

**MINUTES
PLANNING AND ZONING COMMISSION
JANUARY 14, 2004**

A regular meeting of the City of Powell Planning and Zoning Commission was held on January 14, 2004, and called to order at 7:30 p.m. by Chairman Don Emerick. Other Planning and Zoning Commissioners present were Kevin Futryk, Donell Grubbs, Tom Counts, Roger Coville, and Dan Wiencek. Brian Murphy was absent. Also present were David Betz, Director of Development; Shawn Leininger, Development Planner; Dawn Nauman, Clerk to the Planning and Zoning Commission, residents; and representatives of the press.

ELECTION OF OFFICERS

MOTION: Commissioner Wiencek moved to nominate Commissioner Emerick to serve as Chair. Commissioner Futryk seconded the motion. The motion was approved.

VOTE: Y 6 N 0

MOTION: Commissioner Wiencek moved to nominate Commissioner Counts to serve as vice-chair of the Planning and Zoning Commission. Commissioner Futryk seconded the motion.

VOTE: Y 6 N 0

HEARING OF VISITORS FOR ITEMS NOT ON AGENDA

There was none.

APPROVAL OF MINUTES

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

COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN/ZONING MAP AMENDMENT

Applicant: Graeter's Ice Cream
Location: Northwest Corner of Galloway Drive and Powell Road
Current Zoning: PC, Planned Commercial District (Liberty Township)
Proposed Zoning: PC, Planned Commercial District (City of Powell)
Request: To Approve the Combined Preliminary and Final Development Plan for a 5,044 sq. ft. commercial building containing a Graeter's Ice Cream parlor and City Barbeque restaurant, and approving a Zoning Map Amendment to PC, Planned Commercial District for property being annexed into the City of Powell

Maury Levine, Graeter's Ice Cream, reviewed changes made in response to comments at the last meeting:

1. The color on the City BBQ side has been changed to a more natural wood color. He said it is still very complimentary to the cream colored stucco on the Graeter's side.
2. They have tried to divide the two users a little more by adding brick between the two on the elevation facing Powell Road. Commissioner Futryk asked if the same theme is on the back of the building. Mr. Levine said they didn't apply it there, as it sticks out and doesn't seem like a logical location.
3. The cedar board fence to screen the smokers and dumpsters as been changed to board and batten to make it more of a part of the building.

Mr. Levine addressed the Staff Report comments (Exhibit). Regarding the break in the mansard ceilings, he said that those breaks are needed to access the mechanicals. He said that they can possible move the access points to the Galloway Drive elevation to make the Powell Road elevation more continuous.

Mr. Levine noted the comment regarding the catch basin in the center island of the parking lot. He said that Staff suggested shifting it to the west so that it straddles two parking places and can be used as a walkway. He said he thinks that is a great idea.

Mr. Levine said the Staff Report commented on the specifications for the lighting on the patio, and the concept is that will be the same but a smaller fixture than those used in the parking lot.

Mr. Levine briefly reviewed the landscaping plan. He identified a continuation of the trees and spacing that begins at the bank property. He noted complete screening of the dumpster enclosure with shrubbery. He

showed a mixture of low and high screening materials along the perimeter. He said that screening will also break up the long wall. He said that the patio space which will be a nice space for people to enjoy. He identified samples of the brick pavers they are proposing to use for each side of the patio. He identified planter areas on both sides and a seating wall for Graeter's that will be a park-like setting in which to enjoy ice cream.

Mr. Levine identified the placement of the white fence continuing from adjacent development as well as the bikepath and proposed bike rack.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the elevation drawings. He noted that the dumpster location is next to a street because it is desirable that the entrances be placed toward the center of the site. He said that with good landscaping, he doesn't think it will be a problem.

Mr. Betz reiterated that this land is in the process of being annexed and any action needs to be contingent upon annexation.

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

Commissioner Grubbs asked about the recommendation of Staff regarding unresolved bikepath connection issues. Mr. Betz said that the City is in the process of identifying bikepath priorities, and one being considered is the connection from Murphy Park to downtown. He said Graeter's has said they will do their part, but the overall connection hasn't been resolved. Commissioner Grubbs asked if Graeter's path will go in regardless and be a stub. Mr. Betz said it will, and Staff would like to see it connect as soon as possible. Commissioner Grubbs said he is happy with the colors and other changes, and said that this is a beautiful plan and a great addition to Powell.

Commissioner Futryk said he supports the color schemes and landscaping plans. He asked how many tables City BBQ plans to have on the patio area. Mr. Levine said he isn't sure, but that typically they aren't extremely dense. Mr. Betz said that the City has always restricted advertising on umbrellas, etc., and they can work with the applicant on the exact design. Commissioner Futryk said his main concern is the density of seating on the patio. He asked about overflow parking with the bank. Mr. Levine said they have an informal agreement with the bank, and he doesn't think it will be an issue. Commissioner Futryk said he would like to consider signage for overflow parking and identifying the location of ingress and egress due to the limited access.

Commissioner Wiencek indicated that by providing everything the Commission has asked for, this applicant has made it through the process rather quickly. He said that a sign package will have to be submitted to address some of Commissioner Futryk's comments. He said that his only remaining issue was color, and that has been addressed at this point. He suggested that rather than trying to hide the utility boxes, the applicant consider landscaping to draw one's attention away from them.

Commissioner Counts said he appreciates the additional brick, but he'd like to see more of it, such as on the corners of the building and a little section in the rear. He said he would also like to explore making the two flat roof heights replicate one another. Mr. Levine said if they increased the height of the roof screening the mechanicals, they would have to increase it elsewhere and that could create obstruction to the signs. He said he could lower the sign on the Graeter's portion if that is desirable. Commissioner Wiencek said he doesn't see a natural break where additional brick could be added. Commissioner Counts expressed concern that the additional brick looks out of place because there is no symmetry. He said that additionally, stucco is very bland, and additional brick could add visual interest.

Commissioner Counts asked about the water feature identified on the plan. Mr. Levine clarified that it is a water fountain. Commissioner Counts said that the stormwater retention area looks like just a slight depression. Mr. Levine said that at the request of Staff, the bikepath has been shown on the larger drainage plans to show that the necessary contours won't preclude its installation.

Commissioner Coville asked if the Commission feels the signs as proposed are acceptable. Mr. Betz said that the detail of the signs isn't known yet. Commissioner Coville expressed concern that the signs on the drawings

seem large. Commissioner Coville thanked the applicant for their changes since the last meeting.

Mr. Betz identified the adjacent bank elevation and the use of a brick wainscot.

Commissioner Futryk said that he is okay with Staff working with the applicant on the number of tables on the patio. Mr. Betz said they will have to meet the building code for separation. Commissioner Futryk said that he doesn't want plastic tables. Mr. Levine said that they could have staff approve the furniture. Commissioner Coville said that City BBQ usually uses picnic tables. He added that the planter will need to be mobile to accommodate access to tables.

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

1. That the annexation of the property be approved by City Council.
2. That the CEDA Review Committee provide comments to City Council for review as required by the CEDA.
3. That the drainage spillway shown in the center landscape island be shifted to the west so that is located between two parking spaces and usable as a walkway.
4. That the mansard roof have two breaks, with locations to be approved by Staff.
5. That the dumpster enclosure be similar in style to the privacy fence on the east side of the building, include front gates, and be approved by Staff.
6. That Staff review and approve the patio lighting.
7. That the applicant work with Staff and City Council to incorporate a bikepath along Powell Road.
8. That the applicant work with Staff to add plantings around the perimeter of the utility boxes at the southeast corner of the site without disrupting access by the respective utility companies.
9. That the City Engineer review and approve of all engineering aspects of the plan, including utilities, storm water control, and access management.
10. That a comprehensive sign package be submitted to the Planning and Zoning Commission for approval.
11. That the number and type of patio furniture and the patio design including planters be approved by staff.

Commissioner Futryk seconded the motion.

VOTE: Y 7 N 0

DEVELOPMENT PLAN ARCHITECTURAL DETAIL REVIEW

Applicant: Pete DeLois Recreations Outlet

Location: 470 West Olentangy Street

Zoning: PC, Planned Commercial District

Request: Review of Architectural Details and Conditional Approval Items from the Approved Combined Preliminary and Final Development Plan.

Kerry Ryan, Architect, was present to discuss this issue. He provided samples and a proposed elevation drawing. He said that they are proposing a red barn, but have upgraded it to a shingle-style siding material. He said that rather than a traditional barn, this is more like a riding stable. He reviewed the conditions of the original approval.

1. That the applicant coordinate the location, size, and detail of the access drive with the Ohio Department of Transportation, the County Engineer and the City Engineer and that the applicant provide for their fair share of the costs of any improvements required at this intersection at West Olentangy Street (Powell Road/ SR 750) and Sawmill Road as determined by Staff through this coordinated effort. *Mr. Ryan said this condition is in process. Mr. Betz said that ODOT thinks by the time this shopping center will be built, this traffic signal will be in. However, it may not.*
2. That the applicant provide a minimum right-of-way of 40 feet from centerline of SR 750, or as determined to accommodate any improvements needed for the signalization of the intersection.
3. That the final building architectural details, including material samples and colors, reflect the conditions of review by the Planning and Zoning Commission at their January 14, 2004 meeting. *Mr. Ryan provided a color rendering and physical samples of the materials they are proposing. He said the majority of the siding is a fiber-reinforced cement product. He described a red siding product, and a stucco panel that is done in 4x8 sheets and is gray in color. He reviewed the roof and trim colors.*

4. That within the Landscaping Plan, the applicant is allowed to have the flexibility as to the location of the parking lot islands along the west property line as determined by Staff. The landscaping plan will also reflect the additional condition imposed after the January 14, 2004 review by the Planning and Zoning Commission.
5. That the applicant provide a final sign plan for review and approval by the Planning and Zoning Commission. *Mr. Ryan said that they don't have any specific signs to review at this point but their approach is to use a low-profile prospective identified in the original plan.*
6. That the applicant provide an easement to the east to allow for the possibility of an emergency access route for emergency vehicles as may be required by the Liberty Township Fire Department. *Mr. Ryan said that is acceptable.*
7. That recreational structures are allowed for display for sale as shown on the site plan, being limited to four such structures, utilizing only earth tone colors and the display area to be determined by the Planning and Zoning Commission at the final architectural review. *Mr. Ryan gave additional detail regarding what they are proposing for display, which is 3 playground units and a storage shed. He said such sheds are made by the same people that make their playhouses and have many of the same architectural features. He said they can be made in about any color. He said they average between \$3k- \$10k.*
8. That the applicant provide a tree preservation plan, to be approved by Staff, as part of the approved landscaping plan.
9. That the City Engineer review and approve of all engineering aspects of the plan, including utilities, stormwater control, and access management.
10. That the stormwater retention area shown on the plan become a wet pond with a fountain water feature.

Dan Korthals was present to discuss the landscaping proposed for this development. He said that the trees near the play materials display area are going to remain. He said many trees on the side of the building will be lost. He said that anything not in the parking lot or the building location will be preserved. He thoroughly reviewed the landscape plan. He identified the use of honey locusts in the landscape islands and the use of evergreen junipers, burning bushes, and yellow day lilies. He reviewed the trees and perennials recommended for the east elevation.

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

Mr. Ryan said that Mr. Delois is concerned that attaching the bikepath to the playground area could create undesirable exposure, so he has removed the public access. The playground area will be gated after hours.

Mr. Betz expressed a desire to work with the applicant on tree preservation and replacement. He said it may be desirable to add trees between the adjacent condominium development and this property. Commissioner Wiencek asked if this property is visible from the condominiums. Mr. Betz said it will be difficult to see it, as there is a good amount of trees between the two. Mr. Betz said that the sign package will still need to be reviewed at a later date, but the current proposal is for monument signs. Mr. Betz said that he would recommend the trim, downspouts, and doors on the east elevation of the building be the same color as the walls. He said that Staff likes the change to the shingled look, and the new colors. He said that overall, the applicant has done a good job with these changes, and Staff recommends approval.

Commissioner Emerick opened this item to public comment.

Corey Best, Sawmill Auto Wash, said that his business is on the northwest side of this property. He asked if the parking lot for this development will go all the way to the mound on the east side of his property. Mr. Betz said that the parking is 5 feet off the property line. He said that any trees along the property line will remain and there will be additional trees within the parking lot. Mr. Best asked what type of lighting will be used on the back side of this lot. Mr. Betz said the lighting plan hasn't been submitted, but they can review it with Mr. Best when it is. Commissioner Wiencek asked if Mr. Best has a specific concern regarding the security of his own property. Mr. Best said that they have had problems on the north side of Mr. Delois lot, but he isn't really that concerned. Commissioner Wiencek asked about overspray. Mr. Best said there is some overspray from his business that will land on the cars in this parking lot. He said when he was going through his process, there were

major concerns with the condominium association regarding lighting. Commissioner Wiencek noted to Mr. Delois that this is a potential concern. He said he thinks the trees may help, but it may be desirable to beef up the landscaping in this area. Mr. Betz said that any lighting that is used is supposed to be down-lights. Mr. Best said from his perspective, the more lighting the better, but in his experience, lighting is a big concern for the adjacent residents.

Commissioner Grubbs asked if there will be exceptions made in the spacing of the landscape bays to save the trees in the west parking area. Mr. Betz said is the attempt, but it won't be clear exactly what will be done until the engineering review. Commissioner Grubbs commended the applicant. He said he likes the color scheme, and he even likes the pennants now, which are attractive and yet fun. He said the development doesn't look like a strip mall. He said that 90% of his concerns regarding the east elevation have been addressed, and that not painting the downspouts white is an additional improvement. He said he wouldn't paint the doors, either, because the gray is neutral, and he would prefer to see it and some plantings. He said that looking at the west elevation, the south terminus of the building is very stark. He said he would encourage some landscaping in that area. He said he knows most of views will be from the south or off center, so it may not be an issue.

Commissioner Futryk commended the architect for improving the design every time it has come before the Commission. He said he still has concerns with the east elevation. He said he is not comfortable with stucco, which he has never seen on an English riding stable. He asked if horizontal siding would be an acceptable substitution. He suggested continuing the shake shingle there, or at least including the water table and siding.

Commissioner Futryk asked about the shed being proposed. Mr. Delois identified a playhouse photograph that is very similar in design. He said that they get a lot of requests for potting sheds. He identified architectural details, such as dimensional shingles, upgraded siding, and 4-paned glass doors.

Commissioner Futryk asked if the gate for the playground area will tie in with the white fence. Mr. Ryan said that they will try to do that. Commissioner Futryk asked for details on the wet pond. Mr. Betz said the engineering Staff hasn't yet looked at that. Commissioner Futryk said that he likes the look of the flags, but he questions the height. Mr. Betz said that height variations are permitted in the code for things like flagpoles. He said that he thinks this is a unique design that adds some flair, but the Commission should make sure that they include no wording on the pennants. He said the center is set so far back, this feature will help let people know there is something there.

Commissioner Wiencek said he isn't comfortable with the stucco look on the rear of the building. He expressed a desire to clearly permit the flags but not to permit any writing. He said he is okay with monument signs, but he wants to make sure that the approved signs are in the place of wall signs so that it is clear that no more signs are coming before the Commission. He asked that the emergency access location be shown on the plan. Mr. Betz identified it on the Final Development Plan. Commissioner Wiencek said that this is a great plan and he appreciates the applicant's cooperation.

Commissioner Coville echoed that the applicant has made great strides, and that the pennants are a great idea.

Commissioner Counts asked how the applicant feels about replacing the stucco with siding. Mr. Ryan said he thinks it would be a mistake because there would be no identifiable difference in texture from a distance. Discussion ensued regarding options for materials on the eastern elevation of the building. Commissioner Wiencek said that traditional stucco would be more suitable than the stucco panels being recommended. Mr. Betz said that in his opinion, the back of the building should be as plain as possible, all the same color, so that it is a "non-interest thing." Commissioner Futryk said he feels the east elevation will be seen from Olentangy Street. He said he could support stucco, but not 4 x 8 sheets of Hardiplank. Discussion ensued.

Discussion ensued regarding the canvas portion of the play structures, which are proposed as rainbow color but were originally required to be earth-tone. Mr. Delois said the rainbow canvas is their trade mark, and it is important that at least one set display it. Commissioner Wiencek suggested allowing the striped canvas on one unit. Commissioner Counts noted the basketball hoops in the plan and asked if they are an issue. Mr. Delois said that they will be anchored into the cement. Mr. Betz said he doesn't think they are an issue. Commissioner

Counts asked about the play structure. Commissioner Futryk asked if 12 x 18 would be the size. Mr. Delois said that would be the largest size. He said he would like to have the flexibility to display a storage shed, playhouse, or potting shed. Commissioner Futryk asked if it could be limited to 8 x 12.

MOTION: Commissioner Counts moved to approve the building architectural details, landscaping, and all other conditional items subject to the following:

1. That the applicant include a bikepath to and from the building and main bikepath with a location to be approved by Staff.
2. That the applicant adjust the grading of the service lane in order to preserve trees along the east property line and that such grading be approved by Staff.
3. That the applicant will adjust the parking islands to preserve existing trees, with a location to be approved by staff.
4. That the flags are permitted as shown in the design provided that such flags have no lettering or designs.
5. That the proposed signs as shown on the plans are permitted in lieu of wall signs. Any future wall signs will require additional review of the Planning and Zoning Commission.
6. That the applicant is required to use traditional applied stucco rather than cementitious stucco panels.
7. That the applicant will adjust the parking islands to preserve existing trees, with a location to be approved by staff.
8. That the play structures to be permitted on the site be substantially similar to the ones shown on the site plan.
9. One of the play structures may have primary colors.
10. That one of the play structures previously identified is permitted to be a maximum 8' x 12' storage shed, potting shed, or playhouse structure.

Commissioner Futryk seconded the motion.

VOTE: Y 5 N 1 (Coville)

FINAL PLAT

Applicant: M/I Homes
 Woods of Powell South
Location: South Side of Rutherford Road between CSX Railroad and Liberty Road
Zoning: PR, Planned Residence District
Request: Approval of Woods of Powell South Final Plat for 65 lots on 44.996 acres

Tony Williams, EMH&T, was present to review their request for Final Plat approval. He said that they have been working with Mr. Betz to address Staff's comments.

Mr. Betz reviewed the plat for the southern part of the Woods of Powell. He gave his Staff Report on this item (Exhibit). He reviewed the layout of the development and consideration that the City take over the open space rather than the homeowners' association. He said that makes sense because there is a desire to run a public pathway through all of the open spaces. He said there is a wet pond area that is to be mitigated, and if it is acceptable it would be desirable to put a fishing dock and benches to enjoy it. He said the City should get maintenance easements on the parts that aren't wooded if it isn't handed over. Mr. Betz said that the only down-side to the city taking the land is related to some stormwater maintenance concerns.

Commissioner Grubbs asked if the City will obtain the approval of the Army Corps of Engineers for the wetland easements. Mr. Betz said that it will not, but there will be language approved for the easements that state these areas are jurisdictional wetlands. Commissioner Grubbs asked about a Staff comment regarding better definition of the reserve area. Mr. Betz said that if the Planning and Zoning Commission determines it is desirable to dedicate those reserves to the City, they will be identified on the plat as the city's jurisdiction.

Commissioner Grubbs asked if the 12 acre reserve area runs along the creek bed. Mr. Betz said it does. Commissioner Grubbs asked about the bikepath on the west side. Mr. Betz reviewed the potential bikepath connections. Commissioner Grubbs asked if most bikepaths in Powell don't remain the under the maintenance of the Homeowners' Association. Mr. Betz said that the City typically maintains them, and they are on

easements or on land dedicated to the City. Commissioner Grubbs questioned the benefit of dedicating all of the open space to the City. Mr. Betz said it could provide access to the stream bed area and add to the number of open spaces within the City. He said the Homeowners' Association will benefit because it won't have to pay taxes, nor will the City. He said the City will only have maintenance costs associated with the bikepath open space area, downed trees, etc. Commissioner Grubbs said he questions considering this as anything close to a public park. Mr. Betz said that there are benefits to open space. Commissioner Grubbs said it will remain open no matter what. Commissioner Grubbs said he isn't in favor of this approved development plan, but we are pass that stage now.

Commissioner Futryk asked if the bikepath is usually depicted in a dotted line as reflected in this plan. Mr. Betz said it is. Commissioner Futryk asked if the clearing needed has been identified well.

Commissioner Wiencek suggested that the scenic easement restriction language be included to make it clear what can and cannot be disturbed. He asked about bikepath easement which is described in the text but not outlined on the plan. Mr. Betz said if the homeowners association owns the land, the easement will be described once the location is determined. If the City owns the land, the easement isn't necessary.

Commissioner Wiencek said he would prefer that the open space be under the City's control. It helps to prevent issues that have been experienced in the past. He said the area around the pond has true potential value as a pocket park for the neighborhood that the entire populous can use. He said he would like for the entire populous to be able to get off their bikes and walk through these areas without someone calling the Homeowner's Association to complain. He said he thinks the potential maintenance downside is minimal, and in some cases it may be easier to have it under the City's control because it can do the necessary maintenance without approval from the Homeowners' Association.

Commissioner Counts asked if the Planning and Zoning Commission should make a recommendation on the dedication. Mr. Betz said he would like such a recommendation to Council.

Commissioner Emerick said he thinks the City should control the open space. It may not be soccer fields, but it is suited to nature walks and parks and recreation nature programs.

Commissioner Counts moved to approve the Final Plat with the following conditions:

1. That the City Engineer approve the stormwater management plan as it relates to the lot and street layout and general conformance with Powell's stormwater management requirements prior to approval of the plat by City Council.
2. That the City Engineer approve all lot numbers, addresses and easements as may be required.
3. That the City Engineer review and approve all other engineering requirements.
4. That the applicant clarify and define the wetland easement and add the definition to the plat.
5. That the scenic easement along the boundary of Middlebury Estates be reduced from (70) feet wide to the required fifty (50) feet to allow placement of a drainage easement where the scenic easement ends.
6. That the building setback lines on corner lots be revised so that the radius of the property corner is reflected in the setback. This will ensure the house is setback at least 30 feet through the curve of the property.
7. That the reserve areas be better defined, including language regarding tree or natural area protection.
8. That there be text added to the plat to allow the placement and maintenance of utilities in the no build zones, as well as text containing similar language in the scenic easement, such language to be approved by Staff.
9. That the Planning and Zoning Commission recommends to Council that the City obtain dedication of reserve areas within this plat.

Commissioner Futryk seconded the motion.

VOTE: Y 6 N 0

AMENDMENT TO APPROVED DEVELOPMENT PLAN – RUTHERFORD ESTATES

Ron Stone, applicant, was present to discuss this issue.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He said that Staff recommends removing the language that the applicant be required to become part of Liberty Community Infrastructure Authority *prior to signing* the engineering plans.

MOTION: Mr. Counts moved to amend the approved Final Development Plan for Rutherford Estates so that in the condition that the property become part of the Liberty Community Infrastructure Authority, that the language "prior to signing" is removed. Commissioner Futryk seconded the motion.

VOTE: Y 7 N 0

OTHER COMMISSION BUSINESS

Next Meeting – February 11, 2004

Commissioner Wiencek noted that since he has been elected Mayor, he will be resigning his seat on the Planning and Zoning Commission. Council will pursue that appointment as soon as a suitable replacement is found.

Commissioner Counts commended Staff for their in making developments better. He noted that Staff's idea of flipping the building for the Pete Delois development has ended up with a more desirable development than that which was originally proposed.

ADJOURNMENT

The Commission adjourned at 9:45 p.m.

DATE MINUTES APPROVED: February 11, 2004

Don Emerick
Chairman

Date