



City of Powell, Ohio

Powell Planning & Zoning Commission

Donald Emerick, Vice Chairman
Bill Little

Kevin Futryk, Chairman
Richard Fusch
Brian Lorenz

Jim Hrivnak
Dan Wiencek

MEETING MINUTES FEBRUARY 13, 2008

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on February 13, 2008 at 7:32 p.m. Commissioners present included Donald Emerick, Richard Fusch, Jim Hrivnak, Bill Little, Brian Lorenz, and Dan Wiencek. Also present were David Betz, Director of Development; Eric Fischer, Development Planner; Susie Ross, City Clerk; and interested parties.

Brian Lorenz was sworn in as a member of the Planning & Zoning Commission.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES

The minutes of January 9, 2008 were amended and approved.

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

CHANGE OF USE

Applicant:	Chris Freiheit
Location:	24 E. Olentangy Street
Existing Zoning:	DB, Downtown Business District & HD, Historic District Overlay
Request:	Approval of a Change of Use to allow a commercial retail use within a structure designed for residential use as required by Section 1146.16.2 (g) (13).

Chris Freiheit, owner and applicant, 24 E. Olentangy Street, said when he acquired this site a few years ago his intent was to continue renting it as a residence. He said the area around it has been developed commercially and this house is not attracting the type of clientele he thinks is of benefit to the area. He said an interior designer has approached him and is interested in locating in the building. He said the designer is willing to assist in some of the improvements to the property. Mr. Freiheit said the Building Department looked at the interior of the building and identified issues which will need to meet their specifications. He said the Zoning Department has identified exterior issues. Mr. Freiheit said he has addressed the improvements in his written correspondence to the City. He said he plans improvements to the exterior, landscaping and will add commercial signage. He said he plans to pave the driveway back to the front of the structure. He said he has asked not to be required to pave the entire parking lot because having acquired additional land behind this site it has become part of a larger comprehensive project. Mr. Freiheit said this site is the only frontage and he intends to demolish this building and replace it with a newer structure to make more use of the frontage, but he does not want to do that until he knows the scope of the entire project. He said there is a fair amount of work which needs to go into the final overall project. He said it does not make sense to remove the house on the frontage until the entire scope of the project is determined. He said he intends to tear out the rear lot within the next couple of years so he would like to not pave it.

David Betz, Director of Development, presented the Staff Report (Exhibit "1".) He identified this site within the northeast quadrant of the City and the area where it is anticipated Scioto Street could be connected in the future. He said the initial proposal for this site is to have the Commission approve a change of use for this property as is required by code. He identified the site plan and noted the driveway will be widened, pavement added to the front of the building, landscaping added, 5 parking spaces added, and an area paved with brick pavers for handicap accessibility. Mr. Betz said a structural engineer submitted a report that the structure can meet the building code requirements. He said Staff has reviewed the site and provided exterior repair and landscaping suggestions.

Commissioner Hrivnak asked about the garage which was located on this site. Mr. Betz said the garage was in disrepair and after a dump truck hit it there became an unsafe situation which required its demolition. He said at first Staff had concerns with this building being used as a commercial use but Mr. Freiheit is willing to put money into the site to make it acceptable for a short term use. He said the gravel lot and driveway width are identified as variances. He said Staff believes overall planning of the property in its entirety will be important to continue the revitalization of the downtown area and he hopes the applicant will continue toward that goal over the next year. Mr. Betz said discussion will need to take place regarding TIF possibilities. He said Staff identified items of concern within their report and these will need to be addressed as a part of the approval of this application. Mr. Betz said Staff believes there should be a maximum period allowed for this use and the applicant should be required to return to the Commission for any approval of utilizing this structure after that time period. He said having a viable commercial user in this property is more beneficial than having a low-end residential user. He said if the applicant does the work proposed and does it properly, this can be brought up to be a commercial structure. Mr. Betz said there are commercial areas in the downtown which have gravel parking lots. He said Staff would like to see paved parking but additional storm sewer would have to be installed for drainage purposes and that would be additional expense that might have to be removed later.

Chris Meyers, Architectural Advisor said this is more of a property usage question. He said he is anxious to see what changes are proposed.

Chairman Futryk opened this item to public comment.

Kevin McCauley, representative, 8 N. Liberty Street, said he agrees that a commercial use is a great thing and they are in support of what Mr. Freiheit is trying to do with this property. He said it will cost some money to bring this up to good standards so it compares to Macca, Found, 50 S. Liberty or the Newbury Homes office. He encouraged the applicant to do the best he can with the outside of this building. Mr. McCauley said the paving of the lot will be appreciated by any future tenant and paving would bring it up to the next level. He said they feel it is a minimal cost to invest and a gravel lot will be unsightly. He said the parking issue was well discussed and this applicant should be held to the same restrictions: if he has a high impact user, a parking plan should be required. He said it will be important to ask how long he plans to use the property in this way. He said they may be in a quandary when balancing the money put into this site with demolishing it in the future and an acknowledgment should be made that the improvements will be made while knowing the building will be demolished in the future.

Chairman Futryk closed the public comment session.

Commissioner Fusch asked if this is a residence at this time. Mr. Freiheit said it is vacant. Commissioner Fusch asked about the concept plan. Mr. Freiheit said it shows the potential but is not a final plan. Commissioner Fusch asked why the back area should not be paved if this will be changed to a commercial use. Mr. Freiheit said the house in its current size and position will not exist in the future plan and a larger, deeper building will be built in part of the area which he intends to gravel. He said the gravel has a natural drainage slope and he proposes to top the gravel with 301 crushed limestone which will compact to a near concrete-like surface. He said the rear gravel portion will not be visible once the building on the corner is completed. Mr. Freiheit said the cost of paving and the addition of storm sewer would extend the time the house would have to be there to recoup the investment. He said a viable commercial tenant would be better than an empty or substandard residential tenant. Commissioner Fusch asked why he would not tear the building down now and get prepared to redesign this site in a two year time period. Mr. Freiheit said he is proposing to paint the exterior of this building and fully landscape the front yard. He said these costs would be fully justified for the period needed to take for the larger project to get planned and approved. Mr. Freiheit said he intends to utilize the frontage on Olentangy Street and then abandon the access once an access is added from the rear. Commissioner Fusch asked what happens to the tenant in two years. Mr. Freiheit said the tenant would go into this knowing there is a limited use. He said the applicant may want to move into the new building proposed but the tenant is interested in this site at this time because it allows them to be in the heart of the business district at a lower cost. He said it is in his interest to move forward with this project but it depends upon the planning process and market forces.

Commissioner Wiencek asked at what point this project requires drainage control and who is the governing body. Mr. Betz said this would fall under the City standards. He said the lot is so small that he may be able to achieve the detainage on the property. He said the Engineering Department has not

reviewed this proposal yet. Commissioner Wiencek said he is personally in favor of a gravel parking area and it is not necessary to pave behind the building. He said he will want to hear from the Engineering Department that this meets the requirements. Mr. Betz said that should be a condition of the approval. Commissioner Wiencek asked about the union of this driveway and the 8 N. Liberty properties. Mr. Betz said there are two existing trees which will be evaluated by an arborist and there is a green area which is about 6-8' between the property line and the driveway. Commissioner Wiencek asked that landscaping be planned for this area, even if minimal.

Mr. McCauley said they have landscaping proposed in their final site plan for this green space and it is their responsibility. Commissioner Wiencek asked that Mr. Freiheit have a "neat finish" to the drive area. He asked if the existing utility pole is an issue of concern. Mr. Betz said it is beside the driveway at this time. Mr. Freiheit said the driveway widening would be accomplished on the east side. Commissioner Wiencek asked Staff about the tree to be preserved. Mr. Betz identified the tree and said it will not be in good health if they drive around it. He said the applicant is willing to remove it. Commissioner Wiencek said if it is healthy the applicant will have to replace it in caliper inches or they could "bank" the replacement for future use. He said it is up to the report from the arborist. Commissioner Wiencek asked how the applicant would deal with ADA requirements in the rear of the building. Mr. Freiheit said there is a 36" door in the rear and a straight grade into the building. He said Staff suggested they add paver bricks for the entire handicap area and the walkway to the rear door. Commissioner Hrivnak asked how accessibility would work if a handicap space has paving on one side of the vehicle and gravel on the other. Mr. Betz said the area is van accessible. Chairman Futryk said the Commission will need to require ADA accessibility compliance as a condition. Commissioner Wiencek proposed they set a time limit on this proposal with the ability for the applicant to return to request an extension.

Chairman Futryk asked if there is a painting company which would also like to use this as an office space. He asked if they are asking to store a work trailer there. Mr. Freiheit said a painting company is proposing to use one room as their office and they would park a trailer there from time to time. He said he offered up a parking space in addition to the required amount so there would be no shortage of spaces.

Commissioner Little asked if the white pine would stay. Mr. Freiheit said he sees no reason to disturb that tree at this time. Commissioner Little suggested the landscaping plan be changed so there are no taxus plants or timber planting beds. He said he would like to see a more thought out landscaping and signage plan as that would be appropriate. He suggested boxwood plants or something more compact. He asked if the applicant intends to change the mailbox. Mr. Freiheit said he will try to match the white mailboxes in the downtown. Commissioner Little asked why the drive should not be paved to the rear of the structure. Mr. Freiheit said he is concerned with drainage issues. Chairman Futryk said it will be more noticeable if the paving stops at the front of the building. Commissioner Hrivnak said paving the drive to the rear of the building takes it to the back of 8 N. Liberty Street. Commissioner Little said he would like to see the paving go to the back of the house.

Commissioner Emerick asked how the current proposal compares to what the City would require in upgrading this structure if the overall future proposal fell through. Mr. Betz said the applicant can do many things to improve the exterior of this building. He said he can remove the solid railing on the front porch and make it open railing. He said the applicant can replace the roof at some time in the future and make sure the building is painted properly. He said the windows will need to be replaced and the building renovated for permanent use. Mr. Betz said the City's CBO has inspected it and based on the building code, there is a list of improvements to the interior which must be accomplished so it may be used commercially. He said the only item on the exterior was the railing.

Mr. Meyers said the report from the building official was a building code report and there are no aesthetics in the building code. He said a quick review of the site plan shows they meet commercial usage when it comes to accessibility routes and parking for ADA compliance. He said there are certain things the building official will not be able to recommend as changes because they are aesthetic changes. Mr. Meyers said there is wood damage and rot on the deck and siding and he is concerned that a coat of paint will just be a quick fix that will not last the duration before the site is redeveloped. He said the roof is difficult to inspect, but there is a huge expense to bring it up to where it should be. He said the horizontal board railing on the porch could be removed and a nice open rail could be added. He said he hopes that will be considered. Mr. Meyers said landscaping would also be a huge improvement. He said quick fixes end up looking like quick fixes and they could eventually end up being long fixes. Commissioner Emerick said he shares the same concern. He said a time line should be included as a condition. Chairman Futryk asked about the historical significance of the building. Mr. Freiheit said it was

reviewed by the HDAC and agreement was there was not much historical value or significance. He said the building is about 80 years old. He said the porch and basement structure have been evaluated by an engineer and they have stamped it for approval. Commissioner Hrivnak asked Staff if widening of the driveway would allow one car in and one car out. Mr. Betz said it would. He said other sites have been designed in similar fashion and they have not proposed any problems. Commissioner Hrivnak said the concept of refurbishing this building and using it as commercial is a good idea but he is concerned it will be permanent. He recommended the Commission request a review in 18 months so the applicant can show that the plans are moving along. Mr. Freiheit said the exterior improvements proposed are not temporary in nature. Commissioner Hrivnak said if the plan is truly temporary they will see plans developing within 18 months.

Commissioner Lorenz thanked the applicant for his attempt to clean up this property. He asked Staff if approval of this plan as proposed means it is a variance situation or does it stay as a legal non-conforming use. Mr. Betz said it would be the approval of a variance within the Downtown Business District. Commissioner Lorenz said he likes idea of replacing the caliper of tree inches or banking the amount. He said he would be in favor of some sort of timing mechanism whether approved as a temporary use permit or to have the opportunity to reexamine it in the future. He said he also supports a plan to extend the pavement of the driveway to the back of the building. Commissioner Lorenz asked if there is a concern about having a trailer parked on site and he asked how often it would be parked there. Mr. Betz said there are no parking restrictions in the commercial district and this trailer would be parked in the back. Commissioner Lorenz urged the applicant to take another look at the landscaping.

Chairman Futryk said most of his comments have been addressed. He asked why the applicant proposes to paint only the rear part of the roof. Mr. Freiheit said the front portion is standing seam in good condition and it was painted a couple of years ago. Mr. Betz said he feels it is appropriate to paint the rear portion as long as it matches the front. Mr. Meyers asked that there be a condition that the proper paint specifications are used for exterior metal use.

Commissioner Little asked the applicant if he intends to meet the items as noted on Mr. Betz's suggestions for improvements as well as the list he has provided. Mr. Freiheit said what he identified was a direct response to Mr. Betz's suggestions with the exception of the lot paving.

MOTION: Commissioner Little moved to approve the request for the change of use at 24 E. Olentangy Street to allow a commercial retail use within a structure designed for residential use and that the plan be approved with the following conditions:

1. This plan approval shall cease to exist two years after City Council approval of this request.
2. The owner shall return within those two years with an overall development plan for this lot with or without the adjoining lots.
3. At resubmittal, the Planning & Zoning Commission shall reconsider the direction and the corresponding time frame for what the owner proposes for this property.
4. All surface materials and their application shall be subject to review and approval of the City Engineer, particularly from a drainage performance stand point.
5. The property shall be brought to ADA compliance.
6. Any change in the tenant within the 2 year approval shall require Staff review and approval or deference to the Planning & Zoning Commission.
7. The applicant shall submit a temporary landscaping and signage plan to Staff for their approval.
8. The applicant shall replace the mailbox with one consistent with those in the downtown area.
9. The applicant shall extend the driveway paving to the rear of the house.
10. The City will bank the caliper required for removal of the tree in the rear, subject to the condition and viability of the existing tree.
11. The applicant agrees to work in good faith with City Staff in his intent to bring the general condition of the property up to the level of those repairs noted in Staff's February 1, 2008 and February 5, 2008 letters.
12. Variances granted for the gravel lot and driveway width are deemed a part of the two year agreement period.

Commissioner Fusch seconded the motion.

VOTE: Y 7 N 0

AMENDMENT TO APPROVED FINAL DEVELOPMENT PLAN

Applicant: Tic Tac Toe, LLC, Pete DeLois
Location: 484 West Olentangy Street
Existing Zoning: PC, Planned Commercial District
Request: Amendment to Approved Final Development Plan with regard to the installation of wall signs on the south side of the building.

Dick Andrews, representing Tic Tac Toe, LLC and Pete DeLois, said they are applying for additional signage on the building so they may have increased visibility.

Mr. Betz reviewed the Staff Report for this item. He said the original development plan for this site did not include any wall signs on the front or sides of this building. He said the tenant signage is on the main sign out front and on little ground signs at the entrance of the building. He said the owner has indicated this is a problem when encouraging new tenants and marketing existing tenants. Mr. Betz said the proposed signs meet the total square footage allowed by code in separation of signs but the size of the signs is larger. He said the owner proposes goose neck lights above the signs. Mr. Betz said they are proposing a gray background to match the gray on the building and blue lettering.

Mr. Meyers said this is an important building and probably the most visible building within the City. He said the overall mass of this building is enormous and it was positioned in the best way possible on the site. He said this plan proposes disproportionate pieces on this proportionate façade. He said he recognizes that it is important for businesses to be visible but this proposal for signage is poorly executed as it relates to this building. Mr. Meyers said the Commission has asked in the past for applicants to propose buildings that look different yet this has the same type of signage and goose neck lighting. He suggested the signage draw the eye vertically in relationship to the four windows. He said the side casings of the windows could be accentuated further by adding further white trim to the sides of each vertically to 4-5 feet above each header. Mr. Meyers said a 2 x 10 can be added as a horizontal band of white with a trim piece above which would hold a goose neck light above each sign. He said this would propose four light fixtures instead of eight and it makes sense as it relates the signs to the building. Mr. Meyers said he is willing to continue to work with the applicant to explain his suggestions.

Commissioner Fusch asked why the main sign at the street is needed at all. He said if there is a sign on the building it will be seen. Mr. Meyers said the yard sign could just state the building name and the tenants could be identified on the building itself. Commissioner Hrivnak said there are six tenant spaces and four windows. He asked how the other signs would be placed. Mr. Meyers said they had a similar situation with the U-Haul sign redesign. He said the overall building sign may not be necessary on the building and it could be a sign hanging perpendicular to the building. He said modifications to the yard sign should be encouraged. Commissioner Hrivnak asked if the proportion of the main sign is objectionable. Mr. Meyers said often signage companies just design signs which fit the square footage allowed within the code and do not consider proportion. Mr. Fischer provided a rendering of the building as shown from the street. Chairman Futryk asked if the owner is willing to eliminate some of the signage. Commissioner Fusch asked if they could eliminate the main sign. Mr. Fischer said the main sign is very difficult to see because of its location and design. He said the owner is open to suggestions.

Commissioner Little said this building looks "new-old" and keeping that in mind, is there a way to use these signs to "age" the facility and give it dimension. Mr. Meyers said he thinks character is what he is looking for and that is a lost detail in commercial buildings. He said an older building would have wider window trim with a profile. Commissioner Little said the proposed signs are modern signs. Mr. Meyers said this building has such a presence that it should not have this type of signage. He provided a rendering proposing a different signage plan. (Exhibit B) Commissioner Little suggested the sign look more weathered. Mr. Betz said the signage is proposed as sandblasted wood where the grain is seen. Mr. Meyers said this is headed in the right direction in consistency of palate, but the graphics need to be a part of it. Chairman Futryk asked if the applicant is looking for approval from the Commission or if they would like to work with Staff and Mr. Meyers to redesign the proposal. Mr. Fischer said the applicant is seeking approval but would be willing to work with Staff.

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

Commissioner Lorenz said he likes the detail provided by Mr. Meyers. He said he would feel more comfortable having the proposal reworked and resubmitted. He said it appears the applicant wants to make the signage right as this is a signature building.

Commissioners Hrivnak, Emerick, and Little agreed.

Commissioner Wiencek agreed. He said they need to think forward on future tenant uses. He said there are multiple tenant spaces and if they are going to tweak signage it makes sense to make changes to the street sign. He said they should also include the ability to deal with signage of future tenants. He suggested the applicant find an economical way to deal with the "hay bale" doors so it is more appropriate.

Commissioner Fusch said he would like to see this proposal again. He said he likes the sketch provided by Mr. Meyers. He asked what colors could be used as he finds the blue against red very unattractive. Mr. Meyers suggested a light shade of gray or white for the background, a dark aged gray for the lettering with gun-metal gray instead of blue. He said the back portion of the building is gray and it is very visible when traveling west. He asked if anything can be done to add landscape items to east façade. Commissioner Fusch suggested the applicant redesign the street sign. Mr. Meyers suggested they run a header piece right above the windows to break up the mass. He said it would not be a significant addition to the cost of the signage. Chairman Futryk said when driving up to the building the signs for the businesses are lost and he suggested they add a "blacksmith" type hanging sign mounded perpendicularly to the entrances. He said if the Commission is asking the owner to reconsider the sign package it would be a good thing to address. He asked if Staff would like the Commission to table this item.

Mr. Betz said it is up to the Commission but the applicant needs to install signs. Mr. Fischer said the owner has lease agreements with new tenants which require them to rectify the signage issue. Chairman Futryk said he is fine with conditional approval if Staff understands what the Commission and Architectural Advisor have recommended. He reviewed the recommendations as: four signs above the windows with the design elements and reconfiguring the building sign as shown on Exhibit B, working with Staff with respect to the sign at the entrance, and consideration of redesigning the tenant signs on the west façade to a hanging "blacksmith" type sign. Commissioner Little asked about the hay bale doors. Chairman Futryk suggested they have another meeting in two weeks. Mr. Meyers said the Commission could approve the intent of the square footage of the signage on the façade and development of the details so the owner can work with tenants and sign leases. Chairman Futryk suggested they grant conditional approval of the concept but final approval would be reviewed by the Commission at a meeting in two weeks.

MOTION: Commissioner Little moved to grant conditional approval of an Amendment to the Approved Final Development Plan for 484 West Olentangy Street, pending the following conditions:

1. The Owner shall work with Staff to incorporate architectural modifications to better blend the signs with the façade.
2. The Owner may propose a redesign of the monument sign.
3. The Owner may propose redesign of the tenant signs and final review and approval will be considered by the Planning & Zoning Commission at a Special Meeting on February 27, 2008.

Commissioner Fusch seconded the motion.

VOTE: Y 7 N 0

DISCUSSION REGARDING AMENDING CHAPTER 1151: SIGN REGULATIONS

Mr. Fischer distributed copies of the proposed amendments. He said Staff took the previous discussion, specifications and changes and placed them in this chapter in a codified manner. He said Staff decided in order to make it more readable, Section 1151.08 should section off districts in regards to sign code. He said the proposed code starts out with general requirements for all districts and then moves into specifics for each district. He said they also separated out the multi-users portable sign regulations. Mr. Fischer said Section 1151.04 deals with residential signage. He said there is also information regarding what contractors in residential areas and home occupations may use as signage. He said redundancies were removed and they have attempted to make it more readable by keeping the information organized. Mr.

Fischer said Staff feels this draft is a good start. Mr. Betz said Staff will be adding graphics to the code as well.

Mr. Fischer said the Law Director has not had a chance to give this first draft a full review. He said Mr. Hollins would like to meet with members of the Commission to review changes.

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

Commissioner Wiencek said he will send his edits electronically. He said he is happy to hear that graphics are a part of this plan. Commissioner Little asked if the code changes as recently recommended have been put in a more organized fashion. Mr. Fischer said City Council commented that many items have been added as specifications and they must be codified. Commissioner Lorenz said as one who reads and interprets code for a living, he really appreciates the work which has been done. He said it is very user friendly. Commissioner Hrivnak asked Staff to identify the steps that remain and the proposed timing.

Mr. Fischer said the Law Director will review this draft and a meeting will take place in 2-3 weeks time. He said a second draft with graphics will be prepared for the Commission meeting in March. He said a Public Hearing will be held at that time and if appropriate, the Commission may recommend the changes to City Council.

Chairman Futryk said he feels there is a confusing section in 1151.04 in regards to portable signs. He said wording regarding signs on sidewalks is different depending upon the section. Mr. Fischer said within the downtown there should be the ability to have signs on the sidewalk. He said they will need to have fairly strict rules so pathways are not blocked. Chairman Futryk asked if a business can put a sign right on the sidewalk. Mr. Fischer said they may within the Downtown Business District. He said the zoning inspector will have the ability to assess the situation and ask for changes. He said this has been modeled after code which works within other municipalities.

Commissioner Wiencek said the amendments use the word "professional" a lot and he is concerned that the signage simply "look" professional. Mr. Fischer said they would like to see professionally designed signs except where they are utilizing a dry erase or chalk board. He said Staff would like to encourage that type of niche. Mr. Betz said the applicants can appeal enforcement if they like.

OTHER COMMISSION BUSINESS

Commissioner Wiencek welcomed Mr. Lorenz as a Commission member and asked him to talk to the group about his qualifications. Mr. Lorenz said he has been an AICP registered planner for 10 years. He said he has worked in public planning and now works for a private consulting firm that does engineering and architecture. He said he represents clients across the US and has lived in Powell for two years. Mr. Lorenz said he wants to help out and try to make a difference in the City.

ADJOURNMENT

The meeting was adjourned at 9:48 p.m.

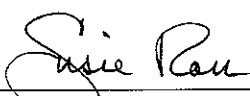
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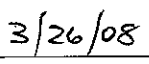
Kevin Futryk
Chairman



Date



Susie Ross
City Clerk



Date

