



## 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 OCTOBER 11, 2006

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on October 11, 2006 at 7:30 p.m. Commissioners present included Donald Emerick, Richard Fusch, Eric Ireland, Bill Little, and Dan Wiencek. Jim Hrivnak was absent. Also present were David Betz, Director of Development; Eric Fischer, Development Planner; Chris Meyers, Architectural Advisor; Susie Ross, City Clerk; interested parties and members of the press.

#### HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Futryk opened the public comment session. Hearing none, Chairman Futryk closed the public comment session.

#### APPROVAL OF MINUTES

The minutes of September 13, 2006 were approved as submitted.

Chairman Futryk asked the Commission members for information regarding ex parte communications. He said he received correspondence from residents regarding the Abbottsgate development (Exhibit). There were no other ex parte communications received.

The City Clerk administered the oath to all in the meeting who intended to present testimony.

#### PRELIMINARY DEVELOPMENT PLAN ZONING MAP AMENDMENT

Applicant:	Discovery Land Limited
Location:	4.148 acres on the east side of Village Park Drive just north of Brookehill Condominiums
Existing Zoning:	PI, Planned Industrial District
Proposed Zoning:	PR, Planned Residence District
Request:	Review of a Preliminary Development Plan and Zoning Map Amendment for a proposed 40 unit senior (age restricted) apartment complex, and amending the Zoning Map from PI, Planned Industrial District to PR, Planned Residence District.

Dan Dillon, Applicant, 983 Riverpoint Court, Powell, stated the packets include a comprehensive presentation which includes the tree survey, revised site plan, vicinity map, several alternative site designs, revised architectural plans, and a revised landscape plan. He said they have done a great deal of engineering on the site plan to create the ambiance of a European streetscape. He said Staff came up with an alternative site plan that has many positives and is doable but they prefer the other layout as it creates a more attractive internal design. He said they are very receptive to the Staff design if this is the decision of the Commission. He said they could still create a nice park-like setting in the pond area.

David Betz, Director of Development, said the applicant spent a lot of time and effort in addressing the comments of the Commission at the last meeting. He said the Commission conducted a straw vote (4-3 in favor of rezoning) at the last meeting and Staff is now working with the developer to come up with a good site plan to make this work if that would go forward. He said the southern end of the site is of most concern as it leads to Brookehill Condos. He said on the revised site plan the applicant has shifted everything and has dropped the site in elevation more to the north in order to preserve a majority of the tree line. He indicated an area where the trees will be removed to install a pipe to connect to the storm sewer to the south. He said of most concern is the way the south end is still raised up to a difference of 6 feet in elevation. He said the size of the pond has been established and the site plan shows where the sidewalk is located on the Brookehill property. Mr. Betz said the sidewalk was inadvertently built across the property line and they are working with the developer at Brookehill.

Mr. Betz said the alternative site plan showing 5 eight-unit buildings reduces the massing of the buildings and the drive could still come in from Village Park Drive. He indicated an alternative layout of the buildings on the site and parking locations. He said the large green spaces would integrate the Abbotsgate and Brookehill sites together. He indicated the location of a grassed emergency fire entrance which is required by the fire department. Mr. Betz said the location of the buildings would allow the tree line to be preserved. He said there may not have to be so much lift on the building on the southwest corner and the pond would not have to be built up so high. He said it may need a setback variance for building number 5 but this site plan would be much more workable.

Mr. Betz said they talked to the developer about this today and Staff recommends that the Zoning Map Amendment and Development Plan be submitted to Council together. He said they would recommend the applicant submit a Combined Preliminary and Final Development Plan at the next meeting for the Commission's consideration. He said if this is approved by the Commission, the plan would also require the approval of Council. Mr. Betz provided elevations for the 8-unit buildings and stated the applicant has done further work with the architecture. He noted the streetscape view from the south.

Chris Meyers, Architectural Advisor, presented his comments. He said the direction is positive and he likes the visibility of the pond and green space to the adjacent development. He said the routing of traffic and access to the parking in the rear of the buildings could be done in the same aesthetic of the streetscape. He said they have continued to discuss the garage elevation of the 8-unit building as there is concern from the neighbors regarding the tree line. He said the addition of the small louvered gables on the shed roof could be much more prominent. He said they also discussed potentially taking the center two garages on the building closest to Brookehill and bumping them out 8-12" and placing a gabled end on the two bump-outs. He said the quantity of roofing would be reduced as they would be viewed as "profile." Mr. Meyers said this will give variation in the flatness of the façade. Commissioner Fusch asked what that would do to the turning radius. Mr. Meyers said it would only be 8-12" on one building. He said the placement of everything else and the conditions of the site works much better now that they are 8-unit buildings. He said the back elevation of this building should be treated as if it were the front elevation because it is a front elevation for the neighbors.

Chairman Futryk opened the item to public comment.

Bill Pipher, 93 Brookehill Drive, addressed his remarks to the original plan for the project. He said he supports Mr. Betz's revision. He said a seamless environment between the condos and the apartments would be to everyone's advantage. He said there should be no harsh obstacles present.

Mr. Pipher described "harsh obstacles" as:

- parking lots near Brookehill Drive
- garage doors close to and facing Brookehill Drive
- opposing elevation facing Brookehill Drive
- less trees along Brookehill
- a large retention pond along Brookehill Drive.

He described "seamless" as:

- parking lots between buildings or on the other side of the project
- garage doors facing in instead of out
- a non-imposing elevation facing Brookehill Drive
- trees left there which were supposed to be left there when Brookehill was converted from Industrial to Residential
- a retention pond underground or moved from Brookehill Drive

Mr. Pipher said other considerations may be drainage into Brookehill and traffic considerations. He asked that the points of concern be addressed with the best interests of the Brookehill homeowners brought to the forefront. He asked that the Commission do what is "just and right."

Chairman Futryk closed the public comment session.

Commissioner Fusch said he likes the design and thinks this type of development is needed in Powell, but he continues to remain opposed to rezoning this piece of property.

Commissioner Wiencek asked for clarification about the elevation and banking of the pond. He asked what view they would be looking at with either plan. Mr. Betz indicated the placement of Brookehill Drive and the sidewalk and said it is 22' from where it is fairly level. He said the revised plan would require

banking to retain the water and he said from the street the water line would not be seen. Mr. Betz said if an 8-unit building is used there would be much more land to work with. Chairman Futryk asked if the revised plan is a little lower than the original plan. Mr. Betz said it was and it is pushed to the north.

Mr. Betz indicated on the Staff designed site plan the location of the buildings and retention pond. He said the green space and pond could be visible from Brookehill, making it more seamless with this development. He said it would still be relatively flat around the buildings so older residents could get around easily. He said Staff would like to see a connection made to the pathway system from the site. He said that is part of the reason why the applicant picked this site for this use. He said an emergency entryway for the fire department could be well designed so it would not be detectable. Mr. Phipps said when looking at the contours and mounding, the line of sight gives you an advantage as the pond will be more visible as you are farther away.

Commissioner Wiencek asked if it makes sense to put the planned gazebo at the berm end or at the opposite end. Mr. Meyers indicated an area on the site plan where it would tie into the sidewalk and create a connection to the Brookehill site. Commissioner Wiencek said it might make sense to place an additional sidewalk in that area as some trees will need to be removed for the culvert connection. He also thanked the applicant for the changes to the architecture and said he is much happier with the buildings. He said he also supports the recommendation of the architectural advisor regarding the garages. He said he recommends going forward with Staff's recommendation. He said it addresses the concerns of the Community and the Commission.

Commissioner Little said he does not support changing the zoning but if that goes through he does feel the Staff proposal is a better alternative. He said in that alternative, Building 4 is the only issue because the Brookehill residents have to look at the back of a building. He asked that the elevation of that building be as low as possible. He asked if the traffic on Brookehill Drive has been addressed. Mr. Betz said the Brookehill developer said he is in the process of installing the gate so it will be utilized by their residents only. Commissioner Little asked how the "senior" restriction will be maintained. Mr. Betz said the developer at Brookehill requested the change in restriction because the condos were not selling. He said this is a little different situation as these are rentals and the Developer will be the owner/operator. He said that he reasonably expects that not to change.

Commissioner Little said if the demographics would change he could expect the Brookehill residents to be concerned. He said the community survey taken a few years ago emphasized that the residents want to minimize apartments within the community. He said it is important to have some confidence that this restriction can be maintained. He asked if the applicant will be phasing this construction. Mr. Dillon said they will build it all at once. Mr. Little asked about the lighting on the site. Mr. Dillon said they plan to use the same style post lamp as Brookehill in front of each building. Mr. Betz said they do have a concern that any lights on the back of the buildings be designed to keep from shining into the Brookehill development.

Commissioner Little asked that the applicant have a representative present from the Brookehill Homeowner Association when they come before the Commission for final approval. He said he would hope that the representative would say that they have worked with the applicant to address their concerns. Mr. Dillon said they have asked to communicate with a representative from the association.

Commissioner Ireland asked if there were any commitments made to Brookehill regarding the trees or maintaining the trees. Mr. Betz said he reviewed the minutes from when Brookehill was developed and the tree line was discussed. He said it makes sense to consider tree preservation and do that with all development. He said 100 years from now the trees will be gone so they recommend that trees be planted at the time of this development to continue the tree line. He said stormwater control efforts will remove some of the trees, regardless of what development occurs. He said some replacement can take place in that area. He said the fire department requested a secondary access point off of Brookehill because this is residential so that will have to be made possible. He said that may also remove some trees as well.

Commissioner Ireland said he will be looking for preservation of the tree line as they move forward. He said he is in favor of the rezoning and is in favor of the Staff proposal with the pond placed as low as possible. Commissioner Emerick said he appreciates the changes the applicant has made in response to the Commission's concerns. He said he likes Staff's proposal and is still struggling with the idea of rezoning.

Chairman Futryk expressed his appreciation to the applicant for the change in design. He said they are moving in the right direction and there are some ideas heard tonight in terms of architectural changes which should be addressed. He asked if Staff has prepared an overlay to show where trees would be removed with the new proposal. Mr. Betz said he did not but he indicated the areas to be preserved on the plan. He said there may be some other design items to keep removal to a minimum. He said he has not looked at tree replacement requirements at this time.

Chairman Futryk said he supports previous comments to lower the elevation of the pond so there is the transition from Brookehill. He asked about clarification regarding the emergency fire access. Mr. Betz said a 10' asphalt path could work and would be a little wider than their normal 8' paths. He said it could be that or a grass area. Chairman Futryk asked if the applicant is comfortable with the comments heard. Mr. Dillon said he is. Chairman Futryk said Staff has requested that the Commission recommend a Preliminary and Final Development Plan for their next step.

**MOTION: Commissioner Wiencek moved to allow the applicant to move forward with the Combined Preliminary and Final Development Plan with the following items to be included:**

- 1. Architectural changes to the garage unit on Building Four shall include the small bump-out and gabled end in accordance with the recommendations of the Architectural Advisor.**
- 2. Final Development Plan shall include an emergency fire truck entrance as required by the Fire Department.**
- 3. Lighting Plan shall be submitted concurrently with the Final Development Plan and the lighting shall be compatible with the lighting in the Brookehill neighborhood and external lighting shall be focused on downlighting.**
- 4. Final Development Plan shall include path access from the Brookehill Drive sidewalk and shall be subject to recommendations by Staff.**
- 5. If tree replacement requirements exceed what makes sense to include on this site, replacement trees shall be planted elsewhere in the City as directed by Staff.**

**Commissioner Ireland seconded the motion.**

**VOTE:                    Y   6              N   1              (Fusch)**

Chairman Futryk asked that the applicant share the final elevations and plans with the Brookehill residents prior to next meeting.

#### **PRELIMINARY DEVELOPMENT PLAN**

Applicant:	Bob Cummins
Location:	Southwest corner of Murphy Parkway and West Olentangy Street
Zoning:	PC, Planned Commercial District
Request:	Review of a Preliminary Development Plan for an approximate 10,000 sq. ft. retail center.

David Hodge, 37 W. Broad Street, attorney for the applicant, said it is their intention to go forward with a Combined Preliminary and Final Development Plan this evening. Mr. Betz said at the last meeting the Sketch Plan was heard and there was no action for a motion allowing the submission of a Combined Preliminary and Final Development Plan. Mr. Betz said the two must be submitted at separate meetings.

Mr. Hodge said one of the issues with this site is the right-in/right-out on Olentangy Street and their traffic study does demonstrate that the right-in/right-out would help alleviate the pressure on the traffic light and that a small deceleration lane may be required. He said they would like to discuss whether that is necessary and advantageous to those concerned. He said previously they proposed two accesses into the site on the south and in this plan they have combined that to have one access centrally located. He said one access is the best solution to any potential issues. He said they have reconfigured the site to allow 53 parking spaces and this should be more than adequate with mixed uses and hours on the site. Mr. Hodge said it is not their intention to have a ground sign at this site but to have wall signage on both sides of the building. He said the signage would be muted with a choice of four colors and compatible with the adjacent commercial uses.

Commissioner Wiencek asked if there are any other exceptions to the signage besides allowing two wall signs. Mr. Hodge said having signage on both façades exceeds the square footage. He said the lighting fixtures proposed are the same used on the adjacent developments.

Mark Ford, Ford and Associates, Architect, said they received productive comments from the last meeting. He said the interior circulation is very simple with one interior island. He said they have stayed within the setbacks and have not asked for relief from lot coverage, height or building setbacks. He said the signage package is more restrictive than what they could do because they are showing externally lit signs. He provided the color palate, which he described as "traditional." Mr. Ford said he proposes the border and text in the same color on different background colors. He provided revised building elevations of the north side to address the Commission's comments. He said they incorporated elements and building materials to break up the massing and a material theme which is continued on all four faces of the building. He described the building materials as Hardi-plank siding with a brick water table and a smooth stone base with textured stone above. Mr. Ford said there would be two awning fabrics which compliment the palate.

Mr. Ford said the new landscaping plan was submitted and they tried to pull back the corner as done previously in the McDonald's proposal. He said a bike path is included and the fence line will continue along Olentangy Street. He said they have no problem using the sight lighting fixture that matches the adjacent development.

Commissioner Wiencek asked for detail on the dumpster area. Mr. Ford said there would be a wood dumpster enclosure on posts to minimize the disruption to the root system of the tree. He said it would be 8' high stained wood and befitting of the architecture of the building.

Gary Wilcox, Traffic Engineering Service, 742 Radio Drive, said the only concerns about the study had to do with the right-in/right-out and whether there would be a dedicated right turn lane. He said if that portion of Olentangy Street is ever widened to four lanes the warrants for a right turn lane would not be met. He said they use ODOT standards and opening day warrants would be barely met. He said in the 2016 projections the warrants are met, but not by significant numbers. Mr. Wilcox said the purpose for a right turn lane is to reduce rear end accidents by getting the slowing vehicle off of the road. He said in some urban areas the municipalities feel deceleration lanes are in conflict with some of the urban standards they are trying to create. He said there may be a way to put in a 50' taper to achieve many of the things as a turn lane without being so obtrusive. He said that is a design feature which could be worked out.

Mr. Betz presented the Staff Report. He said Staff is supportive of the right-in/right-out to relieve the traffic at the signal. He said the traffic study shows that a warrant is barely met at the p.m. peak hours and not met at the a.m. peak. He said the Commission will need to make the determination if the right-in/right-out is necessary. He they may not need to have the right turn lane as the traffic will be slowing. He said the one entrance provides good circulation. Mr. Betz said the site plan shows sidewalks coming out both sides and if there is going to be a place where pedestrians cross they may want to place the sidewalk on one side next to the bikepath.

Mr. Betz said Staff recommends the applicant work with an arborist to keep the pin oak. He said they have every belief it will work if done properly. Chairman Futryk asked if Mr. Betz thinks the foundation will not interfere with the root system of the tree. Mr. Betz said the height of the building in relationship to the tree branches will have to be looked at. He said it should be far enough away. He said the revised Landscape Plan was submitted this afternoon. He said the burning bushes along the south end have been changed to evergreens to filter light. He said they added trees along the front but he has not had a chance to determine if it meets size and amount requirements. Mr. Betz said this is a very good plan architecturally.

Chris Meyers said the building looks wonderful and the design exceeds the comments made at the last meeting. He asked where the utilities will be placed since it will be a four-sided design. He encouraged them to upright the four main trees on north elevation. Chairman Futryk asked if he had concern with the long run of Hardiplank on the south elevation. Mr. Meyers said it is not a concern. He said the fact that the materials wrap the corner is a good feature. Commissioner Ireland asked if the blank wall on the northwest corner is jarring to him. Mr. Meyers asked if that is where the utilities will be placed. Mr. Ford indicated possible placement of the utilities and transformers. He said they will coordinate the placement with the landscaping. Mr. Ford said it is a four-sided roof and all rooftop units will be hidden in the "donut hole." He said access to the units will be from the interior of the building.

Mr. Ford clarified that he misspoke about the variances, as there is a setback variance on the south property line. He said that is necessary in order to accommodate a double row of parking.

Chairman Futryk opened this item to public comment. Hearing none, he closed the public comment session.

Commissioner Ireland asked if they had information on specific tenants yet. Mr. Hodge said they do not. Commissioner Ireland said he appreciates the changes to the elevations and he is supportive of the idea going forward. Commissioner Emerick echoed those comments. Commissioner Fusch commended the applicant on a great design and indicated his support. Commissioner Wiencek said the planting bays may pose a concern for winter interest. He said a lot of them will be mulch all winter long and he would like to find a winter structure to fill that area but it does not have to be evergreens.

Jeff Davis, Landscape Architect, indicated specific plantings on the landscape plan which will provide winter structure around the entire perimeter. He said there are evergreen plantings and arborvitae so most elevations have some structure. He said the two main kidney shaped beds will provide color seven months of the year and will be mulch during the winter.

Commissioner Wiencek said he agrees with Staff that the single walkway is needed at the south drive. He asked Staff if striping will be needed as well. Mr. Betz said he will discuss that with the engineer. Mr. Wiencek said it should be done at this site and at Murphy as well. Mr. Betz agreed. Mr. Wiencek said he supports the deceleration lane and said it will keep traffic moving in that area.

Commissioner Little said he is in agreement with previous comments and this use is a better alternative than other uses which may have been considered on this parcel. He said the landscaping seems well flowing in the front and then it changes to linear in the back. He said the long line of burning bushes does not show much variety on the west side. Mr. David said it is such a constricted area and he feels it is less distracting to have a uniform line. He said it will be viewed in concert with the HER landscaping. Commission Little said they may want to break it up rather than having one continuous long line. He said with the ice cream shop and the park, they should confirm they have good flow for vehicle, bicycle and pedestrian traffic.

Chairman Futryk said this is a great proposal and he supports the deceleration lane. He said he appreciates the move to one entrance. He asked if applicant had looked into having a liquor permit with such close proximity to the day care.

Tim Spencer, Triangle Properties, 470 Old Worthington Road, said he understands there is a perimeter when they are close to a school facility. He said Goddard is not considered the same as an elementary or high school. He said should any permit is applied for, the City will be notified. He said the curriculum at Goddard does not prohibit a restaurant which would most likely request a D-5 or D-5I permit with a higher percentage of food sales than liquor sales. Commissioner Wiencek said Council had a similar request within close proximity of a day care and the City requested a hearing. He said the Division of Liquor Control thought it was not an issue. He said it was a very similar situation.

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

- 1. The Applicant shall make arrangements for a bike path as indication by Staff.**
- 2. The Applicant shall include a deceleration lane on the right-in/right-out.**
- 3. The pedestrian connection at the south drive shall be limited to one side of the drive and connect to the bikepath south of the drive.**
- 4. If the City Engineer decides it is appropriate, the pedestrian connect at the south drive shall be striped.**
- 5. The Landscape Plan shall include appropriate lighting for the trees along Olentangy Street as approved by Staff.**

**The motion was seconded by Commissioner Emerick.**

**VOTE:                    Y   6              N   0**

Chairman Futryk called a five minute recess at 9:07 p.m. The meeting was reconvened at 9:12 p.m.

#### **OTHER COMMISSION BUSINESS**

Zoning Code Changes Discussion

Mr. Betz said several years ago a provision was added to the sign ordinance to allow for some temporary signs to be used by businesses.

Eric Fischer, Development Planner, said the sign code allows new businesses coming to the City to put up temporary signs for a period of up to 30 days before they open and for a period of 30 days after their business opens. He said this does not require any permit but they must follow basic requirements as to size. He said they may not put more than one sign per business, per property on the site. He said that may be a banner, a yard sign, or a wall sign. He said aside from that, the business may file for a free temporary permit with the City which allows them to choose any 42 days within the year to put out a sign. He said some businesses abuse this and others follow the rules and it is a code enforcement issue to educate the business owners. He said generally most of them are cooperative with the ordinance.

Mr. Fischer provided photos of a problematic site on Olentangy Street. He said this site is far back from the road with no frontage so they need temporary signs. He said the business owners have followed the rules at this site but it has been a challenge to educate them. He said the temporary ordinance makes the City more business-friendly than the township. He said it would be helpful for the Commission to come up with some standards. He said he does not think it would be a good idea to limit it to one sign per property as this causes problems. Mr. Fischer said the Commission could determine the appropriate size for signage based on a formula and could set a standard for temporary signs. He said the stick signs are particularly problematic as they look the worst and are set up so easily. He said it would be helpful to have a standard that said they had to be a secured sign, set a particular distance apart.

Chairman Futryk asked if part of the problem at the site indicated is that their regular sign sits so far off of the road. Commissioner Wienczek said it also sits behind bushes and a transformer. Mr. Fischer said they are working on the issue with the church which owns the shopping center.

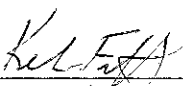
Mr. Betz said the zoning code does allow the Planning and Zoning Commission to adopt standards for temporary signs. He said it could be size, design type, and/or a formula to determine setback relationship to size. He said standards would make it fair to everyone, would allow for a variety of types and could deal with the geography of a site. Mr. Fischer said the use of A-frames could work within the Downtown District. Mr. Betz said they may want to restrict to a few different types and a few different sizes. He suggested a maximum number designated for multi-tenant buildings. Mr. Fischer said that could be an issue for enforcement. He proposed that Staff bring alternatives to the Commission for their consideration.

Discussion continued regarding the current signage regulations. Mr. Betz said Staff will put together Draft Signage Standards for the Commission's consideration at the next meeting.

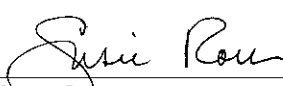
**ADJOURNMENT**

The meeting was adjourned at 10:45 p.m.

**DATE MINUTES APPROVED: November 8, 2006**

  
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Kevin Futryk  
Chairman

12/10/06  
Date

  
\_\_\_\_\_  
Susie Ross  
City Clerk

12/10/06  
Date

