

**MINUTES
PLANNING AND ZONING COMMISSION
MARCH 12, 2003**

A special meeting of the City of Powell Planning and Zoning Commission was held on March 12, 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; Dawn Nauman, Clerk to the Planning and Zoning Commission, residents; and representatives of the press.

HEARING OF VISITORS FOR ITEMS NOT ON AGENDA

There was none.

MINUTES

The minutes of February 26, 2003 were approved as printed.

PROCLAMATION

Commissioner Wiencek presented David Betz, Development Director, with a proclamation thanking him for his service to the community.

SKETCH PLAN

APPLICANT: Centex Homes
LOCATION: 5.125 acres on the north side of Rutherford Road between Sawmill Parkway and the CSX Railroad
ZONING: Liberty Township I, Industrial District
REQUEST: Review of Sketch Plan for the possible annexation and development of the property as two-unit condominiums.

Jack Reynolds, Attorney, and Terry Andrews, Centex Homes, were present to discuss this issue. Mr. Reynolds reviewed that this property is owned by United Medical, and was left out of the annexation and rezoning of Golf Village. He said it is still in Liberty Township and zoned Industrial. He said they began with an application before the Liberty Township BZA for a variance to locate two office/warehouse facility on this property, but then they were contacted by Centex who suggested an alternative use on the land.

Mr. Andrews said that Centex has been involved in the Golf Village development, and he reviewed the property and surrounding land uses. He said he has had some conversations with the owners and developers to see if this would be a more compatible use. He said they have created a layout and would like to get some feedback. He said that they will be impacting their own existing development with this proposal. Mr. Reynolds said that Charlie Vince, the developer of Golf Village, has agreed to transfer some of the density credits from Golf Village in order to develop this project. Mr. Andrews said they are proposing units with 2-car garages, both two-story and ranch units, some units with first floor masters, etc. Mr. Reynolds reviewed that this layout would remove the curb cut onto Rutherford and remove the traffic associated with an industrial/office use. The internal residential streets would be used for access. Green space and the bikepath along Rutherford Road are proposed additional amenities.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the overall Golf Village plan and this plan in comparison.

Commissioner Emerick opened this item to public comment. He asked that those that wish to speak come to the podium and state their name address and limit their comments to three minutes.

Kim Cellar, 4635 Millwater, Liberty Township Trustee, asked to be informed on any meetings on this property. He said that the NWAP identifies this land for commercial use, and that creates money for schools without adding kids to be educated by the school district. He asked that Powell and Liberty Township work together on this item because "acting separately...you know who is going to win." He referred to the CEDA committee that is supposed to review applications which include annexations.

Commissioner Wiencek asked if Mr. Cellar's contention is that industrial or light commercial is a more appropriate use. Mr. Cellar said the NWAP shows office or industrial. He said this property owner did not decide to be part of Golf Village, and is now in this difficult position of presenting something that will work. Commissioner Counts said that not including this property created spot zoning in the township. Mr. Cellar said he supposes that Liberty

Township could have made the property rezone at the time of the Golf Village development, but they have never done that before. Commissioner Counts said it is a frequent occurrence, particularly with a Comprehensive Plan.

Commissioner Wiencek pointed out that almost all of the land between the CSX Railroad and Sawmill Parkway was either zoned commercial or light industrial prior to Golf Village. He asked why it is okay for the Township to determine residential is a more appropriate use on those 3-400 acres, but not okay for the City to do so on these 5 acres. Mr. Cellar suggested that the Township and City work together to determine an appropriate use or consider areas where commercial or residential properties can be traded. Commissioner Wiencek said he is unsure what Mr. Cellar is supporting anymore. Mr. Cellar said he would like the Township to work with the City to come up with something "other than high intensity." Commissioner Wiencek said if the 17 units come from Golf Village, then this plan is essentially only adding 7 houses. Mr. Cellar said it may be a density-neutral proposal, but not tax-neutral. Commissioner Wiencek asked if it is Mr. Cellar's recommendation that 5 other acres of residential development are swapped with this zoning. Mr. Cellar expressed concern that this is a good opportunity for the groups to play against each other. Commissioner Wiencek asked how that is possible if the proposition is density-neutral. Mr. Cellar said that joint review may help meet the concerns of the residents who identified a desire for a reduction in density on the City's Comprehensive Plan survey.

Commissioner Futryk asked what other uses can be explored when there are only two alternatives for this property. Mr. Cellar said that this development could make the tax base disappear and add children to the area which will affect the cost of local school taxes. Commissioner Wiencek said the same survey that Mr. Cellar referred to said that residents don't want big commercial buildings or large industrial parks and would prefer high quality housing over those things. He said at least for those who responded, one could interpret they have a willingness to pay slightly higher taxes rather than back up to commercial or industrial. He said that he is leery of using individual questions from an admittedly unscientific survey to prove any one point. Commissioner Wiencek said that Staff would be happy to listen to any alternative proposal that Liberty Township might have for this property.

Mr. Betz said that the CEDA allows for Liberty Township and City officials to discuss common issues with pending annexation. He said that the group will look at this issue once a petition for annexation is submitted.

Jeanne Stahl, 1680 Carriage Road, said that Phil Laurien said that when a Township and City can't get along, only the developer wins. She said that residents are concerned about the friction between the two government agencies. She read from the newspaper an article regarding the previously-mentioned survey, and said it indicates that residents would prefer higher value single family homes and don't want big box retail, multi family, large corporate offices, shopping centers or affordable single family homes.

Art Schultz, 289 Bluff Ridge Court, Powell Mayor, said that the mechanism that Mr. Cellar referred to will happen because the CEDA calls for annexations or projects in the Golf Village area to come before the joint board. He said if there is a better idea, everyone wants to hear it. He said he can't see how a resident would prefer to back up to commercial or industrial as opposed to a residential development. He said that his understanding is that part of the CEDA is that density units could be traded around. He said that the condos on either side were intended to be the buffer, and as development came into the area, they would add or subtract units out of the condominium developments. He said he thinks the CEDA should review the project and the Township should make a suggestion if they have them.

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

Commissioner Coville said this is the second time the City has had to deal with a piecemeal approach to this part of the city. He said that if this developer isn't allowed the additional density credits, this parcel may be developed in very light single-story office condominiums that look residential and don't add any additional dwelling units.

Commissioner Murphy asked if there is any portion of Golf Village set aside for parkland. Mr. Betz said that there isn't in this area now, but a 26 acre park site in another area is being contemplated. Commissioner Murphy asked about dedicating this site for a park. Mr. Betz said at 250 feet wide and 5.125 acres, the usability may be limited. He said the site to the south is better and could provide ball fields and a sports complex. Commissioner Murphy said the problem is that the Commission is left with no good choices. He said he doesn't think light industrial or commercial of any kind is appropriate. He said the plan as currently submitted is too dense. He said he would

like to hear the opinion of residents that have already bought lots on either side of this development.

Mr. Betz suggested that Centex consider with this plan adding an entry from their single family development to the Rutherford Estates development which was previously reviewed by the Commission.

Commissioner Counts said there was discussion about transferring density credits to Murphy Park a few meetings ago, and he asked if this transfer within Golf Village would be similar. Mr. Betz said it would be a little different because the City is relegated to Liberty Township Zoning plan for Golf Village. However, that zoning did allow the developer to transfer within Golf Village, and this developer is willing to include this land within the Golf Village, including becoming a part of the association, and infrastructure authority.

Commissioner Counts asked if any consideration was given to single family homes on one side and green space on the other. He said that the question is whether the Commission would prefer single family development with children verses condominiums. Mr. Betz said that with such a layout, the houses would face the rear of other houses, which isn't very desirable. Commissioner Counts said that is the problem with spot zoning.

Commissioner Counts asked if the variance request was heard by Liberty Township Board of Zoning Appeals. Mr. Reynolds said they started it, but stopped. Commissioner Counts said that he believes this parcel has to be residential, but he is not willing to say what is the appropriate density. He said he would support continuing to work on it.

Commissioner Wiencek said he agrees that this parcel would be best developed residentially. He said an option that might make sense is a variation on the single row of houses with a road. He proposed a private drive that doesn't require the traditional road right of way of a public street. He said the residents could maintain it and could have enough space for parking on one side. He said that he would like to see some other residential concepts for this property.

Commissioner Futryk said he also agrees with a residential use. He said he doesn't see the benefit of trying to swap this out for an industrial or office use. He asked if Centex has a single-family condominium or fee-simple design. Mr. Andrews said not in Central Ohio. Commissioner Futryk said that exploring that could address some of the density concerns. He asked what is the average cost of adjacent homes. Mr. Andrews said it is \$250-350k, with the higher prices on the golf course. He estimated these condominiums at \$190-240k per unit. He said their other condo developments in the Central Ohio Area are owned by empty nesters and young professionals with very few children. He said they will therefore provide taxpayers without generating additional school children. Commissioner Futryk said that he agrees that this needs to be addressed through the CEDA committee, but he doesn't think anything but residential is appropriate. Mr. Andrews said that their experience before Liberty Township was that a residential use would be much more supported by the community. Commissioner Wiencek asked if Centex is proposing to current buyers that this land is zoned industrial. Mr. Andrews said they are.

Commissioner De Palma said that residential is preferred, but not this plan. He said that transferring density is not equitable because it loads one segment of the community against another. He said this plan puts more pressure on Rutherford Road, as does Rutherford Estates. He said he would like to see an alternative plan using zero lot line development if at all possible.

Commissioner Emerick said he also thinks this is going to have to be residential. He said per the CEDA agreement, it should be reviewed by both Liberty Township and Powell. He said that density is an issue the Commission is going to have to look at. At this point, any suggestions for alternative layouts are desirable.

Commissioner Coville asked if this property owner was approached by Golf Village. Mr. Reynolds said that he has only owned the property for four years, and he thinks the previous owner stayed out of the Golf Village plan. Commissioner Coville suggested that the land was purchased after the development of Golf Village and the developer knew it would be surrounded by homes.

Commissioner Counts asked if the school district projects different numbers of children for condominiums as compared to single family homes. Commissioner Wiencek said he would also like to see some statistics regarding condominium developments in the City and Liberty Township. Mr. Betz said he could provide that

information.

Emil Slavik, Architectural Advisor to the Commission, said of the elevations provided, he would definitely suggest those with broken ridge lines that are similar to the single family homes nearby. He said the scale is similar. He said materials are important. He said that the homes on adjacent streets are not the same, as each other and the condominiums should not be the same, either. He said that he doesn't have a problem with the straight alignment. He said that condominiums are needed for single family home residents who want a place for their parents to live that is close by. He said that a street that is single side developed does exist in Powell in the Ashmoore subdivision, and it has approximately the same number of houses. Mr. Betz said the main difference with that is that there is a huge tree line on the open space in Ashmoore, and that makes a big difference. Mr. Slavik agreed.

Commissioner Wiencek agreed that the side-loaded garage design is more agreeable. Mr. Andrews said there is a lot of detail in these plans, with screen porches, basements, and two-car garages. He said that they could contemplate a single-loaded road but it would be a real negative to the existing homes in the area. He said the condominium concept is desirable because it is all maintained by one entity, so it looks better from the outside than a single family home development where each home is maintained differently. Commissioner Wiencek said a condominium association of 24 homes isn't going to be "rolling in the dough," so he is unsure how much increased maintenance will be possible.

John Werner, Liberty Township Trustee, apologized for not addressing this during the public comment portion. He said that he doubts the developer of Golf Village wanted to create a development with a lot of holes in it, but for some reason, these property owners were not interested in being part of this. He said the owners probably thought they could have a higher density outside of Golf Village. He said with this property included, Golf Village would have been laid out differently. He said not to worry about the industrial zoning, because in Liberty Township, it requires a 100 foot buffer, and is therefore un-developable. He said this problem was created because two property owners couldn't get together. He said that there is therefore one option, and that is that this is un-developable, and the only use left is a park.

Mr. Reynolds said that the property owner is simply trying to accommodate. He said there was "no grand scheme" to try to come between the Township and the City. He said when they brought the variance forward, the abutting property owner came forward with this proposal. He asked that the property owner not be blamed for this problem. He said he appreciates the input this evening.

COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN

APPLICANT: B & D Properties, Inc.
LOCATION: 316 West Case Avenue
Northeast corner of West Case Avenue and Industrial Park Drive
ZONING: PI, Planned Industrial District
REQUEST: Approval of a Combined Preliminary and Final Development Plan for two
16,000 sq. ft. office/warehouse buildings on 3.018 acres

Doug Kepher, B & D Properties, was present to discuss this plan. He said they have incorporated many ideas from the last meeting, and reviewed it with the architectural advisor and changed the concept to more of a "barn look." He said they also worked on the storm sewer and had to move the buildings back to accommodate the storm water. He reviewed the building elevation. He reviewed the street lights. He noted they are making it look like the bank down the street. He said the fence in the front will match that along Murphy Parkway. He said some changes not identified on the drawing are a barn-style door rather than a glass door. He identified the colors they have picked with a green roof and very light tan steel building. He said they have also added 3x3' windows.

Commissioner Wiencek asked if the front elevation is repeated on the back facing the school. Mr. Kepher said it is. Commissioner Wiencek asked about the porch covers. Mr. Kepher said they will match the main roof. He said they are proposing carriage lights off the front porches. Commissioner Futryk asked what are the supports for the porches. Mr. Kepher said it will be flashed in metal and look the same as the trim. Commissioner Wiencek asked if they are now not proposing eaves. Mr. Kepher said instead they are proposing a 2-foot overhang. Commissioner Futryk asked if they will be on the sides, front, and rear. Mr. Kepher said they will. David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed photos of the site from adjacent properties. He reviewed the conditions with which Staff would recommend approval.

Commissioner Emerick opened this item to public comment.

Vincent Margello, 1900 Powell Rd., said that he owns the property just southeast, Village Pointe Office Complex. He said he thinks this building looks fine, but he is concerned that Case Road is going to be connected to Village Pointe Drive. He asked that it be connected as a one way street westbound so that traffic must exit on Industrial Park Place rather than Village Pointe Drive. He said that his development has a dance studio, tae kwan do studio, baker, etc., and he is afraid of the industrial traffic this development could generate. He said that Industrial Park Place is more suited for industrial traffic because it doesn't have the pedestrian traffic. Commissioner Murphy said that that would mean that all traffic would have to enter on Village Pointe Drive.

Mr. Betz said that although Mr. Margello did install Village Pointe Drive, it was done with the City's assistance. He said it was designed to handle industrial traffic, where Industrial Park Place was designed as a private street. He said that Village Pointe Drive was intended to create a loop and have traffic exit and enter at a controlled intersection. Commissioner Emerick said that Mr. Margello's proposal would require that all traffic using this site enter on Village Pointe Drive. Mr. Margello said he doesn't have a problem with that, he just wants them to exit on Industrial Park Place. Discussion ensued. Mr. Betz said that his recommendation is that all streets in this area should be two way streets and that traffic be directed to controlled intersections to provide safer access and egress.

Commissioner Wiencek asked if there are any concerns with this proposal in regards to turning radiuses of semis. Mr. Betz said that will be addressed in the final engineering review.

Art Schultz, 289 Bluff Ridge Court, Powell Mayor, asked if there is a bikepath easement on the Time Warner property or whether the City would need to connect through this property. Mr. Betz identified the easement on the Time Warner property.

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

Commissioner De Palma said this concept is good but it "doesn't quite make it." He said the cupola is not in proportion with the rest of the building, and the facility is "an awful lot of metal." Mr. Kepher reviewed the changes made between this and the last proposal. He identified that the cupola proportion is similar to a facility on U.S. 23. Commissioner De Palma said this doesn't look like a barn. He said the front, back, and side opposite from the truck access need to be softened. He recommended that a 4 foot brick or stone wall be added to take away from the massiveness of metal and color. Mr. Kepher said that they intend to break it up by adding the barn doors, hay doors, and extra access doors which will have only an aesthetic purpose. He said they will also be adding carriage lights.

Emil Slavik, Architectural Advisor, said that he did have a very positive meeting with the applicant. He said their current proposal is about 65-75% to being where they discussed. He said the front elevation is consistent with his recommendation, but the proportion of the doors should be equal to the proportion of the overrun even if it is a fake door. He said a key part of their meeting was regarding the mechanicals and how they would be hidden. He said they discussed fencing to help hide that, not like that at Village Pointe, but at Liberty Presbyterian Church, where it zig zags and overlaps so that even though it is less than 50% opaque, one can't see through it to see the mechanical units behind. He said a wainscoting or water table on the front elevation would also be appropriate. He said pine trees at the corners would help. He said that the closer the cupolas are to Case Street, the smaller they can be. He said that he thinks the side elevation needs a substantial horizontal break, such as a wainscot or a contrasting panel under the eave. He said the fencing could also be used there. He said he has little concern for the elevation facing the storage lot.

Commissioner Counts asked if the awnings over the pedestrian area are appropriate. Mr. Slavik said they are not big enough and not repetitive enough. Commissioner Futryk asked if an overhang as a visual amenity is more recommended than a porch to be used for weather blockage. Mr. Slavik said an overhang would be more appropriate with the horse farm theme.

Mr. Kepher said they feel the overhangs over the doors are appropriate because of the additional landscaping they are planning to help create a more three-dimensional appearance. Commissioner De Palma asked about the back of the building facing the school. Mr. Slavik said that the distance from this building to the fence line is

relatively treed or will grow up over time. He said that it doesn't need the same treatment as the front. He said that this is the access road further away from the school. He said with a slight mound and pine tree landscaping, they wouldn't need to do much to make the building elevation better. He said this project will actually hide the view of other storage and industrial uses from the school.

Commissioner Futryk asked if the 3x3 foot windows they have discussed for either side of the door will help break up the building. Mr. Slavik said that neither is large enough to deal with the length of the building. Commissioner Futryk said that he thinks this plan is "almost there," and this is a nice start.

Commissioner Wiencek said he thinks there is enough unknown left in this plan that he isn't comfortable voting for a combined preliminary and final development plan. He asked if the preliminary can be approved or the item tabled. Mr. Betz said the Commission has thirty days from tonight to make a decision. Commissioner Wiencek said he would feel better if the sketch accurately represented the proposal.

Commissioner Wiencek asked if the retention area may be used to meet the open space requirements. Mr. Betz said removing some pavement will increase the green space substantially. He asked to review the code regarding that requirement. Commissioner Wiencek asked if they should have a larger cupola instead of two small ones. Mr. Slavik said that the cupolas should help provide venting and be proportional.

Commissioner Wiencek asked if it is appropriate that the porch roofs have the same pitch as the barn. Mr. Slavik said they should. Discussion ensued regarding the appropriate architectural detailing for such a porch feature. Mr. Kepher said that they have concerns that too much of this type of feature could negatively impact the landscaping planted beneath it. Commissioner Wiencek said that he would like to suggest adding more elements to the building than providing more porches.

Commissioner Wiencek said that he is concerned about the building materials proposed, and asked if there is a more traditional metal building material than the standard c-channel. Mr. Slavik said that he thinks what they are proposing is appropriate for the scale of the building.

Commissioner Wiencek expressed a desire to ask a Traffic Engineer their opinion on the one-way street issue. Mr. Betz suggested the City Engineer review the issue.

Mr. Betz said regarding the open space calculation that Commissioner Wiencek asked about, the Commission can make that determination. He said he thinks the ponds will be an attractive feature. Mr. Kepher said they are proposing a fountain.

Discussion ensued regarding the overhangs. Mr. Kepher reiterated his concern that the landscaping may not survive if the overhang is too large. Commissioner Wiencek said that he would like to explore some of the alternative recommendations that Mr. Slavik suggested for the elevation.

Commissioner Counts said he generally likes what he sees, but he isn't quite there in terms of design and landscaping. He said he agrees with Commissioner Wiencek that he would prefer a preliminary then final plan.

Commissioner Murphy said he thinks this looks nice but he is not a fan of the color scheme, because to him, a barn is red. He said this is close, and if more detail is provided for the next time it is reviewed, he could be satisfied.

Commissioner Coville asked if the setback from the parking area is appropriate. Mr. Betz said that it is, with either side being zoned Planned Industrial or Planned Commercial. Commissioner Coville agreed that this plan has made huge strides since the last time. He said that he agrees with Commissioner Wiencek's concerns about counting the pond in the open space. He said he isn't comfortable with this much coverage of the property. He said this isn't a final plan. The Commission reviewed the colors proposed and selected alternative colors and provided them to the applicant.

MOTION: Commissioner Wiencek moved to table the Combined Preliminary and Final Development Plan until the next meeting, April 9, 2003. Commissioner Futryk seconded the motion. The motion was approved. Yes: De Palma, Emerick, Futryk, Murphy, Wiencek, Counts, Coville.

APPLICANT: The Kenny Company LLC
LOCATION: 399 West Olentangy Street
ZONING: PC, Planned Commercial District
REQUEST: Approval of a Combined Preliminary and Final Development Plan for an 8,073 sq. ft. retail center on 1.0 acre.

Tim Spencer, Triangle Properties, was present to discuss this plan. He said that this is being proposed for the northern portion of the Murphy park development. He said they worked with staff to fit the property to the site and to accommodate the access road, current trees, and the maximum use of the lot. He reviewed and responded to the Staff Report comments:

1. **That the north-south drive aisle be reduced from 25 feet in width to 22 feet in width.** *The applicant agrees with this recommendation.*
2. **That the two parking spaces at the southwest corner of the site be removed.** *Since the applicant has changed the size, dept and width of the building to accommodate trees, they have lost additional spots.* He said they would like to remove one of the spaces to allow more rounding out to protect the tree. Commissioner Wiencek asked about the parking identified for HER, which is the development next door. Mr. Betz said that is for the old plan. Mr. Spencer said they plan to line their parking up with HER.
3. **That the dumpster enclosure be made to match the Goddard School design.** *The applicant agrees.*
4. **That the first landscape bay south of the Olentangy Street access be made the full width of a parking space resulting in the loss of one parking space from row in which it is located.** *The applicant agrees.*
5. **That the landscape bays be repositioned to remove the need of a divergence to the one landscape bay every eight parking spaces requirement.** *The applicant agrees.*
Commissioner Wiencek said there are two additional landscape bays that exceed 9 spaces. Mr. Betz said those should be changed as well. Commissioner Wiencek suggested moving the bay further north.
6. **That the striped area adjacent to the east-west access drive be made a landscape bay and a tree planted in the bay.** *The applicant would like consideration on this item because it is a very narrow strip and they have concerns about losing more parking.* Commissioner Wiencek asked if one of the handicap spots could be moved. Mr. Spencer said that would require additional ramps. Mr. Betz said it doesn't need to be a full bay, just some landscaping.
7. **That EIFS only be used for the architectural detail such as reveals and applied stucco be used on all walls.** *The applicant agrees with this condition as long as they can incorporate EIFS for detail.*
8. **That the applicant work with Staff and the Architectural Advisor to add brick accents to the building such as described in the Staff Report.** *The applicant agrees to add brick accents and they would welcome any specific comments as to their location.*
9. **That the applicant consider Staff's suggestion for a sign package and submit a sign package to the Commission for approval.** *The applicant has reviewed the Goddard's sign package and is looking to use a similar type here. However, they are proposing internally-lit individual letters for each tenant to match the style of Handel's Ice Cream.* Commissioner Emerick asked if the signs will be of various colors. Mr. Spencer said some of the vendors need specific colors. He said that they have other properties and have worked to provide muted or controlled colors whenever possible.
10. **That the blue and white awnings be removed if Handel's vacates the space (a future user must receive approval of the Commission for the use of awnings).** *The applicant agrees to this condition.*
11. **That the applicant work with Staff and Certified Arborist to determine the feasibility of saving the 29 caliper inch Ash tree and if necessary perform a resistograph.** *The applicant would like to remove the tree. Mr. Spencer noted the excessive pruning that would be needed to keep this tree. Mr. Betz noted that he is 50% sure that the tree is of poor health and should be removed. Commissioner Futryk asked if they have thought of putting a bench around the tree for seating. Mr. Spencer said it would interfere with the queuing area. Commissioner Wiencek said it might make more sense to declare the tree healthy and require replacement of a similar caliper.*
12. **That the exterior site lighting be made to match the proposed Goddard School lighting.** *They agree and assume this is in reference to the parking lot lights.*
13. **That exterior materials and colors be submitted to the Commission for approval.** *The applicant agrees to this condition.*
14. **That the City Engineer review and approve all engineering plans.** *The applicant agrees to this condition.*

Shawn Leininger, Development Planner, gave his Staff Report on this item (Exhibit). He reviewed the site location and surrounding uses.

Emil Slavik, Architectural Advisor to the Commission, reviewed that the large square on the corner of the building seems to be the most important feature when he thinks the intent was for the Handel's Ice Cream to stand out. He said an easy way to fix the corner is to wrap the glass around it or continue the glass on the side elevation and then use brick or stone on the entire side. He said he doesn't have a problem with the layout or the site, but there is something uncomfortable about the balance of the building.

Dellos Morrison, Architect, said that the walls on the corner being discussed were left blank because that area is the operations area of the ice cream store. He said part is the problem of the rendering which is designed to identify the whole building and distorts that section. He identified a proposed solution of brick accents on the problem area.

Mr. Slavik said that is a start, but doesn't solve the problem. He said he would consider a different roof material and roof design on the Handel's portion. He reiterated a suggestion for the corner to be all glass, not necessarily see-through. He said the goal is to make Handel's look like a different facility added to this one. He said it needs to stand out more. Commissioner Wiencek asked what type of change in roof design and material would work. Mr. Slavik suggested a higher pitch and red metal material. Commissioner Wiencek said that a different material would already be a pretty big change. Mr. Slavik agreed. He said that it is a nice commercial building and similar to what is across the street. Mr. Spencer said he would like to explore adding opaque glass. He said rounding the corner is not an option because of Handel's requirements.

Commissioner De Palma said he would like a window, but adding brick to the problem area isn't consistent with the brick around the Handel's area. He asked if the awning is blue and white or red, white and blue. Mr. Spencer said there is a small red strip in addition to the blue and white. Commissioner De Palma said he likes the idea of brick on top of stone, which gives continuity to the Goddard School. He commended the applicant for being very responsive but said he feels Mr. Slavik's comments have a lot of merit. He said he doesn't have a problem removing the tree that was discussed.

Commissioner Futryk said he appreciates what the applicant has done to address the Commission's concerns. He said he would support glass on the eastern elevation and he likes what Mr. Slavik has to say about a different roof material to make the front stand out. He asked about the availability of overflow parking. Mr. Spencer said they have drafted parking agreements with the Goddard School to use the 12 spaces to the west after 6:00 p.m. He said they can be connected to the bikepath and the seating area in green space. Commissioner Wiencek asked how the users will know what spots they can use. Mr. Spencer said that they based which ones they think people will use based on access and the traffic flow. He said they don't expect Handel's to generate a huge amount of daytime traffic. He said they really only wanted 3-4 parking spots. He said they are also talking to the HER developers to see if they can enter a similar agreement. He noted that they have built 50 parking spaces for the park, and that area is only 60 yards away.

Commissioner Futryk asked about the other uses in the building using the parking at the same time. Mr. Spencer said that the tenants they are contemplating are specialty-type shops with hours of 8-5 or something similar. Commissioner Futryk expressed a desire to be aware of the potential problems with parking and to consider how to direct overflow parking to the park rather than burdening the adjacent property owners. He suggested signage to direct additional traffic.

Commissioner Wiencek said that he has concerns with the aesthetics of this building. He said this is a park setting. He said the Kenny company proposed high-quality development in this area and not the average strip-center environment. He expressed concern that this is a stucco strip center in the middle of two gorgeous buildings, the Goddard School and HER. He said that the last thing he would like to see is more windows. He said he would like the entire building to be brick or stone with no stucco, particularly because of the view of the rear from the Goddard building. He said he likes Mr. Slavik's idea of doing something alternatively with the Handel building. He asked if it makes sense to bump the whole building up two feet to help separate it and hide the rest of the retail. He said that would also allow an alternative roofing material like Mr. Slavik suggested.

Commissioner Wiencek said he isn't going to oppose the awnings but he feels they are a "chink in our armor." He said that it has been presented to the Commission as a "Handel's signature item," and therefore he feels they apply to the sign category rather than architectural detail. He said he thinks that the Planning and Zoning

Commission will need to approve a variance to allow for more signage for this facility than permitted (25 sq. ft.) He said that he wants to handle it this way so that future development in the area, for example, McDonalds, would know that golden arches aren't going to be permitted. Mr. Spencer said that he is having some difficulty with the marketability of the land. They donated 5 acres of trees with the understanding that the out parcels would be developed commercially. He said that other than HER and the Goddard School, they have been hard pressed for users. He said Handel's is interested. He said that they want to work with the Commission architecturally but he can't comment on brick or stone without reviewing the performance numbers. He said he needs Handel's to address the recommendations regarding the roofing material. He said that after the last meeting, they were under the impression that the building needed to be stucco or EIFS in order to accommodate the detail, depths, roof pitches, etc. He said that an entirely brick building will eliminate the ability for such detail.

Mr. Betz read the section of the sign code as referred to by Mr. Wiencek (Exhibit). Commissioner Wiencek said he thinks the awning meets those requirements. Commissioner Coville asked how saying Handel's awnings are signs would prohibit McDonald's arches. Commissioner Wiencek said they would require a variance because they would exceed the signage ordinance limits.

Mr. Slavik asked if Commissioner Wiencek is proposing that the reveals that were previously proposed in stucco would be in brick. Commissioner Wiencek said he is. Mr. Slavik said that there is a cost issue with switching to brick, but it has more character than stucco. Mr. Spencer said that he is concerned with the amount of space they have and their ability to rent it at a price that would support brick. Commissioner Wiencek said that the Commission is trying to blend, as development moves closer toward town, with an historic district look, and there are no stucco houses in old Powell. Discussion ensued.

Commissioner Coville said the Commission went through great lengths with HER, ASK Water Sports and the Goddard School, and he doesn't think it is inappropriate to do the same here. He said that he thought the area was going to look quite different, and that is why he had a problem with HER. He said he is much more excited about the recent HER plan. He said the Commission expected top quality and he indicated that that may mean the numbers don't work.

Mr. Spencer expressed concern that the Commission is assigning brick or stone with quality. Commissioner Coville said that it can't look like a mass of glass. Commissioner Wiencek asked if Handel's was all stone, and the rest of the building was siding. He said he would support this. Commissioner Futryk said that were the design, he would even support all the windows. He pointed to the Handel's development in Hilliard and noted that it is similar in design to what is being discussed.

Commissioner Murphy said he likes the Hilliard building and thinks it is attractive, but the elements are lacking in this proposal. Mr. Morrison said that many of the architectural details in the Hilliard proposal will be in this plan but aren't clear on the computer rendering. Commissioner Coville said that different materials between Handel's and the rest of the building could create a design similar to a stand alone facility.

Commissioner Futryk said that he is unsure whether the landscaping proposed is enough to break up the landscaping on the west side. Mr. Slavik said that he would pull everything off the back elevation and use heavy landscaping and pull the more expensive treatment to the front. Mr. Slavik asked if two buildings would be possible. Mr. Spencer said it would reduce their square footage from 8500 to 6500. Mr. Slavik said that the applicant might also consider taking the lentel piece and consider an arcade or something that brings it out into the environment. He said this would be a noticeable difference, a different shadow line. He suggested stone benches, etc. within that space. Mr. Spencer said that a change in the roof concerns him because of the possible change in tenants someday. Mr. Slavik said that if the problem with the corner is fixed, there may be options for the roof other than a different material. Commissioner Wiencek said he doesn't follow the logic of a space being difficult to lease because it stands out more.

Commissioner Wiencek asked the applicants if they feel they have what they need from the Commission to come back with an amended plan. The applicants indicated they do.

MOTION: Commissioner Wiencek moved to table the Combined Preliminary and Final Development Plan until the next meeting, April 9, 2003. Commissioner Futryk seconded the motion. The motion was approved. Yes: De Palma, Emerick, Futryk, Murphy, Wiencek, Counts, Coville.

SUBDIVISION PLAT

APPLICANT: Rockford Homes
LOCATION: South side of Murphy's Parkway just north of Grandshire Section 5
ZONING: PR, Planned Residence District
REQUEST: Approval of a Subdivision Plat

Craig Bohning, EMH&T, was present to discuss this item. He said that there are no comments in the Staff Report of any concern. He said the design mirrors the Final Development Plan for the property. He said he is present to answer any questions about this item.

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

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

Commissioner Wiencek asked about the scenic conservation easement wording. He said the goal of the Commission is to make sure the easement language is enforceable and that people don't take out all of the understory and install sod. He asked if the language for this plat is what is proposed to address that issue. Mr. Betz said it is.

MOTION: Commissioner Wiencek moved to approve the subdivision plat for Rockford Homes with the condition that the City Engineer review and approve all lot numbers, street addresses, easements and other such information that he deems appropriate to be on the plat. Commissioner De Palma seconded the motion. The motion was approved. Yes: De Palma, Emerick, Futryk, Murphy, Wiencek, Counts, Coville.

PRELIMINARY DEVELOPMENT PLAN (Workshop Session)

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 Wyandotte Elementary School.
EXISTING ZONING: Liberty Township FR-1, Farm Residence District and PR, Planned Residential District
PROPOSED ZONING: City of Powell PR, Planned Residence District
REQUEST: Discussion of a Preliminary Development Plan for single-family lots on 133.31 acres.

Ben Hale, Attorney, Bob Schottenstein, President of M/I Schottenstein Homes, and Steve Kaplinger, President of M/I's Land Division were present to participate in this workshop. Mr. Hale said that they have a number of drawings that they would like to review with the Commission. He said that each plan responds in a different way to some of the things heard in previous meetings. He reviewed the history of this site as two being joined (Cameron and Wallingford). He reviewed the original sketch plan proposed and that the feedback was that the density, at 1.72 d.u./acre was higher than the appropriate 1.5 d.u./acre. He said another plan was presented with a series of culdesacs and some very large lots. He said they have heard comments about transitioning this neighborhood, whether larger lots are more appropriate in the wooded area, and whether less woods would be desirable.

Mr. Hale said that they have created new iterations of the plan. He reviewed one where all of the lots on the north side of the street are all 90-foot lots, with the remaining being 80 and 90-feet. He reviewed the setbacks to neighboring developments. He reviewed a proposal for a plan where most of the lots are 80-feet. He identified the road improvement they are proposing for which they anticipate receiving density credits. He said that this is one of the last pieces of properties to be developed residentially as one travels north. He said that they believe that either the 80- or 90-foot plan will provide a plan that is appropriate for the area. He noted that the 80-foot lot plan is more of a cluster-style development, while the 90-foot plan is "looser." He said that the densities to the south and east are 2-2.5 d.u./acre, and this property is at 1.39 d.u./acre on the south side of the road. He identified a preserve and lake area they are proposing near Rutherford Road.

Mr. Hale said he met with residents from Middlebury Estates prior to this item on the agenda and agreed to create

a no-build zone in the wooded area to help preserve the trees between this development and their development. Mr. Schottenstein said that from their standpoint, the first reaction would be that M/I wants to get as many lots as they can, and while there is truth to that, they would also like to come up with a plan that is rational, logical, and respectful of the ground and woods. He reviewed that the Lakes of Powell has been a great project, and he thinks most of the residents in Powell like it, particularly in sections 5 and 6 where the lots are a little bit wider. He said they have not developed that product anywhere else, and they are willing to enhance it by using Hardiplank siding rather than vinyl. He said they are proposing brick plinths, foundations, and fireplaces. He said that he thinks that the 80-foot lot type Lakes of Powell development is very appropriate for the southern portion of this tract. He noted that there is a railroad track in this area that impacts what will sell there. He said they are expecting the average house price to be between \$300-350k. He said that their current proposals are at 1.46 d.u./acre while to the east and south, the density is 2.25. He said this is significantly less dense, and it can't domino to the north because there is no where else to develop. He said that with the school, Y, park, and woods with nature trails that they are willing to put in, these are both great plans, and great projects. He said when they came before the Commission in September, they thought they could get a higher density because of the road improvements, the open space, and other things that allow density credits under the code.

Mr. Hale identified four extra deep lots to the south that have been designed to create a no-build zone to preserve additional trees. Mr. Schottenstein noted that this property is less dense than Golf Village and it provides a reasonable appropriate buffer along the railroad. He said that they are trying to preserve as many trees as possible.

Commissioner Emerick asked what was the discussion with the neighbors that Mr. Hale indicated took place this evening. Mr. Hale said they discussed this proposal primarily with the neighbors from Middlebury Estates, and they expressed a desire to save the trees between the two properties.

Commissioner Wiencek asked why lot 8 is so large. Mr. Kaplinger said it is a wooded wetland. Commissioner Wiencek asked how many units are identified in each plan. Mr. Hale said in the 80-foot plan, approximately 5 lots will be removed, resulting in a change from 197 to 192. Mr. Schottenstein said that they will need to add those back in somewhere. He said he would like 197 lots.

Commissioner Wiencek asked how many lots are on the Cameron tract. Mr. Hale identified 62 lots on 44 acres, or 1.39 d.u./acre. He said that the open space in the south is 16.5 acres. The northern (Wallingford) property has 135 lots on 89.9 acres, or 1.5 d.u./acre, with 36.61 acres of open space. He said these figures are on the 80-foot plan. Commissioner Wiencek asked if all of the lots are at least 80 feet. Mr. Hale said some are 70.

Commissioner Futryk asked if consideration was given to changing the area where there is a large circle with a road through to a circle with larger lots and backyards facing backyards. Mr. Kaplinger said there was not. He said they designed in accordance with how the land can use, based on thinking that they could get 1.5 d.u./acre on this property because that is what the Comprehensive Plan identifies for the area and what the commission identified during the September meeting. Several members of the commission disagreed that there was ever a "consensus" that 1.5 d.u./acre is appropriate.

Commissioner Coville asked how density credits are identified. Mr. Betz said that the density permitted starts at .7 d.u./acre. The land dedicated as open space would in his opinion qualify for the total .5 d.u./acre density credit. He said then the Commission needs to make a policy decision whether the roadway improvements that are necessary now rather than based on the impact of this development qualify for the .5 d.u./acre credit. He reviewed that they are proposing to complete the turn lane improvements at Wyandotte Elementary school at Carriage Road where the elementary school comes in and out. He said they have also been discussing the potential need for turn lanes at Rutherford and Liberty Road. He said that may not be enough to get the entire .5 d.u./acre, so it appears the City is somewhere between 1.5 d.u./acre and 1.2 d.u./acre permissible density.

Commissioner Coville said that it needs to be usable parkland. Mr. Betz said that the City's consultant's analysis of the park site is that it appears to be eligible for a voluntary action program to make the site to where no further environmental action is needed. He said that other studies need to be done, but the review of the original study indicates that the site is very usable for the public. He compared it to Beechwood Park, another City park, which is wooded and extremely nice. He said that the wetlands in that park are a benefit educationally, and there are wetlands in this area because of the Y track. He said that once those railroad ties and rails are removed, the

pathway can be installed and the property very usable. Commissioner Coville asked if the site is as attractive with the lots being developed into the northern wooded portion. Mr. Betz said it is not as attractive. He said the residential portion in the northern part of this development will be a nice secluded residential pocket.

Commissioner Wiencek suggested discussing the two parcels separately. He said he thinks the Cameron (southern) portion is "closer to what the Commission would approve." He suggested reviewing Wallingford parcel separately, and said he would like to talk about aesthetics of that property. He said that the folks driving on Rutherford Road and Liberty Roads 10 years from now aren't going to make the connection that this park is the trade-off for houses that are "so close together." He said that many Liberty Township and City residents have said that they don't want this tract to look like the Lakes of Powell because they don't think it is appropriate as they transition into the Township. He said to him, the solution is to "ignore the numbers" and plan on more than what it looks like. He said that whatever plan gets approved, he thinks it will look closer to the original where there was a lot of open space on the corner at Rutherford. He said he agrees that the further the houses are pushed into the woods, the less value the open space has. He said if the aesthetic concerns are addressed by making the lots larger, the new problem is that the park has been massacred. He said he is disappointed that what is being presented is no different than what the Commission saw before. Mr. Hale indicated that the intend to improve the view of these properties from the road similarly to the improvement made to Morse Road in New Albany. He said the landscaping will really help to create a rural feel from Rutherford Road.

Commissioner Futryk said that the rural feel has been created in one portion of this property, and the rest is "cookie cutter." He said rather than the last stand, he sees this as a premium property because of its location to the woods, schools, YMCA, and parks. He commended the creativity in the southern portion with more angles and flowing patterns but said the northern property is of concern. He suggested bigger lots in the north, and better flowing stream patterns. He said that there needs to be a transition from the 1.5 d.u./acre in Golf Village to the larger lots in Liberty Township in the northern portion of the development.

Commissioner Wiencek suggested doing the 90-foot layout but cutting out the 29 lots that are in the farthest north portion of the Wallingford Tract. He said that would be 1.18 d.u./acre for the Wallingford property, and closer to what is going to be desirable to approve. He said that using 90-foot lots balances the Commission's desire to cluster and preserve open space and Liberty Township's desire to have bigger lots, although he admitted that 90-foot lots is not a traditional Liberty Township lot. Mr. Schottenstein said that would kill the north piece, but he'd like to know what density would be acceptable on the south piece. Commissioner Futryk said he likes the layout on the south portion, but he would still like to see 90-foot lot minimums in that portion, which would also reduce the density. He asked if there are any layouts that would use a 1.1 or 1.2 density. Mr. Betz said that converting the lots in the Cameron property to 90-foot lots would reduce some of the possibility for tree preservation.

Darren Fair, MI Homes, asked if there are concerns about the lot sizes on the Cameron property. Commissioner Wiencek said he likes the way it is designed now irrespective of lot sizes, but the general desire is for more bigger lots rather than smaller. He said it is close to being "okayable."

Commissioner De Palma said he has always been opposed to this density. He said he thinks he has mentioned a that a 1.2 d.u./acre for density would be acceptable because of the traffic patterns. He said he has visited the area to observe the traffic, and he is trying to contemplate the impact of these lots. He said he has heard a lot from area residents of their negative experiences with traffic and the impact on their property values. He said he is glad that M/I has discussed their proposal with the Middlebury Estates residents and is trying to address their concerns. He agreed with Commissioner Wiencek that the southern portion of the development is much nicer. He said the northern section is too dense, and he doesn't care for the layout. He said he would like to see a density of no more than 1.2 d.u./acre overall.

Commissioner Coville said that he is closer to Commissioner Wiencek's opinion in terms of chopping off the top section and leaving the Cameron property.

Commissioner Murphy said he is okay with the Cameron property if the abutting neighbors' concerns are met. He said that he thinks the residents in the northern portion will use Carriage Road, and that area residents' concerns about this are valid. He said that until there is an alternative way for the area residents to get to S.R. 315, and he noted that Mr. Betz had proposed some suggestions to Liberty Township regarding that issue, the Commission has to deal with the current reality. He said that 90 foot lots should be the bare minimum for the northern section.

He said he would also support cutting off the lots where the development starts to go deep into the woods. He said there is probably some compromise that can be considered, but he thinks the density is going to be around 1.25 d.u./acre.

Commissioner Counts said that the Cameron parcel is at a density of 1.39 d.u./acre, so what he is hearing from everyone else is that a density between 1.25 and 1.39 d.u./acre sounds possible. He said he has not had a problem with this development because it is consistent with the areas to the south and with Golf Village. He said he would have approved it at 1.46 d.u./acre.

Jean Stahl, 1680 Carriage Road, said that the figures are always left off regarding the density immediately to the east of this development. She said there, they have 236 acres with 107 homes, and a density of .45 d.u./acre. She said that Desiree, across the street, is at .34 d.u./acre. She said there is no transition, as it goes from very high density to extremely low density.

Liberty Township Trustee Kim Cellar presented the Commission with densities of surrounding neighborhoods. He said that it is comparing apples to oranges to compare Golf Village to this because it includes a 4 lane road, 20 acres to the school, utilities to the school, sewer access, and a private golf course. He said that the civic corridor adjacent has a 0 density. Commissioner Counts asked how many of the densities Mr. Cellar is referring to are on the west side of Liberty Road. Mr. Cellar said that none of them are. Mr. Counts said to him, that is the issue. The closer one gets to the river, the lower the density is. As you graduate to the railroad track, the density will get higher. Commissioner Futryk said that the same is true moving toward the zoo. He said that Wedgewood Park has a density of 1.3 d.u./acre, where Wedgewood Place is 2.84 d.u./acre. He said the density is higher as one moves away. He said the Commission is talking about what is an appropriate transition. He said this is not going to be Desiree because these are not million dollar homes in a private gated community. He said he is looking for an appropriate transition number. Mr. Cellar said that that he thinks 1 d.u./acre is appropriate. He said the Township has always interpreted the NWAP as a density of 1.25 d.u./acre. Commissioner Emerick said that the NWAP says 1.5 d.u./acre. Mr. Betz agreed, and said that is why Golf Village was developed at 1.5 d.u./acre.

Commissioner Weincek said that even though the extension of Sawmill Road was funded by Golf Village, that cost was forwarded on to the residents of Golf Village, and so the developer essentially fronted the money. He said that by the same turn, the developer of this parcel will forward the cost of the road extension on to the buyers of homes in this development. He said that these calculations do not represent a huge percentage of the purchase prices of the homes. He said that he knows that there are circumstances where the additional improvements start to add up and there are problems with the cost making sense. He said that rather than calculating credits for certain amenities, the Commission needs to determine "what is going to fly," and then the developer can determine if that is profitable for them.

Mayor Schultz said that he thinks that you can look at the numbers and then look at the plans, and that reasonable people can disagree. He said that he thinks people will access the park area more if the houses go up into it a little. He agreed with Commissioner Futryk that it has always been agreed that the Sawmill Parkway is the most intense area and the density goes down from there. He said the question is for this piece, which is between 1.5 d.u./acre along Sawmill and lower on the other side. He said that it is probably not reasonable to say that this property should be 1 d.u./acre with the surrounding uses. He said the Commission needs to determine what they want the developer to do. He said the Township approved a plan for this piece of property at 1.25 d.u./acre without bikepaths or road improvements. So if those improvements aren't desirable, the Commission can tell the developer to lower the density. He said it sounds like a density between 1.0 d.u./acre and 1.5 d.u./acre is desirable, so the Commission can look at the design, or look at the numbers.

Commissioner Wiencek suggested looking at the larger portion of the Wallingford Tract where there are six rows. He said if the 70-foot lots are left, there are about 83 lots. He suggested shifting the road east west and centering it on the long skinny piece of property. He said that would allow 111 lots and a density of 1.234 d.u./acre. He said that would allow about 28 lots on that road. He said that it is near a density that might gain approval, at 1.25 d.u./acre. In addition, it preserves the park. He said it allows all of the economies of scale with 70-foot lots on almost half of the property, and preserves the Township feel of the whole east-west part. Mr. Schottenstein suggested adding more green space in the center.

Commissioner Futryk said that problem is that is creating the Lakes of Powell in that portion of the Wallingford

