



## City of Powell, Ohio

### Powell Planning & Zoning Commission

Donald Emerick, Vice Chairman  
Bill Little

Richard Fusch  
Brian Lorenz

Jim Hrivnak  
Dan Wienczek

### MEETING MINUTES MAY 21, 2008

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Kevin Futryk on May 21, 2008 at 7:00 p.m. Commissioners present included Donald Emerick, Jim Hrivnak, Bill Little, Brian Lorenz and Dan Wienczek. Richard Fusch was absent. 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

**MOTION: Commissioner Wienczek moved to adopt the minutes of April 30, 2008 as amended. Commissioner Emerick seconded the motion.**

**VOTE: Y 5 N 0 (Abstain – Little)**

### SKETCH PLAN

Applicant: Cohiba Properties, LLC (Jim Fallieras)  
Location: 55 South Liberty Street  
Zoning: DB, Downtown Business District  
Request: Review of Sketch Plan for a proposed downstairs restaurant and second floor office

Tom Coffey, architect, said he is present representing Cohiba Properties. He said he is before the Commission to review the sketch plan for this proposal. He indicated the location of the site. He said the proposed building would be two stories with a 4000 sq. ft. restaurant on the first floor and 5000 sq. ft. office space on the second floor. He said the architecture would be similar to the downtown area but they are considering a combination of stone, cedar and board and batten. Councilman Wienczek asked if they are considering making it look like three buildings. Mr. Coffey said it would be one building using a mixture of those materials. He said the building is shown on the site with zero setback at the front property line and all parking at the rear of the building. He said they are proposing an outdoor seating area behind the restaurant and an outside cooler box with a nice landscape buffer to the north. He indicated an area of landscaping on the south side beside the bike path. Mr. Coffey said a variance will be required for the zero setback at Liberty Street as 15 feet is required by code. He said a variance will also be required for an 18" setback rather than 5' in the back. Mr. Coffey said an established restaurant called Due Amici's is interested in this location. He said the owner has several restaurants and has been in the business more than 15 years. He said it would be an Italian themed restaurant.

David Betz, Development Planner, presented the Staff Report. (Exhibit "A") He indicated surrounding properties and uses. He said Staff felt it was important to bring this to the Commission because of the site plan issues. He said the setback has been reduced at the frontage to allow an additional row of parking which will be necessary for the restaurant. He indicated the existing drives in the area and said this property's access drive should be located to the south. Mr. Betz said one other consideration for the rear setback is the location of the park amphitheatre. He indicated the location of the landscape buffer between the two properties. He said the Commission must look at the site today and plan for any future streetscape such as brick sidewalks, on-street parking, and landscaping. Mr. Betz reviewed photos of the site from the street and noted that several large trees will have to be removed. He said they are in poor condition so this will not be an issue. He said with the building coming out to the property line it does not allow room for on-street parking. Mr. Betz indicated a nice tree located on the south portion of the lot. Mr. Coffey said it will be located within in an island. Mr. Betz said it may not work there. He said Staff will need to study how the buildings should align along that section of South Liberty Street. He said the

property owner does own several properties within the downtown area so a valet service could be used to shuttle to those properties or the municipal lot. Mr. Betz said there is also a slight parking variance which would be required but that is typical within the Downtown area. He said they are excited this property is coming in for redevelopment as it has been rental property for several years now. He said a restaurant use with office upstairs would be a permitted use within the downtown.

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

Commissioner Lorenz asked if the property to the north is under the same ownership. Mr. Betz said it is currently owned by P & D Builders and is in contract for sale. Mr. Lorenz said he thought they might be able to consider a cross-access parking agreement. Mr. Betz said the parking designed here faces south so that would not work. Commissioner Lorenz said he likes the zero setback in the front and they should attempt to tie improvements into this development. He suggested they "bank" caliper sizes but it does appear they have ample landscaping shown. Mr. Coffey indicated which trees will be removed. Mr. Lorenz said he looks forward to future plans for this development.

Commissioner Hrivnak said he is concerned about the sidewalk and/or streetscape line. He said the combination of zero setback and two stories seems very close to the street. He said there is no curb there at all and the buildings on either side are set back farther. He said he is not sure they have enough information. He said there are two other future building entrances shown and he is not sure how that can be done with such a small amount of room out front. Mr. Coffey said those are for any future retail and that type of plan is not uncommon. Mr. Betz said the building is set back from the right-of-way 4-5' and the doors will be set so they do not swing out onto the sidewalk. He said they will have to examine this in the design so it incorporates with the streetscape. Commissioner Hrivnak said the east side seems very different from the west side. Mr. Betz said the streetscape has not been planned on the west side but there are concept plans.

Commissioner Emerick suggested they look closely at how this incorporates into the streetscape. He said it makes sense to move the building forward to allow more parking in the back. He said landscaping surrounding the building will be a key issue.

Commissioner Little said he is happy to see them improving this property which should have been improved a long time ago. He said it will be important to consider how this fits into the streetscape plan. He said streetscape funds could be "escrowed," or at least there should be an understanding that once the streetscape surrounding this property is determined, the property owner should come back and complete the work or leave it alone. He said it is strange that there was no such requirement for 47 S. Liberty. Mr. Betz said the bikepath was completed after 47 S. Liberty was built. Commissioner Little suggested they add wording when they prepare the development plan. He asked how many parking spaces would be required if it was not in the Historic District. Mr. Betz said it depends upon the number of seats in the restaurant as they must have one space for every 3 seats. He said they appear to have over 150 seats. Commissioner Little asked that the Commission be consistent in what they require of restaurants in regards to parking.

Jim Fallieras, applicant, 721 Pilcher Court, said the outside patio is intended for a waiting area but they could eat there. He said his proposal shows the other properties available for valet parking. Mr. Coffey said they have additional parking on Mr. Fallieras' 3-4 properties and the adjacent municipal lot. Commissioner Little said they should be sure to clarify this at the final development plan. He asked if the building is intended to depict a store façade. Mr. Coffey said it will be more similar to the north end of 50 N. Liberty Street.

Commissioner Little said asked if it is typical to jump from store to house to store façades. Mr. Betz said that is typical when considering the way the downtown has developed. He said Staff thinks this is appropriate to have that mix. Mr. Fallieras said he is not entirely pleased with the flat roof so they may look into pitched roofs. He said the mechanicals will need to be on the roof so there may be some sort of false front. Mr. Betz said once they do that they are incorporating a more residential feel. Commissioner Little said he feels it will be appropriate for this to be some sort of a transitional building but he is unsure about the jump between looks. He said if they are trying to make something look old they should add details to make that happen versus the "new" old. He referenced the hay mow on the Recreations Outlet building.

Commissioner Wiencek said this feels like too much building for the lot. He said he cannot see supporting a building that does not have streetscape out front. He said the City has plans to go in that direction and that must be accommodated. He said he is not that comfortable with the building being right on the property line. He asked if the building will be on an angle compared to all of the other buildings. Mr. Coffey said the street dictates the angle especially when it is zero setback and it should be even with the street. Mr. Betz said all of the buildings in that area are cockeyed. Mr. Fallieras said the offset in the middle may help that illusion. Commissioner Wiencek said they may want to consider board and batten finish on the outside of their freezer. He said whenever possible he would like to connect parking lots. Mr. Betz said the parking is north/south and it does not make sense to make a connection. Commissioner Wiencek said caliper inches must be met even if they are planted elsewhere. He said he is open to creative ideas. He said he thinks they need larger buildings but he is not convinced they are not squeezing in too much on this site.

Mr. Fallieras said they are just trying to push as much parking as possible. Mr. Coffey said 5k sq. ft would be a minimum size for this nice sit-down restaurant. Commissioner Wiencek said he would be willing to make the building and layout correct and give up the additional parking and require a valet service. He said with valet they would need a place out front so patrons can be dropped off at the door. Mr. Fallieras said there are already issues with vehicles parking on the bike path to frequent the restaurant across the street.

Chairman Futryk suggested they try a creative, different design. He said he personally does not want to see them mimic 50 South Liberty Street. Commissioner Wiencek asked if there are any stone buildings in Powell. Mr. Betz said there are. Mr. Coffey said they want a different looking building. Mr. Fallieras said he is considering stone accents to make it look old. Mr. Futryk said his only hesitancy in not putting it at the zero lot line is the potential for future streetscape. He said he agrees that they should consider removing the parking and pushing the building back. He asked that they come back with a plan to either reduce the square footage or push the building back from the street. He said this concern was heard from several Commission members. Mr. Coffey said they will have to work with Staff to get around the streetscape issue. Eric Fischer, Development Planner, said if they move it back there is the possibility they can add 2-3 parallel spaces out front.

Chairman Futryk said a curb is shown on the south side of the driveway where it abuts the bike path. Mr. Fallieras said he would prefer striping because a raised curb without a backing always gets broken off. Mr. Betz said there should be some separation. He said stormwater detention will have to be considered so they can change the elevation to help that issue. Chairman Futryk said he is less concerned about the parking issue because of availability of parking on the owners' other properties. He asked about the entrances to the upstairs offices. Mr. Betz indicated the location.

Commissioner Lorenz said the most southern parking space will be very difficult to get in and out of and they may want to look into that. Councilman Wiencek said the lot to the south has problems with people from the splash pad parking in his lot. He said anything they can do to discourage them from parking there will help them in the long run.

#### **DISCUSSION REGARDING AMENDING CHAPTER 1151: SIGN REGULATIONS**

Mr. Fischer said the comments from the last meeting were incorporated into the amendments before the Commission this evening and they have been reviewed by the Law Director. He presented a detailed review of the latest revisions to the amendments and the reasoning behind any changes.

The revisions included:

- 1151.03, Page 4, #6: eliminated "string, rope or wire framing"
- Page 5: added generic definition for electronic signs – Commissioner Wiencek noted electronic signs are not allowed in residence windows. Mr. Betz said the wording should be changed to "structure."
- Page 7, #38: added Sidewalk Sign definition incorporating T-Frames. Chairman Futryk questioned the wording regarding placement of hinges. Mr. Fischer said it can be addressed.
- Page 12, 1151.06: Law Counsel originally wanted the entire "All Districts" to be omitted as it is not necessary. He said Counsel will be present at the next meeting to review this matter. Discussion continued.
- Page 11, 1151.06: Non Commercial Speech Temporary Signs – added information as noted.
- Page 13, top of page: "45 consecutive days" added
- Section C: Except Historic District – confirmed sizes with Commission. Made banners 15' so they are consistent with other regulations.
- Page 13: Temporary Signage - Changes in text to make it clearer.

- Page 13, Section D: Multi-User Site Temporary Plan - incorporated all language as discussed
- Large Multi-Use Properties – clarified language
- Page 14, Section E: Historic District Portable Signs – incorporated T-Frame definition. Commissioner Hrivnak asked if they had already included that change under definitions. Mr. Fisher said he can eliminate it here.
- Page 15: Temporary Construction Sign – originally said could have one sign 32 sq. ft. in area. He said “per tract” should not have been scratched. He said this is a similar issue where content may not be regulated.
- Page 16, 1151.07, Section C: repetitive language deleted under Banner Signs
- Page 16 - 17: cleaned up language to make clearer, incorporated post size as previous discussion
- Portable Signs: added standard height of 3.5’ rather than 3’
- Page 20, 1151.10, Section E: cleaned up text regarding number of signs per window and added electronic signs as per previous discussion. Added language restricting use to 1’ x 2’ area and one electronic sign per frontage, added restriction of not to exceed 15 characters including spaces and special characters. Mr. Fischer said he will have an appropriate recommendation of candlepower at the next meeting. He said as more efficient technology is developed the lights will get brighter and candlepower rating will be a consistent measure.

He said a final draft will be presented at the June meeting and he is hopeful the Commission will be comfortable forwarding it on to City Council.

**OTHER COMMISSION BUSINESS:**

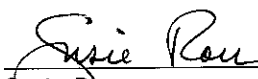
Mr. Betz said the Target Hearings are proceeding and will continue on May 22<sup>nd</sup>. Chairman Futryk asked about details regarding the development in Liberty Township on the corner of Sawmill Road and Powell Road. Mr. Betz said he will send him information. Commissioner Wiencek said the Powell Veterans’ Memorial is being completed and he encouraged the Commission members to walk out to see the progress.

**MOTION: Commissioner Little moved to adjourn at 8:17 p.m. Commissioner Hrivnak seconded the motion. By unanimous consent, the meeting was adjourned.**

**DATE MINUTES APPROVED: June 11, 2008**

  
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 Kevin Futryk  
 Chairman

8/11/08  
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 Date

  
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 Susie Ross  
 City Clerk

8/12/08  
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 Date

