

PLANNING & ZONING COMMISSION

April 14, 2004

A regular meeting of the City of Powell Planning and Zoning Commission was held on April 14, 2004, and called to order at 7:30 p.m. by Chairman Don Emerick. Also present were Kevin Futryk, Donell Grubbs, Brian Murphy, Richard Fusch, Tom Counts, and Roger Coville. 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 THE AGENDA

There were none.

APPROVAL OF MINUTES

The minutes of March 24, 2004 were amended and approved.

ZONING TEXT AMENDMENTS

Review of proposed zoning text amendments to Sections 1109.14, 1111.054, 1111.07, 1123.01, and 1145.25 of the Planning and Zoning Code as authorized by City Council Resolution 2004-08 to meet the requirements of the NPDES Phase II federal mandate.

Rob Rice, City Engineer, was present to discuss this issue. He said that these Zoning Code amendments meet the requirements outlined in the NPDES Phase 2 federal unfunded mandate. He said that as part of that mandate, the City has to submit a storm water management plan under the Ohio Environmental Protection Agency general permit. That permit requires a variety of actions, and this Ordinance relates to illicit discharge regulations.

Commissioner Counts asked what if the changes make tighter controls or clarify language. Mr. Rice said they have clarified some language and some definitions. There are references made to certain standards, and plan content review. He said that one of the main changes is that any land being disturbed of one acre or greater will fall under the additional requirements. It used to be five acres or more. He said that many of the requirements for best management practices are more stringent than previously required.

Commissioner Futryk said that this is a very unpopular unfunded mandate. He asked if these are similar requirements to what other cities are adopting. Kim Keefer, EMH&T, said that she has been doing this work for 13 other communities. She said that it is not permitted to do anything less than what the state allows, and that very few communities are doing anything more stringent. She said that the purpose of these amendments is to clarify language and adopt the state level of erosion control and best management practices.

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

MOTION: Commissioner Counts moved to approve the amendments as presented. Commissioner Futryk seconded the motion.

VOTE: Y 7 N 0

SKETCH PLAN

Applicant: Shayne & Debbie Pendleton, Pendleton's Automotive  
Location: 127 South Liberty Street  
Zoning: PC, Planned Commercial District, Historic District Overlay  
Request: Review of proposed 2,904 square feet single-family structure to be constructed to the rear of existing automotive repair business and various site improvements on 0.76 acre

Debbie Pendleton, property owner, was present to discuss their proposal. She gave a brief review of their sketch plan, with three choices for layout.

Shawn Leininger, Development Planner, gave his Staff Report on this item (Exhibit). He reviewed the site plan of the preferred layout (C). He noted the request for storage structures on this site. He reviewed the proposal for cement fiber siding, which would be divergence. He said that this is in the planned commercial district, and the Zoning Code requires natural materials. However, being in the Historic District, the Historic District Commission

(HDC) would probably support cement-fiber siding. He said the architectural details will need to be reviewed by the HDC. He noted that the fireplace proposed should be of brick. He reviewed the elevations for the various layout scenarios.

Mr. Leininger reviewed the request for approval of removal and continuation of the privacy fence prior to approval of the entire development plan. He clarified the Village Green development adjacent and the bikepath that will soon be constructed. He said that the applicant would like to have approval to remove the fence and pull it back to where it is proposed so they can convert the parking spaces into parallel parking when the bikepath is put in for the Village Green development. He said they are asking for a combined preliminary and final development plan, and Staff would support that.

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

Commissioner Fusch asked why the trim should be reduced as proposed by Staff. Mr. Leininger said that the guidelines recommend a narrow width of 4-6 inches. Commissioner Fusch asked what the objection to the colonial style is. Mr. Leininger said it is a style that is not typically in the Historic District. It is not the period of the downtown according to the guidelines. He reiterated that the HDC needs to review it further.

Commissioner Grubbs asked if this property is between the bikepath and the Newbury Homes building. Mr. Leininger said it is. Commissioner Grubbs said it seems narrow. He asked how many of the trees identified on proposal C are existing. Mr. Leininger said most of them are, as this proposal is the one that preserves the most trees. Ms. Pendleton agreed. She said that some trees may be a danger and need to be removed.

Commissioner Grubbs asked if the proposal is to extend the existing privacy fence. Mr. Leininger said it is, and that Staff would prefer a picket fence or something that is 50% open. He said they would also prefer a 5 foot fence rather than a 6 foot fence they are asking for. Mr. Betz said they are asking to continue the privacy fence so the whole area remains private and separate from the commercial use. Ms. Pendleton said that they would like continuity between the two fences and that there is a cost savings to relocate it rather than put in a whole new fence. She said they would like some privacy as they are surrounded on this property.

Commissioner Grubbs said he is concerned about the northwest side of this development.

Commissioner Futryk said he supports option C. He asked about Commissioner Fusch's comments regarding the design. Commissioner Fusch said that he likes the proposed design, which is federal which is what Powell was when it was settled in 1813. He said this is appropriate architecturally. He said that downtowns of the period of Powell were not all one type of architecture, but rather eclectic. He said he thinks this is a great look. Commissioner Futryk agreed, but said he understands Staff's concerns regarding a mix and match trim. He said the gables look great. He asked about the deck being proposed over the house. Ms. Pendleton said that was originally planned as a pot garden area, but some builders have said it could cause leakage problems and it could just be changed to a gabled roof instead. Commissioner Futryk asked if the setback is appropriate. Mr. Leininger said it is. Commissioner Futryk said he would prefer cement fiber siding to vinyl. He asked if it is appropriate to approve new commercial parking as part of the review of this residential development. Mr. Leininger said it is, as it is all part of a development plan. Commissioner Futryk asked how many spaces are being proposed. Ms. Pendleton said there are 5. Commissioner Futryk asked if that will include residential parking. Ms. Pendleton said it will.

Commissioner Futryk asked what is in the storage area identified on the plan. Ms. Pendleton described parts, junk, tanks, etc. Commissioner Futryk asked about waste oil tanks. Ms. Pendleton said those are not planned. Mr. Leininger said in some instances, there must be a certain quantity of objects before they can be picked up, and this allows storage until that minimum is reached. Ms. Pendleton said most of the material is tires and metal.

Commissioner Counts said he likes the angled layout but he said that it is inconsistent with downtown. He expressed concern about what would happen if the Pendleton's aren't here in 10 years. He said he is supportive of cement fiber siding and Staff's recommendation that the mounding be taken away. Ms. Pendleton said she is

fine with removing the mounding. Commissioner Counts asked for clarification regarding the privacy fence, if the intention is that there are two areas, one for personal privacy and one to store things for the shop. Ms. Pendleton said that is correct. She said they have thought about the future and they feel the house is far back enough not to cause a problem if another user would take over the retail portion. She added that this is their dream house and they don't think they will want to sell it.

Commissioner Counts said he agrees with Staff's comments regarding the lack of privacy fences in the area, and he would ask that the fence design change. He agreed with Commissioner Fusch's comments regarding the architecture and said he would let the HDC make what changes they deem necessary. He said he had no problem with the setback divergence.

Commissioner Murphy said he has never understood the need or purpose for the HDC. He said the design looks fine to him, as it looks old. He said he thinks it ironic that the only place to get approval for Hardiplank is in the Historic District. He said that the proposal looks nice, but the HDC should review the fine details. He said that he appreciates the rules regarding privacy fences but he thinks this is different because it is a house in a commercial area with the mitigating fact that it is adjacent to what will be a well-traveled bikepath, which most residents don't have to deal with.

Commissioner Murphy asked about long-term use of the parking spaces. Ms. Pendleton said that there is a vehicle in this area that they are repairing, but they don't intend to provide parking for vehicles they don't use or repair. Mr. Leininger said that an unused or inoperable vehicle is permitted to remain for 7 days. Commissioner Murphy said that the plan looks nice, but that the applicant should plan to live there forever because he thinks they will have a hard time selling the house later. It is a nice improvement for the area.

Commissioner Coville said he agrees with the comments so far. He likes the look of the house, and he likes the thicker trim, which is more rugged and makes it look like it has been there for a long time. He expressed concern about the vehicles in view of the bikepath and asked about screening of that area. Mr. Betz said that the landscaping proposed there will not screen but rather provide a buffer. He said that long-term parking is unusual for this business. Ms. Pendleton agreed. She said that they charge a storage fee for people who won't pick up their cars.

Commissioner Coville said that this house will be in a fish bowl, and he would like to stay consistent with the fencing even though it is a divergence from the Zoning Code. He asked about doing something to break up the western-facing side of the house so that it is less of a stockade fence but still provides privacy. He said that most of the traffic will be from the south.

Commissioner Emerick said that he prefers layout "C" as it preserves the trees. He said he has no problem with the style proposed, but he would prefer not to have a privacy fence. He asked if the Commission is in agreement with the desire to allow the applicant to pull back the existing fence to open the proposal for commercial in this area so that the City can proceed with the bikepath. He said the second issue is whether or not to allow them to proceed with a combined preliminary and final development plan.

Discussion ensued regarding the privacy fence issue and whether it is desirable to permit them to move the fence at this time. Mr. Betz reviewed that the parking is currently partly on the City's property. Mr. Leininger noted that they don't want to come back during the Final Development Plan phase and find out that the fence which they paid to move is not a desirable part of their plan. Mr. Leininger noted that the current fence was approved last year by the HDC. Commissioner Futryk asked if they would consider landscaping along the long western portion that phases the Village Green. Ms. Pendleton said they would.

Commissioner Counts said that he is hearing that when this is finally approved that there is a majority that will approve a divergence to the code to allow a privacy fence as depicted here. Mr. Betz said he thinks a privacy fence is appropriate with a residence here. Commissioners Coville, Murphy, Futryk, and Fusch were all in favor of a privacy fence.

MOTION: Commissioner Counts moved to allow submittal of a Combined Preliminary and Final Development Plan for Shayne and Debbie Pendleton. Commissioner Futryk seconded the motion.

VOTE: Y 7 N 0

#### SKETCH PLAN

Applicant: Gary Baker  
Location: 210/230 West Case Avenue  
Zoning: PC, Planned Commercial District  
Request: Review of proposed 28,056 office-warehouse development with four (4), 7,014 square feet, buildings and retaining the existing 840 square feet structure on 3.46 acres

Gary Baker, Applicant, said that he has owned a small business in Powell for a number of years, and he is currently working out of 230 W. Case Street. He said he is in need of a larger building. He would like to erect four buildings on 3 ½ acres, each building of approximately 7,000 sq. ft. He said it would be just like the office warehouses built by Mr. Margello a few years back.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the location and adjacent uses. He reviewed the site plan and the proposed elevations. He identified 2- and 3-unit buildings. He expressed concerns regarding the elevations and vinyl siding. He said he would prefer them to be similar to Village Pointe. He noted that they plan to keep the existing home. The building is usable and it meets code, so they would like to keep it, but the Commission should consider whether that is appropriate. He said that with Staff's comments, the applicant can work this out in a good time frame. He said that the site engineering details have yet to be determined so they would recommend a preliminary plan before a final development plan.

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

Commissioner Coville said he realizes the applicant spent money for the existing building's redesign, but he feels it is out of character with what they are proposing. He said that this looks like a great use of the site, but he agrees with Staff that a separate preliminary and final development plan is desirable.

Mr. Betz showed where the roadway currently ends. He said that the rest of the roadway needs to be improved by the applicant and it should be done so in the same cross section as the recently constructed west portion where the new industrial office warehouse buildings are being built. He said that the buildings could be made larger (for 20% coverage rather than the current 19%), and still meet code requirements to offset the cost of building the public roadway. Discussion ensued.

Commissioner Murphy said that this is a good location and it adds to the tax base but he is very concerned about the additional cost the City will bear by finishing a large chunk of road. He said he is interested in looking at a larger facility to pay the greater share of finishing West Case all the way through. He said he is not concerned with the look of the buildings.

Commissioner Counts asked the applicant about road improvements. Mr. Baker said he would be willing to work with the City on this issue. Commissioner Counts said that one of the divergences with this plan is a reduction in parking, and he would like more information about anticipated uses and parking needs. Mr. Baker said his business will be one tenant, and he would like to see computer sales, an antique shop, etc. Commissioner Counts said that the code could require much more parking, but he thinks there is a tendency to require too much. He asked how many vehicles Mr. Baker's business has. Mr. Baker said he has 5.

Commissioner Counts said he would prefer cement fiber to vinyl siding. He said that Mr. Baker should be proud of the restoration of the existing structure on the site, and he would hate to see it torn down. However, he would like the existing building to fit in a little better architecturally with that which is proposed. He said these mirror Village Pointe a little too much, and he would like to see something different. He said that he is particularly supportive because this is proposed to be owner-occupied by a resident of the City.

Commissioner Futryk agreed that the existing building has been improved upon. He said he would like a different look for the proposed buildings because of the future potential for park and school use. He said he is concerned about increasing the building to offset the road if that increase could only warrant more parking. Mr. Betz suggested an analysis of types of uses. Right now at Village Pointe, there is a big mix of uses from offices to car sales to counter top producers. He said if there are more contractor uses such as Mr. Baker's business, then parking isn't too much of a concern.

Commissioner Futryk said he would prefer four three-unit buildings to larger due to massing issues. He would support cement fiber siding. He questioned whether the City will soon reach saturation of office/warehouse space. He referred to the forthcoming Recreations Outlet development and the property immediately to the west that will be similarly developed. He said he is unsure of the occupancy of Village Pointe. He asked what alternate uses are. Mr. Betz said that this property is ideal for this type of use. He said that Village Pointe has a good occupancy rate. He said that while the office market is slow, this is a different type of use.

Commissioner Grubbs asked if the applicant is proposing as part of this plan to complete the road to the end of the property. Mr. Betz said that has not really been discussed, and it is not part of the application or drawings. He said Staff feels they should provide access. Commissioner Grubbs said that if the applicant would agree to finish the road to Village Pointe Drive, he would consider some sort of density bonus. He said he doesn't have a problem with the parking. He asked about the 65 feet between buildings. He said he is concerned about the setback to the school to the north and he wants to ensure the most tree preservation on the northern boundary. Mr. Betz said that the trees within 20 feet of the north property line can be preserved. Commissioner Grubbs asked if the northern row of buildings can be moved to the south. Mr. Betz said that the proposed layout provides access and movement through the site. He said the entire plan could be shifted to the south, but that would effect the existing house and trees in the front that are actually nicer than some of those in the back.

Commissioner Grubbs said he likes the existing house on the property and what has been done with it, but he would like to see some of the design of the warehouses mimic the house rather than Village Pointe. He said that it would be more consistent. He said he would prefer cement fiber siding to vinyl. He said that he likes the ideas regarding wainscoting, but he understands that could change if the design is geared more toward the existing house. He said overall this is a good plan.

Commissioner Fusch said he thinks this is a good use of this site. He commended the applicant for doing this. He echoed the comments already made. He said he would like to see the house preserved and the three-unit buildings rather than larger buildings. He said that he would support fitting the architecture of the house to the new buildings.

Commissioner Fusch asked about the barrels barricading Village Pointe Drive. Mr. Margello said that he placed those there to prohibit cut-through traffic, and he will remove them if the road is continued. He suggested that Del-co Water and Time Warner Cable be contacted to construct the road. He said that he is 50% owner of this project, and he wants to make it an extension of Village Pointe. He said that they preserved the house and intend to mix the old with the new. He said that Village Pointe has been very well received, and there is a need for office/warehouses in the area. He said they are air conditioned, and heated, and he currently has everything from a sound system business to computer salesman to an attorney to Tae Kwan Do. He said that he has no problem extending the road, but he asked that the fees for building and inspecting the road be waived. He reiterated his request that the utility companies in the area be asked to continue the road on their properties. He reviewed the proposed green space, tree line, etc. He said the parking they have at Village Pointe is excessive, and he could see the same issue here. He said they don't need signage because they will use the signage for Village Pointe on Powell Road.

Mr. Betz identified a way to incorporate architectural elements from the existing house with this development. Commissioner Grubbs expressed a desire to consider a metal roof.

Commissioner Coville asked about Mr. Baker's vehicles and parking availability. Mr. Betz noted that some of the parking can occur inside.

**AMENDMENT TO APPROVED FINAL DEVELOPMENT PLAN**

**Applicant:** Norman Yager, Yager Landscaping  
**Location:** 70 Grace Drive  
**Zoning:** PC, Planned Commercial District  
**Request:** Approval of Amendment to Approved Final Development Plan allowing a 2,160 square feet addition to an existing 3,072 square feet office-warehouse structure and various site improvements on 0.83 acre

Norman Yager, property owner, was present to discuss this proposal. He said his son currently operates a landscaping business out of this building. He said that he has owned the property since 1999, and the landscaping business has been located there since 1992. The purpose of this expansion is to park vehicles inside. He expressed a desire to build a quality addition. He said the goal is to match the aesthetics of the current building. He said the proposal will be heated and insulated.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the site plan and adjacent uses. He said Staff would like to see a 20-foot landscape buffer.

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

Commissioner Fusch said that he has no problems at all with this plan and he feels the design is fine. He said he agrees with every one of the Staff recommendations regarding clean up, landscaping, repairing the fence, etc.

Commissioner Grubbs asked what the lot coverage will be with the addition. He agreed with Commissioner Fusch and said he would approve this with Staff's conditions. He said it is a good addition, and they like what they have done so far with the blacktop. with conditions indicated by staff.

Mr. Yeager asked about the repairs to the privacy fence. He said it is not on his property, but rather is part of Olentangy Ridge. John Yager, Yager Landscaping, said that he has no problem repairing the existing fence. He said they would like to add some evergreens and landscaping at the back of the property to screen the fence. He said they are willing to extend the pavement to cut down on the dust in the development. He said unless you see the trucks, you don't know the business is there. He said they have invested a lot of money in their equipment and want to keep it inside to protect their investment. He reviewed their intention for additional site clean up and maintenance.

Commissioner Grubbs asked if there are any issues with Staff's comments. John Yager said there are not.

Mr. Leininger said that this development has 14% lot coverage with this amendment.

Commissioner Futryk said that he also agrees with the Staff recommendations. He questioned the need for the brick wainscoting on the backside of the addition as it will not be visible. He proposed that it be placed on the southern elevation which is visible from Grace Drive. Mr. Yager said he would rather spend more money on additional landscaping between his development and Olentangy Ridge. Commissioner Fusch said he would support that. Commissioner Counts concurred.

Commissioner Murphy said he is in favor of this development. He said he has been by this site a hundred times and didn't know a landscaping business was here as it is clean and well manicured. He agreed that the wainscoting is not necessary and shouldn't be required.

Commissioner Coville asked about the intention of the landscape buffer along the fence line. Mr. Betz said it is to buffer the view of the fence from Grace Drive and it is required in such a development as this. Discussion ensued.

**MOTION: Commissioner Counts moved to approve the amendment with the following conditions:**

1. That the paved surface be extended at least to the end of the proposed addition, preferably to the entry into the outdoor storage area defined on the site plan.
2. That a landscape and buffer area a minimum of twenty feet in width be provided along the rear property line and a landscape plan be submitted and approved by Staff.

3. That the privacy fence along the rear property line be repaired or totally replaced in kind.
4. That the applicant remove all junk and unused materials and equipment, including the shed, from the outdoor storage area. A dumpster area shall be identified and utilized for yard waste created by the business.
5. That all materials and equipment, other than trucks and vehicles, be stored either in an enclosed storage or in the outdoor storage area during non-business hours.
6. That revised site plan showing existing and proposed fence alignments be submitted and approved by Staff.
7. That no chain link fence be visible from the public right-of-way.
8. That the brick wainscoting that is shown on the east side of the proposed addition not be required.

Commissioner Futryk seconded the motion.

VOTE:                    Y 7                    N 0

**ADMINISTRATIVE REVIEW**

Applicant:                Robert Fiorita, Fiori Homes  
 Location:                Murphy's Crossing  
 Zoning:                    PR, Planned Residence District  
 Request:                 Approval to move a temporary marketing sign to an off-site location adjacent to the Murphy's Crossing condominium development project

The applicant was not present and this item was not discussed.

MOTION:                Commissioner Fusch moved to table this item until the next regularly scheduled meeting. Commissioner Futryk seconded the motion.

**OTHER BUSINESS**

Mr. Betz noted that the draft Sawmill Parkway Corridor report will be provided to the Planning and Zoning Commission in the near future.

Mr. Betz said that the Liberty Township Trustees are starting the process of updating their Comprehensive Plan, and their meetings will be held the first Wednesday of each month. He encouraged residents of Powell to participate in that process.

Commissioner Fusch asked what is the role of the City in controlling development along that parkway at the present time since it is not inside the City. Mr. Betz said the City's role is limited and the proposal is to provide comments individually or as a group when proposals for development along that roadway occur. He said it is also important to know what is appropriate for development in the event that it should annex into Powell. He said the goal is to reduce the impact of any development on the residents that live along that corridor.

Commissioner Futryk asked if there will be a traffic study required for the developers of the 50 S. Liberty street property. Mr. Betz said there will. Commissioner Counts asked if the connection of Murphy Parkway would be considered in such a study. Mr. Betz said that is unclear at this time. Discussion ensued regarding the Murphy extension.

Commissioner Emerick asked if any progress has been made in appointing an Architectural Advisor. Mr. Betz said there has not. Commissioner Counts said that would have been helpful this evening.

**ADJOURNMENT**

The Commission adjourned at 9:30 p.m.

DATE MINUTES APPROVED: May 12, 2004

Don Emerick                    6-23-04  
 Don Emerick                    Date  
 Chairman

