

PLANNING AND ZONING COMMISSION

March 9, 2005

A regular meeting of the City of Powell Planning and Zoning Commission was held on March 9, 2005 and called to order at 7:30 p.m. by Chairman Tom Counts. Also present were Don Emerick, Kevin Futryk, Don Grubbs, Roger Coville and Eric Ireland. Richard Fusch was absent. Also present were David Betz, Director of Development; 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 February 9, 2005 were amended and approved.

The agenda was rearranged to address the Zoning Text Amendments at the end.

FINAL DEVELOPMENT PLAN/ZONING MAP AMENDMENT

Applicant: Maple Crest Builders, Ltd.
Location: 4 acres located on the north side of Zion Drive east of Sawmill Road.
Current Zoning: Liberty Township FR-1, Farm Residence District
Proposed Zoning: City of Powell PR, Planned Residence District
Request: Review and approval of a Final Development Plan for 10 single-family lots on 4 acres.

Dan Horne, Applicant, said that the Preliminary Development Plan was reviewed and approved at the last meeting with 15 conditions. He said those conditions have been met and incorporated into the Final Development Plan. He said that the remaining issues are related to the landscape plan and how to share maintenance of the common areas along Zion Drive with the Lakes of Powell subdivision. He said they just had a meeting with the representatives of the Lakes of Powell and decided that they will continue to control maintenance of the frontage, and this new development will pay its prorated share. He said they didn't seem to have any preference to any of the three landscaping plans. He reviewed the proposed landscape plans. He said one significant change with respect to this plan at Council's request was to look at it with or without the median island. Their current preference is to eliminate the median.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He reviewed the proposal, adjacent uses, layout, elevations, etc. He reviewed the bikepath proposal. He reviewed the two proposals for the entrance, with and without the median. He said that Staff also prefers the entry without the median as it provides a cleaner look along Zion Drive and easier maintenance. He reviewed the landscaping plan for the whole development. He said that Staff prefers landscaping plan "A" because of the incorporation of forsythia bushes which will create an under-story. He reviewed the grading. He reviewed the proposed elevations. He said they are all different elevations but with the same floor plans. He noted that the fireplace chimneys would be stone. He said that there is the ability to do several side-load types of garages. He said Staff recommends approval with the conditions in the Staff Report as well as the Commission determining the most desirable landscaping plan.

Commissioner Counts opened this item to public comment.

Rich Brooks, 573 Zion Drive, President, Lakes of Powell Homeowners' Association, said they met with the developer. He said they want to clarify that at the last meeting there was discussion about adjusting the Zion Drive easement between the road in the first two houses of this development. He asked for details of the current proposal. He said they are trying to work with this developer to incorporate their landscaping with Lakes of Powell. He asked that the sign for Junia Glen Court be the same type as that used in Lakes of Powell, with the white pillar, black sign, wood fence, etc. He said that he would like to ensure that the streets are cleaned during the construction period because there is only one entrance and construction will cause a lot of dirt. He asked, if the trees that are proposed don't survive transplanting whether they will be replaced. He asked if the Planning and Zoning Commission needs to see the agreement between the Lakes of Powell and Junia Glen regarding shared maintenance before they approve this. Mr. Betz said that generally Staff would review such agreements to determine they are consistent with the intent of the development plan approval.

Mr. Books asked what will the distance be from the road to the first house. Mr. Betz said it will be about 52 feet. Mr. Brooks asked if it will be a scenic or landscape easement. Mr. Betz said it will be a landscape easement built according to the plan. He reviewed the landscaping plan and the intention to work with the applicant to determine those trees suitable for transplant. He noted that the requirement is for a minimum 2" caliper tree. Mr. Brooks said his group prefers an entrance to this development without an island and he said he would like to see thick evergreen trees, forsythia, and no "shabby deciduous trees" such as Bradford Pears.

Commissioner Counts asked about the street cleaning requirements. Mr. Betz said that builders are required to clean every day during the construction process. They also require that there be a construction entrance to be used to knock off mud and debris prior to the trucks leaving. He said that generally, the City either hears about it or sees problems, and they are addressed. He said the developers can be fined if they don't clean up.

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

Mr. Ireland asked if the intention is for the signage to be similar to Lakes of Powell. Mr. Horne said it will be similar, they are proposing pillars about the same size as those coming down along the existing fence. He said it won't be as large but it will be complimentary in style. Mr. Ireland said this is a good use for the land, and it is well thought through and he appreciates the work that has been done on this.

Commissioner Coville questioned the use of Hardiplank siding in this development. He asked if it is not a permitted material. Mr. Counts said it has not been approved throughout the City, but it has been used on a case by case basis. Commissioner Coville said that it has been mostly approved in multi-family developments. Commissioner Counts said that the Commission was previously polled on whether this material is a concern for this development, and there was not a majority that felt that it was.

Commissioner Emerick asked if it is correct that the Fire Department requested no island in this development. Commissioner Counts said they did, they were referring to the cul-de-sac, not the entry island.

Commissioner Futryk thanked the applicant for addressing a lot of the concerns the Commission had, particularly moving the development back from the road. He noted a variety of questions he had on the development text. He said the text says they won't be more than 1 ½ story but he thought some of the styles were 2-story. Mr. Horne said they are not, they are 1 ½ story. He noted that the real estate purchase contract still says no less than 12 units. He said he also supports landscape plan "A."

Commissioner Grubbs thanked the applicant for working with the Homeowners' Association. He encouraged them to continue that because issues will continue to arise. He said that he likes landscape plan "A". He said there was an existing tree survey but he hasn't seen a removal survey. Mr. Betz identified the plans for transplanting and moving trees. Mr. Grubbs said the real question is that there appears to be some trees in the scenic easement, particularly on the west side, that are relatively large trees, and he would wonder if they need to come out. Mr. Horne said it is their our desire to save as many of those trees as they can keeping in mind that the finished grade is going to be about 2-3 feet higher than it is now. Commissioner Grubbs agreed it is desirable to keep as many trees as possible, as they are an asset to the City, and they are what separates Powell from Liberty Township.

Commissioner Counts said the only question he had is on the plan that shows the bikepath. He asked if there will be an apron from the sidewalk to the bikepath. Mr. Horne said there is one identified in the bikepath plan.

Commissioner Counts said that since the Lakes of Powell Homeowners' Association have said "no island and plan A, he would defer to their liking. He summarized that there are 4 members that would allow Hardiplank. He asked if the installation of such material would be according to the code requirements. Mr. Betz said that it would.

MOTION: Commissioner Futryk moved to approved the Final Development Plan for Junia Glen with the following conditions:

1. That the applicant provides access to sanitary sewer service for the three lots fronting Sawmill Road that are currently using a septic system and submits a letter from the County Sanitary Engineer's Office that capacity is available for this development, including the three Sawmill lots.
2. That the applicant works with the City Engineer to provide storm water retention calculations and demonstrate and feasibility to meet the storm water retention requirements with the Final Development Plan.
3. That the applicant work with the Lakes of Powell Homeowners' Association to develop a cost sharing agreement which will allow the Lakes of Powell Homeowners' Association to maintain control of the maintenance contract for Zion Drive yet require the residents of Junia Glen to pay their fair share of those costs.

Commissioner Grubbs seconded the motion.

VOTE: Y 6 N 0

PRELIMINARY DEVELOPMENT PLAN/ZONING MAP AMENDMENT

Applicant: Turk Enterprises, Ltd.
Location: 2.731 acres at the south east corner of Galloway Drive and Sawmill Parkway.
Current Zoning: PC, Planned Commercial District (Liberty Township)
Proposed Zoning: PC, Planned Commercial District (City of Powell)
Request: Review and approval of a Preliminary Development Plan and Zoning Map Amendment for a 4,300 square feet restaurant with drive-thru and vacant commercial land for future commercial use.

Charles Bluestone, Attorney for the Applicant, was present to discuss this plan. He reviewed that this plan is for a 4,300 sq. ft. DQ Grill and Chill restaurant, which is unique to this part of country. He said there a few in the U.S. He said they are proposing a beautiful facility for Powell and its residents, with 112 seats inside and 48 outside. He said this is a more upscale but moderately priced full service restaurant that offers hamburgers, hot dogs, sandwiches, salad, chicken, and ice cream products traditional to DQ. He said there is quasi-waitress service where one places their order and sits down and the food is brought to them. He said they have been working with City Staff for about six months to help create the design and layout of this facility. He said they agree to all of Staff's recommendations in the Staff Report. He said this property is currently located in Liberty Township, and they have filed a petition to annex to Powell which will be heard on or about March 24. He said they have notified all property owners within 250 feet of this parcel and the will continue to work with them through this process. He noted that he heard back from a resident of the Villages of Clermont condominiums, which is adjacent, was very enthusiastic regarding this plan. He said they have received no opposition for the annexation or the proposed rezoning.

Chris Turk, Turk Enterprises, was also present to discuss this. He said it has been a pleasure working with Mr. Betz and getting this plan done. He said that they have deviated from the general plan of development for International DQ to make the design fit well in Powell. He said they have no problem agreeing to the requirements outlined in the Staff Report for beefing up the landscaping, and any of the other caveats. He said the only area they would ask the Planning and Zoning Commission to consider is the two different elevations of the building they have proposed. He said that one design incorporates a cornice which they prefer because it creates a crisper, classier, more upscale look. He said that this facility represents the kind of product DQ will be putting in through the country. He repeated the description of the restaurant provided by Mr. Bluestone. He said that DQ has always had a very loyal customer base and they feel this new upscale design will continue DQ's popularity.

Mark Ford, Ford and Associates Architects, said they were the original architects for the Big Bear Farms shopping center 7-8 years ago, which is near this development. He said that the new scheme that DQ International has come up with is almost a retro style, with horizontal roofs and cantilevers in bright colors with nice stone and a primarily masonry exterior. He said they have incorporated materials on existing facilities around this, particularly the dark green roof. He said they are using the same brick and stone used on the neighboring shopping center and scaled back a lot of the brightly-covered graphics the DQ prototype included to keep things more palatable to this community. He noted that the cornice allows them to screen the top of the building to hide mechanicals. He said that their preference is to keep the cornice, but either scheme would work. Mr. Ireland asked about the stone walls that are on the west and east elevation. Mr. Ford referred to those as the "chimneys" which are remnants of the prototype that DQ has been using.

David Betz, Director of Development, gave his Staff Report on this item (Exhibit). He clarified that the labels on the elevation drawings are incorrect. He reviewed the site design, drive through, layout, and landscaping.

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

Commissioner Grubbs thanked the applicant for coming back with what looks like a very good plan. He said that Mr. Betz touched on his concern regarding the ingress-egress on the north side of the site. He said he is concerned about the safety of someone on the site making a left to go out and head north on Sawmill Parkway. Mr. Betz said it appears as though the entrance is back far enough for that to occur, but one of the recommendations is that a traffic engineer submit a report outlining how that entrance should work. He said the other entrances should be okay, although it is a confusing traffic pattern for those who would like to go northbound. Mr. Turk said that they want safe access to the site, and they would like for traffic engineers to look at this and provide some suggestions.

Commissioner Grubbs asked about the third condition regarding details for the patio furniture and umbrellas. Mr. Betz said that information will be provided as part of the Final Development Plan. Commissioner Grubbs asked if the idea is to get as much information as possible. Mr. Betz said that the City always asks for those types of details in a patio situation. He said advertising umbrellas, etc., are undesirable. Mr. Turk said the plan is for upscale patio furniture, black wrought iron is one choice. He said the umbrellas will match the awning and be the same solid color. Commissioner Grubbs referenced a development with blue outdoor furniture that turned out to be "bluer" than expected. He asked if that was the kind of thing that these extra details are being set forth to avoid. Mr. Betz said they are.

Commissioner Futryk said this is a great addition to the area, and he likes the applicant's recommendation for the roofline. He asked if a traffic light is warranted at Galloway and Sawmill Parkway. Mr. Betz said he doesn't believe it would be, he'll have to check with the County to see what they have studied. He said it is awfully close to Powell Road, and he wonders if one would ever be installed. Mr. Turk said 6-7 months ago, the county engineer indicated one was not proposed. Mr. Betz noted that Graeters and City BBQ used some directional signage to help with the traffic flow problems in that area.

Commissioner Futryk said he feels like the "pork chop" at Graeters and City BBQ is extremely narrow and there are ruts all over now. Mr. Betz said that is within the Sawmill Parkway right of way and the county engineer needs to maintain it. He said he will get in touch with them about that.

Commissioner Futryk asked if the applicant thinks they will know who the other user may be by the time the Final Development Plan is discussed. Mr. Turk said he couldn't say. He said they are planning a complimentary restaurant, retail outlet, Hollywood Video, something like that. He said they aren't yet in the position to begin marketing the property. Commissioner Futryk said that previously, someone mentioned Chipotle, which he thinks is high volume and could create even more concerns with traffic flow than there already are. He reiterated his concerns about access and the general traffic flow of the site.

Commissioner Emerick questioned a discrepancy in the patio seating. He said Mr. Bluestone indicated it would seat 48, but the plan calls for 32. Mr. Turk said he will have to look at that again. He said there are benches along the building that seat 4 each.

Commissioner Emerick said he likes the roofline with the cornice.

Commissioner Coville agreed with the comments so far. He said he thinks the cornice looks great. He questioned the green space percentage with the future development included. Mr. Betz said that it is going to be over the required 20% but that can be clarified at the preliminary plan. Commissioner Coville expressed concern regarding the loss of green space when future development occurs. Mr. Turk said that whatever is developed later will have to come back before the Planning and Zoning Commission. He said he knows on his portion they are over the minimum requirement. Commissioner Coville said he thinks it looks like a lot of parking and drive through and building on the northern portion. Mr. Turk said there are islands, and space

behind the development, and they have a setback requirement to meet from Sawmill Parkway. Commissioner Coville said he thinks the directional signs work well at Graeters.

Commissioner Ireland said he thinks it is a great plan and he'll probably be a customer. He said he is concerned about traffic but that has been well-addressed. He likes the design with the cornice.

Commissioner Counts had a question about the bikepath. He noticed that the s-shaped bikepath from Galloway makes perfect sense, but he questioned if it would be desirable to connect it to the path along Sawmill Parkway. Mr. Betz said that probably is a good idea. He said there might be concerns, though, with pedestrian access in the area. He said an interior connection might be more desirable.

Commissioner Counts said he also likes the cornice. Commissioner Grubbs agreed.

Commissioner Counts asked about the third entrance, whether that is something that we want done at the current time. Mr. Betz said the traffic report can address that issue. Commissioner Futryk asked if they would be required to pave the entire parking lot area. Mr. Betz said part of it would be temporary parking. Mr. Turk made a suggestion for an alternate location that leaves more options and provides additional overflow parking. Mr. Betz said when this is under construction, they may not use that entry. He said there are good things and bad to consider, but that should be addressed in the traffic report. Discussion ensued.

Commissioner Counts asked if the only variance is the landscaping. Mr. Betz said the roof is also a variance. Commissioner Counts asked if there is a variance along Sawmill Parkway given that it is in the City rather than Liberty Township. Mr. Betz said there is not.

Mr. Bluestone asked if there is a variance needed for the outdoor patio. Mr. Betz said there is not, it is just part of the development plan.

MOTION: Commissioner Futryk moved to approve the Preliminary Plan for the Dairy Queen Grill and Chill with the following conditions:

1. That the applicant submit a complete landscaping plan, including grading, at the Final Development Plan and that plan shall include a greater buffer along the drive thru utilizing a mixture of evergreen trees, shrubs, and fencing to match the rail fencing of the Big Bear Farms plan.
2. That the City Engineer approve the proposed curb cut locations and maneuvering at the time of the Final Development Plan submission.
3. That the applicant submit details of the patio furniture, including type, color, umbrellas, etc.
4. That the architect provide, at the Final Development Plan, a drawing showing the roof top mechanicals details (height, etc.) and how they will be hidden by the partial roof enclosure.
5. That a complete sign package be submitted as part of the Final Development Plan.
6. That a traffic engineering report regarding ingress and egress to the site and traffic flow within the site be submitted as part of the Final Development Plan as well.

Commissioner Ireland seconded the motion.

VOTE: Y 6 N 0

ZONING TEXT AMENDMENT PUBLIC HEARING

Review and approval of new zoning text section creating Section 1143.14 Downtown Zoning District which sets forth regulations for a new Downtown Zoning District.

David Betz, Director of Development, noted that this issue has been discussed on several occasions. He gave his Staff Report on this item (Exhibit). He reviewed the current recommended text. He noted that the discussions of the past two meetings regarding the role of the Historic District Commission have been compiled and included into this text. He compared the current proposed amendments to the current regulations and said they haven't changed much with the exception of density. He said that outdoor storage has been another issue that people have wanted to address. He said this language includes some options for businesses to display their merchandise for a certain period of time.

Commissioner Counts asked how much merchandise that is displayed outdoor is left out all night. Mr. Betz said it is about 80%. Commissioner Futryk asked if Mr. Betz hasn't said before that some of the outside storage is

actually artwork and not for sale and wouldn't fall into these guidelines. Commissioner Ireland asked if the businesses have been made aware of this potential change. Mr. Betz said they haven't discussed this item in particular.

Mr. Betz said that there have been some concerns expressed by residents who are afraid of change.

Commissioner Grubbs asked what is the overall density of the Traditions of Powell. Mr. Betz said it is about 7 d.u./acre with the commercial use. Commissioner Counts asked about the issue raised before regarding having commercial on the south side of Scioto Street. Mr. Betz said that has been removed.

Commissioner Grubbs asked if this includes a square footage limit on commercial development. Mr. Betz said there is, at 5,000 sq. ft.

Mr. Betz said he would like to advertise these changes one more time so that residents and business owners can come back for another public hearing.

Commissioner Grubbs asked if the original legislation identifying the HDC would be repealed. Mr. Betz said it will. He said at the next meeting, a clean copy that only identifies the current proposal and the original text will be provided.

Commissioner Counts questioned the definition for environmental change as outline in Section J.

Commissioner Counts asked where it is identified in this text that the HDC is an advisory body to the Planning and Zoning Commission. He asked if that is in K on page 11. Mr. Betz said it is. He recommended that this be taken to a public hearing at the next meeting.

MOTION: Commissioner Futryk moved to schedule a public hearing on the proposed zoning text amendments for the downtown zoning district on April 13, 2005. Commissioner Emerick seconded the motion.

VOTE: Y 6 N 0

OTHER COMMISSION BUSINESS

Staff proposed change to Chapter 1115 and Section 1105.10

David Betz, Director of Development, said that Staff works with the engineering department regarding inspection guarantees and acceptance of plans which will have public improvements, primarily subdivisions and streets. In order to clarify the way these are handled and to give Staff and the developer some timing benefits, some changes have been proposed. He said the engineering department has had some problems getting developments from conditional to final acceptance, and these regulations are proposed for amendment to streamline that process. He said this part of the ordinances hasn't been updated for quite some time. He said this will protect the City with additional processes.

Commissioner Futryk asked if developers aren't complying with the engineer's requests. Mr. Betz said it is sometimes difficult to get them to finish the final punch list items in a timely fashion.

MOTION: Commissioner Futryk moved to schedule a public hearing on the proposed zoning text amendments changes to Chapter 1115 and Section 1105.10 for the April 13, 2005 meeting. Commissioner Grubbs seconded the motion.

VOTE: Y 6 N 0

Discussion about cul-de-sacs

David Betz, Director of Development, said that Staff is working with Liberty Township Fire Department regarding a way to design cul-de-sacs to better provide access for large public safety equipment. He said the Township would like the cul-de-sacs to be much bigger, with a 60-foot radius. He said they want to be able to get every piece of equipment to every fire. He noted that Orange Township, which serves as a back up Fire Department, also has very large equipment.

Commissioner Counts asked if the specific equipment they need to accommodate is used primarily for residential fire-fighting. Mr. Betz said it is not.

ADJOURNMENT

The Commission adjourned at 9:10 p.m.

DATE MINUTES APPROVED: April 13, 2005



Tom Counts
Chairman

3/11/05
Date

