



City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Richard Fusch, Vice Chairman

Joe Jester

Bill Little

Brian Lorenz

Erin Wesson

Chris Meyers, AIA, Architectural Advisor

**MEETING MINUTES
OCTOBER 13, 2010**

A regular meeting of the Powell Planning & Zoning Commission was called to order by Chairman Donald Emerick on Wednesday, October 13, 2010 at 7:00 p.m. Commissioners present included Richard Fusch, Joe Jester, Bill Little, Brian Lorenz and Erin Wesson. Also present were David Betz, Director of Development; Eric Fischer, Development Planner; Chris Meyers, Architectural Advisor; Susie Ross, City Clerk; members of the Press and interested parties.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF THE COMMISSION

MOTION: Commissioner Lorenz moved to nominate Donald Emerick for Chairman of the Planning & Zoning Commission and Richard Fusch as Vice-Chairman of the Planning & Zoning Commission. Commissioner Jester seconded the motion.

VOTE: Y 3 N 0 (Abstain: Emerick, Fusch)

Commissioner Little arrived after the vote.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES

MOTION: Commissioner Fusch moved to approve the minutes of September 8, 2010 as corrected. Commissioner Jester seconded the motion.

VOTE: Y 5 N 0 (Abstain: Wesson)

COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN

- Applicant: Village Academy Schools
Kevin Harrison, Harrison Planning Group, LLC
- Location: 216 South Liberty Street
- Zoning: DB, Downtown Business District
HD, Historic District Overlay
- Request: Approval of a Combined Preliminary and Final Development Plan for a proposed new Preschool building containing 8,800 sq. ft. on 1.98 acres.

Kevin Harrison, Harrison Planning Group, representative for the applicant, said this proposal is for a new preschool on the lot just north of the existing Village Academy property. He said the proposal is for a 8,800 sq. ft., two-story building that contains eight classrooms, art room, multi-purpose room, dining room and administrative and support spaces. He said he has information that addresses some of the issues discussed when they were here in September (Exhibits A & B). Mr. Harrison said the original plan included a dedicated handicap ramp with railings on both sides and that has been removed. He said they were able to site the building and set the finished floor elevation so they are only about 1.5' above finish grade at the perimeter. He said this allows the alignment of the walk and addition of a handicap accessible sidewalk that runs up the slope and into the side of the porch area. Mr. Harrison said the bulk of the folks that park along the parking area will use the low slope sidewalk into the front of the building. He said this building has no real back door so mechanical equipment is tough to hide. Mr. Harrison said they designed the site so the electric transformer is behind a small retaining wall so it will not be visible. He said the mechanical equipment is on the flat roof of the building and the third air handler is in the attic space so all equipment is either concealed or in a flat roof area.

Mr. Harrison said they shifted the drive to the north and incorporated the islands so they are able to save two fairly significant trees. He said they avoided the typical canopy-style playground equipment and chose elevated platforms, slides and swings that are fairly low. He said they propose a 5' tall black steel ornamental fence around

the playground. He said a concern was voiced about an area on the site where students cut through so they propose the use of heavy plantings and the installation of a 6' wooden fence. Mr. Harrison indicated an area along the edge of the property line where they propose heavy landscape planting to shield the adjacent homes. He said the poles for site lighting have been kept to a minimum and they have no effect on the north property line. The location of the lighting was indicated on the exhibits. He said 30" & 36" bollard lights have been added to the sidewalk area and along the north face they propose architectural up-lighting on two features of the building. Mr. Harrison said the three cupolas will be very dimly lit as identifying features. He said they previously received conflicting direction on the location of the dumpster so they propose keeping it in a location closer to the building so it is more functional and is as far away from the existing properties as possible. He said they propose placing the dumpster on an angle and extending the fence on one side and landscaping a visual zone so it will be shielded completely from the neighbors. He said dumpster enclosures typically use fences and the fences are left open so they designed it without a fence but in a way that it is maintenance-free. Mr. Harrison said on the back eastern edge of the property they propose the use of landscaping and a fence similar to the one on the tennis courts. He said they are committed to providing landscaping buffering.

Mr. Harrison said the building materials have not changed from the Sketch Plan proposal but they have found it will be most cost-effective to use new stone on the preschool. He said rather than using the stone from the existing home on the school it will likely be used somewhere in Powell, perhaps for a project at the cemetery. He said it will not go to waste. He said the north elevation was changed to add shed dormers to break up the elevation. He said vertical board and batten was added in that area and it will be up-lit. He said they also bumped up the stone foundation in that area to bring down the scale. Mr. Harrison reviewed the landscape plan. He said the fenced playground is located on the south and back portions of the building so foundation plantings are not used in that area, allowing them to place additional landscaping in other areas of the site. Mr. Harrison said they proposed less than 100% foundation planting around the building in order to feature the stone on the foundation. He said they strategically placed trees so they hide the electric transformer from view. Mr. Harrison said the submittal documents provide more information regarding the lighting plan and playground equipment.

David Betz, Director of Development, reviewed the Staff Report (Exhibit 1). He said the removal of the existing house follows the City's guidelines and it works well for the overall Master Plan for the Village Academy. He said there are two variances that are part of this proposal: perimeter landscape plantings and dumpster screening. He said with the playground behind and tennis courts to the south it seems reasonable to install foundation plantings as proposed. He said this will allow additional landscaping to be installed around the site to make up for the minimal perimeter landscaping. Mr. Betz said the dumpster screening does not include a gate to hide the dumpster from the parking lot but they have extended the screen fence to hide it from the adjacent residential properties and the street.

Mr. Betz said the Engineering Department has reviewed the plans and the stormwater detention will take place on the back portion of the lot. He said existing storm sewer was installed when Bartholomew Run was developed to the east and that is where this property would tie into. He said that system was designed to accept two and one-half acres of drainage from the west and it is appropriate for this to tie in at that location. Mr. Betz said all other utilities are available to the site. He said the proposed changes to the plans are very much an improvement from the Sketch Plan stage. He said South Liberty Street is a two-lane road and they feel it should stay that way in this area to keep with the unique village-scale character. He said there are times in the morning and evening that the street becomes very busy and traffic backs up from the Four Corners. He said two capital improvements are slated in the future and they would improve the situation: Murphy Parkway Extension and left turn lanes expansion at the Four Corners.

Mr. Betz said the parking area proposed for the preschool will provide additional parking for school events on the campus and that is greatly needed. He said the traffic issues in Powell with this location will be transferred from North Liberty Street to South Liberty Street with the relocation of the preschool. He said as long as the school keeps adding land they should be able to expand their campus. He said the preschool is a good addition to the site, it keeps a viable business and jobs within the City of Powell and it is a permitted use within the Downtown Business District. Mr. Betz said a lot of green space is being conserved with the way this is being developed but Staff does believe the landscape buffer can be increased along the east property line. He said they are proposing a staggered row of viburnum to the south to create a ten-foot hedge and nothing is proposed to the north. He said it would be appropriate to have the type of landscaping done to the south along the tennis courts extended to the northern part of the site. Mr. Betz said over time that would mature and provide a good screening for any future changes to the site. He said Staff does not have any problems with the playground equipment proposed.

Mr. Betz said Staff recommends approval of the Combined Preliminary and Final Development Plan for this applicant with the following conditions:

1. That the landscape buffer along the east property line be installed, with a plan to be approved by the Zoning Administrator to replicate that which was installed along the existing tennis courts that runs the entire length of the east property line. A break will be needed in the landscaping where the storm sewer is tied in to the inlet so a swale can run from the detention basin.
2. That the City Engineer review and approve all necessary utility and stormwater detention provisions.
3. That the Architectural Advisor's recommendations be applied to the final building plans.

Chris Meyers, Architectural Advisor, said he has met with Mr. Harrison several times during the process and most of his comments have been added to the plan. He said he believes several of the issues of the neighbors have been addressed as well. He reviewed his comments regarding the proposal:

- The pinch between the main and side buildings seems to be the main entry and focal point. With the size and scale of the two story flat wall, they may want to consider the addition of signage, a light fixture, vertical landscaping or a color change in the material in order to break the scale of the building. *Mr. Harrison said any of the suggestions are appropriate and will be considered. He said the fire connections and signage have been moved so they are not a visual disruption.*
- At the Sketch Plan they discussed a way to calm the traffic as it enters and exits the school. Details should be provided about how the traffic has been studied and how the safety issues have been addressed. *Mr. Harrison said they discussed speed bumps but have not come to a final decision about the right way to address this. He said they have had success with asphalt speed bumps but most drivers and the Fire Department are not happy with their use.* Mr. Betz suggested they consider a speed table in the area where there is an inverted crown. He said they will need an extra inlet for drainage.
- The fence around the playground looks like it has "spear" tops and he asked for confirmation that is not the case. *Mr. Harrison said it is a solid top rail with no "acorns" or spears.*
- One of the details notes that there is wind screen on the fencing. They discussed that as a way to address the activity on the site for the neighbors to the east. Clarification is needed about how that is extended. *Mr. Harrison said they discussed the wind screen on the fence and now he feels they should not include it. He said the fence they selected is a "pet and play" fence that has a less than 3.5" opening. He said there would be a maintenance issue if they use the wind screen along with the additional landscaping proposed. He said once the landscaping is established there will be no visual access.*
- On the east end of the property as shown on the site plan, there is a density of plantings right at the property line and it shows how heavily treed and landscaped that area is at the present time. The applicant should work closely with the neighbor in that area to make sure the neighbor is satisfied with the planting approach. The proposed landscaping in that area should work well with the existing landscaping. *Mr. Harrison said they are committed to additional landscaping along the east property line. He said they will work with the neighbors to place the landscaping appropriately.*
- Concerns have been raised about pedestrian cut-through. Is the playground a secured playground for students only or is it available for public use? If it is not secured it could cause people to cut through the yards of the adjacent neighbors. *Mr. Harrison said the playground is secured and off-limits unless supervised by teachers or staff of Village Academy.*

Mr. Meyers said this is a wonderful project and the activities at the Village Academy are complimentary to the community. He said he is excited to see it move forward.

Chairman Emerick opened this item to public comment.

Tom Baldrick, 209 Briarbend, said he has the property directly behind the screening to the east. He said he talked to the Commission previously about his objections regarding noise and screening and at that time the Commission suggested the school meet with the neighbors. He said the school called a meeting on September 7th and he attended but it was basically a presentation of what they intend to do. Mr. Baldrick said he again brought up his objection about screening and the request for fencing or a barrier to give the residents more privacy and the school said they will do everything they can to do that. He said no further conversation has taken place and it was a one-way presentation. Mr. Baldrick said it took two years before there was screening provided by the last trees they put in and he asked how long it will take before the proposed trees are big enough to provide screening. He said everyone seems to be concerned about looking into the play area and he is concerned about people and students looking into his home. He said he does not see where this will give them any privacy and they can look at the photos and see how open the yard is and how open his house is to the play

area. Mr. Baldrick said his house is right behind where the play area will be located and he still objects to what is being done.

Jennifer Sweet, 235 O'Quinn, said her home is right behind the tennis courts. She asked about the intent of this proposal. She said the plans are beautiful but Liberty Road was residential at one time. She said it was changed and the homes were changed into small businesses. Ms. Sweet said this is not a small business and it is turning into a very large business. She this is right on top of residential properties. She provided aerial maps of the area (Exhibit C) and two other elementary schools that are about the same size and have 680 kids. Ms. Sweet said if this goes through they will be very close to that size. She said there is a huge buffer around the other schools and between a school with that many kids and the traffic and residences around them. She said that is what Powell is like. Ms. Sweet said this is much too tight and there is noise and traffic. She said they say the water table is fine but right now it floods when there is heavy rain. Ms. Sweet said if they take out all of the green space it will flood even more. She asked how that will affect her property and who will fix her house if it floods. She said it is not adequate and they have not looked at it enough to take that much green space away and add the school. Ms. Sweet said they are killing their property values by suddenly adding this huge school right on top of them. She said any other school built in Powell has buffers and the only reason this is getting as far as it is getting is because it was changed to commercial. Ms. Sweet said when they changed those houses to commercial it was not the intent to put in a school that houses 800 kids. She said they are putting an elephant on a postage stamp and it is not fair to the residents or the community of Powell. She said it does not benefit them because there are more negatives than benefits. She said there are plenty of places in Powell where the school could relocate or they could operate as they do now with a split campus. Ms. Sweet said they are really infringing on the property lines and the aerial photos show it.

Ray Capots, 199 Briarbend Boulevard, said his home is on the back corner of this property. He said he strongly objects to the entire project. He said the Academy has a scale problem as many of the buildings are too big, out of scale with the adjacent houses and are too crowded. He said for some reason this project does not save green space and they like to fill the entire site. He said he is very much opposed to this project. Mr. Capots said the residents encouraged the school to consider a back landscape screen. He said he heard them suggest viburnum and he does not know how tall they grow. He said his idea of a landscape screen is what currently exists in Powell at the Powell Methodist Church where they have planted trees to appease the neighbors (Exhibit D). He said these trees do a good job and viburnum will not even come close to giving the privacy and security the residents are asking for. Mr. Capots said one of the lines of trees in the photos blocks the view from the road so residents do not have to look at the parking lot of the church. He said there is no viburnum in those areas at all and it is for good reason; they just won't do the job. He said it only takes one house having its property value lowered to make all of the property values lower. Mr. Capots said if this is approved as it is drawn it will lower all of the property values in Bartholomew Run. He asked that they please not do that.

Mary Dielman, 424 Briarbend, said she lives in the area and has a small business that leases conference space within walking distance of Village Academy. She said she is also a proud mother of a son who attends Village Academy and is a straight-A student. She said she does not understand why they don't see the value of having a private school within walking distance of everything they do and how that increases property value. Ms. Dielman said she bought her house on Briarbend because she could walk her son to school every morning and it makes her proud to have this private school within walking distance. She said having her house zoned commercial will increase its value and she does not see how this reduces the value of the houses along Liberty. She said for some people that will be an issue but she invests in real estate quite a bit and she will buy a property that backs up to a school as opposed to one that backs up to other development. Ms. Dielman said they should pick their poison and she completely supports this proposal.

Mike Beirne, 191 Squires Court, said he serves as the President of the Bartholomew Run HOA. He said he is not present to speak for or against the proposal but to ensure that there is adequate protection for the homes that about the proposed expansion. He said he has heard from a number of homeowners that are present in the audience today. He said he "seconds" Mr. Capots' suggestion of using screening that is more relevant to the area. Mr. Beirne said the school meets throughout the year and a screen of evergreens would be more appropriate than landscaping with leaves off the trees for six months during the middle of the school period. Mr. Beirne said he understands there have been discussions between the City and the school and he is asking for a commitment from the school. He said the homeowners are pawns in the scheme of things. Mr. Beirne said he knows they will have fencing to keep children out of the playground but he has heard homeowners express concern about the school children trespassing on private property, being loud during and after school hours, using profanities and urinating on private property. He said he understands that kids will be kids but some sort of

effort to create a more adequate screen should be part of the final plan. Mr. Beirne suggested that, as a part of the final plan, some sort of acceptable landscape screening be added to buffer the proposed preschool as well as future development because there are some open areas to the north of the area that may be developed by the school in the future. He said the area is completely wooded now but he envisions that will be completely cleared if and when that time comes. Mr. Beirne said he would like a firm commitment from the school to ensure both the new facility and new development do not negatively impact property values in Bartholomew Run or any other development in the City of Powell. He said the Powell United Methodist Church is a better example of appropriate landscape screening because there is greenery throughout the year.

Janet Wartman, 130 S. Liberty Street, said she has a pond on her property to the north. She suggested the school put up fencing to protect the children from her pond. She said when Bartholomew Run was built they put up a fence near her pond. She said they also cut the field tiles and ever since that time she has had swamp land every time it rains. Ms. Wartman said she could end up with even more water. She said she has probably been in Powell longer than anyone else and she does not see Powell when she looks at this building. Ms. Wartman said she does not understand why the 100-year old house is being torn down. She said her mother fought very hard for the Historic District because she thought it would save Powell. She said in twenty years there will probably be only three houses left on Liberty Street that are there now.

Commissioner Lorenz asked for the location of Ms. Wartman's pond. Mr. Betz indicated the location of the pond on an aerial map. Ms. Wartman said she has had children cross over and at Festival time many people cut across her property. She said she just prefers a fence that no one can climb over. Commissioner Fusch said if there is a drainage issue from the cutting of field tiles, that was not caused by the school. Ms. Wartman said additional building could make it worse. Mr. Betz said if they find drain tile when they are excavating they have to take the drainage to the storm system on site so the water can continue to flow. Commissioner Little asked how far the pond is from the proposed site. Eric Fischer, Development Planner, said it is approximately 500 ft. Commissioner Fusch said the site plan shows the stormwater pattern. He asked if they can put vegetation in the open area of the depression. Mr. Betz said they basically build a grass depression that will fill up and drain out slowly, much like a bathtub. He said it is not acceptable to add vegetation because it fills the detention area, it can't hold as much water and the plants slow the drainage.

Kevin Patterson, 235 O'Quinn Court, said he lives directly behind the tennis courts. He said he is past president of the Ohio Association of Mortgage Professionals so he has some working knowledge of property values. He said no one is impugning the work of Village Academy and this is not an attack on the school. Mr. Patterson said the issue is that Powell has been very fortunate that values are holding in the down market but this direct impact to a small group of homes make them feel adversely selected to risk. He said whether the property value goes up or down depends on what someone will pay for your house. He said it is improbable to calculate that a school behind your home would raise or lower your value. He said the problem is that the proposal affects ten houses directly. He said as a small group facing a town commission they realize they have no influence at all and they appreciate this chance to speak. Mr. Patterson suggested a larger, more thorough utility study of the proposed building because a thunderstorm of any size causes a power outage in Bartholomew Run. He said a building of this size will add to that problem. He said he moved to Powell because his house backed up to tennis courts that were screened by a tree line and he did not have another house directly behind his house. He said he also moved to Powell because he did not have to pick his poison. Mr. Patterson said they do not object to the school's work; they just think this is a very large undertaking for 88 students. He said they should consider the impact this will have on the small families who don't have children at the Academy and who probably couldn't afford to send their children there. He said they like the school the way it is and they think they should consider the impact on the families that border it.

Mr. Harrison said the power for Village Academy is on a completely separate grid. He said in order to gain efficiencies with their HVAC equipment they had to bring three-phase power up from the area near the railroad tracks on Liberty Street. He said that will increase the wattage on the west side of Liberty. He said that was a big financial investment and commitment. Mr. Harrison said the other utilities are separate from Bartholomew Run as well. Mr. Fischer said there is a grid-wide issue with brown-outs and surges in the City. He said AEP is aware of that issue and is planning a 5-10 year expansion for their grid in this area.

Hearing no further comments, Chairman Emerick closed the public comment session.

Commissioner Lorenz thanked the members of the audience for their involvement in the process. He said it seems that this is only one portion of the expansion of their master plan. He said when looking at semi-conflicting

uses they need to consider how this project and the entire comprehensive plan for the school will affect the neighbors. He said they need to take a holistic approach about how they can be good neighbors with each other and he sees both sides of the story. Commissioner Lorenz said his home buffers a school but the buffer is Home Road and a wall and he chose that location. He said he is concerned about how this site is screened and landscaped and he would like to see more detail. He said they need to spend more time on that part of the proposal along the whole eastern property line and there is a mutual obligation to have more conversation between the applicant and the property owners. He said the applicant is to be commended because this is a very, very nice plan that is architecturally sound. Commissioner Lorenz said the school has given them a great deal of commitment regarding materials and design. Commissioner Lorenz asked for clarification on the following issues:

- Is a fence proposed for the south property line? *Mr. Harrison said it is and he indicated the proposed location. He said it totally eliminates the pedestrian cut-through issue.*
- Is any fencing proposed along northern property line? *Mr. Harrison said there is no fencing proposed but they plan to add heavy landscaping.*
- Have they had discussions with the neighbor to the north? *Mr. Harrison said they were invited to attend the meeting.*
- How wide is the proposed swale? *Mr. Betz said it has not been designed yet but he would estimate it would be between 5'-8' wide. He said it can be a gentle slope.*
- It is important to keep the opaqueness of a buffering line. Keep plantings staggered to narrow the gap so the neighbors see trees and the swale is not plugged up. *Mr. Harrison said the swale is at a good angle and they can use the same treatment as the dumpster enclosure. He indicated where they can plant trees in an offset manner. He said they are committed to replicate what they have with evergreens as deep and thick as they need to be to make it opaque.*
- How high are the light poles? *Mr. Harrison said they are 20' poles with heads a couple of feet below that height. Mr. Betz said Staff reviews a photometric plan to make sure no light goes beyond the site.*
- What is the preliminary date to break ground? *Mr. Harrison said the goal is to complete the building by June 2011 so they can market the building for fall enrollment. He said they also want to be done before the City's fall events and have the additional 38 parking spaces available to the City. He said they are at risk with their schedule at this point because their goal was to break ground the third week in October.*

Commissioner Lorenz asked when they would come before City Council if this is approved tonight. Mr. Betz said it would be in November. He recommended the applicant be allowed to bring the landscaping plan back to the Commission for approval rather than approval from Staff. He asked if the applicant would be amenable to come back to the Commission. Mr. Harrison said that would be fine.

Councilman Jester said the subject of traffic is addressed in the Staff Report and obviously the two solutions are a way off in the future. He asked how many cars will be added with a move to this location. Mr. Harrison said it is hard to determine because there are some students at Village Academy currently. He said the traffic on South Liberty would be less if the student lives south of the preschool because they would not go through the Four Corners intersection twice each morning and evening. Councilman Jester asked what they would do in the short term to deal with additional traffic. He asked if they would add an officer to assist traffic so it does not back up. Mr. Harrison said the bulk of traffic in the afternoons is clearly between 3-3:30 p.m. at the time of pick up. He said his office is across the street from the Academy so he knows that at that time there is no back up of traffic. Commissioner Jester asked if they have a plan to help with the traffic until the long term projects are completed.

Susan Lasley, Head of School, Village Academy, said they have staggered release times at this time to help with traffic.

Commissioner Jester said the screening on both sides of the drive needs to be adequate and they need to be very sensitive to the adjacent residents. Mr. Harrison said the Village Academy will maintain that area. Commissioner Jester said he would like to hear more closure between the school and residents and it is very important to continue that communication. Ms. Lasley said when they met they felt they did address that with the neighbors because they said they would provide any type of screening the residents require. She said they did not have a specific plan for the screening because they did not have the go-ahead from the Commission. She said the school is committed to provide any screening the neighbors want and they are fine with evergreens. Commissioner Jester said this project is very important to Powell, to the residents and to the school, so he wants to make sure that all of the issues have been solved. An unidentified person from the audience asked to speak. Chairman Emerick asked to address her comments later in the meeting.

Commissioner Fusch said he agrees they should look at this whole plan comprehensively. He said the audience and the Commission are clearly dealing with the long-term transition of the South Liberty corridor. He said that transition is largely a result of the fact that Powell has become a bedroom community of the Columbus metropolitan area. He said traffic has increased and a lot of stress has been put on the physical plan as a result of this massive growth. Commissioner Fusch said the City has done a good job of creating a long-term comprehensive plan for the corridor that tries to take into account what is going to happen over the long term as it becomes more commercial and less residential. He said having a school there is much better than having warehouses, big office buildings or a variety of other functions that will dramatically increase the traffic and/or detract from the residential areas. He said he may be biased because he is a professional educator, but he is also an urban geographer who has spent his life studying cities, and all of the data he has ever seen is that schools are good for neighborhoods rather than bad for neighborhoods. He said he has never seen a study anywhere that suggested that schools lower property values and he has seen studies that suggest just the opposite. Commissioner Fusch said he shares concerns about the school providing adequate screening to the neighbors around them. He said setting up a system of vegetation and/or fencing to provide that screening should make it so people are not constantly looking into the school or having students wander through their back yards. He said this is a very serious issue that needs to be more thoroughly addressed. He said he is disappointed to hear that there is a lack of communication. Commissioner Fusch said either people are talking "by" one another or not "to" one another about these privacy issues.

Commissioner Wesson said she is a newer resident to Powell and has only lived here three years. She said her decision was to move adjacent to a school so she definitely relates to this situation. She said she felt it was a positive thing to move near a school. Commissioner Wesson said the plan for the Wyandot Run area is very good so she sees the challenges on both sides of this issue. She said this is a dramatic change for existing residents. She said this is a great forum for the neighbors to have a partnership with these decisions. Commissioner Wesson echoed a strong advocacy for coming together on the barrier discussions. She said other than that she sees the addition as a positive thing.

Commissioner Little said he thinks this is an attractive building and an attractive proposal. He said sometimes they end up in situations where there is this alternative versus another use on the property. He said he doesn't know if they feel the school has been a good neighbor or if they have had issues with them but it is a private school and they do not intend to have more than 500 students in this building. Mr. Harrison said this preschool will house 88 students. Commissioner Little said the Arts Building is attractive and this building blends well with it. He said it is a nice small campus atmosphere and if living next to a school increases property values, then living next to a school with this type of architecture can only be a stronger point. He said he is encouraged by the input from the neighbors and their presence tonight to express their concerns. He said he feels they should be able to see a master plan so they can see what this area will ultimately look like. Commissioner Little said his largest concern is the screening to the east. He asked if mounding would work with the retention in that area. Mr. Betz said mounding will not really increase the screening and Staff recommends putting in better plant material. He said mounding only decreases water to the plants and does not help the screening. Commissioner Little encouraged the applicant to come back with a plan and better plant material that stays away from white pines and is more similar to the spruce trees used at the Methodist Church. He said there are residents in this area that are clearly most affected and he would be encouraged if the Commission receives better feedback regarding the school and neighbors working together. Commissioner Little said the homeowners should decide whether they want the involvement of their HOA Board. He said given the alternatives and seeing what he considers a very nice site plan, he feels they are headed in the right direction.

Chairman Emerick said he is impressed with the drawings and design to this point. He said at the Sketch Plan review that landscaping and screening were his major concerns and that remains true today. He said it will be important to come back with a plan for accomplishing the screening on the east side. Chairman Emerick said they should return to the Commission for that approval and notification regarding that meeting will be sent to the residents so they can be here to provide their input. He asked Mr. Betz to describe how they determine the requirements for stormwater detention.

Mr. Betz said the City Engineering Department will review the entire site and pavement area and there is a pre-development amount of stormwater that comes off this site now. He said that amount is determined by formulas that are determined from over 100 years of study of stormwater runoff. Mr. Betz said they take those figures and drop them down to a one-year preconstruction determination. He said all of the stormwater from the rooftops and pavement goes into the depressed area that will carry the stormwater into a sewer line that is tied into an existing sewer line along the back of Bartholomew Run. He said that rate has to be at the same rate, from an

engineering standpoint, as what is coming off the land as it exists now. Mr. Betz said the plan will require that paved areas include stormwater inlets to the storm sewer underneath it and that takes the water to the storm sewer. Commissioner Little asked about the slope of the property. Mr. Betz said it is really flat and it generally comes to the south and east. He said some of the land drains to the west. Commissioner Little asked if there is potential to help the present drainage situation. Mr. Betz said this could help a lot from the surface drainage standpoint.

Commissioner Little asked if they can move for approval with the condition that requires resubmission to this board for approval of landscaping on the east side or are they better off tabling the application and coming back. Mr. Betz said Staff recommends adding that condition and bringing that part of the application and anything it affects back to the Commission for review.

MOTION: Commissioner Little moved for approval of the Combined Preliminary and Final Development Plan for the property at 216 S. Liberty Street, known as Village Academy Schools, subject to the following conditions:

1. That the City Engineer shall review and approve all necessary utility and stormwater detention provisions.
2. That the Architectural Advisor recommendations shall be applied to the final building plans.
3. That the applicant shall work with the City Architectural Advisor to incorporate the advisor's recommendations to upgrade the pinch point on the west elevation and shall gain Staff approval for that part of the proposal.
4. That the applicant shall consider traffic calming devices and work with Staff for final approval.
5. That the applicant shall work with the residents bordering the east side of the property to develop a more robust landscaping plan for the transitional space. The landscaping plan shall include items discussed tonight such as staggering plant material to visually cover the line of site at the swale. This portion of the application shall require re-submittal to and approval from the Planning & Zoning Commission prior to submission to City Council for approval.
6. That two variances shall be allowed as mentioned in the Staff Report including the perimeter landscaping and dumpster screening.

Commissioner Fusch seconded the motion.

VOTE: Y 6 N 0

Patti Rabinowitz, 183 Briarbend Boulevard, asked to address the Commission. She asked how this whole thing was approved without consultation with the residents. She said the property was sold and the building was planned and everything was done and now this is the final meeting. She asked how that happened. Ms. Rabinowitz said she lives very close to this property. She asked who approved this sale and the building of a huge building in the middle of town. She said they already have a building up the road and she asked why they are allowed to move into her back yard. Mr. Betz said this has been addressed at this meeting as well as the past meeting. He said this resident is more than welcome to attend future meetings but she did not testify earlier so he recommends that the Chairman move forward. Ms. Rabinowitz said she came in late. Chairman Emerick suggested Ms. Rabinowitz meet with Staff later and they will be happy to answer her questions rather than take up time at this meeting. Ms. Rabinowitz said she called Mr. Betz a few weeks ago and this was all she was given. Mr. Betz said they discussed this issue. Ms. Rabinowitz said she was not told how this was all approved before they were even consulted. Mr. Betz said this was just approved by this Commission and then it will go on to City Council. He asked her to call him to set up a meeting.

Mr. Fischer asked for a five minute recess. The meeting was called to order at 8:31 p.m.

MULTI-USER TEMPORARY SIGN PLAN

Applicant: Tic Tac Toe, Inc., Nick Andrews
Recreations Outlet Center
Location: 466 W. Olentangy Street
Zoning: PC, Planned Commercial District
Request: Approval of a Multi-User Temporary Sign Plan as required by Section 1151.06 (e) of the Powell Zoning Code.

Craig Snider, Sign-O-Rama, 9985 Sawmill Parkway, said they are trying to put together a multi-tenant packet for signage so they can control the number of signs to be used in a temporary manner. He said in prior meetings they talked about the hardware that would hold the signs on the fence line. He said the drawing in packets shows the proposed framing system (Exhibit E). Mr. Snider said he has worked with Staff and they have helped with many suggestions to help answer the concerns of the Commission. He said the proposal includes the use of

temporary signs, the use of special flags by the anchor tenant for up to two special events, and the use of a temporary directional sign that would hang from the existing monument sign.

Mr. Fischer said the main concern at the last meeting was how often the sign frames will be used and will they all be filled up all of the time. He discussed the matrix in Table 1 on the Staff Report (Exhibit 2). He said depending upon the number of days assigned, the total usage days may be determined. He said there are a myriad of combinations that can be done. He said any particular sign space would be allowed a certain number of days. Mr. Fischer said Table 2 shows that only the case where they allow 135 days per tenant and two sign frames would make it so there would be more demand than the signs can provide. He said the rest of the cases will always have open days. Mr. Fischer said Table 3 shows how many completely frame-free days will be available based on the assumption that the tenants use the maximum square footage all years long.

Mr. Fischer reviewed the frame assemblies and examples in Exhibit E, Figure 1. He reviewed the visual examples of how signage would be placed on rails (Exhibit E, Figures 2 – 6). He said the frames are separated by space as discussed previously by the Commission. He said Figure 7 shows the directional signage added to bottom of monument sign on Sundays.

Mr. Fischer said Staff recommends approval of the multi-user sign plan for the Recreations Outlet Center at 466 West Olentangy St. with the following language:

1. That a framing system per "Figure 1: Frame Assemblies Plan" be utilized to house the signs (either two 16 sq. ft. signs or one 32 sq. ft. sign per frame).
2. That there are 3 frame assemblies used on the site, and these are to be mounted on the split rail fence and have at least three (3) fence sections between the frame assemblies.
3. Each tenant within this multi-user facility may have up to 90 total days in which to utilize the framing assemblies as they see fit (per the applicable sign code in chapter 1151 of the Codified Ordinances for the City of Powell) for commercial advertising and in conjunction with scheduling restrictions as set down by the current landlord. Any disputes concerning coordinating usage and/or timing for the framing assemblies and/or the temporary directional sign as outlined in #5 are to be settled by the landlord.
4. Each tenant must send an email to the Development Planner for the City of Powell whenever they put up a specific sign and whenever they take down the same sign.
5. That a directional sign be allowed to be mounted on the main monument sign as shown in Figure 7. This directional sign may be utilized no more than 2 hours before any given event and must be removed no more than 2 hours after any event concludes on the same day.
6. That a set of five (5) flags as shown in Figures 5 & 6 be set out no more than two (2) times/events per year for no more than seven (7) days per event, and that there must be at least 90 days in between these two events. The Development Planner for the City of Powell must also be notified via email when these flags are going up and when they are taken down.
7. There will be a 1 year review period after the installation of the frame assemblies is completed, before the City of Powell Planning and Zoning Commission, in order to assess the multi-user sign plan for this site.
8. No other temporary commercial signs can be utilized on this site, outside of what has been approved per this multi-user sign plan.
9. No other flags can be utilized on this site (except the American or State of Ohio flags).
10. The Zoning Administrator or his agents may remove any signs that are not in compliance with the conditions as set forth in this agreement and that the offending signs are subject to storage and retrieval fees as stipulated within the City of Powell's fee schedule.

Mr. Betz reviewed the recommendations in conjunction with the exhibits. He said their recommendations include how they would administer the plan.

Mr. Meyers said he assumes the sign frames are 4' high and 8' wide. Mr. Fischer said that is correct. Mr. Meyers asked if the fence sections are the same height. Mr. Fischer said they are not but they are less than a foot different in height. Mr. Meyers said his biggest criticism of Powell is the signage because they have some pretty nice architecture with some pretty poor signage. He said Staff has made a career out of the temporary signage in order to fight these types of issues and they have done well with it. He said there is this mess of signage everywhere that is sometimes rather slapped together and it is not the sign manufacturers but rather the direction the business owners tend to go. Mr. Meyers said when they talked about this last he spoke about temporary signage versus permanent signage: permanent signage is about the business' identity and temporary signage is advertisement. He said these signs look permanent but also look like the construction is temporary. He clarified that they are designed in a way to always be in that position so they come across as a permanent sign. Mr. Meyers

said they previously added permanent signage above the building windows and a monument sign. He said this proposes a smaller-scale hanging sign that has higher level of detail and hangs on the fence. He said the signs need to contain detail but they also need to look like they are temporarily placed. He said scale-wise, they should consider six smaller signs rather than three bigger signs. Mr. Meyer said two signs could be for one temporary event and they could use smaller signs that share a single message. Mr. Meyers said he thinks there is still work to do; they have gotten somewhere with the rules for usage and now they need to continue with the design of the signs.

Commissioner Fusch asked if six smaller signs would be sign pollution. Mr. Meyers said if they are smaller with more detail they will not seem like big billboards. He said this building is important as it is the gateway to Powell. He said they can use a smaller scale element and have more of a rhythm on the long fence line. Mr. Fischer asked if they could add detail to the larger frames rather than split them up into smaller frames. He asked if they can work this out between the applicant, Architectural Advisor and Staff.

Commissioner Fusch said he now agrees with Mr. Meyers. He said he likes what Mr. Fischer has done with the analysis and enforcement. Mr. Betz said it is a good way to analyze how many signs will be used.

Commissioner Wesson agreed this is exceptional work and it covers every concern expressed at the past meetings. She said it would be good to see more detail so they don't look like billboards. Commissioner Little said the breakup of the signage rather than one massive sign is more attractive. He said it would allow the tenants to have two messages. He said they have to be careful they don't look like billboards. Commissioner Little suggested they table it and explore Mr. Meyers' recommendations further.

Commissioner Lorenz said he likes how Staff solidified the language within the plan. He said he appreciates the work everyone has done on this application. He said this is such a high profile location and there is no harm in being too careful because they will see other attempts or requests of this nature. He said he agrees with Mr. Meyers' comments about signage versus architecture. He agreed they should table this application.

Commissioner Jester agreed they should table the application. He said these signs look very permanent. He said they should be centralized and not spread out along the frontage. He thanked Mr. Fischer for his work in moving this along but it needs a little more work. Mr. Fischer said he will create another matrix because he feels if they are splitting the times, they should give the tenants more time because they will use their days faster on a split-sign surface. Mr. Meyers said they could have two 4' x 4' signs where one could be their entire logo and the sign extension could be text only about the sale or special. He said that would allow consistency but they are not sacrificing their identity by squeezing it into small area. He said it enhances their identity because they are being given a street-side brand. Mr. Snider said he also thinks this is a good idea because it gives them the appearance of smaller signs but they are still using the square footage.

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

MOTION: Commissioner Fusch moved to table the application. Commissioner Little seconded the motion.

VOTE: Y 6 N 0

SKETCH PLAN

- Applicant: CVS
- Location: 3488 Seldom Seen Road
- Existing Zoning: Liberty Township PC, Planned Commercial District
- Proposed Zoning: Powell PC, Planned Commercial District
- Request: Review of Sketch Plan and approval to submit a Combined Preliminary and Final Development Plan for an existing pharmacy and store in the process of annexation into the City of Powell.

Tyler Stoner, Legal Counsel for the applicant, was present to address concerns about the reader board sign. He said they have a pre-annexation agreement that was negotiated and agreed upon and it calls for a LED reader board sign. He said he was contacted by Mr. Betz to see if they could explore some options about a digital type of display. He said since he received that request he has discussed this with his client (CVS) and representatives for ICON Signs, who are the contractor for the signage within the presentation. Mr. Stoner said they decline to do the digital upgrade at this time because it will increase the budget four-fold for the sign as opposed to the agreed-to LED sign. He said they would like to consider that in the future and talked with Staff about an option for the owner of CVS to in the future, through administrative approval, replace the LED sign with upgraded

technology. Mr. Stoner said they also discussed the cycling rate. He said they would agree to a 30-minute cycle rate on the board so they do not have lots of changes distracting drivers. He said CVS agreed to allow the insertion of public service messages in the reader board signage. Mr. Stoner said they can incorporate those changes into the final zoning approval.

Mr. Betz said they are reviewing the Sketch Plan again because Mr. Stoner was not available for the last meeting and they wanted to talk further about the advanced technology available for this type of sign. He said during the pre-annexation agreements they discussed this type of signage. He said it is a good thing for CVS to limit the time change to 30 minutes. He said the other issue included in packets is the zoning plan for the property that was approved by Liberty Township. Mr. Betz said there is nothing special about it except they are accepting that as part of the zoning when it comes into the City. He said that was also part of the pre-annexation agreement. He said Staff would like to schedule the official public hearing for this application for the 27th of October.

Commissioner Lorenz asked for clarification. Mr. Stoner said they want to install the LED reader board as shown and do not wish to upgrade to the higher technology sign. He said they would consider it if not for the cost. Commissioner Lorenz said while they are excited to have CVS come into the community and want to work with them to give them signage that will help them have more of an advantage, he is very much against this sign. He said he does not think it fits with the architectural character of the neighborhood and it sets a bad precedent. Commissioner Lorenz said they just finished a review where they have asked an applicant to come back to the Commission several times with a temporary sign plan and that speaks to the Commission's commitment regarding signage. He said there are better ways to give CVS the exposure they want. He said he does not have an issue with how often it changes, but rather has an issue with what it is. He said his other colleagues on the Commission and City Council may not agree with him but he cannot support this type of sign. He says he has no issue with the rest of the packet.

Commissioner Jester said he lives very close to this site and although he has no problem with the rest of the packet, he does not approve of this sign. He said he does not want to see this type of sign when he drives from his home.

Commissioner Fusch said he is ambivalent. He said he generally does not like these things but is ambivalent if it is not a flashing sign.

Commissioner Wesson had no comment.

Commissioner Little asked about the typical rate of flashing signs. Mr. Stoner said he does not know the typical cycle. He said based on personal experience, he believes 30 minutes is a long time between cycles.

Commissioner Little said his comments have absolutely nothing to do with CVS. He said they spend a lot of time making policies and rules and then find themselves planning to ignore them. He said he understands how pre-annexation agreements work but this puts the Commission in a position where they do not have a lot of say in the matter. He said they have a local business that has been here a while and they spend a lot of time on their temporary sign plan to make their property look right and then the Commission turns around and approves this because it is a special situation. Mr. Betz said they can add the condition to this approval that CVS can use no other types of temporary signs on their site. Commissioner Little said it is more of a matter than they may spend several meetings to make sure every detail is correct on another property and then they approve this because it was already agreed to by City Council. He said it puts them in a strange position. He said he does not think the sign is appropriate nor is it appropriate for the Commission to approve an application that violates the sign ordinance, but he does understand the situation.

Chairman Emerick said he was not in agreement with the pre-annexation agreement and he would not vote for this sign at all. He said he does not like it and it does not fit the community. He said he understands the hands of the Commission are tied on this and they must make the best of it.

Mr. Stoner said he hears disapproval of the sign because it is an illuminated, reader board-type sign. He asked if that changes at all if the technology changes. Mr. Fischer said everyone understands the situation here; one has to give a little to get a little. He said the technology is different and the cost is about four times as much to make it more colorful. He said in time they may be able to upgrade the sign. Commissioner Little asked if they are being asked to exceed the number of signs per side of building and total signage area. Mr. Betz said the number of signs is allowed but it does exceed the signage area.

