



ORDINANCE 2004-02
Passed February 17, 2004

AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN FOR PETE DELOIS RECREATION OUTLET FOR A 35,800 SQ. FT. RETAIL CENTER LOCATED ON 4.1 ACRES AT 470 WEST OLENTANGY STREET.

WHEREAS, the Planning and Zoning Commission of the Municipality of Powell having recommended approval of the Final Development Plan for Pete Delois Recreation Outlet for an 35,800 sq. ft. retail center at 470 West Olentangy street on December 10, 2003, and

WHEREAS, the Final Development Plan having been submitted to Council by the Planning and Zoning Commission pursuant to the provisions of Section 1143.11 of the Codified Ordinances of Powell, and

WHEREAS, Council having determined the implementation and approval of the Final Development Plan which is attached hereto and incorporated herein by reference is in the best interest of the residents of the Municipality of Powell.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the Final Development Plan for Pete Delois Recreation Outlet at 470 W. Olentangy Street which is attached hereto and incorporated herein by reference is accepted and approved by the Council of the Municipality of Powell, subject to the following conditions as recommended by the Planning and Zoning Commission:

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.
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:
 - a. That the flags are permitted as shown in the design provided that such flags have no lettering or design.
 - b. That the proposed monument 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.
 - c. That the applicant is required to use traditional applied stucco rather than cementitious stucco panels.
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:

- a. That the applicant will adjust the parking islands to preserve existing trees, with a location to be approved by staff.
5. That the applicant provide a final sign plan for review and approval by the Planning and Zoning Commission.
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.
7. That recreational structures are allowed for display for sale as shown on the site plan, being limited to four such structures, and meet the conditions placed on the additional review by the Planning and Zoning Commission at their January 14, 2004 meeting:
 - a. That the play structures to be permitted on the site be substantially similar to the ones shown on the site plan.
 - b. One of the play structures may have primary colors.
 - c. That one of the play structures previously identified is permitted to be a maximum 8' x 12' storage shed, potting shed, or playhouse structure.
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.
11. That the following additional conditions imposed by the Planning and Zoning Commission at their January 14, 2004 meeting be met:
 - a. That the applicant include a bikepath to and from the building and main bikepath with a location to be approved by Staff.
 - b. 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.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON RULES SUSPENSION: Y _____ N _____

VOTE ON ORDINANCE 2004-02: Y 7 N 0

This ordinance or resolution has been read at three (3) public places as defined in ordinance 91-4 dated 4-3-94 on this date 3/2/04

Dawn Nauman
Clerk of Council

Dan Wiencek 3/2/04
Dan Wiencek Date
Mayor

Dawn Nauman 3/8/04
Dawn Nauman Date
Clerk of Council