which is heavily wooded. He noted they are proposing 27 different styles of homes, and the lot sizes in the development will accommodate such plans. He said that this development will be more expensive than the Lakes of Powell

because the land cost is greater, the development costs are greater, and they've committed to Hardiplank siding rather than vinyl. He said they are proposing to dedicate the open space to the City. They are proposing a fairly extensive bike trail. He reviewed changes to the plan since the last meeting:

- They have moved a road previously located in the south and brought the cul-de-sacs down to minimize the lots that abut adjoining property owners.
- They have reduced the lots backing up to roads and increased open space.
- They are proposing a bikepath around the pond.
- They also have increased lot sizes to provide a better buffer.
- A loop street was changed to a cul-de-sac to move homes away from the railroad and provide more open space.
- They have increased the lot sizes. They have eliminated approximately 30 lots.
- They have committed to brick chimneys, plinths, and sidewalks on each house.
- They are compatible with the price of homes, with an average of \$206k to the south and \$225k to the east. He said their prices are based on the current Lakes of Powell, and they are estimating \$280-350k homes.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He identified photographs from the water tower at Golf Village that identify adjacent properties. He identified the densities of adjacent properties (Exhibit 5). He reviewed the exhibit in the Staff Report that identifies how sanitary sewer service will be provided.

Mr. Hale said that they want to make sure that drainage issues are addressed so that people don't have water in their backyard. He added that they have tried to be sensitive to Rutherford Road. He said they haven't shoved any lots against that road, but left open space against the railroad and preserved the pond. He said this will provide a good feel into the subdivision. He said that regarding the environmental concerns, the pond does have lime in it. He said that he has seen farmers in this area lime their fields, and that their environmental consultants say this lime can be removed at very little cost. He said the next question is whether the pond should be filled. He said they plan to haul off the railroad debris and use part of the rail bed as part of the bikepath system. He said the bikepath system will serve a larger area than this development by providing access to local parks and schools.

Commissioner Emerick opened this item to public comment.

Charlie Hearn, 212 Longmeadow Court, said that he spoke with the developers of this property about his concerns for a 90-foot oak tree near his property. He said they made some suggestions to preserve the tree, and he appreciates that. He presented Council with an article on September 21 regarding preserving such large trees (Exhibit 6). He said he spoke with a representative from Dawes Arboretum in Licking County, who suggested ways to keep the trees alive. Mr. Hearn said he is concerned about the roots and dead limbs that may fall off. He said he would like an arborist to take a look at the trees. He identified his property, and noted that his home is very close to the rear property line.

Jean Stahl, 1680 Carriage Road, said that Mr. Betz said he was concerned about aligning the property on Rutherford Road with Golf Village. She pointed out that the homes on Carriage Road are 2 - 5 acre lots. She said their density wasn't considered. She said the traffic going north and south is being addressed, but the traffic accessing Carriage Road and crossing Liberty Road isn't being considered. She said that area is already an extreme bottleneck. She said this will only add to the traffic.

John Werner, Liberty Township Trustee, 2040 Highland View Drive, said that the Cameron tract never was before Liberty Township but the Wallingford Tract did receive successful rezoning in the Township. He said he feels the present zoning of 1.25 units per acre is the current zoning, and that is the Liberty Township standard for all land east of the railroad. He said he realizes the CEDA agreement modified that possibility, but before that it was 1.25 d.u./acre. He said the property was rezoned but never developed, and the development plan expired. During that time, Liberty Township changed the minimum lot size. He said that there have been lawsuits to try to reinstate the original development plan, but Liberty Township prevailed and the property was never developed. He said he thinks the common goal is that property will not benefit in increased density by transferring to the City of Powell. He said that he is fairly sure that the majority of this traffic will go through the Westchester subdivision and use Carriage Road. He said this development and the development previously discussed will provide an extreme burden on the existing development, which is one of the best in Liberty Township, with 5-acre lots. He said the residents of Westchester subdivision have seen their property values decrease already. He said that the lots in this development are extremely small. He asked that the Commission not allow a density higher than 1.25

d.u./acre, and if possible, allow one lower as well.

Dick Warburton, 2156 Carriage Road, said that he lives east of Liberty on Carriage Road. He reiterated concerns about the traffic on his road. He said that this is a beautiful development, but it is not appropriate for this location. He said there is currently too much traffic, and this would add 500-1000 cars. He said that there is a school at Carriage Road and Liberty Road that already generates a great deal of traffic. He expressed concern about the school children's safety.

Jim Hoerath, Liberty Township Zoning Board said that Rutherford Road has large lots, and he is sure that the people on that road aren't excited about having 3-4 houses back up against them. He said this was already zoned at 1.25 d.u./acre, and would have probably been 1.1 d.u./acre if rezoned. He said that if this development is approved by the City at anything over 1.25 d.u./acre, then this developer benefited by moving into Powell. He questioned why everything needs to be at the maximum. He said that the park is a swamp, and that is why no one wants to build houses there.

Kim Cellar, Liberty Township Trustee, identified Canterbury subdivision, and said that the 1.2 d.u./acre density is a mistake. He said that Desiree subdivision is 8 homes on 40 acres, which is a .2 d.u./acre. He said that Wingate is a .3 d.u./acre, Woodland Hall is .5 d.u./acre, Bridelspur is .3 d.u./acre. He said he appreciates comments about cluster housing, which he thinks is appropriate, but not for the largest part of Liberty Township. He said that open space may not be as good as it sounds. Canterbury is 80 homes on 80 acres, but actually 40 acres is green space, and there are questions as to "who is patrolling it, what are teenagers doing there. It's going to cause problems for the Township." He said the land being offered as parkland area is sopping wet on the driest day, and it is a mosquito haven. He said the Y curve is 3-4 feet above everything else, and everything else is under water. He said that this area in the Township is identified on the Comprehensive Plan as a civic corridor and "the pride of the Township." He said he would like it to be kept that way. He asked that they get rid of the open space in this plan and develop it with homes.

Doug Brown, 7991 North Liberty, said he lives in the small cluster of houses known as "the heartlands" across from the middle school. He said he recently moved here from Westerville, because he wanted to move out of a cluster development. He said he is concerned with the number of houses and children per home that this development could generate. He questioned where the additional children will go. He said he has 4 children, and that is the reason he moved here. He said if there are suddenly more children, the schools aren't going to be that great.

Ann Bently, 3016 Rutherford Road, said they did a great job right behind her property, but there are many homes in the northwestern area of the site. She said that the field is very beautiful in the morning, with coyote, deer, and other wildlife. She said that the bikepaths would be a nice amenity. She said she is concerned about the speed limit on Rutherford Road, as they only have a 50-foot setback from Rutherford Road, and the speed limit is currently 45 mph. She said that she would like to make sure there is a buffer between the existing field area and houses. She asked if the residents in the area will have access to sewer and gas lines as a result of this development.

Sharon Gerwith, 125 Watson Way, said that she is representing the residents of Middlebury Estates. She said she doesn't know whether to laugh or cry because they are calling this "The Woods of Powell." She said they are getting rid of the entire woods but giving the woods to the north and calling it green space. She said it is unfair to say that the green space is all to the north and not spread out through the entire property. She said she thinks there should be more green space by Middlebury Estates and Powell Place, where it is currently heavily wooded. She said they are only showing trees of 16" caliper and above, but there are other trees there. She echoed concerns about the wildlife. She questioned how the creek bed will be kept open. She said that she is upset about trees being removed that are 12-25" caliper and being replaced with 6" street trees. She said they are concerned about construction traffic in their neighborhood, and asked that it be prohibited on Watson Way. She said they are also concerned about the gates at the Seldom Seen railroad crossing. She said they are concerned about overall traffic. She said that one of the trustees said that they are not too concerned about the lot size but the quality of green space as it is appealing to the eye. She said she thinks that becomes important when you look at the woods they want to give versus the woods they want to tear down.

Dave Lescot, 106 Watson Way, said that he and his children have explored the woods, and he feels this would be a chance to preserve a different kind of environment. He said that there are already soccer fields and grassy parks in the City, but none of this style.

Talitha Helming, 843 Middlebury Court, said she shares Ms. Gerwith concern about the trees. She showed the Commission photos of the trees behind their homes (Exhibit 7). She identified the areas where they propose to move trees. She identified the nature preserve behind their development, but noted that many neighbors won't have many trees behind them. She said that developing by clustering is not aesthetically pleasing.

Dan Dorsey, 1740 Wren Lane, Westchester Subdivision, expressed concern about the impact of additional roadway on the water run-off into an existing stream. He said that this is turning into a high density development adjacent to some of the lowest density developments in the township. He said the densities to the north should be considered as much as the densities to the west. He echoed concerns about the traffic on Carriage Road and the impact of the schools out onto Liberty Road. He said that this site was not appropriate for the high school because it is "inappropriate for any type of human existence." He questioned putting 220 homes there. He said that regarding the fact that traffic is going to increase anyway, he asked the Commission to consider if they want it to grow at this density. He said that adding development onto the existing roadway structure will create road problems similar to Pickerington, Westerville, and Hilliard. He said this development seems to be one that will make a terrible problem worse.

Robert Suzi, 863 Middlebury Court, concurred with concerns about density and traffic. He said with this plan, he will have 3 new neighbors. He said that he would like to see as many trees saved as possible. He said he specifically wanted to live within the City of Powell because it is unique and unlike the other M/I communities in the Columbus Area. He asked that Powell remain unique, keep densities a good level, and keep the trees.

Kathy Romanelli, 2970 Rutherford Road, said that she has lived in the area for about 6 weeks. She said she is an architect and attends many zoning meetings and she is quite impressed with the intelligence and information that Powell residents have to present, and she hopes the Commission is listening. She said that this is in her back yard and she appreciates the applicant's effort to accommodate their concerns about the increased traffic and construction traffic. She agreed that traffic is already bad. She said she knew development would come in, but she asked the Commission to listen to the residents who have spoken and really listen, because it is important to keep the community a place where she wants to raise her child.

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

Commissioner De Palma said that he researched this and came to the meeting with several conclusions that have not been changed during this meeting. He said the plan is too dense, and he can't support it. He said the maximum density should only be attainable with easily observable benefits that enhance the property and benefit the community. He said that preservation of green space should be standard, and amenities should be over and above those standards. He said he is not in favor of vinyl siding or cement fiber siding. He said he is very concerned about the impact on the already over-loaded traffic pattern. He said that the CEDA review committee already met and determined the density was way too high. He said that there were also concerns regarding the improvements needed on Liberty and Rutherford roads instead of offering a "dump site" as a concession.

Commissioner Futryk said he appreciates the efforts by the applicant to address the concerns along Rutherford Road and Middlebury Estates and Powell Place. He said that while cluster homes may have worked in the Lakes of Powell, that is more of an isolated subdivision that is not seen by major roadways. He said this area is a gateway to the community and the number of homes in here is too great. He said he appreciates the donation of the woods if it is environmentally sound, but he would like the 90-foot minimum lot frontage adhered to. He said he is extremely concerned with the traffic problems that this subdivision will create, not only at Rutherford and Liberty Roads, but also at Carriage Road, Grace Drive, Powell Road, and the entire area. He said he knows that some of those are in the county's jurisdiction, but they need to be considered. Commissioner Futryk asked if the traffic study considers Wyandotte Run Elementary Drive. Mr. Betz said that it does take into account the school traffic. Commissioner Futryk said he is not as concerned with the number of vehicles, but how to deal with the stacking problem in the area. Mr. Betz said that is considered, and a turn lane is not warranted from Carriage Road to Liberty Road. Commissioner Futryk said that although the brick ads character, he can't support vinyl. He said he likes cement fiber, but doesn't know the opinion of the rest of the Commissioners on that material.

Commissioner Wiencek suggested that Balsamine Drive be pushed to the north, eliminating lots 81, 102, 103, 123, 124, and 125. He suggested eliminating 134 and 135 as well. He said that widens lots 136 and 133 and lessens their impact on the existing residents on Rutherford Road. He said removing the 6 other lots deepens those on the other side. He said he is greatly concerned with the amount of substantial trees that may be removed. He said he recognizes the desire to save as many as possible. He said that the owners of the adjacent

properties have enjoyed the privileges of those trees, but they didn't purchase the right to them. He said he recognizes that, but they are an asset to the City.

Commissioner Wiencek said it is difficult to turn right exiting Wyandotte Run, and that is because the schools are letting out at the same time. He suggested considering installing a traffic light in that location, regardless of what the traffic study says. He said he would like to hear from the traffic engineer about that issue.

Commissioner Wiencek said he has walked the woods being discussed this evening, and he thinks they are gorgeous, and they were dry when he walked them and he didn't experience a swamp.

Commissioner Wiencek said he doesn't support vinyl siding, and has consistently opposed cement-fiber siding. He said he takes to heart the resident who moved to Powell because it is different, and he feels that one way it has been different is the intent to uphold higher building standards than the rest of the Columbus area. Regarding concerns about safety issues with the railroad track, he suggested a black vinyl chain link fence to prevent ease of access along there. He said he knows it is a lot of fence, but it is needed.

Commissioner Wiencek asked what ability the City has to recommend a 35 mph speed limit on Rutherford Road. Mr. Betz said that a speed study warrant and comparison to the Ohio Uniform Traffic Manual should be considered. Commissioner Wiencek asked if the City could make it 35 mph on its side but not on the other. Mr. Betz said it could. Commissioner Wiencek said he would support asking the County for a reduction in the speed limit.

Commissioner Coville echoed the previous comments about lot sizes. He said he had a wonderful M/I home in Hilliard, but he, too moved to Powell because it is different. He said this is more like Hilliard, and he won't support these lot sizes. He said that Powell Place is tight as it is, and these are smaller than that. He agreed with Commissioner Wiencek regarding trying to save more trees. He said those trees are a huge asset and he would like to explore creating large buffers around the existing more rural homes.

Commissioner Murphy said that he is not as hung up on density as he is lot sizes. He said the only reason to go to the maximum permitted density is if the woods prove to be a good amenity, but if the result of that is 70-foot lot sizes, then that is not acceptable. He said this isn't a desirable development close to the "Heart of Powell," and he can't accept it in its current form.

Commissioner Counts said that he is also struggling with the cluster home concept. He said that open land is desirable, as are wide lots, and although he particularly doesn't like 70-foot wide lots, he recognizes them as part of the cluster home concept. He said that his biggest concern is whether the open area to the north is desirable. He said he is open minded, but he thinks it needs more study. He expressed concern about the bikepaths leading kids into a heavily-wooded area. He said that the Township probably hasn't done a good job on the whole Carriage Road issue, and while the City can do something here to help with it, he is unsure what the answer is.

Commissioner Emerick said he is not in favor of 70 foot wide lots and he would like as many trees preserved as possible. He said the Commission has always worked very hard on preservation in Powell. He said he is not in favor of vinyl or cement-fiber siding.

MOTION: Commissioner Wiencek moved to table this item to February 12, 2003. Commissioner De Palma seconded the motion. The motion was approved. Yes: Murphy, Wiencek, Counts, Coville, De Palma, Emerick, Futryk

SUBDIVISION PLAT

APPLICANT: Newbury Homes
Golf Village Section 7 Phase B

LOCATION: 16.021 acres located on the west side of Steitz Road south of Home Road

ZONING: PR, Planned Residence District

REQUEST: Approval of a Subdivision Plat for 27 single-family lots

The subdivision plat was moved before the Sketch Plan to accommodate the applicants at the late hour.

Ed White, Newbury Homes & B & B Real Estate, was present to discuss this plan.

Dave Betz, Director of Development, gave his Staff Report on this item (Exhibit).

Commissioner Emerick opened this item to public comment.

Kim Cellar, Liberty Township Trustee, said that he doesn't want to repeat himself, but he has all the same comments. He thanked the Commission for lowering the densities and thereby lowering taxes.

MOTION: Commissioner Wiencek moved to approve the plat for Newbury Homes. Commissioner Counts seconded the motion. The motion was approved. Yes: Murphy, Wiencek, Counts, Coville, De Palma, Emerick, Futryk

SKETCH PLAN

APPLICANT: The Kenny Company LLC
LOCATION: 399 West Olentangy Street
ZONING: PC, Planned Commercial District
REQUEST: Review of a Sketch Plan for an 8,073 sq. ft. retail center and approval to submit a Combined Preliminary and Final Development Plan.

Tim Spencer, Director of Real Estate, Triangle Properties, was present to review the sketch plan for an 8,000 sq. ft. retail center at Murphy's Park. He said that the site is directly east of the Goddard School, west of the to-be-improved HER Realtor site. He said that the anchor for this development is Handel's Ice Cream, which is new to the Central Ohio area, and has a unique design. He described the three queuing areas that Handel's requires. He said he was fortunate to work with them in Hilliard. He said this center would have additional space for other retail tenants.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He identified a revised site plan for HER, which is to be developed adjacent to this property. He said that Emil Slavik, Architectural Advisor, can review that plan as well as this one.

Mr. Spencer said he met with Mr. Betz, and he understands the concerns about saving trees. He said that the schematic drawing shows buildings shrunk to accommodate the trees. He said they are willing to work with staff on that. He said that they will work with Staff to determine whether 20-22 feet between the building and the parking is appropriate. He identified the dumpster and delivery area, and said that Staff is recommending a wall for screening, and they would rather not do that, as such walls tend to get damaged. He said he would like to explore other screening options. He showed how the northern portion of the shopping center will be bumped out for the ice cream store. He said they are willing to explore architectural details to improve the façade of the building. He said that EFIS is easier to work with to obtain depths and bends that are appealing, and they would like to work with Staff to incorporate other materials for architectural details. He said they will have a sign package ready to present at the next meeting.

Commissioner De Palma asked if there is any seating available. Mr. Spencer said it is just walk up service. Commissioner De Palma asked about building materials. Mr. Spencer said they anticipate stone and brick. Commissioner De Palma expressed concern that he doesn't know if it is desirable to have the same materials on this building as on the Goddard School. Commissioner Wiencek said the Goddard School is solid brick, and may be different.

Commissioner Futryk said that he thought the patio staging area provided seating. Mr. Spencer said they have no seating at their current locations, and the plan is that people will walk to the park. Commissioner Futryk asked to consider incorporating benches. Mr. Spencer said they can talk with Handel's about seating. Commissioner Futryk asked what the western exposure would look like in the re-design and flat-sided look. Mr. Spencer said that the bump out does make it difficult, but they think adding 12 feet will help make the space usable. Mr. Betz said that some brick detailing on the loading area on the western side could be an improvement to that originally proposed.

Commissioner Wiencek said he is glad to see the change to this plan. He said the drive location is very important. He said he likes the shorter, squatter building. He said that he doesn't have a problem with EFIS as a trim material, but would be opposed to it as a siding material. He asked if the awnings on the Handel's portion will be toned down. He said he wouldn't approve blue and white as proposed, and canvas may not be appropriate. Mr. Spencer said that the blue and white is the company's trademark, and they will expect to have the name-brand recognition. He said the sign package will be controlled to provide continuity. Commissioner Wiencek said

this is an asset to the community, and he is only one vote. He said he would support some outdoor seating.

Commissioner Counts asked if the ice cream store is a year-round operation. Mr. Spencer said it is. Commissioner Counts expressed concern whether the parking is sufficient. Mr. Spencer said that the evening will be their peak hours, and there is additional parking at the park.

Commissioner Counts suggested considering a different roof material. He said that Goddard and HER both have shingles, and perhaps standing-seam metal may be desirable.

Commissioner Wiencek said he prefers an asphalt roof. He said the metal proposed for the ASK building previously proposed for this site was planned to create an old barn/country feel.

Commissioner Murphy said that this is a great proposal, and this is an amenity that is desirable in Powell. He said that he thinks they are going to require the color scheme even if it is something the Commission wouldn't pick. He said he is willing to live with it because there aren't many businesses in this area where people can gather.

Commissioner Coville agreed that the building is somewhat straight and the use of different angles is appropriate. He said he isn't excited about the windows as proposed. Mr. Spencer said that they are looking for suggestions on that, and perhaps the architectural advisor could provide some feedback for some alternative window designs.

Commissioner Futryk asked that the applicant provide detail on the signage for the rest of development when they come back. Mr. Spencer said they are proposing a parallel monument sign.

MOTION: Commissioner Wiencek moved to allow submittal of a Combined Preliminary and Final Development Plan. Commissioner Futryk seconded the motion. The motion was approved. Yes: Murphy, Wiencek, Counts, Coville, De Palma, Emerick, Futryk .

PROPOSED AMENDMENT TO THE ZONING CODE: TO AMEND SECTION 1147.12 TO INCLUDE STANDARDS FOR THE INSTALLATION OF APPROVED EXTERIOR WALL MATERIALS.

Commissioner Wiencek recommended tabling this item. He said that there is "a move afoot" on Council to come up with a short- and long-term plan to resolve this siding issue.

MOTION: Commissioner Wiencek moved to table the Zoning Code Amendment until February 12, 2003. Commissioner Futryk seconded the motion. The motion was approved. Yes: Murphy, Wiencek, Counts, Coville, De Palma, Emerick, Futryk .


OTHER COMMISSION BUSINESS

There was none.

DATE MINUTES APPROVED: February 12, 2003

ADJOURNMENT

The Commission adjourned at 1:15 a.m.


Don Emerick 2-25-03
Don Emerick Date

