



## 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 DECEMBER 13, 2006

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on December 13, 2006 at 7:30 p.m. 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; 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. Mayor Don Grubbs was present and thanked the members of the Commission for their work during the year. Chairman Futryk closed the public comment session.

### APPROVAL OF MINUTES

The minutes of November 8, 2006 were approved as submitted.

Chairman Futryk asked if any Commission members had received ex parte correspondence since the last meeting. Commissioner Futryk said he received an email regarding the first item on the agenda which he turned over to the City Clerk. Commissioner Wiencek said he contacted the applicant shortly after the last meeting to impress upon him the importance of meeting with the Brookehill Residents. Commissioner Emerick said he received a phone call from the applicant requesting a meeting which did not take place. Commissioner Little said he received the same phone call and he suggested they wait for a public forum. Commissioner Hrivnak said he received the same email.

Chairman Futryk asked persons who intended to testify on any items during the meeting to stand and be sworn in. Susie Ross, City Clerk, administered the oath.

Chairman Futryk moved Item 6 forward on the agenda.

### OTHER COMMISSION BUSINESS

#### Zoning Code Changes

Public Hearing for revisions to Sections 1111.052(c) regarding Drainage Easements, and Section 1111.054(f) regarding Post-Construction Best Management Practices.

David Betz, Director of Development, thanked the Commission for moving this item forward on the agenda. He said Staff has been working closely with the City's Engineering Consultant to coordinate the City's efforts to meet the Federally-mandated NPDES permit under the Clean Water Act. He said these two changes to the City Zoning Code are necessary to keep the City in compliance with the permit. He said Section 1111.052(c) is terminology which needs to change in regards to maintenance of drainage easements. Mr. Betz said it clarifies language for maintenance by the property owner or the City, depending upon the situation. He said it will allow the City Public Service Director to inspect the drainage courses and require any maintenance necessary. Mr. Betz said Section 1111.054(f) sets forth some Post-Construction Best Management Practice to be utilized as part of developments for stormwater control.

Chris Huber, Assistant City Engineer said they had two stakeholder meetings which included members of the Planning and Zoning Commission and the Development Committee. He said Staff has worked with those persons, City legal counsel and an Engineering Consultant to draft these changes.

Commissioner Wiencek asked if the proposed language had to be reviewed by the Consultant and Legal Counsel. Mr. Huber said EMH&T and City Legal Counsel worked with the Engineering Department.

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

Mr. Betz stated since this is the Public Hearing, the Commission may vote on the matter this evening so it may move forward to City Council.

**MOTION: Commissioner Little moved to accept the Zoning Code changes and favorably recommend them to City Council. Commissioner Emerick seconded the motion.**

**VOTE: Y 6 N 0 The motion carried.**

**COMBINED PRELIMINARY & FINAL 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 Combined Preliminary & Final 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, Discovery Land Limited, provided a brief overview of the proposal. He said over the past two months they have worked on a couple of issues: the Emergency Access and the tree replacement. He said they have received approval from the Fire Department for an emergency access from either the Brookehill Drive or Village Club Drive locations. He said they request that the Commission allow their emergency access to be developed off of Village Club Drive. He said additional information has been provided to the Commission and the majority of it has been presented to the Brookehill Condo residents. He said there are a significant number of trees which will have to be removed and some are quality trees but they would have to be removed regardless of the type of development of this property. Mr. Dillon said the tree replacement will consist of 162 trees, costing approximately \$150k. He said a lot of thought has been put into the placement of the trees with consideration to the overall beautification of the site and consideration to the residents at Brookehill. He said they will be primarily blue spruce combined with a number of other deciduous trees. Mr. Dillon said the retention area will be a "lake" as it is designed to sustain life. He said it will be complimented with a gazebo which was designed to be large enough for a meeting/entertainment space for the residents. He said they have proposed a stone border around the lake to provide a total landscaped community atmosphere which is attractive from anyone's perspective.

Mr. Dillon said many reports have been submitted regarding the financial aspect of this development. He said they feel this property has the potential to generate as much if not more revenue than any other use which could be placed on this piece of property. Commissioner Wiencek asked if there have been any changes in the figures since the original report which indicated there would be 6-7 employees. Mr. Dillon said Staff asked that they use that number and, based on independent research compiled by an attorney, they projected significantly more.

Mr. Dillon said they have provided a copy of proposed final deed restrictions minus one or two things which might be adjusted, such as pets, etc. He said they reflect the intent of the community as well as their intent as developers and owners. He said the deed restrictions address the HOPA Act of 1995 in reference to the senior housing requirements of having a person age 55 or older living within 80% of the units.

Mr. Dillon stated he and his wife have been residents and employers within the City. He said they have contributed a great deal of good will within the community and have a strong financial reputation. He said they are confident that P & D Builders would be considered one of the top five contractors within the Columbus area. Mr. Dillon said he calculates they have built first floor "in-law" suites in approximately 70% of their custom homes and this indicates residents want their parents in the same community. He said they are committed to this development as a first-rate addition to the community.

Mr. Betz presented the Staff Report (exhibit). He said this application includes a Zoning Map Amendment which would change the zoning from Planned Industrial to Planned Residence District, extending what is a Planned Residence District to the south. Mr. Betz said the Comprehensive Plan called for an extension

of the office area to the north and initially Staff was very concerned about a zoning change to residential in this area. He said there is another way to look at it from the standpoint of what could happen in the future. Mr. Betz said this Commission may see this as an opportunity to look at how the commercial or office extension should happen and consider how these apartments could be a first phase with some other type of elderly housing facility on the adjacent property. He said as the population ages they could see a need for that.

Mr. Betz said the applicant has added quite a few trees to the previously submitted landscape plan. He indicated the location of the alternative emergency access on the site plan. He said he spoke with the Fire Department and they are ok with either location but they prefer the Brookehill location because it is further separated from the main entrance and provides a better alternate. Mr. Betz said the Fire Department did not want access off of the parking lot to the north due to the very crowded parking situation and proposed expansion in that area.

Mr. Betz indicated re-graded areas on the south side of the property and said the grading will be rather steep in the area where the stormwater would normally come through. He said it is basically the natural grade at that location, saving many of the trees in the tree line except for the one area where the storm sewer will be connected.

Mr. Betz reviewed the proposed deed restrictions. He said they would still need to have them put into a legal framework. He said they say the "intent" is to house persons 55 and older in at least 80% of the units. He said Staff recommends this become part of the application and they may want to strengthen the language where it says "intent" and have it be reflected within the zoning. He said they may want to be cautious in Section 5B where they restrict satellite dishes as the 1996 Telecommunications Act does not allow satellite dishes that are less than a meter in diameter to be restricted in deed restrictions. Commissioner Fusch asked if that is true on rental property. Mr. Betz said he would have to investigate that. Commissioner Wiencek indicated there are several typos in the proposed deed restrictions. He asked if they will be re-drafted. Mr. Betz said they will be. Commissioner Wiencek said they may want to reference a set of rules which would be separate from the deed restrictions.

Mr. Betz said all of the other items in the Staff Report were previously discussed. Commissioner Hrivnak asked if there are any changes in the variance requests. Mr. Betz said there are not. He said they still do not have all of their tree replacements. He said the replacement is based on the results of a tree survey and that is usually done at the end of the process.

Chairman Futryk asked if they are required to use the HUD definition for an elderly person. Mr. Betz said he does not think so and they have the ability to make that distinction and set the percentage of persons within the housing. He said they should not go less than 80%.

Mr. Betz reviewed the five conditions listed by Staff. He said they received a lighting plan but have not had a chance to review it. He said the gazebo plans have been submitted. He said they will need to comply with the tree replacement requirements and Staff wants to formalize an easement on the east side of the property. He said they will want to have access to the east when that property develops if it is necessary. He said the conditions also include the normal requirements regarding review by the City Engineer.

Mr. Betz said the property to the east could redevelop sometime and looking at it overall may be a good idea. He said the Comprehensive Plan calls for this area to be developed as offices. He said when Brookehill was approved that land was part of the Comprehensive Plan. Commissioner Fusch asked if Brookehill was part of the office development and was rezoned to permit its development. Mr. Betz said that is correct. He said this may be an opportunity to look at this area and see what will happen to the property to the east when this development is proposed. He said they must ask if this is an opportunity where they can plan alternate housing styles for the aging population such as an assisted living facility. Commissioner Wiencek asked if the land to the east is currently Farm Residential and would have to come to the Commission to be rezoned. Mr. Betz said they would have to come through the Commission or the Board of Zoning Appeals if it was a use such as a Nursery.

Chairman Futryk opened this item to public comment.

Bill Pfeifer, 93 Brookehill Drive, said their community is a high-priced, gated, private community and this apartment complex does not fit. He asked if the combination of light industrial, apartments, and

condominiums in a row is in compliance with Powell's Master Plan. He said this will start off as senior housing but with no elevator to the second floor that won't last. He said it needs a variance for density and the eventual "people density" will be unacceptable. He said \$1200 rents adjacent to condos which could rent for twice that price is not economically compatible. Mr. Pfiefer said the existing commercial/light industrial is a nice looking complex and that is what should go in instead of this complex. He said some will argue that Brookehill should have never gone in but it did and it should be protected by this Commission. He said the zoning change is not right and it should not happen.

Larry Stalter, 41 Brookehill Drive, said at the December 5<sup>th</sup> meeting of the owners he was elected President of the Brookehill Village Condo Owners Association. He said prior to that meeting Mr. Dillon made a presentation to them. Mr. Stalter said the residents met and fully support City Staff's original report which does not support this zoning change. He said the Comprehensive Plan should be continued and followed. He said there should not be a variation of population density which would be required for approval of this project. He said population density will increase walking traffic to the pathway which goes through their property. Mr. Stalter said prior to their meeting on December 5<sup>th</sup> the homeowners' organization was in limbo and no one was able to approve an easement. He said they are now in control of the association and the members agreed they will deny any easement to their property for emergency purposes. He said an easement would also be required to tie in pathways from the north into their property and they will not authorize that either. He asked that the Commission heavily weigh the wishes of the residents to not have apartments within the City. Mr. Stalter said they reviewed the light industrial complexes in the area and found them to be acceptable. He said the proposed changes would have foot traffic come through their properties and they do not want that. He said this complex is being touted as a Senior Community and Brookehill is a proven case where that does not work as their original declaration was as a Senior Community and they were not able to sell the properties as such. Mr. Stalter said the residents of Brookehill Village feel this will happen with AbbotsGate as well and then the developer will be back to this Board to ask for a change.

Commissioner Wiencek said the contractors for Brookehill installed the sidewalk in the wrong place and it is on this applicant's property. He said the City has acquired funds from the developer which they think may pay to remove the sidewalk and place it properly on Brookehill property. He said there is already a connection between the proposed community and Brookehill. He asked if their association has discussed moving the sidewalk to make a non-connection. Mr. Stalter said they discussed this with Mr. Betz and it was his understanding that the City would make the change to the sidewalk. He said they do not want an egress to the property to the north which encourages people to walk into their property. He said if they want to walk on a path they can go to Village Park Drive. Mr. Stalter said most of their effort has been directed to organizing their association and they have not concentrated on the sidewalk issue.

Mike Detjen, 129 Brookehill Drive, said none of the residents at Brookehill had anything to do with the sidewalk. He said it was the responsibility of the builder and developer. He said the builder has filed for bankruptcy and the developer may as well. Mr. Detjen said they have 13 residents in 24 units and there are two buildings that have not been built. He said the sidewalk went in overnight and they do not know why it was put where it was. He said there is supposed to be a four-unit building backing up to the Hill's old house and there is a great room with a view of the sidewalk. Mr. Detjen said it is his opinion that the sidewalk should be removed. He asked if Mr. Betz approved it. Commissioner Wiencek said the Commission and Mr. Betz approved a sidewalk that went straight up and angled and did not approve the erroneously placed sidewalk.

Mr. Detjen said they spoke with Mr. Dillon and he appreciates his openness. He said he is still not convinced this is the greatest thing for the residents of Brookehill or the City. He said they are a private community on a private drive. He said this is one of several issues which make him feel rather disheartened about where he lives. He said Mr. Dillon has mentioned but not committed to adding a decorative fence between the properties. He said there is a skateboard park that will be used by people who pass through their property.

Mr. Dillon said in his opinion as a builder and developer, Brookehill is one of the nicest condo developments in Southern Delaware County. He said even though they are struggling with issues, the market is down right now. He said it is a good investment and as Powell commercial develops, the units will sell. He said they build custom homes with the same square footage for \$500k and he believes nothing in the area can bring Brookehill down.

Chairman Futryk closed the public comment session.

Commissioner Hrivnak asked Mr. Betz to clarify the sidewalk/foot traffic issue. Mr. Betz described the sidewalk which was required as a part of the Brookehill subdivision to link into the park system bikepaths. He said the sidewalk was to go through the public access easement to the City park site. He said the path falls outside of the easement when it crosses through this site and the Hill Property and that was an error when it was constructed. He said they are unsure whether there is enough money in the bond to rebuild the sidewalk and it would be easier to obtain an easement from Judge Hill and the Dillons to keep the sidewalk where it is. Mr. Betz indicated the path which would have to be taken to travel from AbbotsGate to the public park. He said there is no direct route in terms of the pathway.

Chairman Futryk asked if there is a public easement for the sidewalk in Brookehill. Mr. Betz said there is an easement for the pathway so it is not totally private. Commissioner Fusch asked if it is true that anyone could cut through there, not just the residents from AbbotsGate. Mr. Betz said that is correct.

Commissioner Emerick asked Mr. Betz to review the financial numbers of Planned Industrial versus Residential. Commissioner Wiencek explained the process he personally used to determine a comparison. He said according to his calculations the income to the City from that residential base would be approximately equal to the income from a Planned Industrial complex. He said it was close enough to be immaterial. Mr. Betz referenced the Staff Report from September and said the comparison between the applicant's consultant and Staff's numbers would equal a difference in Income Tax of about \$4500 per year. He said if they have to wait 10 years for something to develop and something does develop they could recover that income tax loss in a couple of years. He said Staff asked if this property should be conserved with the hopes of development which could generate more income tax. He said the City will gain income tax either way.

Commissioner Wiencek said if this moves forward there are a couple of minor adjustments that need to be made. He said if the Brookehill community is not going to provide the easement and they have to go off of the Village Park Drive entrance, they will want to adjust the landscape plan to increase the screening. He said the exterior lighting can be minimized by making sure the fixtures on the garages and porches are shielded. He said Staff should closely review the portion of the lighting plan so there is muted yet sufficient lighting. Commissioner Wiencek asked if there is no more room on the property to completely meet the tree replacement requirements. Mr. Dillon said it is his understanding that they may be counting more caliper than they need but they can put more in. Mr. Betz said there is more room out front but there is a better spot near park land because it provides more noise buffer from the railroad. Commissioner Wiencek said if it is found that additional caliper inches are required he would like the applicant to plant those at the direction of Staff. Mr. Dillon said they intend to use the same down lit fixtures as those at Brookehill. Commissioner Wiencek said he is concerned about lights on the backs of garages as well as the post lights. He asked if there are shrubs shown in front of the pond. Mr. Betz said they are all trees and they to be planted below the berm of the pond.

Commissioner Fusch said he has been concerned about the loss of tax revenue to the City by rezoning this property. He asked how the Commission or the City can make the scenario happen with the property to the east. Mr. Betz said they will need to make a revision to the Comprehensive Plan regarding that specific area. He said they can identify it for alternate housing for seniors and talk to the property owner to see if that is something they would like to consider. He said he has received calls regarding sites for this type of development and they are generally directed to commercial areas. Commissioner Wiencek asked if they would run into issues when "down" zoning from farm residential. Mr. Betz said it would not be "down" zoning and it could be addressed through the Comprehensive Plan.

Chairman Futryk said Bradford Pears and Crabapples are not sufficient plantings to restore older tree populations. He said he would prefer more hearty trees like maples and honey locusts. Mr. Betz said it should be a mixture of hardwood trees and other deciduous and flowering trees. Chairman Futryk said if they are using evergreens he would like to see them stick with spruce or fir trees. He said he would like to see if there is support in the Commission to strengthen the senior component of the proposed deed restrictions. He said the restrictions should not read that it is the "intent", but rather it is mandatory that a certain percentage of the residents are seniors. Commissioner Hrivnak said it is very appropriate to make it mandatory with an 85-90% senior population. Commissioner Little asked if it could be modified if that wording was used. Mr. Betz said the applicant would have to come back and ask for an amendment. Chairman Futryk asked the applicant if he has any statistics regarding age demographics from the other local senior communities. Mr. Dillon said he does not but he would be willing to get that information. He said he would be ok with a change of wording from "intent" to "mandatory". He said he would like to

stick with a senior (55 and over) population of 80% as that would only allow 12 people under the senior status.

Eric Fischer, Development Planner, said it could be appropriate to make the requirement age 50 and over. Chairman Futryk asked if it could then be appropriate to require all of the residents be age 50 and over. Mr. Fischer said it would be better to have the requirement as 90% aged 50 and over. Chairman Futryk asked for an opinion of the members of the Commission. Mr. Betz said there was previously a straw vote of 4 for and 3 against and with one of the "for" votes now absent, it would make it a 3-3 vote. He said that would send a recommendation to Council for non-approval. He said that would require that Council review it and have a 6 out of 7 super-majority to overturn the recommendation. Mr. Betz said the Commission may proceed with a vote at this time, they may take up to 30 days to make a recommendation to Council, or the applicant may table the issue. Chairman Futryk asked if any member has changed their opinion since the straw vote. Commissioner Fusch indicated he changed his opinion from no to yes. Chairman Futryk stated that would create a majority affirmative vote.

**MOTION: Commissioner Emerick moved that the Zoning Map Amendment be approved, changing the zoning from PI, Planned Industrial, to PR, Planned Residential. Commissioner Fusch seconded the motion.**

**VOTE: Y 4 N 2 (Little, Emerick) The motion was approved.**

Discussion continued regarding the Commission's desire to place an age and percentage requirement within the deed restrictions. Commissioner Fusch said the motion should state a specific requirement. Commissioner Wiencek said he feels 80% age 55 and over is sufficient but he requested input from the developer. Mr. Dillon said they are flexible but they would prefer 80% age 55 and over as they want it to be successful. He said eight units would be under age 55 and one of those may be for the resident manager. Chairman Futryk asked Mr. Pfiefer if he knows the average age of the residents of Brookehill. Mr. Pfiefer said that 13 of the 14 units are age 55 and over. It was the consensus of the Commission to require the population to be 80% age 55 and over.

**MOTION: Commissioner Little moved to approve the Combined Preliminary and Final Development Plan for Discovery Land Limited, with the following conditions:**

1. The applicant shall submit a revised landscaping plan that provides additional tree plantings that will make the plan comply with City tree replacement requirements. If the replacement is not made on this site it shall be made on the park land to the southwest. The Landscape Plan shall also show the design of the gazebo and is subject to the review and approval of Staff.
2. The applicant shall submit a lighting plan, to be reviewed and approved by Staff, that indicates placement and style of down-light fixtures and a light spread diagram shall be submitted.
3. An easement shall be placed at the area where the main driveway ends toward the east so that if a similar project is proposed on that property, the drives can be integrated together.
4. All easements shall be granted which are necessary for completing the development of the proposal as required by the City Engineer. This includes the existing sidewalk on the property built by the developer at Brookehill. A Fire Access Drive shall be located at the northwest corner of the property.
5. The Final Engineering shall be subject to the requirements set forth by the City Engineer.
6. City Staff shall review and approve restrictions related to ensuring that the "Senior Community" intent is realized by expressly stating that it is a requirement that 80% of the residents shall be aged 55 or older. Any future amendments to those restrictions would require the approval of the City of Powell Planning and Zoning Commission.

**Commissioner Fusch seconded the motion.**

**VOTE: Y 6 N 0 The motion was approved.**

Chairman Futryk called a recess at 8:54 p.m. The meeting reconvened at 8:59 p.m.

#### **SKETCH PLAN**

Applicant:	Taco Bell of America & KFC U.S. Properties
Location:	9595 Sawmill Parkway, the southeast corner of Sawmill Parkway and Galloway Drive
Existing Zoning:	Liberty Township PC, Planned Commercial District (Annexed Land)
Proposed Zoning:	City of Powell PC, Planned Commercial District
Request:	Review of Sketch Plan that includes a lot split and construction of a 3,000 sq. ft. Taco Bell restaurant with drive-thru and a 3,000 sq. ft. Kentucky Fried Chicken restaurant with drive-thru.

Joe Boyle, GBE Associates, representative for the applicant, said the proposal is for a KFC at the southeast corner of Galloway and Sawmill Parkway and a Taco Bell south of KFC. He said they will provide a bikepath and landscaping around the building. Mr. Boyle said there will be substantial screening around the north property line to protect the condominiums from noise. He said there will be adequate parking and drive-thru stacking based on corporate standards.

Mr. Boyle said they met with the neighboring Condo Association. He reviewed the concerns of the Association members:

- Traffic: The applicant will have a traffic study performed to determine impact and any improvements which may be necessary. He said there have been cut-through traffic issues in the condos and the applicant has offered to donate \$10k towards the installation of gates for their community.
- Hours of Operations: KFC has shorter hours of operations (10:30 a.m. – 10:00 p.m. dining room, 10:30 a.m. – 11:00 p.m. drive-thru) than Taco Bell's (10:00 a.m. – 11 p.m. dining room, weekend drive-thru hours between 2 – 3 a.m.) That was a concern to the Condo Association so Taco Bell is willing to change their weekend drive-thru hours to 1 a.m. which is similar to Wendy's.
- Dumpsters: The dumpsters would only be emptied between 9 and 11:30 a.m.
- Noise: Speaker posts for KFC will have additional landscaping on north side. Residential suburban area during the day is typically 50 dba, the speaker post would be approximately 44 dba during the day. There is a feature on the speaker post which lowers the speaker volume based on the surrounding noise, so the volume in the evening would be 25 dba.

Commissioner Wiencek asked for clarification. Mr. Boyle said a whisper is 25 dba and standard library noise is 35 dba.

Mr. Boyle continued with an overview of the project. He said the KFC restaurant is approximately 3k sq. ft. with 60 seats. He said the Taco Bell restaurant is approximately 3k sq. ft. with 60 seats. He said there is a 9 car stack on the north side for KFC and an 8 car stack for Taco Bell. He said the City has a stacking requirement of 10 so they will look into that before the Preliminary Development Plan review. Mr. Boyle said there are 41 parking spaces for KFC and 37 for Taco Bell. He said that he calculated the parking spaces based on employees but it is actually based on the number of seats so he will resubmit the calculations. Chairman Futryk asked what percentage of business at KFC is drive-thru versus dine-in. Mr. Boyle said at KFC, 50-60% of the business is drive-thru and at Taco Bell, 60-70% of the business is drive-thru. Chairman Futryk asked about how many cars per hour during the peak hours. Mr. Boyle said he will provide that information at the next review.

Mr. Betz indicated the location of the proposed development. He stated that in the past the Planning & Zoning Commission reviewed and approved a Preliminary Development Plan and Zoning Map Amendment for a Dairy Queen Grill and Chill on this site but it never went to Council for approval. He said he believes the applicant did not pursue purchasing the property. Mr. Betz said the property is within the City but it is zoned under Liberty Township's Planned Commercial District. He viewed the past and current zoning. He said this is the review of a Sketch Plan for two buildings. He described the site, surrounding properties and uses, and the roadway access to the site. Mr. Betz said in the 1985 development plan for the whole Big Bear site, there was a traffic study that indicated there may be a need for a traffic signal at this site. He said that will need to be considered with this application as well as reviewed by the County Engineer and ODOT to determine separation of signals. Mr. Betz said Staff has concerns about the traffic generated by this type of use at this location. He said they have some recent traffic counts on Powell Road which are 24-hour counts. He said they should look at counts on Sawmill Parkway during those hours to determine hours of operation on this site.

Mr. Betz reviewed the Staff Report (exhibit). He said the largest issue is that this plan has all of the sameness of any other retail conglomerate and Powell is better than that. He said they can do better architecture and better site planning and Staff thinks there is the ability here to do something that both the corporate community and the City can embrace. Mr. Betz said he hopes the applicant will take that back to the decision makers and decide to do something that the whole community can fall in love with. He indicated a proposal of one building with division where one could be a franchise and one could be corporate-owned. He indicated the parking and green space around the site. Mr. Betz said the Architectural Advisor was not available this evening but provided a list of 16 points, making recommendations regarding architecture of the site.

Chairman Futryk opened this item to public comment. He described the Commission process to the audience and indicated this is just a review which will not require a vote tonight.

Robert Shinafelt, Village at Clairmont Condos resident, 9446 Clairmont Boulevard, thanked the City of Powell Staff and Planning and Zoning Commission for allowing their input. He said they have met twice with the applicant to discuss how they can improve this plan. He said this piece of land will be eventually developed but they would like to see it developed in a way that would be friendly to the residents. He said there are already two restaurants on the southern end of the property next to Powell Road. Mr. Shinafelt said one of their residents did a survey and the Wendy's in Liberty Township which does not abut any residential properties and has 700 cars travel through the drive-thru per day. He said that does not count the people who go inside the restaurant. He said that would indicate they would have an additional 2000 cars per day. Mr. Shinafelt said there are other appropriate sites within the area. He said most of their residents have retired to this neighborhood and have counted on this lot being developed as offices. He said that type of development would create a buffer.

Mr. Shinafelt said they believe their property would be devalued if a fast food restaurant is approved at this site. He said most of their concerns are based on that perception. He said they also spoke about traffic concerns and the applicant made a generous offer to put in a gate. He said they did not reject it but they feel it would not be appropriate because of the set backs, slope and interference with other traffic. Mr. Shinafelt said they would like to see a better use of the property so they do not have a speaker phone within 100 feet of their property. He said the hours for an office location or small retail area would be much earlier and would not bother the residents with things such as noise and headlights. He said he hopes these concerns will be taken into consideration.

Chairman Futryk closed the public comment session.

Chairman Fusch asked about access to the site. Mr. Betz explained how traffic would access the site. He said a traffic study may indicate a warrant for a traffic signal at this site. Commissioner Fusch said this is not the easiest site for ingress and egress. Mr. Betz agreed. Mr. Boyle said they understand that and they are preparing a traffic study. He said they feel a traffic signal at the intersection will help the current traffic situation.

Commissioner Fusch said he is concerned with the architecture and signage of both of the buildings. He said his opinion is the architecture and signage don't fit the community in any way, shape, or form. He said they can be dramatically improved to fit the Powell community as the buildings look like typical corporate America. He said the signage is garish and overpowering. He referenced the former McDonald's application and asked that the applicant work with the City to try to improve the architecture as that applicant had. Mr. Boyle said he received a copy of the McDonald's architecture and he said his client is willing to work with the City. He said they have tried to use materials similar to the Big Bear center buildings.

Commissioner Wiencek asked if this property was annexed into the City. Mr. Betz said it was. Commissioner Wiencek asked if it is true that the City does not control the right-of-way on Sawmill. Mr. Betz said they would have to work with the County Engineer. He said Staff will coordinate all of the traffic study information with the County Engineer and ODOT, especially if a signal is warranted there as it will have to coordinate with the signal at Powell and Sawmill Parkway.

Commissioner Wiencek said there is a significant way to go to meet the City's design standards. He said the applicant should refer to the architectural and site comments for the McDonald's. Commissioner Little said the traffic study and the situation of the parcel will need to be addressed. He said he would like to see a more muted appearance which is more upscale and unique. He said the City Staff is very good and he encouraged the applicant to consider their recommendations. He said they should consider how the drive-thru could be moved off of the north side of the property, away from the Condo residents.

Commissioner Emerick said his first thought when looking at this design was to throw it out and start all over. He said traffic is major issue and late hours of operation do not fit in with this community. He said the design has a long way to go.

Commissioner Hrivnak said his first impression is it looks like a large parking lot with two building in the center. He said it is hard to picture the buildings combined but there seems to be way too much parking and not enough green space.

Chairman Futryk said traffic flow in the area is one concern but the traffic flow on-site is another. He said the Commission spent a lot of time regarding this with the previous applicant for this site. He said the use of the adjacent property affects the traffic flow. He said the present service drive and pork chop are very narrow and are constantly torn up because people cannot make the turn. Chairman Futryk said landscaping will be a key, but he said this must be something unique for Powell. He said he agrees with the previous comments about architecture and hours of operation. He said they do not want to create another Wendy's traffic situation. Commissioner Emerick said it is important that the applicant know the buildings at the Big Bear Center did not go through this body so they should not be referenced for architecture. Mr. Boyle said it was their understanding they should blend in with those buildings. Commissioner Wiencek said the Graeter's and City BBQ were the only applications to go through this Board.

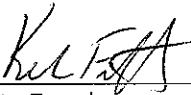
Chairman Futryk asked the applicant if he had a good understanding of the wishes of the Commission. Mr. Boyle said he does. Chairman Futryk encouraged him to work with City Staff. He also encouraged members of the audience to sign in so they may be advised of future hearings.

**OTHER COMMISSION BUSINESS:**

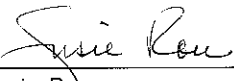
Mr. Fischer said materials are available from the Ohio Planning Conference and MORPC meeting. He said there will be another meeting at a later date. He said he will provide those materials to the Commission members.

The meeting was adjourned at 9:35 p.m.

**DATE MINUTES APPROVED: February 28, 2007**

  
\_\_\_\_\_  
Kevin Futryk  
Chairman

3/12/07  
\_\_\_\_\_  
Date

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

3/12/07  
\_\_\_\_\_  
Date

