



City of Powell, Ohio

Powell Planning & Zoning Commission

Kevin Futryk, Chairman

Richard Fusch

Bill Little

Donald Emerick, Vice Chairman
Eric Ireland

Jim Hrivnak
Dan Wiencek

MEETING MINUTES JUNE 13, 2007

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on June 13, 2007 at 7:31 p.m. Commissioners present included Donald Emerick, Richard Fusch, Eric Ireland, and Bill Little. Jim Hrivnak and Dan Wiencek were absent. Also present were David Betz, Director of Development; Eric Fischer, Development Planner; Susie Ross, City Clerk; interested parties and members of the Press.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Futryk opened the public comment session. Hearing none, he closed that portion of the meeting.

APPROVAL OF MINUTES

The minutes of May 23, 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. He asked that the record include a letter from Damon Wetteraur, attorney representing Mr. Freiheit (Exhibit A).

Chairman Futryk reordered the agenda.

SKETCH PLAN

Applicant: Brad Yates/Manor Homes for Solihull/Airport LLC
Location: 60 Clairedan Drive
Zoning: PC, Planned Commercial District
Request: Review of Sketch Plan for a 7,722 sq. ft. office condominium building.

Jim Clarke, Architect, introduced the proposal.

Eric Fischer, Development Planner, presented the Staff Report (Exhibit B). He described the location and surrounding uses. He said the only minor architectural difference is the hip roof in the center. He said they intend to subdivide for five users. Mr. Fischer said the proposed site meets all setback requirements and there is plenty of parking planned. He said Staff suggests the proposed dumpster location be moved from the northwest corner to the adjacent corner to make it easier for truck access. He said that would require the loss of three parking spaces. He said Staff finds the site and design to be appropriate to character and function and recommend the applicant be allowed to submit a Combined Preliminary and Final Development Plan.

Brad Yates, Applicant, said he would like to speak with the refuse company to seek their input and bring back any change at the Final Development Plan.

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

Commissioner Ireland and Commissioner Fusch had no comments. Commissioner Emerick agreed with Staff's recommendation regarding the dumpster location.

Chris Meyers, Architectural Advisor, said he would like to see where the utilities, condensing units, and landscaping features are located when the applicant presents the next submittal.

MOTION: Commissioner Emerick moved that the applicant be allowed to submit a Combined Preliminary and Final Development Plan. Commissioner Fusch seconded the motion.

VOTE: Y 4 N 0

Commissioner Little arrived at 7:58 p.m.

PRELIMINARY DEVELOPMENT PLAN

Applicant: Traditions of Powell, LLC
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 in two buildings.

Todd Farris, Farris Planning & Design, 855 Grandview Avenue, stated they have had many meetings since their last review. He reviewed the overall site plan and the proposal for two mixed-use retail buildings. Mr. Farris said they eliminated the parking in the front and have eliminated three parking spaces. He said they separated the buildings more and have reserved an area for a potential patio which will be framed with a hedge so it appears to be a "front yard" for the farm house. He said the architecture has changed significantly so the front building looks like a story and one-half residential structure (with an addition) which has been converted to commercial use. He said they are proposing three potential dormers to dress up the façade. He said the back building (6k sq. ft.) will look like a stable or barn with standing seam metal roof. He said it will have an architectural store front with faux doors on the side. Mr. Farris indicated areas for signage and the type of lighting. He said the proposed roof color is gray, the siding ivory and a gray stone front. He briefly described the landscape plan. He said there will be ground mounted condensers which will be screened with plant material. He identified the position of two stone walls which will help tie into the adjacent Matusoff building. He said they will need a height divergence as the barn is approximately 42' high and the limit is 35'. Mr. Betz said it may be within the regulations as designed.

Mr. Farris said a divergence may also be required on the 75% perimeter landscaping on the rear building as there is only 8' of sidewalk and he does not want to add 2' of additional planting. He said that could be met on the front building.

Commissioner Ireland asked for clarification regarding the foundation planting. Mr. Farris indicated the area in question.

Mr. Betz said Mr. Farris has reviewed the details clearly. He said Staff's main concern was the safety issue of the former parking plan and that has been resolved. He said the retail use of this property is appropriate in this area. He said the only concern is regarding the design of the proposed patio and the applicant would need additional review and approval if that happens. Mr. Betz said Staff recommends approval of the proposed plan.

Mr. Meyers said in the past few weeks he has met with Mr. Kenney and he afterwards spoke with Mr. Berthold. He said all of those items and comments have been addressed in the revised drawings. He said it is an attractive building and a good entry point into town. He said it would help the front building if the two ends of the one story addition are pinched in to bring the south elevation stone flush with the siding. He asked if the landscaping in the City right-of-way has been planned. Mr. Betz said there is nothing planned but they may add street trees. Commissioner Fusch said there is a bike path in that area. Mr. Meyers said plantings in the right-of-way would help address where the property starts and stops. He asked where refuse service would be for the retail spaces. He said all operational items should be addressed in the future. He said the elevation height should be confirmed in relation to the adjacent building. Mr. Meyers said the applicant has made a good effort to address all of the comments.

Chairman Futryk identified the area for the dumpster location and asked if this would present any problems. Mr. Meyers said Mr. Kenney is typically adamant about tenant cleanliness and maintenance.

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

Commissioner Fusch thanked the client for revisiting the design. He said this is a much better design and it fits the Historic District guidelines. He said he previously had concerns about the north façade of the

rear building and that has been addressed well. Commissioner Ireland said he appreciates the applicant's willingness to revisit the plan and make changes. Commissioner Emerick agreed. He asked about the trash plan for the front building. Mr. Farris said they will utilize the same area. Chairman Futryk said the proposal is what the Commission desired and the stone is a nice tie-in. He asked that Mr. Farris determine details about the trash service from Mr. Kenney before the next submittal. Commissioner Little said when they try to recreate new "old" buildings they look that way and he would like them to keep it "old looking." He said he is encouraged by the direction of this proposal.

Chairman Futryk asked if the type of windows has been determined. Mr. Meyers said it looks like it is two over two with high separation as is required by Historic District guidelines. He said the roof pitches, overhangs and materials should be reviewed to ensure they are also within the guidelines.

MOTION: Commissioner Ireland moved to approve the Preliminary Development Plan for a 9,000 sq. ft. retail center at 180 W. Olentangy Street, subject to working with Staff for additional landscaping and the patio approval if necessary. Commissioner Fusch seconded the motion.

VOTE: Y 5 N 0

FINAL DEVELOPMENT PLAN

Applicant: Stavroff Interests LTD
Location: 8 North Liberty Street
Zoning: DB, Downtown Business District
Request: Approval of a Final Development Plan for the demolition of an existing 4,063 sq. ft. retail structure and the construction of a 5,665 sq. ft. retail or retail/office structure located at the northeast corner of Olentangy Street and Liberty Street.

Matt Stavroff, Stavroff Interests Ltd., said they are here to respond to some of the items which were discussed previously as conditions to approval.

Carter Bean, Ford and Associates, they have attempted to address the concerns presented by the Commission. He said they have reduced the square footage 1,029 sq. ft. so it is considerably smaller. He said it is narrower in the north-south direction so the drive aisle is accomplished completely on their property. He said they have also decreased the length from east to west to pick up more green space east of the drive aisle. Mr. Bean noted the location of an existing large tree and said they would still like to investigate the possibility of pole-mounting the transformer. He said there is space on the ground if it is not pole mounted. He said they are proposing mounting the other utilities on the brick area on the north east side of the building. He said the HVAC will be completely screened behind the parapets on top of the buildings. Mr. Bean said they measured the IOOF building at 33.2' tall and the proposed building is 30.2' tall. He said windows have been added to the east façade of the building to give it a frontage appearance. Mr. Bean reviewed the landscape plan. He said the pavers will be extended along Olentangy Street and green space will be added to the south of that area. He said they have added two street trees, benches, foundation plantings, and a grass area on the east property line. He said Staff has suggested the benches be located against the building, facing the street, and they can accommodate that request. He said it has been suggested that they add two parallel parking spaces on the south side of the property but it would reduce the green space in that area.

Mr. Bean said they have shown the potential curb area if turn lanes are added. Commissioner Little said he had proposed benches on the south side to keep people from wandering into the street. He asked how wide the sidewalk is in the current proposal. Mr. Bean said it is at least 6'. He said they had created space between the benches and the building for passageway, but if this is not in character with the other buildings in Powell they can change that plan.

Mr. Stavroff said potential parking solutions were discussed in the past. He said this proposal should suffice for about 95% of the contemplated uses for this building. He said he could never satisfy the parking requirement on site for a food and drink establishment. He said they propose that they be permitted to submit a comprehensive parking solution to the Zoning Administrator prior to approval of that type of user. He said he has looked at the possible solutions and he does not foresee a problem.

Mr. Bean reviewed the six variances associated with this application:

1. Parking: 12 - 19 spaces required onsite. Proposal shows 4 onsite parking spaces.
2. Minimum Building Setback: 20' required. Requesting zero setback.

3. Maximum lot coverage: required amount is 20% plus 5% in the Historic District which would allow 1,555 sq. ft. Requesting 5,163 sq. ft.
4. Building height: they are within the maximum height limit of 35'. The proposed building is 30' 2.5".
5. Minimum aisle width: 22' required. Proposal shows 16' one-way drive aisles.
6. Foundation Plantings: 70% required. Current scheme proposes 37%.

Mr. Betz provided the Staff Report. (Exhibit B). He said the Planning and Zoning Commission had asked the applicant to address ten items on the Final Development Plan. He said an outstanding issue is the parking variance requested. He said the applicant would like to explore options such as the ability to provide for off-street parking somewhere. He said there is a possible way to provide three additional parallel parking spaces on the street on the south side. He said the preliminary engineering for turn lanes holds the north curb line so the spaces could be added if designed properly. Mr. Betz said the benches could be added to the south side and streetscape improvements would add another 5% of coverage. He said all of the variances are appropriate, with the caveat that the Commission may want to distinguish between a high use sit-down restaurants versus a sandwich shop use. He said the applicant is willing to submit a plan for review to the Zoning Administrator. Mr. Betz said the applicant has addressed some of the architectural issues, access, and location of utilities. He said Staff asked the applicant to confirm the dimensions with EMHT and they have done that. He said the Commission has a letter from the adjacent property owner's attorney. Mr. Betz said based on the applicant's attempt to address the items from the Preliminary Development Plan, Staff recommends approval of the Final Development Plan. He said they would like the City Engineer to approve all the issues and on-street parking. Mr. Little asked for the sidewalk width. Mr. Betz indicated there would be no change but they will check the dimensions.

Mr. Meyers said he agrees that parking will be important to address once the user and need is determined. He asked how ADA compliance would be met and where the accessible route would be located. Mr. Carter said they would have to facilitate some area for striping along the spaces to make it accessible. He said the slopes within the drive aisle would meet the guidelines for accessibility and he indicated areas for possible ramps and walkways. Chairman Futryk asked if the parking space on the northwest corner could be the handicap accessible space. Mr. Meyers said the proximity of the space is most valid. He asked that the applicant put one bench on the west and one on the south. He asked about the dividing curb between the two lots. He said it will be quickly destroyed and hopefully that can be discussed and a better solution found. He said if the transformer moved further to the south it would be better. Mr. Meyers suggested they pull out the existing pavers and mix them in with the new to blend well. He confirmed material colors. He said he suggested they not use the product called Fipon as the quality and craftsmanship is very important and the Historic guidelines for materials should be met.

Chairman Futryk opened this item to public comment.

Chris Freiheit, 22 N. Liberty, 24 Olentangy, said he likes the building and the concept and he supports this plan as a retail or office structure. He said he appreciates the addition of four parking spaces. He said he does not think the curbing between the parcels serves a purpose. He said he believes a restaurant is a different option and produces different demands. He asked if the Commission is contemplating the approval of an office building, retail building, or restaurant use. He said he opposes a restaurant on a 0.17 acre lot with four parking spaces. Mr. Freiheit said there has been no reasonable attempt to reach a parking agreement with adjacent land owners. He said valet parking is a fine service to patrons but it is not a solution to a parking issue. He said if they are contemplating a restaurant use, they should specify the parking at the time it is approved, not at the time the tenant moves in.

Chairman Futryk said Staff is recommending that if a restaurant is to be included, the applicant will have to return to the Commission with a plan. Mr. Freiheit asked if the approval of this plan would be restricted to non-restaurant use at this time. Chairman Futryk said they are not restricting uses when they indicate the applicant will have to come back with a parking plan. Mr. Freiheit asked if the Commission is approving the use of this plan tonight as a restaurant, void of any parking proposal.

Mr. Betz said if a restaurant is proposed and Mr. Stavroff says he has a tenant, he will have to come back with a parking plan which is approved by the Commission before Mr. Betz may approve a zoning certificate. He said a restaurant use will be permitted within this plan contingent upon the applicant coming in with a parking plan and this body approving it. Chairman Futryk said that zoning regulations allow a restaurant use on this site.

Mr. Freiheit said the City has a fair amount of parking but it is not in close proximity to this property. He said he has a well established business but he cannot afford to park another business' vehicles. He said approving parking down the road is not a solution. He said the parking should be adjacent or close enough to be a viable alternative. He said they should deal with parking as they permit structures to be built. Mr. Freiheit said this is his livelihood and his future and the Commission must weigh the consequences of placing a restaurant on this site.

Commissioner Emerick asked for the hours of operation of Mr. Freiheit's business. He said he is open 11 to 5 but he owns the land 24/7, pays taxes, insurance and care of the lot whether after hours or not. Commissioner Little asked if his concern is based on how he is currently using his property or how he will use it in the future. Mr. Freiheit said a restaurant with no parking would be a complete detriment to his daytime business and the evening it would restrict the ability to extend his hours in the evening. He said he could not develop his property if the Commission allocates his parking spaces to someone else. Commissioner Little said the new LaTavola restaurant has no parking on-site and uses only valet parking. Commissioner Fusch said it is on Rt. 257 so there is strictly valet parking. Mr. Freiheit said that is a unique circumstance. Commissioner Little said it is an example of how a valet can work. He said this could potentially bring more patrons to his business. Mr. Freiheit said the retail shops already feed on each other and they enjoy the walking concept of Powell. He said he does not have a problem with that but he does have a problem with someone who takes his parking for 2-3 hours. He said he would like to retain the ability to develop his lot. Commissioner Fusch asked what would preclude that.

Chairman Futryk said the Development Committee talked about the parking within the downtown area. He said Staff is doing an assessment and coming up with a signage plan. He said signs have gone up recently and it is a bigger consideration the City is trying to address. Mr. Freiheit said if someone builds a restaurant that covers the bulk of the lot and has no parking then patrons will park in the closest lot they see. Commissioner Little said Mr. Freiheit has 6-8 parking spaces as his lot is configured today. He asked what is to keep his customers from parking in Mr. Stavroff's four parking spots. Mr. Freiheit said he objects to a change of use to a high-volume use. Commissioner Little said he would be required to show a valid, secured parking plan before he would be given approval for this type of use. Chairman Futryk said it may be valet only or an agreement with another site and the Commission will determine whether it is appropriate or not. Chairman Futryk said Mr. Freiheit will also have an opportunity to address this when and if it comes back for review.

Commissioner Fusch said there are no parking lots in the Short North and there is signage everywhere which restricts parking. He said at 10 p.m. there are no cars parking in those lots but they are parked everywhere else so the patrons walk to the restaurants. He said those restaurants were not there ten years ago. Mr. Freiheit said some of those people will tell you they are miserable with the lack of parking. He said they live with what they have because they have no choice. Commissioner Little said if they are going to bring life to the downtown they will have to find creative ways to deal with it. Mr. Freiheit said it is possible to buy a lot that is suitable and provide parking or put up a building which is appropriate for the site lot you have. Chairman Futryk said the Commission has heard his concern and one of the conditions addresses that concern. Commissioner Little said towing signage can be very effective. Mr. Freiheit said foresight and proper planning can be effective too.

Chairman Futryk asked if the Maca restaurant has parking. Mr. Betz said it has 11 parking spaces and it meets the requirements. He said they worked out a plan where their employees park in the municipal building lot. Chairman Futryk reiterated there will be no approval for a restaurant unless they come back before the Commission with an acceptable parking proposal in place. Mr. Freiheit repeated that he supports this proposal as a retail structure only.

Commissioner Ireland said Mr. Freiheit has stated that his client base sees him as a destination location. He asked why he would not welcome a potential high-use tenant next door to draw in new customers. Mr. Freiheit said a restaurant would be great if there was enough parking. He said parking another user's patrons in not profitable.

Chairman Futryk closed the public comment session.

Commissioner Ireland asked about the trash enclosure gate. Mr. Bean said it is currently proposed as cedar over a steel frame. He said small trash receptacles will be within the enclosure and they will be pulled out so the enclosure will not come in physical contact with trash vehicles. Commissioner Ireland

said he looks forward to this proposal being built but he asked the applicant to not mistake enthusiasm for a lack of concern over the parking situation.

Commissioner Emerick said he appreciated all they have done and that they downsized the building.

Commissioner Fusch said he has previously had concerns about this application. He said the Architectural Advisor for the HDAC believes this is one of the best designed buildings to be done in Downtown Powell and he does as well.

Commissioner Little asked if the scenario could pan out that the current building would be demolished and then a vacant lot could sit there. He asked if there is any stipulation which can be imposed to require them to start building within a certain amount of time. He asked if they could also come back with a different use. Mr. Betz said there is nothing in the code regarding timelines. Mr. Fischer said these are established developers and he could not see that on the horizon. Commissioner Fusch asked how soon they plan to start construction after the demolition. Mr. Stavroff said he would like to complete the demolition as soon as possible and start construction in the fall. Mr. Betz said his final approval would be by early August and demolition will be required within 90 days of that date. He said it will take thirty days for permits and there will be abatement issues and the EPA process. Mr. Stavroff said he is looking at an October/November demolition and construction starting in the spring. Chairman Futryk asked if Council can expedite their review. Mr. Betz said they are proceeding as quickly as the code will allow.

Commissioner Little asked where the curb came from. Mr. Stavroff said he was not aware it was on the plan. He said it would be best if he and Mr. Freiheit could come to a cross easement agreement without financial outlay. He said if property lines are not defined and he does not want his customers crossing that property. Commissioner Little asked if Staff has a preference. Mr. Betz said he would rather not see a curb because of maintenance issues. He indicated options where the curb could be ended or eliminated. Mr. Stavroff said he will do whatever Mr. Freiheit prefers as he does not want to cause a problem. Chairman Futryk said cars will also back into the curb. Mr. Stavroff said Mr. Freiheit accesses the rear portion of his property from the eastern border and that is ok. He said as a responsible neighbor he has no plans to encourage patrons to park on Mr. Freiheit's site. Mr. Betz said the Commission can condition that Staff will work with the applicant and the adjacent property owner on the curb. Chairman Futryk asked Mr. Freiheit if he has an objection to a cross-easement agreement. Mr. Freiheit said he has not objection but it should be discussed in the proper forum. Discussion continued.

Commissioner Little said this is a beautiful building design and it will be a great focal point. He said older buildings often have names on their facing. Mr. Stavroff said he would welcome suggestions from the Commission. Commissioner Little thanked Mr. Stavroff for his willingness to work with the Commission and the community. Chairman Futryk thanked the applicant for his patience and his willingness to change configurations and the reduction of the size of the building. He said he does not like the curb idea and he would like to see some resolution between Mr. Stavroff and Mr. Freiheit. He said he supports requiring a condition regarding the parking. He asked Staff if the applicant will be required to provide financial support of the Four Corners. Mr. Betz said he spoke with the City Manager and they feel that should not be a necessity because they are rebuilding a building which was present before. He said the applicant is also doing streetscape improvements as part of this proposal.

Commissioner Little asked if the Certificate of Appropriateness for demolition should be included in the motion. Mr. Betz said it should not. Commissioner Little asked if the HDAC approves of this proposal. Commissioner Fusch said the HDAC made two motions: one was in opposition to demolition of the building and one was in support of this proposal if the building was approved to be demolished.

MOTION: Commissioner Little moved to approve the Final Development Plan submitted by Stavroff Interests, Ltd. for the property at 8 North Liberty Street with the following conditions:

1. That in the event that there is intention to utilize part or all of the property for a high-use client, such as a restaurant, the owner is required to gain Commission approval of a parking plan prior to approval of the Zoning Certificate.
2. That the City Engineer shall approve all engineering related issues on the Final Engineering Plans.
3. That the applicant shall ensure ADA compliance, including parking.
4. That the applicant shall work with Staff on the final Streetscape plan details, including the blending of new and old pavers as recommended by the Architectural Advisor.

5. That the transformer shall be moved southward so as to not interfere with the turning radius at the northeast corner.
6. That the materials used shall comply with the Historic District guidelines.
7. That the applicant shall work with Staff and adjoining property owners to reach a cross-easement agreement and reconfigure the curbing in a more appropriate manner. Should it not be possible to work out an agreement, the applicant shall work with Staff on an alternative curbing.
8. That the applicant shall work with Staff on final details as appropriate.

Commissioner Fusch seconded the motion.

VOTE: Y 5 N 0


OTHER COMMISSION BUSINESS

Mr. Betz said Staff will present sign information to the Commission at the July meeting.

ADJOURNMENT

The meeting was adjourned at 9:22 p.m.

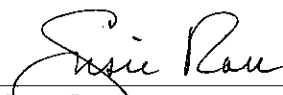
DATE MINUTES APPROVED: July 25, 2007



 Kevin Futryk
 Chairman

10/10/07

 Date



 Susie Ross
 City Clerk

10/10/07

 Date