

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

A regular meeting of the City of Powell Planning and Zoning Commission was held on July 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, Donell Grubbs, Brian Murphy, 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.

OATH OF OFFICE

Dawn Nauman, Planning and Zoning Commission Clerk, swore in Don Grubbs as a member of the Planning and Zoning Commission with a term ending on May 7, 2007.

HEARING OF VISITORS FOR ITEMS NOT ON AGENDA

There was none.

MINUTES

The minutes of June 11, 2003 were amended and approved. Commissioner Wiencek expressed a desire to review the minutes further and possibly amend them again at a later date.

SUBDIVISION PLAT

Applicant: Rutherford West Assoc.
Rutherford Estates
Location: On the south side of Rutherford Road just west of the CSX Railroad
Zoning: PR, Planned Residence District
Request: Approval of a Subdivision Plat

Ron Stone, Developer, said of all of the issues raised in the Staff Report, the only one he feels the need to still work out is regarding the bikepath easements. He said all of the other items are acceptable.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed that when the Planning and Zoning Commission reviewed this Final Development Plan, they make a condition that a connection to the Centex development be reserved, but since then Centex has said they have no ability to provide that connection.

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

Commissioner Wiencek asked if condition #6, regarding all lots being added to the Liberty Township Infrastructure Financing Authority is sufficient, or if open space, etc., should be included. Mr. Betz said that issue is unclear, as staff is still working out with attorneys how to add someone to the authority. Commissioner Wiencek suggested that the language be change to indicate that "all land herein" would be incorporated.

Commissioner Wiencek asked if the Fire Department has approved the emergency access to the development. Mr. Stone said they have a letter from the Liberty Township Fire Department approving their proposal. Mr. Betz said that the only issue remaining regarding the emergency access is approval from the sewer district.

Mr. Stone asked where the pedestrian underpass will be located. Mr. Betz identified the location east of the railroad.

Commissioner Grubbs asked about the condition in the Final Development Plan ordinance that identifies the requirement to reserve the lot to make the connection to the Centex development. Mr. Betz said that it could be removed in the plat ordinance. Commissioner Grubbs asked if the plat doesn't have to be based on the original approval. Mr. Betz said that since Centex will not make the connection, the plat could be approved with the condition that the requirement be removed from the Final Development Plan.

MOTION: Commissioner Wiencek moved to approve the plat with the following conditions:

1. Set forth language regarding ownership and maintenance of Reserves A, B, C, and D.
2. Place a note on the plat defining a Scenic Easement with language provided by the City.
3. Bikepath easements must be shown on the plat in the following locations,

- a. Along Reserve A and B.
 - b. On lots 27 and/or 28 depending upon exact pathway alignment.
 - c. On lots 21 and/or 22 depending upon exact pathway alignment.
4. Obtain written approval of emergency access route and construction plans from Liberty Township Fire Department.
 5. Obtain written approval from Delaware County Sanitary Sewer District for the emergency access route plan utilizing the District's access drive and attaching a bikepath to the access drive.
 6. Place a note on the plat regarding that all land herein are incorporated into the Liberty Community Infrastructure Financing Authority.
 7. Lots 1 and 4 must have a minimum frontage of 100 feet at the building line (see the attached development plan).
 8. Add lot numbers and addresses per the Delaware County Map Room and the City Engineer.
 9. Provide all easements and easement locations as required by the City Engineer.
 10. Meet all other requirements of the City Engineer.
 11. That condition #4 of the Final Development Plan is removed as a requirement.
- Commissioner Futryk seconded the motion. The motion was approved. Yes: Grubbs, Emerick, Futryk, Murphy, Wienczek, Counts, Coville.

AMENDED CERTIFICATE OF APPROPRIATENESS

Applicant: Dublin Manor LLC
Location: 16 Clairedan Drive
Zoning: PO, Planned Office District
Request: Approval to use cement-fiber siding rather than cedar siding for a small office building.

Brad Yates, Manor Homes, said that he is present to request the use of cement fiber siding on building #4 of his development, and for the gables he has already installed on building #5. He apologized for having already installed the cement-fiber gables. He said as the owner and tenant of building #5, he is requesting what he feels is the best quality product for the use. He said he thinks it is a better product than cedar, lasts longer, and requires less maintenance.

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 Futryk asked if the applicant will be required to store the material with the more stringent requirements. Mr. Betz said he can't speak for the material that was already installed, but that the applicant will follow the standards for that which has not been.

Commissioner Emerick said that he is disappointed that the material was installed on building #5. He said he is not in favor of the product to begin with, and he is not in favor of changing the approved project to go back and do it later.

Commissioner Counts asked when this project was initially approved. Mr. Betz said the Zoning Map Amendment was approved in September 2000 and he believes the Final Development Plan ordinance passed some time in 2001.

Mr. Yates said that it was not his intent to apply a material in violation of the original approval. He said that as a builder, he offers both products to his clients, and they build homes in the \$250-\$600k range. He said they are getting requests to predominately use the cement-fiber siding. He said there is no difference in the final installation cost of the product. He said if it is disapproved, he will change it since it was his mistake. He said as an owner of the two buildings, he'd rather use the cement-fiber siding than cedar. He reviewed that it accepts paint more evenly, lasts longer, and doesn't have a problem with knotholes popping. He agreed that if it isn't installed properly, it can be a problem, but they believe they will install it properly.

Mr. Grubbs asked if Building 4 will be painted white. Mr. Yates said he is considering an off-gray, and if so, he will change the gable color. He said if painting it white is a requirement, he would agree to it. Mr. Grubbs asked if there would be a difference in appearance if it was approved on building 5 but not 4. Mr. Yates said that one really can't tell the difference other than it doesn't have knots.

Commissioner Wiencek said until recently, he consistently voted against cement fiber siding because it is aesthetically inferior to cedar siding. He said that the Planning and Zoning Commission has approved the use in the past in minimal areas, such as gables. Commissioner Grubbs said he is less worried about the small areas and more concerned about the larger expanses. He asked if there is currently consideration being given to a policy regarding the use of this material. Commissioner Wiencek said he thinks there is an intent to modify the building code to establish installation standards for applications where cement-fiber siding has already been approved. The Zoning Code has not been modified to approve its use, and it has been a 3-4 split every time it's been voted on.

Mr. Betz said that the fenestration of windows on all sides of building #4 provides very short spans of this siding material.

Commissioner Wiencek suggested addressing the requests for each building separately.

Mr. Yates noted that there are many developments in the area that use this material, such as the ranch condominium development on the corner of Powell Road and Sawmill Parkway. He said that he had to get out of his car and get a closer look to see what material it is. He reiterated that his goal was for a quality product for the long term.

MOTION: Commissioner Wiencek moved to approve the use of cement-fiber siding on the gables of building # 5 with the following conditions:

1. Transport, storage and installation of cement-fiber materials shall be done utilizing the best available construction methods. Manufacturer specifications for storage and installation of cement-fiber materials shall be followed as well as the recommendations in recognized building industry evaluation service reports. The use of double wall construction (wood underlayment) is required with the use of any cement-fiber lap siding material.
2. Upon delivery, any cement-fiber product must be stored in an enclosed storage, such as the garage, free from any weather exposure, and be stored on a flat and level surface.
3. The exposure for siding shall match that of building 5.
4. The cement-fiber product must have a cedar grain appearance and texture and may not be beaded.

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

MOTION: Commissioner Wiencek moved to approve the use of cement-fiber siding on the gables of building # 4 with the following conditions:

5. Transport, storage and installation of cement-fiber materials shall be done utilizing the best available construction methods. Manufacturer specifications for storage and installation of cement-fiber materials shall be followed as well as the recommendations in recognized building industry evaluation service reports. The use of double wall construction (wood underlayment) is required with the use of any cement-fiber lap siding material.
6. Upon delivery, any cement-fiber product must be stored in an enclosed storage, such as the garage, free from any weather exposure, and be stored on a flat and level surface.
7. The exposure for siding shall match that of building 5.
8. The cement-fiber product must have a cedar grain appearance and texture and may not be beaded.

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

Commissioner Counts commented that to him, it makes a difference that this is a commercial use, and that is why he voted yes.

Commissioner Futryk expressed concern that this material is being approved "willy nilly." He asked what is the status of Council's consideration for use of this material. Commissioner Wiencek said it is not moving through the Council process quickly as anticipated. He suggested that it be added as a discussion item at the next Development Committee meeting. He said there is currently a draft document in existence that the Committee could review and make a recommendation on to Council.

SKETCH PLAN

Applicant: Pete DeLois Recreation Outlet

Location: 4.09 acres located on the north side of West Olentangy Street between Scott's

Garden Center to the west and Rutherford Funeral Home to the east**Zoning: PC, Planned Commercial District****Request: Review of Sketch Plan for a 25,000 sq. ft. play equipment store and retail center with an additional 30,000 sq. ft. retail building and approval to submit a Combined Preliminary and Final Development Plan**

Kerry Ryan, architect, Mark Ogg, Jim Mouhourtis, and Pete Delois, were present to discuss this plan. Mr. Ryan reviewed that Mr. Delois has 4 facilities at this time. He identified this proposal for a development to be completed in two phases, with Mr. Delois's business in the front, and more retail development later in the rear. He said that they would like to provide the minimum parking required by the code. He said they are exceeding the 20% lot-coverage required by the Zoning Code. He reviewed the proposed elevations, materials, and "barn style" design. He commented on Staff's concerns outlined in the Staff Report (Exhibit):

- He said they agree that the existing trees are a benefit to the overall appearance and they will try to preserve what they can, but some will need to be removed. He said they are prepared to make adjustments to the parking islands to address these concerns.
- They would like to exceed the 20% lot coverage requirement and pursue what they feel is the best use for the property.
- He said that Invisible Fence is one proposed tenant for the development at the rear of the property. They hope for additional similar tenants later.
- They agree with Staff's recommendation for alignment of the main property access.
- They would like to be able to display children's play equipment in the front yard to advertise their business, and they are proposing to make that attractive by breaking it up into themes, yard atmospheres and park areas with intermittent berming and landscaping.
- He said that there is a landscaping/nursery business to the west of the site with a white picket fence that they plan to continue.
- They are proposing limiting the service area and dumpster area to the southwestern corridor of the site. Commissioner Wiencek asked how they will handle the service/dumpster area for the rear building. Mr. Ryan said they anticipate a similar concept.
- They are proposing a colored standing seam metal roof and a stone wainscoting. He said that staff is recommending cement-fiber panels that would be more aesthetically pleasing than board-and-batten metal siding, but they would still like consideration to some metal siding materials that have "come a long way."
- They have had preliminary discussions with storm water engineers, and have determined that this site will be a challenge due to its flatness and lack of capacity.

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

Mr. Mouhourtis said that one thing that drives this project is maximizing the leasable square feet. He said the site development is going to be extremely expensive, largely due to stormwater issues. He said that it will be difficult to proceed if they can't use the site to the maximum ability. He said this development will be built in two phases and the parking to the rear will not be immediately installed.

Mr. Betz discussed the building setback concerns as identified in the Staff Report. He identified an interest in reducing the impact of this development on adjacent developments as much as possible. He said he prefers the parking lot layout as proposed because it allows for a larger expanse of green space. He said he thinks a commercial use fits with the surrounding zonings. He noted that the retail area in the back will be difficult because of visibility issues. He suggested that if the square footage is reduced, it be done by having one building in the rear and a single user. He said that would provide greater visibility.

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

Commissioner Grubbs commented that this development is right down the street from him. He said he is concerned with the visual aspect from Powell Road. He said that he likes the idea of this business moving back, but he also likes the views of the mature trees. He said he would like consideration given to keeping all of the large trees in the front. He said this is an entryway into the City that he would like to maintain. He said that he would support doing anything to spruce up the area right across from the UDF. He said he would be concerned that the strip center where the UDF is would be "visually extended" by a large commercial development. He said that screening is vital, but he appreciates that is difficult for visibility. He said he shares the views expressed by staff on the buffering needed near the condominium development. He asked if there are any possibilities of

building the second (retail building) as a two story rather than with such a large footprint. Mr. Mouhourtis said such a design is not suitable for retail use. Commissioner Grubbs said he would be in favor of as little parking as possible. He said that issues of style and materials can be considered later. He reiterated his concerns regarding tree preservation. He said many of the trees are tall pines or spruces and could be trimmed from the bottom up to provide space for signage.

Mr. Grubbs asked if it is possible to provide another form of ingress or egress through access to the storage area to the north. Mr. Betz said that would be highly difficult, as it is a secure area only available to the storage facility's customers. He said that a connection to the Rutherford Funeral Home would be more desirable, but still not used on a regular basis.

Commissioner Wiencek asked what is located on the lot immediately to the south of the self storage facility. Betz described a body shop in that area. Commissioner Wiencek asked if there is a potential for connection to Case. Mr. Betz said there is not.

Commissioner Futryk said he also views this as a gateway to Powell, and he likes the barn look and agrees with comments about size. He said, however, that the lot coverage is way too high at 31%. He asked if the design of the rear building will be the similar barn style. Mr. Ryan said it will. Commissioner Futryk said a tree survey is necessary because of the number of mature trees and visual impact. He agreed with Staff's suggestion for limiting the recreation structures. He said if the size of the back building were reduced, a detention pond could be considered against the condominium development that would also provide a buffer. He said he prefers the idea of cement-fiber than steel siding.

Mr. Delois asked if there is a lot coverage percentage between 20 and 31% that is acceptable. Commissioner Futryk said for him it will be largely driven by an attempt to preserve trees. He agreed this is a gateway to Powell. He said he is more concerned with the square footage of the rear building than the front building. He added that he is concerned about the access to the service areas.

Commissioner Futryk asked about the party rooms identified on the plan. Mr. Delois described that during the off season, they have such facilities available for parties. Commissioner Futryk said he would support moving some of the retail from the front building to the rear building to reduce the size and impact of the front building.

Commissioner Coville said one concern he has is that aligning the driveway will cut into the display area, and while he likes that way of advertising better than a sign, he thinks it will cause a problem. He asked if the loading dock in the back will have a recessed pit. Mr. Ryan said there is an unloading pit. Commissioner Coville expressed concern that the pit and loading area would be unattractive to the nice nursery it is adjacent to. He said regarding what the lot coverage would be, the maximum lot coverage permitted in the code is 20% and the Commission would need a reason to go over that. He said it is frustrating when developers request densities that are 2 ½ times the maximum permitted in the code and the Commission is expected to find a way to make it work. He asked that the applicant make 20% work. He said the building is attractive but too intense.

Commissioner Murphy agreed that this is one of the gateways to Powell but he is unsure whether it is his favorite. He said it is a hodgepodge that the Commission is trying to improve on. He said this building is an improvement to a lot of what surrounds it. He said that there is an intensity of use in this area that would make him consider going up to 25-26%, but this seems aggressive. He said the tax income would be a benefit. He said he thinks the biggest focus will be the front building and that the back building will not be very visible. He said he is in favor of some divergence in lot coverage to make it economically viable, as this would be an improvement that may encourage additional redevelopment of the area.

Commissioner Counts applauded the design. He said the Commission usually doesn't get things that look that good this early. He said that this type of development would fit in the area in a way that it would seem to have always existed but simply had a change of use. He said that he thinks that the density, however, is driving many other problems. He said that it is creating issues with stormwater management, parking, and access. He asked where the Rutherford Funeral Homes building and existing house sit. Mr. Betz identified the location. Mr. Counts said that tearing down the existing house and moving the playground equipment under the trees to preserve the trees makes sense. Mr. Counts asked about the bikepath. Mr. Betz said that it is desirable to have one in that area eventually, and the City would want to consider an easement. Commissioner Counts said the signage is far too large on the sketch plan. Commissioner Wiencek agreed. Mr. Betz agreed and said they have discussed this with the applicant. Commissioner Counts asked if Emil Slavik, architectural advisor, has reviewed this yet. Mr.

Betz said that he has not.

Commissioner Wiencek expressed concern with the potential for excessive signage in the front identifying the tenants in the rear building. He said an overall signage plan should be included early on because it is critical. He said he likes the concept of the barn, but he would like to hear Mr. Slavik's comments regarding how this ties in across the street and with the Rutherford Funeral Home. He said that the condominium development was very concerned with the car wash development adjacent to them, and he would like buffering here to anticipate concerns about this development. He agreed with Commissioner Counts comments that the intensity is creating many concerns. He agreed with Commissioner Coville that the code permits 20% lot coverage, and it isn't appropriate for the Commission to give guidance as to what is acceptable beyond the code. Commissioner Wiencek said that there is an informal policy of not approving future development when it is unclear what it is going to look like. He said he is concerned about the future development of the rear building, specifically regarding service access. He said that he thinks, particularly because of the intensity of this development, the Commission should have the "entire picture" in front of them. He agreed that a tree survey is needed. He said he thinks there are too many comments about changes needed for this plan to support a Combined Preliminary and Final Development Plan.

Commissioner Emerick agreed that heavy buffering is needed around the condominium development and that 20% lot coverage is an appropriate starting point. He said he is not in favor of encroaching on the 60-foot front setback. He agreed with Commissioner Wiencek regarding the future development area and the combined submittal. He said he thinks the applicant is on the right track with the barn design.

OTHER COMMISSION BUSINESS

An additional meeting was scheduled for July 23 to address a new sanitary trunk line within the city.

ADJOURNMENT

The Commission adjourned at 9:15 p.m.

DATE MINUTES APPROVED: July 23, 2003

 9-9-03

Don Emerick
Chairman

Date

**MINUTES
PLANNING AND ZONING COMMISSION
SUBCOMMITTEE
JULY 9, 2003**

A meeting of the City of Powell Planning and Zoning Commission Subcommittee was held on July 9, 2003, and called to order at 7:45 p.m. Planning and Zoning Commissioners present were Roger Coville and Kevin Futyrk. Also present were David Betz, Director of Development, and Shawn Leininger, Development Planner.

ZONING CODE AMENDMENTS

Section 1127.09: Notice to Newspaper

Section 1127.10: Notice to Interested Parties

The committee discussed the need to reduce the notice requirements for advertising in the Delaware Gazette and notifying interested parties with postcards from fifteen (15) to ten (10) days. This change will improve the efficiency of the variance and appeal submittal process for Staff.

Section 1133.07: Meetings of Planning and Zoning Commission

This Section states that the Planning and Zoning Commission must meet every month. Staff would like to modify the text to state that if there is no new business there is no requirement to meet.

Section 1135.14: Complaints Regarding Violations

Currently, this Section does not allow for verbal or anonymous complaints. Although not many complaints are received, most of the complaints received are verbal and would like to remain anonymous. Also, Staff would like to incorporate language similar to the City of Columbus that requires the City to not disclose the names of those that do provide their contact information.

Section 1135.18: Notice of Violation Process

Although specific changes were not discussed, Staff would like to clean-up the process in order to make it more efficient.

Section 1143.30(d)(2): Adoption of Architectural Standards

This Section requires the Planning and Zoning Commission to adopt architectural standards like the Historic District Commission. Previous attempts in the past were never completed. Staff stated the Commission should either remove this Section or adopt standards. Staff used the Golf Village development standards as an example. They are general enough to not be restrictive.

Section 1145.26: Floodplain Regulation

This Section is inconsistent with changes in the Building Code and needs to either be removed or made consistent.

Section 1145.31: Required Landscaping of Parking Areas

The committee discussed revisions to this Section that would allow flexibility in how the landscaped parking bay requirement is met. As an example, if a developer provided a center parking row island, the one landscaped parking bay every eight (8) parking spaces could be reduced. Other reductions for larger landscaped parking bays were also discussed.

Section 1145.34: Fences

The Planning and Zoning Commission has asked Staff to examine this Section for any changes. These changes range from notifying neighbors, clarifying 50% open, and even prohibiting fences altogether. Staff will conduct a comprehensive review of this Section.

Section 1147.04: Adult Entertainment Businesses

Staff explained the current Zoning Code would not permit an adult entertainment business anywhere in the City. Based on recent Supreme Court rulings this is illegal. Staff stated there must be an area of the City where an adult entertainment business can locate; generally about 2% of the total land area must be available for adult entertainment uses.

Section 1147.12: Exterior Materials

This has been on-going for several years. Staff stated there seems to be some support for the inclusion of cement-fiber as an approved exterior material with installation requirements. Regardless of the cement-fiber issue, Staff would like to include standards for installation so that they apply to all exterior materials.

Section 1149.09(c): Parking on Grass Areas

Similar to the recent change to the parking of trailers, boats, etc. in residential areas, this Section prohibits parking on grass for longer than twenty-four (24) hours but does not prevent someone from moving the vehicle off the grass and then back on. Staff suggests changing this Section similar to Section 1145.06.

Chapter 1151: Signs

Staff would like to take a comprehensive look at the Sign Code to clean up the text regarding temporary signs, window signs, and any other changes found necessary. This will be a difficult a process but there are many examples to help guide the changes.

PLANNING AND ZONING COMMISSION MEETING RULES

With the public comments given at a recent Planning and Zoning Commission meeting, Staff is exploring options to improve the overall public input portion of the development process. The committee discussed several ideas; revising the time limits on public comment to four (4) minutes with a timer beep at three (3) minutes signaling time to wrap-up, having the development process explained in writing and distributed with the meeting rules, using speaker slips, and different methods to share revised plans with the public prior to the meeting. This item will be discussed further at a later meeting.

OTHER BUSINESS

Staff stated they will prepare draft changes to these Sections for discussion and review. Staff also asked the committee to review the Zoning Code, development process, and planning documents and provide input, if any.

The next meeting was scheduled for August 13, 2003 at 6:30pm.

ADJOURNMENT

The meeting adjourned at 7:30pm.