



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 30, 2008

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on Wednesday, April 30, 2008 at 7:00 p.m. Commissioners present included Donald Emerick, Richard Fusch, Jim Hrivnak, and Brian Lorenz. Dan Wiencek arrived at 7:30 p.m.. Bill Little was absent. Also present were 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 April 9, 2008 were approved as drafted.

ADMINISTRATIVE REVIEW

Applicant: Margello Development Company
Location: 10221-10259 Sawmill Parkway
Zoning: PC, Planned Commercial District
Request: Addition of Awnings to the Presidential Pointe Building

Vince Margello, applicant, said he is owner and builder of Presidential Pointe Shopping Center on Sawmill Parkway and Presidential Drive. He said when he initially brought this development in for zoning it was suggested by the Commission that he might want to do awnings on the building. He said he reluctantly chose not to do that at the time. He said as they built the building he has received suggestions to add awnings from a couple of the tenants, mainly the restaurant tenant. Mr. Margello described a proposal for installing an open awning with black iron supports on all façades of the building and an awning over the entrance of the restaurant. He said he discussed this with the Architectural Advisor and they matched the green awning material over the areas with green metal roof and black awning material that will match the areas with asphalt roof. Mr. Margello said there is no lighting needed under or over the awning. He said the awning on the front of the restaurant will be a marquee-type which protrudes 8-10 feet from the building to where a vehicle would pull up.

Eric Fischer said Staff concurs that this will be an improvement to the facility.

Chris Meyers, Architectural Advisor, said he spoke with the applicant yesterday. He said Mr. Margello was agreeable to his suggestions regarding the black iron supports and use of awning colors which are consistent with the roofing colors. He said there is not much detail on the restaurant awning but as discussed it seems to be consistent with the intent of the building. Mr. Meyers said this is a big development with not much depth variation on the façade so the addition of awning will add character.

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

Commissioner Fusch expressed his approval. He asked about the signage for this restaurant. Mr. Margello said it will be located on the brick and stone above the awning. He said the lighting will be lit in a similar manner to Golf Village. Commissioner Emerick said this looks good and he is happy to see this built.

Commissioner Hrivnak asked if the signage is back lit. Mr. Margello said it is within City requirements and is similar to Village Pointe shopping center. Commissioner Hrivnak asked if anything will be written on the awning. Mr. Margello said that will not be permitted. Commissioner Hrivnak asked Mr. Meyers if there is

enough room above the awning for a sign. Mr. Meyers said this was discussed a long time ago and the long linear signs which are a standard dimension for the building are text driven. He said proportionally the space above the awning below the gutter line will work nicely for that type of signage. Mr. Margello said the building is so close to the road there is no need for large signage. Commissioner Hrivnak asked if there would be any logo signage. Mr. Margello said he does not think so but it will be dependent upon the tenants. He said the restaurant may want something different but he advised them they will need to work with Staff to develop that. Commissioner Hrivnak said he thinks this will work nicely as the awning will add to the look of the building.

Commissioner Lorenz said he thinks this is a great looking building and the awnings will work well. He said he likes the style variation for the restaurant and the use of open awnings as well. Chairman Futryk agreed with the prior comments.

MOTION: Commissioner Emerick moved to approve the application to add awnings to the Presidential Pointe Building as submitted, including the recommendation of the Architectural Advisor with respect to the awning supports being black. Commissioner Hrivnak seconded the motion.

VOTE: Y 5 N 0

DISCUSSION REGARDING AMENDING CHAPTER 1151: SIGN REGULATIONS

Public Hearing (continued from April 9th, 2008)

Mr. Fischer said he met with Councilman Wiencek earlier today and they went over some typos and minor changes to the proposed amendments. He said the Law Director recommended the addition of a severability clause at the end of each section because this is a way to protect the entire code if there is a constitutional challenge to an individual section. Commissioner Lorenz asked if this is necessary at each section or if it can be added as its own subsection. Mr. Fischer said there is a subsection called "Severability" for that particular purpose but this was recommended as well.

Mr. Fischer reviewed the following items:

1. Section 1151.02(d)(4)(b) - nonconforming signs
Concerned if signs are in need of repair or replacement, should the code refer to another part in the code. Mr. Fischer said he will confirm this is necessary.
2. Section 1151.03 Definitions
#3 - animated or moving sign: suggested the addition "and draw attention" at the end of the sentence. It was determined this addition was not necessary.
3. #6 - suggested the addition of period after "framing" and strike additional wording in that sentence.
The Commission was in agreement.
4. Page 6, Item 23 – "Multi-User Building" terminology should be consistent throughout code. Mr. Fischer said he will confirm this is necessary.
5. Sidewalk Sign definition should be added. Mr. Fischer will have the Law Director add this language.
6. #38 - remove the word "flimsy"
7. #43 - Window Area – Commissioner Wiencek said he would like them to rethink how this is defined so it matches the intent. Mr. Fischer said they will rework the language.
8. Section 1151.06 Temporary Signs
Residential Districts (b) (1) strike the words "issue or" as they may only use the term statement.
Section (b) (2) change "four (4) feet in height" to "four (4) feet from ground level" to match the intent.
9. Section (b) (3) - Display Period - Chairman Futryk asked why the last section of the sentence was added. Mr. Fischer said this was discussed at length with the Law Director. Commissioner Wiencek said this is not just non-commercial speech signs; it includes all signs. He said they seek to limit commercial speech signs to 45 days. He said they may have to clarify the wording to reflect that intent. Discussion continued.
10. Section (c) - Non-Residential Districts - Commissioner Wiencek suggested they add "See Section 1151.06 (3)(g) for reference.
11. Section (c)(4) Setbacks – Mr. Fischer recommended they remove the "ten (10) feet" limit and reword that section so it makes more sense. He said this is handled well within the Powell Portable Sign Code or Downtown Business District Code.
12. Section (d) – Multi-User Site Temporary Sign Plan – Commissioner Wiencek suggested they change the first and second sentences in the paragraph to read "In the interest of public health, safety and welfare, it has been found by the City that a proliferation of portable signs are distracting to a motorist and pose a safety hazard and negatively affect the aesthetic of the community. Therefore,

where Multi-User Sites exist, the owner shall submit, prior to the utilization of more than one temporary sign at any one time per property, a Multi-User Temporary Sign Plan for approval by the Planning & Zoning Commission." Mr. Fischer said he will review these changes with the Law Director.

13. Section (d)(1)(a) - Large Multi-User Properties – change "design match along a common theme" to "design match are of a common theme".
14. Section (d)(1)(b) - suggested they strike the word "certain" and add (e) "Plan may be modified in such a manner which the Planning and Zoning Commission is required in order to meet the intent of this ordinance." Mr. Fischer said he is not sure this change is necessary as they will come before the Commission for approval. He said he will check with Mr. Hollins.
15. Section (e)(7) Sidewalk Signs have been defined as A Frame signs and they may also include T-frame signs. Commissioner Wiencek said they should allow both and modify the definition appropriately.
16. Section 1151.06 (f)(1) - Temporary Construction Signs – Mr. Fischer said they have allowed them to add contact information. Chairman Futryk suggested the change sentence one to read "announcing just the name of the subdivision, development, or tract, and contact information."
17. Section 1151.07 (3) - Standards for Specific sign Types - Mr. Fischer asked if there is a preference regarding the minimum clearance amount. The Commission did not have a recommendation. Commissioner Emerick suggested Staff check with LT Fire Department on clearance amounts.
18. Section (a)(4) Copy - A change to wording was discussed but not recommended.
19. Commissioner Hrivnak noted the duplication of item (c). All subsequent sections will need to be re-lettered.
20. Section (c)(1) - Banner Signs - strike the second sentence: "For multiple tenant buildings, one (1) banner per business will be allowed at any one time."
21. Section (c)(2) - Maximum area and height - discussed and determined the area of banner signs should be limited to 24 square feet and the height language should be defined. Staff concurred.
22. Section (d)(1) Freestanding Signs, Posts - Mr. Fischer noted the language should be changed to read "Signs mounted on single poles or posts shall be prohibited outside the Historic District." Commissioner Wiencek said he feels a minimum post size of 6" x 6" should be required. The members concurred.

Craig Snider, Sign-O-Rama Sawmill Parkway, asked if a 4" x 4" post with an extra skin (board) surrounding it would be appropriate. Commissioner Wiencek said it would be appropriate as long as it is structurally sound and the finished outside dimension is 6" x 6".

23. Section (d)(3) - Cantilever Signs - Mr. Fischer said he will ask for clarification from Mr. Betz and the Law Director.
24. Section (f)(2) - Portable Signs, Maximum area and height – Staff will clean up this information to make the sizes standard.
25. Top of page 18: (g) Wall Signs change "(1)" to "(2)" Projection from wall.
26. Section 1151.10 Signs Not Requiring Permits - Commissioner Wiencek asked if (b)(7) should include a limit on the number of signs. No change was made to this section.

A lengthy discussion took place regarding neon signs. Mr. Fischer noted the language within Section 1151.03 (24) Definitions. Commissioner Wiencek said neon signage was originally added to the code it was because of the look. Commissioner Emerick said they did not feel they needed a bunch of lighted signs throughout Powell. Commissioner Wiencek said it also helped prohibit brand name signage in places that serve alcohol. He asked if they could stop trying to come up with a definition and instead just limit to one sign. Mr. Fischer urged caution. Chairman Futryk said they need to address what is acceptable and what is not acceptable for people who want to have "open" signs. Mr. Fischer provided a photograph of the open sign at the Beehive Bakery. Commissioner Wiencek said they are trying to regulate the effect so signage of this type cannot be seen from far away.

Chairman Futryk asked the opinion of the Commission regarding allowing electronic signage (no specifics) with one sign per business, having signage limited to "open", or just prohibiting that type of signage completely. Commissioner Lorenz said it safer to go with allowing electronic signage. He said he could go either way but there is value in allowing businesses to have something out there. He said if they prohibit this type of signage completely the next problem will be that the signs become legal non-conforming. He said he would like to see a regulation on square footage. He said he would keep the wording vague so they are not always behind the new technology.

Mr. Fischer said it is difficult to enforce candlepower. He said they can propose wording to address a limit on light intensity. Chairman Futryk said he assumes most businesses are buying this type of signage at an

office supply store. Mr. Fischer said in the cases where custom signage is designed it might be good to have a limit on intensity. Chairman Futryk said if they limit the size to 2 sq. ft. it may discourage custom signs. Commissioner Wiencek said he thinks that is an appropriate number. Commissioner Hrivnak asked if they would limit to one per façade. Commissioner Lorenz said if a business has two frontages they would have the opportunity to have a smaller sign on the second side.

Chairman Futryk opened this item to public comment.

Eric Altene, Espresso Yourself, 50 W. Olentangy Street, said he respects that they want to keep this a quaint community. He said he agrees regarding flashing signs and he apologized that at times his sign is switched inappropriately and flashes. He said since he has been involved in the community he has tried to get a pulse on the community. He said he is in agreement that they need to have just the "open" type of neon signage. He said he has a business which he uses to keep teens and people away from places that might cause them harm. He said might they be sending a bad message if there is a lighted sign that says "drink here or buy a particular drink here". Mr. Altene said he doesn't have big flashing signs, the "open" sign on one side and the "coffee" sign on the other, but he is not sure they are noticed that much. He said it is not flashing signs that build business but the word of mouth among people. He said an "open" lighted sign is good because it shows that it is worth someone's while to get out of the car to go inside. He said other types of signage might indicate what is going on inside of a store and that might be helpful.

Craig Snider, 9985 Sawmill Parkway, said the specs are coming along well. He said Section 1151.06 (g)(8) regarding signage placed no farther than 10 feet away from the exterior, he said there is one site in particular (Messmore property) where the building is far away from the street. He said maybe it could be reworded for that location because a sign would not be seen otherwise. Commissioner Emerick said that may be something they want to review on a case-by-case basis. Mr. Snider agreed. Mr. Fischer said a business can always come back to the Board of Zoning Appeals when appropriate. Commissioner Wiencek said since the intent of signs is to be visible to pedestrians they could change the wording to "no more than 10 feet from the building or no closer than 10 feet from the sidewalk, whichever is closer to the sidewalk".

Discussion continued regarding "generic" signs and the possible limitations within the regulations. Mr. Snider said he would like to see consideration for signs that say "drive-thru open." He said it allows the opportunity for business owners to make a living.

Chairman Futryk closed the public comment session.

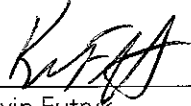
OTHER COMMISSION BUSINESS

Mr. Fischer introduced Ed Corbett, the City's new Zoning Inspector. He said he is doing a fine job and instrumental in taking care of many issues.

ADJOURNMENT

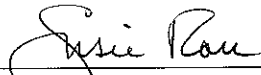
The meeting was adjourned at 8:42 p.m.

DATE MINUTES APPROVED: May 21, 2008



Kevin Futryk
Chairman

6/10/08
Date



Susie Ross
City Clerk

6/11/08
Date

