



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 APRIL 11, 2007

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on April 11, 2007 at 7:30 p.m. Commissioners present included Donald Emerick, Eric Ireland, Richard Fusch, Jim Hrivnak, Bill Little and Dan Wiencek. Also present were David Betz, Director of Development; Eric Fischer, Development Planner; and Susie Ross, City Clerk.

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 March 14, 2007 were amended and approved.

Chairman Futryk asked if any Commission members had received ex parte communication regarding items on the agenda since the last meeting. There were no such communications reported.

COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN

Applicant: Nick Cua
Location: 80 Clairedan Drive
Zoning: PC, Planned Commercial District
Request: Approval of a combined Preliminary and Final Development Plan for a new 9,414 sq. ft. office condominium building.

Nick Cua, Applicant, 470 Village Park Drive, said after the submittal of the Preliminary Plan they received an itemized list of action items from the Architectural Advisor. He said the Final Development Plan submitted indicates those changes. He said the landscaping plan has been submitted and he provided an exhibit to the Commission which shows downspouts and gutters.

Eric Fischer, Development Planner, provided the Staff Report (Exhibit). He indicated the location of the proposed office condominium building. He reviewed the site plan and indicated access to the site. He stated the landscaping and lighting plans are appropriate. Commissioner Wiencek asked if there is lighting on the adjacent lot. Mr. Cua said there is not lighting on the adjacent lot and lighting will be added to this site which will illuminate both parking areas. Mr. Fischer said no building or site signage has been proposed. He said it has been anticipated that building signage will be restricted to vinyl applied letters to the door but a site sign plan will be presented at a later date. He said Staff has a concern about placement of the dumpster. He said it should be moved to the northwest corner of the site and placed at a 45 degree angle to allow better access. He said proper screening is also required and described but not drawn on the plan. Mr. Fischer said Staff recommends approval with the conditions that the dumpster location be revised and properly enclosed as described, and that the City Engineer review and approve all necessary engineering requirement including all easements.

Chairman Futryk opened this item to Public Comment. Hearing none, he closed the Public Comment session.

Commissioner Hrivnak asked if there are any variances requested. David Betz, Director of Development, said they may need easements based on the site's stormwater drainage. Chairman Futryk asked about comments of the Staff Architectural Advisor regarding signage. Mr. Betz said he advised they would need to be careful because of the way this building is designed. He said Staff asks that they work with them on future signage.

MOTION: Commissioner Little moved that the Combined Preliminary and Final Development Plan for Nick Cua be approved as presented with the following conditions:

1. That the dumpster be moved to the northwest corner of the site and placed at a 45 degree angle, and the applicant work with Staff.
2. That the City Engineer review and approve all necessary engineering requirement including all easements.
3. That the signage shall be reviewed at a later date.

Commissioner Ireland seconded the motion.

VOTE: Y 7 N 0

SKETCH PLAN

Applicant: Stavroff Interests LTD
Location: 8 North Liberty Street
Zoning: DB, Downtown Business District
Request: Review of Sketch Plan for the demolition of an existing 4,063 sq. ft. retail structure and the construction of a 6,610 sq. ft. retail or retail/office structure located at the northeast corner of Olentangy Street and Liberty Street and approval to submit a Combined Preliminary and Final Development Plan.

Matt Stavroff, Applicant, 565 Metro Place South, said they are presenting a new structure at the corner of Olentangy and Liberty Streets. He said this is a proposal for a 6,610 sq. ft. building. He said because of the additional right-of-way along North Liberty Street the existing structure will be demolished and this building is proposed to take its place. He said the overall concept is to have a structure which appears to have been built over several decades. Mr. Stavroff presented elevations and described the features of the structure. He said this proposal responds to the desire to have a pedestrian area on this corner. He said the site is somewhat constricted and the site plan provides for two way traffic all the way around the building. He indicated the circulation on the site plan as well as the location of two entrances to the buildings. Mr. Stavroff indicated the location of a trash enclosure on the northeast corner of the site. He said it will not be large enough for a dumpster but allows large cans for tenants. He said signage has not been detailed but he indicated some areas for applied signage. He said the lighting of signage would be external goose-neck fixtures.

Mr. Betz described the process by which the Commission received this proposal. He said the Commission has previously seen and approved a renovation plan for the existing building which included an addition to the rear of the building. He said the total square footage was a little over 5k sq. ft. He said City Council hired EMH&T to provide a preliminary engineering study of the Four Corners intersection. He said that was presented to Council at a previous meeting. He said City Council has not decided to fund any project at the Four Corners at this time but they have decided to look at how they can design turn lanes at the intersection if it is found to be necessary in the future. He said based on the study and preliminary engineering done, EMH&T is recommending that they hold the existing curb line on the north side of Olentangy Street and the west side of Liberty Street, and if turn lanes were installed in all four directions they would expand the roadway to the south and to the east in order to accommodate the turn lanes. He said this would require roadway acquisition from the subject property and some properties to the south and east. Mr. Betz said this would have the least impact to the existing on-street parking spaces and buildings within the area of the Four Corners. He indicated which buildings would be impacted under various scenarios. He said because of moving east to accommodate the turn lane a corner portion of the existing building is already within the existing right-of-way for both Olentangy and North Liberty Streets. He said the building was built after the original plan and back in the day it was not uncommon to infringe upon the right-of-way by a foot or two. He indicated the right-of-way infringement affects the front porch and also a portion of the main building.

Mr. Betz said when considering a major project like this there are lots of things to consider. He said they must consider how this would affect the character of the downtown and what happens to existing structures that may want to be saved. He said they must consider if they want to preserve the ability to install additional turn lanes from now into the future. He said if it is decided that is what they wish to do they may want to pursue the acquisition of right-of-way for that. He said this is a relatively new property owner who wants to do something to this corner; there is an option to renovate this building in some fashion, move the building and renovate it, or demolish the building and rebuild something which fits into the character of the downtown. He said if the decision is made to preserve the ability to add turn lanes it will affect this property. Mr. Betz said City Council has asked Staff to work with the consultant to develop a way of examining the Four Corners for turn lanes and that has been done. He said in that

process it was identified that right-of-way acquisition would need to happen. He said prior to any renovation happening to that building the discussion started with Staff and City Council and the property owner so they might get an idea of the cost and the ramification it would have on the building. He said that is where they are at this point. He asked if the Commission members had any questions on the process.

Commissioner Ireland asked if they are waiting for a decision from City Council. Mr. Betz said City Council has not decided anything yet but they are in contract with the property owner for right-of-way acquisition of the 10 feet which would be needed for turn lanes to happen. He said the contract spells out that the applicant must go through the Planning and Zoning process for the redevelopment of the site. He said if, during the zoning process, the new plan is approved, the applicant will go forward with the new plan for the redevelopment of the site. Commissioner Ireland asked if the Commission will have to make a decision with respect to the traffic situation. Mr. Betz said at some point City Council will want to ask the Commission for a recommendation on intersection improvements.

Commissioner Fusch asked if they are getting the cart before the horse. He said Mr. Stavroff presented a proposal which was approved by the HDAC and the Planning & Zoning Commission. He said then City Council decided they wanted to look at turn lanes and he feels like they are being asked to make a decision on this design so City Council can be free from the decision about turn lanes in the future. He said City Council should determine whether they want turn lanes now or in the future and then come back to the Planning & Zoning Commission to ask their view about a plan for a site where the existing building will have to be demolished. Mr. Betz said even if the City Council does not want to make an immediate decision about what to do yet they have decided that if turn lanes will be considered in the future the land should be preserved now for purposes of right-of-way. He said that acquisition would be less expensive at this point in time, prior to any renovation and redevelopment of the site, versus waiting years down the road after a building has been renovated and property value is much higher to purchase the right-of-way. He said trying to acquire the right-of-way now will allow the opportunity to add turn lanes in the future.

Chairman Futryk asked if there were parallel discussions with the applicant. He said the Commission members believed the structure would be renovated unless Mr. Stavroff determined something had changed in regard to the condition of the building. He asked Mr. Wiencek to shed light on the discussions. Commissioner Wiencek said it is not that Council just decided to start work on the Four Corners. He said they have worked on it multiple times in multiple fashions over the years and this is the latest iteration. He said Council is attempting to do a significant amount of work for a Capital Improvements long-term plan and they have identified almost \$30 million in desired projects. He said some are viewed as absolute City necessities and many items are considered "Community Enhancements." He said principal in Council's thinking is that managing traffic is one of the things the City is expected to do. He said the timing is coincidental as they have been looking at Capital Improvements in an ongoing manner long before Mr. Stavroff's first application. He said a clear majority of Council felt it was in the best interest of the City in the long term to acquire the necessary right-of-way to preserve the right to put turn lanes in if it is decided they are required and desired in the future. Commissioner Wiencek said they made the decision to enter into contract with Mr. Stavroff realizing that pursuit of that would likely require the demolition of the existing building. He this Commission has the right to disapprove this application, determine this building is economically viable and require it be shifted on the site. He said this body is the appropriate place to make the determination if the existing building is worth saving, is it economically viable to save and if is not, is the building to replace it an appropriate building. He said the Staff Report outlines that and the applicant needs to convince the Commission of the economic reasons that the building needs to come down.

Commissioner Fusch said if they make a recommendation that the building should stay and it is economically viable to be renovated the client can appeal this to Council and Council can overrule this body that it is not economically viable and can make the decision to demolish the building. Commissioner Wiencek said that is correct. Commissioner Fusch said this all started over turn lanes and that is why he is arguing. He said he wants to know what City Council really wants to do about turn lanes because Mr. Stavroff came to the Commission with an acceptable design that they approved and he was happy with. He said now the whole thing has changed because of turn lanes. Commissioner Wiencek said a unanimous vote of Council agreed to go into contract with Mr. Stavroff with the understanding the building would require demolition because of that agreement. He said Council's reasoning was to preserve, as economically as possible, the right to make turn lanes. He said they believe turn lanes may be required in the future and it is appropriate to preserve that right now. Commissioner Fusch said

Council wants the Commission to make the decision. Commissioner Wiencek said Council has already made a decision: to preserve the right and ability to put turn lanes in. He said as a consequence of that decision this building comes down or is moved.

Commissioner Little asked if the traffic study addressed the scenario where the Murphy Park extension is completed and whether or not by doing so, it alleviates the need for turn lanes on North and South Liberty Street. Mr. Betz said it did not come to a decisive conclusion on that. He said they did discuss that right now the better choice of turn lanes is in the north/south direction rather than east/west as delays are more significant that direction. Commissioner Little asked if they took into account the Murphy Park extension. Mr. Betz said they did look at the extension of Murphy Parkway in the study. He said the idea was to ask if they are going to put turn lanes in, what is the best way to engineer it. He said the engineering was to determine the impact of turn lanes on the intersection. Commissioner Wiencek said EMH&T made an educated guess that completing the Murphy Parkway connection would relieve the left turn movements on Liberty by about 50% but they still felt turn lanes were recommended. Commissioner Fusch asked if the traffic study addressed the possibility that between certain hours of the day they should not allow any turns at all at the intersection. Mr. Betz said they did indicate that in the process of determining when to put turn lanes in they can increase the times when turns are restricted. He said they must also provide alternative ways in the roadway infrastructure for people to get around. He said right now if you are heading northbound and left turns are restricted it is much more difficult without Murphy Parkway. He said if Murphy Parkway is completed there would be a better route to accommodate for that restriction.

Mr. Betz presented the Staff report on the Sketch Plan (exhibit). He said the applicant is asking to submit a Combined Preliminary and Final Development Plan to expedite the review process. He said the City is under contract with the applicant for right-of-way acquisition that impacts the 10' of frontage along North Liberty Street. Mr. Betz indicated the existing right-of-way and the area included in the right-of-way acquisition. He said the building is proposed to be located right along the right-of-way. Commissioner Fusch asked if the existing building is encroaching on the south right-of-way line now. Mr. Betz said it is as the building is askew and it encroaches on the right-of-way on the west part of the south side. Mr. Fischer noted the area on the site plan. Mr. Betz said the site plan does not show any parking so there is an issue with variances for parking requirements. He said it would be optimal for the applicant to have the ability to have a place for parking nearby. He said a plan will be outlined within a later portion of the meeting that describes the expansion of public parking at the Village Green. He said the property owner should work out agreements with adjacent property owners.

Mr. Betz said Section 1143.180 subsection L explains the requirements for approval of demolition of a structure within the Historic District. He detailed the criteria to be used by the Commission during the decision process. Mr. Betz said the applicant has indicated they feel there is no reasonable economic use for the structure as it exists or as it might be restored or moved. He said they have not submitted any evidence to that yet and that will need to be submitted when they submit the development plan. Mr. Betz said Staff sees two possibilities for restoration of the existing building while accommodating the right-of-way purchase that City Council would like to see: 1) the front of existing building severed off to where it is outside the right-of-way and a new front built, or 2) to move the building in its entirety so it is located outside of the right-of-way and the building then restored with an addition to the rear. He said existing building does have some historical significance to the City and the Powell-Liberty Historical Society and the Design Committee of HDP1 have recommended this structure not be demolished. He said from a physical standpoint, the front porch and rear addition were not part of the original building.

Mr. Betz reviewed the proposed site plan. He said the proposed building is 6600+ sq. ft. with 4300 sq. ft. on the first floor and 2300+ on the second floor. He described access and circulation on the site. He said there is a lack of parking on site but the Commission can consider a reduction to the requirements provided it is sufficiently demonstrated through data and applicable standards that minimum requirements are not necessary. Mr. Betz said the applicant has not stated proposed uses for the site. He described possible uses allowed within the area. He said the requirement for parking could be from 12 to 19 parking spaces dependent upon the tenants and uses. He said the proposed elevation does reflect the design character of the building on the opposite corner but they will need to attend to architectural details as outlined in the code. Mr. Betz said this proposal will be presented to HDAC later this month.

Mr. Betz said it is important for the Commission to consider the overall needs of the community. He said there are other considerations which are not within the Zoning Code but they are within the view of preservation within the downtown. He said not all buildings within the City should be removed and

replaced with new ones as they will want to help preserve the history of the community. He said there may be outstanding situations that exist where it may not be possible in this case. He said this may be a case where the opportunity needs to be preserved so turn lanes can be added in the future. Mr. Betz said the Commission must consider that opportunity as well as demolition of the existing building, installation of a new building and its character, scale, and design. He provided renderings from EMH&T which show the intersection views of the intersection. Commissioner Wiencek said ODOT requires 300' turn lanes and these would be proposed at 150'. He said they would also be 11' rather than 15' wide. Mr. Fischer said 150' lanes would allow stacking for six vehicles.

Commissioner Little asked if Kinzelman/Kline made recommendations regarding the intersection. Mr. Betz said they recommended turn lanes all four ways. Commissioner Wiencek said their study was four years ago. Commissioner Little asked if they made a recommendation regarding the building in question. Mr. Betz said they did not.

Chairman Futryk opened this item to public comment.

Tom Ritchie, 230 Hopewell Court, said he is concerned about the lack of parking. He said this is a single-use building at this time and it is being proposed as a multi-use building. He said he is concerned about the size and scope of a building with no parking spaces. He said a 6' easement combined with turn lanes around the southwest corner does not allow for much room for pedestrians. Mr. Betz said the engineers changed the radii of the corners to make turns easier. Commissioner Wiencek said the current and proposed radii makes it more safe for pedestrians but less functional for traffic. Mr. Ritchie said if a restaurant is placed in this building an estimate of 19 parking spaces might be too conservative. Mr. Betz explained how the parking numbers were determined. Mr. Ritchie said he would love to see a change at the corner but the proposal is inappropriate.

Chris Freiheit, property owner, 18 North Liberty, 22 North Liberty, 24 Olentangy Street, said as the adjacent property owner, he has an obligation to his tenants. He said the last proposed plan had four parking spaces for 5k sq. ft. and the new proposal is approximately 7k sq. ft. with no parking. He said it shifts the parking burden unfairly onto his tenants. He said Mr. Stavroff has an obligation to provide parking to his tenants as well. Mr. Freiheit said he has had discussions with Mr. Stavroff but they have not been able to come to a mutually beneficial agreement.

Ralph Renninger, owner, Kimberly's Diamond Corner, said there is not enough parking downtown now and this is a larger building. He said if this site gets parking on adjacent business' lots it may make a jumbled mess of people not knowing where to park. Mr. Renninger said they need much more public parking in the downtown. He said they need to extend Murphy Parkway first so turns do not have to be made from Liberty Street to Olentangy Street. He said it would not eliminate all of them but would eliminate many turns. He said they must determine how to preserve the downtown and still keep traffic flowing. Mr. Betz said the City is now working on plans for the Village Green site to double the number of parking spaces in the downtown. He said this is scheduled for construction this summer. Commissioner Wiencek said the City has just taken some immediate steps as they have added public parking directional signs and have opened up the old fire station lot.

Burt Crimmel, 285 Partridge Bend, said this is a beautiful design but he would like to see their original design brought back. He said to purchase the current site was a little under 200k and it would be \$300-400k to rehab it. He said that is in scale with what it being done on South Liberty. Mr. Crimmel said it would not make sense to have turn lanes on Powell Road. He said it does not really help people in Powell as they already know how to get around. He said they should look at the Edsall plan from 1995 where Murphy Parkway went around the City and other bypasses went behind this site. Mr. Crimmel said the costs proposed for the turning lane do not make sense and there are other projects in the City which should take priority.

Gary Swackhamer, 76 Scioto Street, said he has been on the Planning and Zoning Commission and City Council. He said all Councils in the past have looked at the traffic problem in Powell. He said people move here for the quaintness of Powell and his family has lived here for over 100 years. Mr. Swackhamer said it would be a travesty to have this building demolished and then never have the turn lanes added. He said there are other viable options rather than install turn lanes. He said he truly believes in restoration and he would never dictate something he would not do himself. He said if one purchases property in the Historic District, they expect to do this. He said it would be a big mistake to lose a building of this type and age. He asked that the Commission be considerate and creative when they consider this issue.

Larry Coolidge, 78 W. Olentangy, provided a letter from Heritage Ohio, which is the organization that oversees Mainstreet Programs. He said Powell just made a huge investment in starting this program in the downtown area. He said he is not here to insult anyone but just to provide facts. He said he received a call from an architect at OSU and he said the loss of this building would change the fiber of Powell forever. He said traffic would increase. Mr. Coolidge said he spoke with the Delaware County Engineer and Home Road is being extended from the back side of Dublin to a new interchange on I-71 to create the east/west connector for southern Delaware County. He said a viaduct will be built over the railroad tracks in 2008. Mr. Coolidge said Powell will not have the money to put this road in until TIF money comes in so there is no sense to destroy the oldest standing structure in Powell when there is no money to put in the turn lanes.

Mr. Coolidge said this is a battle that has to be taken. He said this interchange report shows the intersection went from "a" to "f" and it was not the fault of this building. He said the traffic has increased over the years. He said a past Council approved Bennett Parkway and the engineering plans were drawn. He said the next Council did not approve of Bennett Parkway. He said Murphy Parkway was slated to be completed and he thinks it is the same type of situation where people do not want it completed because some live near that area. Mr. Coolidge said Mr. Stavroff is a very fine developer and he came in with an excellent plan that was approved by HDAC and the Planning & Zoning Commission. He said one or two people on Council had to start the idea going that they can't do this because sometime in the future they may have money to tear this building down. Mr. Coolidge said parking is a problem downtown and people will not walk a distance to parking.

Mr. Coolidge said Mr. Stavroff is being paid \$130k for 600 sq. ft. and that works out to be \$9,438,000 per acre. He said the EMH&T report said there would be a 50-70% improvement if Murphy Parkway was connected. Mr. Coolidge said the problem is that the downtown is between two railroad crossings and it takes a while for the traffic to clear. He said when the villagescape was done 8-10 years ago it was decided that the turn lanes were not needed. He said now they say we need the turn lanes but we don't have the money. He said they basically want to tear down the oldest building in town to solve a traffic problem that every community has. Mr. Coolidge said they should let Mr. Stavroff proceed with his approved plan to renovate this building. He asked that they not tear down the building.

Mr. Crimmel said he has been where Mr. Stavroff is, being told by the City to go this way and then that way. He said he thinks Powell owes Mr. Stavroff an apology, whether a financial apology or not. He said giving this building a "hug" is not tearing it down. He said if Council is going to give the applicant money for this they should help him with rehabbing the project.

Mr. Fischer said in time, regardless if Murphy Parkway is connected, assuming it is connected, it will not solve the long-term traffic problems. He said there is lots of commercial development continuing in Downtown Powell and it is becoming a destination. He said they will want to circulate traffic through the area or it will become a disincentive for business development in Powell.

Commissioner Fusch said most of his issues were raised by members of the audience. He said when he moved here he heard desire to maintain the historical character of the downtown. He said they cannot maintain the past by tearing down historic buildings. He said it is no accident that European cities are loved by Americans because their cities refuse to sacrifice people space for machine space. Commissioner Fusch said they will sacrifice the walking ambiance of the downtown if the turn lanes are added.

Commissioner Wiencek said he is not sure why the applicant feels it is appropriate to propose a building with no parking. He said he does not feel parking is an issue in the downtown as people walk significantly longer distances at a mall than they do in the downtown. He said the tenants for this site will park in Mr. Freiheit's lot and he would like them to address that concern. He said there was significant discussion at the first proposal that four parking spaces may not be adequate for the original renovation. Commissioner Wiencek said it is a lovely design but it is not the right building for this lot so he is not going to make significant comments on the plan. He said there are more ways to preserve our heritage than to preserve every building or this building. He said an appropriately designed replacement building that echoes the historic building is more appropriate. Commissioner Wiencek said this style building is Italianate and the original building is not. He said diversity of buildings is what the Commission needs to deal with and this proposal starts to overdo the Italianate look. He said the Four Corners are a problem but that is the price you pay for choosing to drive through Powell. He said he does not personally feel

turn lanes are necessary but he also feels that a majority of the community members disagree with him and feel the intersection is an issue. Commissioner Wiencek said his voice on Council will be to represent what he thinks the majority of residents want and he will try to do that in a way that mitigates the damage or the effects of what they are trying to do. He asked Mr. Stavroff to comment on why he feels this is the appropriate building for this site.

Mr. Stavroff said he respects the comments made this evening. He said he does not see a parking problem in Powell. He said the existing building has virtually no parking spaces. He said he would like to redo the corner with an extremely vibrant building and no number of spaces he could place on the site would be enough. He said he has a parking challenge and he hopes to bring users that are so exciting that the community comes and he has to find parking spaces for them. He said he is currently negotiating with someone for enough parking spaces to accommodate office and retail users. He said he could never provide the nineteen spaces on site to accommodate a restaurant. Mr. Stavroff said he could come back with a plan that shows more parking spaces but that will not get it done. He said he is a real estate developer and he will not lease a space if he cannot provide parking for it and he recognizes that he will have to go off site for parking. He said asked the Commission to consider that and not require that he downsize the building. He said even if he does reduce the square footage, vibrant users will require that he go off site for parking.

Commissioner Little said he has lived in Powell for 17 years and compromises have been made with the connection of Bennett Parkway to Presidential and the connection of Murphy Parkway. He said they are now being asked to compromise their history. He said the applicant originally came in with a plan to renovate this building and it was acknowledged that the building would have to be moved to allow turning options. Commissioner Little said he needs to see a valid justification to prove why they need to demolish this building and compromise what little is left of the historic district.

Mr. Stavroff said he is trying to bring something outstanding which is much better than is what there today. He said he respects the feelings of the people who have lived here for a long time. He said he was prepared to renovate the building but it has been neglected for 50 years. He said he would argue that the City needs to put something in place to maintain valuable buildings within the Historic District. He said this one was not maintained and it is in such bad shape and if the City is asking them to renovate, it is a little late in the game. He said he will sell it at a reasonable cost to the City or anyone who wants to buy it. Mr. Stavroff said he is not prepared to move the building as he is not comfortable with the expense to reinforce it structurally if it is even able to be done. Commissioner Little said the applicant has the obligation to tell that story.

Mr. Stavroff said he has a lot of effort in this project and he will get bids for the cost of moving the building if that is the request of the Commission. He said has been asked to be here but he does not want to fight with the community. He said his reputation is important to him and if the City does not want this it is fine. He said he has been working on this for a year and a half and has an additional \$50k in the plans for the site. Chairman Futryk said when the applicant came in initially they thought the building could be rehabbed. He asked if they have documents telling the condition of the building which shows that is not the case. Mr. Stavroff said he has verbal proposals and it would be irresponsible to rely on those. He said he is not prepared to move the building as it is beyond its useful life and did not originally have a lot of architectural flair. He said he feels there is a huge traffic problem here and rehabbing the present building will not bring the type of user that will bring life to the downtown. He said they need to decide if they want to be more like Dublin or Grandview.

Commissioner Little said the applicant's obligation is to tell the story as to why demolition is necessary. Mr. Stavroff said he can get a contractor's opinion. He said this building has asbestos shingles and the foundation is failing and it would not be a simple undertaking to move it. He said he will get a study but regardless of the cost he is not prepared to move the building in its current state. He said he would consider rehabbing the building in its existing location.

Commissioner Emerick said there is a perception problem here. He said they have already approved rehabbing this building and a strong case will have to be made to prove that they need to demolish the building. Commissioner Wiencek said it is not the applicant that is saying this building needs to be demolished. He said City Council has approved a contract to buy a parcel of land that will require it. He said the applicant is on record saying he is willing to rehab. Commissioner Wiencek said it is not unreasonable for the applicant to back up his statement that he is not moving the building with gross facts and figures. He said he suspects that moving the building will require demolition and rebuilding of a

new foundation so an architect's estimate could be obtained. He said there would be a cost to move the building and that estimate could be made. He said the Commission needs to hear what makes it economically unfeasible to move the building.

Commissioner Wiencek said the applicant does not have to say why the building cannot be saved because he has already said it can be saved. He said City Council has said that the structure needs to be demolished in order to retain the right to preserve the area for turn lanes. Chairman Futryk said the procedural issue is with Council who did not come to the Commission before making the decision to enter into the contract to purchase the right-of-way. He said they already have an approved plan with Mr. Stavroff to rehab the building and Council went around the Commission. Commissioner Wiencek said Council did not go around the Commission. He said the applicant has a contingency within the agreement which requires that he be able to come to this Commission and convince the Commission that it is appropriate to demolish the building and replace it. He said that has nothing to do with turn lanes. He said it will be Council's determination, not the Commission's. Chairman Futryk said the Commission already approved the plan and if Council had intentions to enter into an agreement knowing there was an approved plan it would have been wise for Council to come back to the Commission prior to finalizing the agreement. Commissioner Wiencek said the agreement is not finalized until Mr. Stavroff has subsequent approval by the Commission. He said if the Commission chooses not to approve whatever plan the applicant comes forward with, Mr. Stavroff has the ability to walk away from the agreement, the City will not purchase the right-of-way, and Mr. Stavroff could proceed with the previous plan. He said Council could, at that point in time, decide to pursue eminent domain proceedings and take the strip in that manner. He said it is always better to negotiate in good faith with the owner rather than deal with eminent domain and that is how Council arrived at that purchase price.

Commissioner Emerick said this puts them in a difficult position as they have already approved rehabbing the building and are now being asked to decide whether or not to allow the building to be demolished. He said by code they are required to make that decision based on the economic viability. Commissioner Wiencek said that is what is different from the previous approval and this approval. He said now, because of Council's agreement, the applicant is in that position as the situation has changed and he is being asked to either cut 10 feet off the front of the existing building or move the building. He said it is not the applicant's job to convince the Commission that either of those options do not make economic sense. Commissioner Wiencek said if the applicant can do that, the Commission's decision is "easier" to make because he has proven the building is worthy of being demolished as opposed to worthy of being saved and then the Commission can deal with what building goes in its place.

Mr. Stavroff said he is very confused. He said he believes the decision has been made. He said he can back out of this but the Council cannot. He said the Commission is arguing over two things: turn lanes and saving the building. He said the City Council agreed to pay for this strip. Mr. Betz said the agreement is subject to the zoning review and approval of the plan. Commissioner Wiencek said Mr. Stavroff has the ability to back out but the City does not. Chairman Futryk said that is his problem with the procedure as he would have liked more forthright communication between the Council and this Commission over this issue. He said they are dealing with three issues: 1) saving the historic building and letting Mr. Stavroff move forward, 2) saying it is no longer able to be rehabbed therefore they must condemn it so something new goes up, or 3) turn lanes that may or may not go up at the four corners. Commissioner Wiencek said it is not this Commission's responsibility to make a determination whether turn lanes are a good idea or a bad idea. Chairman Futryk said they are being asked to look at the traffic study as part of this applicant's review. Mr. Betz said he provided that to the Commission for information only, not to make a determination on the plan. Chairman Futryk said the determination they need to make based on the traffic study is the necessity of the easement to be put in as suggested by EMH&T and its relationship to this building.

Commissioner Wiencek said City Council has made the policy decision that the easement is required. He said it is a done deal and that decision to buy the easement has forced Mr. Stavroff to modify or move this building. He said that is what is different between the previous approval and this approval. He said Mr. Stavroff is in the position where the previous approval does not make sense and cannot happen given the agreement that Council has to buy the land.

Commissioner Emerick said they still need to answer the questions of Section 1143.18. Commissioner Wiencek agreed. Mr. Stavroff said he will do it but he thinks they need to review the real estate purchase contract. He said he will do all they expect him to do. Commissioner Fusch said he wants a ruling from Legal Counsel on this because he feels this Commission has been put in an unfair position by City

Council. He said he would like to tell City Council to deal with the whole thing themselves. Commissioner Wiencek said the City Charter does not allow for that option. Commissioner Emerick said they will need the information to answer Section 1143.18. He said he is not particularly in favor of turn lanes at the Four Corners and is not sure it is worth it.

Commissioner Hrivnak said Council has made a commitment to purchase this easement and that encroaches on the building in discussion. He said if the applicant is abdicating demolition then the Commission must deal with that first and foremost. He said the code says it must be "reasonably economic" and they must hear evidence to that matter. He said he is in favor of not moving past the Sketch Plan phase until this issue is resolved. Mr. Betz said they cannot stop the applicant from proceeding with a Preliminary Development Plan. He said they do not have to allow them to proceed with a Combined Preliminary & Final Development Plan. Mr. Stavroff said the problem of the Commission is with the City Council. He said some of this is internal and has nothing to do with him. Commissioner Ireland said he hopes in the future City Council does a better job of communicating with the Commission.

Chairman Futryk said he is offended by the position in which the City Council has placed the Commission and the applicant. He said this is a beautiful proposal but he does not feel it is the right building for this corner. Chairman Futryk asked for feedback from the Commission regarding the building sketch plan. Commissioner Hrivnak asked for clarification about the requirement that the building be demolished within 90 days. Commissioner Wiencek said once the applicant has approval from the Commission he then has 90 days to demolish the building. Chairman Futryk said the Commission will not approve anything until the conditions of the code section are met.

Commissioner Emerick said in terms of architectural design he will defer to the HDAC. He said if there will be a restaurant, they will need a dumpster and room for access. Commissioner Hrivnak stated he has concern about the size of the alley on the east side of the building. He said the fire department should look at that. Commissioner Emerick said he likes the building design but would like to see something different. Chairman Futryk said the proposal is a little too big for the property. He said he does not want to get into a parking discussion as other successful restaurants in Dublin do not have parking attached. Commissioner Little said this is a beautiful building. He said the scale in relationship to size of the property is troublesome unless some viable guaranteed parking arrangement is forthcoming. Commissioner Wiencek said the perceived lack of landscaping capacity speaks to the size of the building on the lot. He said he is somewhat swayed by Mr. Stavroff's argument about the parking issue. He said he agrees that shrinking the building 50% to allow four spaces still presents an issue. He said if they are going forward with a larger building, how to deal with parking will be an issue. He said they will have to preserve Mr. Freiheit's ability to have customer parking for his tenants. He said it is not the lack of parking spaces as much as it is what the lack of parking spaces does to the neighboring businesses. Commissioner Fusch said he agrees with others that there is not a parking problem in the downtown area. He said the argument that people can't or won't walk is a bit fallacious. He said this is an interesting and good design. He said he is concerned about the scale and that it may bring too much Italianate architecture in too small of a space. He said they need to have an eclectic look different from the Xenios or Odd Fellows buildings.

Chairman Futryk asked if the members received the comments of the Architectural Advisor. They were received. He said the applicant has requested to submit a Combined Preliminary & Final Development Plan as the next submittal. Discussion continued. It was determined to require two meetings to gain public opinion and input.

There was a five minute recess. The meeting reconvened at 9:45 p.m.

CERTIFICATE OF APPROPRIATENESS

Applicant: Distinctive Marble and Granite
Location: 210 N. Liberty Street
Zoning: PC, Planned Commercial District
Request: Approval of green awnings for structure and approval of monument sign changes.

Chris Schnetzler, owner of Distinctive Marble and Granite, 214 N. Liberty Street, 4692 Village Club Drive (residence), was present to discuss the request for green awnings at his business. He said he has worked with Mr. Koons at Goodwill and have decided on this color palate. He said there was miscommunication at the last meeting and he was not able to be present. He said the building color scheme is earth tones. Mr. Schnetzler said they painted the entire building tan and the green fits in with the earth tone scheme.

He said green awning would fit in with his company logo as well. He said they are asking for the Commission's approval to add forest green awnings. He said if the Commission feels that is in conflict with monument sign they will repaint the teal bottom to match the awning color. He said they do not have final sign plans yet but most likely similar to the proposal on the right. He said the size will stay the same. Mr. Schnetzler said they will have green/gold reflected in the sign lettering, as well as the Goodwill blue. Chairman Futryk asked if the Goodwill logo is blue.

Dan Koons, Goodwill, 210 N. Liberty Street, said it is blue lettering with green "swoosh" over it and that logo is shared throughout Central Ohio. Mr. Schnetzler said he thinks the teal blue border around the bottom of the sign is what is objectionable to the Commission. He said the bricks on the sign are also "unique." Mr. Betz said the building was painted a color to match the brick on the front of the existing building. He said the monument sign was done at that time in approximately 1994.

Mr. Fischer presented the Staff Report. He said Staff believes the sign should be matched to the green awning color.

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

Commissioner Fusch asked if they could paint the brick on the monument sign to match the earth tones on the building and paint the base to match the awnings. Mr. Schnetzler said they could do that. Mr. Betz recommended the applicant change the base to match the Marble and Granite logo rather than the awnings. Commissioner Wiencek asked that the applicant work with Staff regarding the base color.

MOTION: Commissioner Little moved to approve the Certificate of Appropriateness with the following conditions:

- 1. That the brick on the sign be painted.**
- 2. That the sign base be painted to match the green in the Marble and Granite logo.**
- 3. That landscaping be added around the base of the sign.**
- 4. That the applicant work with Staff to determine paint colors.**

Commissioner Fusch seconded the motion.

VOTE: Y 7 N 0

Mr. Betz said Staff is still working with the applicant to finalize of the side issues from their construction.

PRELIMINARY DEVELOPMENT PLAN

Applicant: DRK
Location: 180 West Olentangy St
Zoning: DB, Downtown Business District
Request: Approval of a Preliminary Development Plan for a new 9,000 sq. ft. retail center

Todd Farris, Farris Planning & Design, representative for the applicant, presented a proposal for Village Communities for the remaining parcel at the Traditions at Powell. He said the original plan included condominiums, office building, and proposed LaTavola Restaurant. He said he has been hired to develop this site with mixed use retail. He said they are still looking at a restaurant use but LaTavola is no longer interested and it would no longer be the primary use. Mr. Farris reviewed the site plan. He said it is organized as a grouping of buildings and they tried to open up a view corridor with visibility and viability to the rear building. He said from the downtown this site will be prominent and from the west it is harmonious but no storefronts will be facing directly onto Olentangy Street. Mr. Farris provided a brief parking calculation for different use scenarios. He said no users have been identified at this time. He said at this time they have 48 parking spaces planned for mixed use retail which may include a 60 seat restaurant.

Al Berthold, Architect, provided photographs of centers within Powell, the current site, and the Downtown area. He provided elevations for the proposed retail center. He said he incorporated the standards and details expected within the Historic District. Mr. Berthold noted the proposal has 6/12 roof pitches and gables at the front. He said because of the proximity to the property line, he treated the rear elevations differently. He described the elevation which faces the Matusoff building: additional windows, gable, and faux entry to make the rear of the building look like the front of the building. He described the elevation which faces the condominiums: gabled dormer, working vent, and doors with transom windows over for detail. Mr. Berthold said they have discussed brick rather than siding. He said he understands the

comments in the Staff Report regarding signage area and goose neck lighting fixtures and they are scheduled to meet with the HDAC on April 26th to get a consensus from them.

Chairman Futryk asked if Mr. Berthold had seen the comments of the Architectural Advisor. Mr. Berthold said Mr. Meyers has stepped back from this review as he designed the Matusoff building.

Mr. Betz provided the Staff Report (exhibit). He said this site is accessible and overall there should be plenty of parking for everyone. He said access is proposed to come from the common driveway but will be moved a bit closer toward Olentangy Street. He said the access easements that were originally prepared will need to be amended. Mr. Betz said this proposal will require HDAC review. He said because of the change to the Downtown Business District, the text within the proposal will need to be amended and the setback requirements have changed.

Mr. Betz said Staff is concerned about the amount of parking located at the front of the site. He said the landscape plan proposes fencing and stone wall which would provide screening but this parking proposal is much closer to the street. He said as the lot is designed, if full, a vehicle would have to back out into the main entry drive. Mr. Betz said Staff is opposed to this parking area as proposed because of this safety issue. He reviewed suggested changes which would remove the noted parking area and allow the building to be adjusted slightly to the east. He said this would allow for parking at the front door of the businesses and add three parking spaces to the site.

Mr. Betz said the Commission may want to limit the amount of square feet allowed for restaurant users. He said the applicant should produce architectural details which conform to the guidelines for the Historic District. He said the Matusoff building was designed with a lot of thought and effort to make it fit within the Historic District. He said the two buildings do not need to match but he will leave that up to the architects to design. He said this proposal does not appear to be in conformance with the guidelines. Mr. Betz said he does like the positioning of the buildings.

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

Mr. Berthold said he believes his design matches the Matusoff building. Commissioner Ireland said this building does not seem to fit within the architecture in this portion of the Historic District. He said brick will not work in that setting. He said he likes the landscaping and layout. Commissioner Ireland said this is one of the entrances to the historical portion of the City and it is very important to the Commission.

Commissioner Hrivnak said in the proposal the best view of this property is from the east and he would rather have the best view as one is coming into Powell. He said he is unsure how that would be accomplished with this shape lot. Mr. Farris said the Matusoff building is a part of this picture and he asks that the Commission not put so much weight on the proposed building as the Matusoff building has an effect on the view.

Commissioner Emerick said he is not impressed with the color of the brick and he feels there is more that can be done to the rear elevations.

Commissioner Little said these are a nice looking set of buildings but they are not appropriate for this site. He said this looks like a commercial strip center and it should look more like the older buildings as one enters town. He said there was a proposal for a site on South Liberty Street which was made to look like a house and a barn and that seems more appropriate as a concept. He said the Staff Report suggested an American Four-Square up front. Mr. Betz said in the HDAC they speak about the "story line" for a property and how it may be restored or recreated. He said that could be considered as part of the proposal to make these two viable retail buildings.

Commissioner Wiencek said he does not believe the buildings fit at all. He said they are looking for an adaptive re-use look. He said they need to look more like that than a retail strip mall. He said they are also trying to keep parking behind the buildings within the Historic District. He asked if they can flip-flop the two areas so it gives an opportunity for view from both sides. He said the brick and lattice fence is overdone for the period and they typically have small picket fences in the Historic District. Commissioner Fusch said the buildings look late 20th century commercial. He said they do not fit at all into the HDAC guidelines. He said he is the Commission liaison and the HDAC members will echo these same

comments. He said if he lived in one of the condos he would think the back of the one building proposed would be considered an "eyesore."

Mr. Berthold responded to the comments of the Commission members. He said has observed two story buildings and a mix of brick and siding within the Historic District. He said he first presented a "farmer's market" concept to Mr. Kenney and he did not like it. Discussion continued. Mr. Berthold said he does not want to get caught between the HDAC and this Commission. Commissioner Futryk said that is unlikely.

Commissioner Little said this proposal is still a traditional strip building that one would find anywhere but this looks a little nicer. Chairman Futryk said this was originally proposed as restaurant and other retail. He said they looked at it as one development even though there were three parcels. He asked if it could be made to look like small, older houses. Mr. Berthold said they could make the front building look more like a house with big windows so it looks more like the Matusoff building. He said it could be mostly siding with brick gables.

Commissioner Wiencek said he is not sure more retail is appropriate at this location. He said maybe Mr. Kenney should consider professional offices instead. Mr. Farris said Mr. Kenny is not interested in office space. Commissioner Wiencek said the applicant should review this proposal with the HDAC and then incorporate their comments into the proposal before returning to the Commission.

OTHER COMMISSION BUSINESS

Mr. Betz reviewed the proposed changes to the Village Green parking lot. He discussed the features in detail and described access to the site. Chairman Futryk asked if there are public parking spaces at the Old Fire Station on N. Liberty. Mr. Betz said it is now open to the public. He said there is also a gravel public parking area on Depot Street along the railroad which will hold 40 cars. Mr. Betz said the project goes out to bid in May and will start construction after the Powell Festival.

Amendments to Sign Regulations will be heard on May 9, 2007.

ADJOURNMENT

The meeting was adjourned at 10:46 p.m.

DATE MINUTES APPROVED: May 23, 2007



Kevin Futryk
Chairman

6/12/07

Date



Susie Rags
City Clerk

6/12/07

Date