



**DEVELOPMENT DEPARTMENT REPORT  
APRIL 2016**

**CODE ENFORCEMENT REPORT**

*Report attached.*

**HISTORIC DOWNTOWN ADVISORY COMMISSION**

*No meeting held.*

**PLANNING AND ZONING COMMISSION**

***April 13, 2016 – Minutes attached.***

**ADMINISTRATIVE REVIEW**

Applicant: Jeff and Becky Sturm  
Location: 55 S. Liberty  
Existing Zoning: (DB) Downtown Business District  
Request: To review a proposal to convert an existing residential structure into a mixed-use building, which will include a flower shop on the main floor and an upper floor studio apartment.

- *Reviewed and approved with conditions.*

**AMENDMENT TO A FINAL DEVELOPMENT PLAN REVIEW**

Applicant: William Myers, Vex Connect  
Location: 240 North Liberty Road  
Existing Zoning: (PC) Planned Commercial District  
Request: To amend a Final Development Plan in order to allow the construction of an outdoor patio.

- *Reviewed and approved with conditions.*

**SKETCH PLAN REVIEW**

Applicant: Transform Construction LLC, Joshua Weir  
Location: 176 W. Olentangy Street  
Existing Zoning: (DB) Downtown Business District  
Request: To review a proposal to construct two mixed-use commercial buildings.

- *Reviewed and comments provided.*

**ADMINISTRATIVE REVIEW**

Applicant: Barry A. Nutter – Blue Sky Car Wash  
Location: 10688 Sawmill Parkway  
Existing Zoning: Liberty Township Planned Commercial District  
Request: To review a proposal to construct a car wash.

- *Reviewed and approved with conditions.*

***April 27, 2016 – Minutes attached.***

**PRELIMINARY DEVELOPMENT PLAN REVIEW**

Applicant: Dr. Ali Khaksarfard, DDS  
Location: Northwest corner of West Olentangy Street and Lincoln Street  
Existing Zoning: (DB) Downtown Business District  
Request: To review a Preliminary Development Plan proposal to construct a commercial building containing approximately 21,647 square feet on a 2.3 acre site.

- *Reviewed and approved with conditions.*

**BOARD OF ZONING APPEALS**

***April 25, 2016 – Minutes attached.***

**APPLICATION FOR VARIANCE**

Applicant: Carol Stillman  
Location: 233 E. Olentangy Street  
Existing Zoning: (R) Residential District  
Request: Approval of a Variance to the required side yard setback, from 25 feet to 20 feet, and to the required rear yard setback from 80 feet to 30 feet, to accommodate the construction of a single-family home.

- *Reviewed and tabled until next meeting.*

# April 2016 City Council Zoning Report

## Zoning Violations

Address	Name/Business	Date of Letter	Date to Be In Compl	Primary Violation	Action Corrected	Date Checked	Notes
157 Trail Edge Circle	James and Linda Steinherr	4/21/2016	4/29/2016	1145.06 yes	5/3/2016 car parking - received message from resident		
24 e olentangy	Invisible fence - Lawn Bott sign	4/29/2019	5/9/2016	1151.08 yes	5/11/2016 lawn bot sign		
80 S Liberty Street # 201	Powell psychic	5/3/2016 -		1151.08 yes	- A frame sign pick up - sent letter		
230 W Olentangy Street	Mia Cucina	5/3/2016 -		1151.08 yes	- A frame sign pick up - sent letter		
347 W Olentangy St	Flair décor sign	5/5/2016 -		yes	- A frame sign pick up - left msg on phone 614 726 9108		
248 E Olentangy st	majorie bennett	5/6/2016	6/6/2016	1145.33 in progress	hazard tree		
Chambers glen tree	-	5/6/2016	6/6/2016	1145.33 in progress	hazard tree		



## 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 13, 2016

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, April 13, 2016 at 7:00 p.m. Commissioners present included Shawn Boysko, Ed Cooper, Richard Fusch, Trent Hartranft, Joe Jester and Bill Little. Also present were David Betz, Development Director; Rocky Kambo, GIS/Planner; Chris Meyers, Architectural Advisor; Leilani Napier, Planning & Zoning Clerk and interested parties.

#### STAFF ITEMS

Rocky Kambo, GIS/Planner advised the Commission the Central Ohio American Planning Association Chapter is having a Planning & Zoning workshop on May 20, 2016. The workshop is mostly attended by planners and architects but there is a push to have members of City Council, the P&Z Commission and the Board of Zoning Appeals attend. The latest and greatest information on Planning & Zoning will be covered. The Development Department is willing to pay the registration fee of any member who is willing to attend the one day event. Commissioner Fusch asked what time the workshop starts. Mr. Kambo said 8:00 a.m.

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

Chairman Emerick opened the public comment session.

Brian Lorenz, Mayor, 4111 Village Club Drive, said he wanted to come in and thank the Planning & Zoning Commission for their service and everything the Commission does. When development proposals arrive at City Council meetings, Council is very comfortable with the level of review the proposals have been given. He knows how difficult it is serving on the P&Z Commission. On behalf of City Council, he wanted to express gratitude for the efforts everyone puts into the process. There are a lot of exciting things going on in Powell and having a P&Z Commission with a high level of experience allows City Council to know applications have been given due diligence prior to arriving at City Council. Mayor Lorenz also expressed his appreciation to those members who participated in the Comprehensive Plan process. Having the Comprehensive Plan in place will help steer future growth. Mayor Lorenz thanked those members who will be participating in the Zoning Code diagnostic committee. He extended an invitation to the P&Z Commission members to contact him if anyone ever has questions or needs assistance from City Council.

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

#### APPROVAL OF MINUTES

MOTION: Commissioner Cooper moved to approve the minutes of March 23, 2016. Commissioner Little seconded the motion. By unanimous consent the minutes were approved.

#### ADMINISTRATIVE REVIEW

Applicant: Jeff and Becky Sturm  
Location: 55 S. Liberty  
Zoning: (DB) Downtown Business District  
Request: To review a proposal to convert an existing residential structure into a mixed-use building, which will include a flower shop on the main floor and an upper floor studio apartment.

Tom Coffey, Architect, 365 Shell Ridge Court, said the Certificate of Appropriateness was approved on February 10<sup>th</sup>. The applicant is ready to start remodeling the first floor for the flower shop and a studio apartment on the second floor. The second floor access will be from a set of stairs on the back of the building. There will be a second floor deck. The front door to the flower shop is on the side of the building which faces the parking lot. The door is



an egress door; it swings out. There will be a ramp with a slight slope. A stone base will be added to the existing foundation along with the ramp foundation. They will add trim and a white awning over the ramp area. The front porch will be covered with the awning making it an outdoor, covered display area for flowers. The area won't be heated. The area will be dressed up like a store front. The existing vinyl siding will be painted and have white trim. The gutters will be replaced with half-round gutters and round downspouts. Rain water will go into the new storm sewer system. Becky Sturm couldn't attend tonight. She is at a flower shop seminar in Florida. Tim Howland is the builder. Plans are 95% ready to go to the Building Department.

Mr. Kambo reviewed the Staff Report (Exhibit 1).

### **Project Background**

The applicant went through the Certificate of Appropriateness review process with final approval given on February 10, 2016. During the review, P&Z approved the proposal with six conditions. One of the conditions specified the flower shop come back before P&Z to provide an update on the renovation of the existing structure. The applicant is now ready to begin renovation of the flower shop and has submitted an application for approval.

### **Proposal Overview**

The applicant is requesting approval to begin renovation of the existing home into a mixed-use commercial/upper floor residential building.

### **Changes since the Last Submission**

Since the review of the Certificate of Appropriateness, the applicant has finalized material and elevation drawings. Drawings are submitted with this proposal.

### **Staff Comments**

Staff is pleased to see the applicant has adhered to the vision described during the initial P&Z review. The mixed-use building will have significant positive benefits on the downtown core. As stated in the January 13<sup>th</sup> Staff Report, the new residential home will be a unique feature along South Liberty Street and add to the mixed-use nature of the downtown core. Furthermore, the new development could help spur further investment in the downtown as it would show people are interested in the walkable, safe and well-designed Historic District. The development could act as a catalyst development, having others also renovate buildings and live in the downtown area.

Staff is also pleased with the colors and materials selected on the elevations. Staff defers to the Architectural Advisor for detailed comments on the design of the building.

### **Ordinance Review**

Section 1143.16.2 (13) indicates "No commercial or business activity, other than those activities permitted as home occupations, shall be conducted in a unit designed for residential use without consent of the Planning and Zoning Commission". With regard to this requirement, we bring the owner together with the Commission through the Administrative Review process, in order to confirm its architectural compatibility, handicap accessibility, landscaping and parking requirements.

### **Comprehensive Plan Consistency**

The proposal of the mixed-use building is in-line with the City's 2015 Comprehensive Plan. Specifically, in regards to development guidelines:

1. Commercial and mixed-use buildings should be located adjacent to the public sidewalk with prominent main entrances and storefront windows (p. 30).
2. High quality materials and architectural detailing is critical to ensure new development contributes to the village character (p. 30).

Regarding overall land use policy recommendations:

3. Maintain the character of the community in its Historic Village District (p. 48). A mixed-use home is in-line with the type of housing/business model used in past.
4. Encourage mixed-use development in appropriate locations, as designated in the Plan (p. 48). The location of this use is perfect. It is very close to the four corners and is a gateway feature into the Village Green.

### **Staff Recommendation**

The proposal adheres to the existing approval by P&Z and will have a positive impact on the downtown core. As a result, Staff recommends approval of the Administrative Review application with the following conditions:

1. All City Engineer comments are adhered to (e.g. storm water drainage accommodation).

2. Before final occupancy is provided for the mixed-use building or within a date no later than one (1) year after a Certificate of Occupancy is issued for the new residence, the property owner shall come before the Planning & Zoning Commission to provide an update on the renovation of the possible gateway feature.

Chris Meyers, Architectural Advisor, complimented the efforts to work with the existing building, enhancing the building. There is a strong effort to maintain the uniqueness. Mr. Meyers asked if the awning on the east elevation is a true roof cover. Mr. Coffey said it is. The existing aluminum awning will be underneath the canvas, vinyl awning. Mr. Meyers asked if the porch is a seasonal porch or insulated to be used all the time. Mr. Coffey said the porch will not be insulated. The porch is for display purposes only. The existing aluminum awning is being left so Mrs. Sturm can put lights in. Mr. Meyers said he is wondering about the new windows. Mr. Coffey said the windows are open like a glassed in front porch. The area will be used for floral displays; changing with each season or holiday. There will be no heat. Mr. Meyers suggested not allowing the awning to look too new or commercial in appearance; maintain the old style in the canvas character to fit the character of the façade. Mr. Meyers encouraged them to look at a stitched, stripped awning rather than a vinyl, stripped awning. The plans are very well executed and the building will be a real landmark for the community.

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

Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Cooper asked Mr. Coffey if the trim is going to be replaced when the gutters are replaced. Mr. Coffey said they are only repairing the trim. The trim is wood and they will paint the trim. Commissioner Cooper said he likes half round gutters. He thinks the plan is very innovative and positive.

Commissioner Jester asked how handicapped people with a walker or a wheelchair would get into the flower shop. Mr. Coffey said there will be a ramp. Mr. Kambo displayed the side of the building showing the ramp. Commissioner Jester asked if people will be able to make the necessary turn, is the area wide enough to make a turn. Mr. Betz said there is ample space for the turn radius which would be needed. Commissioner Jester asked if the business will have a delivery service. Mr. Coffey said Mrs. Sturm will have a flower cart to allow her to go down to the street markets and she will have a van to make deliveries. Mrs. Sturm does floral arrangements for weddings. Commissioner Jester asked where the truck will be kept. Mr. Coffey said there is a drive. Mr. Betz said the van will be parked in front of the garage. Commissioner Jester asked if business is mostly walk-in type of business. Mr. Coffey said yes. Commissioner Jester said the plan is an excellent concept.

Commissioner Boysko said he agrees the concept is great and a great addition to the downtown area. He asked if the Commission is actually granting approval today. Mr. Betz said the Commission is reviewing the request to give final approval for utilizing the building for commercial and residential use. Commissioner asked if the review included the garage. Mr. Betz said no. Meetings are still being held regarding the garage. Commissioner Boysko asked if the Commission is reviewing signage. Mr. Betz said signage can be approved administratively if the sign plans meet the Historic guidelines. Commissioner Boysko asked if the shop will sell just cut flowers or will there be potted plants. Mr. Coffey said mostly cut flowers. There is refrigeration inside the shop. The business won't be like a Scott's landscape business. It's a flower shop.

Commissioner Little commended Mr. Coffey on the design and efforts. Streetscape for this property was discussed at the last meeting and it was deferred to wait and see what happens with the four corners. Mr. Betz said the streetscape will have to be addressed at a later date. There is sufficient right-of-way now but as improvements are made along Liberty Street the streetscape will be addressed. Commissioner Little said the plan is a great idea.

Commissioner Hartranft echoed the previous comments; he likes the project. He likes the way the existing structure is going to be used. The site lends to a unique use of the land and the future garage is going to be a nice pathway. Commissioner Hartranft asked if the door on the front elevation is going to be used. Mr. Coffey said the door on the front is a new door which allows people to get into the shop also. There will be an exit sign above the side door. The side door egresses and is how you would get out of the building if there was a fire. The side door is also how handicapped people would get in and out of the building. There will be two (2) doors. Commissioner Hartranft asked if the existing siding is going to be painted. Mr. Coffey said correct. Commissioner Hartranft asked what the time frame is on completing the shop. Mr. Coffey said remodeling will begin as soon as they have their permit. They hope to start the middle of May. The residential house will be under construction at the same time. Commissioner Hartranft asked if there was a name for the shop. Mr. Coffey said "Something Borrowed, Something Blooms".

Commissioner Fusch said the project is great. He had a couple questions regarding the front porch but his questions have been answered.

Chairman Emerick said he thinks the project looks great and he is looking forward to having the business in the future.

MOTION: Commissioner Little moved to approve the Preliminary Development Plan for the property located at 55 S. Liberty as represented by Jeff and Becky Sturm, to convert an existing residential structure into a mixed-use building, subject to the following conditions:

1. That all City Engineer comments shall be adhered to, such as storm water drainage accommodation; and
2. That before the final occupancy is provided for the mixed-use building or within a date no later than one (1) year after a Certificate of Occupancy is issued for the new residence, the property owner shall come before the Planning & Zoning Commission to provide an update on the renovation of the possible gateway feature with the existing garage; and
3. That the applicant shall consider the recommendations of the City's Architectural Advisor; and
4. That all signage for the flower shop shall be approved by City Staff and shall be consistent with Historic District guidelines.

Commissioner Boysko seconded the motion.

VOTE: Y 7 N 0

#### **ADMENDMENT TO A FINAL DEVELOPMENT PLAN REVIEW**

Applicant: William Myers, Vex Connect  
Location: 240 North Liberty Road  
Zoning: (PC) Planned Commercial District  
Request: To amend a Final Development Plan in order to allow the construction of an outdoor patio.

Todd Foley, Pod Design, advised the Commission Gallo's Taproom is currently under construction. Gallo's is the old Yukon Steakhouse located off Liberty Street, in the west edge of the shopping center. The applicant would like an outdoor patio space to extend and compliment the interior restaurant area. The patio is presented in a two (2) phase plan. There is a strong desire to have some of the patio open at the time the restaurant opens; late spring or early summer, Memorial tournament time. Phase I includes a concrete patio which extends out, doors would be added on the west side of the building allowing access to the patio and open more natural light to the interior of the restaurant and a cable railing system which matches railing used inside would be installed. Currently, there is no handicap access to the building. Phase I proposes rerouting the sidewalk and putting in an ADA ramp so there is handicap access. The southeast corner of the patio will have a full-service bar. The northeast corner will have lounge seating with couches and soft seating. TVs will be mounted on the wall. The rest of the patio will be traditional table and chair seating with umbrellas to provide shade. The current sign will stay. Shortly after Phase I is completed, the second phase will include installing solid cover elements to provide protection from the weather, an outdoor fireplace and an extended deck space for additional seating or a stage area.

Mr. Kambo reviewed the Staff Report (Exhibit 1).

#### **Project Background**

The applicant took over the space from the former Yukon Steakhouse & Saloon on North Liberty Street. They are now renovating the existing building and want to also add an outdoor patio space.

#### **Proposal Overview**

The applicant is proposing an outdoor patio area to supplement their restaurant business. The patio will serve as an extension of the restaurant, providing customers with outdoor seating, a full service outdoor bar with TVs and a future fireplace with shade structures.

The applicant is requesting approval of two phases of construction for the proposed patio. The nature of the two phase request is due to the goal to have the patio open at the onset of the grand opening of the restaurant which is anticipated to be in late spring (late April/early May). The second phase would be anticipated to be completed within the first year of operation of the restaurant. Staff wanted more detail about what exactly would be completed at each phase of the project and the applicant has provided this.

#### **Staff Comments**

Staff is very pleased with the design and scale of the outdoor patio. It will provide residents with another opportunity to frequent the downtown core and create a more vibrant downtown core. In addition, another commercial use

in the City adds to the tax base but also helps create an area where people will want to come. This can lead to other businesses in the core benefiting from spill-over. Furthermore, the design and materials proposed are in-line with the high quality materials suggested in the Comprehensive Plan. Simply put, this is the type of development Powell residents are likely to frequent and enjoy.

### **Ordinance Review**

In accordance with the requirements of Codified Ordinance 1143.11(r), all plats, once a Final Development Plan for a planned district has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as a new substitute plan and repatriation of the procedures established in these sections. "Substantial change" for the purposes of this section shall mean any modification of an approved planned district development plan, as determined by the Zoning Administrator that results in:

1. Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;

### **Comprehensive Plan Consistency**

The proposal of the patio and restaurant is in-line with the City's 2015 Comprehensive Plan. Specifically, in regards to the guiding principle new commercial development should contribute to both the service needs of the community as well as the economic and fiscal well-being of the City. This development will provide residents with another restaurant option and also bring others from outside the community to come and spend their money. Bringing others into the community can lead to multiplicative effects which in turn, will help Powell's fiscal state. Also, as stated in the Comprehensive Plan, high quality materials are favored, which are provided in this proposal.

### **Staff Recommendation**

Staff recommends approval to amend the Final Development Plan to allow the two phase construction of the outdoor patio with the following conditions:

1. All City Engineer comments are adhered to (e.g. storm water drainage accommodation).
2. The second phase of the patio be completed within the first year of operation of the restaurant.

Chris Meyers, Architectural Advisor, said he met with Mr. Foley to discuss this project. They talked about the examples of active outdoor spaces in Powell; some of the success and problems tied to outdoor spaces. This project will bring the downtown feel north of the downtown area. Mr. Meyers said he is a little concerned the TVs are being installed in Phase I and the covering won't be completed until Phase II. He understands the desire to have TVs for business but TV screens are seen better if they are covered. He suggested considering an inset area for the TVs rather than the TVs just being stuck on the wall. Mr. Meyers asked if the full-service bar will have plumbing. Mr. Foley said yes. Mr. Meyers asked if the liquor license allows activity outside. Mr. Foley said yes. Mr. Meyers said he thinks the planned location of the fireplace to the bar is really close to the seating. He suggested putting the fireplace in the southwest corner. He asked about the operations of the fireplace, wood burning or gas. Mr. Foley said the fireplace will be a gas operated fireplace. Mr. Meyers said the venting, the distance, setbacks and property lines needs to be considered. Mr. Meyers asked about the rows of red cylinders in the roof structure shown in the Phase II drawing. Mr. Foley said there will be lighting components installed when the overhead roofing is installed. Mr. Meyers suggested looking for more discreet lighting which integrates with the structure; up lighting the structure underside. Mr. Meyers said the sizing, the connections, bolts, overlaps and materials of the structured timber canopy will be really important. The plans don't give dimensions or how the structure will be fastened or connected. This will deserve good attention to ensure it is well crafted. The Phase II drawing shows extended deck space looking like a dock. Mr. Meyers said the underneath area will become a collector of trash and leaves if additional landscaping isn't put in. The Phase I plans have a great landscape plan. The Phase II portion needs to have the same good landscape plan. Mr. Meyers suggested branding the monument sign more towards the restaurant.

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

Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Fusch said he likes the design and it is really appropriate for the site. His only concern is there isn't any mention of the materials which will be used for the cover structures in Phase II or the deck materials. He is willing to move forward on Phase I but he would like the applicant to come back before P&Z for Phase II, providing a more detailed design of shelters and decking.

Commissioner Hartranft agreed the plan is great; a great change to the existing building. He likes to see the revitalization and another outdoor venue being added to Powell. He asked if the colors shown in the plans are final. Mr. Foley said yes. Commissioner Hartranft asked if the timbers will be a grey color. Mr. Foley said yes.



Commissioner Hartranft asked what the material will be behind the TVs. Mr. Foley said a cherry wood element. Commissioner Hartranft asked what size the TVs will be. Mr. Foley said most likely 48". Commissioner Hartranft agreed with Mr. Myers and Commissioner Fusch about getting more information on materials to be used in Phase II. He also agreed more landscaping will be needed in Phase II. Mr. Foley agreed. The nature of the area serves as a detention function. They will be real strategic about what they plant in this area but there are plenty of plants they can put in to create a skirt around the extended deck without impeding the storm water function. Mr. Betz said no matter how much rain has fallen in an hour there has never been water in this area. Commissioner Boysko asked if the applicant can build in the basin. Mr. Betz said yes, both the structure and landscaping. Mr. Kambo pointed out the drain areas. Mr. Foley said there are two catch basins. Commissioner Hartranft said the project is great.

Commissioner Little said the project is great. The Hickory House used to be in this site and was the anchor restaurant in Powell. He would like to defer Phase II to a second review by P&Z Commission. He would like to see details on materials, lighting and signage. Mr. Betz said the sign on the building has already been approved and has been made.

Commissioner Boysko agreed with all comments including deferring Phase II. He thinks this project is a great way to activate the shopping center again and he looks forward to the project being completed.

Commissioner Jester said the rehab which has gone into this shopping center, including the Farmer's Market, has been great. The shopping center is alive now. This project is a good addition to continue in this direction. Commissioner Jester asked if the extended deck will have music performed on it. Mr. Foley said the possibility will be there. Commissioner Jester agreed with bringing Phase II back before the Commission. Mr. Foley said they will come back with more details. Commissioner Jester said there are neighbors close by so the noise factor needs to be considered.

Commissioner Cooper said he likes the project. He saw a similar patio with soft seating at Firebird at Polaris. The atmosphere is cool and he envisions this project providing the same. He would like to review Phase II separately also.

Chairman Emerick agreed with the Commission's comments.

Commissioner Fusch said he had one further question. He said there is an outside gate. He asked if there is State law which prohibits ingress and egress to an outside bar facility. Mr. Betz said no. The patio has to have a gate for egress. There will be signage required which states no alcohol allowed beyond the gate.

MOTION: Commissioner Little moved to approve the Amendment to a Final Development Plan for the property located at 240 North Liberty Road as represented by William Myers, to allow the construction of an outdoor patio in Phase I, subject to the following conditions:

1. That all City Engineer comments shall be adhered to such as storm water drainage accommodations; and
2. That the second phase of the patio shall be completed within the first year of operation of the restaurant; and
3. That the applicant shall take into consideration the City's Architectural Advisor's comments for Phase I and all changes for Phase I, including the final design shall be approved by City Staff; and
4. That the applicant shall return to the Planning & Zoning Commission for approval of Phase II, prior to adding any elements or starting any construction represented in Phase II of the proposal reviewed today.

Commissioner Fusch seconded the motion.

VOTE: Y 7 N 0

#### SKETCH PLAN REVIEW

Applicant: Transform Construction LLC, Joshua Weir  
Location: 176 W. Olentangy Street  
Zoning: (DB) Downtown Business District  
Request: To review a proposal to construct two mixed-use commercial buildings.

Todd Foley, Pod Design, said Tom Coffey and Joshua Weir are present also to answer questions. The development plan from 2007 and 2008 has sat idle. They are presenting the initial Sketch Plan concept for the outparcel to the east of the existing office building. The elements of the original approved development plan are still very valid. The plan was for a multi-tenant type of building; restaurants, patio space and connectivity to the pedestrian network. The site layout plans have been tweaked. Building B, the rear building, was pushed forward. The change creates harmony with the proposed Armita Plaza down the street. Building A is approximately a 4,000 SF restaurant

with an approximately 1,500 SF outdoor patio. Building B will be the multi-tenant building with roughly 4,800 SF. Building B could accommodate for traditional retail bays, with the possibility of combining bays for larger spaces. The parking lot will be in the back. They will need to maintain the connectivity to the office building. Pedestrian movement through the site will be maintained via a sidewalk. The residents of The Traditions of Powell will be able to walk out to West Olentangy Street. Moving the buildings forward brings the streetscape back into Traditions Way a little and not just leave the streetscape along Olentangy Street.

Mr. Betz reviewed the Staff Report (Exhibit 1).

### **Project Background**

This property was subject to a development plan back in 2008. Being over 5 years old, the plan has expired. Now a new applicant has come forward with a revised development plan from the 2008 plan.

### **Proposal Overview**

The proposal is now for the construction of two buildings in a different orientation as previously approved. Building A is proposed as a 4,000 sq. ft. restaurant and Building B as a 4,800 sq. ft. retail building. There are 41 parking spaces shown for this development, which is a reduction from 45 in the original plan. Access will come from Traditions Way and will be toward the rear of the property. There is a planned dining patio for the restaurant in front. Sidewalk access is along Traditions Way as well as through the middle of the site as originally planned.

The development of this property was always intended on being coordinated between the two owners of the commercially zoned ground within The Traditions overall mixed-use proposal. There are common access drive easements which apparently have been changed over the years, so this needs to be clarified with the submittal of the Preliminary Development Plan. The intent was all parking and driveways be available to be shared. Access being from Traditions Way, turn lane improvements from West Olentangy Street were already put in with the initial development. Also, there is a common access easement on Traditions Way for use by the property owner to the east. This will need to be coordinated as we examine both projects at the same time.

### **Staff Comments**

A commercial development such as this was always planned for this property. Staff is recommending the applicant discuss cross access and parking agreements with all properties in this area, including the owner of Village Pointe. By having access between all properties here, it provides needed linkages and complete parking allowances for everyone to benefit from.

The proposed architecture for the buildings have not yet been proposed, however they should be designed with the same quality and building materials as previously proposed and toward a design aesthetically considerate to the Traditions condominiums.

The long line of parking facing the Traditions condominiums will require heavy landscape shrubs to protect the residential area from headlights.

### **Ordinance Review**

In accordance with the requirements of Codified Ordinance 1143.11(a), the Commission shall review the Sketch Plan with the owner and provide the owner with comments during the meeting, it being understood that no statement by officials of the City shall be binding upon either. This submission is informal and for the purpose of establishing communication and discussing the concept for developing the tract. No formal action will be taken on the Sketch Plan.

### **Comprehensive Plan Consistency**

This proposal is in compliance with our Comprehensive Plan within the Mixed-Use Village Center (p. 30). New commercial development should be located adjacent to the public sidewalk with prominent entrances and outdoor patio spaces. Shared and interconnected parking areas should be provided. High quality building materials and architectural detailing should be provided.

### **Staff Recommendation**

Staff recommends the above comments be taken into consideration and provided within the Preliminary Development Plan submittal.

Chris Meyers, Architectural Advisor, said he is very familiar with the site, he was the architect on the 2007 concept. He asked Mr. Foley if he was going to be the landscape firm for Armita Plaza. Mr. Foley said no. Mr. Meyers said the City needs to ensure there is uniformity and to keep in mind the significance of Traditions Way on either side,

especially in regards to a gateway feel and compatibility of landscaping, so this project and the Armita Plaza plan look like a holistic development. Both projects are for mixed-use buildings but they lead to a residential area. It is a prime example of how to interlace design efforts between sites to make them feel holistic. He encouraged a meeting of the minds and for everyone to work together. There could be good collaboration between all of the architects for design and landscaping. Mr. Meyers said he likes the plan better now with the two building being moved forward. Moving the buildings forward allows the streetscape to be moved into the site which will help make the retail areas marketable. Mr. Meyers suggested not considering the same architecture for the two buildings. The character of each building could be more standalone; an old village feel, an eclectic nature, create variation. The plan is headed in the right direction.

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

Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Cooper said he likes the way the buildings have been moved towards the front of the site with parking towards the back. He agreed with Mr. Meyers' comments and he looks forward to seeing future details.

Commissioner Jester said he likes the site plan. He will be interested in seeing how the parking will all be worked out.

Commissioner Boysko agreed with all of the comments made. He agrees with inter-connecting parking to the west, extending the cross access easement to the west. The adjacent owner will be losing three parking spaces doing this. Will this cause a concern? Mr. Betz said no. Mr. Kambo said there is ample parking space. Mr. Betz said the parking lot is under-utilized. Mr. Kambo said Armita Plaza will have a lot of parking also. Mr. Betz said there will be plenty of parking, especially if all areas are inter-connected. Commissioner Boysko asked if the cross access easement will create a need for a variance in regards to parking. Mr. Betz said no, the parking will meet the minimum downtown parking requirements. Commissioner Boysko asked if there will be a grade difference between the two parcels. Mr. Foley said yes. They will do more investigation to see how the grade difference will be handled. They need to look into the legalities of the idea too. The grade will present a challenge.

Commissioner Little said connection to the parking lot to the west is extremely important; not just a casual ask and see if the owner is interested and give up if he isn't. The connection allows people to move around without going out onto Olentangy Street. The connection gives people a traffic light to exit out at and make an east bound turn. He recommended making the connection a priority. Mr. Foley said they have land owners on both sides who need to come to the table for discussions. Commissioner Little said the connection will also give stores visibility and exposure. There needs to be continuity with existing buildings to the west and east, from an architectural and landscape standpoint. He asked if the new plans are somewhat consistent with the 2008 plans. Mr. Foley said the 2008 plans will serve as the foundation for the architecture. Commissioner Little suggested blending the two plans which are being reviewed now together. He asked how far the streetscape will work down Olentangy Street. Mr. Betz said they haven't thought about the streetscape plan west of the tracks. The Keep Traffic Moving committee will address what needs to be done east and west on Powell Road. Commissioner Little said he will be interested in seeing whether there will be a mixed-use path. Mr. Betz said the transportation engineer has asked the City to determine what the cross section of roadways will look like in the future. Mr. Kambo said the Comprehensive Plan addresses pulling the downtown district outside of the four corners area. Commissioner Little said Armita Plaza offers the opportunity to show people they aren't on Sawmill Road anymore, they are in Powell. How this is done architecturally and with landscaping is important. He encouraged the developer to include a streetscape concept in the Preliminary Development Plan. Having the concept in the plan doesn't mean the plan has to be completed right away but it lends the opportunity to understand what the end in mind is. Commissioner Little suggested coming up with a shared parking plan to the west and east.

Commissioner Hartranft said he likes the buildings being moved towards the front of the property. Streetscape will be important. Mr. Betz said the City needs to finish Case Street to Village Pointe. Commissioner Hartranft asked if Traditions Way is a true residential street. Mr. Betz said it is a private street.

Commissioner Fusch said he likes the project. He asked for the status of the developments on the east side of Lincoln Street. Mr. Betz said the title company is almost finished. He expects occupancy within 30 days. The Snyder project has utility work being done now. Commissioner Fusch said he agrees with the Commission in regards to access to the adjacent parking lot. Moving people smoothly without going out onto West Olentangy Street is important. Both projects need to fit into the residential community behind.

Chairman Emerick said he had nothing new to add. He looks forward to seeing more information in the future with the Preliminary Development Plan.

#### **ADMINISTRATIVE REVIEW**

Applicant: Barry A. Nutter, Blue Sky Car Wash  
Location: 10688 Sawmill Parkway  
Zoning: (PC) Planned Commercial District, Liberty Township  
Request: To review a proposal to construct a car wash.

Amy Nutter, 441 Keisel Court, said they have lived in Powell for 21 years, since 1995. They own the Blue Sky Car Wash in Lewis Center and Car Wash Depot at Route 23 and Powell Road. They have owned Blue Sky Car Wash since 2013 and Car Wash Depot since 2006. They have 3 children in the Olentangy schools and 2 of their children work in their businesses. The business is truly a family business. They look forward to becoming a part of Powell proper and adding to the Sawmill Parkway corridor and the growth happening there.

Barry Nutter, 441 Keisel Court, said their project would go in front of Target. They have been in negotiations since last June to purchase this property. They also had to obtain Target's approval to put a car wash in front of Target. Target has never approved a car wash in front of any of their stores, unless the car wash was already existing. Obtaining Target's approval was a great thing. Their car wash is the only one approved by Target to be in front of one of their stores in the United States. This shows Target feels the business model and the look is going to help Target's business. The towers on the car wash had to be lowered to meet the shopping center's OEA rules and to obtain Target's approval. The building will be a steel structure with 2 stucco towers, having stone veneer on the bottom. The building is filled in with glass on the sides. The roof is polycarbonate. The building is very similar to a greenhouse, giving a very open feel. Another unique feature is the car wash operates with a belt conveyor. A belt conveyor allows cars to be moved faster so cars don't back up. Traditional conveyors can only process approximately 75 cars per hour. A conveyor belt car wash can process approximately 140 cars per hour.

Jeff Tibbitts, Civil Engineer, CESO, said he is the engineer on the project. The site covers approximately .922 acres, zoned Commercial District in Liberty Township. The Wes Banco is to the south and Tire Discounters behind the property. We are before the Commission for an Administrative Review of the site plan and elevations. The automated car wash will have 17 vacuums on the exit side of the car wash. There will be a masonry trash enclosure. The car wash is a permitted use in the district under North American Industrial Classification System Code #811. The use is fitting with the surrounding area and is consistent with the Comprehensive Plan. There will be 2 pay points; a teller and the automated pay point for member cards. There are double lanes leading into the car wash which allows cars to be stacked. The site plan shows interior and perimeter landscaping which meets Code. There is mention in the Staff Report of increasing landscaping. We would be open to the idea. The lighting plan has been submitted. There is the potential for a little spillover of light on adjacent properties. We can shield the fixtures to have zero spillover on property lines. All Code requirements have or can be met.

Mr. Betz reviewed the Staff Report (Exhibit 1).

#### **Project Background**

The proposal is within the development known as The Shoppes at Wedgewood. The zoning of the property is (PC) Planned Commercial District. The plan which was approved within Liberty Township is what was adopted by Powell when it was annexed into the City of Powell. Therefore, all requirements of The Shoppes at Wedgewood development plan and the Liberty Township Zoning Code are required. The Administrative Review process for proposals within this development plan is done so the Commission can determine whether the proposal is allowed within the plan and to ensure zoning requirements are met.

#### **Proposal Overview**

The proposal is for an automated car wash facility and associated uses such as vacuum areas. The Liberty Township Zoning Code establishes permitted uses utilizing NAICS codes which set forth types of business uses in categories. The category a car wash falls under is 811 Vehicle Repair and Maintenance; it is 811.92. This means a car wash is a permitted use within this approved development plan and within the (PC) Planned Commercial District.

The photos provided are from the Orange Township location on Route 23. The proposal here is going to be very similar. Although the submitted color drawings show covered vacuum parking areas, these are actually open. They also show a larger canopy which is not going to happen. What is being proposed is very similar to the Orange Township location.

The applicant has also submitted a lighting plan which shows the majority of the lighting spread will be at 0.5 foot candles or lower along the majority of the property line. It is recommended further light blocking screen be added to the back side of the parking lot light fixture, where lighting goes above.

The zoning requires all yards shall be landscaped and screening requirements be met. The screening requirements are met and all yards are landscaped a bit, however, not like Powell standards. They do meet the Township zoning requirements.

It appears as though the sign regulations can be met with this proposal. No plan has been submitted but would be a Staff approval item. If the sign has a white background similar to the Route 23 location, Staff would ask for the letters to be opaque and letters be lit at night if the sign is going to be lit.

#### **Staff Comments**

Staff has the following comments with regard to this proposal:

- The use itself is a permitted use within the PC, Planned Commercial District and the approved Shoppes at Wedgewood plan approved by Liberty Township and annexed into the City.
- It appears as though all Code requirements are met or can be met.
- The lighting plan does show some light transference over the property line. Extra deflectors can be utilized on the light fixtures at certain locations in order to solve that problem.
- The landscaping is adequate to meet Code but could be beefed up as this is a most intense use.

#### **Comprehensive Plan Consistency**

This development is within the (PC) Planned Commercial District and within the Sawmill Parkway commercial corridor. This plan is consistent from a land use perspective to the Comprehensive Plan.

#### **Staff Recommendation**

This Administrative Review is designed to be sure the proposed development meets the requirements of the zoning plan for The Shoppes of Wedgewood and the Liberty Township Zoning Code. It appears as though all requirements do meet or can meet Code requirements. The following should be conditions the applicant meets at the time of Building Permit:

1. The sign plan submitted meets Code in terms of number and sizes of signs and all white background lighted signs have an opaque white with translucent colored letters.
2. The lighting plan be revised to reduce the lumens in places showing over 0.5 foot candles.
3. If possible, the applicant provide more landscaping.

Chris Meyers, Architectural Advisor, said this building makes a statement. The ambition of the building design is fantastic. The applicant found the right site for the car wash. He wouldn't architecturally change a thing with the design.

Mr. Betz said the vacuum sites are not covered as the pictures in the Staff Report show. The vacuum machinery is in the building so there is no vacuum noise at the vacuum site. There will be less noise.

Mr. Meyers asked if this car wash is staffed and has hours of operation. Mr. Nutter said yes.

Chairman Emerick opened this item to public comment.

Cory Best, KC Properties, 3982 Powell Road, said there are a lot of issues and questions in regards to the car wash. The original concept taken to Liberty Township for this property and what was intended to be put on the property did not include a car wash. The original concept was more upscale, more of what the City of Powell is becoming and is. This original concept was sold to the residents of the community. A car wash is being proposed due to lack of applications for the out lots. Mr. Best said you clearly know which side of the street is Dublin and which side of the street is Columbus when you travel up Sawmill Road towards 270. There was a car wash planned on the Dublin side and Dublin denied it, for the obvious reasons. Car washes are very obnoxious. The owner of Moo Moo car wash went across the street to Columbus so he could build his car wash. This proposed site is the gateway into Powell. The car wash is what people will first see when they drive into Powell, the first "wow" of the City. There are 5 other parcels in the area which need to be thought about too. Sixteen years ago, Liberty Township and part of Powell would not allow an automotive spot on Sawmill Parkway. There was a reason for this decision. Car washes are noisy. Period. You can't stop the noise; dryers, vacuums, car beeping. Traffic is going to be terrible on a very busy day. The lighting is going to be an issue. Look at the lighting on the Route 23 car wash. Is this what the community of Powell wants? There is an existing car wash in Powell which was required to put 24 bushes, 40 pine



trees, 14 maple trees, a 4 foot mound and a 6 foot fence in. Landscaping with this project shows 6 trees. The Commission needs to take a serious look at the landscape design of this car wash. This is the gateway of Powell.

Chris Sheir, 8262 Wildflower Dr., said he is torn on the car wash. He is the administrator of a Facebook website of the Powell area, with approximately 2,300 members. He posed a question to the Powell area about this car wash. A lot of those people expressed concern about driving up Sawmill and the car wash being the first thing people see. This needs to be kept in mind. He asked the Commission to keep the concerns of the residents who live in Wedgewood in mind. There are already 2 car washes within a mile of this area. The City needs to maintain some green space. The City shouldn't build on every single piece of available land. He is confident the Commission will make the right decision.

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

Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Fusch asked Mr. Betz to explain to the residents what the P&Z Commission's legal obligations are regarding this Administrative Review. Mr. Betz said the Commission's legal obligation is to make sure the request meets zoning requirements; is the land use a permitted use, are the zoning regulations met. The development plan isn't new. The Commission doesn't have development plan review authority. The authority the City has is to make sure the request meets the zoning requirements of Liberty Township. In Staff's opinion, the request does meet the requirements. This doesn't mean the owners, being the great Powell residents they are, don't want to do extra with this project. But, it is up to the owners. If the owners want to put in more landscaping to make the site a grand entrance into Powell, it would be up to them. Mr. Betz said it would be wise of them as a marketing tactic. Otherwise, residents might not use it because they are upset a car wash was built. Tire Discounters is there. In regards to the noise issue, yes, car washes create noise. There aren't any regulations on what is too much noise. The City is very concerned with traffic. When traffic backs up, the owner could consider using the shared parking lot. Traffic probably won't back up onto Sawmill Parkway. Mr. Kambo said big, box stores build their parking lots based on their second highest retail day of the year. There is a lot of over flow parking which won't be used often. Mr. Betz said lighting can be dealt with to meet requirements. Lighting in the building can be down lit rather than up lit to meet Code. Commissioner Fusch said the bottom line is, because the property was annexed into the City of Powell, the City has to conform to the zoning Code of Liberty Township. The City doesn't have the authority to control the design, landscaping, location, etc. Mr. Kambo said the City can request. Commissioner Fusch said all the City can do is request the owner put in more landscaping, or the owner solve the potential traffic problems or we can request the owner change the design. But the City has no authority to compel the owner to make the changes. Mr. Betz said that was correct. Commissioner Fusch asked why the Commission is asked to waste their time with the request. Mr. Kambo said the Commission has the authority to make sure the developer adheres to the Code adopted when the property was annexed into the City of Powell. The City provides the recommendations or requests to the developer. Commissioner Fusch said he basically likes the design of the building but he doesn't have the authority to stop it. He would if he could.

Commissioner Hartranft thanked the applicant and residents for coming. He appreciates the feedback given. Commissioner Hartranft asked the applicant to keep the suggestions about landscaping in mind. He asked how often the Route 23 car wash stacks up. Mr. Nutter said maybe 3 or 4 times a year. They post an employee outside and have people use both the member and the teller lanes. This helps the cars move faster and not go out onto the roadway. Commissioner Hartranft asked how the belt system works. Mr. Nutter said there is a moving belt similar to a treadmill belt. There is no track to drive a car wheel into. There is nothing pushing or pulling the tire. The car sits on top of the belt. The car is put in neutral and the car is moved through the wash just like a people mover at the airport. The belt allows cars to be loaded quicker. Commissioner Hartranft asked if Mr. Nutter had any numbers in regards to the noise level. Mr. Nutter said the vacuums are central vacuums with the motors in the tower or dumpster enclosure. The dumpster enclosure is 8 feet high and the motor sits 3 feet high. The motors have mufflers so they really can't be heard. The unique feature of their building is the dryers are about 10 to 12 feet inside the door. The dryers don't sit right next to the door. Commissioner Hartranft said light pollution is a concern. Mr. Nutter said the Route 23 car wash has 11 blue, LED lights which shine up onto the polycarbonate roof to give the blue hue. The blue lights can be directed downward instead of up and they can also cut the number of lights in half. The lights on Route 23 are a bright blue and it sets the building off, it markets the building 24/7. Commissioner Hartranft said they should consider this. Mr. Nutter said they live in Powell, they understand.

Commissioner Little said he has mixed emotions. Unlike the traditional three step development plan the City has, the City inherited the Township's decisions when the property was annexed into Powell. Literally, the City's hands are tied. It is frustrating. The residents get upset at the Commission, when in reality the Commission has been placed in this position. He thinks the building on Route 23 is a great building but he doesn't know if the building

works on Sawmill Parkway. It is a little dicey. Mr. Nutter had to get Target's approval and doesn't want to jeopardize the relationship as a local resident and businessman. Commissioner Little asked the applicant to pay close attention to the landscaping, the lighting and take into consideration what the residents of Powell have said. If you try and make some adjustments based on what was said, you will ensure the success of your business.

Commissioner Boysko agreed with many of the comments made. He asked Mr. Tibbitts if the light poles were the same as Target's. Mr. Tibbitts said their poles are consistent with Tire Discounter's poles. Target has 30 foot poles. The car wash will have 20 foot poles. The LED is lower also. Commissioner Boysko asked Mr. Betz if Code doesn't allow interior up lighting. Mr. Betz said Code states the exterior lighting has to be down lighting. Commissioner Boysko asked if Code address interior lighting. Mr. Betz said this is a grey area. Mr. Kambo said typically buildings don't have up lighting. Commissioner Boysko said buildings don't typically have glass roofs either. Mr. Betz said he thinks the City can say no to up lighting inside too. Commissioner Boysko said the building is well developed and articulated. He thinks it is a nice change from what people typically see downtown. He thinks it would be a shame if there wasn't some level of illumination of the building but maybe the intensity doesn't need to be as high or on 24/7. Maybe the lights could be time clocked. There is some value in seeing the building lit up.

Commissioner Jester said he got caught on the inside lane driving up Sawmill Road at Moo Moo car wash a couple weeks ago. He didn't know what the problem was until he got up to the car wash and saw it was a backup due to cars waiting to get into the car wash. He loves the design of the proposed car wash but he wishes it was going in somewhere else. He asked the applicant to keep the car build up in mind and have a plan in place. Mr. Nutter said their location is different than Moo Moo's location situation. His car wash will be back in a shopping center and they won't have cars out on Sawmill Parkway. They will process more cars than Moo Moo can.

Commissioner Cooper said he has nothing more to add. He was on the fence when he came in tonight. He wondered if the location of the car wash was good until he realized the Commission can't do anything about it even if it isn't a good location. He likes the building. He thinks more landscaping should be added. Mr. Nutter said they are planning on adding more landscaping.

Commissioner Boysko said there has been discussion about cars backing up. He doesn't think the two sites, the Moo Moo car wash and the proposed site, are similar. He doesn't think the proposed site will have conflicts. Commissioner Boysko asked if Mr. Nutter had estimates on the volume of traffic they anticipate on Sawmill Parkway compared to Route 23. Mr. Nutter said Route 23 has 44,000 cars going by. Sawmill Parkway has about 35,000 cars go by. Typically, the industry says car washes can expect to capture 1% of the cars which go by. The Sawmill Parkway location will probably have a lower volume of cars. Commissioner Boysko said he was trying to make the point that volume won't exceed the Route 23 location. Mr. Nutter said that is what he would expect.

Chairman Emerick said he thinks the Route 23 site and Sawmill Parkway sites will be totally different. The Sawmill Parkway location has the ability to direct cars into the shopping center overflow parking area. His concerns are the lighting, especially the interior lighting; and the bright blue balls which aren't the typical color scheme in Powell. Mr. Nutter said those are actually trash cans. Chairman Emerick said the Staff Report picture makes them look like blue balls. Mr. Betz said they are trash cans. Chairman Emerick said he also concerned about the landscaping. There needs to be additional landscaping.

MOTION: Commissioner Little moved to approve the Administrative Review for the property located at 10688 Sawmill Parkway as represented by Barry Nutter, to allow the construction of a car wash, subject to the following conditions:

1. That the sign plan submitted shall meet Code in terms of number and sizes of signs, and all white background lighted signs shall have an opaque white with translucent colored letters; and
2. That the lighting plan shall be revised to reduce the lumens in places showing over 0.5 foot candles as well as the applicant shall take into account the concerns regarding lighting in general, mentioned by numerous members of the Planning & Zoning Commission; and
3. That, if possible, the applicant shall provide more landscaping as appropriate, as mentioned by numerous members of the Planning & Zoning Commission.

Commissioner Cooper seconded the motion.

VOTE: Y 6 N 0 AB 1 (Fusch)

#### **OTHER COMMISSION BUSINESS**

Mr. Betz advised the Commission there will be an April 27<sup>th</sup> meeting. They already have one item on the agenda. Commissioner Cooper said he may not be able to attend on April 27<sup>th</sup>.

**ADJOURNMENT**

MOTION: Chairman Emerick moved at 9:34 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

**DATE MINUTES APPROVED:**

\_\_\_\_\_  
Donald Emerick  
Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Leilani Napier  
Planning & Zoning Clerk

\_\_\_\_\_  
Date

DRAFT



## 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 27, 2016

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, April 27, 2016 at 6:58 p.m. Commissioners present included Shawn Boysko, Ed Cooper, Richard Fusch, Trent Hartranft, Joe Jester and Bill Little. Also present were David Betz, Development Director; Rocky Kambo, GIS/Planner; Chris Meyers, Architectural Advisor; Leilani Napier, Planning & Zoning Clerk and interested parties.

#### STAFF ITEMS

Rocky Kambo, GIS/Planner thanked the Commission members who have agreed to use electronic packet materials. Four out of seven Commission members are using electronic documents only. Mr. Kambo advised the Commission the Code Diagnostic Committee met April 26, 2016. The Committee hopes to have recommendations by the end of 2016. One of the items discussed was procedural efficiency. Changes will be made to what applicants are asked to provide. Applicants won't need to provide as many paper copies of items since most P&Z Commission members are using electronic information. The Committee will be attempting to pull in residents to sit on the Committee so there will be a great deal of public input.

David Betz, Development Director, notified the Commission there will only be P&Z meetings on the regular meeting dates in May and June; May 11<sup>th</sup> and June 8<sup>th</sup>. There won't be any special meetings of the P&Z Commission in May or June.

#### 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 Cooper moved to approve the minutes of April 13, 2016. Commissioner Little seconded the motion. By unanimous consent the minutes were approved.

#### PRELIMINARY DEVELOPMENT PLAN REVIEW

Applicant: Dr. Ali Khaksarfard, DDS  
Location: Northwest corner of West Olentangy Street and Lincoln Street  
Zoning: (DB) Downtown Business District  
Request: To review a Preliminary Development Plan proposal to construct a commercial building containing approximately 21,647 square feet on a 2.3 acre site.

Tom Beery, Thomas Beery Architects Inc., 1890 Northwest Blvd., said he represents Ali Khaksarfard. They took the feedback from the Sketch Plan review into consideration. They added a breezeway which provides pedestrian access to the plaza and the rear of the building, they moved the dumpster location closer to the building for ease of use for the tenants, they brought the site details into a more realistic perspective with proper radius for the fire department, they added more details to the elevation drawings and fine-tuned details which weren't handled at the Sketch Plan presentation.

Mr. Kambo reviewed the Staff Report (Exhibit 1).

#### Project Background

The applicant brought the proposal to P&Z as a Sketch Plan on March 23, 2016. P&Z and Staff offered the applicant some suggestions which can be seen in the March 23<sup>rd</sup> minutes. Since then the applicant has made changes and resubmitted for a Preliminary Development Plan review.

## **Proposal Overview**

The proposal includes the construction of a retail center of about 21,647 square feet in three buildings. It is anticipated there will be a mix of retail, restaurant, personal service and office uses, much like you would see in a typical retail center. The proposed buildings are located at the minimum required 20 foot setback along West Olentangy Street and Lincoln Street. The parking is located behind the buildings with access from both Lincoln Street and Traditions Way. The buildings are being designed as single story with several 20' by 60' retail storefronts, which could be combined to make larger spaces. Storefronts are also located fronting onto Lincoln Street and a couple fronting on Traditions Way, in order to give the buildings some depth and a "wrap around" look. The buildings will have a lower stone water course, with a mixture of stone, brick and Hardi-plank lap and board and batten siding, aluminum storefront door and window units, dormers and bracket work trim. The applicant's architect has met with the City's Architectural Advisor for recommendations and advice.

## **Changes since the Last Submission**

The applicant made the following changes since the Sketch Plan meeting.

1. A new site plan is provided with the following changes:
  - a. There are now three separate buildings. Another breezeway was put between the long buildings along Lincoln Street.
  - b. Dumpsters were moved from the northwest corner of the site to behind the southwest building.
  - c. More detailed site data is now provided (i.e. parking spaces, lot coverage, etc.).
2. Preliminary engineering drawings provided.
3. Landscape, court yard, illustrative and tree preservation plans provided.
4. Development text provided.
5. Traffic impact study also provided.
6. The total square footage of the buildings has increased by 587; going from 21,060 to 21,647 square feet.

## **Ordinance Review**

In accordance with the requirements of Codified Ordinance 1143.11(g), in approving a Preliminary Development Plan, the Planning and Zoning Commission shall consider:

### **(1) If the proposed development is consistent with the intent and requirements of this Zoning Ordinance;**

The development is located in the (DB) Downtown Business District and is generally consistent with the requirements of the Zoning Ordinance.

First, this development is in-line with the purpose of the DB district, "to preserve, protect, and promote the village-scale central commercial and office environment through promotion of mixed-use pursuits developed in a manner that is pleasant, safe, and convenient..." This proposed "mixed-use pursuit" through its scale, design and uses, will add to the pleasantness of the old Village by creating a new well-designed space which extends the historic downtown westward. It will also provide additional services in the center of the City along a major thoroughfare, providing convenient access to both residents and visitors who pass through the community. Lastly, the extension of walkways from the path along Powell Road into the site will make for a safe and comfortable pedestrian experience. Visitors to the downtown core will be able to park their cars in any part of the old Village and walk to this site with ease and safety.

Second, the DB district's purpose statement also calls for "small-scale residential, office and retail uses which was the hallmark of Village life, and minimization of the impact of provisions for auto parking on loss of community character." This development is small scale with office and retail uses which are small in scale. The building is one story and roughly 29 feet high. As for auto parking, it is in the rear of the building screened away from the main road by the building itself, which ensures the preservation of community character.

Third, the DB district permits retail shops, office facilities, convenience businesses and personal services to name a few. As a result, the proposed mix of office, retail, restaurant and medical offices are all permitted uses.

Fourth, the proposal is consistent with most of the dimensional requirements of the Code. The development is consistent with the principal building setback requirements of: 20 feet minimum and 25 maximum front yard and both 5 feet side and rear yards. However, this depends on which site plan is used for review. The site layout plan by E.P. Ferris shows a 30 foot setback, while the Thomas Berry site plan shows 20 foot setbacks. Staff asks the applicant to clarify which site plan is correct. The maximum lot coverage allowed in the DB district is 20%. The applicant is requesting 21.6%. A divergence would be required but Staff has no issues with this. Buildings all have a separation of 12 feet or greater, larger than the required 10 feet required by Code. All building heights are approximately 29 feet or shorter, less than the 35 feet maximum allowed by Code.



Lastly, the applicant has provided 96 parking spaces. Staff requires more detailed estimates of restaurant, office and retail spaces in order to determine the required parking spaces. A preliminary analysis was completed using assumptions below:

Retail (1149.07(b)(20)): Retail stores and all other types of business or commercial uses: Five (5) spaces plus one (1) for each 400 square feet of floor area.

Assuming 8 retail stores

8 stores \* 5 spaces required per store = 40 spaces

Assuming 11,000 square feet (from traffic study) of retail space =  $11,000/400 = 27.5$  spaces

Total spaces reduced by 50% for building in the downtown =  $(40+28)/2 = 68 \Rightarrow 34$  Spaces

Office uses, administrative, business and professional (1149.07(b)(18)): One (1) for each 200 square feet of floor area.

5,500 square foot estimate provided by traffic study

5,500 square feet (Dentist office)/200 = 27.5

Spaces / 2 (50% reduction for downtown district) =  $27.5/2 = 13.75 \sim 14$  Spaces

Eat-in restaurants (1149.07(b)(8)): Twenty-five (25) spaces, or one (1) for each three (3) seats, plus one (1) for each two (2) employees, whichever is the larger.

5,500 square feet (traffic study) with 60% available for seating = 3,300 square feet for dining

Assume 15 square feet per patron for full service dining =  $3,300/15 = 220$  people/seats

220 seats/3 = 73 spaces

Assume 20 employees = 10 spaces

Spaces / 2 (50% reduction for downtown district) =  $(73+10)/2 = 41.5 \sim 42$  Spaces

Based on the above analysis, the minimum required parking is 90 spaces and the applicant is providing 6 more than required. By simple numbers, it is clear there are more than enough spaces. However, further qualifications are needed. First, doctor's offices and restaurants have inverse operating hours. When one is open, the other is likely to be closed. As a result, any dentist office parking will be open when the restaurant is open and vice versa. Also, since there is ample parking, Staff has suggested a partnership with the new development proposed to the west to share parking. Further, Staff would like to see a connection between Village Pointe through to this proposed plaza. This would not only help with access management but also open up a great deal of underutilized parking. Thereby lessening the need for more parking and using land for higher function purposes.

**(2) The appropriateness of the proposed land uses with regard to their type, location, amount and intensity, where not specifically specified in this Zoning Ordinance;**

The proposed development is very well suited for the site. As noted above, the type and location is consistent with the Zoning Ordinance. In addition, this development would be instrumental in helping to expand the downtown core across the rail road tracks. There is some development across the tracks already but this new building would have a greater relationship, through its design and mixed-used, with the old Village core. Visually, users and passersby would both clearly see the Village as larger than it is today.

The amount and intensity is somewhat more than most of the old Village center. However, it is similar to 50 South Liberty and its location is well suited for a more intense downtown use. It sits perfectly as a transition between the more suburban feel of Sawmill Parkway and the smaller scale of the old Village core. Its location essentially makes it well suited for the amount and intensity proposed.

**(3) The relationships between uses, and between uses and public facilities, streets, and pathways;**

As stated in #2, the location of the proposed development is ideal for what is being proposed. It serves as a transition piece between two vastly different areas. To elaborate on the proposal's neighbors, it is bordered on all sides by commercial except the northwest, where there is residential. The commercial uses surrounding the site will benefit from the synergy of having another commercial use. There may be some negative impact on the residence to the northwest, but as this is a downtown area, it is not unexpected that commercial and residential homes will intermingle. Overall, the site should have many positive impacts on its surrounding business neighbors, ranging from increased foot traffic for businesses to increased aesthetic appeal of the area.

Public facilities will not be impacted by this development and the existing pathway along the south end of the site will remain. Furthermore, pathways will be added along the east and west side of the site.

The streets will have some negative impact. A traffic impact study was provided as part of the application package. The summary from the study is:

**Summary:**

*The site drives and adjacent intersections operate acceptably with year 2017 opening day conditions. In the 2027 and 2037 horizon years, SR 750 continues to operate well, but the Traditions Way and Lincoln Street side streets will experience increasing delay. Widening southbound Lincoln Street to provide a left turn lane and a through/right lane will help reduce delay for the side street. An eastbound left turn lane on SR 750 to Lincoln Street will improve access to the site and reduce delay for SR 750.*

*The City of Powell should consider pursuing dedicated right of way for W. Case Street to make it a through street to Village Point Drive. This would provide access to a signalized intersection, which will also help reduce delay for the side streets adjacent to this project.*

Overall, with the development, many of the streets will see minimal increases in delay (wait times ranging from 2-10 seconds more). Traditions Way and Lincoln Street, on the other hand, will be significantly impacted during the PM peak period (wait times ranging from 4 to 90 seconds more). Staff would like to highlight there is a significant impact on these two side streets but the level of service (LOS) for both no-build and build scenarios remains the same. Meaning, with or without this development, the side streets will have delays in the future. As a result, it is Staff's opinion the positive aspects of this development on community character, convenience and tax base for both schools and City outweigh the longer wait times on the side streets or the minimally increased wait times on the surrounding streets. Staff would like more detail about the recommended improvements and what positive impacts they could have on the roadway system, especially in terms of wait times. Staff would also like to mention it does not take traffic concerns lightly, it is a very high priority and a group of Council members, Staff and consultants have begun a process to look at downtown traffic and try to address it. However, it should be made clear, traffic should not supersede developments which have overall positive impacts for the community and its residents. The recommended improvements of West Olentangy Street and Lincoln Street made by the traffic study should be engineered and constructed by the applicant. The improvement to West Case Street is an off-site improvement the City is going to have to make, as this development is not specifically making a direct impact upon it.

**(4) Adequacy of provisions for traffic and circulation, and the geometry and characteristics of street and pathway systems;**

The onsite circulation of the site is more than adequate. Staff is pleased to hear the applicant is working with the developer to the west to mirror the access drives to improve safety.

As per the traffic study provided by the applicant, road improvements may need to be done as part of this development. Staff would like to highlight the need of the applicant to understand the proposed improvements which may be done by the development to the south and east (Powell Crossing). This applicant shall work with the City and the Powell Crossing developer to coincide with their own development.

Pathways are to remain unchanged and unaffected along the front of the site.

**(5) Adequacy of yard spaces and uses at the periphery of the development;**

The yard spaces for such a development are adequate. In addition, the courtyard feature in the center of the development will provide a nice public space.

**(6) Adequacy of open spaces and natural preserves and their relationships to land use areas and public access ways;**

The site does not have open space or natural preserves.

**(7) The order, or phases, in which the development will occur and the land uses and quantities to be developed at each phase;**

The development is not anticipated to be developed in phases.

**(8) Estimates of the time required to complete the development and its various phases;**

The letter from the owner states they would like to begin construction right away. It is assumed by Staff, due to the scale of the development, it may take between 12-18 months to complete.

**(9) Improvements to be made by the Municipality, if any, and their cost;**

Improvements by the Municipality will not need to be made. All upgrades will be provided for by the applicant. In case there is a shared improvement, the City and developer may need to enter into an agreement.

**(10) The community cost of providing public services to the development, and**

There is no community cost to providing public services. Their proximity to the police department is also a plus.

**(11) Impacts of the development on surrounding or adjacent areas.**

As stated at the beginning of this Staff report, Staff sees a significant positive impact on the surrounding area from this development. This development will continue the trend toward revitalization and new construction which is in-line with the scale and design of the old Village character. The greater Powell area will benefit from another service and retail center for our residents to enjoy.

*"The Planning and Zoning Commission may require the staging of the planned development to minimize early stage major impacts on the community infrastructure and services systems, and may require the staging of land uses to be generally consistent with the phased development of supporting land uses and public services and facilities.*

*The Commission's approval in principle of the Preliminary Development Plan shall be necessary before an applicant may submit a Final Development Plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility."*

**Comprehensive Plan Consistency**

The proposal of the mixed-use buildings is in-line with the City's 2015 Comprehensive Plan. Specifically, in regards to development guidelines:

1. Commercial and mixed-use buildings should be located adjacent to the public sidewalk with prominent main entrances and storefront windows (p.30).
2. High quality materials and architectural detailing is critical to ensure new development contributes to the Village character (p.30).

Regarding overall land use policy recommendations:

3. Maintain the character of the community in its Historic Village District (p.48). A mixed-use retail center is in-line with the type of commercial/office model used in past.
4. Encourage mixed-use development in appropriate locations, as designated in the plan (p.48). The location of this use is perfect for this type of use. It is very close to the four corners and is a gateway feature into the Village Green.
5. An overall, guiding principle of the Comprehensive Plan was new commercial development should contribute to both the service needs of the community and the economic and fiscal well-being of the City. This development is providing service needs and more opportunities for services to residents and is taking into consideration the economic and fiscal well-being of the City. Commercial and office development brings in more money as a tax generator than residential development does. Tax revenue will help the City provide more and better services to residents.

**Staff Comments**

The design is high quality and the added breezeway on the east side is appreciated. The details and materials proposed also look as though they will blend nicely with the downtown core. Again, this is a transition area between more suburban forms of development to the west and the old downtown core to the east. The overall aim should be to tie more into the old Village than the building types to the west. Also, Staff would recommend the development text specify it is required for all retail spaces to have a door fronting a street. This is to ensure access is not only from the parking area, which in turn, further promotes a pedestrian sense to the development. Staff defers to the Architectural Advisor for further architectural comments.

This is a very well prepared submittal by the applicant's consultants. However, there were some discrepancies between the different pieces. Namely, the front entrance is inconsistent amongst the different drawings. Also, as stated above, the setbacks are 30 feet in one drawing and 20 feet in another. Lastly, the number of trees proposed is 31 not 30 on Exhibit D-1. Please correct and carry through the plans. Overall, we appreciate the hard work and complete submission.

The City Engineer also provided some preliminary comments. Most importantly, the City Engineer would like to see natural systems used (bio swales, bio basins, etc.) before manufactured systems for storm water management, as they are more desirable for post construction maintenance. Please contact the Engineering Department for more details.

## Staff Recommendation

Staff recommends Preliminary Development Plan approval with the following conditions:

1. Allow divergence of 1.6% lot coverage.
2. Provide more details about the square footage use of the building.
3. Work with the neighbors to the west to share parking and create shared access drives.
4. Coordinate roadway improvements and storm water management concerns with the City Engineer.
5. Correct the minor inconsistencies between the drawings and illustrations.
6. Provide a sign plan with the Final Development Plan.

Chris Meyers, Architectural Advisor, said in regards to the site, he noticed in the civil plan, some use of porous pavement and structured retention. He is familiar with the system but it would be beneficial for the Commission to understand the logic behind where the material is being selected, what it looks like, how it functions and to provide an understanding of how storm water management is being accomplished. Last month, a Sketch Plan for the property to the west of this proposed development came before P&Z. Mr. Meyers said he told that applicant the opportunity exists to have like-minded developments directly across the street from each other since both developments are happening at the same time. Consideration needs to be given to more than just lining up the roads. He suggested, whether through the City or directly with each other, each developer needs to make themselves aware of what the other developer is doing. Not just in the massing and scale of buildings but also how materiality is considered. The developments don't have to look the same. The developers just need to have a thoughtfulness of how the developments will come together. Landscape components, light fixtures, light intensity, traffic patterns all need to be considered together. The City might want to organize a sit down to go over how the developments can work together. Mr. Meyers said the western entry concerns him. When you enter the property from the west drive, people will basically drive into the back end of parked cars. Distributing parking might be a good idea, even if it means losing a couple intermediate medians. This change might make for a more gracious entry. Mr. Meyers said he understands moving the dumpster for the businesses so dumpsters are closer but there is a message given when you enter a site and you are at the dumpster. A clever way to cloak the dumpster area needs to be considered; a coach house or a creative, architectural piece which appears to be an extension of the building. Mr. Meyers said the landscaping to the north, near the condo development, needs to be considered for a sound and view buffer. The density of trees and plantings in the parking lot is great. The central courtyard has the opportunity to be a vibrant, active, useful space but it is over planted as shown. Outdoor seating with café tables would be nice; a place to wait while waiting to get into a restaurant. The trees and manicured lawn may hinder having space. The fountain is nice. Mr. Meyers said he has a feeling the back court area is going to be a very popular area. A hardscape design might be better for usefulness and activity. He appreciates the breezeway. Mr. Meyers encouraged the applicant to think about the treatment between the building facades and the road as more of an opportunity to have people energize the entire area of the building. The ability to lease the spaces would benefit, especially if there are retail areas or restaurants with outdoor, active use, shared space on the front of buildings, along with the back courtyard. Mr. Meyers asked Todd Faris to think about a landscape design which is more clustered compared to the very equal spaced design shown in the design drawings. Mr. Meyers said food service facilities tend to generate a lot of trash. Where trash receptacles are placed needs to be thought about, so they integrate into the design of the site. This site is going to be a destination for community bicycle riders. Powell is full of people who will ride miles to go to a place such as this development. The developer needs to think of logical places for people to lock up their bikes. Pedestrian and bike traffic needs to be thought about. The character and stylistic designs of the buildings are good and fits the vibe of the community nicely. The effort shows in the details, on the roof overhangs, bracketing details, signage panels and transom components. Mr. Meyers encouraged the architect to zoom in on all details. The signage and signage lighting gives the impression there is going to be a lot of light fixtures, with 3 lights per sign. Mr. Meyers said the quantity of lights could be reduced due to the positions and shaping of the lamps. There would be more bursts of lighting at the store fronts as opposed to complete uniformity on the façade. The building would be lit in a more elegant way. Landscape up-lighting should be considered. The tower at the breezeway should be lit differently. The plans show 3 gooseneck lights and a sign. A variation of lighting should be considered. A great pendant light could be hung in the dormer to help illuminate the center walkway space. Mr. Meyers said he realizes the final tenant plan doesn't exist but signage panels for store fronts of tenants who take over more than one area need to be thought about. There should be flexibility in the building design for tenant opportunities where multiple spaces are taken. During the Sketch Plan presentation, it was said the mechanical systems, including air units and hoods, were going to be in the aerial wells in the roof. A roof plan which shows a section, cut through, showing units are set low, hoods and hood scoops would be beneficial. There is a note on the drawing, on the east side of the building, near the breezeway, saying the meter area is located there. Mr. Meyers asked if the note means water or electric meters. The breezeway isn't the greatest place to walk through and see 40 electric meters. He suggested making the area a concealed component or putting the meters somewhere where a lot of people won't be walking. Mr. Meyers said Easton shopping center put store fronts in their breezeways. There are big panels like barn doors, which can be slid open, and all the meters are behind. It is a clever way to cloak the meters. Mr. Beery said it was never their intention to

have a bunch of meters in the breezeway. Mr. Meyers said it will be great to see color choices at the next submission. He recommended boldness in color. The dormers could be more proportionately vertical; they seem a little too squatty and horizontal. The dormers, if they read more vertical, would balance the long, low appearance. Mr. Meyers said he thinks this development will be one which everyone points to as an example of how a design was done right.

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

Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Fusch said he is really glad to see the proposed development. He likes what he sees so far. The development will fit well with downtown. He appreciates Mr. Meyers' comments regarding the various design issues. He had some of the same thoughts. He is looking forward to seeing the architectural renderings and colors in the Final Development Plan. Commissioner Fusch asked for clarification on the issue raised in the Staff Report about the 20 foot versus 30 foot setback. Mr. Kambo said the Code requirements are 20 feet minimum. Commissioner Fusch asked if that is from the center or the edge of the street. Mr. Kambo said from the edge of the street. Mr. Betz said from the right-of-way. Mr. Beery said at some point through the process the right-of-way was changed. The right-of-way went from 30 feet to 40 feet. The engineer showed the old right-of-way with a 30 foot setback. Their plan shows the new right-of-way with a 20 foot setback. The setback is in the same spot. It is just a question of the right-of-way line they went off of. The line is shown in the same spot in both drawings. It is a question of the verbiage from the right-of-way. Mr. Betz said this will be straightened out. The right-of-way in the end should be 40 feet from the center line. The building is set up for 20 feet from there and this is the way it is drawn. Mr. Beery said the building location will not change. Commissioner Fusch asked what the relationship of the facades of the buildings at the 20 foot right-of-way is to the buildings to the immediate west. Mr. Kambo said the buildings will be stepped back a little bit. Commissioner Fusch said he asked due to buildings all being in line with each other in typical historic downtown areas. If you want to create a historic downtown feel, you want the buildings to all be in line. Mr. Kambo said bringing the buildings forward even more could be considered but he reminded everyone of what Mr. Meyers said about creating spaces for people in front of the buildings. Leaving the buildings back allows for spaces to be created out front. Mr. Betz said Powell's downtown area isn't like a typical historic downtown and it makes Powell unique. He thinks the people space out front of the buildings is more important. Commissioner Fusch asked if Staff has heard anything about the developer getting together with the owners to the west about opening up parking lots and moving traffic so cars can come out at a traffic light. Mr. Betz said he has spoken with the owner of Village Pointe Center. A meeting was set up but the owner had to cancel. The owner is willing to talk about a connection between the two centers. Mr. Kambo said the developers of the two new developments are working very nicely together. Commissioner Fusch asked if there will be conflicts over who gets access to which parking lots. Mr. Betz said he doesn't think so. The connection will benefit everyone; access brings the opportunity for more business. Commissioner Fusch asked for an update on the extension of Case Street, can the project be moved along. Mr. Betz said the extension needs to be designed and built. The City has the right-of-way already. The Keep Powell Moving initiative will identify and prioritize these types of projects. He sees Case Street as being a high priority because it will provide a lot of access and takes care of safety issues. Commissioner Fusch asked for a status update on the queue cutter. Mr. Betz said the pole is up and the signal heads will be mounted. The signal will be on flashing for two weeks and in three weeks the signal will be operational. Commissioner Fusch asked if the light at the queue cutter goes red when the light at the four corners is red. Mr. Betz said not necessarily. There are sensors in the pavement which will be triggered when a car stops over the sensor so there won't be a back-up over the tracks. Commissioner Fusch asked if the street improvements shown in the Staff Report are a responsibility of the applicant or a future project. Mr. Betz said the street improvements shown were generated when Powell Crossing was being discussed and are a part of the Keep Powell Moving initiative. The improvements this developer is responsible for is at Lincoln Street and the front of their development; a right turn onto Lincoln Street. The City's Traffic Engineer has reviewed the improvement. Commissioner Fusch said he is happy to see this development move forward. He is happy with the design and layout of the buildings. He looks forward to seeing the Final Development Plan.

Commissioner Hartranft thanked the applicant for coming before P&Z. The plan is very nice and shows a lot of details. He asked if there are plans for public restrooms outside. Mr. Beery said they have not planned restrooms at this point. Mr. Betz said restrooms are something to consider.

Commissioner Little thanked the applicant for coming back. He considers this development the front door to downtown Powell when you approach from the west. The development is a great concept. The Final Development Plan needs to show the Lincoln Street and Olentangy Street improvement. He encouraged the developer to connect with the property to the west. All properties need to work collectively to make the area a destination, to complement each other with what is provided in each of the facilities so the area becomes a one-



stop destination for people to achieve multiple experiences and desires. This would potentially create the opportunity for a lot of business and revenue. Allowing for foot and bike travel cuts down on the amount of traffic. Case Street needs to be improved and a connection made between Village Pointe Drive at the Case Street intersection and Big Bear Drive to the north. If this connection is made, a lot of people can get to this development without ever going onto Olentangy Street. This may be a big vision but if looked at collectively, the City or Council might consider it. Mr. Betz said the Keep Powell Moving initiative is looking into the idea. Commissioner Little said shared parking agreements are important. Commissioner Little said he looks forward to seeing the signage plan in the Final Development Plan. Landscaping should complement the general area. Commissioner Little said he is OK with the divergence on land coverage. There needs to be a shared approach to lighting. Setbacks should be complimentary.

Commissioner Boysko agreed with all of the comments which have been made. The plan is well-developed and articulated. The development will be a great improvement to the City. The outdoor plaza could be a great area if it is developed in such a way that allows a lot of activity. Eliminating some landscaping and making the area a hardscape area would be OK. The sidewalks on the south side of the buildings are a good area for outdoor seating. Commissioner Boysko asked Mr. Beery if they have thought about where uses are going to go in the shopping center. Mr. Beery said they are trying to keep it real flexible. One of the drawings shows a sample patio plan. If a restaurant goes in, a patio could be provided. It really comes down to the money a tenant wants to spend. Things like patios aren't going to be built ahead of time. The plaza is being provided which would be a benefit for any business but anything beyond the plaza would be the tenant's responsibility. Commissioner Boysko asked if the tenant would be responsible for anything beyond the actual building and the plaza. Mr. Beery said the developer will have control over what is done but yes, tenants would be responsible for the cost of anything in addition. Commissioner Boysko said with the setbacks as they are, the south side of the building is a great opportunity, with or without restaurants, to have an active space in front of stores. Mr. Beery said they aren't excluding the possibility but anything beyond sidewalk amenities isn't being planned right now. The far north leg of the buildings is a good opportunity for a restaurant to come in and have outdoor patio space. Commissioner Boysko said it sounds like it is a little premature to think through the uses and identify where specific uses are going to be and develop the architecture based on uses. He asked when the developer thinks they will start identifying uses. Mr. Beery said they aren't sure. He thinks it will happen fairly quickly. Commissioner Boysko asked if uses would be identified after the Final Development Plan. Mr. Beery said yes. It is also hard to specifically say how many parking spaces will be needed when we don't yet know what type of businesses are going to be in the shopping center. At this time, we try and keep things as flexible as possible. Commissioner Boysko asked if the allocation of uses mentioned in the plan, 5,000 SF restaurant, 5,000 SF office space and 5,000 SF retail, is appropriate. Mr. Berry said the allocation is as good of a guess as any. Commissioner Boysko said he is just wondering how synergy between the shopping centers can be created, how tenant mix can complement each other as Commissioner Little suggested, so businesses aren't competing against each other. Commissioner Boysko asked the Commission if they will make having access between all developments a condition. It is going to be very important to be able to get out of the properties and turn left at a light. Mr. Betz said it will depend on what the Village Pointe owner wants to do. He can't be forced. Commissioner Boysko said it might be more of a priority to connect roads than it is to connect parking lots.

Commissioner Jester said the development is very appropriate for the property. Commissioner Jester asked what the residential development is to the north. Mr. Betz said they are condominiums. Commissioner Jester asked if the residents have been notified of the development. Mr. Betz said the residents have been notified of this project and the Traditions project. Mr. Kambo said anyone within 250 feet was notified with postcards. Mr. Betz said a resident stopped in and was shown the plans. The resident liked the plans. Commissioner Jester asked Mr. Kambo what type of usage details the City is asking the developer to provide. Mr. Kambo said it is premature to ask for details. The developer has given a best estimate.

Commissioner Cooper had no questions. He looks forward to seeing the Final Development Plan.

Chairman Emerick thanked the applicant for coming back before P&Z with the detail they provided. The project looks great and he is excited about it.

MOTION: Commissioner Little moved to approve the Preliminary Development Plan for the property located at the northwest corner of West Olentangy Street and Lincoln Street as represented by Dr. Ali Khaksarfard, DDS, to construct a commercial building containing approximately 21,647 square feet on a 2.3 acre site, subject to the following conditions:

1. That the 1.6% lot coverage divergence shall be allowed; and
2. That the applicant shall provide the details, with a best estimate, for usage of the buildings and the relationship with the neighboring buildings; and

3. That the applicant shall work with the three (3) neighbors to the west to achieve shared access drives and shared parking agreements; and
4. That all proposed Lincoln Street / Olentangy Street improvements and storm water management solutions shall be coordinated with the City Engineer and details provided at the Final Development Plan; and
5. That the applicant shall provide corrected drawings and illustrations at the Final Development Plan review; and
6. That the applicant shall incorporate the City Architectural Advisor's and the Planning & Zoning Commission's suggestions at the Final Development Plan review; and
7. That the applicant shall provide a complimentary, detailed landscape and lighting plan at the Final Development Plan review; and
8. That the applicant shall work with City Staff to determine the appropriate setbacks; and
9. That the applicant shall provide accommodations for alternate transportation such as bicycles; and
10. That the applicant shall provide the site signage plan at the Final Development Plan review.

Commissioner Fusch seconded the motion.

VOTE: Y 7 N 0

#### **OTHER COMMISSION BUSINESS**

Mr. Kambo reminded the Commission of the upcoming P&Z workshop and asked members to advise him if they would like to go. The Development Department will register and pay for any member who would like to attend.

#### **ADJOURNMENT**

MOTION: Chairman Emerick moved at 8:28 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

#### **DATE MINUTES APPROVED:**

\_\_\_\_\_  
Donald Emerick  
Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Leilani Napier  
Planning & Zoning Clerk

\_\_\_\_\_  
Date



## City of Powell, Ohio

Board of Zoning Appeals

Ryan Temby, Chairman

Robert Hiles Shaun Simpson Dan Wiencek

### MEETING MINUTES

APRIL 25, 2016

A meeting of the Board of Zoning Appeals was called to order by Robert Hiles on Monday, April 25, 2016 at 7:02 p.m. Members present included Robert Hiles, Shaun Simpson, Ryan Temby and Dan Wiencek. Also present were David Betz, Director of Development; Leilani Napier, Planning & Zoning Clerk; and interested parties.

### BUSINESS ITEMS

David Betz, Development Director asked Shaun Simpson and Dan Wiencek, newly appointed Board of Zoning Appeals members, to stand and repeat the Oath of Office. Mr. Simpson and Mr. Wiencek rose, raised their right hands and repeated the Oath of Office. Mr. Betz advised both they will sign a paper oath form at a future meeting and thanked both for their service on the Board.

Mr. Betz advised the Board a Chairman needed to be elected. Robert Hiles nominated Ryan Temby as the Chairman. Shaun Simpson seconded the nomination. All Boards members were in favor of the motion. By unanimous consent, Ryan Temby was nominated Chairman of the Board of Zoning Appeals.

### APPROVAL OF MINUTES

MOTION: Robert Hiles moved to adopt the minutes from May 23, 2013. Ryan Temby seconded the motion. By unanimous consent the minutes were approved.

### APPLICATION FOR VARIANCE

Applicant: Carol Stillman  
Location: 233 E. Olentangy Street  
Zoning: (R) Residential District  
Request: Approval of a variance to the required side yard setback, from 25 feet to 20 feet, and to the required rear yard setback, from 80 feet to 30 feet, to accommodate the construction of a single-family home.

Carol Stillman, 233 E. Olentangy Street, was sworn in by Chairman Temby. Ms. Stillman said she didn't prepare a presentation because she didn't know what concerns would be raised. Chairman Temby recommended Ms. Stillman explain her plans and why her ideas are better. Ms. Stillman said she purchased the property two (2) years ago. There is a lot involved with developing a complicated piece of property; more than she realized. She is doing as much of the development, engineering and investigative work as possible. She has a mechanical engineering background. She has also worked with an engineering firm. Most engineering firms don't regularly work on complicated projects like this one. She has spent a significant amount of money, for her budget, for background and investigative work but she found her own work was more effective. She worked directly with FEMA, the Army Corp of Engineers and EPA. She is working with a private engineer out of Dayton who has the type of experience designing the kind of bridge she decided to go with. Her plans on what to do with the bridge and driveway have changed 3 dozen times. It has been a very complicated process getting from a general understanding of what needed to be done to where she is now; having an approved bridge plan, an understanding of what the driveway grade needs to be and knowledge of where the most sensible place to put the house is to accommodate the driveway grade requirement. Ms. Stillman hopes the bridge will be finished within the next month. She has a couple driveway options planned out. Staying with current zoning and placing the house on the property at the furthest spot still leaves the driveway with a 10% slope. She thought a 10% slope was acceptable and she has learned it is not. Powell's limit is 8%. She had the bridge raised 1-1/2 foot to help with the driveway slope but the overage still wasn't completely alleviated. Ms. Stillman said she would like to move the house further back on the lot which will allow her to get the length of driveway she needs without building on the west property

line. She doesn't need to go all the way back to the 30 foot setback to obtain an 8% grade on the driveway. She asked to go with the 30 foot setback because it is one of the offset allowances Powell has. Placing the house further back would allow her to have a gentle curve in the driveway. Trees have already been cleared for the path of the driveway based on her original understanding of the driveway slope allowances. She has tried to do minimal clearing. Ms. Stillman said she was told, due to the Indiana bat thing, she could only cut down trees between October and April so she had to make a decision on which trees to cut down in a specific time frame. She would prefer not to cut down any more trees. The cost of putting in a driveway which curves is significantly more than just putting in a straight driveway. Putting in a driveway with curves causes opportunities for material to slide, having to use fill material or cut material out, which makes the driveway less stable and you end up needing more material for the driveway such as retaining walls; not to mention disrupting the natural surroundings. Chairman Temby asked why both the driveway and house have to be moved; why does the house have to move if the driveway is moved. Ms. Stillman said she has a house plan selected which has the garage at the front of the house. She would have to put a concrete pad in if she didn't move the house; which means she would have to put in retaining walls and fill around the concrete pad. Chairman Temby asked if the driveway could work leaving the house in the original spot. Ms. Stillman said moving the house back allows her to build on the most flat spot of the property. Building the house on the most flat spot simplifies house and driveway construction. Chairman Temby asked where the driveway pad would be and if there will be a single lane driveway which goes right into the garage. Ms. Stillman said per fire department regulations, there needs to be a pad out front. Mr. Wiencek asked if the proposal has been submitted so the house construction on ground which isn't flat, which would require retaining walls and fill, doesn't need to happen. Ms. Stillman said some amount of grading will still need to be done to get the consistent 8% slope on the driveway. Moving the house back gives her 200 more feet of driveway to lessen the slope. Mr. Wiencek asked Mr. Betz if the Board has the ability to approve a variance to the 8% driveway slope. Mr. Betz said the Board does have the authority. The fire department has looked at the site with Ms. Stillman and would like to keep the slope at a minimum. The Township zoning allows up to 10% so the fire department is used to seeing driveways with a 10% grade. Due to how the Olentangy valley is, the fire department probably sees grades higher than 10%. In Ms. Stillman's instance, Mr. Betz recommended not going over a 10% grade because 10% is standard in the Township. There is a need for a flat area at the top for a fire vehicle to be placed if needed and this is another reason for moving the house back onto a more flat area of the property. Mr. Hiles asked if there is still going to need to be some type of retaining wall by the bridge. Ms. Stillman said she hasn't had engineering work done so she doesn't know.

Mr. Betz reviewed the Staff Report (Exhibit 1).

Staff has worked with Ms. Stillman for quite a while regarding what she wanted to do with her property. The bridge design went through all of the necessary flood plain development reviews and it took some time to obtain the permit. The abutments are outside the flood plain. The flood plain extends far enough it isn't suitable to put a house in front of the stream. The bridge is the best environmentally friendly bridge for the area. Mr. Betz commended Ms. Stillman for completing the bridge. Ms. Stillman has applied for setback variances to the rear and side. Ms. Stillman may not need the side setback variance granted in the end. She may just need the rear setback granted. Ms. Stillman would like to build her house on a flat area which will allow the driveway to have an 8% slope. The Board of Zoning Appeals hears Zoning Variance applications and appeals, which are often applied for when an owner encounters a hardship or practical difficulty in developing a property. The applicant can seek relief of the requirements in the best interest of the City and adjoining residents if the City and adjoining residents aren't adversely impacted. Staff has referenced several sections of the Zoning Code for the Board to examine.

#### **1127.06 APPLICATION AND STANDARDS FOR VARIANCES.**

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property;

Certainly, there can be beneficial use of the property without the approval of the proposed variances. However, by approving the variances, the development of the property in the manner for which it is zoned can be completed in a more sustainable and environmentally sensitive manner.

- (2) Whether the variance is substantial;

The variance requested is not substantial. The requested setbacks provide for the same setbacks as required with the sub-division located on both sides.

- (3) Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance;

The character of the neighborhood is a single-family neighborhood bordering on a farm lot which has approval for single-family homes. The proposal here will allow for a single-family home. There should be no adverse impacts to any of the neighbors due to this variance approval.

- (4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

The applicant has reviewed the bridge project permitted with all governmental agencies prior to its approval. The setback variance requested will allow a home to be constructed in a manner which is more environmentally sustainable and should not adversely affect provision of governmental services to anyone.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

The property owner did purchase the property knowing the zoning restrictions, however she also knew a variance to the requirements is possible under the guidance of these provisions.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and

There are other methods and design locations where the driveway can be located, however those locations either create a higher driveway slope needing a variance or much greater tree removal, grading and land disturbance to construct the home and driveway. Therefore, the applicant's intent with this variance is to overcome this practical difficulty with a unique placement of the home.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

There are several provisions within our Zoning Code which call for best practices in environmental stewardship to be followed. This applicant has shown her willingness to greatly go beyond those requirements. The granting of this variance application provides substantial justice to the owner to build a home at a location which better protects her land with no detriment to the neighborhood.

In overcoming the practical difficulties of meeting driveway slope requirements along with good environmental stewardship, the applicant should be commended for her proposal and Staff does recommend approval as we believe all of the above requirements are met with this application.

Mr. Betz said based on Ms. Stillman's testimony on where the building could be placed, the setback on the west side might be able to be reduced back to the regular setback. Depending on the size of the home, the rear variance might be less also. Mr. Wiencek asked, if the Board approves the request, does the Board need to be involved in determining the amount of setback. Mr. Betz said yes, the Board would want to state the setback allowed as a condition of approval. The Board would have 30 days to make the decision.

Chairman Temby asked if any property owners would like to speak. All who intended to give testimony were sworn in by Chairman Temby.

Jon Sudler, 87 Glenlivet Place, said his property is to the southwest of the applicant's property. Chairman Temby said Mr. Sudler is Parcel #3. Mr. Sudler said he would prefer a variance be granted for the driveway slope and keep the house within the existing zoned setback areas. It seems Ms. Stillman is requesting a variance because she would like the garage on the north side of the house. Mr. Sudler asked why the garage can't be located on the south side of the house where the land is naturally more flat. The request for the variance is due to Ms. Stillman's preference and not really due to a hardship.



Michael & Nicolette Hyland, 40 Bartholomew Blvd., said their property is southwest of Ms. Stillman's property. Chairman Temby said Parcel #4. Mr. Hyland asked why the setbacks are in place. Mr. Betz said setbacks are created for properties so buildings don't get too close to one another; open air, open field, open yard area reasons. When an area such as Powell has larger, 1 acre or more lots, there will generally be larger setbacks. In Powell, the smaller lots generally have smaller setbacks. Mr. Hyland said this is their concern. They just had their house appraised and he asked the appraiser if a house being built within 20 feet of theirs would negatively impact the value of their home. The appraiser said absolutely it will. He and his wife are here tonight because the request has a negative impact on the value of their home. Ms. Stillman's house will be right on their property line. All of the other neighbors feel the same way. Mr. Hyland asked what will happen if this request is approved and Ms. Stillman turns around and sells her property. Will the approved setbacks stay in place or go back to the original setback measurements? Chairman Temby and Mr. Betz both said the approved variances would be passed on to a new owner. Mrs. Hyland said they met and spoke with Ms. Stillman before she bought the property. They informed her of the issues involving this property. Ms. Stillman actually went around and spoke with all of the neighbors and everyone warned her of the issues. Previous owners knew a house couldn't be built on the most flat area without building retaining walls, which are costly. Previous owners never built due to the required setbacks. Now Ms. Stillman is asking for a variance. Previous owners weren't allowed. Chairman Temby said previous owners could have applied for a variance also. Mr. Betz said previous owners did not apply for a variance. Mrs. Hyland said it seems as if this request is due to financial hardships for Ms. Stillman. Ms. Stillman has 2 acres. Why does she have to build right on top of current neighbors? Mr. Hiles asked Mr. Betz how much of the property is buildable. Mr. Betz said the main part of the property affected by physical hardship is the flood plain areas, down near the stream. The slope does hurt in trying to build a home. Building on the flat area is practical and easier. It is up to the Board to determine if, by definition, it is a practical difficulty. Mr. Betz said moving the house further away will make the slope of the driveway steeper. Building the house back as far as possible makes sense for the driveway slope. We have already mentioned it might be acceptable to leave the side setback as is. Mrs. Hyland said it sounds like these decisions are all up in the air now and granting the setbacks will give Ms. Stillman permission to do whatever she wants when in fact she might not need to. Mr. Hyland repeated what Mr. Betz said about setbacks being made so people don't build on top of each other. He doesn't understand why there is a need to vary from the current setbacks.

Mr. Sudler returned to the podium and said there was talk about subdividing Ms. Stillman's property. Approving the setbacks certainly opens up the possibility for Ms. Stillman to subdivide her property and sell. Whether the Board approves this request or not, he would like to request that a condition be set stating the property cannot be subdivided, possibly allowing 2 houses on the property. This would negatively affect their property values. Mr. Simpson asked if subdividing would be a total zoning change. Mr. Betz said the property is 2 acres and technically the property could be subdivided. If the property were subdivided, there may be a need for a variance in the front or re-zoning the property to a Planned Residence District. The requested variance would match a Planned Residence District setback. Going through the re-zoning process would require public hearings at both the Planning & Zoning Commission and City Council. It would also require dedication of a right-of-way along Olentangy Street, which would bring the acreage down to under an acre each, when split. A lot of further review would be required to go this route.

Monica Reineki, 28 Bartholomew Blvd., said there have been several meetings between Ms. Stillman and City Staff regarding this property. She asked for the honest truth. Has the applicant talked about subdividing the property? Mr. Betz said yes. Ms. Reineki said Ms. Stillman told everyone she has. Ms. Reineki said her concern is Mr. Betz is encouraging Ms. Stillman to request the setback variance so Ms. Stillman can subdivide the property. Ms. Reineki said Ms. Stillman has already said she has a friend who would like to buy the other portion of the property. The intent is to put two homes on this property. The property is 2.5 acres but 2.5 acres is not buildable. There is more non-buildable land than buildable land. Ms. Reineki said she doesn't have a problem with one home being built on this property. To accommodate Ms. Stillman's cost issues, Ms. Stillman wants a setback variance to allow two homes on the property. Mr. Simpson asked if the Board has the authority to block dividing the property. Mr. Betz said no. A request would have to go through the Planning & Zoning Commission, a different authority than the Board of Zoning Appeals. Ms. Reineki said approving this variance request gives Ms. Stillman the ability to go ahead and split the property. When a person takes on a large project such as this, they need to be prepared to not affect the people nearby. Ms. Stillman can build on the property. We are all very sad she cut down all of the trees 2 years ago and left them laying in our backyards. Apparently someone within the City told Ms. Stillman, because of brown bats, she needed to cut all of

the trees down before March. Two years ago, Ms. Stillman cut down all the trees and left the trees lay. Ms. Reineki said she took pictures of the land, how the land has looked since Ms. Stillman destroyed the land. If you walk back on the property today, it is still a mess. The variance request is to allow Ms. Stillman to split the driveway so the property can be split and two homes built. Ms. Stillman wants her house to be set back so a second house can be built. We are all standing here tonight like little stool pigeons because this has already been discussed between Ms. Stillman and the City.

Mr. Wiencek asked what elevation the flood plain includes. Mr. Betz said to move on to the next person while he tries to find the information.

George Conti, 94 Glenlivet Place, said he received a postcard because his property is within so many feet. His property isn't directly adjoined. Setbacks are set for a reason. Someday Mrs. Bennett is going to pass away and her 32 acres will be sold. A developer will come in and see the setbacks have been changed to 30 feet. He will then have someone sitting on top of his house. He has lived in his house for 28 years and the value of his home has been increasing. Property values will drop if a home is built so close. A compromise can be met by changing the layout of the house rather than change setbacks. This will prevent future developers from saying the City approved changing setbacks before, why can't they again. Mr. Conti asked the Board to make a wise decision.

Dean & Charlene Appleman, 90 Glenlivet Place, said their property is Parcel #2. Mr. Appleman said their property will be the most adversely affected by this request. Ms. Stillman's house will come 50 feet closer to his property. Chairman Temby said a couple of the Board members went out to the property so they have seen firsthand. Mr. Appleman said the character of the neighborhood would be adversely affected by a house that close to them. We live in Powell and we expect the Codes to be enforced. It is why they live in Powell. If they wanted houses right on top of each other they would live somewhere else. Mr. Appleman said he read variances aren't supposed to be granted for reasons of convenience or for reduced cost. Chairman Temby asked what the setback requirements are for the Bartholomew Glen sub-division. Mr. Betz said Bartholomew Run sub-division has a 25 foot rear yard setback. Ms. Stillman asked if all yards met the 25 feet setback. Mr. Betz said it is unclear whether all of the setbacks are met or not. There is a house with a patio or back porch which seems very close. There are 99 houses in the sub-division. Mr. Appleman said their property values will crash if the variance is granted.

Mr. Sudler returned to the podium and said Bartholomew Run is a sub-division so the setbacks are smaller. Ms. Stillman's property isn't a sub-division. By granting this variance, a sub-division is being created on this property. The property wasn't designed to be a sub-division. The site is a 2 acre, residential lot and should stay that way.

Mr. Betz pulled up a report from the County Auditor's office to show the flood plain area on the site per Mr. Wiencek's request. The mapping is based on FEMA maps. The flood plain is from approximately 882 elevation on the west property line and down to approximately 879 elevation on the east property line. As the stream goes down further, the stream lowers in elevation. The bridge location is at the thinnest point of the flood plain. The bridge location was also chosen for driveway location. Chairman Temby said it appears as if the only way the site could be split is if a house were built on stilts. Mr. Betz showed how the lot could be split and where two houses could be placed. A house cannot be placed on the front of the property. Mr. Wiencek asked if the property could be split down the middle. Mr. Betz said yes. Ms. Stillman said the driveway would then have to be shared. Mr. Betz said the Planning & Zoning Commission would have to approve this type of split.

Ms. Stillman said the plans for her property have consumed her life for 2-1/2 years. She didn't realize people had such strong feelings about the setbacks. She wishes she had talked with people more about the setbacks. Ms. Stillman said she has considered splitting the lot; it has been a back-up plan from a financial standpoint. Splitting the lot isn't the reason she wants to obtain approval for the side setbacks. She spoke with neighbors to see if they wanted to purchase some of her property to increase the size of their yards. This idea didn't go anywhere. Ms. Stillman said she is still interested in selling some of her land to her neighbors because she doesn't need to have 2 full acres to build a house on. Having the variance for the side setbacks approved would allow her to build a house and sell some of the land to her neighbors if they were interested. Ms. Stillman said she is willing to compromise on the rear setback. She doesn't need 30 feet. She has never intended on putting her house 30 feet off the back of the property. There are still trees at the 30 foot area. Ms. Stillman said a driveway around to the back of the house wouldn't be better for anyone. As the plans stand, neighbors would see the back

of her house rather than a driveway. Mr. Betz said everyone has asked about flipping the house design so the driveway would be on the other side. Ms. Stillman said this would be worse. Mr. Simpson asked where the front of the house is supposed to face. Ms. Stillman said the front of the house will face Olentangy Street. Mr. Betz said the house design isn't in the submittal. Seeing the house layout plan might help the Board understand everything. Chairman Temby said he sees two separate issues; one, the grade of the driveway and two, the actual setback on the south side. The setback on the west side doesn't seem to be an issue. Chairman Temby said he doesn't see the need, based on the proposed drawing, to move the setback from 25 feet to 20 feet. Ms. Stillman agreed. Chairman Temby said the issue is the rear setback. He said the Board really needs to see the precise location and design of the house, in order to make a decision on the rear setback. Ms. Stillman said she can't design a house until she knows if she can afford to build a house on the property. Chairman Temby said he understands but the Board can't render a decision until the Board sees a proposed location and design of the house. He has been to the site and he agrees Ms. Stillman has ecological advantages for putting the grade at the top of the hill but the Board can't make a determination without knowing the exact placement and design of the house. Mr. Hiles asked if there has been a house designed, is there a site plan showing a house. Ms. Stillman said she did an initial house design but it isn't finished and there is no site plan. There is a general sketch of what she anticipates the house looking like. Mr. Hiles said the Board has no drawing to look at. Ms. Stillman said she is not going to do a site plan to apply for a variance. If a site plan is required, she will just forget it. Chairman Temby said an actual design of the house isn't required. The Board is struggling with understanding the layout. It would help to see which way the house faces and where the garage is; which way the garage loads. Chairman Temby asked if Ms. Stillman would consider an east facing house with a front load garage. Ms. Stillman said she would like to have a south facing roof for solar panels. Her intent was to keep the house facing south. She would rather go for a driveway variance or deal with a driveway curvature versus getting rid of a south facing house. Chairman Temby said this confuses the situation more. The rectangle in the current plan shows more square footage on the west and east side. Ms. Stillman said this isn't how the roofline goes though. Mr. Betz suggested Ms. Stillman come up with a list of options, with a higher driveway grade, making sure the fire department is OK with it and minimize the setback variance to an amount everyone is comfortable with, and then come back before the Board at a later date. Ms. Reineki said she respects what Ms. Stillman is having to go through but this whole thing has been set up to sell half of the property. Everyone is concerned about two houses being built on the property.

Mr. Hiles said this request needs to be tabled for now. Chairman Temby asked Mr. Betz what the Board's options are, can the request be tabled for further information to be presented. Mr. Betz said yes, advise the applicant of what information the Board is looking for. Ms. Reineki asked if the residents are going to be asked to come back a second time. Mr. Betz said yes, the Board has a right to table for 30 days and residents will be invited back.

Chairman Temby asked for a motion to table the request.

MOTION: Mr. Hiles moved to table the Application for a Variance to the required side yard setback, from 25 feet to 20 feet, and to the required rear yard setback, from 80 feet to 30 feet, to accommodate the construction of a single-family home located at 233 E. Olentangy Street. The applicant needs to address a driveway slope variance to reduce the current setback variance request.  
Mr. Simpson seconded the motion.

Mr. Betz polled the Board members to see if everyone can meet on May 23, 2016, at 7:00 p.m. The meeting was set for May 23<sup>rd</sup>.

#### **ADJOURNMENT**

MOTION: Chairman Temby moved to adjourn the meeting at 8:24 p.m. By unanimous consent of the Board members the meeting was adjourned.

#### **DATE MINUTES APPROVED:**

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Ryan Temby  
Chairman

Date

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Leilani Napier  
Planning & Zoning Clerk

Date