



City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Richard Fusch, Vice Chairman

Shawn Boysko

Ed Cooper

Trent Hartranft

Joe Jester

Bill Little

Chris Meyers, AIA, Architectural Advisor

MEETING MINUTES

APRIL 8, 2015

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, April 8, 2015 at 7:00 p.m. Commissioners present included Ed Cooper, Richard Fusch, Trent Hartranft, Bill Little and Joe Jester. Shawn Boysko was absent. Also present were David Betz, Development Director; Rocky Kambo, GIS/Planner; Susie Ross, City Clerk and interested parties.

STAFF ITEMS

Rocky Kambo, GIS/Planner, alerted the Commission to the updated drawings (Exhibit A1) provided by Elite Land Title as an addendum to their submittal. He invited the members of the Commission to the second Comprehensive Plan Workshop on Wednesday, April 15 from 7-9 p.m. A third workshop will be scheduled in June.

Mr. Kambo said the City had a video created to showcase the importance of the Comprehensive Plan (Exhibit 1). He said over 300 invitations to the open house, along with a link to the video, were sent to businesses and HOA presidents in Powell.

Susie Ross, City Clerk, introduced Leilani Napier, who will be serving as their new Planning & Zoning Clerk.

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

Commissioner Little noted a correction to page 11 of the minutes.

MOTION: Commissioner Little moved to approve the minutes of March 11, 2015 as amended. Commissioner Cooper seconded the motion. By unanimous consent, the minutes were approved.

FINAL DEVELOPMENT PLAN REVIEW

Applicant: Elite Land Title LLC & 75 Lincoln LLC
Location: 75 Lincoln Street
Zoning: DB, Downtown Business District
Request: To review a final development plan for a proposed 2,735 sq. ft. office building.

J.C. Hanks, representing Elite Land Title, 2205 Trent Road, was present to respond to comments from the Final Development Plan Review (Exhibit A).

Mr. Kambo said in March the Commission forwarded this development to the HDAC for their review and comments. The HDAC met on March 19th and reviewed the application and provided their recommendations. The Commission believes this project is appropriate for the site and well designed and their recommendation to Planning & Zoning is granted with the following conditions:

- Gutters to be changed to half-round style, painted to match trim.
- Applicant change the proposed coach style light and light post.
- Sign post be changed from proposed stone to wood.
- Change front door to be in line with Powell Architectural Guidelines.
- Roofing color to be analogous grays in line with Powell Architectural Guidelines.

Mr. Kambo said he made it clear at that meeting that the Commission was providing comments to the Planning & Zoning Commission rather than approval. After that review, the Applicant incorporated those recommendations and resubmitted the Final Development Plan for review this evening. One change was made from the previous application: detailed cut sheets now show the colors, materials and lighting fixtures. These sheets were also provided to HDAC. He presented the Staff Report (Exhibit 2).

Ordinance Review

The Final Development Plan application is judged through the follow up from the Preliminary Development Plan approval and the following code requirements:

Recommendation by the Planning and Zoning Commission. Within thirty (30) days after the Public Hearing on the Final Development Plan the Planning and Zoning Commission shall recommend that the Final Development Plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to Council.

Before making its recommendation, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- 1. The proposed planned district development phase can be initiated within two (2) years of the date of approval and can be completed within five (5) years; The timeline would be approximately one (1) year.*
- 2. The requirements of the Comprehensive Plan relative to the site at issue have been fulfilled; the Applicant's proposal is in line with the Powell Comprehensive Plan.*
- 3. The streets proposed are suitable and adequate to carry the anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned district plan area; the change of use from vacant land to an office building will generate more traffic to the site. However, the type of uses will not generate a large amount of traffic. Furthermore, Staff believes that Lincoln Street is capable of handling the increased traffic.*
- 4. Proposed non-residential developments can be justified at the location and in the amounts proposed; as stated in previous staff reports, Staff believes the use and its location near the downtown will have many positive benefits.*
- 5. Housing densities are warranted by amenities and conditions incorporated in the Final Development Plan and are in accordance with these planned district development requirements; There is no housing proposed on the site.*
- 6. Lands to be dedicated to public use are of acceptable and usable size, shape, and location; there are no lands to be dedicated to public use.*
- 7. The area surrounding the development can be planned and zoned in coordination with and in substantial compatibility with the proposed development; Staff has mentioned in previous staff reports that the proposed use will have a great synergy with surrounding development. As a result, there are no foreseen issues planning and zoning the neighboring areas.*
- 8. The existing and proposed utility services are adequate for the population densities and uses proposed, and; there are adequate utilities to the site.*
- 9. Adequate provision has been made for the detention and channelization of surface drainage runoff. Surface drainage has been accounted for in the design of the site. Further details will be reviewed by the City Engineer. A parking spot was moved closer to the building so the final submittal shows some change to the drainage plans.*

Mr. Kambo said Staff believes the Applicant has met all of the conditions.

Staff Comments

Staff is very pleased with this development. All comments and suggestions by Staff, P&Z, and HDAC have been incorporated into the designs of the building and site. The Applicant has responded to all conditions from the Preliminary Development Plan approval motion made at the March 11, 2015 meeting:

1. That the handicapped parking space shall be moved closer to the main entrance of the building;

2. That if this is found to be within the Historic District, the plans shall be reviewed by the Historic Downtown Advisory Commission prior to submittal of the Final Development Plan; and
3. That the Applicant shall provide the necessary elements and details as required to gain approval at the Final Development Plan.

Mr. Kambo reviewed the HDAC's recommendation in detail, as some of the conditions were unable to be met by the Applicant. The Staff comments on the recommendation were included:

- *Gutters to be changed to half-round style, painted to match trim*
The Applicant mentioned to Staff that costs make this request unattainable. Staff defers to P&Z for their consideration. These style of gutters are not required as part of the Architectural Guidelines.
- *Applicant change the proposed coach style light and light post*
The Applicant chose a different light fixture (see below).
- *Sign post be changed from proposed stone to wood*
The Applicant agreed to make the change to the sign. The new design will be provided at the April 8, 2015 P&Z meeting.
- *Change front door to be in line with Powell Architectural Guidelines*
The Applicant is having difficulty changing the door design. The Architectural Advisor made mention that the chosen door is fine.
- *Roofing color to be analogous grays in line with Powell Architectural Guidelines*

Staff Recommendation

Based upon the above report, Staff recommends approval of the Final Development Plan for Elite Land Title LLC with the following condition:

1. All engineering is reviewed by the City Engineer to ensure compliance with all applicable rules and standards.

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

Commissioner Fusch said this is a good development and is well designed. He is a member of the HDAC but was unable to attend the meeting on the 19th; he asked Staff which buildings proposed in the Historic District of the Downtown in the past ten years have been approved without half round gutters. Mr. Betz said there are some buildings that do not have half round gutters but it is because the Applicants requested it and the Architectural Guidelines do not require them. Mr. Hanks said Mr. Corwin, the building owner, likes the half round gutters and has agreed to install them.

Robert Corwin, Elite Land Title, 3755 Attucks Drive, Powell, said they want it to look as historically appropriate as possible and they deem the half round gutters worthwhile. Commissioner Fusch said he is afraid they are setting a precedent if they allow them to deviate from the practice they have held for a long time. Mr. Hanks said they may want to push to have that requirement included in their Architectural Guidelines. Commissioner Fusch asked about the concern about the front door; he does not have a problem with the design as it exists. Mr. Kambo said page 4 of the HDAC Staff Report shows different types of door styles requested within the guidelines. The proposed door is not in line with those guidelines. He said Mr. Meyers does not have a problem with the door proposed. Commissioner Fusch agreed.

Commission Hartranft said he appreciates the time the Applicant has put into this process. His only questions were related to the half-round gutters and the door style and as long as the gutters have been changed and Mr. Meyers is okay with the door, he approves.

Commissioner Little appreciates their effort and the way they took the advice of the Commission, Staff and the Architectural Advisor. He likes how the building looks.

Commissioner Jester concurred with the other Commission members. He had to miss some of the early hearings but this last plan is excellent.

Commissioner Cooper said he really appreciates the use of the half-round gutters. This is a great plan.

Chairman Emerick also appreciates their willingness to work with the Commission. He asked if there are any specific installation requirements for the SmartSide® siding and trim. Mr. Hart said he is sure SmartSide® has installation requirements and guidelines. The contractor they use will know the proper installation. Chairman Emerick said they have specific code requirements that ensure that specific installation requirements be followed on other products.

Mark Tute, Legacy Builders, said there are very specific guidelines that require nails set at the right depth and a special tip can be added to the nail gun. The ends have to be painted before installation. They use Reynolds out of Hilliard who is a certified SmartSide® Installer.

Chairman Emerick said it will be beneficial if the Building Department gets a copy of the installation instructions. Mr. Betz said they have seen them because the new Epcon Condos are using this material. He said Mr. Meyers said they have changed how this material is made and it is a much better material than it used to be. Mr. Hart said he is sure one of their certified installers would meet with the Building Department.

MOTION: Commissioner Little moved to approve the Final Development Plan represented by Elite Land Title LLC and 75 Lincoln LLC, subject to the following conditions:

1. That all of the engineering shall be reviewed by the City Engineer to ensure compliance with all applicable rules and standards;
2. That the gutters shall be changed to half-round style and painted to match the trim; and
3. That SmartSide® handling and installation guidelines shall be followed per manufacturer's instructions.

Commissioner Fusch seconded the motion.

VOTE: Y 6 N 0

FINAL DEVELOPMENT PLAN REVIEW

Applicant: Sean Snyder
Location: Lincoln Street
Existing Zoning: DB, Downtown Business District
Request: To review a final development plan for a proposed two building office development on 1.05 acres.

Chris Winkle representing Gandee Heydinger Group, 642 Brooksedge Blvd, Westerville, was present to answer questions.

Mr. Kambo reviewed the Staff Report. Mr. Kambo pointed out that the Staff Report says Preliminary Development Plan #3 and it should say Final Development Plan review. Lincoln Street LLC is proposing a two building office development on approximately one acre along Lincoln Street. The buildings will be used for office and small warehouse space.

Project Background

Following the March 11, 2015 P&Z meeting, the Applicant incorporated P&Z's recommendations and resubmitted for Final Development Plan review.

The Applicant has made the following changes since the last submission:

1. A lighting plan is now provided.
2. The landscape plan has been modified to include much more landscaping.
3. Details provided on elevations (e.g. "painted wood bracket").
 - a. Includes roofing and siding materials.
 - b. Lighting fixture labeled.
4. Back door moved from the "left elevation" to the "rear elevation."

Ordinance Review

The Final Development Plan application is judged through the follow up from the Preliminary Development Plan approval and the following code requirements:

Recommendation by the Planning and Zoning Commission. Within thirty (30) days after the Public Hearing on the Final Development Plan the Planning and Zoning Commission shall recommend that the Final Development Plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to Council.

Before making its recommendation, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- (1) The proposed planned district development phase can be initiated within two (2) years of the date of approval and can be completed within five (5) years;

The timeline would be approximately one (1) year.

- (2) The requirements of the Comprehensive Plan relative to the site at issue have been fulfilled;
The Applicant's proposal is in line with the Powell Comprehensive Plan.

Mr. Kambo added that it is very unique that there are two developments happening on Lincoln Street almost in the same location.

- (3) The streets proposed are suitable and adequate to carry the anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned district plan area;
The change of use from vacant land to an office building will generate more vehicle traffic to the site. However, the type of uses will not generate a large amount of traffic. Furthermore, Staff believes that Lincoln Street is capable of handling the increased vehicle traffic.
Staff however, would like to mention that truck traffic would be new to Lincoln Street and improvements at the entry and in front of the site on Lincoln Street will need to be done.

Mr. Kambo stated that the Applicant has provided drive turn radius for different size trucks, both the 20' and 40' truck. Staff still holds that Lincoln Street should be capable and in long term will be approved the entire road length. Staff feels it is reasonable for the Applicant to do the entry of Lincoln Street and along the frontage of the building.

- (4) Proposed non-residential developments can be justified at the location and in the amounts proposed;
As stated in previous staff reports, Staff believes the use and its location near the downtown will have many positive benefits.
- (5) Housing densities are warranted by amenities and conditions incorporated in the Final Development Plan and are in accordance with these planned district development requirements;
There is no housing proposed on the site.
- (6) Lands to be dedicated to public use are of acceptable and usable size, shape, and location;
There are no lands to be dedicated to public use.
- (7) The area surrounding the development can be planned and zoned in coordination with and in substantial compatibility with the proposed development;
Staff has mentioned in previous staff reports that the proposed use will have a great synergy with surrounding development. As a result, there are no foreseen issues planning and zoning the neighboring areas.
- (8) The existing and proposed utility services are adequate for the population densities and uses proposed,
There are adequate utilities to the site.
- (9) Adequate provision has been made for the detention and channelization of surface drainage runoff. *Surface drainage has been accounted for in the design of the site. Further details will be reviewed by the City Engineer.*

Mr. Kambo stated that Development does review in the planning stages and does send over to Engineering if there are concerns, however most of the engineering is done after plan approval.

Staff Comments

Staff is satisfied with the Applicant's changes since the last submission. Staff defers to the Architectural Advisor for comments regarding design. Mr. Meyers has looked at this many times before. He received this packet and did not provide any further comments.

Mr. Betz commented that having both projects on Lincoln Street, this side of the road should be treated a little differently. One, it is along the railroad and having warehouse use is not a bad thing. In relationship to the size of the building, this use is similar to other types of buildings along the railroad. On the other side of the road, The Collection is rebuilding after the fire. This building will be a similar size; height and scale.

Staff Recommendation

Based upon the above report, Staff recommends approval of the Final Development Plan for Lincoln Street LLC with the following conditions:

1. Lincoln Street improvements (at West Olentangy Street intersection and in front of the site) are done to the City Engineer's standards.

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

Mr. Betz said City Council did pass an ordinance to modify the right-of-way.

Commissioner Little asked if the proposed signage is within guidelines for this location. The last page shows a custom, fabricated aluminum panel exterior wall sign. Mr. Betz said the top sign is at 24 sq. ft. which is the normal sign size allowed in this district divided by two, twelve square feet for wall signs. In terms of scale of the building, the Commission has made adjustments in the past to allow the signage to be larger than code to match the scale of the building such as Easy Street and Kraft House. A smaller sign would be totally inappropriate. Commissioner Little asked about the material. Mr. Betz said we would rather see sandblasted or painted wood or PVC rather than just a metal panel. Commissioner Little asked the members if they want to make a condition that the final signage plan be submitted to the Commission or Staff prior to their permit. Mr. Betz said they could submit to Staff prior to permit because the building isn't going to be changed. Commissioner Fusch said this property is in the Historic District and should go there for review. Mr. Betz said it does not have to; in this case the P & Z is the final authority. Commissioner Little said they discussed this at the last meeting for the other application but did not for this one. From his perspective they should have a final signage review by P & Z or Staff. His final recommendation is to ask the HDAC to have a look at this because Mr. Meyers was comfortable with how this application met the guidelines. Commissioner Little said this has been thoroughly reviewed and they have done all that the Commission has asked. They could agree to approval with the understanding that there are a couple of things to be completed. Commissioner Hartranft said this has been quite a detailed process. They scaled it down and accommodated their requests and input. He would be in favor of having HDAC review as a condition – prior to Council review.

Commissioner Fusch said he has the same thoughts. He likes the design of the building and the character and in most ways this fits the HD guidelines. He does not want to set a precedent by allowing something that does not meet the guidelines and undermines the HD architectural criteria. He is in favor of the motion to require HDAC review before it goes to Council.

Chairman Emerick asked if there is a reason they would not be in favor of the metal panel for the sign. Mr. Betz said he would leave that up to the HDAC. They are proposing security light fixtures on the sides; two light fixtures over the overhead doors and one on the back elevation facing the railroad; due to residential across the street, the two over the overhead door should have a cutoff shield due to their proximity to the homes. Mr. Winkle said they have kept lighting to a minimum but the lights above the doors are lighting up parking spots and the docks. If they add a shield it will cut off lighting past the dock. He may have to add a light pole. Mr. Betz said they can leave it until the building is done and determine if it requires a change. He wants to make sure it can be changed if they feel the change is needed.

MOTION: Commissioner Little moved to approve the Final Development Plan for the property identified as parcel #31942602001000, as represented by Sean Snyder, subject to the following conditions:

1. That the Lincoln Street improvements, those at the Olentangy Street intersection and in front of the site shall be completed to the City Engineer's standards;
2. That a final signage plan shall be reviewed by Staff and approved prior to submittal to Council;
3. That the Applicant shall ensure HDAC review prior to submittal to Council and shall try to accommodate their recommendations as best as possible; and
4. That the Applicant shall work with Staff to finalize the site lighting plan which shall include a final site walk through upon completion to ensure proper lighting.

Commissioner Cooper seconded the motion.

VOTE: Y 6 N 0

PLAT REVIEW

Applicant:	The Reserve at Scioto Glenn, LLC & Metro Development, LLC
Location:	Home Road & Steitz Road
Existing Zoning:	PR, Planned Residence District
Request:	To review phase 2 and 3 plats for the Reserve at Scioto Glenn.

Jon Phelps, Advanced Civil Design, Gahanna, was present representing Reserve at Scioto Glenn LLC & Metro Development LLC, for development of Phase 2 and Phase 3.

Mr. Betz said Metro Development is proposing to construct the next two phases. He reviewed the Subdivision Plat (Exhibit C). Phase 1 is underway and building out quickly. The dedication of the park site will happen in the third phase. The sketch plan for the subdivision was shown. Changes include adding another pond in the northeast corner to catch increased flow coming off the site. The entry to the park site will still have a pathway but the drive access will come through the area under the wires so the play area will be mostly out from under the wires. There are hopes for a future playground. They are working through the engineering at the same time and it is going well so far. The subdivision plat is reviewed under Section 1109.10 of Subdivision Regulations to ensure it meets requirements.

The plat for Section 2 should show that reserve Lot 3621 be dedicated to the HOA with public pathway easement in reserve. Lot 3622 should be dedicated to the City as a public pathway access to the proposed park site. Mr. Betz demonstrated where the areas are and indicated the area the City would prefer the HOA own and the City would only own the park site. Phase 3 shows a reserve, pond and pathway that goes all the way around the pond. That property will have an easement to the City as well for public access. The City maintains all pathways. Staff recommends approval of Phase 2 with following conditions:

1. That the reserve lots be dedicated to HOA and/or City as discussed.
2. That the City Engineer review and approve all necessary easements, Lot #'s, addresses and notes prior to selling the Plat.
3. The approval of Phase 3 with similar conditions; corrected lot numbers and easements.

Chairman Emerick opened this item to public comment.

Frank Blatnik, 7783 Tree Lake Blvd, Concord Township, said when they annexed the area, there was a sewage problem and residents do not see how that has been addressed by the County or City or whoever is responsible to do so. He called the County and was told they have to enlarge the lines. Mr. Blatnik asked if this will be done before new houses are added. The County said they are negotiating. He asked if the lines will be corrected so the sewage lines are the right size. He asked about the size of the current lines and if it is designed to handle another 119 homes. He was told he did not have to worry about it because his home is below those lines. He did not get to ask the County about the people who live above the lines. He hopes the City has information he can pass along to residents about the sewage.

Mr. Blatnik said that when he goes up and down the street residents all have different views but no one is against the new phases. They have had drainage problems which has nothing to do with new phases and the residents down towards the bottom where all this water comes just want to make sure they do not have additional drainage problems. He asked when the Home Road construction will start. Traffic has quadrupled and speed is 55 – 60 mph. With the addition of workers, traffic has gotten much worse and he hopes they will get it widened before someone is hurt. The footpaths were mentioned and some of the older people are wondering if the footpath will extend to Tree Lake Boulevard. The church purchased the corner and he assumes they cannot complete the footpath to the rest of the path system until their building is constructed. It's an empty lot and there will be almost 100' where pedestrians will have to walk on Home Road until it is completed.

Mr. Betz said that he isn't sure what the County Engineer is planning at Home Road for pathway extension. The Sanitary Engineer has approved how sanitary is going to be handled with the subdivision. Commissioner Hartranft asked which way the sewage is going. Mr. Betz said the sewage is going west. As far as the City knows there is capacity in the lines to handle the new homes. Commissioner Fusch asked where Mr. Blatnik lives and Mr. Betz indicated it on a map. Mr. Betz said he will double check but the plans have been signed. Mr. Blatnik said he was told that their sewage treatment plant was going to be changed to a pump station. Mr. Betz said that eventually the current plant will be removed and a pump station put in its place and it will pump up to Butts Road. This is part of their long-range plan, more than 5 years down the road. Commissioner Little asked if there is a sewage capacity issue that is going to be a problem. Mr. Betz said according to the Sanitary Engineer there isn't going to be a problem. Mr. Betz said that with regard to drainage issues, the City's storm water control requirements are greater than the County's. All of the ponding is based upon the City's regulations and the outflow isn't going to be any greater than what they have now and in fact it will be less. It is being engineered for better drainage. Mr. Betz said one of the first things to be built is the retention area. The pathways throughout the subdivision will connect to Tree Lake along the front and goes all along the frontage. In the future the pathway will have to be extended to Steitz Road and somehow to Home Road. There are sidewalks at Hunters Bend and the sidewalks will all connect. There will be work to do to make the connections in the future and it is something the City wants to do. The County

Engineer is engineering now for the widening of Home Road in 2016. This developer has given almost \$250k for those improvements. Staff is trying to address all of these issues.

Hearing no further public comment, Chairman Emerick closed this item to public comment.

Commissioner Hartranft asked if this is part of the Powell CIFA. Mr. Betz said it is and the HOA and community will have to deal with that. Commissioner Hartranft commented that it seems to be selling fast. He asked if it is still on plan for the same time period or is it going to be earlier. Mr. Phelps said the intent is to do both phases at the same time to help with the development process but also to see if there's a bigger need. The first phase is very close to being sold out.

Mr. Blatnik asked when the construction of Phase 2 will start. Mr. Phelps said that depends on how things develop. They have to go through the process and then will start construction.

There were no further questions or comments from the Commission.

MOTION: Commissioner Little moved to approve the Phase 2 and Phase 3 Subdivision Plats for the Reserve at Scioto Glenn, subject to the following conditions:

1. That the Subdivision Plat for Phase 2 shall show the reserve lot 3621 as dedicated to the HOA with public pathway easement and that the reserve lot 3622 as dedicated to the City as a public pathway access to the proposed park site. Proper dedication language shall be added to page 1;
2. The City Engineer shall review and approve all necessary easements, lot #'s, addresses and notes of the Subdivision Plat for Phase 2 prior to signing the plat;
3. That the Subdivision Plat for Phase 3 shall show that the reserve lot 3665 shall be dedicated to the City of Powell as a public park and that reserve lot 3666 shall be dedicated to HOA with the public pathway easement as there is to be a pathway that goes around the pond. Proper dedication language shall be added to page 1; and
4. That the City Engineer shall review and approve all necessary easements, lot #'s, addresses and notes of the Subdivision Plat for Phase 3 prior to signing the plat.

Commissioner Cooper seconded the motion.

VOTE: Y 6 N 0

AMENDING AN APPROVED FINAL DEVELOPMENT PLAN REVIEW

Applicant: Big Hearts Little Hands
Location: 240 N. Liberty Road
Existing Zoning: PC, Planned Commercial District
Request: To review the addition of a fenced playground area.

Brenda Warnock, Big Hearts Little Hands, said she would like to install a fence around their daycare building located at 240 N. Liberty Rd. to allow room for the children to do some large motor skills such as hopscotch, four squares, etc. They are not installing permanent playground equipment.

Mr. Betz presented the Staff Report. He said last year Big Hearts Little Hands looked at adding temporary classrooms but they found space in the Liberty Plaza. They would now like to add a playground outside on the north side of the existing Liberty Plaza (Exhibit D). The area would go into the parking lot on the north end where there are three parallel spaces. They want to use aluminum fence as shown, painting the pavement with color sealant for games. Commissioner Little asked if the area is extending all the way to the median. Mr. Betz indicated that it still leaves a drive aisle for fire apparatus and the Fire Department is fine with the amount of space remaining. Photos of fence color and portable equipment and tables were provided. They didn't want to put any safety surface down. If they end up needing a bigger space this is easily removed and returned to the prior condition. Staff recommends they place bollards along the fence in the corners as there are turning movements coming in and out that will help protect the play area. Commissioner Little asked if traffic can still go around. Mr. Betz said the Fire Department wants at least 20' of open area for a fire lane but may approve of a lined area. Mr. Betz said that area is hardly used by traffic. Commissioner Fusch said the area gets pretty busy when used by the Farmer's Market. Ms. Warnock said that they are closed on Saturdays. Commissioner Little said that area is the turnaround area for those who miss the drive. Mr. Betz said they have no other concerns with this application but they may want to use reflective material on the bollards so they can be seen at night. Commissioner Hartranft asked if there is a light post out there. Ms. Warnock said there is not.

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

Commissioner Jester said this is a marginal location for a play area. He said Grace Drive is very busy and the parking lot is usually ¾ full. From a safety standpoint, he is deeply concerned about this location. He doesn't think bollards would make a difference.

Commissioner Cooper's only question is the style of fence. The packet gave some styles of fences and they are suggesting the Galloway style. He drove around and looked at other fences in Powell. There is a fence at Kraft House and at the cemetery that are Windsor style. He said it might be nice to be more congruent. Ms. Warnock pointed out the spikes on top of these fences that could catch clothing. Commissioner Cooper said his only concern is the style of fence.

Commissioner Little asked if in theory the property owner should be making this decision. Mr. Betz indicated they submitted a letter of approval. Commissioner Little asked for clarification about the specs of a bollard; are they a 6" piece of concrete that sits on the pavement or are they the things you see outside of baseball stadiums. Mr. Betz said there are various designs and some are larger, safer and more expensive than others. There are some where a hole is drilled into the concrete that are designed to catch a vehicle. He is not aware of the cost differences. Commissioner Little said there are two safety issues: The safety issue of the children and providing some sort of defense against a car cutting through the area. The second issue comes at night time when it's not illuminated. Someone could come around the corner and drive right through the fence. Ms. Warnock said the school would be closed and no children would be out at that time. Commissioner Little asked if it could be illuminated. Mr. Betz said they could use solar lights. Commissioner Little said there are errant drivers or those driving at night that do not see dark fence in an unlit area. Mr. Kambo said there are bollards made with solar lights but we don't want to raise the cost too much. Commissioner Hartranft said there are street lights along Grace Drive and there is one adjacent to this space. Ms. Warnock said there is also a light on the northeast corner of the back of the building. Commissioner Little said there should be adequate protection for the children during working hours and something to dissuade drivers in the evening. Ms. Warnock said their playground time is 1 hour in the morning and 1 hour in the afternoon. They also have an indoor play area upstairs. State standards say they have to increase the indoor play area which took a classroom away. They want to reopen that room as a classroom so they can add full day kindergarten and they can't add the classroom until she has outdoor play space. She said they are still walking across Grace Drive to the other facility to use the playground. It is not adequate to fulfill State requirements. Mr. Betz indicated that a couple hours a day the children will be there. Commissioner Little said they need some sort of safety reinforcement along the play area.

Commissioner Hartranft said he is sure the daycare would not go forward with this if there was any safety concern. Bollards make sense for their protection. He is fine moving forward with or without lights because there will be no kids at night. He feels this is a way for a business in Powell to make the best use of the space they have so he is in support.

Commissioner Fusch said he has some of the same safety concerns. He asked how high the fence is. Ms. Warnock said it is 4' high. Commissioner Fusch asked if this is high enough to keep children inside. Ms. Warnock said they are older children from age 4 – 12 and there are 10-12 children in each class. One class at a time is outside and they are not combined together. They have to have some structure so they have fun as kids. It comes back to observation; there are two staff members out there at all times. Safety is the number one issue for the children at their center. They are willing to do cement bollards. Commissioner Fusch asked what controls access in and out of the play area. Ms. Warnock said there are gates with latches and no locks. It's a fire code to not have locks. They have never had an issue of children getting out of a gate. Those are the rules of their playground.

MOTION: Commissioner Little moved for an Amendment of the Approved Final Development Plan for property represented by Big Hearts Little Hands located at 240 N. Liberty Rd. subject to the following conditions:

1. That the safety bollards plan shall be finalized with City Staff to ensure adequate safety precautions are present for the entire length of the proposed fence;
2. That reflective material shall be placed at various intervals on the outside of the fence;
3. That the Applicant shall work with Staff to develop a proposal to illuminate the area to help minimize evening traffic incidents as best as possible; and
4. That if the daycare ceases as a use within the center, the play area fence and bollards shall be removed and the property shall be put back into its current condition.

Commissioner Cooper seconded the motion.

VOTE: Y 4 N 2

OTHER COMMISSION BUSINESS

Mr. Betz said they will have the sign regulations come forward for review in May. Mr. Margello has an updated proposal for the property behind Presidential Pointe with the storage buildings and a sports building out by Sawmill. The next Commission meeting is May 13th.

ADJOURNMENT

MOTION: Commissioner Hartranft moved at 8:40 p.m. to adjourn the meeting. Commissioner Little seconded the motion. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: May 13, 2015

Donald W. Emerick 5-27-14
Donald Emerick Date
Chairman

Sue D. Ross 5/27/2015
Sue D. Ross Date
City Clerk

