



**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**  
**NOVEMBER 12, 2008**

A regular meeting of the Powell Planning & Zoning Commission was called to order on Wednesday, November 12, 2008 by Chairman Kevin Futryk at 7:30 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; Susie Ross, City Clerk; members of the Press and interested parties.

**HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA**

**APPROVAL OF MINUTES**

**MOTION: Commissioner Hrivnak moved to approve the minutes of October 8, 2008. Commissioner Fusch seconded the motion.**

**VOTE: Y 7 N 0**

**PUBLIC HEARING**

**COUNCIL RESOLUTION 2008-16**

Public Hearing related to amending Section 1147.16, pursuant to Ordinance 2008-23. This is in regard to regulations related to Large Non-Residential Retail Establishments in the Sawmill Parkway Corridor.

Chairman Futryk welcomed those present for the Public Hearing regarding Ordinance 2008-23. He said this is the second hearing on this particular measure. He said Resolution 2008-16 directs the Planning & Zoning Commission to review Ordinance 2008-23, conduct Public Hearings, and make any recommended changes to City Council for their consideration. He said this is the first Public Hearing for this measure and there will be subsequent opportunities for the public to come forward and comment. Chairman Futryk asked Mr. Betz to provide an overview for the Commission and those present in the audience.

David Betz, Director of Development, said Ordinance 2008-23 was reviewed and approved by City Council due to an initiative petition brought forward by voters who wanted to add regulations regarding large non-residential establishments within a ½ mile area along the Sawmill Parkway Corridor. He provided a map and definition of the area within the ordinance. He said it could have even further impact if the City of Powell were to extend north of Home Road.

Mr. Betz said the regulations would restrict any single use to 10k sq. ft. and any multiple use within any single structure to 65k sq. ft. He said City Council adopted the initiative ordinance setting forth these regulations rather than have it go forward to the voters. He said City Council also adopted a resolution asking the Planning & Zoning Commission to take a look at the ordinance to see if they recommend any changes to the ordinance based on the ramifications it would have upon the community. Mr. Betz said tonight's meeting is to allow public input. He said Staff revised the notification postcards so they are more informative and sent them to several hundred persons, including those who signed the initiative petition and local homeowner associations. He said a paid advertisement was published in the Delaware Gazette, information was added to the City web site, and there were several newspaper articles publicizing the Public Hearing. Mr. Betz said the Planning & Zoning Commission may make the following recommendations to City Council:

- The ordinance should stand as submitted and changes should not be made.
- Changes to the ordinance are needed (based on input from the community and Commission discussion).
- Council should repeal the ordinance.

Mr. Betz said City Council will then take the recommendation of the Commission, hold discussion, gain public input, and make a final decision on the matter. He said the Commission wants the opinions, recommendations, and input of the community on Ordinance 2008-23 and large non-residential users along the Sawmill Parkway Corridor. Councilman Wiencek asked Mr. Betz to review how long this process will take. Mr. Betz said they started last month and the Commission asked Staff for information and research regarding economic modeling. He said Staff will not have all of the information until late January. He said he believes it will be February before this Commission has all of the information and is ready to make a recommendation to Council. Chairman Futryk asked if the Architectural Advisor had any comment on the Ordinance. Mr. Meyers had no comments.

Chairman Futryk opened the Public Hearing.

Rick Silk, 4405 Village Club Drive, member of GVRA, said he is one of two Associated Executive Directors of the Community Oversight Foundation. He said contrary to public belief, the Foundation is strongly in favor of retail development in the City of Powell. He said the tax revenues are quintessential to the City and its residents. He said he also believes most people do not want to see the incorporated portion of Sawmill turned into Sawmill south of Summitview. He said most would like to see Powell maintain its charm and maintain a primarily residential community which is supported by local rather than regional retail development. Mr. Silk said the City, elected officials, and current and future developers need to partner with the residents in that endeavor. He said they do not believe that the ordinance is beneficial to the City in that regard. He said in so far that it limits retail and other development to 10k sq. ft. or 65k sq. ft. collectively, they believe the existing Powell zoning ordinances which deal with large non-residential establishments which limit them to 65k sq. ft. individually and 120k s. ft. collectively are more than sufficient, well written and reasonable. Mr. Silk said they would like to see the City adopt a specific definition of "pedestrian friendly scale" which is similar to that which is in the ordinance. He said that would make it so current and future residents, developers, and City Officials have a clear understanding of the overarching theme and intent of future retail development in Powell.

Councilman Wiencek asked if the Commission should adopt Mr. Silk's recommendation and develop and propose a recommendation for a definition of "pedestrian friendly scale," would that definition be enforceable in the Golf Village area. Mr. Betz said that term is used within the specific Golf Village development plan also known as the Liberty Township Plan as a part of the CEDA. He said there may be other places within the zoning code where this term is used; not as a regulation but rather as a general descriptor. Mr. Betz said it is highly recommended that the term's description be well clarified as a descriptor or a term which is used in a regulation within the code and it is also helpful if the term is defined when utilized in the text of a planned district development. Mr. Betz said if they attempt to amend a development plan text, a public hearing will need to be set, legally notified, and discussion held. Chairman Futryk asked Staff to provide possible definitions of this term for the Commission's consideration. Commissioner Wiencek said "small rural greenbelt community" is not very well defined and they should review it as well.

Sharee Dugic, 3460 Timberside Drive, said she is one of the initiative petition committee members. She said she became involved to give a voice to those people who disagree with what is currently in place. She said their concerns were never about the size of the building pertaining to schools, daycares, libraries, or museums. Ms. Dugic said this has only ever been about retail. She said they do not want the parkway to look like the other end of Sawmill Road. She said half of the people who live in their neighborhood moved from that area to where they presently live, hoping that Powell was different. Ms. Dugic said they do not feel they need to have as many of those types of larger stores in what was supposed to be a "village" community when can get to them within 6-7 miles. She said if you do not deal with square footage terms every day it can be deceiving to say what you think is small or large. Ms. Dugic said it is surprising to see that a building the size of the Luce building and the shop next door are less than 10k sq. ft. She said Kinsale is less than 28k sq. ft. so a building twice that size would be within the 65k sq. ft. limit. Ms. Dugic said pretty soon the whole "village" concept will go out the window.

Ms. Dugic said when she passed petitions for signatures she received a mixed reaction from people. She said only 3-4 people chose not to sign the petition and she could have easily gotten 1000 signatures herself. She said she is unsure of the reason but it could be communication or frustration between the community and the City. Ms. Dugic said some people thanked her for her involvement while others asked "Does anyone at the City really care what we think?" She said she truly believes the City of Powell does not care what they think. She said she believes the Commission will look at the entire issue and Mr. Betz has not had an easy job throughout this process. She said he gave the Commission several choices in

their recommendation. Ms. Dugic said she has been through the City Charter and City code and she knows anything can be misunderstood. She said she hopes the Commission will respect the signatures of 161 people who do not want every third property which is left in Powell to have 65k sq. ft. of single buildings. She said she hopes they will take this into consideration when they make recommendations for changes within the ordinance and she is sure there is a happy medium someplace. She said they are not against bringing business to the area; there is no need to duplicate larger retail that is available already.

Harry Harkins, 3696 Stoneway Point, said he remembers Ms. Dugic coming around to ask for his signature. He said he gives her credit for going out to do so. He said he lived in Worthington over 25 years and he was happy there but loves living where he lives right now. He said Powell needs a hardware store, but not one that is 65k sq. ft. He said he needs a good bakery but he does not want one that prepares baked goods 100 miles away. Mr. Harkins said there is a lot of adjacent property that could be developed in this way.

Connie Coghlan, 261 Cedarbend Court, said she has lived here almost her entire life. She said she has seen many changes and it is disappointing in ways but one gets used to it. She said they have always been told the area behind them will be green space. She said they are a little concerned because there are housing developments and then all of a sudden they hear in the media that there is a Target or WalMart with their foot in the door. Ms. Coghlan said these stores will be ready to throw together a building and the residents don't know anything about it. She said that is their concern.

Ms. Coghlan said she received a post card notification and thought she should come to the meeting to see what is happening. She said it seems like the houses are always at the back of the stores and although there is landscaping it is pretty "lame." She said she is concerned that if stores go in, they will not do their part to look good, especially on the private side of their buildings.

Commissioner Wiencek asked Ms. Coghlan for information about where her house is located. He told her the 20+ acres of greenspace behind her home is planned for non-commercial, non-industrial use. He said the long term plan for the City is to use the majority of that area for a park. Ms. Coghlan said that is what they have been told but it always seems that big business is able to get things changed before the private citizens find out. She said the five acres beside them was supposed to be a park but now there is a "for sale" sign on the property. Ms. Coghlan said she knows they would have to rezone it before it could be sold. Commissioner Wiencek said the five acres she is speaking of is zoned as "greenspace" and it would take a rezoning to have it as anything else. He said there is no intent to rezone that parcel. Ms. Coghlan said they have been waiting for it to be developed for a park. She said the traffic and light pollution from the carwash and daycares is tolerable but she cannot imagine the lighting from a Target or WalMart store. She said she has empathy for the condo owners who would live close to the site.

John Seymour, 717 Village Park Drive, said he is a member the HOA and as an association they have decided to not offer an opinion either way. He said he has lived in the City since 2000. He said they moved here from Dublin and they love the City and everything it represents. Mr. Seymour said one of his big concerns is that he does not want to see the City limit what is being built and limit the potential revenue to help grow the City and develop social services and parks. He said they do not want to see their taxes increase but he would also like to see responsible development. He said when Big Bear went out of business the strip mall was empty for months. He said if the economy gets worse again any large multi-user facilities may sit empty for months or years. Mr. Seymour the City will get the most security from larger big box retailers such as Target. He said he has sympathy for the residents nearby because of privacy, traffic and light pollution issues. Mr. Seymour said he has seen that the City of Powell has been very responsive in managing new development and traffic. He said he really appreciates that effort and he would like to see that effort continue as they take the residents into consideration when they make development plans. He said he and his wife have talked about it and there are many concerns with the economy. He said he would rather see better revenue resources moved into the City so they do not increase taxes. Mr. Seymour said they may have to give up some of their rural pedestrian friendliness to get that type of development and revenue resources.

Commissioner Wiencek said one of the facets of the City's current large non-residential establishment legislation is that there is a requirement that large buildings must have an adaptive reuse plan. He said the building can sit vacant for a while but after one year the City can force the developer to come forward with a redevelopment plan.

Commissioner Little encouraged those in attendance to come forward to voice their opinion. He said the Commission members are here to listen and receive their comments. Chairman Futryk said if people are not comfortable coming forward they may send their thoughts and comments to Mr. Betz in writing and he will forward this on to the members of the Commission. He said this is only the first public hearing and there will be other opportunities for the residents to make their feelings heard.

Mr. Betz said several items, including information from the community survey, were provided to the Commission this evening. He said they also provided information about businesses which would be restricted from being rebuilt if they were to be destroyed. He said Receptions Outlet on Powell Road is just one such structure. He said they will also identify areas of undeveloped land which would be affected by this ordinance. Mr. Betz said he provided a list of communities which adopted big box ordinances intended to restrict square footage. He said most are well over 10k sq. ft. Mr. Betz encouraged the public to visit the City website to access all of the information they are providing regarding big box issues. He said this ordinance has brought forth items and definitions which could be added or changed within the code. He said Staff will likely bring forth those amendment recommendations so they may be addressed in a separate ordinance.

Commissioner Hrivnak said it is important that the people in the audience know that there is already a big box ordinance in place within the City. Mr. Betz said when a development plan comes in Staff looks at many items. He said a site analysis is made and the Commission considers that when they review the plan. Commissioner Wiencek asked that all of these items be added to the City web site. Mr. Betz said there is a link on the post card notification which will take users to the information on the web site. He said all of the information provided to the Commission will be added to that portion of the site and it will be made more prominent so it is easy to access.

Commissioner Little asked if the current big box regulations are in line with those in the Township. Mr. Betz the existing regulation is in line with the Township but the City requires a lot more for a submittal of a development plan. Commissioner Little asked if the open parcels within the Township are restricted by Ordinance 2008-23. Mr. Betz said they would be subject to these restrictions if they annexed into the City. He said property owners would wonder why they should annex into the City if there are greater restrictions in the City than in the Township. Commissioner Little said a property owner could develop in the Township with fewer restrictions and not as stringent of a development process and the tax revenue would remain in the Township and would not come to the City. Mr. Betz said that is correct. Commissioner Wiencek said the City does not gain significant revenue from the fact that a parcel is zoned commercial. He said they do not get their revenue from the value of the land and the value of the establishment; the City gets its revenue from tax on the earnings of those who work at that business.

Hearing no further public comment, Chairman Futryk closed the public hearing. He once again encouraged the public to provide their comments. He said the City Council charged the Commission with due diligence in their review of the ordinance as well as seeking public input on any changes. Mr. Betz said the Commission will not address this at the December meeting but will have another public hearing in January. Commissioner Hrivnak asked if another notification will be sent out prior to the next public hearing. Mr. Betz said it will.

Mr. Betz said there may be an application for a Zoning Map Amendment in December. He said it would be for the industrial park in Golf Village off of Woodcutter. He said the parcel between the Self Storage Center and Home Road wants to change to commercial. Mr. Betz said as part of the CEDA agreement the application will have to go to Liberty Township first for review.

## **ADJOURNMENT**

The meeting was adjourned at 7:47 p.m.

**DATE MINUTES APPROVED: February 11, 2009**