



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 SEPTEMBER 12, 2007

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on Wednesday, September 12, 2007 at 7:32 p.m. Commissioners present included Donald Emerick, Richard Fusch, Jim Hrivnak, Bill Little and Dan Wiencek. Eric Ireland was absent. Also present were David Betz, Director of Development; Eric Fischer, Development Planner; Susie Ross, City Clerk; interested parties and members of the Press.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Futryk opened the public comment session. There was none.

APPROVAL OF MINUTES

The minutes of August 22, 2007 were amended and approved.

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

ZONING MAP AMENDMENT

Applicant: West Lane Columbus LLC
Location: 3313 Home Road & 3301 Home Road
Existing Zoning: Liberty Township FR-1, Farm Residence District
Proposed Zoning: City of Powell PC, Planned Commercial District
Request: Submittal of a Zoning Map Amendment application for property in process of being annexed into the City of Powell.

Gary Gitlitz, Attorney representing West Lane Columbus, LLC, stated they are requesting rezoning of two parcels on Home Road totaling 1.611 acres. He said the proposed zoning change would be to Planned Commercial District. He said they have worked heavily with Staff and they believe the property fits well with the zoning of the surrounding properties. Mr. Gitlitz said typically there is a site plan brought forward at this time but they are in the process of purchasing another parcel and they will return to the Commission with a site plan for all three properties.

David Betz, Director of Development, presented the Staff Report (Exhibit A.) He indicated the location of the parcels and surrounding uses. He said the subject property is surrounded on three sides by Golf Village Sub Area F, Planned Commercial zoning. He said the applicant is requesting the property zoning be changed to Planned Commercial district following the zoning requirements of Golf Village Sub Area F so it will have a similar look and feel and consistent design of what is already developed in Golf Village. He said earlier this evening the CEDA Plan Review Committee met regarding the zoning. He said two members of the Township Zoning Board were present and there were no negative comments but there were questions on the proposal. He said with that, Staff is recommending approval of the Zoning Map Amendment to PC, Planned Commercial District. He said Staff included four recommendations in the Staff Report and they would like to add another recommendation that the zoning map amendment is subject to approval by City Council.

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

The members of the Commission had no questions regarding the application.

Commissioner Wiencek said Staff has recommended a condition that this plan and any subsequent property develop according to the Golf Village area and CEDA agreements and he is in agreement with

that. He suggested the addition of a clause which says "subsequent to the initial development of the property, the properties shall be subject to Powell Zoning and Building standards." Discussion continued. Mr. Betz said they want to try to avoid creating a legal, non-conforming use. He recommended the addition of a condition which says "That if the Golf Village zoning and building standards change, this property shall be subject to the same changes." He said the subject property will be required to meet the City's landscaping and signage requirements.

Commissioner Little said the Planning & Zoning Commission has no say over the Golf Village development. He asked if in this case, the property will annex into the City, combine with the zoning in that area, and this Commission will then be allowed to have Administrative Review. Mr. Betz said that is correct. Commissioner Wiencek said his goal is to see that if and when the rest of Golf Village becomes subject to Powell's Zoning and Building Codes, this parcel will be subject to the same changes. Mr. Gitlitz said he thinks that is what their text says.

MOTION: Commissioner Little moved for approval of the request by West Lane Columbus LLC for a zoning map amendment for the property located in Liberty Township known as 3313 & 3301 Home Road, subject to the following conditions:

1. That the tracts shall be changed from Liberty Township FR-1, Farm Residence District, to City of Powell PC, Planned Commercial District;
2. That the approval is subject to approval of the property's annexation into the City of Powell by Powell Council.
3. That the property shall be added to the Liberty Community Infrastructure Financing Authority.
4. That the subject property, along with any adjacent lands that the applicant will later control, shall simultaneously be brought forth with a cohesive plan of development as set forth in the Powell Zoning Code and the Golf Village Development Plan and that any adjacent lands shall be subject to the Township Zoning Plan and CEDA requirements.
5. That access points from Home Road will be determined at the time of the development plan and subject to approval by the County Engineer.
6. That specific uses for the property will be determined through the development plan process.
7. That if the Golf Village zoning and building standards change, this property shall be subject to the same changes.

Commissioner Fusch seconded the motion.

VOTE: Y 6 N 0

DISCUSSION REGARDING REGULATION AND USE OF TEMPORARY SIGNS

Public Hearing

Eric Fischer, Development Planner, said all business owners in the City of Powell were notified of this public hearing. He said the Architectural Advisor has been working on the specification suggestions and since he is absent the discussion will need to be continued. He asked for comments regarding the text changes.

Commissioner Wiencek said Staff is not anticipating allowing signs erected on sticks or poles so the clause should include that wording. He also suggested that at the end of the wording regarding "in the case of businesses located within Multi-User Structures . . . , " a sentence is necessary stating "A Zoning Certificate shall also be required for signs located at a multi-user site to ensure compliance with the approved plan."

Mr. Fischer asked if Mr. Wiencek wants users who have submitted a sign plan to also go through the burden of gaining a certificate even though they already have an approved plan. Commissioner Wiencek said his concern is that because there is turnover of tenants, they will not be aware of their approved sign plan. Mr. Fischer said the onus is on them and if he removes their sign it will allow him time to educate them. Commissioner Wiencek asked if one violation of the sign code prevents the business owner from having the ability to put out signs for a year. Mr. Fischer said he would not punish the entire site for the violation of one user. He said if the tenant is ignorant of code requirements he will treat it different than if he is a habitual offender. He said he is hopeful the agreement will be a part of the tenants' leases. Commissioner Wiencek said he agrees with omitting that requirement if they clarify it in the wording. He said they will not have a zoning certificate issued so how can they be in violation. Mr. Fischer said the Commission will review and approve the plans. Commissioner Wiencek said the Commission does not

issue a Zoning Certificate. He read the section of the proposed code regarding offenders. Mr. Hrivnak suggested that Staff issue a Zoning Certificate when the permit plan is approved by the Commission.

Commissioner Wiencek asked for discussion regarding signs in the right-of-way and on the sidewalk. He said he thinks they should be allowed. Commissioner Fusch asked if he is referring to the street right-of-way. Mr. Fischer said this would be a specification issue as opposed to initial zoning code text. He said there is a specification which is established by the Commission which is separate and referred to within the code. He said it could be amended without having Council amend the zoning code. Commissioner Wiencek said he does not think it is complete enough to have the offending user lose their privileges for a year. He said enforcement can be a problem if they are in non-compliance of a permit and they may not even have a permit. Mr. Fischer said language could be added but if they put out signage without a permit they can also be taken to court and a fine imposed. He said usually keeping the sign is costly enough to bring them into compliance. He said they could set up some type of penalty schedule which ramps up with each additional offense. Commissioner Wiencek said he would prefer they institute that type of penalty.

Mr. Fischer said that type of penalty system could work and after the third offense there could be a fee assessed and they would lose privileges for a period of time. Commissioner Hrivnak asked if there would be a fee for return of their sign. Mr. Fischer said it could be called a "holding" or "storage" fee. He said he will ask for assistance from the Law Director. Commissioner Fusch said it shouldn't be imposed on the owner of the building. Mr. Fischer said that would be problematic. Commissioner Wiencek said the owner should be able to control his tenants.

Commissioner Wiencek asked where banners would be included. Mr. Fischer said they would fall under specifications set by this Commission. He said the Architectural Advisor will present his suggestions for specifications at the next meeting. Commissioner Wiencek asked if the title of the code should say "Portable signs, Billboards, and Banners." Mr. Fischer said banners are included in Section 1123.01 as temporary signs.

Commissioner Wiencek said they have a 20% rule regarding signs in windows but they still have businesses in violation. He asked if they need to change the code or is it an enforcement issue. Mr. Fischer said generally speaking, Staff can educate and enforce more. Mr. Betz said an issue is whether the signs may be read from the right-of-way or they are intended to be read at the window. Commissioner Wiencek said he assumes their intent in placing the limit was to make sure they did not have businesses painting sale signs on their windows. Mr. Betz said that is correct.

Commissioner Wiencek asked if this would be a good time to deal with Section 1151.04 regarding illuminated signs and neon. He said if they would strike the word "exposed" and add "neon lighted signs or signs similar in appearance" it would close the loophole.

Commissioner Hrivnak suggested the section regarding air activated attraction devices be stated in the specifications. Mr. Betz said that could be done. Commissioner Wiencek said it could say "except as delineated in this paragraph" or in the specifications "portable sign specifications shall comply with all other applicable requirements in Section 1151.04." Commissioner Little asked if the comment about right-of-way will be in the specifications. He said the code should allow businesses in the downtown area to place signs as long as there is 4' of pedestrian walkway. Mr. Fischer said it deals with anything in regards to placement of signage, portable signage, and how it is utilized. He said Mr. Meyers will be addressing the specifications.

Chairman Futryk said they have talked in the past about displays of merchandise in the downtown. He said the displays of products for sale are not technically signs but these items are just as much of a distraction. Mr. Betz said the City tried to deal with this before and they met with the business owners. He said they want to have the ability to display and the issue was dropped. Chairman Futryk said there are a handful of properties always cluttering the sidewalks. Commissioner Wiencek said they will bring it up at the next Development Committee meeting and if there is support at that level the old language may be revisited. Mr. Betz said the new Downtown organization should try to deal with it first.

Chairman Futryk opened this item to public comment.

Karen Niehaus, Niehaus Insurance Services, 441 Village Park Drive, said she is a business owner in Powell. She said she does not currently put out temporary signs but she has considered it. She said she would

like the area to be policed as there are lots of bad looking signs. She said as a business owner, a professionally produced stick sign would be what she is most interested in. She said she would be disappointed if stick signs were not a part of the approved plans. She said she attended to hear the City's standpoint on this issue.

Chairman Futryk closed the public comment session.

Mr. Fischer said he will review the suggestions and comments made this evening with the Law Director. He said they will have a draft of the specifications at the next meeting. He said the final specifications could be presented at the meeting after the draft is reviewed. Commissioner Hrivnak asked if there should be another Public Hearing. Mr. Betz asked if notices were mailed for this meeting. Mr. Fischer said notices were mailed to all business owners and he personally visited businesses and encouraged them to attend. Chairman Futryk said the business owners could be notified to visit the City website to see the original and proposed amendments.

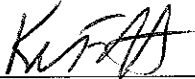
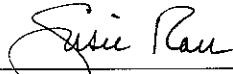
OTHER COMMISSION BUSINESS

Mr. Betz said Staff will most likely issue the Zoning Certificate for Target next week if it is ready for approval.

ADJOURNMENT

The meeting was adjourned at 8:22 p.m.

DATE MINUTES APPROVED: October 10, 2007

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|-----------------------------------------------------------------------------------|----------|------------------------------------------------------------------------------------|----------|
|  | 11/12/07 |  | 11/14/07 |
| Kevin Futryk Chairman | Date | Susie Ross City Clerk | Date |

