



**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  
MAY 23, 2007**

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on May 23, 2007 at 7:30 p.m. Commissioners present included Donald Emerick, Eric Ireland, Jim Hrivnak, Bill Little and Dan Wiencek. Richard Fusch was absent. Also present were David Betz, Director of Development; Eric Fischer, Development Planner; Gene Hollins, Law Director; 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.

Larry Coolidge, property owner at 26 W. Olentangy Street, said he has seen a lot of things happen in Powell throughout the years. He said many years ago people said they needed a bypass around the downtown. He said Bennett Parkway was proposed but never fully completed. Mr. Coolidge indicated its proposed path on a map. He said that did not hurt the downtown at that point but it should have provided a bypass. He said then Murphy Parkway was proposed as an answer as it would not have to cross the railroad tracks. He said the parkway was partially built and the City purchased \$540k worth of ground so it could be completed. He said to date that connection has not been completed and that has pushed more traffic into the downtown. Mr. Coolidge said one can drive through almost every subdivision and get in and out on some type of "good" road. He said MS Consultants spoke about the completion of connectors in the southwest quadrant of Powell and Murphy Parkway would be one of those connectors. He said with it not completed it impacts traffic and the need for turn lanes in the downtown. He said he has seen the Four Corners intersection go from an "A" to an "F" and efforts to change it. When EMH&T performed the Four Corners Traffic Study recently they were asked what would happen if Murphy Parkway was completed. Mr. Coolidge said the engineers said if it were completed it would help the traffic downtown from 50-70% in some directions. He said when trains go through it has a big impact on the congestion of traffic. He indicated a proposed Home Road east-west connector which will be started in 2007 and completed in 2012. He said that connector, along with the improvements at Hard Road will make the turn lanes unnecessary.

Chairman Futryk closed the public comment session.

**APPROVAL OF MINUTES**

The minutes of April 11, 2007 were amended and approved.

The City Clerk issued an oath to those attending who intended to speak at the meeting.

Chairman Futryk asked if any Commission members had received ex parte communication regarding items on the agenda since the last meeting. Chairman Futryk asked that one item of correspondence be attached to the record and that correspondence from Commissioner Fusch be attached to the minutes as he was unable to attend this evening. (Exhibits "A" & "B")

**PRELIMINARY DEVELOPMENT PLAN**

Applicant: Stavroff Interests LTD  
Location: 8 North Liberty Street  
Zoning: DB, Downtown Business District  
Request: Approval of a Preliminary Development 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.

Gene Hollins, City Law Director, introduced himself to the members of the Commission and spoke to clarify the legal issues regarding the contract between the City and Mr. Stavroff. He said no one has endorsed demolition at this time and it will be demolition if and only if there is a substitute building this Commission feels is in character architecturally, at the right standard, etc. as a replacement for the existing building. Mr. Hollins said the Commission should focus first on review of the proposal for the new facility and then analyze the possible demolition, weighing and balancing all of the issues of public policy.

Commissioner Ireland asked if they should address the structure first and make a motion and then the demolition with a separate motion. Mr. Hollins said they should be discussed separately and then according to code it should be addressed with one vote.

#### PRELIMINARY DEVELOPMENT PLAN REVIEW

Matt Stavroff, Applicant and Owner, 8 N. Liberty Street, said they have presented the architecture at a prior meeting and tonight they will present key changes to the elevations.

Mark Ford, Ford and Associates, said they presented this plan to the HDAC and received a 6-0 approval on the architectural design. He said they attempted to design a building of scale and architectural character which is similar to the buildings in the Historic District. He said this will look like a grouping of buildings with a corner entrance. He said this proposes a combination of wood siding with historical detailing around the windows. He said the two-story piece is modeled after Italianate style and there is a brick structure to the east side of the site. He described the site access plan which was devised by working with Staff and surrounding landowners. Mr. Ford said the basic premise is a one-way lane heading east from Liberty and a two-way lane to the east of the proposed building. Commissioner Wiencek asked if the changes to the footprint are to add the two-way drive to the east. Mr. Ford said it is. He indicated areas where growth to the footprint could occur. He indicated architectural details on the brick building. He said by creating a new footprint it allows the building access at grade and would better accommodate foot traffic and handicap accessibility.

Chairman Futryk asked if the connector is a part of the brick building to the east. Mr. Ford said it is. He said the whole project is roughly 6k sq. ft. with the first floor approx. 3800 sq. ft. and the upper 2300 sq. ft. Mr. Ford said the site plan shows four parking spaces on the north side of building and they tried to address concern of adjacent landowners regarding parking. Mr. Ford said they accommodated all automobile movement on their property. He said the applicant would like to negotiate shared access. He said they followed the right-of-ways and propose to go to the zero lot line on the west building footprint. He noted the location of dumpster service and enclosure on northeast corner of site. Mr. Ford said they had healthy, positive discussion with the HDAC and he felt they were in favor of the proposal but had concerns with removal of the existing building. He said the General Contractor is available to address technical and logistical issues. Carter Bean, Ford and Associates, was also present.

David Betz, Director of Development, presented the Staff Report. (Exhibit "C") He indicated the access on the site plan and the addition of four parking spaces. He said there was mention of a possibility of a parking agreement and Staff would like more details before the Final Development Plan. He indicated the differences between the three site plans proposed. Mr. Betz said Staff feels Option A is the better of the three if this corner is to be redeveloped. He said the Commission does have flexibility in granting variances through the development plan process. He said this development plan does have several variances associated with it including lot coverage by building and pavement; building lot coverage by code equals 1500 sq. ft. each floor and lot coverage by code of 3880. He said setbacks are 20' in on both sides of Liberty Street and Oientangy Street. Mr. Betz said in order to keep the Four Corners intersection in a similar look and fashion as it is now, Staff feels reducing setbacks to zero would be appropriate. He said the code allows for a maximum building height of 35' and the text indicates maximum height of 40'. Mr. Betz said parking requirements would be from 12-19 spaces depending on use and only four are shown on the site plan. He said the HDAC reviewed this proposal and stated by a 4-1 vote that if the present building was to be demolished and another building put in its place, they would recommend the architecture shown here. He said they also recommended 5-0 not to demolish the present building. Mr. Betz said Staff recommends this property owner work with adjacent property owners on the access easement as it is very important.

Chris Meyers, Architectural Advisor, presented several questions regarding the proposed plan. He asked if the applicant has drawings comparing the proposed building to the building on the southwest corner. Mr. Ford said they have not scaled it off but it is probably within 2-3' in height of this proposal. Mr.

Meyers concurred with the HDAC that the new building is appropriate in means of style. He asked about intended users. Mr. Stavroff said it is not intended to be all office space and his vision is to have a food user or various retail users. He said the footprint could not be changed to accommodate the appropriate amount of parking spaces so that would be handled off-site. Mr. Meyers said it is fundamentally different when it is a restaurant use compared to retail use. He asked if deliveries, venting, etc. had been considered if it would be a food service use. Mr. Ford said they would need trash containers but not necessarily a dumpster. He said they could also have valet parking as has been used successfully in Grandview. He said deliveries could be accomplished in down time and would have to be scheduled with loading from the drive aisle. He said restaurant users would have a cooler and dry storage and the square footage on the northeast corner would be eroded into to accommodate that. Mr. Meyers asked if all of those things could be addressed by the applicant. Mr. Ford said they will. Mr. Meyers said areas for transformers, gas and electric meters, and landscaping on the northwest side would need to be clarified. Mr. Ford said trees would be added along Olentangy Street and the other elevation landscaping would be determined later. He said they would commit to put the meters in the least discernable area. Mr. Meyers said he would not want to see any of those items placed on the east brick façade. He noted that the product for the dentil may have to be wood trim. He said the proposed building character is in line of what old downtown Powell is trying to become.

Chairman Futryk asked if removing the small connector building would provide more green space and break up the massing. Mr. Meyers said the downtown is stepping away from the separation of buildings and moving toward buildings grouping tighter together. He said density changes appearance and the variety in façade brings the massing down. Chairman Futryk asked if Mr. Meyers is comfortable with the materials proposed. Mr. Meyers said he is comfortable with the materials but not the color. He suggested they look at the downtown neighborhood to see what colors to use. Mr. Stavroff said he is not satisfied with the exterior colors at this time and they will work on that.

Chairman Futryk opened this item to public comment.

Tom Weiss, 308 Hopewell Drive, said this is a "no-brainer." He said they don't need the turn lanes but to instead use the police to control traffic. He said this is a very good building so they should rehab it and bring it up to standards. He said when he was in business and he located here this building was the Powell Hardware. He said the building is unique and he doesn't know why they have to modernize because Powell is an antique place. Mr. Weiss said they could break the building into individual units and sell timeshares of this as a retail antique store. He said he cannot see how so many people can make something so complicated that is so easy. Mr. Weiss said he is not against the owner making money but he doesn't think they need to tear the building down.

Lisa Smith, 260 Ravenspur Court, asked why they want to tear down a historic building if this building can be renovated. She said they should keep a historic building rather than making a contrived version of it.

Chairman Futryk asked that those speaking refer to only the proposed new building in their comments.

Deb Howell, 236 South Liberty, HDAC member, said she has been a Powell resident for 14 years. She said when she moved in the building was there and she thought it was a hideous building. She said it needs renovation. She said at the Historic review she loved the renovation plan for the building. She said now Mr. Stavroff is being paid not to renovate and to sell off part of the property. She said this building is one of the basics of Powell. Ms. Howell asked if the turn lanes had not been proposed, would Mr. Stavroff still be willing to renovate. She said he would have a financial advantage. Mr. Stavroff said he will present a case as to why it is less feasible to renovate than it was a year ago. Ms. Howell said the HDAC approved this building because they did not want to see an empty lot sitting there. She said they liked the renovation however they stated their first preference was for renovation of the hardware store. She said as a resident she must deal with the intersection 4-6 times per day and traffic is often backed up to her house. Ms. Howell said she would rather deal with traffic than add turn lanes to the intersection as turn lanes will ruin Powell.

Tom Kapp, 10426 Forest Glen Place, said his wife owns Rue de Lily on Olentangy Street. He complimented Mr. Stavroff with what he is trying to do. He asked what can be done to accommodate parking so they do not park at other businesses. He said he had a contract on the property before Mr. Stavroff. He said for years people could have purchased this site and renovated it but nobody did. He attempted to do it but it would have cost a fortune. Mr. Kapp said he would like to know what type of user would be there because of the parking situation. He said he does not want their parking impacted.

He said there are just practical things to be worked out regarding deliveries, traffic and parking and he would like those questions answered.

Tom Ritchie, 238 Hopewell Court, complimented Mr. Stavroff on the positive changes to attempt to add parking spaces. He asked why the City should give concessions of zero setback, zero green space, and 2' over the easement line. He said that concerns him. He said two-way traffic would be good for the future but he proposes they make traffic one-way until that time. Mr. Ritchie said he would like to see a smaller building on the site if the Commission decides to destroy the other building.

Dan Grumbling, 236 South Liberty Street, said Mr. Stavroff knew this building was in the Historic District in Powell. He said the City has offered \$130k for the turn lanes and is paying him rent on the building so he will not renovate it right now. He said they lost the Blacksmith Shop which should never have been torn down. He said they bought that building with plans to renovate and then said it was "not sound." Mr. Grumbling said he didn't know if engineers looked at it and now the Blacksmith Shop is gone. He said they lost the building where the S. Liberty complex is going up. He said the design of this building is beautiful but it will just be headaches, especially if a restaurant goes in there. Mr. Grumbling asked where the employees will park. He said the original building should be kept even if they have to remove the front portion. He said property was bought to expand Murphy Parkway and that should be done first before they consider purchasing the right-of-way.

Larry Coolidge clarified that Mr. Stavroff is not getting rent from the City. He said the \$130k is in a contract and is contingent upon P & Z approval of the plan. He said there is a shortage of parking in Powell and if the turn lanes go in off-street parking will disappear. He said he has worked with the Business Association and people love the events. He said some of those might be gone because the parking places will be gone. He said Murphy Parkway would be another route around Powell and it would allow the Downtown to be closed down for events. Mr. Coolidge said they don't have to use tax dollars to address pass-through traffic as those funds should be used on the community. He said MS Consultants identified that it takes a long time for traffic to recover after a train comes through. He said if the City allows this 6k sq. ft. building there will be no parking spaces left in Powell.

Anne Ritchie, 238 Hopewell Court, asked what happens to an agreement for off site parking when the property owner wants to sell. She asked if that would be a temporary fix. She said Grace Drive is becoming popular as a bypass and if a turn lane is to go north on Liberty they may use Grace Drive.

Chris Freiheit, property owner, 18 & 22 N. Liberty and 24 Olentangy, restated that he is excited about redevelopment on the corner. He said the appropriate building on that lot is as good for him as anybody but an inappropriate building would be more damaging to his business. Mr. Freiheit said he commends adding the four parking spaces but said he needs clarification. He asked if they can discuss retail office versus restaurant. He said a restaurant is a high demand parking use. He said he is not opposed to anything that is properly thought out. He said he commends the City architect for bringing up that point. Mr. Freiheit said he has not been contacted by Mr. Stavroff about the potential of funneling cars through his parking lot. He said ideally a restaurant needs to serve the people who use it. He said people park next to the place they want to visit and he does not want to be the guy who tows people away. Mr. Freiheit said the community, Council and Board should not even discuss the approval of a plan with four parking spaces without looking at the appropriate needs of each use.

Chairman Futryk clarified that this is a Preliminary Development Plan Review. He said the Commission seeks input from the public and then gives comments to the applicant. Mr. Freiheit said it is confusing because they are talking about retail use and the notice reflected restaurant use. Mr. Betz said the notice stipulated all of the potential uses within the zoning text. Mr. Freiheit said a high demand popular restaurant would be detrimental to his property. Chairman Futryk said they have not gotten that far but the Commission could put restrictions on the use which could prevent restaurant use.

Joan Hoy, former Powell business owner, said they had a similar issue. She said they had 12-14 parking spaces and it was all civil until someone parked in your parking spaces. She said their business was rising for the first three years and the closing of the intersection for the addition of streetscape improvements made it so they had to file bankruptcy. She said the parking needs to be addressed even if it is only for a retail use. Ms. Hoy said this corner needs to be rehabilitated and it is an awesome idea, but it is too big. She said parking has always been an issue and it is getting worse. She said the building should be made smaller and more parking spaces added. Ms. Hoy said on Saturdays when people come in to visit from out of town they want to park in the spot in front of the building. She said they must learn from their old

mistakes. She said they were all for the improvements but it took them down the drain. She said bypasses are needed to get around this town rather than tear up the roads.

Larry Danmiller, 95 Woodlane Drive, said he moved to Powell because he likes this small community. He said there are not many four corners left. He said he does not like the looks of the present building but that can be changed. He said the Commission should not approve a building of this size and it will just magnify the problem. Mr. Danmiller said they have an opportunity to put something in that should improve the situation in Powell with more green space and parking.

Chairman Futryk closed the public comment session.

Commissioner Ireland asked for information about the square footage and parking of the current building. Mr. Stavroff said the present building is approximately 4k sq. ft. and he is not aware of any parking spaces but there is pavement. He said this proposal is for 3800k on the first floor and the 2k on the second floor may not be unoccupied. He said he wanted to reserve the right for a small office user. Mr. Betz said there used to be angled parking (4-5) on the north side and perhaps 1-2 more spaces on the east. Mr. Stavroff said this footprint a lot larger than the existing building. Mr. Betz indicated the renovation plan which went through review last year. He said it was a similar concept but not quite as long. He said they proposed 3400 sq. ft. on a smaller footprint with the same amount of parking.

Commissioner Ireland said the elevations look nice. He asked that the east elevation be considered another frontage and he will look for that change at the next review. He said if there is a parking problem there will be a parking problem whether this building goes in or not. He said 4 parking spaces are great and they could add more but even 2-3 more will not solve the issue. He said he would like Staff to give them information about downtown parking and expectations for parking around new buildings so they know what they should consider. Commissioner Ireland said no matter what is done with this site there will be a parking issue, but that does not mean they should not do the best they can. Chairman Futryk said he provided study information to Staff about the parking in the City of Delaware. Commissioner Ireland said he would be interested in what may be done to reduce massing and keep the square footage down.

Commissioner Hrivnak said the building looks nice and he would like to see what it looks like next to the adjacent buildings. He asked if they are similar in height and size. He said he likes the idea that it looks like several buildings. Commissioner Hrivnak said they talked previously about reaching agreements about parking and he is not sure that will happen. He said he hopes visitors will park somewhere and go to several places when they go downtown.

Commissioner Emerick said he agrees with the building design comments. He said he agrees with Mr. Meyers comments about the scale and style of the building. He said he thinks parking is the top issue and they may need to consider the condition that there is a parking agreement in place that would endure before approval would take place.

Commissioner Little echoed the same comments. He said this would be very attractive in the center of town and color needs to be consistent with others in the area. He suggested the applicant show the continuance of streetscape on Olentangy Street. He said benches should be used in that area to help discourage people from wandering into the street. He said the plan showing four parking spaces is good and somewhat consistent with the current situation. He said Mr. Stavroff's original proposal showed 6 or 7 parking spots and in his mind, as a result of taking the turn lane easement, the City has in effect eliminated space equivalent to 2 or 3 parking spots. He said therefore he can understand why the new proposal shows 4 spots and he is ok with that. Commissioner Little suggested they restrict restaurant use as not acceptable until a concrete parking solution can be found which could be extended into the future. He said the east façade is important as it is in the entryway into the downtown area. He suggested the applicant plan for two-way traffic on the east side but initially restrict it to one-way. Commissioner Little said addressing parking as a whole is the major issue.

Commissioner Wiencek said he was initially concerned about the Italianate architecture but he defers to the HDAC's opinion. He said he is concerned about the location of mechanicals and the foundation planting and amount of green space. He said they may be able to get around that with large pots on the sidewalks but he would like to see some sort of addition of green space. He said if that means they have to reduce the northern elevation to give that room then they need to do that. He said, as part of the Final Development, he would like to see a parking plan that is approvable by the Commission. He suggested it

be in perpetuity and that it adequately address the most intense possible need. He asked if Staff will recommend limiting turns to right-in, right-out on Olentangy. Mr. Betz said in the long run if it is two-way traffic on site it would be best to be right-in, right-out. Commissioner Wiencek said he does not encourage curbing lots as there should be ease of access between lots. He said he agrees with Mr. Little that the south side of the building should be consistent with the City's Streetscape plan. He suggested that Staff bring the EMH&T renderings that show the four views from the intersection. Commissioner Wiencek said once they see the parking plan at the next review they may need to place limitations on uses.

Chairman Futryk echoed the previous comments of the Commission members. He said he feels the footprint is still way too big for this corner. He said Mr. Fusch, in his written statement, commented about a "walking" downtown and he suggested a smaller building would draw people to the corners. He said they could add benches on the south and west elevations. He said he is concerned about the stacking of traffic of eastbound traffic to enter at the back of the site. He asked if there are ODOT requirements. Mr. Betz said there are not.

Chairman Futryk said parking will be critical regardless of the use. He said unless they provide valet parking or some other mechanism they will be looking at restricted uses as well. Commissioner Ireland requested information regarding how to assess a parking proposal given these circumstances. Chairman Futryk asked how wide the sidewalk would be. Mr. Betz said the sidewalk would be 6' wide, as it is currently. Commissioner Wiencek said the City has recently opened public parking just south of the cemetery (20 spaces) and right after the Powell Festival the municipal building parking lot will be renovated to provide 137 parking spaces. He said although it is not always directly adjacent to the shops, there is significant parking downtown.

Mr. Stavroff asked if businesses would thrive if he knocked down the building and made it a parking lot. He said he does not think there is a parking problem in the downtown. He said there is underutilized land and last thing they should want is a sea of parking. He said a restaurant use is a nighttime use and most businesses are closed then. Chairman Futryk said they must address code requirements and do their due diligence. Mr. Stavroff asked if this is imposed on existing businesses. He said to have to secure 50 spaces without a user is unreasonable. Chairman Futryk said they are just asking him to come forward with a plan at the next review. Commissioner Emerick said any applicant who comes before the Commission will have to deal with parking. Mr. Betz said valet parking would be a workable plan if it is put in writing.

#### POTENTIAL DEMOLITION OF PROPERTY

Mr. Betz presented the Staff Report regarding the potential demolition. (Exhibit "D") He said within the Historic District there are required demolition hearing procedures. He explained the procedure and conditions within Section 1143(l)(2) of the Codified Ordinances. He said the applicant has indicated there is no economic reuse of the structure and has provided a report on that subject. Mr. Betz said in the time since the renovation plans were approved City Council has decided to purchase the right-of-way to preserve the ability to add turn lanes in the future. He said the existing building could have the front removed and rebuilt or the entire building could be moved to a different location on the site. He said the developer has submitted documentation indicating that would not be feasible.

Mr. Ford said a year or so ago he took a structural engineer to the site and the north foundation wall was found to be a concern. He said a structural analysis was done and it has not changed. He said there is significant damage to the north foundation wall due to traffic and water damage. He said it was found to be a fairly expensive proposition at that point in time. Mr. Ford said the basic premise is that relocating or removing the front face is practically unfeasible. He said there are issues with the existing floor structure, handicap accessibility, and an old elevator within the structure.

Wade Hungerford, General Contractor & Renovation Specialist, described his qualifications and experience. He said he looked at this building about a year ago to renovate it to a quaint interior design firm. He said he met with several moving companies and determined they would need to remove all asbestos tile and windows, and the balloon framing would require it to be shored in order to be picked up. Mr. Hungerford said the Stavroff's asked him to devise a plan. He said it was determined that the best approach was to shore up the structure, get it on a trucking mechanism, move it to the east somewhere, rent an area to store it for about one month, get the foundation system in, protect the site, provide traffic control and bring the building back to the site. He said the moving companies have indicated there would be an extensive quantity of interior shoring required and the building is 4" out of square and 2"

out of plumb. Mr. Hungerford provided information in the Scope of Work. (Exhibit "E") He said the preliminary cost estimate is \$150k.

Commissioner Ireland asked if this building can be refurbished at current location. Mr. Hungerford said at the time of his initial visit the building was being used and once unoccupied other items were noted. Chairman Futryk asked about what would be necessary to restore or repair the north wall of the foundation. Mr. Hungerford said to maintain the integrity of the foundation they should shore up the north wall, jack it up to closer to level, re-lay the stone or block in a mortar bed, install a sump pit, and add appropriate waterproofing. Commissioner Ireland asked if he is saying there is not a material change in his understanding of what would have to take place to renovate this building. Mr. Hungerford said that is true but it has become worse. Commissioner Little asked if the cost estimation is for just moving and placing a new foundation under the building and the building renovation cost is additional. Mr. Hungerford said that is correct. He said he cannot speak to the ADA compliance pieces which may or may not be required. He said there is also the issue that there is no sewer or water to the building.

Mr. Stavroff said he does not have exact numbers of what the building renovation will cost. He asked for the cost of an office set up renovation of a 4k sq. ft. building. Mr. Hungerford said it could be done on the cheap for \$400k or for standards in this area in the \$600k range.

Commissioner Ireland said the Commission needs to see documentation of the two conditions. He said the applicant received an approved plan for an economically feasible restoration project. He asked if there has been anything that has changed that makes it unfeasible. Mr. Stavroff said he initially purchased this for a specific reason that did not pan out. He said his back-up plan was to renovate the building for his mother for her interior design business. He said he was prepared to renovate the building because that was what his mother preferred. He said it would not have been economically viable but he agreed to do it. He said he is not being asked very difficult questions that he may not be able to answer.

Chairman Futryk said the Commission cannot deal with the political decision of Council but have to deal with the requirements of the code. Commissioner Little asked about the difference between starting over and renovating the building. Mr. Stavroff said a 4k sq. ft. new structure would cost approximately \$700k total including the purchase price. He said that equals \$175 per sq. ft. He said renovation of this 4k sq. ft. building would cost approximately \$850k which equals \$215 per sq. ft. He said this building has exhausted its useful life and after renovation it would be more expensive to operate.

Commissioner Wiencek said the original plan is no longer feasible because of the actions of City Council. He said Council has made a decision preserving the option for turn lanes and in doing so this requires ten feet of Mr. Stavroff's property. He said that 10 feet which the City is buying requires that the building either have its front cut off or be moved. He said that is what has changed and the original plan is no longer feasible if they stick to the contract with Council. Chairman Futryk asked if the action of Council is negated if the three conditions are not met. Commissioner Wiencek said the job of this Commission is to determine whether or not it is economically feasible to retain this building in one of the manners still available to Mr. Stavroff. He said if the Commission determines either of those options is appropriate then Council's deal with Mr. Stavroff will fall apart and City Council will have to determine whether to go eminent domain to preserve that right or allow Mr. Stavroff to continue with the originally approved renovation.

Commissioner Hrivnak said in the criteria it says it must be demonstrated by written documents. He asked if those documents were available regarding the economics of cutting 10 feet off of the front or the economics of moving the building. Mr. Stavroff said moving the building is the only reasonable option and the structural engineer questions whether the building can even survive the move. Commissioner Wiencek said there is a letter from the applicant which shows specific numbers that prove it is not economically viable. Mr. Stavroff said if he rehabs the building he will have to find a first floor user who would be willing to pay \$40k net plus operating expenses. He said that would equal \$52k for a 2k sq. ft. structure. He said a brand new 5k sq. ft. building would cost around \$700k. He said he initially thought it would cost \$10k to demolish the building and it is now estimated to be \$30k. Commissioner Wiencek said they cannot add in the \$130k that the City agreed to pay Mr. Stavroff to the proforma for this building because the City had the building appraised and \$100k is for diminished value for the land taken. Mr. Stavroff said there is probably a \$30-\$40 per square foot difference between new and renovated.

Mr. Betz asked Mr. Stavroff to speak more about the rents for a renovated structure versus a new structure. He said a lot of this addresses the economical feasibility as a user. Mr. Stavroff said he respects

the desires of the community. He said he is seeking a user that generates tremendous revenue and he will need to have a structure that functions. He said this structure has no chance of doing that and he was willing to accept that. Commissioner Wiencek asked Staff to speak to the approximate square footage of the offices on the west side of Liberty. Mr. Betz said they are 4-7k sq. ft. Mr. Coolidge clarified that the buildings are 3-4k sq. ft. Mr. Betz said 285 South Liberty is on two lots and is about 5-6k sq ft. Commissioner Wiencek said the unreasonable 1500 sq. ft. restriction was removed and great new buildings were then made available. He said that helps put Mr. Stavroff's proposal into perspective because those buildings were built on clean lots. Mr. Stavroff said the concern about scale is valid but lot coverage is a good thing. He said often businesses solve parking under, behind, around their building or off site. He said he wants this to be a destination.

Commissioner Little asked what the monthly rental requirement would be with \$170 per sq. ft. versus \$200 per sq. ft. Mr. Stavroff said they would like to have a 10% return so that would translate to \$17 per sq. ft. on a new structure and \$22 per sq. ft. on the old. He said Mr. Coolidge is an expert and he can tell you what people pay in this market.

Mr. Coolidge said 50 S. Liberty is planning on \$14-16 sq. ft. for retail and they have not been successful. He said as the building comes together they will get more users. He said he wishes anyone luck to get \$20 per sq. ft. He said there is a lot of vacant office space in and about Powell. He said he renovated the building at 37 South Liberty Street and it draws \$12 per sq. ft. He said there are similar issues. He said on a new building he would guess \$15-16 per sq. ft. Mr. Stavroff said that means his site would have double the rent. He said a basic metric would be that a retailer will pay 5-10% of total sales in rent.

Chairman Futryk opened this issue to public comment.

Larry Coolidge read a letter from Ronald Reagan to the Powell-Liberty Historical Society. He provided an article from Ohio Heritage Magazine. He said Powell has spent a considerable amount of money to start a Main Street group. He read their goals and provided a letter from Joyce Barrett at Heritage Ohio. He read an email correspondence from Phil Laurien, past director of DCRP. Mr. Coolidge said he has restored more buildings around here than anyone and if we start tearing down buildings we tear down the fiber of the community. He said to take this building down it would change the Four Corners forever. Mr. Coolidge said the numbers worked for this restoration nine months ago and the big thing that changed is the \$130k. He said he questions having to move the building off site. He said the building has been there at least 117 years and is one of the oldest in Powell. He said he would rather see the City give Mr. Stavroff \$130k to renovate than tear down this building.

An unidentified audience member asked if Council had funded turn lanes. Mr. Betz said they have not and there is no Capital Improvement money for it at this time. He said in time TIF funding will be available. The gentleman asked why the City is buying property which condemns this building if they may never have turn lanes. He said it would be a good idea to complete Murphy Parkway first and if they do they may never use this property. Mr. Betz clarified the reasoning behind the purchase of the right-of-way. He said at this time there is a willing seller and if the corner is improved it could be 3-5 times as much to purchase that same amount of land. The gentleman asked if there is a proposed installation date for the turn lanes. He said many people have given away far more land than that for right-of-way. He said the study said the turn lanes for east and west are not needed and that means this property would not be used. Mr. Betz said that is not correct. The gentleman said this applicant should be made to do what he said he would do to begin with. Chairman Futryk said the action of Council has made this necessary. Commissioner Wiencek said Council feels it is in the citizen's best interest to preserve the ability to put turn lanes in before the renovation takes place because taking right-of-way from an unwilling seller with an existing tenant in a renovated building would cost the taxpayers far more. He said Council has not made a decision about the turn lanes but has facts in front of them to make a decision. He said until there is funding available there will not be significant discussion whether turn lanes go in or not. The gentleman asked why the applicant can't apply the \$130k toward the moving of the building. Commissioner Wiencek said as a part of the acquisition they are taking three parking spaces from Mr. Stavroff. He said the most significant concern discussed is the loss of parking and now the City is making his project harder to develop and potentially less valuable because he will have to use off-site parking. He said it is his opinion the \$130k cannot apply to that cost.

Mr. Kapp said he spent six months looking at how to renovate this building and he spent a lot of money. He said he backed out when he hit the half million dollars figure. He said the builder told him that once he jacked the building up and the elevator shaft comes out it may come down. He said that building

hasn't been touched in 117 years. He said it is a mess and it was ugly then and it will be ugly when it is renovated. He said he believes they should maintain history but when something is ugly and doesn't fit, they should not have to keep it.

Chairman Futryk closed the public comment session.

Mr. Meyers was asked to comment on the architectural significance of this building. Mr. Meyers said he believes in preservation. He said he owns a couple of properties in downtown Columbus and his offices are in a historically significant building. He said there are certain values to be placed on buildings; sentimental values are different from significant architectural values. Mr. Meyers said he has complete respect for the HDAC and there is a sentimental value to this building. He said looking at its physical condition it is not a significant architectural historical building. He said in its day it was probably one of the greatest things in town but they have seen it deteriorate. He said he fully trusts Mr. Hungerford's opinion regarding the durability of this building and the process of moving it. Mr. Meyers said it would be foolish to move it or tear off the front 10 feet. He said holding onto sentimental value of a building like this will not bring back the sentimental history of it as it will not be used in the same manner. He said only so much may be put into it financially before it no longer makes sense. Mr. Meyers said it has been sitting vacant too long. He said Mr. Stavroff could give up and it will continue to sit vacant. He said the fundamental decision to be made: is sentimental value really worth keeping. He said he believes adding turn lanes will ruin the character of the intersection and bypasses are probably the right decision. He asked why they should make it so the roads dominate and not the pedestrians. He said people should walk in a walkable community. He said the backup documentation has been presented and it is pretty clear it needs to be done.

A short recess was taken to draft the motion to be presented to the Commission.

Commissioner Wiencek asked for clarification regarding present location versus potential location of the west façade of the building. Mr. Betz said the west façade would move back 8 feet and the south façade would move back 11 feet. He said the main building would not move significantly. Commissioner Ireland asked for clarification on the issue before the Commission. Commissioner Wiencek said the motion will be prepared so a "no" vote would indicate there is the opinion that the conditions have not been met. Commissioner Hrivnak asked for a copy of the Engineer's structural report. Mr. Stavroff provided the report. (Exhibit "F")

Commissioner Little asked Mr. Meyers if, in his professional opinion, the removal of the frontage of the building and replacing the windows constitutes a loss of architectural significance. Mr. Meyers said he doubts that there is any there already. He said the concept of shaving off the front of the building would not look appropriate. He asked if it were knocked down and replicated would they have something reminiscent of what it once was. Mr. Meyers said he does not see the viability of the options.

Commission Little presented the following findings and motion:

The Planning & Zoning Commission, having reviewed the testimony and documentation, both written and verbal, finds:

1. The structure contains no features of architectural significance.
2. There exists no economical use of the building as it exists.
3. It is not economically feasible to remove the front of the building.
4. The costs to move and renovate the structure are not economically feasible given additional costs associated with renovation as well as the need for increased rents to recover those costs.
5. Deterioration consistent with a lack of proper maintenance has contributed to this situation, as evidenced by the Engineer's structural report.

Based upon the findings above, the demolition of the existing building at 8 North Liberty Street meets code requirements for demolition within the Historic District.

MOTION:Commissioner Little moved to approve the Preliminary Development Plan (A1.1a), and the associated Certificate of Appropriateness for 8 North Liberty Street with the intent to move forward with a Final Development Plan and taking into account the following recommendations:

1. Incorporate the Architectural Advisor (Chris Meyer) suggestions.

