

## Planning and Zoning Commission

June 9, 2004

A regular meeting of the City of Powell Planning and Zoning Commission was held on June 9, 2004, and called to order at 7:30 p.m. by Commissioner Don Emerick. Also present were Kevin Futryk, Richard Fusch, Tom Counts, Brian Murphy, and Roger Coville. Don Grubbs 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.

### HEARING OF VISITORS FOR ITEMS NOT ON AGENDA

There was none.

### APPROVAL OF MINUTES

The minutes of May 12, 2004 were amended and approved.

### COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN

**Applicant:** 3 Pillar Homes, Zenios Michael Zenios  
**Location:** 50 South Liberty Street  
**Zoning:** OPPCR, Old Powell Planned Commercial and Residence District  
**Request:** Approval of Combined Preliminary and Final Development Plan for a mixed-use development consisting of approximately 4,555 sq. ft. restaurant, 14,040 sq. ft. retail, and 17,905 sq. ft. office on the second story in the first phase and future residential condominium townhomes to be approved at a later date

**MOTION:** Commissioner Counts moved to table this item until June 23, 2004. Commissioner Futryk seconded the motion.

**VOTE:** Y 6 N 0

### PRELIMINARY DEVELOPMENT PLAN

**Applicant:** Village Communities, The Traditions of Powell  
**Location:** North Side of West Olentangy Street adjacent to the east of Village Pointe Shopping Center  
**Zoning:** PC, Planned Commercial District  
**Request:** Approval of a Preliminary Development Plan for a mixed use development on 6.1 acres consisting of 40 townhouse condominiums, a future 5,200 square feet restaurant, and a 6,000 square feet office

Mark DiSabato, applicant, was present to plan. He said that he has been before the Planning and Zoning Commission for an informal review of this proposal. He said that he has been working with Staff and the HDC. He said they have made a number of changes and submitted new renderings and site plan.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He noted that there are new drawings related to the commercial site in the front of this development. He reviewed the proposal for ten 4-unit residences plus a restaurant and office buildings. He reviewed the location, adjacent uses, and layout of the proposed development. He reviewed the proposal for parking and landscaping. He noted that Staff is particularly concerned about the residential parking area. Mark Schieber, Schieber and Associates, identified the revised proposal for parking. Mr. Betz said that it works better. He said the previous design showed a 6-unit garage that didn't look appropriate, and this is a better solution.

Mr. Betz then addressed the commercial portion of the site as identified on the re-designed plans. He continued to review the Staff Report. He identified the parallel parking, angled parking, and parking lot. He said he is concerned they are "over parking" the site. He said the angled parking is a real concern for those entering the site. He said that the restaurant and office are used during different times of day and therefore will not both need to have parking at the same time. He reviewed the open space and access. He said they would like to see shared access and a connection into Village Pointe Center at least in one location. He said there has been no agreement between the developer of Village Pointe and this property, but he understands they are still talking. He identified the streetscape, and landscaping wall. He said that even though the trees shown are mature, one can get an idea of what they are proposing. He reviewed the proposed elevation drawing of the restaurant. He said the applicant has been working with the HDC on the design.

Mr. Betz reviewed the comments in the Staff Report related to the traffic, turn lanes, and concerns of the City Engineer regarding parallel parking on Olentangy Street.

Mr. Betz said this plan is very consistent with the goals set forth in the Downtown Revitalization Plan in bringing residential development and providing retail and office buildings out front with parking. He said this development also has the recommended street connectivity and flow and connections to Case and Olentangy Street. He reviewed the density for the residential portion is at 9 d.u./acre. He said that is high in relation to the City of Powell, but Staff feels this housing provides an alternative living style within the City.

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

Commissioner Coville said he was not at the February meeting, and all the changes are not obvious to him. He said it is interesting to mix this kind of use at this location. He said it could be appropriate and it would provide a lot of opportunity to walk to businesses, etc. He expressed concern regarding the dumpster service for the office or restaurant. Mr. DiSabato said that each condominium would have its own garbage can in their garage area. He said they need to incorporate the dumpster for the restaurant yet. Mr. Schieber identified a likely location and said that there is enough space that it could be located toward the back of the lot but still make it convenient. Mr. DiSabato said it has to be on the west property line. Commissioner Coville said that it does appear the parking can be reduced. He expressed a desire for a pathway into the parking from the development. Mr. Betz said that the restaurant will be of considerable size but the office space would generally be used during a different time period. Mr. Betz said if they remove parking to the west side of the office that will allow more flexibility in the building design.

Commissioner Coville asked about cement fiber siding. Mr. DiSabato said that material was reviewed with the HDC. Commissioner Coville asked about putting windows in place of screens on some of the residential units. Mr. DiSabato said that was discussed with the HDC, but they would like to use screen porches as they have the desired ambience. Commissioner Coville asked Mr. Margello who is in the audience if he has any comments on a vehicular traffic connection to the west. Mr. Betz said that Mr. Margello owns the office portion to the north but not the shopping center to the south to which this would connect.

Commissioner Murphy said he was fine with the first plan, but this is a significant improvement. He said the parking does seem a little excessive. He said he doesn't think a 6,000 sq. ft. office is going to generate that much traffic, particularly when restaurants have other peak times. He said that in this kind of development, the higher the density the better in order to get the benefit, as these types of units do not create much additional burden on the school district. He said this appears to be a well designed, well laid out development that will turn somewhat of an eyesore into a more attractive and useful transition between downtown and Murphy's Park.

Commissioner Counts said he also likes the architecture and he is generally in favor of the development. He asked if it is the intention to keep the buildings identical in color or the types of siding. Mr. DiSabato said that they have different sidings and roof lines, and they will work with the HDC regarding colors, and he anticipates using a palette so that not every building will be the same. Commissioner Counts said he would appreciate that. He asked about the retention/detention ponds. Mr. DiSabato said they will be wet with aeration and fountains so that they are a nice feature in the development. Commissioner Counts asked if Village Pointe shopping center has a white fence. Mr. Betz said it does. Commissioner Counts asked if the fence will continue here. Mr. Betz said they are currently showing a garden wall. If the parking lot doesn't go in there, that could be changed. He said he wouldn't want to see the fence in front of the buildings, and he suggested that any fencing be placed up to and between the buildings. Picket fencing may be a better alternative. Mr. DiSabato expressed a desire to mimic what is downtown (to the east) rather than Village Pointe (to the west). Mr. Schieber agreed. He said the garden wall is meant to screen the parking, but an element more like that currently in downtown could be used, such as a wrought iron fence. Commissioner Counts said he prefers the garden wall, which is a wonderful opportunity to make that transition.

Commissioner Counts said he thinks future homeowners would want something behind their units. He said they have a backdoor that leads to the garages. Mr. DiSabato said that there are small patios planned and screen porches for each unit.

Commissioner Counts asked about the marketability of homes that close to the railroad. Mr. Betz said they typically take longer to sell and are a little cheaper in price, but people do buy them. He said that he talks to people that live by the railroad and they get use to it. Mr. DiSabato said he has a number of developments within a stones throw from the railroad and he hasn't seen the railroad as a detriment. He said the feel of this development is an "urban downtown." If someone likes this type of development, he doesn't think the railroad is a deterrent. He said that people want to walk downtown. It is not the typical suburban single family house with kids at play and curving streets. Commissioner Counts asked about the density for these types of developments in surrounding communities. Mr. Betz said they could take a look at that. He said the current single family density downtown is about 5-6 d.u./acre. Mr. DiSabato said that at the February meeting, a representative from Kinzelman Kline was complimentary about these density levels. Mr. DiSabato referred to development in the arena district and German Village and said they are looking to do this same project in downtown Gahanna with a 12 d.u./acre density. He said it is not comparable to the suburban project. He said that the visual impact driving by will not appear to be an overly dense development.

Commissioner Counts asked about the sketch plan proposed for the corner of Lincoln Street and Powell Road. Mr. Betz said it hasn't gone any further. He said they met with that property owner to discuss common access but they have no plans to come forward in the near future. Commissioner Counts asked about the office/warehouses next to this. Mr. Betz identified them. Commissioner Counts summarized that most of the development across the street to the north would be existing single family homes. Mr. Betz said that is correct, there are two homes, and not much else proposed. Mr. Disabato said he hopes this residential development spurs additional development downtown.

Commissioner Futryk asked about the trees on this property that have been marked. Mr. Betz said they are working on a tree survey. Commissioner Futryk commended the applicant for the architectural renderings. He said he is very excited about the look of the restaurant and office. He said he thinks the garden wall provides a nice transition to the downtown area and is a nice touch to the whole development. He agreed that there is too much parking and he would support Staff's recommendation to remove the angled parking along Traditions Way as well as some of the spots on the western side of the office building. He asked if the applicant will go along with Staff's request to shield the dumpsters. Mr. DiSabato said they will. Commissioner Futryk asked if Traditions Way is planned to be 20 feet wide. Mr. Betz said it is, but he would recommend that it be 22 feet to provide for better access and parallel parking. Mr. Disabato said that is not a problem. Commissioner Futryk asked if there is any concern whether Traditions Way will become a cut through. Mr. Betz said there isn't, as it will be a private street and people will have to go very slow due to the design. Commissioner Futryk asked if there is sufficient right of way on Case or Lincoln Street to put in a 2-lane road. Mr. Betz said there is.

Commissioner Futryk asked what kind of signage will be used for the restaurant or office. Mr. Shieber said they are planning very modest, low-key sand blasted signage along this corner edge or close to the front edge. Commissioner Futryk asked about a wall sign on the restaurant. Mr. Shieber said they would prefer a monument sign from a visibility standpoint, however, they don't have a strong preference. Mr. Betz said they would need to follow the historic district guidelines for signage right behind the sidewalk.

Commissioner Futryk asked if the recommendation is that the bikepath transition into concrete. Mr. Betz said that the suggestion is that it narrow into concrete and become part of the streetscape. Mr. Sheinberg said that is the proposal, to put the bikepath right at the edge of the right of way property line.

Commissioner Futryk said he is excited about the residential development and the new look and modification with the additional window, however, he is concerned with the density on the four-unit buildings on the western edge that backs up to Heritage Lane. He said he knows Staff had some concerns about the southern most building being close to the parking. He asked if it the one on the western edge and the one on the southern edge can be made 2-unit buildings to space them out more. Mr. DiSabato said he wouldn't be able to do that and still afford the improvements on Case Road, the turn lane, and everything else he is being asked to do, including the types of buildings. Commissioner Futryk asked if he doesn't feel a 5-foot sideyard setback is a problem. Mr. Disabato said he is not concerned as he understands the type of living this is and the type of buyer. He said he would like the approval based on the design, density, and development. Commissioner Futryk asked about the price and size of the residential units. Mr. Disabato estimated them at \$140-180k, and

approximately 1,250-1,750 sq. ft., but they are still being designed. Commissioner Futryk asked if there are 2 bedrooms and finished lower levels. Mr. DiSabato said that there are. He questioned the impact of removing 2 units in this size of development. He said he appreciates concerns about salability, but he can't accommodate a density reduction. Mr. Betz identified a way to create a better buffer by moving some parking down to the front.

Commissioner Fusch said that he thinks this is a very good design and something that Powell needs. He said a lot of data shows that the more residents one can put in a downtown, the more economically viable it will be. He said he really likes this residential development and the design of this commercial space as well. He said he is not as concerned about the density because residents who will live here are different from those who want a home in the suburbs. They want to be in a dense development in the middle of a downtown. He said this is a good design, but he has a couple of concerns. He asked about the uses in the commercial spaces. He expressed concern the office could become retail, which would require different parking. Commissioner Fusch said he thinks it is reasonable to reduce the amount of parking if it is proposed to be an office building and a restaurant, but not if the office is going to be a restaurant, bar, or other retail use of some sort. Mr. Betz agreed. He said the Planning and Zoning Commission has the ability to specify that. Mr. DiSabato said he is fine with planning for office and being required to come back if retail is proposed. He said they are working on potential users at this point. Commissioner Fusch said he is concerned about the angled parking. Mr. DiSabato said that they have already decided to remove that. Mr. Sheibel said they may replace some of it with some parallel parking. Mr. DiSabato said that could be good for three spots for carryout for the restaurant.

Commissioner Emerick said he is happy with the plan. He asks if La Tavola currently has music approved on the patio. Mr. Betz said there was a lot of discussion on that and it wasn't approved. Commissioner Counts said that was in the context of being next to single family homes.

Commissioner Murphy asked what is the plan for street lighting and street lamps along Olentangy Street and the restaurant. Mr. Betz said those details need to be worked out in the Final Development Plan, and Staff would recommend that the light fixtures used downtown be used at least out front, and possibly into the condo area.

Commissioner Futryk asked about the garages on the western units. Mr. DiSabato said all of the garages are in the back of the units.

Commissioner Coville asked if the restaurant is two stories. Mr. Sheibel said that it is a two-story look, other than a small second story area that may be used for offices, the rest is open.

**MOTION:** Commissioner Counts moved to approve the Preliminary Development Plan with the following conditions:

1. That the applicant submit a site plan showing surrounding properties in a level of detail as required to make sound planning and engineering decisions for this development.
2. That the applicant work with Staff to address the recommendations in the submitted Traffic Study and any traffic improvements recommended by Staff. These recommendations shall be shown on the Final Development Plan.
3. That the applicant work with Staff to address the appropriate streetscape to include on the public rights-of-way adjacent to this development and interior to this site. The final streetscape design shall be shown on the Final Development Plan.
4. That a well defined pedestrian link between the residential and commercial areas be provided. The 3 Pillar Homes 50 South Liberty Street proposed development can be used as an example.
5. That the residential area be designated as PR, Planned Residence District, and subject to the requirements of that district except where divergences are approved.
6. That two, four car garages placed behind the Lincoln Street condominium building are permitted to alleviate difficult turning movements. The applicant shall work with the HDC on the design.
7. That Traditions Way be a minimum of 22 feet in width.
8. That the applicant work with Staff to provide public amenities such as walkways, benches, picnic areas, a gazebo, or other elements deemed necessary to make Reserves 1 and 2 functional open spaces for the residents of this development.
9. That all interior walkways be shown at a minimum of five feet in width.
10. That the colonial street lighting fixture is inappropriate for the Historic District and another lighting fixture be approved by the HDC. A fixture similar to that found in the Villagescape is preferred.

11. That a detailed landscaping plan and tree survey be submitted with the Final Development Plan.
12. That a separate fencing plan be submitted with the Final Development Plan. No privacy fence shall be taller than five feet in height, except around patios and decks, as required by code and no privacy fence shall obstruct the view across any front, side, or rear yard.
13. That the applicant work with the City Engineer to demonstrate stormwater can be adequately managed on-site.

Commissioner Fusch seconded the motion.

VOTE:        Y   6          N   0  

#### FINAL PLAT

**Applicant:** Bauer, Davidson, and Merchant, Inc  
**Location:** Northeast corner of Sawmill Parkway and Seldom Seen Road  
**Zoning:** PC, Planned Commercial District  
**Request:** Approval of Golf Village Commercial Section 1 Final Plat for 11 commercial lots on 50.718 acres with 22.735 acres to be dedicated as open space

Tim Spencer, Triangle Properties, was present to request plat approval for the northeast corner of Seldom Seen Road and Sawmill Parkway. He said this commercial development has many lots in contract for uses such as daycare, retail, carwash and restaurant. He said there are 3 empty lots. The roads are in and they would like approval of the plat to move forward with the development.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the procedure by which Staff reviews this development in relation to the approved Golf Village plan, and explained that is why the Planning and Zoning Commission hasn't reviewed them yet.

Mr. Spencer said that there are still entry features yet to install but there have been some right of way discrepancies on lots 7 and 8 and a need to install utilities on lots 9 and 10. He said because of that, they plan to still maintain control of the park for the next 90-180 days before turning it over to the City. Mr. Betz said Staff is fine with that and they recommend approval subject to those conditions.

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

Commissioner Futryk asked how long it will be before they are willing to dedicate the park to the City. Mr. Spencer said as early as 90 days and as late as 180 days. Mr. Betz said the City has no plans to develop this park this year, but they want to make sure the commitment is there.

Commissioner Futryk asked if the streets dead end. Mr. Betz reviewed that these are private streets and they dead end to the north, into the parking lot for lot number one. Commissioner Fusch asked why they are private streets. Mr. Spencer said that is part of the CEDA that they are private streets policed by Powell. Mr. Betz said that is not a bad idea, because they can control snow removal quicker than the City in both their streets and parking areas. Mr. Betz said such a design occurs frequently in private streets, such as area Kroger and Big Bear Developments. He said that there are standards by which the developer is required to maintain the streets.

Commissioner Murphy asked if the City will control the right ins, right outs, etc. Mr. Betz said the access management plan was approved by the County Engineer. Commissioner Murphy asked what is the status of the traffic signal at Sawmill Parkway and Seldom Seen Roads. Mr. Betz said the signal is warranted, and currently being designed. He said the light at Rutherford Road and Sawmill Parkway is not yet warranted, but it is being designed because the assumption is that it will be warranted in the future. Commissioner Murphy asked if the traffic signal at Seldom Seen Road will be opened prior to this development. Mr. Betz said they anticipate it being opened prior to most of the high traffic generators.

Commissioner Coville asked about curb cuts. Mr. Spencer said that all the accesses will be to the rear of the development, from a shared access drive that is reached from both Sawmill Parkway and Seldom Seen Road.

**MOTION:**        Commissioner Counts moved approve the plat for Golf Village Section 1 with the following conditions:

1. That the Plat meets the requirements of the City Engineer for all easements, lot numbers, addresses and any other item that he deems appropriate.

- 2. That the open space shown on lot 12 be dedicated to the City of Powell.
- 3. That Staff is permitted to adjust lot lines as necessary as long as such adjustments meet all requirements of the Golf Village Development Plan and the Liberty Township Zoning Resolution.

Commissioner Futryk seconded the motion.

VOTE: Y 6 N 0

**FINAL PLAT**

**Applicant:** Bauer, Davidson, and Merchant, Inc  
**Location:** Southeast corner of Sawmill Parkway and Home Road  
**Zoning:** PC, Planned Commercial District  
**Request:** Approval of Golf Village Commercial Section Final Plat for 7 commercial lots on 25.544 acres

Tim Spencer, applicant, said that this portion doesn't have nearly as much activity as the previous development, but they have determined it is prudent to move forward with the platting so that they don't have to bog down Staff with lot splits and other issues. He said that this includes a retail site, gas stations/car wash, and bank. He said many lots are still available. He reviewed the ingress and egress proposed for the development.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the concerns regarding additional land that may be needed to accommodate lots 3, 4, and 5. Mr. Counts asked if a condition of any approval should be flexibility regarding those lots. Mr. Leininger suggested that the motion be made general enough for staff to make adjustments as needed.

**Commissioner Counts moved to approve the final plat for Golf Village Commercial Section 1.**

- 1. That the Plat meets the requirements of the City Engineer for all easements, lot numbers, addresses and any other item that he deems appropriate.
- 2. That Staff is permitted to adjust lot lines as necessary as long as such adjustments meet all requirements of the Golf Village Development Plan and the Liberty Township Zoning Resolution.

Commissioner Futryk seconded the motion.

Commissioner Murphy questioned the zoning on the property, which is identified as office. Mr. Betz said there was an administrative review that determined that subjecting it to only office uses was undesirable.

VOTE: Y 6 N 0

**FINAL PLAT**

**Applicant:** R.D. Zande & Associates  
**Location:** 5.125 acres on the north side of Rutherford Road between Sawmill Parkway and the CSX Railroad, surrounded by Golf Village Section 4 subdivision  
**Zoning:** PR, Planned Residence District  
**Request:** Approval of Golf Village Section 4 Phase C Final Plat for 3 residential lots on 5.306 acres with 4.109 acres of open space

Terry Andrews, Centex Homes, was present to discuss this proposal. He said this is a very small site that includes three lots and four acres of open space. He thanked the Planning and Zoning Commission for their help and patience with this process.

David Betz, Director of Development, said that Staff has few comments. He said they are working with the applicant to try to determine how to align the pathway with the frontage and how coordinate with the golf course.

Commissioner Coville asked if the open space will be deeded to the City. Mr. Betz said it will not, it will be held by the Homeowners' Association for Golf Village.

**Commissioner Counts moved to approve the Final Plat subject to the condition that the Plat meets the requirements of the City Engineer for all easements, lot numbers, addresses and any other item that he deems appropriate. Commissioner Futryk seconded the motion.**

VOTE: Y 7 N 0

**OTHER COMMISSION BUSINESS**

- Commissioner Counts noted the regularity of divergences to the Zoning Code regarding parking and

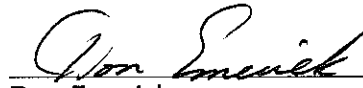
questioned whether the regulations should be amended. Mr. Betz said that can be done, but he likes the ability to review these issue on a case by case basis. Commissioner Futryk asked, if specific users are made in development plans that impact parking, but those users change, will they have to come back before the Planning and Zoning Commission. Mr. Betz said that they will. Commissioner Fusch expressed a desire to restrict the users in the Traditions at Powell Development when they come back for the Final Development Plan.

- Mr. Betz notified the Commission that a D.A.R.T (Downtown Assessment Resources Team) visit is being scheduled as the next step in implementing the Downtown Revitalization Plan.
- Mr. Betz said that the Planning and Zoning Commission has received a Resolution from Council for a proposed Zoning Code change to limit the size of retail buildings. This Resolution was in reaction to Big Box retail concerns. Once the Commission receives the legislation, a public hearing will be scheduled, probably for July.

#### ADJOURNMENT

The Commission adjourned at 9:15 p.m. The next meeting is scheduled for June 23 at 7:30 p.m.

DATE MINUTES APPROVED: July 14, 2004



Don Emerick  
Chairman

8-25-04

Date

