

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

A regular meeting of the City of Powell Planning and Zoning Commission was held on October 8, 2003 and called to order by Chairman Don Emerick. Other Commission members present were Tom Counts, Roger Coville, Kevin Futryk, Don Grubbs, Dan Wiencek, and Brian Murphy. Also present were David Betz, Director of Development, Shawn Leininger, Development Planner, residents and other interested parties.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

There were none.

APPROVAL OF MINUTES

The minutes of September 10, 2003 were approved as printed.

ADMINISTRATIVE REVIEW: Review of Golf Village Development Plan Architectural Design Criteria for the Planned Residence District with regard to chimneys.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed information received from Liberty Township regarding this issue, as well as photographs and illustrations of examples of the types of fireplaces being discussed.

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

Mr. Betz said that Staff sees a masonry fireplace as consisting of the entire chimney, not including the cap. He said there is nothing in the plan that required the masonry portion to penetrate through the roof.

Commissioner Grubbs expressed concern that there is nothing to justify enforcement. Commissioner Futryk said that he thinks all chimneys should be boxed and have a masonry treatment.

Commissioner Wiencek asked what the Golf Village requirements are. Mr. Betz said it simply says that all chimneys are to be masonry. Commissioner Wiencek said he would interpret that to apply to all fireplaces and furnaces.

Commissioner Coville asked if that means that the furnace vent pipes will also need boxed in. Mr. Betz said they would. They could be covered with brick, stucco stone, cement, and fiber siding as described in the plan.

The Commission unanimously agreed that all fireplaces must have masonry chimneys.

CERTIFICATE OF APPROPRIATENESS

Applicant: Daryl Designs
Daryl Cheng
Location: 389-399 W. Olentangy Street, Shoppes on the Parkway
Zoning: PC, Planned Commercial District
Request: Approval of a Ground Sign and Sign Graphics Package for a Retail Center.
Jason Fenton and Daryl Cheng were present to discuss this item.

Mr. Fenton described the proposal for a sign for this retail center. He reviewed the intent to keep the rest of the building in harmony with the Handel's ice cream signage which has been approved by the Commission. He reviewed the proposed monument sign location and a desire to possibly move it closer to the entry way to make it more visible. He said they intend to use signage very similar to the Goddard School, which is the adjacent property.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He noted that the wall signs will all be of the same color as Handel's signage (blue) but of the design and style similar to Village Pointe Shopping center.

Regarding the monument sign, Staff is recommending an alternative design that includes a stone base to tie in with the stone which is on the building. Staff is also recommending it be kept at the 25 foot square feet maximum

allowed in the code. He said that Staff is recommending moving the sign closer to the entrance and keeping the fence feature and tying the sign in with the fence much like the Goddard School did.

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

Commissioner Grubbs asked about materials on the Goddard School sign. Mr. Betz said it is a routed PVC material. Commissioner Grubbs said he would like to see signage more like that at the Goddard School so there is some consistency driving down this road.

Mr. Fenton said his only concern is trying to maximize the exposure for those tenants other than Handel's. He expressed concern that using a single-tenant sign like that used at HER or the Goddard School may not provide that exposure. He said they need interchangeable panels to allow for tenants to come and go. He said this is a totally different project than the adjacent uses.

Commissioner Futryk asked if Emil Slavik, Architectural Advisor, has reviewed this proposal. Mr. Betz said he has, but he hasn't provided his comments. Commissioner Futryk says that this sign is "too much." He said he would support Staff's recommendation but would rather it even be less tall. Mr. Betz suggested a sign similar to Liberty Plaza, where there are individual tenant panels that are changed in and out. Commissioner Futryk asked if the proposed ground lighting meets code. Mr. Betz said as long as the lights don't point toward the road, it does.

Commissioner Wiencek said he is okay with any of Staff's alternatives for the monument sign. He said he would like to see the sides finished. Commissioner Counts agreed with Commissioner Wiencek regarding the monument sign. He said that he is unsure whether it is appropriate to use the blue channel letters on all of the wall signs.

Commissioner Murphy agreed that the blue color scheme was approved for Handel's but he isn't sure whether it is appropriate to continue that. He said he likes Staff's options much more than that which the applicant is proposing. He described a preference for individual tenant panels that are linked rather than slide-in panels. He said that would be more in character with the Goddard School and the rest of the area. He said that he would rather see something more neutral than the blue for the color scheme.

Commissioner Emerick said he also prefers Staff's recommendations.

Commissioner Wiencek asked if the 5" returns on the building are excessive. Mr. Betz said they are standard. Commissioner Wiencek asked, if there are fewer tenants than spaces, how the sign code is applied. Mr. Betz said that it is based on the size of the building, not the number of tenants.

Discussion was held regarding tabling this application until ideas from this evening's meeting can be incorporated.

Mr. Fenton asked if the blue channel letters are acceptable to the Commission. The Commission agreed the blue lettering was not acceptable, except for the Handel's signs.

Mr. Fenton asked if the change in setback can be approved by this group or whether they need a variance. Mr. Betz said it can be approved by the Commission as it is part of the Final Development Plan. Discussion was held regarding the increased availability gained by moving the sign closer to the entrance. Mr. Fenton said they can show the fence and sign location on their proposal when it comes back.

Commissioner Wiencek asked if the intent is to have the fence behind the sign. Mr. Fenton said they may have the fence dead-end into it. Mr. Wiencek asked the applicant to consider handling the fence the way that Goddard school did.

MOTION: Commissioner Wiencek moved to table this application. Commissioner Grubbs seconded the motion. The motion was approved. Yes: Emerick, Futryk, Grubbs, Murphy, Wiencek, Counts, Coville.

ADMINISTRATIVE REVIEW

**Applicant: Ron Calhoun
Crown Hill Development
Location: Brookehill Condominiums, Intersection of Brookehill Drive and North Liberty Street
Zoning: PR, Planned Residence District
Request: Approval of Removal of Age Restriction for Brookehill Condominium Development.**

Richard Levine, attorney for the applicant, was present to discuss this issue. He reviewed that they are asking to remove the age restriction from this development so that they can increase its viability. He noted that with the current restriction, they have only sold two units.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He said that he agrees that the age restriction may be part of the reason that this property is developing slowly. He said that Staff doesn't see a problem with this request, given the small number of units in this development and the hundreds of condominium approved over the years in the area that have no age restriction.

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

Commissioner Grubbs questioned the logic of removing the age restriction only to be proposing to sell these units to the same empty-nesters as were proposed when the age restriction was in place. Mr. Betz said there may be some empty nesters that have kids, such as single or divorced parents that have teenagers. He said he thinks this will open up the market for individuals that currently don't qualify. Commissioner Grubbs asked about the federal law language currently in the restrictions. Mr. Levine said it will be removed. Commissioner Grubbs asked if there are any grants, etc., for construction of this project. Mr. Levine said there were not.

Commissioner Futryk said he has no problem with this request. Commissioner Wiencek asked if there will likely be any impact of this decision on any liens or financing or purchase between the buyer and the developer. Mr. Levine said there isn't.

Commissioner Counts and Murphy had no problem with this project.

Commissioner Coville expressed a desire to hear from the current residents of the development whether this is suitable to them.

MOTION: Commissioner Wiencek moved to approve this request with the condition that notarized proof of approval from the current residents be submitted to Staff. Commissioner Futryk seconded the motion. The motion was approved. Yes: Emerick, Futryk, Grubbs, Murphy, Wiencek, Counts, Coville.

SKETCH PLAN

**Applicant: DLS Development, Inc.
Olentangy Meadows
Location: East side of Steitz Road, Approximately 0.5 miles north of Rutherford Road.
Current Zoning: FR, Farm Residential (Liberty Township)
Proposed Zoning: PR, Planned Residence District
Request: Review of Proposed 14 Lot Single-Family subdivision on 10.862 acres (1.28 dwelling units per acre)**

Don Six, Developer, was present to discuss this proposal. He said they have started the annexation process for this property. He said this plan is for 14 lots, and the density and lot sizes meet the city's requirements and this development will be less dense and have larger lots than much of the Golf Village development.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the proposed location and adjacent properties. He said this developer is aware of the CEDA between Powell and Liberty Township, and the need to join the financing authority associated with Golf Village because they will be tying into the sewer. Mr. Betz reviewed the stormwater and sewer proposal for this property.

Commissioner Futryk asked about the property to the west. Mr. Betz said there is an approved plan for condominiums in that area. Commissioner Futryk asked what is the density. Mr. Six said he believes it is .92 or .94 du/acre.

Mr. Betz concurred that much of these lots are larger than Golf Village. He said the applicant is proposing meeting the Golf Village architectural guidelines. He described the traffic flow of this development. He reviewed some suggestions for lot layout that would make the development more consistent and in line with existing adjacent homes and create a more rural type development.

Mr. Betz said that the Northwest Area Plan, passed by the City and Liberty Township provides for 1.5 du/acre development in this area. He said there is a possibility to include a small neighborhood park for the residents of the area.

Commissioner Emerick opened this item to public comment.

Jerry Goodson, 7956 Steitz Road, says he lives right across from this property. He said that it is contiguous to Golf Village, but it should be compared to what is across the road rather than Golf Village because several lots will face the existing homes along Steitz Road. Mr. Goodson said that the developer is in the business to make as much money as possible, and the existing residents want to preserve their lifestyle as best they can. He asked that the development be of low density and high character to match that which is there. He says he sees no reason why 14 lots is necessary. He said he think the developer can make his money with 12 lots. He said he doesn't see any need to annex this into the city of Powell other than to get more lots than that which would be expected if it were developed in Liberty Township. Commissioner Wiencek asked if there is a reason this shouldn't be annexed. Mr. Goodson said that it is a rural area, in his mind, "country is country and city is city." Commissioner Wiencek asked what would be the problem if it is developed as it would be in the Township. Mr. Goodson cited a loss of votership in the Township.

Bob Schneider, 7941 Steitz Road said that his home sits back about 150 feet from Steitz Road. He said this development plan went before the Township and the neighbors made some recommendations regarding the two lots that face Steitz Road. He said that this is the same plan that was before the Township. He said that the residents would like those two front lots to have access from the new road. He said they would like the density to be lowered. He said they would like the bigger lots up front and the smaller lots near Golf Village. He said he would also like to see it stay in Liberty Township, but he is glad it is only a 10-acre plat. He said he has concerns about the mounding that is proposed.

John Harrison, 8378 Steitz Road, said that most of the lots in this area are larger than those proposed. He said he doesn't like the idea of any property along Steitz Road annexing into Powell.

Debbie Ditty, 7975 Steitz Road, said that her property is directly adjacent. She said she is frustrated and confused about this being in Powell. She said it was tabled in front of the Liberty Township Trustees. She asked that the Commission respect the rural nature of their neighborhood. She said she appreciates a property owner's rights to develop their property but that the residents have been subjected to a lot of change in the area because of the Golf Village development. She asked that the Commission respect the neighbors. She expressed concern that Mr. Six has heard the opinion of the residents that are here tonight when he was before Liberty Township, yet he brought back the same plan again. She asked that this be developed in a way that is consistent with the rest of the area. She noted that she has been listening to construction for longer than she can remember. She asked that the Commission consider cutting 2 lots. She noted that if they wanted to move into Powell, they would have,

but they chose not to. She said she wishes this land would stay in the Township so that they can vote about issues on the land that is adjacent to them.

Mr. Counts asked, other than changing the two houses facing the road, were there other requests of the neighbors when this issue was discussed with the Township. Ms. Ditty said that was the main issue, as was the density, which is incompatible with the 1-2 acre lots along Steitz Road. The residents also asked that the tree line between the properties not be disturbed to maintain privacy. She said there were also discussions about the exit.

Eric Haser, 8425 Steitz Road, echoed comments that this should be compared to Steitz Road rather than Golf Village. He said he doesn't see the need to annex into Powell. He expressed concern that if this is annexed into Powell, then the adjacent farms will also be developed and annex into Powell. He expressed concern that this could equate to a Township surrounded by the City of Powell. He said that they bought their property in 1987 because they thought they were moving to a rural area. He said they never anticipated that it would develop like this, and they thought there was a 1 acre lot requirement. He said that he is concerned that a density that is too high will set a precedent for the next development, causing drainage and traffic problems.

Bonnie Goodson, 7956 Steitz Road said she would like to see more cooperation between Liberty Township and the City of Powell. She said she serves on the Board of Zoning Appeals (BZA) for Liberty Township. She said that she would like the Powell Planning and Zoning Commission to become more hard nose than their reputation has been in the past regarding developers and density. She said she takes Sawmill Parkway to 270 to go to work, and the traffic is backed up from 7 - 9 a.m. She said there needs to be consideration to addressing these traffic problems other than just Steitz Road, which is a narrow country road. She noted that her home is a 120 year old farm home is very close to the road, which is a problem if the intention is to widen the road. She said her farm was on land that was sold for development. She expressed concerns about the increased trips on Steitz Road if this plan is approved. She said that they proposed to Liberty Township zoning that there would be no more than 12 lots, and they supported that request. She said that they also asked that the setback would be maintained, and that the first home be turned to face Steitz Road. She said they would also like the trees preserved whenever possible. She said they also asked that the adjoining property owners be consulted when the plans for landscaping are established.

Dave Arduini, 8059 Steitz Road, said that he moved in 3 years ago to a home that was part of this property. He said he doesn't like the idea of walking out of his home and having homes face him. He noted that most homes in this area are on at least 1 acre lots. He said that the development explosion in this area is more drastic than they anticipated. He said that Golf Village, the High School, and this development are too much. He said the additional homes are the only reason the developer is considering annexing to Powell. He said they'd like the front lot not to be so cramped. He said he thinks it is out of character and annexation is out of control.

John Harrison, 8378 Steitz Road, said he believes that Steitz Road is the narrowest in the Township. He said that the construction truck traffic on Steitz Road as a result of Golf Village has been great. He said that school buses can hardly use the road. He expressed concern that this development could increase traffic and utilize a variety of entrances and exits to the property during the development process. He said the photographs presented of Steitz Road show the cracks caused by all of this traffic.

Mr. Six said that he tried to meet with Ms. Ditty and other residents numerous times. He said that when he was before Liberty Township, he agreed to work on buffers, maintaining the stormwater, considering turning one house

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

Mr. Six asked why he was interested in annexing. He said that his builder referred him to Powell. He said the density is a minor issue, and that he is also able to build a larger house with setbacks that work better in Powell.

Commissioner Grubbs (?) asked about the Northwest Area Plan. Mr. Betz said that was a plan developed by Liberty Township and Powell, and the idea was that the northwest area would be developed at a density not to exceed 1.5 du/acre. He said other considerations of the plan included extending Sawmill Parkway, and how to preserve open space. He said there were areas identified for agricultural preservation that could work with larger parcels, however, the rest of the plans south of Home Road will be smaller parcels from now on.

Mr. Grubbs asked about the permitted density if this is annexed. Mr. Betz said that the density would begin at .7 du/acre. He said the parkway density bonus is not available, however, the open space one is. He said adding to the infrastructure authority is a benefit that will help to reduce the payment on the debt service. Commissioner Grubbs said he is struggling with this density when there are no public improvements. Mr. Betz said that a .7 du/acre density is unlikely on a 10-acre lot. He said that to him, this area would be desirable for a public park, even a small playground, as there is nothing like that in the area. He said it would be particularly beneficial if it could tie into the bikepath from Golf Village. He said it is much easier to plan public improvements on larger parcels. Mr. Betz said that this developer could be encouraged to work with the adjacent property owners to put the land together for a better overall plan.

Commissioner Futryk said, with all due respect to the Liberty Township residents present, that he hears a lot from Township representatives of the rural characteristic of the Township, but when he drives up and down Sawmill Parkway, he sees high density commercial development not in keeping with the rural character. He said that he disagrees that the Golf Village golf course provided a benefit to the community enough to allow the higher density. Commissioner Futryk said that he thinks this proposal is not part of Golf Village, but a separate development. He said he agrees that 12 would be an appropriate maximum number of lots. He said he likes the suggestion to turn the first lot around. He said that he would like to come up with something that better matches the plan for this road. He said he would also like to see more details on the condominium development approved by the Township adjacent to this one. He said he would like to explore ingress, egresses, and tree preservation. He expressed concern that stubbing the road as proposed doesn't provide a future connection.

Commissioner Futryk said that it has been discussed with previous development in this area that higher density adjacent to Golf Village is appropriate, but the density should get lower as one moves into the township. He said he is trying to figure out a way to merge the lots to create larger lots at the northern edge of the property. He said he would like to get a better "big picture" of the whole area and what is being planned in the Township.

Commissioner Wiencek said that one of the reasons for the CEDA is to keep developers from "venue shopping." He said that this property will set the tone for adjacent development, whether in the Township or the city. He said he agrees that the character and aesthetics are important and will set a precedent down Steitz Road. He said that he agrees the houses should face Steitz Road, and 12 units on larger lots is more appropriate.

Commissioner Wiencek asked if the proposed road will line up with the development across the street. Mr. Six said it will. Commissioner Wiencek said he knows this development will not warrant a deceleration lane, but given its proximity to adjacent development, he'd like to make sure there is sufficient right of way to deal with acceleration and deceleration. Mr. Betz said they may need to acquire additional right of way.

Commissioner Wiencek spoke in support of saving as many trees as possible. He expressed a desire for the Planning and Zoning Commission to work as a "middle man" between the developer and existing residents to ensure a suitable landscape plan. He said he would expect the developer to provide a bikepath easement so that this development can tie in with the bikepath system.

Commissioner Wiencek made some comments on the proposed deed restrictions and covenants. He noted a portion that indicates the developer will design the slopes and grading, and he thinks that is the purview of the city. Mr. Betz said that a master grading plan will be required.

Commissioner Wiencek asked if fences are permitted at adjacent developments. Mr. Betz said certain types are permitted in Golf Village, and they are permitted in the Township. Commissioner Wiencek expressed a

desire to meet the Golf Village fencing standards and work with the adjacent residents regarding fences along their property. Mr. Betz said that it may be desirable to use the City fencing regulations.

Commissioner Wiencek asked that the city lot coverage requirements (20%) be met, as well as the 7:12 roof pitch requirements. He asked that the setbacks meet current code.

Commissioner Wiencek question the prohibition of "vans" and asked that such a van be better defined in the restrictions. He said that the way he reads this, an owner of a business truck couldn't park at their home.

Commissioner Wiencek questioned the fact that these regulations will expire in 2028. Mr. Betz said they will renew based on the Homeowners' Association preference. Commissioner Wiencek questioned the ability to abolish the homeowners' association.

Commissioner said that the use of cement fiber siding is not a "given." He said that he questions whether the temporary signage plan meets the City's regulations. He said that he would like to see a 50% coverage of brick or stone on the front of the homes to keep from having all stucco homes.

Commissioner Counts asked why the developer went to the Township first and what happened there to bring the developer to the City. Mr. Six said that the main concern is density, but there are also issues regarding side yard setbacks. Commissioner Counts asked what density the Liberty Township Zoning Board was recommending. Mr. Six said there were discussions in the 10-12 house range. The master plan for the area calls for 1.5, and they were proposing 1.25, so he felt 10 units was unreasonable. Commissioner Counts asked what is the anticipated price range of homes. Mr. Six estimated they would be \$350,000 - \$500,000.

Commissioner Counts asked if there are plans for improving Steitz Road. Mr. Betz said he believes the Delaware County Thoroughfare plan identifies it as either a major collector or minor arterial road, and either would require some improvement. He said right now, the annexation of Golf Village didn't include any right of way of the portion adjacent to Steitz Road.

Commissioner Counts agreed that this is more part of Steitz Road that Golf Village. He agreed with Commissioner Futryk that it is desirable to know the surrounding Township densities. He asked if the property to the south could be connected somehow to Sawmill Parkway. Mr. Betz said he doesn't think that is possible.

Commissioner Counts agreed that since this property is moving away from the railroad track, the density should be less than in Golf Village.

Commissioner Murphy questioned why the Commission is reviewing a property that may be annexed to Powell. He asked why they aren't required to make that commitment before the Planning and Zoning Commission reviews the property. Mr. Betz said that Staff will look at proposals that may come into Powell to provide comments and suggestions. He said it is better to hear it from the decision makers than from Staff. He said this is basically planning an area outside the City's corporate limits, which is permissible under the Ohio Revised Code. Commissioner asked how long annexation takes. Mr. Betz said under the CEDA agreement, and expedited procedure number 2, it takes about 90 days total. Commissioner Murphy said that he thinks it makes sense to require them to annex before wasting the commission's time and effort. He said that in the two years he has been on the Commission, this is the most reasonable proposal he has seen. He said that minimum lot size of .5 acres is the lowest he has seen. He agreed the density closer to the railroad should be higher, but looking at this proposal, to the west is Scioto Reserve, which has a very high density. He said if this piece of property sets the tone for the three developments to the south, that would be a significant improvement from that which is to the east and west. He said that the Northwest Area Plan creates an expectation of 1.5 du/acre, and this, at 1.28 is below that, and quite reasonable. He said it would be nice to move it down to 12 units, but he doesn't have any issues with the current plan.

Commissioner Wiencek expressed a desire to continue the look along Steitz Road and match densities to that.

