

MINUTES
PLANNING AND ZONING COMMISSION
May 14, 2003

A regular meeting of the City of Powell Planning and Zoning Commission was held on May 14, 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, Don De Palma and Tom Counts. 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

Larry Levinson, 791 Bovee Lane, said that he lives in Powell Place Phase 2 and his house currently has hardboard siding that needs to be replaced. He said he understands his options for replacement materials are limited to cedar siding or 50% vinyl siding. He said that he is interested in replacing his siding with Craneboard, which is a vinyl material with a Styrofoam backing. He asked that the Commission consider revisiting that issue.

Commissioner Emerick asked if Staff has discussed these options with the applicant. Mr. Betz said they have discussed this issue with several homeowners and noted that cement-fiber siding is approved for their development. He said that the Commission did not consider Craneboard for this development, although they have heard a presentation from that company regarding that siding. He said the Planning and Zoning Commission has the option to reconsider the last application pending a new presentation by the homeowners.

Commissioner Wiencek asked if there is a specifically approved vinyl for Powell Place. Mr. Betz said that vinyl is permitted in phases 3 and 4. Commissioner Wiencek asked if phases 1 and 2 must have all natural fronts. Mr. Betz said they can have no more than 50% vinyl siding. Commissioner Wiencek asked if cement fiber is approved for all four phases. Mr. Betz said it was approved for phases 1 and 2 with conditions. Commissioner Futryk asked if Craneboard isn't considered vinyl siding. Mr. Betz said it is, and it would be permitted on 50% of the house. He said that homeowners have come to realize that it is cost-prohibitive to complete a total replacement. He said they may end up replacing one side with cement fiber and leaving the other sides hardboard. He said there are some concerns about the aesthetics of such a replacement. He said people may replace their siding, one side at a time over a period of years. Mr. Levinson indicated that they would be interested in being able to use the Craneboard on three sides.

Commissioner Futryk asked if it is known whether most of the residents in need of new siding have already replaced it. Mr. Betz said he doesn't know. He said he can ask a representative from Powell Place to provide that information. Commissioner Wiencek said that he would like to get the opinion of the architectural review committee and homeowners' association on this issue. Mr. Betz said they previously asked for approval to use vinyl siding. Mr. Levinson noted that an adjacent condominium development will use vinyl siding, and they would like the same option.

Commissioner Coville said that he thinks there are a fair number of homes that have been re-sided or re-finished, and he expressed concern about the Commission continuing to lower the standards for all-natural materials.

Commissioner Futryk asked if the Commission can consider allowing this material on three sides. Mr. Betz said they can but he would rather the Commission reconsider the issue in its entirety based on a proposal by the homeowners that have the concern.

Commissioner Counts said he believes this issue was fully discussed and the Commission made a decision. He said he isn't inclined to hear it again because he isn't hearing anything new.

Commissioner Wiencek asked if individual homeowners can go before the Board of Zoning Appeals (BZA) to ask for a variance to the siding requirements. Mr. Betz said they can. Commissioner Wiencek said the BZA looks for an existing compelling reason or hardship in making their decision. Mr. Murphy asked if a financial hardship is a reason for granting a variance. Mr. Betz said it is not. Commissioner Futryk asked if the BZA can rule on the 50% issue. Mr. Betz said they can.

Mr. Levinson said that Hardiplank is so expensive to install that he is being required to upgrade his home rather than to maintain it.

Commissioner De Palma agreed with Commissioner Counts that this issue was discussed at length. He said he

doesn't think the use of vinyl anywhere would get an affirmative vote from him. Mr. Levinson asked why it has been allowed in adjacent areas. Commissioner Counts said the standards have evolved over time and the Planning and Zoning Commission is attempting to maintain a certain standard. He said that unfortunately, Powell Place is caught in the middle, where certain phases have different standards.

Commissioner Murphy said he is concerned about the issue of homes going un-repaired due to guidelines that can't be met by the property owner. Mr. Betz agreed that if the material isn't available, and the property owner can't match it or afford what is permitted, the question is then what can be done?

Mr. Levinson questioned whether Hardiplank is the best material. He said he had a contractor who wouldn't even agree to warranty the work if it were installed.

MOTION: Commissioner Wiencek moved to reconsider approved siding materials in Powell Place phase 1 and 2 subdivision. Commissioner Murphy seconded the motion. The motion failed. Yes: Emerick, Murphy, Wiencek. No: De Palma, Futryk, Counts, Coville.

MINUTES

The minutes of April 9, 2003 were approved as printed.

SUBDIVISION PLAT

Applicant: D&D Real Estate, LLC
Location: Golf Village Section 7 Phase C
Zoning: At the eastern terminus of Village Club Drive at Wildflower Drive
Request: PR, Planned Residence District
Request: Approval of a Subdivision Plat for 36 lots on 13.401 acres
 David Betz, Director of Development, gave his Staff Report on this issue (Exhibit). He reviewed the location of the development.

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

MOTION: Commissioner Wiencek moved to approve the plat for Golf Village Section 7 Phase C. with the following conditions:

1. That all easements, addresses, and lot numbers are placed on the plat as determined by the City Engineer.
2. That all other items deemed necessary by the City Engineer be addressed prior to signature.
3. That a sign plan for easement areas along Wildflower drive be submitted to Planning and Zoning Commission for review.

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

SUBDIVISION PLAT

Applicant: Centex Homes
Location: Golf Village Section 5 Phase A
Zoning: On the north side of Rutherford Road approximately 1200 feet west of Sawmill Parkway
Request: PR, Planned Residence District
Request: Approval of a Subdivision Plat for 46 lots on 20.508 acres
 David Betz, Director of Development, gave his Staff Report on this item (Exhibit). Kevin Kirchner, RD Zande and Associates, was present to answer any questions about this development plan.

Commissioner Emerick opened this item to public comment. Hearing none, he closed THE public comment section.

Commissioner Wiencek asked that Mr. Kirchner pass along to the builder on this property that he is less than enamored with the handling and installation of cement fiber siding by this company. He said the material is being stored outside in the rain, and the overall quality of the installation is not up to the city's standards. Commissioner Emerick said it is clearly in violation of the manufacturer's recommendations.

MOTION: Commissioner Wienczek moved to approve the subdivision plat for Golf Village Section 5 Phase A with the following conditions:

1. That all easements, addresses, and lot numbers are placed on the plat as determined by the City Engineer.
2. That all other items deemed necessary by the City Engineer be addressed prior to signature.

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

PRELIMINARY DEVELOPMENT PLAN

Applicant: M/I Schottenstein Homes
The Woods of Powell

Location: On the north and south side of Rutherford Road, north of Powell Place and east of Middlebury Estates, and south of the Wyandot Elementary School.

Existing Zoning: Liberty Township FR-1, Farm Residence District and PR, Planned Residential District

Proposed Zoning: City of Powell PR, Planned Residence District

Request: Approval of a Preliminary Development Plan for 177 single-family lots on 134.31 acres, for a density of 1.32 d.u./acre

Ben Hale, Attorney for the Applicant, gave a presentation on this plan which has been revised since the last time it was before the Planning and Zoning Commission. He reviewed that most of the changes are to the property to the north, where they have reduced the density to 1.25 d.u./acre. He reviewed the changes to the plan layout that facilitated that density reduction. He reviewed the walkway to the school and the bikepath system through the woods. He said they have tried to address the transition from the south to the north that the Planning and Zoning Commission requested at the roundtable discussion at the last meeting. He said he thinks that the plan is improved because of the steep hill along Liberty Road to block the view. He reviewed the proposal to install a turn lane into the site and the details that will be worked out with the County Engineer.

Mr. Hale said they are asking to use Hardiplank siding on this development. He said that M/I has used the material for a number of years, and they are using it in Golf Village. He said that he spoke with Rick Matthews and Tom Simpson from M/I who said there have never been concerns about this material. He submitted a hand out to the Commission identifying how they intend to apply the material if it is approved in this development (Exhibit). He noted that M/I insists that the same person install every phase of the siding from beginning to end. He suggested that members of the Planning and Zoning Commission go to Golf Village and see how the material has been installed.

Mr. Hale reviewed two tree reserves and the need to work with Staff regarding tree removal and replacement. He said that a neighbor to the east has expressed concerns about standing water, and they are going to address that problem. He said the overall density for the development is 1.32 d.u./acre.

David Betz, Director of Development, gave his Staff Report on this issue (Exhibit). He reviewed adjacent developments and their corresponding densities. He reviewed aerial photographs of the property and photographs of the open space on the Cameron parcel. He noted that the sanitary sewer will tie in near the main entrance.

Commissioner Emerick opened this item to public comment. He reminded those present that there is a 3-minute limit on public comment.

Jeanne Stahl, 1680 Carriage Road, said that any density over 1.0 d.u./acre is still too high. She said at the last meeting, some members of the Planning and Zoning Commission felt 1.0 d.u./acre was acceptable, and some felt .7 d.u./acre was acceptable, and some felt a maximum of 1.25 d.u./acre was acceptable. She said that the proposal is "squeezing in 1.32 d.u./acre." She said that recent City and Liberty Township surveys indicate that density is a main concern because it leads to concerns about traffic and higher quality homes. She said besides the density, she has questions about the builder. She said that M/I is large and powerful and has deep pockets but it concerns her that they impose themselves on the area with a plan that doesn't fit into the community. She said that M/I is already building 1,000 homes on 304 acres in Delaware. She questioned M/I's ability to find qualified subcontractors and laborers to meet the quality standards that Powell would want. She said that this is a tract development where the residents will have basically 5 or 6 homes to choose from, and that is very different from the densities and types of homes that abut this development. She said that 1.0 d.u./acre would be a smoother transition from Golf Village at 1.5 d.u./acre to her subdivision at .45 d.u./acre, or to Mr. McPherson's

property which is even less. Ms. Stahl said the parkland they are identifying is really a brown field. She said they are saving construction costs by "not having to deal with" that portion of the parcel. She said this isn't truly a conservation area. The 3-minute timer sounded. Ms. Stahl said she is "representing 107 people" and continued to speak. She said that she read in the newspaper that in their 1,000 home Delaware County development, M/I began interrupting the Olentangy River before the EPA permits were granted. She thanked the members who are interested in good development, and said that this plan doesn't reflect the will of the people.

Kim Cellar, 4635 Millwater Drive, Liberty Township Trustee, said that he is pleased with how this has evolved, and he agrees with 95% of the plan. He said he is concerned about the impact of this development on the school. With 2.3 kids projected per house, this development would fill up three-quarters of the school in this area and currently enrolled students will be displaced. He said that his other concerns are the density. He said he would support 1.25 d.u./acre for the one section and 1.0 d.u./acre for the other. He said he isn't familiar with the "Hallmark series," which he believes is a lower quality M/I home. He said he would rather see the Showcase homes, but those may also need larger lots. He said that he is unsure if the developer has provided enough amenities to warrant the increased density. Commissioner Wiencek asked if Mr. Cellar has some ideas of additional amenities the applicant could provide. Mr. Cellar said he would first recommend that the applicant drain the property and get it above water since it is swampy.

John Werner, Liberty Township Trustee, said he supports Ms. Stahl and Mr. Cellar's comments. He asked that the density be lowered. He said that Liberty Township did approve a zoning of 1.25 d.u./acre on this property previously, but the minimum lot size requirement would not have made it feasible. He said the density would have been closer to 1.0 d.u./acre. Mr. Cellar noted that this development was modified to match more closely with existing homes across the street, yet there is a problem in another area where half of the lots on the northern parcel cul-de-sacs do not match up with the adjacent lots. He suggested lowering the density to address that concern.

Bob Carpenter, 772 Bovee Lane, Powell Place, said he supports everything that has been previously said. He said he has additional concerns about the 100 year old oak trees in the area. He said he would like to know what percentage of the trees are planned to be saved and what is the guarantee that they will be saved.

Dick Warburton, 2161 Carriage Road, said that the density of where he lives is .05 d.u./acre, and the 1.32 d.u./acre represents a different development. He expressed concern about traffic and water. He asked if the sewer line that runs along his property will be adequate to handle an additional 177 homes on top of the YMCA and another school that has been added since the line was put in. He also expressed concern about the retention pond for this development, and said if it isn't big enough, his house will be flooded because of the low spot behind his house.

Commissioner Emerick noted that guarantee of those considerations and the necessary engineering studies will all be required before approval of any Final Development Plan. He said they are part of the application process, and the proper information will be available through the City offices.

Dan Dorsey, 1740 Wren Lane, said he agrees that there have been great improvements made but there are still specific issues that haven't been dealt with. He said that density is the main issue as it drives all the others in terms of traffic flow, congestion of the intersection, etc. He agreed that the density should be 1.0 d.u./acre. He said that he went to a shared service meeting where Phil Laurien spoke and he described a conservation district. He said this does not qualify because such districts exclude topographical, easements, roadways, and infrastructure areas. Once those areas are removed, the remaining area is cut in half. He said that 50% of the net usable space needs to be conserved. He said this is still a tract cluster home concept. He said that he is also concerned about the chemicals on the site, the flooding, and mosquitoes in the wooded area. He said that there is "a profit issue here." He said that if the reduction of density equals a loss of profits for M/I, then they should stop offering the type of financing deals they have been. He expressed concern that as the density is lowered the quality of the size of the home and the materials is also being lowered.

Robert Susi, 1863 Middlebury Court, said he is also pleased with how far the plan has come. He identified his property directly east of the development, and said that they have agreed to address his concerns regarding standing water. He said that he is concerned about density. He said he is "embarrassed" that his subdivision is at 2.1 d.u./acre. He said he wishes it wasn't as dense. He said that his daughter has been redistricted out of Wyandot Elementary even though they live right there. He said the impact of the school district is a concern. He said that he is also concerned about the quality of home this development will have. He said that he thinks the

Showcase line is the top of the line for M/I. He said he knows Bob Schottenstein said they would be even better quality than that, but he would like to see details. He said that Powell is unique and it should be kept that way. He said the City doesn't need to accept "standard" plans from any developer.

Martha Keyser, GFS Chemicals, Home Road, asked how far the sanitary sewer will extend and what the capacity will be. Mr. Betz said that he will have to get back with her on the capacity because that is up to the County, but the County has said the line along Liberty Road. He recommended that Ms. Keyser contact Jack Smelker, Delaware County Engineer, regarding where their company could tie in.

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

Mr. Hale said that when Mr. Schottenstein was here a couple of months ago he made it clear that the houses they are proposing to build here and have already built in Lakes of Powell are built nowhere else. He said they include brick plinths, stoops, sidewalks, and chimneys. He said that you can't go to another part of Central Ohio and find those houses being built. He said that M/I Schottenstein has one of the highest ratings (approximately 98%) in the country for people who say they would buy houses from them a second time or recommend M/I to a friend. He said they pride themselves in quality construction and service.

Mr. Hale said that there was a sewer built for the Delaware County project, and M/I owns only 308 of the 1,000 lots in that development. He said that someone else was responsible for the sewer and though the EPA has required permits, which was not until recently the standard for installation. He said since the article in the newspaper that Ms. Stahl described, the necessary permits have been issued. Mr. Hale said they will meet the requirements of the county engineer for sewer and water capacity and the city engineer for retention when the Final Development Plan is brought before the Commission. He said they will meet the necessary EPA requirements and environmental standards to donate that parkland "with a clean bill of health."

Dave Tyndall, MI Homes, said that he has had numerous meetings with Mr. Smelker and there is no question that the sewer capacity is adequate for this project as well as 60 units on the west side. He said that he thinks GFS Chemicals is not a tributary for this sewer because it is "quite a ways north."

Mr. Tyndall said that he has spent quite a bit of time with the City and they are quite aware of the storm water requirements. He said that this development will reduce the runoff from this site when development is completed. He said that is the reason for the storm water pond in the southeast corner on the Wallingford property. Mr. Hale said that State Law prohibits developers from putting more water in the stream than the stream can take. Commissioner De Palma asked if that means that the developer is going to clean up "that guy's basement" if their system fails. Mr. Hale said they are liable. Commissioner De Palma said that the developer can be liable "but that doesn't give any obligation...and by the time their done beating on him with the money (they) have against one single property owner...." Mr. Hale said that isn't the way they do business. Their obligation is to build an adequate storm water system, and they are responsible people.

Mr. Tyndall continued that they are working with EMH&T to make sure that the storm water plan is appropriate.

Commissioner De Palma asked who commissioned the earlier environmental reports for this site. Mr. Betz said the developer, the school, and various other property owners did. Commissioner De Palma asked if any of those reports indicate contaminants on the site. Mr. Betz said the current report reviews those previous reports. He said that when this property goes through the voluntary action process (V.A.P.), there will be need for additional testing. He said that the Ohio Environmental Protection Agency (OEPA) will determine what is necessary to go through that V.A.P.

Commissioner De Palma said that he is not a proponent of cement fiber siding, and he questioned how M/I documents that "they have never had a problem" with that siding. Commissioner De Palma asked if all of the buyers will get the same quality control as Rick Matthews, the M/I executive Mr. Hale referred to who is building his home with cement-fiber siding. Mr. Hale said that the answer is probably no, but in all seriousness, they have designed their system with one person completing the entire application to ensure quality. He said this system is not only used on cement-fiber siding, but also when they install stucco and it insures straight walls and no water damage on all kinds of material applications.

Commissioner Futryk said that he appreciates the revisions to this plan, which come a long way in addressing the concerns regarding the development. He asked why lots 103-107 located between the two cul-de-sacs are so

deep. Mr. Hale said that it is related to removing the original cul-de-sac and allowing for the no build zone. Commissioner Futryk said it looks like the overall footprint would remain the same if the cul-de-sac were put back in. Commissioner Counts said the trade off would be that the houses would be much closer to the street. Mr. Betz said those lots are about 325 feet. Commissioner Futryk said that, at 82 feet wide, they are "bowling alley lots." He asked if there will be screening in the no build zone along the southern boundary. Mr. Hale said there will.

Commissioner Futryk said that he has been consistently concerned about the lot sizes. He said that lots 5-18 are all 80-foot lots, but lots 21-27 are only 70-feet. He said he would like to see those made 80-feet. He said this would be a consistent look from the park area near the school.

Commissioner Futryk said he has dealt with the EPA on V.A.P. issues before. He asked what is the expected timing of the EPA considering this application. Mr. Tyndall said he believes they will have the EPA's opinion regarding the required standards next week. Mr. Hale said the most concerning issue is arsenic, which is currently "a whisper" above the residential standard. He said another concern is the lime pit. He said the EPA feels that cleaning up this site is very doable. Commissioner Futryk asked if the EPA says that the V.A.P. program is not a possibility whether the applicant is still prepared to clean up the site. Mr. Hale said they are.

Commissioner Futryk asked if there has been any contact made with the Olentangy schools about whether they feel they can accept students into current facilities. Mr. Betz said that the school board was provided with anticipated growth projections for the area, but they don't normally comment on individual developments.

Commissioner Futryk asked if there have been any traffic studies done other than what has been submitted regarding how 170 homes will affect the traffic at Liberty and Rutherford Roads, the elementary school, and Carriage Road. He asked if consideration should be given to traffic signals at Carriage Road. Mr. Hale said they have been meeting with the County Engineer and other experts on this issue to work out the obligation at Carriage Road. He said the turn lanes are all currently warranted, but M/I is taking them on as part of this development. He said that the county is already planning an improvement at Rutherford Road. Mr. Tyndall said that there will be an eastbound left on Rutherford to northbound Liberty Road and from northbound Liberty Road onto westbound Rutherford Road. He said that warrant will be met sometime in the next 10 years with background traffic, not by this development. He said that M/I has agreed to contribute \$65k to that improvement. He said that they have also determined that the left turn at the school drive is warranted today, and M/I has committed to install it even though this development is expected to have very little traffic going in that direction. He said the majority of their traffic will go west to Sawmill Parkway. He said that the left turn warrants aren't met on Rutherford Road at their entrances. He said they have an agreement with the Delaware County Engineer to make the deposit for the intersection at the time of the plat and to build the left turn at the school drive. Mr. Hale noted that left hand turn drive will cost "a couple hundred thousand dollars."

Commissioner Futryk said he would be more comfortable supporting this project with the higher-end homes, particularly on the Wallingford parcel. He said this is a transition from higher to lower density properties, and he would be more comfortable with those higher-end homes in the most visible areas. He thanked the applicant for coming a long way in addressing the Commission's concerns.

Commissioner Counts said that he is comfortable with the 1.32 d.u./acre density that is being proposed. He said that at the last meeting, he thinks the Commission said it was okay with the density on the Cameron site (lower half), but seeing a lower density on the Wallingford Parcel, at approximately 1.25 d.u./acre. He said this started with a sketch plan showing 205 lots, and this is a 28-lot reduction. He said that to bring the entire parcel to 1.25 d.u./acre would be 168 houses. He said that all of the things the Commission has asked for has helped to determine the lot sizes. He said that making certain lots match with surrounding neighbors ends up limiting the options of the developer.

Commissioner Counts said that the developer has agreed to do everything the consultants recommended to make the park site appropriate. He said that it has been discussed that this is a passive park, and it has been discussed that there is a place for a bikepath from Rutherford Road to Liberty Park. He asked if there has been any discussion about whether this passive park is something the City truly desires. Mr. Betz said that the Parks and Rec. Advisory Board hasn't yet been consulted because they are in the process of reviewing the development plans for the parks in the City. He said that things to consider when reviewing whether this park is desirable is the location to other parks, the nature of the property, and that it is contributing to the community-wide area by connecting to Liberty Park with the bike trail. He said that there are areas that are desirable to be open

space and natural space. He said he will take the plan before the Parks. and Rec. Board for a recommendation before the Final Development Plan.

Commissioner Counts asked if it is correct that the intention for these homes is to build the types of homes found in the Lakes of Powell as far as square footage and style. Mr. Hale said it is. Commissioner Counts said that given what was approved on Rutherford Estates, notwithstanding his personal desire to see cement-fiber siding on residential homes in the City, he thinks it is consistent to not approve cement-fiber siding here.

Mr. Betz reviewed Staff's opinion on the density bonus as described in the Staff Report (Exhibit).

Commissioner Murphy asked if the bikepath north and south at Rutherford Road will be at street level. Mr. Betz said there are some topography issues in that area, and during the Final Development Plan, they will get into further details. Commissioner Murphy said he would see a benefit in making the connection across Rutherford Road with an underpass. Mr. Betz said that study could be given to that. He said that the developers of the Woods of Powell subdivision built such a tunnel during their development because there was an existing railroad culvert. Commissioner Wiencek said there is an underpass in Falcon Ridge and said a developer or another property was required to donate \$150k for such a tunnel near the library, so there is some precedent.

Commissioner Murphy continued that he would like to see a minimum of 80-foot lots in the northern part of the development. He said he thinks changes to this plan have shown a steady improvement. He said he thinks the Olentangy School District is anticipating this kind of growth, and that is part of the reason for the last bond levy and why significant investments have been made. He said this is the kind of area everyone has chosen to live in, and this landowner can't be punished for that.

Commissioner Coville asked about the gross density. Mr. Betz said that the gross density, at 2.5 d.u./acre is only for the area being developed. Commissioner Coville said that this cluster-type development is more dense than Powell Place. Mr. Betz said that the cluster developments are usually reviewed as net density. Commissioner Coville asked if it is correct that this plan is packing more homes in a smaller space to accomplish the gross density. Mr. Betz said in return, there are areas for recreation and additional public improvements. Commissioner Coville questioned the maximum bonus density for an undeveloped passive park. He echoed Commissioner Futryk's points regarding the size of the lots surrounding the school. He questioned the passive park and whether it will be used without access and said he supports Commissioner Murphy's suggestion for the underpass. He expressed concern that in some areas, there are five homes abutting one home in Liberty Township. Commissioner Coville said that the test of this development says there is a 5-foot setback between homes, which he finds unbelievable. He said he doesn't think this is the kind of development anticipated as one moves out of the City and into the Township. He said that there are a fair amount of neighborhoods in this area with a lower density, and it doesn't feel right that this is more intense than a Powell Place, and he is not in support of it.

Commissioner Wiencek said that regarding the loss of trees, the City has a tree replacement policy that requires that every tree of six-inch caliper or more requires the equivalent replacement. He said that over the long haul, there will actually be more trees in this development than currently on the land because of the replacement policy, although some large trees are certainly going to be lost. He said that regarding sewer capacity and flooding, the Delaware County Engineer has indicated that the capacity is there, and the City must take them at their word. He said regarding flooding run-off, the City has a policy that the run-off from developed land must be less than that previously existing and certainly not increased. He said that it is likely the stream will run wet longer following storms after this development.

Commissioner Wiencek reviewed typographical errors he found in the development plan text:

- **Page 2** identifies 60 foot right of ways and pavements widths of 26 feet. He said he believes a 50-foot right of way in the Cameron Tract, and that the plan shows 29-foot roadways curb to curb, as required by the code.
- **Page 5** identifies the number of children anticipated and the ability of the school to support them, but the figure used in the calculation was 132 homes rather than 177.
- **Page 2** identifies 6" beaded vinyl siding, and any reference to vinyl siding should be removed.

Commissioner Wiencek noted that the text indicates that "architectural elements...are substantially similar to the attached renderings." He asked that Staff interpret whether they are substantially similar in addition to the developer. He asked if there is an Open Space area labeled E, which he found in the text but not in the plan.

Commissioner Wiencek agreed that the open space being proposed here is not a typical conservation development. He said one of the requirements of such a development would be that a majority of the homes back up to or look into the land being preserved. He said he also doesn't feel that park being donated justifies the full .5 density bonus, but he doesn't think the City can ignore the miles of bikepaths that will add to the value of the parks. Commissioner Counts said that the total bonus credit for this property is .62, if the plan starts at .7. Mr. Betz said that Staff justified a 1.4 d.u./acre density. Commissioner Wiencek said he thinks the standard for the .5 needs to be higher. He asked, if this park is worth .5, what would the Bennett Farm, which fronts the roadway, be worth later?

Commissioner Wiencek asked what is the difference in Showcase homes and what is being proposed. He said that the majority of the Commission and public comments have related to quality of the homes. Mr. Hale said that many of the homes in a Showcase development are also built by M/I. Steve Kaplinger, M/I Homes, said that Showcase homes will have a lot of different options such as granite counter tops. Commissioner Wiencek asked about the exterior options specifically. Mr. Kaplinger said that a lot of Showcase homes have vinyl siding with no stone or brick, but there are always options for brick homes, or brick facades. He said in this development, the standard is for a brick chimney and plinth. Commissioner Futryk asked if Showcase homes have larger square footage. Mr. Kaplinger said not necessarily. Commissioner Futryk asked if the minimum square footage is larger in the Showcase homes. Mr. Kaplinger said it would be. Commissioner Futryk said he would like to see information from M/I regarding the square footage and materials available for Showcase Homes. Mr. Hale said that Hempstead Village in New Albany are Showcase Homes on 60-foot lots.

Commissioner Wiencek asked if it is possible to mitigate the wetlands in the proposed open space so that it is not a swamp. He noted that when he walked it last fall it was dry. Mr. Hale said that wetland woods are high quality, and the army corps of engineers don't like them to be disturbed. Mr. Betz said there is a preliminary wetland delineation study. He said some of the pockets of wetlands are created by the Y-track that blocks drainage. Commissioner Wiencek asked if the City can address mosquito abatement in these areas. Mr. Betz said that a larvacide program in that area would be a good idea.

Commissioner Wiencek asked if it is correct that deceleration lanes are not required entering into this subdivision. Mr. Betz said they are not. Commissioner Wiencek asked if such lanes weren't required at Rutherford Estates. Mr. Betz said there are turn lanes, but not deceleration lanes. Commissioner Wiencek said just because the County doesn't require them, it doesn't mean they aren't necessary. He said he would like to hear from the City engineer on requirements for deceleration lane.

Commissioner Wiencek asked if there is permission to install the path along the existing home on the Cameron parcel. Mr. Hale said they do not. Commissioner Wiencek noted that Staff recommended improving the curb cut for the driveway to that home, as well.

Commissioner Wiencek said he would like to see a copy of the Deed Restrictions for the Lakes of Powell.

Commissioner Wiencek asked if a stop sign needs to be considered east and west bound for the intersection on Wallingford where it is coming off of Rutherford. Mr. Betz said the City Engineer will look at that. Commissioner Wiencek said that the Staff Report noted a swale at the bikepath at the northern portion that connects to the elementary school, and the path needs to connect in an appropriate manner to be used.

Commissioner Emerick said he has no problem with a passive park, as he thinks a number of residents will enjoy it and the schools will take advantage of it. He said he would also like to see larger lots and larger sideyard setbacks, but he has nothing new to add to what has already been said.

Discussion was held regarding building Showcase Homes. Mr. Kaplinger said it is not that simple, as this is an M/I development, rather than Showcase. Commissioner Coville said that "this is Powell, and we want the best..."

Commissioner Wiencek asked if this development can move forward before the City has the certificate from the EPA indicating that the park site has a clean bill of health. Mr. Tyndall estimated that is a 12 month process. Mr. Hale said he doesn't think they can disturb that land or clean it up until they have the permit. The work itself will take probably 30 days. Mr. Hale said that will affect the Wallingford property, but that in the mean time, they will probably start on the Cameron Parcel.

Commissioner Wiencek said there has been discussion regarding the traffic impact at Carriage Road and for the civic uses to the north. He asked if it is correct that a traffic light isn't warranted. Mr. Betz said it is.

Commissioner Wiencek said it sounds like there is support for the bike path underpass under Rutherford road. Mr. Tyndall said that could cost at least \$150k. Commissioner Wiencek said that may effect decisions on density.

Discussion was held regarding lots 103-107. The Commission agreed to put back the cul de sac rather than the 5 lots across, except for Commissioner Coville who suggested removing 2 lots.

Discussion ensued regarding sideyard setbacks. Commissioner Wiencek said that the Commission could require 10% of the lot width minimum. He said the Lakes of Powell has the standard of 5-foot setbacks as described in this development, and there are not problems with houses being so close together. He said he would support a 10% of the lot-width requirement, which would give a minimum of 14 feet on 70 foot lots. Mr. Hale expressed concern that such a requirement would eliminate anything over a 56-foot wide house on 70-foot lots. Mr. Kaplinger agreed that eliminates the bigger houses and impacts the variety of houses to choose from. He added that it is administratively difficult to have a setback that needs to be calculated rather than a set size. Commissioner Coville reiterated that 10 feet between the houses is unacceptable, and the 10% calculation would require 7 feet on the smallest lots. Commissioner Wiencek said he is now convinced that the setback wasn't a problem in Lakes of Powell and isn't going to be a problem here. Mr. Tyndall said that Sections 1-4 of Lakes of Powell has 60-65, and sections 5-7 have 70 and 80 foot lots. He said with larger lots in this development, the lots will be more like those later sections of the Lakes of Powell. Commissioner Murphy said that he is comfortable with a product similar to Lakes of Powell. Commissioner Emerick agreed. Commissioner Futryk said if the lot sizes are increased, it may be less of a problem. Commissioner De Palma agreed.

Discussion was held regarding cement fiber siding. Commissioner Coville and Commissioner De Palma were opposed. Commissioner Murphy, Counts, and Futryk were in favor. Commissioner Wiencek said he has spent a great deal of time reviewing the use of cement fiber siding in the Golf Village development and he was unable to find any fault with the installation of this material by M/I. He said there has been much discussion about quality housing, and a great deal of that is how it is viewed from the street. He suggested the Commission consider approving the use of cement-fiber siding in conjunction with increased architectural standards

Commissioner Coville noted that cement-fiber siding is not an approved material. Commissioner Wiencek said it is approved in Golf Village. Commissioner Coville questioned whether the material was going to "slowly permeate the City." Commissioner Wiencek said he is suggesting that it be permitted in this development if it helps create higher quality development. Commissioner De Palma expressed concern about setting a precedent and about "spot approving" this. Commissioner Wiencek said that he doesn't think a precedent is being set because there is a trade off that requires a better quality product. Mr. Hale said that they would recommend that 50% of the houses be of natural materials. A lengthy discussion ensued.

Discussion ensued regarding lot sizes and density. Commissioner Wiencek said it was discussed that the lots around the school should be 90-foot lots, with those in the center being 80. None of the lots will be 70-foot lots. Mr. Leininger said that would make the density on the northern property 1.13 d.u./acre and 1.24 d.u./acre overall.

Commissioner Wiencek asked if the change in required materials would address Staff's concerns about the elevations of the proposed models. Mr. Betz said it would.

MOTION: Commissioner Wiencek moved to approve the Preliminary Development Plan for the Woods at Powell with the following conditions:

1. The utility layout will have to be re-designed because in numerous places they are being shown within scenic easement areas.
2. The overall size and location of the retention pond along Liberty Street should be designed to affect the least number of ornamental trees located in the southern portion of that open space area.
3. Landscaping plans should be developed for all open space areas as needed.
4. The pathway to be constructed in the proposed park should be built to the north property line.
5. Coordinate with the school district the location of other pathways coming into the school sites.
6. Install a pathway along Liberty Road as part of the roadway improvement efforts. Investigate possibility of connecting to pathway in front of Middlebury Estates.
7. Install white three rail fence along Liberty Street and where appropriate on Rutherford Road.
8. That the landscaping plan that is ultimately submitted include screening for the homes that currently

front Rutherford and along the elementary school.

9. That the developer is responsible for creating an underpass under Rutherford Road connecting bikepaths.
10. That lots 103-107 be converted to a cul-de-sac similar to the lots 108-112.
11. That the property proceed through the V.A.P. under terms approved by Staff and by City legal counsel. The developer is required to remove the debris on the site.
12. That the minimum lot size in the Wallingford tract be 80 feet with the exception of the lots that back to the elementary school which shall be a minimum of 90 feet.
13. That at a minimum, the fronts of all houses have at least 50% brick or stone and the designs are to be approved by staff or the Planning and Zoning Commission at the Final Development Plan stage.
14. That cement fiber siding is an approved material subject to the installation requirements submitted to Commission by M/I Homes.

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

SKETCH PLAN

Applicant: TREC Development
Location: 441 West Olentangy Street
Zoning: PC, Planned Commercial District
Request: Review of Proposed 10,512 Square Feet Retail Center on 1.454 acres

Kevin South, Donald R. Kenny Company, was present to discuss this proposal for a traditional retail development on the site. He said that feedback from meetings with Staff and the possibility of a potential deviation from the original concept plan for the City, they are present to discuss this plan.

Jason Fenton, TREC Development, reviewed that they have built similar developments to this in Dublin. He said they feel this design is best suited for their anticipated use. They have reviewed the Staff Report. He said they feel the elevations are compatible with the surrounding area.

Shawn Leininger, Development Planner, reviewed the site location and gave his Staff Report on this item (Exhibit). He reviewed the plot plan for the original Murphy Park development.

Commissioner Futryk said he is not as uncomfortable with this being retail as he is with the design and the parking in the front. He said this would be the first of the developments along here to have parking in the front. Mr. Fenton reviewed that the parking for the restaurants is based on a number of tables. Their parking proposal is something that they find is feasible and works well with the tenants based on past experience. He said that when parking is less than what is needed, they get plenty of calls from the tenant. Commissioner Futryk asked what type of restaurant is being proposed. Mr. Fenton described a "local, nice, sit down place."

Commissioner Wiencek said because this building sides up to Murphy, there is ample street visibility from Powell Road. He suggested moving it "up into the corner" and flipping it on-end to reflect what has already been done with the Handel's Ice Cream building. He noted that this plan is extremely far from anything he would consider approving. He suggested considering putting the restaurant up front with a unique-style building and the smaller strip center behind. He said the restaurant then would be a landmark building which might make something a little more mundane acceptable in the back.

Commissioner Counts said he doesn't disagree with Commissioner Wiencek but he questions where there would be delivery, etc., for the restaurant. Commissioner Wiencek suggested pushing it in from Murphy a little to create a narrow ally with screening.

Mr. Betz said that they did discuss making that building wider with the developer. He said that Liberty Plaza has a drive that was shrunk considerably for delivery. Commissioner Wiencek said all of these suggestions cause problems with placement of the necessary Dumpsters.

Commissioner Counts agreed that parking in the front is a problem. He said he would rather see the building tipped on end like Commissioner Wiencek suggested. Commissioner Murphy asked if the HER development is on hold. Mr. Betz said it is. Commissioner Murphy expressed concern that without that being built, that could create a long service entrance to this strip mall that is very visible. He said he likes what was approved at Handel's and Goddard, where the service entrance for Handel's is blocked from view by the Goddard School. He said that he is concerned that any strip mall design would create that problem view. Commissioner Wiencek said

noted that a building that is nice on all sides is desirable in this area. Commissioner Coville said he agrees with all of the previous comments and he would like all the parking to be behind the development.

Commissioner Futryk suggested parking in the back with a walk through that allows people to get to the front. He said that would also break up the building.

Mr. Betz recommended making the north and east side heavily green with some storefronts facing Murphy and one row of parking in the front. He said that this would allow landscaping, or a restaurant patio back by the park or even out front. Commissioner Wiencek said he would like to see something of a landmark style building there rather than a strip center cut in two.

Commissioner De Palma said he wasn't here when this property was originally developed and he concept plan submitted. He said in the past year or so he has heard discussions regarding the "campus feel." He said he would hate to see that change. He said he is not in favor of parking in the front or turning the building so you can see the rear of it from Powell Road or Murphy Parkway. He said that he would like to see something that fits the concept plan, such as the Goddard school.

Commissioner Wiencek suggested that the applicant work with the Planning and Zoning Commission subcommittee to discuss this plan, and they can set that up with Mr. Leininger.

Commissioner Wiencek noted that quality materials are going to be important.

CERTIFICATE OF APPROPRIATENESS

Applicant: Yoke's Body Shop
Location: 78 West Olentangy Street
Zoning: PI, Planned Industrial District
Request: Approval of Tenant Wall Sign

Shawn Leininger, Director of Development, gave his Staff Report on this item (Exhibit).

Commissioner Futryk asked what are the zoning requirements for storage of all the spare and damaged parts that they have currently been storing outside. Mr. Leininger said he has been working with them on addressing some of these zoning issues. Commissioner Futryk asked about Auto Assets parking racing trailers. Mr. Leininger said those are permitted.

Commissioner Wiencek asked what is the process for zoning enforcement. Mr. Betz said that it is much like a speeding ticket, where you get caught when you are in violation, and then once you clean it up, you can get caught again. Commissioner Wiencek asked if the code can be amended to skip the first part, which is notification of the violation. Mr. Betz said that state law would not permit that. Commissioner Counts suggested stricter penalties. Commissioner Wiencek expressed a desire to address some of these recurring issues.

Commissioner De Palma asked if the debris being discussed is Auto Assets' or Yoke's. Mr. Leininger said it is Auto Assets'.

MOTION: Commissioner Wiencek moved to approve the sign for Yoke's Body Shop. Commissioner Coville seconded the motion. The motion was approved. **Yes: Emerick, Murphy, Wiencek, De Palma, Futryk, Counts, Coville.**


OTHER COMMISSION BUSINESS

There was none.

ADJOURNMENT

The Commission adjourned at 11:35 p.m.

DATE MINUTES APPROVED: June 11, 2003

 7-8-03
Don Emerick **Date**
Chairman