

**MINUTES  
PLANNING AND ZONING COMMISSION  
APRIL 9, 2003**

A regular meeting of the City of Powell Planning and Zoning Commission was held on April 9, 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, and Tom Counts. Don De Palma was absent. 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.

Commissioner Emerick noted that M/I Schottenstein Homes has asked that the Commission consider the Woods at Powell development plan at their next meeting, and therefore it won't be heard this evening.

David Betz, Director of Development, noted that B & D Properties has requested a change in the agenda so that their item is heard last.

**HEARING OF VISITORS FOR ITEMS NOT ON AGENDA**

There were none.

**MINUTES**

The minutes of March 12, 2003 were amended and approved.

**COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLANS (Tabled from 3/12/03)**

**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, Director of Real Estate, Triangle Real Estate, reviewed the conditions in the Staff Report (Exhibit). He said regarding number 2, they would rather not eliminate additional parking. Regarding number 6, making that a landscape bay is problematic due to the small size of the striped area. He said regarding the tree addressed in number 11, they have no interest in incurring the expense of testing the tree because it is in the way of the queuing area for Handel's Ice Cream and probably will not survive the construction. He listed no other opposition to the conditions itemized in the Staff Report.

Mr. Spencer went on to review the revised elevations which were a result of meeting with Staff and the Commission's architectural advisor.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He said he thinks there is a 50-50 chance that the large tree Staff asked for a resistograph on will not survive the construction of the center. He said that he is pretty sure that the trunk is split and that it is an ash which is more susceptible to construction damage. He reviewed Staff's recommendation for altering the parking to provide more space and more screening. He said that he feels the applicant has come a long way in their change in the architectural design, but that Staff will defer comments on that item to the architectural advisor.

Emil Slavik, Architectural Advisor to the Commission, agreed the applicant has come a long way. He said their interpretation is different than suggested in previous discussions, but he doesn't have a problem with it. He said they have put a monumental building in front with lower buildings behind, and that is very characteristic of the environment here. He said that the form of the building, with the larger mass at Powell Road, helps a lot. He said that he doesn't think anyone will every see the low, long, flat roof in the back of the building. He said he thinks that changing the glass and addressing the corner were good solutions.

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

Commissioner Futryk asked, if the tree in the very front is removed, what does that do to the required caliper inches of trees. Mr. Betz said the applicant would still be over that required. He reviewed the landscaping plan which includes interior plantings in the parking lot and extensive plantings along the west side of the building to break up the west elevation. Commissioner Futryk asked what will shield the west side of the building. Mr. Betz described a mix of spruces and maples, mounding, and some arborvitae. Mr. Slavik said that the wall is very

bland, and anything planted along there is positive. Commissioner Futryk said this design is 100% improvement since the last meeting.

Commissioner Futryk asked about the pathway for people that park at Goddard's School (in accordance with the shared parking agreement) will be able to get to Handel's. He also asked about the benches or tables. Mr. Spencer said that they intend to have benches in the mulched patio area. He said the pathway has been conceptual, and they have met with Goddard to discuss the best location. He expressed a desire to steer people toward the area that is reserved for drop off and pick up. Mr. Betz said that the sidewalk does connect to the bikepath in the front. Commissioner Futryk said if they aren't led to the bikepath, they will make a path through the mulch and grass. Mr. Spencer said the patio will be small, with a couple of tables, trash cans, etc. He said that Handel's hasn't had such seating at their other locations.

Commissioner Futryk asked if they have determined where there will be a sign listing the tenants on the eastern portion of the building. Mr. Spencer said they haven't. Commissioner Futryk expressed concern about the overflow parking during busy seasons, and suggested a sign to direct people to use the park lot rather than filling up the adjacent developments. Mr. Spencer asked if the park has hours of operation. Mr. Betz said they are open from dawn to dusk, but it may be necessary to change them for that particular park if they are going to provide additional parking for businesses.

Commissioner Counts commended the applicant and said it was difficult after the last meeting to understand what the Commission wanted. He said this is a vast improvement. He asked if some of the storefronts jut out. Mr. Spencer said there are 8 inch deviations. Commissioner Counts said he is okay with the tree in the front being removed because the applicant has obviously provided enough additional treed areas. He said he would be in favor of removing one space on either side of the tree in back to help maintain that large tree.

Commissioner Murphy said that this is head and shoulders above the development across the street. He said that the tree is a nice amenity for Handel's to preserve and his preference would be to save that one. He said he will, however, believe what Mr. Betz says regarding the 50/50 chance it will survive. He said he thinks there is plenty of parking and removing the spaces on either side of the tree in the rear won't have a great impact.

Commissioner Coville said he would also like to see the tree in the front, but he, too, is concerned with the impact of construction. He echoed positive comments about the way the development looks, and thanked the applicant.

Commissioner Wiencek suggested that the mechanicals be concealed by the roof line and a higher gable permitted if necessary. Mr. Spencer said he thinks the pitch will be high enough. Mr. Slavik said that it could be an issue, but there should be enough room. He said it may not be the most cost effective way to handle the mechanicals. Commissioner Wiencek suggested leaving this up to Staff's discretion. He said he isn't going to care if 2 inches of an air conditioning unit pokes over the gables, but he just doesn't want them to be obvious.

Commissioner Wiencek asked if the 8" relief on the shingles on the gables is sufficient. He said he was expecting 18-24 inches. Mr. Slavik said that a bigger depth isn't going to help after noon, when the sun hits the elevation. He said the two depressed areas could be lightened to make them pop.

Commissioner Wiencek asked if the rear doors on the west elevation will be a flat metal. Mr. Spencer said they will. Commissioner Wiencek asked if they should be painted to match so they don't stand out. Mr. Slavik said they should, and that the flatter the wall is, the better. He said there is enough texture in the siding to make it interesting, and he wouldn't even recommend windows in that area. He suggested a small elegant sign identifying the different tenants.

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

- 1. That the north-south drive aisle be reduced from 25 feet in width to 22 feet in width.**
- 2. That the dumpster enclosure be made to match the Goddard School design.**
- 3. 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.**

4. That the landscape bays be repositioned to remove the need of a divergence to the one landscape bay every eight parking spaces requirement.
  5. That the applicant submits a sign package to the Commission for approval.
  6. That the exterior site lighting be made to match the proposed Goddard School lighting.
  7. That exterior materials and colors be submitted to the Commission for approval.
  8. That the City Engineer review and approve all engineering plans.
  9. That two parking spaces, one on either side of the 27 inch oak at the southwest corner of the site be removed.
  10. That the blue and white awnings be removed if Handel's vacates the space. Future users must receive approval of the Commission for the use of such awnings. Such awnings are considered a sign and defined per the Zoning Code Section 1123.01.133.
  11. That the pathway and mulched patio area design and location be approve by staff.
  12. That staff approve the roof line at the rear portion of the building to hide mechanicals.
- Commissioner Counts seconded the motion. The motion was approved. Yes: Emerick, Futryk, Murphy, Wiencek, Counts, Coville.

**SUBDIVISION PLAT**

**APPLICANT:** M/I Schottenstein Homes  
 Golf Village Section 8 Phase A

**LOCATION:** 13.151 acres north of Village Club Drive

**ZONING:** PR, Planned Residence District

**REQUEST:** Approval of a Subdivision Plat for 31 single-family lots

**APPLICANT:** M/I Schottenstein Homes  
 Golf Village Section 8 Phase B

**LOCATION:** 14.525 acres north of Village Club Drive

**ZONING:** PR, Planned Residence District

**REQUEST:** Approval of a Subdivision Plat for 39 single-family lots

Kevin Kirchner, RD Zande and Associates, was present to discuss both plats. He noted that they are asking for final approval for both plats plus a variance to begin construction prior to the recording of the final plat. He said that they got caught in the annexation process of Golf Village to the City. He said that the preliminary plat was already approved by Delaware County before annexation, and at the time, there was no extra step required to begin construction. He said that they would like to start construction to have the improvements completed by fall.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). Mr. Kirchner said he doesn't think it is too late to change the street names per Staff's request. Commissioner Coville asked if identifying the roads as east and west isn't sufficient. Mr. Betz said that sometimes, streets like that do cause confusion. Commissioner Wiencek said he lives on a street that has an east and west listing, and it does create difficulty. Mr. Kirchner said that the County has a problem when a road doesn't dead end, but all of a sudden, the street name changes. Discussion ensued.

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

Commissioner Counts asked if the Commission can waive the requirement for the plat to be recorded before construction begins. Mr. Betz said it can. Commissioner Counts asked what is the purpose for that regulation. Mr. Betz said the purpose is to make sure that the plat is finalized before the improvements are done so that there are no mistakes. He said in this case, the construction plan was approved by Delaware County Regional Planning prior to the annexation. He said this applicant was "caught in the middle." He said Staff has no problem with letting them move forward. Commissioner Wiencek suggested modifying condition number 2 to read that street names are to be approved by Staff so that if there are problems with the County, Staff can work them out.

**Commissioner Wiencek moved to approve the plat for Golf Village Section 8 Phase A with the following conditions:**

1. That the City Engineer approve all lot numbers, addresses, and easements necessary for this

development.

2. That street names are to be approved by Staff.
3. That the developer can begin construction prior to recording the plat.

Commissioner Futryk seconded the motion. The motion was approved. Yes: Emerick, Futryk, Murphy, Wienczek, Counts, Coville.

Commissioner Wienczek moved to approve the plat for Golf Village Section 8 Phase B with the following conditions:

1. That the City Engineer approve all lot numbers, addresses, and easements necessary for this development.
2. That street names are to be approved by Staff.
3. That the developer can begin construction prior to recording the plat.

Commissioner Futryk seconded the motion. The motion was approved. Yes: Emerick, Futryk, Murphy, Wienczek, Counts, Coville.

#### FINAL 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 59 single-family dwelling units on 43.47 acres, including 2.85 acres of open space, for property recently annexed into the City of Powell.

Ron Stone, Developer, was present to discuss this plan. He said that they received word from Delaware County that they do not want a left turn lane westbound into the site. Commissioner Wienczek asked to clarify whether they said it wasn't necessary or not appropriate. Mr. Betz said it isn't warranted, and it wouldn't even require a study. Commissioner Wienczek said he doesn't think they are opposed but rather saying it isn't necessary. Mr. Betz said the right of way is totally within Delaware County and under their authority. He said he would need to talk to the engineer if the Planning and Zoning Commission would approve the plan requiring it. He said he hasn't had this situation before, but he believes that the County would approve it if the developer wants to install it anyway. He said that Staff thinks it would be a desirable improvement. Mr. Stone asked about the speed. Mr. Betz said it should be reduced, but a speed study is needed.

Mr. Stone said there has been discussion regarding providing another access to this project. He said that the adjacent developer will not give one. He said they prefer to provide emergency access via the bikepath.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed his meeting with the Liberty Township Fire Department to discuss an alternate emergency access. He said that regarding another alternate access (to the Centex development), the City can reserve the rights to a lot for up to a year to determine whether it is needed for public use and to determine whether a connection can be made. Commissioner Wienczek asked if a connection made in that manner would be at the expense of the City. Mr. Betz said that is unclear. He said that the City did this once before in Powell Place, when Middlebury Estates came in for review, and the developer was asked to make the road connection.

Commissioner Emerick opened this item for public comment.

Bill Macken, said he is considering buying a home here, and he wanted to know who the developer will be. Mr. Stone said that he and Paul Phillips will be developing it, with Walt Morrow and Mendoza builders. Mr. Macken asked if it is correct that the homes will range between \$300-600,000. Mr. Stone said they will be at least that. Mr. Phillips said they will cost less near the railroad tracks.

Commissioner Coville questioned whether the applicant is expecting to use cement fiber siding on homes of this price. Mr. Stone said they are, as it was approved in Golf Village.

Commissioner Wiencek said that he expects Council to give a "thumbs up" to a position paper for the use of cement-fiber siding in the City. He said such a position would be passed down to the Planning and Zoning Commission and Historic District Commission because some of it would require action from those bodies. He said the position would include the following details:

- That vinyl is not approved anywhere in the City including the historic district with the exception that those structures that already use such siding could retain it.
- That cement fiber siding is recommended in lieu of vinyl siding in the Historic District area. He said that the primary logic is that they are trying to encourage redevelopment in the Historic District.
- That for the balance of the City, cement fiber siding will remain an unapproved material and that the existing approvals including Golf Village and other areas approved by the Commission are to be used as a "test case" so that they can check the effectiveness of changes to the building code that have been discussed. He said that the goal is to make sure that the material works before there are more approvals.
- That cement fiber siding could be approved if, in the judgment of the Planning and Zoning Commission, there is a significant benefit to the City as opposed to a benefit to a developer.

Commissioner Coville said that would mean that for this applicant, Hardiplank would not be approved. Commissioner Wiencek said he does think that is the opinion of the majority of Council.

Commissioner Murphy said that highlights the problem with Golf Village. He said it seems fundamentally unfair to tell this developer that they can't have cement fiber siding when, for every property around them, it is an approved material. He said he will continue to expressed opposition to two sets of standards. He said that it is unfair to homeowners that want to use it, and developers that want to build with it. He said he would approve this development. He said it is an attractive subdivision built from an unattractive piece of property.

Commissioner Counts agreed with Mr. Murphy about the inconsistency regarding cement-fiber siding. He said otherwise, he has no problem with this development.

Mr. Stone said he has agreed to contribute to the infrastructure of Golf Village.

Commissioner Futryk agreed with Commissioners Murphy and Counts regarding cement-fiber siding, and said not only should it be approved in this subdivision, but in the entire City. He said he has no other comments, other than that he appreciates the adjustments to increase the size of the lots on the western boundary.

Commissioner Wiencek had questions regarding the development plan text. He said the first is that they have asked to build three models during construction. Mr. Betz said that would be a similar variance to what just allowed for the plats in Golf Village. He said that the City usually doesn't issue building permits until the subdivision has been conditionally accepted. This includes the basic structure of the roads and sewers. He said that they want to build models so they may use them instead of a sales trailer. He said that Staff would just want to make sure that before issuing permits, it has been determined that water is available for fire protection. He said that there are public safety concerns for the construction workers, not just for residents. He suggested leaving that up to Staff's discretion.

Commissioner Wiencek asked if there is an underground storage tank that needs to be dealt with on the property. Mr. Stone said there is. Mr. Betz said that Staff needs to make sure that everything is done in the proper order through the engineering process and site review.

Commissioner Wiencek said the plan refers to 10% sideyard setbacks. He asked if the lots are wide enough to require Zoning Code regulated 12-foot setback. Mr. Betz recommended the requirement be consistent with Golf Village, which is 10% on all lots less than 100 feet and 12 feet for those 100 ft wide and over. He identified that lots 44 and 45 are the only two that are less than 100 feet.

Commissioner Wiencek said his position on cement-fiber siding is not likely to change in the future.

Commissioner Emerick asked about the soffits on the roof overheads being made of aluminum or vinyl, which he "doesn't think are going to pass." Mr. Betz said the code does allow such material on soffits, and really only refers to a requirement for natural materials on siding. Mr. Stone said he is only interested in using vinyl on soffits.

Commissioner Wiencek asked if Staff and the Commission would like to support the previously-discussed left turn lane, even though the County says it is not required. Mr. Betz said the main reason the emergency access is desirable is because of a concern that the main intersection could be blocked. If it is wider, it is less likely to be blocked.

Paul Phillips, Developer, asked about cement fiber siding. Commissioner Wiencek said that tonight, there are 3 Planning and Zoning Commission members opposed to it, and three in favor of it, and it takes 4 to pass anything. Mr. Phillips asked what material they can use. Commissioner Wiencek said that wood can be used. Commissioner Coville said that the styles they have presented are primarily brick and stucco, and he assumed that is the type of home they are constructing.

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

1. That all floodplain management requirements be met and coordinated through Staff.
2. That a left turn lane be provided west bound on Rutherford Road and be coordinated with the approval of the County Engineer.
3. That a pathway be shown along the frontage of Rutherford Road and constructed with or without the roadway improvements.
4. That at the time of the plat, a lot along the west side of Rutherford Estates Drive be reserved for a possible street connection to Golf Village, as authorized by Section 1111.03 (e).
5. That if the roadway connection in #4 above is not accomplished, then the pathway connection to the west is to be constructed and connected to Trail Lake Drive.
6. That Staff coordinate the routing of the sanitary sewer with the Delaware County Sanitary Engineer in order to provide the best service to the proposed residents and reduce the amount of impact of the proposed sewer on the community.
7. That the no build zone/tree preservation areas be designated Scenic Easement utilizing language development by Staff.
8. That the home designs be consistent with the home designs in terms of quality and appearance as determined after review by Staff.
9. That the City of Powell Staff and Liberty Township fire department review and approve the emergency access plan for this development prior to final development plan. Priority is given to access the site directly from the sanitary sewer pump station drive to the south.
10. That the developer is allowed to build up to 3 models during road construction as permitted by City Staff.
11. That the 10% sideyard setback is limited to lots 44 and 45. All other lots are required to meet the Zoning Code minimum.
12. That vinyl soffit material is approved.
13. That cement fiber siding is not approved for use in this subdivision.

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

#### **ADMINISTRATIVE REVIEW**

**Applicant:** Kinsale At Golf Village Golf And Fitness Club  
**Location:** 3737 Village Club Drive  
**Zoning:** PR, Planned Residence District  
**Request:** Approval Of A Temporary Sales Trailer For The Kinsale Golf And Fitness Club On Lots 3936 And 3937 Golf Village Section 7

Andrea Kruse, Kinsale Golf and Fitness, described their plan to place a double-wide 24x 60 sales trailer on two lots in this development. She said it will be modeled after the clubhouse, with the same gray exterior. She said that the trailer will be handicap accessible, with a sidewalk to the door. She described extensive landscaping, an awning and the proposed sign.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He said that given their intent to model the design after the clubhouse, Staff recommends approval.

Emil Slavik, Architectural Advisor to the Commission, asked if they are planning to have parking. Mr. Betz said they are planning to use the on-street parking much like any model home. He said if parking becomes an issue,

they can consider it later. Ms. Kruse said they will only be using the trailer until April of next year, when the clubhouse will be completed.

Commissioner Wiencek asked if Staff should be given the option to require off-street parking if needed. Ms. Kruse said that they understand that there is the potential to request that later. Commissioner Emerick asked if Mr. Betz would like to see a landscape plan. Mr. Betz said he would. Ms. Kruse identified a rendering of the proposed facility.

Commissioner Futryk asked about the hours of operation. Ms. Kruse said it will probably be similar to the model homes, from mid-morning until 7 or 8 p.m. Commissioner Counts suggested that the Commission define this as temporary, until the clubhouse is built.

Commissioner Coville asked about the setback on their sign. Mr. Betz said it will have to be set back 15 feet to match the other signs in the area. Ms. Kruse had no problem with that.

**Commissioner Wiencek moved to approve this administrative review with the following conditions:**

- 1. That installation of the trailer and landscaping plan be approved by staff**
- 2. That off street parking may be required as determined by staff**
- 3. Upon completion of the clubhouse, the temporary trailer shall be removed.**

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

**COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLANS (Moved from earlier portion of agenda)**

**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 builders, gave his presentation on this revised plan. He reviewed that the changes are based on the last meeting. He identified a color rendering of the project. He said they are planning for the body of the building to be cream, and the trim, roof, etc., green. He said there is a 3 foot band on the bottom to break up the horizontal look, and a band below the shadow line on three sides of the building. He identified the fencing they are proposing. He noted the cupolas.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the revised site plans, and noted they were able to move the parking back as requested so that there is now an appropriate amount of parking and space for a parking island. He said these are vast improvements from the original submission. He said they have submitted a landscape plan tonight. He noted they may need to supplement the existing tree line in back. He reviewed the dumpster screening which was another previous concern. He said overall, there are vast improvements from what was originally submitted.

Emil Slavik, Architectural Advisor to the Board, reviewed the architectural changes described by Mr. Kepher. He complimented them on breaking up the side elevation. He agreed they have come very far, and while there may be subtle changes, overall the result is favorable. He suggested that any mechanical hidden behind the fence be of a complimentary rather than contrasting color. He suggested that the east building be built first. Mr. Betz asked if that is possible. Mr. Kepher said it is.

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

Commissioner Futryk said that there is an overhang on the front of the building, and he asked if the same should be placed on the back side which is visible to the school. Mr. Kepher said that they are actually planning on doing it, but it isn't reflected in the plan. Commissioner Futryk asked why the HVAC can't be put on the back of the building. Mr. Kepher said the lengths of the runs makes it impossible. They will need four units in the front and four in the back.

Commissioner Wiencek asked if there will be striping for the aisle where the handicap ramps are. Mr. Betz said they will make sure that the project meets the ADA requirements. Commissioner Wiencek suggested dumpster construction similar to what was required at the Goddard School, which is stone pillars and fencing in between.

Commissioner Wiencek asked if a 1 over 1 pattern would be more appropriate than the grid pattern they are proposing for the windows. He said they also seem to be low and small, and out of proportion. Mr. Slavik said that the grid window would be more appropriate for a rural facility. He said the size shouldn't be higher than the door and the bottom should be where the handle of the door is.

Commissioner Wiencek suggested requiring Staff to approve the landscaping plan. He said that he would like Staff to minimize the use of white pines because they die quickly and don't screen as well as slower-growing spruces or furs over the long hall. Commissioner Wiencek said he would like to see more landscaping on either side of the drive aisle because of the fairly wide expanse of pavement between the buildings. He said that he thinks the applicant should go beyond the code requirements for plantings because of proximity to the school.

Commissioner Counts said he feels the recommendation regarding the trash enclosure is overkill. He asked if the glass doors are appropriate. Mr. Slavik said they are, especially because the overhang will make that a shadowed area and dark field.

Commissioner Murphy said he thinks the proposal is nice and he thinks the dumpster enclosure would be inconsistent in the industrial area and actually be highlighted because of the difference. He said he thinks this is an attractive industrial complex, and the applicant has come a long way.

Commissioner Coville asked if the green band from the bottom to four feet up is appropriate. Mr. Slavik said that it is. He said that the landscaping will change the feel of that lower part of the building. Commissioner Coville said he was opposed to the plan because it looked like it was asphalt and building with ponds up front. He said he would like to see a lot of screening from the school. He said this is a fantastic upgrade to what is currently in the area. He questioned building the east building first. Mr. Slavik said the connection of the road will be completed first, and there will be access. Then, industrial sites will be viewing more industry.

Commissioner Emerick asked if there has been any feedback from the City Engineer regarding one way streets. Mr. Betz said that he recommends two-way streets throughout the City.

Discussion ensued regarding the dumpster enclosure. Mr. Slavik suggested a concrete-block enclosure wrapped in steel. Mr. Kepher said that they would like to have a fence so they can keep it clean and free of animals. He said they intend to wrap it stockade-style. Commissioner Coville suggested they add siding to the stockade fence so that it matches the building.

Commissioner Wiencek asked if it is correct that the condition regarding approval of colors, materials, and exterior lighting can be removed. Mr. Betz said it is, but Staff can review the lighting cut offs with the landscape plan.

**Commissioner Wiencek moved to approve the Combined Preliminary and Final Development Plan for 316 West Case Avenue with the following conditions:**

- 1. That the pavements in the central loading area not extend past the rear of the buildings, except for only the dumpster pads.**
- 2. That screening as required by Section 1145.33 of the Planning and Zoning Code is shown around the dumpster location and detail drawings be approved by Staff.**
- 3. That a revised landscaping plan, with emphasis on screening to the north and in front of the central loading zone, be submitted to and approved by Staff.**
- 4. That a tree survey be submitted showing all trees proposed to be saved, relocated, and removed.**
- 5. That exterior lighting is to be approved by the Commission.**
- 6. That the City Engineer review and approve all engineering plans.**

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

**OTHER COMMISSION BUSINESS**

The Commission discussed a variety of items, including the following:

- Commissioner Wiencek noted that there is a vacancy for an unexpired term on Council that is also up for re-election in November. He asked that Planning and Zoning Commission members interested in serving the rest of the term send a resume and cover letter to the City offices.
- Commissioner Wiencek expressed a desire to develop a "zoning amendment committee" to address items that the Planning and Zoning Commission determines that may need additional study. He said that way, controversial topics can be discussed off-line of the whole Planning and Zoning Commission. He gave examples of the fence ordinance, and a problem that occurred where the building department approved a building before the zoning requirements were met. Commissioner Wiencek said that the improvements in the Kenny Company property are proof that this could be an effective way to address some of the issues before the Commission. Mr. Betz said that Staff would just need adequate time to post notice of such a meeting. Commissioner Wiencek said he would like the separate committee to also discuss a better definition of "outdoor storage" and to consider requirements for rehabilitation and upgrade of the older homes and businesses and the City.
- David Betz, Director of development, noted that City staff has received 13 proposals for a Downtown Revitalization Program in the City. He reviewed the timing for the project, and the concepts of improving the business association structure downtown. Commissioner Coville asked about requiring better maintenance and improvements of downtown properties. Mr. Betz said that could be included as part of this project. He expressed a desire to investigate some residential uses downtown, and some larger buildings to keep from restricting the businesses.
- Commissioner Coville asked if there is a way that Staff can enforce deadlines so that they can provide the Staff Report by at least the weekend before the meeting so that members of the Commission can visit the site and understand Staff's concerns. Mr. Betz said there is a deadline for applicants, but sometimes things change between the submittal and the packets. Commissioner Wiencek suggested stricter enforcement of the deadlines.
- Commissioner Counts suggested looking at the whole public process of the Planning and Zoning Commission meetings. He asked if there is a better way to receive public comment. Commissioner Futryk asked if there is a way to regulate how many controversial issues are on one agenda. Mr. Betz said that Staff must adhere to the timelines outlined in the Zoning Code, and there is a certain time period in which meetings must be held. Commissioner Wiencek said that Staff has some say on the order of the agenda. Mr. Betz said that Staff tries to put items with a lot of comment on first. Commissioner Coville said that the rest of the applicants then must wait the longest.

Dawn Nauman, Clerk to the Planning and Zoning Commission suggested limiting comments to those that are new once the discussion has become lengthy, or encouraging people to use the sign in sheet to express their opinion. Commissioner Wiencek said that allowing thorough public comment makes for long meetings, but people need to have the ability to speak and be heard, even if it is redundant. Commissioner Futryk suggested sending notices indicating that people can provide input through other means. Ms. Nauman suggested allowing all the residents to speak, closing the hearing, and then responding later to limit the back and forth discussions.


Commissioner Counts said he would encourage the informal process held during the M/I development earlier in the process. Commissioner Futryk spoke favorably of the process with handling of the architectural concerns of the Handel's development and suggested similar handling for other developments by separate committee. He suggested having members of Council serve on that committee to make the development process smoother. Mr. Betz said many of those concerns could be addressed with development of better architectural standards in the City. Shawn Leininger, Development Planner, referenced a local municipality that has a book of design styles that are desirable. Commissioner Wiencek expressed a desire to use the sub-committee to try to address such standards for the City.

Mr. Slavik suggested requiring the applicant to define and present their concept in a more effective manner. Commissioner Coville, Commissioner Futryk, and Mr. Slavik expressed an interest in serving on the sub-committee described by Commissioner Wiencek.

**ADJOURNMENT**

The Commission adjourned at 10:00 pm.

**DATE MINUTES APPROVED: May 14, 2003**

 6-8-03  
Don Emerick                      Date  
Chairman