



## 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 OCTOBER 10, 2007

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on October 10, 2007 at 7:30 p.m. Commissioners present included Donald Emerick, Richard Fusch, Jim Hrivnak, Bill Little and Dan Wiencek. Eric Ireland was absent. Also present were Chris Meyers, Architectural Advisor; 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. There was none.

#### APPROVAL OF MINUTES

The minutes of September 12, 2007 were approved as submitted.

The City Clerk issued an oath to those attending who intended to speak at the meeting. Item 5 was moved forward on the agenda as the Mr. Meyers was not yet in attendance.

#### DISCUSSION REGARDING AMENDING THE ZONING CODE WITH RESPECT TO COMMERCIAL VEHICLE PARKING IN RESIDENTIAL AREAS.

##### Commercial Vehicles

Eric Fischer, Development Planner, placed before the Commission a draft version of the Zoning Code Text Amendments. He said the Law Director reviewed other applicable code and drafted this text. He said in past months they have received many complaints regarding large scale commercial motor vehicles within residential areas. He said people sometimes bring home their semi-tractor truck or other types of large vehicles and park them on the street for several hours. Mr. Fischer said they are typically not on the street more than 72 hours so it is outside of the time frame the police may enforce. He said there are negative impacts that occur with larger vehicles and the Zoning Text Amendment has been drafted to address this loophole. He said the amendment also addresses portable storage units in residential districts.

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

Commissioner Hrivnak said he thought this was addressed in the current code. Mr. Fischer said the current language only addresses vehicles on private property such as their driveway or lot. Commissioner Hrivnak asked if the 10k pound weight limit will still allow pickup trucks to park without issue. Mr. Fischer said pickup trucks are under that weight limit and they are trying to address large vehicles such as box or semi trucks. Commissioner Fusch asked if an unsightly pickup truck full of materials would be addressed by this. Commissioner Little said it would be under the weight limit. Mr. Fischer said they are trying to close most of the loopholes but there would still be situations which will not be addressed. Commissioner Little clarified that this would prevent large commercial grade vehicles from parking in residential zones. Mr. Fischer said that is correct. Commissioner Fusch asked how this would affect work vehicles at a residential construction site. Commissioner Little said there is someone in his neighborhood that has a large dual axel truck and brings it home every evening and parks it on the street. Mr. Fischer said Staff can talk to the owner in that type of situation but it would be allowed as it is under the weight limit. Mr. Fischer said if the truck owner parks in his driveway it would fall under regulation of the existing code. He said as they put the amendments to the test they will be made aware of additional changes to the text.

Commissioner Hrivnak asked if Section 3 allows parking on the street when it allows parking on an "improved impervious surface." Mr. Fischer said this refers to the ability to park on a driveway or paved area on the owner's lot, not on the street. Commissioner Wiencek said this wording should be clarified.

Commissioner Little asked about the penalty section. Mr. Fischer said the Commission should determine where this text is placed in the code and that placement will determine the associated penalties. Commissioner Hrivnak asked if the section where the text is placed will also assign enforcement. Mr. Fischer said general zoning violations, if taken to court, can be fined up to \$150 per day, per violation. Commissioner Wiencek asked that they determine how it could be placed within the responsibility of the Police Department so the offender could be ticketed. He said that way enforcement would not be a problem.

Commissioner Little asked if a builder may park his truck in his driveway on an impervious surface. Mr. Fischer said there is code which allows the temporary parking of a vehicle on his private property for 24 hours.

Commissioner Wiencek asked if "advertisement" vehicles are dealt with elsewhere in the code. Mr. Fischer said it can be difficult because it is commercial speech and a form of advertising. He said he will speak with the Law Director regarding this issue. Commissioner Wiencek said he has heard complaints about a couple of vehicles so he would like Staff to investigate the matter.

Commissioner Wiencek asked how Staff selected 10k lbs. as a benchmark. Mr. Fischer said this language is intended to capture larger vehicles that are parking in residential areas. He said they are not necessarily targeting a dual axel truck but are instead trying to limit box trucks or semi trucks as they impact a neighborhood in a negative fashion. Chairman Futryk said the Ohio Revised Code uses 10k lbs. as a descriptor of commercial vehicles.

#### **Portable On-Demand Storage Units**

Mr. Fischer said Staff has attempted to codify regulations which have previously been enforced in an informal manner. He said in general the providers of PODS have been very cooperative with the Development Department. He said they often have to regulate the storage units on a case-by-case basis and they would like to continue to have some flexibility after they have had a chance to assess the situation. Mr. Fischer said the proposed code will identify how long a POD may be located in a neighborhood. He said other municipalities allow PODS for four weeks. He said if Staff allows 3 weeks and then sends violation correspondence, they must then allow 20 additional days to solve the problem. He said that allows the storage unit to be onsite for 6 weeks. Mr. Fischer said they would rather keep the total time under four weeks. Chairman Futryk asked if the certificate is issued to the resident or the storage company. Mr. Fischer said it is issued to the resident.

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

Commissioner Fusch asked for clarification regarding the proposed text. Mr. Fischer said the resident would be allowed to keep the storage unit for up to 72 hours with permission of Staff. He said they may have the opportunity to keep it up to a week but each use would be reviewed on a case-by-case basis. Commissioner Fusch asked what the response of Staff would be. Mr. Fischer said they would send a violation letter which allows a minimum of 20 days to come into compliance. He said if the POD is in the right-of-way that is a different issue and Staff may require its immediate removal. He said they want to make these changes so they are not in the situation where a POD is there for almost two months.

Commissioner Wiencek asked if the code addresses construction dumpsters appropriately. Mr. Fischer said Staff should add language to the code regarding dumpsters. Commissioner Hrivnak said Mr. Betz stated at the last meeting that dumpsters are addressed in the Building Section of the Code. Commissioner Fusch said it was mentioned that sometimes people throw garbage in the dumpsters instead of construction debris. Mr. Fischer said that has been an issue they have addressed in the past. Chairman Futryk said it is now a violation of State Code if household refuse is mixed with construction refuse at the land fill. Commissioner Wiencek asked how many complaints are made regarding dumpsters. Mr. Fischer said there has only been one regarding dumpsters this year but there have been many more regarding PODS.

Commissioner Little asked if it is appropriate to use the term "PODS" rather than the term "Storage Devices." Mr. Fischer said Staff has discussed this matter and in the definitions portion of the code it will be described as anything similar to the use of a "POD." Commissioner Little asked if it is appropriate to call something a brand name within the code.

Chairman Futryk said they may want to reword the second sentence in the first section regarding the definition of PODS. Mr. Fischer said the sentence was added to clarify the name POD as it is a corporate name with a copyright. Mr. Little asked if the code will capture any use similar to this. Mr. Fischer said it will. Chairman Futryk asked if any other municipality has a definition of a POD. He said he is concerned they are singling out a specific company. Commissioner Emerick said although this is a trade name, it is becoming a general term. Commissioner Little said he prefers the term "Portable Storage Device." Chairman Futryk asked Staff to request an opinion from the Law Director.

Commissioner Little asked about associated penalties. Mr. Fischer said generally speaking any PODS within the right-of-way may be ticketed and PODS on private property would be addressed by penalties through the zoning code.

Chairman Futryk asked if the seven day limit may be revised. Mr. Fischer said the system is set up so the company will drop the unit off, pick it up and then bring it back, just as they are designed to be used. Chairman Futryk asked if they could request an extension. Mr. Fischer said Staff did not want to give them that much flexibility. He said he will meet with Mr. Hollins to address some of the concerns of the Commission so the public hearing on this issue may be scheduled for the next meeting. Commissioner Wiencek asked that Staff contact any local storage unit franchises so they may have an opportunity to comment.

## **DISCUSSION REGARDING REGULATION AND USE OF TEMPORARY SIGNS**

### **Fees**

Mr. Fischer said language may be added to the Fee Schedule regarding the way they would like to handle removal fees for temporary signs. He said it is already in the code so it just needs to be added to the Fee Schedule. He said the fees for a first time offender could be waived and then fees could escalate with every additional offense. Commissioner Wiencek said if they are going to proceed in that way they will need to have a well defined timing mechanism so the time starts when the first sign is removed. Mr. Fischer said the time period runs within a calendar year. He said a merchant's 42 days for legal signage will start over on January 1st and he would like for that portion of the code to continue. He said there would be a pick up fee and the signs could be destroyed after being held 45 days.

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

Commissioner Emerick asked what type of feedback they have received from the business community. Mr. Fischer said they have direct-mailed postcards to every certified business address in the City so there is an opportunity for comment. He said they have had some conversations but for some reason the owners not come forward. Commissioner Little asked about political signs as in the past one intersection had 15 signs posted for one candidate. Mr. Fischer said political signs are illegal if they are in the right-of-way or if they have more than one on a property. He said they collect them and typically no one claims them. Commissioner Fusch said their HOA will not allow political signs in the common area of the subdivision. Mr. Fischer said he cannot pull them from the common areas unless they are in the right-of-way. Commissioner Little asked if the code addresses political signs. Mr. Fischer said the code regulates the size of signs, number of signs and how long they are displayed.

Commissioner Hrivnak asked about the time frame on this issue. Mr. Fischer said everyone seems to be happy with the proposed language and they just need to address the specifications. He said they should be able to wrap up this issue in the next two meetings. Commissioner Wiencek asked that they finalize the language so it may be sent to Council in the form of an ordinance. Mr. Fischer said the public hearing will be scheduled for the next meeting.

## **OTHER COMMISSION BUSINESS**

Mr. Fischer asked that the Commissioner members review the packet of information provided so they may bring questions and comments to the Architectural Advisor at the next meeting. Chairman Futryk asked about business owners who have lots of merchandise in their yard areas. Mr. Fischer said he will speak with the director of the Historic Downtown Powell organization.

Commissioner Wiencek suggested they consider having volunteer zoning enforcement. He said they could train residents so they would report to Staff when they see issues requiring attention. He said it would be possible to allow them to collect signs as well. Mr. Fischer said the idea has merit but there are things they would not want residents to do. He said people do see problems and they report them but if

people take it upon themselves to address problems they will put themselves at risk. He said he has been confronted on more than one occasion. Mr. Fischer said investigation is an important aspect of reporting and that needs to be undertaken by Staff. Commissioner Little asked if Staff communicates with Homeowners' Associations. Mr. Fischer said there has been good communication between Staff and the organizations and information is then distributed to the subdivision residents. He said Staff has requested a full time code enforcement officer to assist in this area.

Chairman Futryk said they may want to merge the two ideas together: the residents should contact the Homeowners' Association president and that person should contact the City. Mr. Fischer asked if that is much different than what already occurs. Commissioner Wiencek said some of the issues are commercial-based so there is a voice the HOA's cannot fill. He said he would like Staff to explore the concept of resident volunteers.

Mr. Fischer said he could spend 40 hours per week doing code enforcement but he has other duties which are immediate in nature. He said there are issues such as tall grass, scenic easement destruction, open lots, and signage. He said he has been able to avoid court time but if that happens, it takes even more hours away from regular work. He said enforcement hours are an issue because people put signs out after regular hours and it is difficult to catch offenders.

Chairman Futryk asked Mr. Fischer to remind Distinctive Marble to complete the sign on his property. He said the face needs to be changed and the base painted.

#### **ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.

The Architectural Advisor arrived at 8:41 p.m.

The meeting was reconvened at 8:42 p.m. to allow the discussion regarding temporary signs to continue.

Chris Meyers, Architectural Advisor, said they did blind searches regarding what other areas have done in regards to temporary signage. He said the Lafayette, Indiana area dealt with this issue by adding a map to indicate an area for enforcement. He said they also have guidelines for Sandwich or "A" Frame Style signs and it is not so controlling as to be a nuisance. He said the City of Dublin code is a good example of what not to do. He said part of their method is the fine print in their zoning text and it disallows much that is creative. Mr. Meyers said they also searched products and the limitations in the text should define dimensions and guidelines for colors and fonts. He said the Commission may be able to reference examples of signs types in the text of the code. He said they should have discussion and identify the wishes of the Commission.

Commissioner Little said they could "back into" a manufacturer because of the limitations in the specifications. Mr. Meyers said some of the specifications may include an "approved alternate." Commissioner Wiencek said they could state the limitations or "something substantially similar." Mr. Meyers asked if they should suggest vendors for signage. Commissioner Wiencek said they should not have to provide that information but just include specifications. Mr. Meyers said they need to identify their goal: to have all signage exactly the same or just consistent. Commissioner Wiencek said Council was more concerned with the amount and quality of the signs within the City. He said there was not discussion about whether a changeable letter sign is better than an attractive chalkboard sign. Chairman Futryk asked how the people in Dublin deal with "sale" signage. Mr. Meyers said the Dublin business owners accept zoning fines as a cost of doing business.

Chairman Futryk asked why they should have exceptions for portable signs. Mr. Fischer said the issue is the perception of being "business-friendly." He said they want to build foot traffic in the downtown area and portable signs help the public know what is being sold. Chairman Futryk asked if they are limiting this to the downtown area. Mr. Fischer said he wants the Commission to ban stick signs as they are the most problematic out there. He said signs should be encouraged which, when done properly, are an addition to the quaintness of the downtown. He said some people in the Township are disturbed when they realize the Township does not allow temporary signs. Chairman Futryk said their goal is to allow businesses to have temporary signs but he asked why they cannot have just one type of sign.

Mr. Meyers said the Lafayette area tells what area of town may have these types of signs. He said it should be a part of the Historic District guidelines and well defined within that area. He said it is a different use at the intersection rather than in other areas of the City. Mr. Meyers said it is an appropriate means of doing business but it should meet a standard. Commissioner Wiencek said they should

designate the Downtown District as an area where four types of signs/graphic representations are allowed. He said other types of signage can be allowed in other parts of the City. Mr. Meyers said a temporary sign must be limited to within so many feet of the front door of the business. He said if they provide language in the text which defines the type and usage of the signs it will give Staff more ability to control the aesthetics of the thoroughfare without stifling business.

Mr. Fisher said this will be most applicable to the single business/user areas. He said strip centers will come back to the Commission with their own sign plans. Chairman Futryk said if they limit the multi-user centers to certain types of signs it should be less of a problem. Mr. Fischer said they would have the final say once the user brings forth their sign plan. Chairman Futryk said he personally likes the signage in Dublin. Mr. Meyers said Old Dublin is not the main part of town and is different from the main district around Avery Road. He said if they look at Old Powell versus Old Dublin there seems to be a lot more going on here. Chairman Futryk said he does not disagree but the problem occurs when they move away from downtown. He said the strip centers will always complain because they do not have frontage and they need to put signs in the right-of-way.

Mr. Fischer said the multi-user sites will have to bring a plan to the Commission and once approved, they will have to abide by the plan. He said the Commission will approve these types of plans on a case-by-case basis. He said if the users want changes to the plan they will have to come back for approval. Commissioner Little said they will have to be reasonable. Mr. Fischer said Staff will work with the centers and it will then be sent to the Commission for approval. He said it would be very appropriate to identify a downtown area and have specifications for signage. He said the Commission may want to add that the same specifications apply to areas outside of the Historic District with the exception of multi-user centers. Commissioner Little said a pictorial may be a good way to address the specifications within certain areas. Chairman Futryk said outside of the downtown area the businesses are farther away from the road and they will want the same type of signage. Mr. Fischer said outside of downtown there will be differences in square footage. He said no one is ever completely happy but the downtown area should be special as it is a walking area. He said specifications could allow those differences.

Mr. Meyers said they have not discussed the area in Old Worthington. He said there is a community events bulletin/panel at the northwest corner and further south on High Street it is all pedestrian walk signage which is not intended for drive-by traffic. He said it is quaint and is not out of hand and they may want to look at Worthington's zoning regulations to see how they deal with this. He said their signage is focused toward the buildings. He said they should look at specifications of signs and terms of usage.

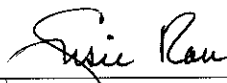
**ADJOURNMENT**

The meeting was adjourned at 9:13 p.m.

**DATE MINUTES APPROVED: November 14, 2007**

  
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Kevin Futryk  
Chairman

12/10/07  
Date

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

12/12/07  
Date

