



City of Powell, Ohio
Powell Planning & Zoning Commission

Donald Emerick, Vice Chairman
Eric Ireland

Kevin Futryk, Chairman
Richard Fusch
Bill Little

Jim Hrivnak
Dan Wiencek

MEETING MINUTES
JULY 12, 2006

A regular meeting of the Powell Planning & Zoning Commission was called to order on July 12, 2006 at 7:30 p.m. by Chairman Kevin Futryk. Commissioners present included Donald Emerick, Richard Fusch, Jim Hrivnak, Bill Little, and Dan Wiencek. Eric Ireland was absent. Also present were David Betz, Director of Development; Eric Fischer, Development Planner, Ken Molnar, Law Director; Susie Ross, City Clerk; interested parties and members of the press.

CALL TO ORDER/ROLL CALL

Chairman Futryk stated Mr. Ireland indicated he would be out of town this evening but submitted comments relative to Item 4 to the members of the Commission.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

There was none.

APPROVAL OF MINUTES

The minutes of June 28, 2006 were amended and approved.

PRELIMINARY DEVELOPMENT PLAN

Applicant:	McDonald's Corporation
Location:	Southwest corner of Murphy Parkway and West Olentangy Street
Zoning:	PC, Planned Commercial District
Request:	Approval of a Preliminary Development Plan for a new 4,300 sq. ft. restaurant with drive-thru.

Chairman Futryk asked Mr. Molnar to swear in anyone who wished to address the Commission. Mr. Molnar asked if the Commission would be continuing the hearing. Chairman Futryk asked the applicant if they have any comments or items to address with the Commission.

Glen Dugger, Attorney for the applicant, 37 W. Broad, stated he does not have anything to add but for the record wanted to confirm that any and all documents that were previously submitted are made part of the record and any and all objections previously raised are also part of the record. Chairman Futryk confirmed that they are part of the record.

Chairman Futryk asked if any of the Commission members have had exparte communication with respect to this application. He said he received an email at home from Mr. Jeff Lynn, resident at 162 Wagon Trail South. He provided that to the Clerk for the record. He said there were also emails between Commission members which should be copied to the Clerk.

Chairman Futryk said at the conclusion of the last meeting there were a number of comments made by Commission members in respect to concerns that they had with how the proposed development plan conformed to the Codified Ordinances. He said while they tried to put together a list of concerns at the meeting, he, Dan (Wiencek), and Dave (Betz) exchanged several emails to make sure they listed all of the concerns that the members had expressed at the meeting. He said what they have before them now is a draft of a motion which outlines the concerns of the Commission. He said this is just a draft that they tried to put together based on the comments expressed at the last meeting. Chairman Futryk said that draft was forwarded on to Ken Molnar, City Law Director, to put in the form of a motion and that is what is before them today.

MOTION: Commissioner Wiencek moved at 7:43 p.m. to adjourn to Executive Session in accordance with ORC Section 121.22(G)(3) to discuss pending litigation. Commissioner Fusch seconded the motion.

VOTE: Y 6 N 0

Chairman Futryk called the meeting back to order at 8:07 p.m.

Commissioner Wiencek said during the Executive Session several minor amendments were made to the Draft that had previously been circulated. He highlighted the amendments:

1. Item 2: the previous version indicated 50% of the applicant's business would be accommodated by a drive-thru. He said that was modified to say 60% to reflect the testimony from previous hearings.
2. Page 2, Item d: the word "will" in the last sentence was changed to say "may".
3. Items 7, 8 and 9: These items in the draft became Items f, g, and h.

He said the rest of the discussion was primarily review of the draft to make sure everyone's comments were appropriately recorded and stated.

MOTION: Commissioner Wiencek moved to place the Decision on Application for Preliminary Development Plan for McDonald's Corporation into the record. Commissioner Emerick seconded the motion.

Chairman Futryk asked if there was any objection to the motion. Hearing none, he stated the motion was approved. He asked if there was any discussion on the application. There were no additional comments by Commissioners Fusch, Wiencek, Little, Emerick and Chairman Futryk. Commissioner Hrivnak asked if the motion should be read into the record. Chairman Futryk said it was placed in the record by motion.

MOTION: Commissioner Wiencek moved to remand the Preliminary Development Plan Application for McDonald's Corporation to the applicant for revision of resubmission and noted the Decision has been entered into the record. Commissioner Fusch seconded the motion.

VOTE: Y 6 N 0

OTHER COMMISSION BUSINESS

David Betz, Director of Development, said he has presented to the Commission a resolution from City Council, 2006-25, which directs the Commission to look at the sign ordinance and other parts of the sign code regarding removal. He said in Council's opinion, there is some over running of the use of portable signs. He said they have had a lot of use lately, some of which was legal and some illegal, and they would like to discuss with the Commission the ability to create standards and specifications for the use of portable signs. Mr. Betz said they could be utilized and handed out to ease conformance. He said he has provided information requiring current code requirement and recommendations for specific types of signs. He said he also provided recommendations for making some specifications for signs and a page from their current application form which could be revised to show the types of signs and sizes allowed by the established requirements and standards.

Mr. Betz noted one slight amendment on the last page. He said most of their problems are at centers where there are multiple tenants. He said the code now allows for any business, no matter how many are on the property, to have a temporary sign permits. He said the Commission may want to change the code in this area.

Mr. Betz said another issue is the removal of illegal signs, and basically they are stepping up their ability to enforce the sign ordinance and take a little more drastic action for those who are habitual offenders. He said every year they also look at code amendments and wants the Commission's input for a list of items which should be addressed.

Commissioner Wiencek asked if there is anything on Mr. Betz's list which cannot be dealt with expeditiously and can be done concurrently with the changes to the sign ordinance. Mr. Betz said they have not come up with any major changes as they have not had any big issues with enforcement other than habitual offenders. He said on the enforcement side they are bound by procedures they have to follow under State Law and that can bog things down sometimes.

Chairman Futryk asked about the types of signs which are posing a problem. Mr. Betz said they are temporary signs of all types. Commissioner Little asked if this has to do with real estate signs. Mr. Betz said they are not an issue and this is more regarding portable signs businesses use any 42 days per year. He said real estate signs are regulated based on vacancies. Chairman Futryk asked about the application fee required. Mr. Betz said there is none. He said portable, temporary signs were prohibited but they found the businesses needed them and after discussions with the Business Association and the Chamber of Commerce, they came up with the 42 day rule so the signs could be tracked. He said they do so and notify users if there is an application necessary and they go through the permit process.

Commissioner Emerick asked about the neon signs. Mr. Betz said there is a technicality in the code in regards to whether the sign is exposed or not exposed.

Commissioner Hrivnak asked if they will be reviewing the entire sign code. Mr. Betz said that is correct.

Mr. Betz said there have been a lot of spaces in the Powell Center that were vacant and there are now new businesses there, so there are a lot of new temporary signs. He said they have talked with the owners of the center and the businesses to try to come up with a way they can better address their signage needs. He said they are trying to get them to change their permanent sign so it is a better design which is more readable. He said there is also an issue because a huge phone cabinet blocks the view and was placed after the sign was built.

Chairman Futryk asked for Council's timeline on the review. Mr. Betz said they did not establish one.

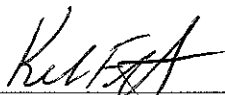
Mr. Betz described the enforcement process regarding the code. He said there is a provision in the ordinance where they can lose the ability to get future portable signs if they are habitually breaking the code. Commissioner Wiencek said they do have the ability to escalate the punitive portion of the code, so there is no down side to it. He said they will need to discuss giving the enforcement side some "teeth."

In other business, Mr. Betz noted the NPDES discussion has been moved to the Development Committee as they are able to address it in a more informal manner.

ADJOURNMENT

The meeting was adjourned at 8:25 p.m.

DATE MINUTES APPROVED: AUGUST 9, 2006



Kevin Futryk
Chairman

9/12/06

Date



Susie Ross
City Clerk

9/12/06

Date

