



City of Powell, Ohio

Powell Planning & Zoning Commission

Donald Emerick, Vice Chairman
Bill Little

Richard Fusch
Brian Lorenz

Jim Hrivnak
Dan Wiencek

MEETING MINUTES

APRIL 9, 2008

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on Wednesday, April 9, 2008 at 7:02 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.

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 March 26, 2008 were approved as submitted.

SKETCH PLAN

Applicant: Benita, LLC (Ben Dougan)
Location: Southwest corner of Seldom Seen Road and North Liberty Street
Zoning: PC, Planned Commercial District
Request: Review of Sketch Plan for a proposed office building and day care building.

Jack Coppess, representative for Benita, LLC was present. He said they are currently in contract to purchase two lots at the corner of Seldom Seen and Liberty Roads. He said the total lot is 4.4 acres and they are proposing to build a 13,500 sq. ft. day care facility on the southern side of the lot and a condo office building on the corner. He said they distributed a packet of information including a preliminary site plan. Mr. Coppess said they also included photo of buildings which show proposed building materials of limestone cap and cement fiber plank siding. He said they would like to design the day care facility with a 1.5-2 story vestibule to add more light.

Trina Ryan, 7315 Tullymore Drive, Dublin; and Jennifer Ramos Genson, 2905 Sherwood Road, Columbus represented Little Seedlings Academy LLC. They reviewed a detailed presentation regarding the need for child care within the Powell area and their proposal for a facility to meet those needs.

David Betz, Development Director, presented the Staff Report (Exhibit "A"). He thanked the applicants for their presentation. He said the 1990 Master Plan for Wolfe Commerce Park is still in effect and office uses are allowed within that plan. He said Staff's initial reaction to the proposed use is favorable and in the past the Planning & Zoning Commission has approved day care facilities within office areas. Mr. Betz reviewed the proposed site plan. He said the daycare facility was placed back from the road with the outdoor play area in front and Staff feels it may be more appropriate to have that reversed or somehow creating a site plan where the buildings are along the street with everything else behind or beside them. Mr. Betz said they assume the loading area will be used for deliveries of food or hot meals. He reviewed access into the site. He said the applicant will need to submit a Traffic Study to see how much traffic this will generate and determine the need for turning lanes and restrictions. Mr. Betz said most of the surrounding buildings are brick but using stone for this use may not be a bad thing. He said the use of quality materials and architectural details will be appropriate on this very visual corner within the City. He said the topography leads to the south and they may want to consider utilizing underground stormwater storage to allow maximum use of their lot and also for safety considerations.

Chris Meyers, Architectural Advisor, said the architecture is too preliminary to discuss. He encouraged the applicant to consider the drop off pattern for a day care. He said the site plan is currently set up with an office type strategy for parking and traffic flow. He said reversing the day care and playground may be

valid but the best way to identify a day care is the outdoor play area. He said he was rather discouraged by the two images of architecture proposed as that look is very typical in this area and they have a great potential to do something more creative with the day care. Mr. Meyers said landscaping is very important in this community and the submissions will be heavily reviewed. He said placement of building utilities will be important and the drive sequence will be reviewed.

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

Commissioner Fusch thanked the applicants for their presentation. He said the proposed photos are very common to the area and he hopes they will take the opportunity to do something to fit the architectural traditions of the community and be architecturally interesting. He asked how soon the applicant plans on building the facility. Ms. Genson said they hope to start as soon as possible.

Commissioner Wiencek said it will be important to shield parking and unattractive areas from the neighboring residences. He said there is far too much visible parking in this site plan. He said drop off points do not work because children must be accompanied into the building. He said they may want to eliminate that area. Commissioner Wiencek said they will want details on the fencing and landscaping. He noted that the Olentangy Local Schools has changed their transportation policy and is no longer transporting students to private day care facilities.

Commissioner Little said this is a good use for this site. He asked if Staff is saying that curb cuts are acceptable on Liberty and Seldom Seen. Mr. Betz said they are and as the plan called for trying to limit them, these lots will require them. He said the one on Seldom Seen could be shared with the property owner to the west. He said it would require a variance as this plan did not provide for the access to the smaller lots. He said what was going to a church site is now the office for Manor Homes. Commissioner Little said Staff has suggested stormwater retention on the south side and because of the day care use it would be appropriate to consider underground stormwater storage. He encouraged the applicant to speak with the condo and Ashmoore Homeowners' Associations to accommodate any wishes they may have.

Commissioner Emerick asked if they have considered utilizing the office building as part of their day care facility as well. He said they may want to consider it if there is rapid growth. He echoed the previous comments about landscaping and underground stormwater retention.

Commissioner Hrivnak asked about the current structure on the site. Mr. Betz said it is an old garage. Commissioner Hrivnak asked about trees on the lot. Mr. Betz said there is one by the garage. Commissioner Hrivnak said this is a good use for this site and he anxious to see the next submittal.

Commissioner Lorenz suggested the applicant reach out to the nearby residents and make this presentation to them. He asked if this would be a one owner/lease situation. He said he is not a big proponent of a retention pond and he encouraged them to come up with a creative solution. He said it is not appropriate, especially where it is proposed. He said it is foremost a safety issue. Commissioner Lorenz said they will be reviewing the results of the traffic study to determine the need for a right in/right out situation on Seldom Seen Road. He said the northeast corner of the site plan shows a square paved area and that may be extra space to be utilized for green space. He asked how many students the day care can accommodate. Ms. Ryan said they can accommodate 204. Commissioner Lorenz said they may not need such a large loading zone. He encouraged the applicants to look at opportunities to break up the parking field with connections and paths so parents can safely get in and out.

Mr. Betz said the sidewalk will need to be extended along Liberty Street with this development. He said there should be a crosswalk at Seldom Seen so the sidewalk can connect. Commissioner Lorenz asked if there are plans for a traffic signal at that corner. Mr. Betz said it is probably not yet warranted but it may be in the future. He said the traffic study will consider that.

Chairman Futryk said this is a very unique corner within the City and he asked that they consider an architectural design which has some impact. He said as a resident of Ashmoore he is very concerned about the alignment of the entrance/exit off of Liberty. He said in the morning traffic stacks up and in the morning it is a nightmare as vehicles attempt to turn northbound from Seldom Seen. He said the access point should align with the entry of either the church or the Ashmoore subdivision. He said the traffic study should help provide information regarding traffic flow and circulation. Chairman Futryk said

landscaping and screening for the condos will be necessary. He said the Commission members look forward to seeing more details in the next submittal.

Commissioner Wiencek suggested they consider an architectural style which looks like an adaptive reuse. Chairman Futryk suggested the applicant contact the clerk with any questions.

ADMINISTRATIVE REVIEW

Applicant: The Kenney Company LLC (Donald R. Kenney, Jr.)
Location: 7540 Sawmill Parkway
Zoning: PC, Planned Commercial District (Golf Village)
Request: Approval for use of a Temporary Banner for six months.

Chris Nickles, representing Grubb & Ellis/Professional Park at Golf Village Office, was present. She said they just opened a model office and they are requesting use of a sign banner on the roof for approximately 6 months. She said they have 2 units sold of the total 16 units and they hope to use a banner to draw attention to the site.

Mr. Betz presented the Staff Report on this application (Exhibit "A"). He said he visited the site and Staff feels there could be an alternative to a banner on the roof. He noted a sign which was removed because it is in violation. He said this site is quite visible when traveling northbound but has limited visibility from southbound traffic. Mr. Betz said they recommend a "Office Model Now Open" sign no larger than 12 sq. ft. that can be placed closer to the entrance road from Sawmill Parkway. He said they could also add a sign in the window to indicate the location of the model. He said the large sign could be reworded as well.

Chairman Futryk opened this item to public comment.

Craig Snyder, Sawmill Parkway Sign-A-Rama, said a banner is a great idea but the code only allows for 12 sq. ft. Mr. Fischer said that does not apply as this is Golf Village and subject to the restrictions within Liberty Township. Mr. Betz said Liberty Township does not allow this type of sign and that is why they are before the Commission. Mr. Snyder said placing model home signage on the "island" would be good. He said free standing banners will not hold up for 6 months.

Mr. Meyers said if a sign were to happen on the roof it would be best if it was proportionally placed along the vertical face of the widows walk railing on the ridge of the roof. He said they could also modify the construction sign to add the Model Open information in a more prominent manner.

Commissioner Lorenz said a roof sign does not appeal to him. He said he would prefer to go with Staff's recommendations. He said this area will develop and he does not want to set precedent for other signage. He said there are residences located nearby as well. Commissioner Lorenz said he is not in favor of the proposal as it is submitted.

Commissioner Hrivnak said he would prefer the sign on the island or make the wording more prominent on the existing sign. Commissioner Emerick agreed with Mr. Hrivnak's comments.

Commissioner Little asked if the current sign is within the intent of Liberty Township. Mr. Betz said the administrative reviews of the Golf Village plan allowed for construction and/or promotion type signs while a building is under construction. He said when they reach 80% occupancy they must eliminate the signage and go to a realty-type sign. Mr. Betz said this sign could be reworked and reutilized. He said the current sign contains too many words and is too difficult to read. Commissioner Little said they should honor the intent of the Liberty Township plan and he does not approve of a sign on the roof. Commissioner Wiencek, Commissioner Fusch and Chairman Futryk agreed with the previous comments.

Ms. Nickles asked about the current sign which was removed by Staff. She asked where it could be located in the future. Mr. Betz said they will review the location and contact her.

MOTION: Commissioner Little moved to deny the request for a roof banner at 7540 Sawmill Parkway, represented by the Kenney Company. Commissioner Fusch seconded the motion.

VOTE: Y = 7 N = 0

MOTION: Commissioner Little moved to authorize the Kenney Company representing 7540 Sawmill Parkway to work with Staff to look at ways to utilize the existing signage including redistributing the wording as well as moving the sign to a more visible location on Sawmill Parkway. Commissioner Wiencek seconded the motion.

VOTE: Y = 6 N = 0 Abstain: Fusch

DISCUSSION REGARDING AMENDING CHAPTER 1151: SIGN REGULATIONS

Public Hearing (continued from March 26, 2008)

Mr. Betz said after the last meeting they had an opportunity to speak at length with the City Law Director. He said several changes were made and a new draft has been distributed to the members of the Commission. Mr. Betz reviewed all of the changes included within the latest draft. Commissioner Fusch asked if the changes to non-commercial free speech signage would allow anyone to place a sign on their property even if it was inflammatory in nature. Mr. Fischer it would include anything that is free speech that is non-commercial in nature. Commissioner Fusch asked about the time frame allowed for the signage. Mr. Betz said it cannot be restricted but may be determined the Zoning Administrator. He said as long as the sign is in good condition it is not subject to a time limit.

Chairman Futryk asked for clarification regarding the terminology changes in the section on Multi-Use. Mr. Betz said the definitions are different between temporary and portable. He continued his review, stating they did not make any changes to the section which would regulate LED signage. He said the Commission may discuss that this evening. Commissioner Emerick asked for the definition of "Neon Simulated" signs. Mr. Betz said he is not aware of a definition listed. Commissioner Wiencek said he thought they were trying to make it all inclusive such as "neon-like." Commissioner Emerick asked if LED signs could fall within that definition. Mr. Betz said they should define it and state the regulations. Commissioner Hrivnak said they should add LED lights to Section 1151.08. Commissioner Fusch agreed. Mr. Fischer said they instead discussed restricting LED signs in size. He asked the Commissioners if they visited the sites displaying LED signs and if they disliked what they saw. Commissioner Hrivnak said they are trying to keep that type of signage from getting out of hand. Mr. Fischer said they have been utilized within the past three years and there are just a few in the downtown. Mr. Betz said the Law Director would like to add stronger wording to the severability clauses within the code. Mr. Fischer said they should also add language regarding the City's banner signs. Mr. Betz said it is a separate procedure so it should be addressed from the standpoint of equal protection.

Chairman Futryk said this is the continuation of the Public Hearing on March 26, 2008. He opened this item to public comment. Hearing none, he closed the public comment session.

Commissioner Fusch said in Section 1158 and in Section 1151.10, the code prohibits neon as a window sign. He said it should be noted that neon signs are prohibited generally because technically a neon sign could be on a building and not be prohibited. He said the next step will be for LED signs to look like neon signs. Mr. Fischer said LED lights would be prohibited on permanent wall signs because they are not internally lit. Commissioner Wiencek said channel letters do not prevent the use of "brilliant" red which is provided through LED lighting. He asked if the concern with LED is the brightness or the design. Commissioner Emerick said many LED lights look like neon signage from a distance. Commissioner Fusch agreed. Commissioner Wiencek asked if it would be acceptable if presently approved signs with channel letters were filled with LED. Mr. Betz said that is how they got to the decisions regarding "exposed" neon signs. Commissioner Wiencek said the florescence or neon in a channel letter is indirectly shining through the Plexiglas face but if they go to LED it is a level of magnitude brighter. He said that is what he thinks they are trying to avoid.

Craig Snyder, Sawmill Parkway Sign-A-Rama said when channel letters were first used they used neon tubes whether they were exposed visually or whether they used a diffuser on the face. He said those products are energy wasters and now LED is used. He said that is not visible dots, just a method of internal lamination which will be diffused by the face. Mr. Snyder said if they do not want to use LED lights then they do not want to go green in Powell as that is the energy efficient wave of the future. He said they are not necessarily brighter than neon. Commissioner Hrivnak asked if they can differentiate between exposed LED and backlit LED. Mr. Snyder said channel letters with faces are different than those where you see the neon tubing. He said there is also a halo effect which is more subdued. He said whether it is a neon tube or a string of LED, it will not make a noticeable difference. Commissioner Wiencek said they do not want any "exposed" illumination. He said that may eliminate most of the

concerns of the Commission members. Mr. Betz said if they use exposed tubing and place material over it to diffuse it, the signage falls in a loophole. Chairman Futryk asked if Mr. Snyder could assist Staff with a definition and terminology. Mr. Snyder said he would. He discussed the use of conduits to install neon which defaces buildings.

Commissioner Wiencek said he looked at existing wood signs in the area and he has an issue with maintenance and/or design. He said the City should set minimum design standards requiring of the use of a 6" x 6" or 8" x 8" post with ornamentation. He commended Staff on their effort on this document.

Commissioner Little said rather than chase technology, they should define an effect which is inappropriate. Commissioner Emerick had no additional comments. Commissioner Hrivnak asked if brightness is regulated within the code. Mr. Betz said there is a maximum amount of wattage allowed in external lighting and illumination. He said they are typically required to shine away from the street.

Commissioner Lorenz said he thinks they should come up with a definition of what they want to see regarding LED and neon signage. He said they had a long discussion last week regarding extending the time allowed for temporary signs and banners. He said it should not be allowed longer than 42 days as that would be excessive. He said the more they are taken up and down, the more they are beat up. He said he appreciates Mr. Snyder's comments. Mr. Fischer said the business owner which spoke at the last hearing will benefit from the portable sign changes. Commissioner Lorenz said these types of signs should be for special occasions rather than be left out all of the time.

Chairman Futryk asked for the Commission's thoughts on LED regulations or prohibition. Commission Hrivnak said they should prohibit LED lights unless they are diffused. Commissioner Lorenz asked if there are any other communities which have included this type of prohibition. Commissioner Fusch said Mr. Fischer clearly does not want to prohibit LED lighting and he asked for an explanation. Mr. Fischer said the issue is that whenever new technology comes out it will make current such signage "legal non-conforming" in nature. He said the business owners want lit signage and it puts them at a disadvantage if they cannot use it. He said they will come up with ways around it and the Commission will have to continually go down this path. Chairman Futryk said a 12 x 12 "Open" sign is less desirable to him than a LED sign. Commissioner Fusch said most businesses open in the morning and close in the evening and most people can tell when a business is open or closed. He said it is unnecessary to use these types of signs. Mr. Fischer said a retail business is different than other types of businesses. Mr. Snyder said "Open" signs do generate business as it is a way to draw the eye to the business. He said other cities specify the type and size of window signs. Mr. Betz said they cannot regulate "content" signs because that would be unconstitutional. He noted they are able to limit a sign to less than 20% of the window exposure.

Commissioner Emerick said they would expect to see these types of signs in larger cities or resort areas. Mr. Fischer said not every storefront is using LED signs in Powell. He said each individual business makes their own decisions on how they market their business. He said he advocates that the Commission not remove the business' ability to do that. Commissioner Wiencek said they are trying to create legislation which is "forward looking" and just because there are only a few does not mean there won't be a pandemic. Commissioner Fusch asked how Staff can define "effect." Mr. Betz said they can limit size. Commissioner Wiencek said allowing 20% of the window space is part of the problem. He said they should set a specific size the sign may not exceed. Chairman Futryk said many of the signs he sees are not custom signage. Mr. Fischer said they can also limit the number of LED signs per property. Commissioner Wiencek said most shop owners have the attitude that "it won't hurt" so they try it. He said they should limit it and if their business plan succeeds or fails due to a window sign, they need a new business plan. He said quality of service is most important. He said they should eliminate them or require them to be diffused through an opaque or translucent material. Mr. Betz said they will draft new language.

Chairman Futryk said if they say "no" to LED signs the business owners may buy 12 x 12 Open signage that is taped on the window. He asked which is more attractive. Councilman Wiencek said he is not opposed to that type of sign because there is a difference.

OTHER COMMISSION BUSINESS

Commissioner Wiencek said there is a vacancy on City Council and he encouraged anyone interested to contact the City Manager and submit a letter of interest. He said the deadline is April 30, 2008. He said Council will make a decision shortly after that date.

Commissioner Fusch said he will not be present at the next meeting on May 14th. Mr. Betz said there may be a request for a special meeting but they do not have any plans yet. He said Presidential Pointe would like to come back with a request for awnings. He said the applicant wanted awnings over just the restaurant and Staff said they would need to do the entire façade.

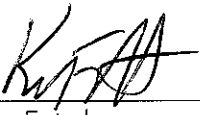
Commissioner Hrivnak asked if Staff can update the Commission periodically regarding adjacent development in Liberty Township. He said it might have impact on the decisions of the Commission. Mr. Betz said they could provide that information on a quarterly basis.

Mr. Betz said Ed Corbett was hired as a part-time Zoning Inspector for the City and he started this week. He said Mr. Corbett worked with him previously at the City of Gahanna.

ADJOURNMENT

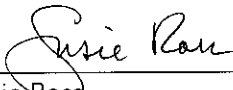
The meeting was adjourned at 8:38 p.m.

DATE MINUTES APPROVED: April 30, 2008



Kevin Futryk
Chairman

5/19/08
Date



Susie Ross
City Clerk

5/19/08
Date

