



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

August 10, 2016

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, August 10, 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 Dave Betz, Development Director; Rocky Kambo, GIS/Planner; Chris Meyers, Architectural Advisor; Leilani Napier, Planning & Zoning Clerk and interested parties.

STAFF ITEMS

David Betz advised the Commission the Keep Powell Moving initiative held a good public workshop in June. The next public workshop is scheduled Tuesday, August 30 at 7:00 p.m. Mr. Betz encouraged all P&Z Commission members to attend. Good recommendations have been presented on how to handle downtown road improvements and how to keep traffic moving. Mr. Betz advised the audience the public is invited to attend as well.

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 Boysko moved to approve the minutes of July 13, 2016. Commissioner Little seconded the motion. Commissioner Cooper abstained from voting since he wasn't present at the July 13, 2016 meeting. By consent of all other Commission members the minutes were approved.

ZONING MAP AMENDMENT & PRELIMINARY DEVELOPMENT PLAN REVIEW

Applicant: Arlington Land, LLC
Location: 2470 West Powell Road (Powder Room property)
8.75 acres off of Beech Ridge Drive
Existing Zoning: (PC) Planned Commercial District & (R) Residence District
Proposed Zoning: (PR) Planned Residence District
Request: To approve a Zoning Map Amendment and Preliminary Development Plan for the development of 48 single-family condominium homes and changing the Zoning Map from (PC) Planned Commercial District and (R) Residence District to (PR) Planned Residence District.

Todd Faris, Faris Planning and Design, 243 N. 5th Street, said he was present on behalf of the applicant, Len Pivar. The property they would like to develop is off of Beech Ridge Drive, surrounded by Olentangy Ridge and the Powell Center shopping center. There currently are two commercial buildings on the front of the property; one was originally the gun range and the other was a restaurant at one time. The back of the property has a large pond with an existing single-family residence. There are a few different out-buildings on the back of the property. The property is currently zoned as Residential in the back and Planned Commercial in the front. There is approximately 8.75 acres. They are proposing to build 48 units on a private street, on platted lots; a "landominium", the new buzz word for this type of home. A person owns the piece of ground and the house sitting on the ground in a fee simple type of situation. This gives the owner more flexibility in regards to taking care of their land if they want to. The owner can also have condominium type services if they so decide. Fee simple homes on single-family platted lots within a subdivision. The access point is limited to one access point off of Beech Ridge. There are two large cul de sac areas which surround a large, central water feature. The front entry will be gated with a guard house. They have been cognizant of the existing neighbors in regards to setbacks. They propose a 30' setback along the eastern edge of the property, a 40' setback along the northern edge and a 25' setback on the other two sides. All

setbacks will be heavily landscaped. The homes will all be made of natural materials with paver driveways and paver service walks. They have proposed really neat light fixtures. The development will be very high end and will make a very nice transition from downtown. The surrounding neighborhoods have approximately 2.5 units per acre. Their development will have approximately 5.49 units per acre. It is common for density to increase as you are closer to a city. This development is the next incremental density increase. Their proposal includes figures from a traffic engineer. Traffic volume would be significantly greater if this property were developed as commercial as opposed to the proposed development.

Len Pivar, 165 Thornberry Lane, thanked the Commission for allowing them to present their proposal. There are three very important factual points he would like to make. Per Powell's Finance Committee, their project will produce \$2.6 million in TIF funds which go into Powell's coffers for the benefit of all of Powell. Per the Auditor's office, the school taxes are estimated in excess of \$320,000 annually. This year, as part of their submission, a traffic study was ordered, comparing their proposed use to the option of re-renting the existing buildings. They have approximately 8,800 square feet of existing buildings. The only reason the spaces aren't currently occupied is they need to improve the property. They have had numerous inquiries into leasing the space. Bars, night clubs, a pawn shop, car lots and most recently a technology company. They hired Smart Services Inc., a professional traffic engineering firm, to compare the proposed use to utilizing the existing buildings. Smart Services' findings show the proposed single-family use is 77% less traffic than re-renting the existing buildings. All of these numbers are big and important; all of which are facts, not speculation. They are committed to make this proposal work on the property. Mr. Pivar said he has received a number of calls from Powell residents concerned about the project's ongoing plans. He would like to clear up the rumors about what they plan to do on this property. Research identified two strong markets when they first studied the property to determine the best use; a need for high end retirement and empty nester homes due to the aging baby boomers and a need for affordable housing for families who can't afford to buy in Powell but who would like an opportunity to educate their children in the school system and live in a safe neighborhood. Affordable housing would be in the form of 3 and 4 bedroom apartments. Quite frankly, the 3 and 4 bedroom apartments are what is most attractive from an investment standpoint. Mr. Pivar said he chose to pursue the retirement, empty nester market. As a senior citizen, he can better relate to a retirement community and the proposal addresses his passion of building custom homes.

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

The last time P&Z reviewed a proposal for this site was on March 11, 2015. In order to bring the proposal back before P&Z the applicant was required to make substantial enough changes to be considered a new application. The developer has made the necessary changes to the initial proposal and the City's Law Director provided a determination saying the proposal meets the substantial change criteria to bring it back before P&Z. The proposal will go on to City Council after P&Z reviews the proposal tonight. City Council will ultimately have to decide on whether this proposal has to go on the ballot. The decision is not up to P&Z. Tonight P&Z is making a recommendation on the Zoning Map Amendment application. A development plan is required with a Zoning Map Amendment application.

The City wanted to see something different be proposed on this property and the developer has presented something different. This proposal is for a single-family, fee simple lot subdivision with all common maintenance and private streets. The common areas will be privately maintained. The development is similar to a condominium development however there are distinct differences in regards to what owners can and can't do with their property.

The previous proposal, which went before Council and received a positive vote, had a roadway from Beech Ridge Drive to Grace Drive. The new proposal doesn't have the roadway in it. The new proposal has another home in the entry way, totaling 48 homes. The previous proposal had 47 homes.

The front part of the property is zoned Planned Commercial District and has been since the early 1980s. The back portion of the property is zoned Residence District. This proposal is to change the zoning to Planned Residence District.

Once this proposal moves on to City Council, if Council takes a positive action on the proposal, the applicant will file a Final Development Plan which would provide more details. Currently, homes will have a minimum of 1,200 SF. It is anticipated the homes will end up having 2,200 to 3,000 SF. The average purchase price will be \$400,000 and up per home. Conceptual home designs have been submitted, including street lights, landscaping, stone driveways and walks; all adding up to a high end development rather than a cookie cutter, single-family subdivision.

At approximately 5.5 dwelling units per acre, the density is higher than what the City typically sees for a single-family subdivision. Due to many locational disadvantages, Staff views this property as a transitional piece of land, located between the single-family subdivision of Olentangy Ridge and the commercial properties at Powell Center and along Grace Drive. People forget there are heavy commercial uses along Grace Drive. The Powell Center property is currently zoned in the Downtown Business District. The Downtown Business District allows for many uses, including commercial development, multi-family development, small businesses, large businesses, etc.

The front part of this property, zoned Planned Commercial, is 2.8 acres and can allow up to 23,000 SF of commercial development. Staff feels it is much more detrimental for commercial development to be put on this property over a single-family development such as what is being proposed. Staff feels the proposed development would enhance the property values of the adjoining Olentangy Ridge subdivision.

The City has approved two other single-family condominium developments by Epcon Communities in a Planned Residence District. The density of these developments was at 4.2 and 5.0 dwelling units per acre. This proposal isn't a condominium development but a fee simple lot development.

Previously, Staff reviewed all engineering aspects. Mr. Betz said he wouldn't spend a lot of time going over them. The aspects are still present and have been reviewed by the City's Engineering Department. Staff feels the plans can be completed from an engineering standpoint and meet City standards.

Access to the proposed development is limited by Olentangy Ridge Place at this time. The typical single-family traffic analysis shows 10 trips per day per family, creating 480 trips per day. If this development is aimed at a retirement community, the 10 trips per day per family would be substantially lower. If this development were to be a 23,000 SF commercial development, it would create approximately 987 trips per day or twice the traffic.

No improvements to Beech Ridge Drive are anticipated. The Traffic Engineer has provided a report on the traffic signal warrant for the Beech Ridge Drive intersection with Powell Road. The intersection is currently warranted for a traffic signal. The City is looking at different kinds of improvements for this intersection as part of the Keep Powell Moving initiative. The recommendation will most likely be a roundabout rather than a traffic signal. Since a traffic signal was already warranted, the City can't ask the applicant to install a traffic signal. The City would utilize the downtown TIF funds to help pay for the improvements.

The development plan indicates a 25' rear yard setback for the first home within the subdivision. All other homes would have a 30' setback. The minimum rear yard setback in Olentangy Ridge is 30'. The minimum distance between buildings is proposed at 10'. In Olentangy Ridge, the side yard setback is 8', giving a minimum distance of 16'.

Sanitary sewer is being provided from a location at a current manhole at Beech Ridge Drive. The sanitary location may prevent some basements in the units built in the first phase or the phase closest to Beech Ridge Drive. There are no other problems with the sanitary sewer service at the location. The City Engineer has looked at all other engineering requirements and Staff feels all requirements can be met.

The property is being proposed to be placed within our (PR) Planned Residential District. For single-family subdivisions, the maximum zoning is 1.7 du/acre. Multi-family portions of planned districts can go as high as 9 du/ac. Both the Downtown Business and Downtown Residential District allows for 7 du/ac or up to 9 du/ac as assigned by the Planning and Zoning Commission if streetscape improvements and other public improvements are completed by the development. Adjacent property to the west and south is zoned (PC) Planned Commercial and (DB) Downtown Business District. Staff sees this as a transitional piece of land which sits between commercial and residential uses and land, and by its shape and location, places it at a severe disadvantage to be developed for typical single-family homes. It is due to this transitional nature of the property and its location directly adjacent to the (DB) Downtown Business District zoning of Powell Center and the nature of the proposed development, Staff recommends the property be placed within the (DR) Downtown Residence District. The density, lot sizes, lot coverage, setbacks and building separation within the (DR) Downtown Residence District are most closely associated with this proposal. Also, the house designs are still in their early stages and can be easily adapted to fit more closely to our downtown area. This property is also within the Downtown Area TIF District. It is good to look at how to continue to improve your downtown area. This property is ideally situated to add housing within a walkable distance to the downtown core.

The Comprehensive Plan was adopted in 2015. A lot of time was spent looking at land uses and land use plans throughout the City. The Plan covers Village residential uses within the downtown area which is a mixed-use Village Center area. The proposed site is identified as creating a Village residential land use. Village residential land use

usually has smaller lots sizes, higher quality building design aspects, should be compatible with height, scale and aesthetics of downtown buildings. Staff feels a Village residential type of area in this proposal is consistent with the Comprehensive Plan for land use. The historic small town charm of downtown Powell should be preserved and enhanced. Staff feels this project can accomplish this. The proposal allows for more diverse housing options which are important for the community. This proposal allows the City to encourage Village style housing within the area and expand the downtown core. Having more housing in the downtown area makes the area more walkable and residents don't have to get in their cars to conduct their business or go out to dinner in their community. The Plan also promotes the sensitive infill development and redevelopment of sites within the City. The property is currently an underutilized brownfield site. The developer will clean up the site and create a new neighborhood.

In regards to the Preliminary Development Plan, the applicant has submitted all of the necessary details required for a Preliminary Development Plan. Staff believes the redevelopment of this site is important for the City of Powell. This proposal is one step towards the goal. The possibility exists to better satisfy development standards within the Zoning Code if the proposal were to be developed with the Downtown Residence District as opposed to the Planned Residence District. The standards of lot sizes and setbacks meet the requirements of the Downtown Residence District more than the Planned Residence District. The difference is how the homes would be designed. The proposed designs could be changed in a manner to better fit into the downtown architectural guidelines and fit in as an extension of the downtown area.

Staff recommends approval of the Zoning Map Amendment and Preliminary Development Plan for Harper's Pointe with the following conditions:

1. That the property be rezoned into the (DR) Downtown Residence District. The rezoning of the property into the (DR) Downtown Residence District is more consistent with the Comprehensive Plan which calls for Village type housing in this area, as well as this proposed Preliminary Development Plan is more consistent with the development standards within the (DR) Downtown Residence District. Due to the fact the (DR) Downtown Residence District is still a planned district, the applicant would have to submit a Final Development Plan at a later date.
2. That all engineering requirements, easements and utility provisions be approved by the City Engineer through the final engineering review process.
3. That the area where unit #48 is located be reserved for the possibility of connecting a new road through Powell Center to Grace Drive. The developer shall facilitate coordination between Powell Center owners, the City and themselves to see if such a roadway can be worked out during the Final Development Plan process. Staff is very supportive of putting in this roadway, one way or another. The roadway was looked at during the Comprehensive Plan process and again now during the Keep Powell Moving initiative.
4. That the developer coordinate the requirements of all environmental study recommendations with Staff as those requirements are being met.

Chris Meyers, Architectural Advisor, said the drawings from Faris Planning & Design, EMI, Advanced and G2 Planning & Design in the packets are inconsistent. He asked if in the future, will just one group prepare drawings or will the drawings prepared by all 4 groups be combined. Mr. Faris said Faris Planning & Design is responsible for the master plan and the rezoning effort. EMI is responsible for landscape architecture. Mr. Meyers asked if Faris Planning & Design is reviewing and coordinating the landscape architecture. Mr. Faris said Advanced Civil Design is responsible for the engineering. G2 completed the renderings of the elevations. Mr. Meyers said one of the sensitive things about this property is going to be how the property interacts with the adjacent developments. One of the exhibits in the packet shows a section cut through the property showing existing home, proposed home and how screening and yards will be done. The exhibit is a great diagram to represent site line. Mr. Meyers recommended considering all 4 sides of the development on the exhibit in the Final Development Plan. Include the grading of the contouring at all 4 sides. Doing this would demonstrate the scale of the proposed homes relative to the adjacent home sites to the east. It is also important to understand the relationship to the west commercial center and to the property to the north. The front entry elements show a monument sign, a guard house and gates on each side. Mr. Meyers asked what the gating procedures will be; will gates be up all day and down at night or will gates go up and down with keyed access. Mr. Pivar said once the development is completed how the gates are operated will be up to the Home Owner's Association. While the builder is in control, the gates will be closed 24 hours a day with access by a code or a card. Mr. Meyers said gate operations should be clarified in the Final Development Plan. Mr. Meyers asked if the developer will put in the initial site landscaping on each property and then the owner makes a choice to maintain the landscaping or have the Home Owner's Association maintain it. Mr. Pivar said the Home Owner's Association will fully manage the property, maintain the exteriors of the buildings, remove snow, clean streets, everything on the outside of the properties. Mr. Meyers said his question is about the landscaping in the design drawings. Will there be a typical landscape package in the initial development or will it wait for the home owner to put in? Mr. Pivar said the developer will put in landscaping as a part of the home package. Mr. Meyers said all landscaping will be done and ready for occupancy. Mr. Pivar said correct. Mr.

Meyers said this needs to be clarified in the Final Development Plan. The storm water management details show the storm water drains concealed by parking spaces in the 2 cul de sacs. This is a great residential, storm water management detail. The final landscape plans should show one of these as an example. Mr. Meyers said the pond located towards the back of the property is noted as retention. Will the pond be active and pretty? Mr. Pivar said yes, the water level will be maintained and homes have been planned around the pond to take full advantage of the view. Mr. Meyers said those details should be put in the final plan. Mr. Meyers asked if the homes will all have basements. Mr. Pivar said all homes will have basements. Mr. Meyers said he thought he remembered that the edge of the site had standing water. Mr. Pivar said there are homes to the north of the property where the yards were actually designed as retention areas. Mr. Meyers said the packet shows 3 different building elevations. Are there 3 different styles of homes? Mr. Pivar said there are going to be at least a half a dozen different elevations. He doesn't want the same house style next to the same house style. They will stagger where house styles can be located. There will be multiple elevations and floor plans to choose from. They are thinking of offering elevators as options. They have received phone calls from interested retirees who would like elevators. Mr. Meyers said the Commission will want to see a depiction of each of the elevation plans in the final plans. Seeing dimensions and heights will be valuable to see. The treatment of air conditioning units and electric meters will be important in homes which sit closer together. Final plans should show where these units would be placed. It would be interesting to see the formula behind which home plan can go where and why. The architecture looks like it is going in a great direction. The next phase needs to show the details.

Chairman Emerick opened this item to public comment.

Leif Carlson, 178 Beech Ridge Drive, said he is the Olentangy Ridge Civic Association President. He thinks the proposal before the Commission is something which has already been approved by both Planning & Zoning and the City. He thinks there is a tremendous amount of pressure being placed on the home owners to approve this development. He thinks the same battle will be fought again in the future of what Powell residents voted down. He knows their Board or segment of Beech Ridge, voting District 1, did approve the development by popular vote. It was probably 55% to 45%. Clearly the Olentangy Ridge residents are mixed on the development. There aren't any easy answers. He feels the submission of this plan is by and large the plan which was originally suggested, without all of the improvements the Olentangy Ridge Civic Association met with the builder about. They have lost some of the best features about the project. The condo association would have kept the development beautiful. Not having a condo association is a loss. Losing the road and putting traffic on Beech Ridge Drive is a huge loss. Mr. Carlson urged the Commission, as they make their decisions, to clearly define if this project is legally enough of a different option. This fight is coming. The Commission shouldn't send this request to City Council and change the zoning if there isn't a real clear idea this project has substantial enough changes. Mr. Carlson said he met with the builder and the builder isn't against putting the road in and if legally the road can be put back in this proposal it would be a super benefit to the City. The members of the Olentangy Ridge Civic Association want the road back in. The Commission doesn't have an easy decision. Olentangy Ridge is very divided in whether they are for or against this project. This hasn't changed since the last time a proposal came before the Commission.

Brian Ebersole, 215 Squires Court, said the last time he came to P&Z, when this project was first proposed a year ago, he made the case they had a new Charter Amendment which banned high density housing in the downtown area. To think the voters would want a property right up against the district with high density housing would be ridiculous. The Commission still sent the project through anyway. Then the project went on the ballot and it failed. Now we know this project, which honestly, if you didn't tell him what the difference was, you can't tell anything different from the old project. So, you have an answer. You know the citizens of this City do not want this project. There was a clear cut vote. To do anything other than to shoot this down is not only ridiculous but I would say it is unethical. And furthermore, we know this developer will do what it takes to intimidate and harass this City to get what he wants. Last year we put together a petition. He didn't like that so he sent off 53 subpoenas to people. Not only to people who passed out the petition but to people who signed the petition. They had sheriffs in their front yard, being required to miss work and go to hearings at which they weren't even called. They weren't needed at the hearing. The clear reason to do this was to let people know if they signed the petition or if they circulated a petition against any kind of project this guy does, he is going to make sure there is a big problem for you. After he lost the election he took it a step further. He sued a petitioner. A frivolous lawsuit just to make it known, don't mess with me. Even today, up here at the podium, he said he could put in apartments here just to let us know if he doesn't get what he wants he is going to threaten the City with undesirable apartments. Just to clear this up a little bit, the front part of this land is zoned Planned Commercial and while it does say in the Zoning Code apartments are allowed, there are parts of the City where apartments are not allowed; including where the Powder Room is located. So the threat of apartments to everyone in this room isn't right. Furthermore, it was mentioned earlier by Dave Betz that City Council would have to decide whether or not this would go on the ballot. I can help clear that up right now. This will go on the ballot. In fact I can read for you from our Charter, Section 6, Part B, "Ordinance rejected or repealed by an electoral vote shall not be reenacted in whole or in part except by electoral vote".

You can pick which part we are enacting here. The fact that we are rezoning the land the exact same way or the fact we are building high density housing here. This is basically reenacting in whole. If this goes through, by some ridiculous manner, if City Council were to put this through, this will go on the ballot. If the City really wanted to take the stance, because this is clear as day it will go on the ballot, that they weren't going to put it on the ballot, then we will just take it to the Supreme Court and it will go on the ballot. Just wanted to make this all clear on how all of this will work. Really, I hope it never comes to that because this whole project is really just going against what the City has already told you they don't want. Commissioner Little asked Mr. Ebersole what he would like on the property if he owned it. Mr. Ebersole said he has 5 acres back there. Build 4 or 5 houses. Commissioner Little asked what about the commercial area. Mr. Ebersole said this isn't about what he wants. It's about what the City of Powell wants. We know one thing for fact. They do not want this. There is a vote. It's a simple answer. I wonder what the City wants. Oh, we had a vote. We know what the answer is. So it is up to you to do the right thing here.

Tom Happensack, 127 Kellys Court, said gentlemen, a lot of this is just what he (Mr. Ebersole) had to say. A lot of effort, I wish you had the original picture because if you put it on top of this one, a lot of it, it is exactly the same. It doesn't look any different. Not different at all. It is a real big stretch to say this is a different project. This is a project which came in red and they have just colored it blue. It is the same project guys. And clearly the Code says anything the voters spoke, and the voters over-ruled Council. They over-ruled this builder. They have given direction they do not want this type of thing in the downtown district. More than one vote. We aren't just talking one vote. We are talking two votes, many packed Councils. But yet, our City continues, and by extension you guys if you approve this type of thing again, you just continue to throw it in the face of the voters. I will ask you, what does a vote mean? Now, I've heard one person somewhere say, maybe not here but maybe on Council, well the voters didn't know what they were talking about. They were duped. Come on guys, we live in a community of professionals. People who are well paid, run companies, have high tech jobs. They didn't get duped about anything. They don't want this in their City which was developed as a residential community. They aren't looking for it to turn into the short north. They aren't looking for those things. They want some of the amenities but we don't have to jam the downtown with condominiums. To me, this isn't about one, about this, this is about when is the end. Is it 500 downtown? Is it 300 downtown? When is the end of putting these houses which aren't compatible to the houses already created, that were voted yes in times past, and now deciding we are going to change directions and start throwing things on top of everything. Taking away from the people who have already bought, the enjoyment of their property, so we can jam lots of condominiums and whatever you want to call them, little small lots. He did the math. \$400,000 for a 1,200 SF house. Did anyone do the math on this? That is a million dollar home at 3,000 SF. On a little piece of property like this. Maybe there are people who would buy them but I would be surprised. They are going to be very wealthy people who would buy them. So, I think it is evident the people have spoken. It is evident this is not a different plan. As I deal with Council in the next step, they are going to say it was approved by you guys so where does the buck stop. You can clearly see this is not a different plan so let's put an end to this, now. One thing he (Mr. Ebersole) didn't mention which I will add, not only is the developer suing a petitioner, for doing what we are allowed to do, he is also suing people who merely signed the petition. Signed the petition. Do we want that kind of builder building in our community? One who is willing to take somebody to court because they signed something they believe they didn't want. For no other reason than that, because there is no conspiracy. Yea, we all got together and conspired against him. Come on, we all know better than that.

Mr. Pivar said he isn't going to get into a pending lawsuit. The lawsuit is a matter of public record. We did sue somebody who pleaded the fifth because according to our attorney, he committed fraud. This multiple lawsuit he is talking about is a result of eleven of them suing us and we counter-sued them. He did not initially bring a lawsuit against eleven people. It is public record. You can look up the facts.

Chairman Emerick closed the public comment session. Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Fusch said he has no problems with the design of the development. He asked if Staff has heard from the Law Director on how this project is different. Mr. Betz said a verbal recommendation was given that it is OK to proceed with this request. Council ultimately has the final decision on what happens with this request. Council will look for the Commission's recommendation on the land use and zoning, the Zoning Map Amendment. This is a re-examination of a property, with respect to a Zoning Map application and a ballot issue. There are several legal aspects to this which will have to be dealt with by City Council at the time they decide what to do. It is up to City Council to decide what to do with the Ordinance. The best thing he can recommend to this body is to make the recommendation you want to make to Council with regard to the land use and the zoning of this property, based upon the application we have tonight. Commissioner Fusch asked when Murphy Parkway will open. Mr. Betz said Murphy Parkway is now under construction and should be open by the end of September. Commissioner Fusch said there is a warrant for a traffic light at Beech Ridge Drive and Olentangy. Mr. Betz said yes. Commissioner

Fusch said there is a warrant for a traffic light at Grace Drive and Olentangy. Mr. Betz said yes. Commissioner Fusch said there is a warrant for a traffic light at Grace Drive and Liberty. Mr. Betz said the traffic light at Grace Drive and Olentangy is being engineered right now. After you go to bid and order a traffic signal, the poles and everything need to be built; it takes longer than what you think. You can't just buy an off the shelf signal. The signal will be installed next year. Commissioner Fusch asked if Mr. Betz meant at Grace Drive and Olentangy. Mr. Betz said yes, at Grace Drive and Olentangy. Commissioner Fusch asked what about Grace Drive and Liberty. Mr. Betz said Liberty and Grace Drive is going to be under design this year and next year and could be put in by the end of next year, maybe early 2018. It will also have to include a southbound, left turn lane. A little bit of widening will need to take place. Commissioner Fusch asked about the traffic warrant at Beech Ridge Drive and Olentangy. Mr. Betz said the City's Traffic Engineer is recommending Grace Drive and Olentangy be completed first, examine and look at warrants for everything else. The Keep Powell Moving initiative is most likely going to recommend a roundabout at the intersection of Beech Ridge Drive and Olentangy. It will slow traffic down and provide a safe way for people to get in and out of the neighborhoods. A roundabout is a better way to handle traffic at this intersection since a signal will be at Grace Drive. You don't want to create 2 signals in a row on Olentangy. Commissioner Fusch asked what the probability would be that left turns could be restricted at the four corners, given the fact there are now roads which take people around the downtown area. Mr. Betz said there are other recommendations being made regarding the roadway and parking lot connections within the downtown area. The commercial properties on south Liberty would be harmed if left turns weren't allowed at the four corners during the day. One recommendation is an extension of Grace Drive south next to the Martin Perry house, calling it Martin Perry Drive, curving over to parking lots, making access to the businesses. The Traffic Engineer is recommending several changes prior to restricting left turn movements at the four corners. These recommendations will be presented at the August 30th Keep Powell Moving meeting. Commissioner Fusch asked Mr. Betz to explain or elaborate on this property being a brownfield. Mr. Betz said the property is a minor brownfield. A brownfield is a contaminated site. The property used to have a shooting range on it for many years. The shooting range was designed prior to current design aspects of shooting ranges which keep lead dust from coming from the building. There are some areas of the property which have lead contamination. The developer will be taking out all of the contaminated area per EPA requirements and permits. The developer will be making sure the contaminated soil is removed and hauled away to proper areas and for ensuring the property is no longer contaminated.

Commissioner Hartranft said he liked the plan when it was first brought before the Commission. He understands changes have been made. He appreciates the developer coming back and the feedback from the residents. His uneasiness or lack of comfort is the City really doesn't have direction from the Law Director. A verbal discussion is one thing but when there is the Charter to take into account and the Ordinance, the comfort level isn't there for him. He likes the plan but without direction from the Law Director he isn't comfortable.

Commissioner Little said the original plan approved by P&Z and City Council was a gem of a development any City would love to incorporate into a downtown area. There was a lot of give and take between P&Z, Council, the developer and even the HOA at Olentangy Ridge. He is being asked to look at a proposal he believes is less beneficial to the community than the initial proposal. This isn't because of what the developer wants to do and it isn't what he, as a member of the Commission, wants to do. Unfortunately, we are required to approve a different project because of what he believes was a misrepresented referendum which overturned the first approval. After hearing what was said tonight, regardless of what the City does it is potentially open to legal actions and consequences. The property owner may choose to sue the City based on what has already happened or what may happen on down the road. In addition, we have some residents who will continue to take action in the courts or threaten further going forward. We have already heard this tonight. Commissioner Little said he finds it interesting when we, as a community, sue ourselves. We are seeing tonight what represents a "zoning up". A portion of this property is Planned Commercial. There are a lot of things the P&Z Commission or City Council does where we are required by law to honor the property rights of the owner of the property. If the Commission had a proposal to put apartments on this commercial property or a proposal to put in a drive-thru beer and wine store, it would meet the zoning requirements and the Commission would be required to approve the proposal. In this case, we have "zoned up" by trying to move this to downtown residential. In turn, this will result in structures which will protect, if not improve, Olentangy Ridge neighborhood, particularly the homes which back up to this property. These homes will now back up to \$400,000+ homes as opposed to commercial property. You don't have to be a realtor to figure this out. Proven traffic data shows there will be a 50% reduction in traffic moving from commercial to residential. We are all concerned about traffic. Mr. Betz mentioned how this type of property being downtown will strengthen the overall appearance of our downtown. The people living in this development will walk places to eat and shop. There is currently a pond in Olentangy Ridge which is fed by the existing pond on this particular property. We have this lead contaminated property draining off into Olentangy Ridge. The previous developer was willing to help remedy this situation even though they aren't required to do anything aside from ensure the water on their property is managed accordingly. This would help Olentangy Ridge. If I lived in Olentangy Ridge on a property which butts up against the contaminated property and I wanted to sell my property, I would have to disclose the

contamination. Now, we have a proposal which doesn't include a connection road between Beech Ridge and Grace Drive. Traffic cuts through the Powell Center every day. The road would be a great addition to help improve our overall traffic situation. Historically, we have been trying to look for developers to help us fix our traffic problem. Now, with this proposal, we are putting the burden back on the Powell tax payers. Commissioner Little said he doesn't know if this is better or not. Personally, he doesn't think it is better. A traffic light was going to be put in at Grace and Olentangy Street but now, as time has passed and a traffic signal is warranted, the City is going to have to pay for the signal with Powell tax dollars. He doesn't know if this is better. Before, this proposal was for this property to enter and exit off of the new connector road. Now, the entrance and exit is back to Beech Ridge. They had worked with Olentangy Ridge to get the entrance/exit off of Beech Ridge and onto the other road. He doesn't know if this is better. Commissioner Little said he appreciates the patience and professionalism shown by the developer and the Trowbridges, the people who owned the property. They have been residents of this community for years. They went through a lot. A lot of things were said. As is, Commissioner Little said the proposal is still a gem of a development for the City. The proposal isn't quite what was proposed before. He would like to see the Final Development Plan help out the Olentangy Ridge residents. Should this proposal not get approved and go forward, he wouldn't be surprised if apartments were put on the commercial property and lower cost housing behind. This is what the Zoning Code currently allows. Commissioner Little thanked the developer for their commitment, patience and for working with the City to try and get something positive on this property.

Commissioner Boysko asked Staff to clarify what the Commission is reviewing; to review a land use approval for a Preliminary Development Plan. Mr. Kambo said a Zoning Map Amendment. Mr. Betz said a Zoning Map Amendment includes having a development plan submitted with it. Commissioner Boysko said we are not here to review the legality of whether the proposal is a different or similar plan from previously submitted; this is City Council's job. Mr. Betz said the City Law Director indicated it is fine to proceed with the proposal as is, P&Z review and then on to City Council. Commissioner Boysko said the Commission is in a position to review the Zoning Map Amendment and the land use being proposed. The proposal will then go to City Council and then come back to P&Z for a Final Development Plan review. Mr. Kambo said yes. Commissioner Boysko said he doesn't see a challenge with moving forward with reviewing the request based on what was just said. The responsibility of determining whether the request is different or not will be back on City Council. Commissioner Boysko said he agreed with all of the points Commissioner Little made; great benefits to the community, great benefits to the project and he is struggling to see the downside, the negative side. He would love to hear from Mr. Carlson. Mr. Carlson was involved in the original project and if he understands correctly there was a very close vote in favor of the project. Mr. Carlson said he put a lot of skin into the game and he wanted to see where things fell apart. He went to the Board of Elections and looked by voting blocks. The precinct or ward Olentangy Ridge resides in is about 97% of the block. The people most immediately affected by this project, if they would have had the only say in the project, we would have voted yes. It's by who showed up to vote on the particular day. Commissioner Fusch asked Mr. Carlson to repeat what he said. Mr. Carlson said the people who did vote that day did vote yes. Commissioner Fusch asked if he meant on the referendum. Mr. Carlson said yes, this is a fact. Commissioner Boysko said there has been some discussion on the differences between the previous proposal and the proposal here today. He is struggling to understand where the opposition is coming from or what items in particular people are still opposing. Mr. Carlson said the answers the Commission would receive from the Olentangy Ridge Civic Association members are much more honest because the proposal affects them. He has had people tell him they don't want to listen to hammering for 3 years. People have told him they don't want a sewer pipe coming through their yard connecting into Beech Ridge and lose their yard for 6 months. These are viable, how can you say you are wrong type of answers. Mr. Carlson said he thinks the people who are voting no, and it is purely speculative, are more concerned with traffic than what ultimately affects our land values. You asked them what they would like on this property and they don't have any skin in the game. We are the property holders and I voted yes. I had a yes sign for the precinct because I really do think it is the best solution for this property. I think plan A was better, if I am being brutally honest. Here we find ourselves, because of the result of the election, taking a plan which isn't quite as great as the first plan. But, we are still looking at kind of the same result after, lower property values for Beech Ridge residents. The people voting no don't have skin in the game and they certainly don't ultimately care what goes in behind the Beech Ridge resident's houses.

Commissioner Jester said the last time the Commission looked at the previous proposal the pond was a problem. The people said there was a spring out there and it can't be moved. He hasn't heard anything about the pond mentioned. From what he has read, it sounds like the pond is going to be closed off and start over again. The pond seems up in the air. The drainage issue bothers him. Commissioner Jester said he would like to see the road across the shopping center cleared. The legality of the differences is another issue. He would like to see these issues cleared up.

Commissioner Cooper thanked Mr. Pivar for coming back before the Commission. He has the same concerns as the rest of his Commission members; the same concern about the road, the potential legality of the issue even

though the Commission is limited and it is up to City Council. He can't add anything new. He is glad the developer is still trying.

Chairman Emerick said he isn't as concerned about the legality aspect. The Law Director did provide a verbal determination, not just a verbal discussion, this project did meet the criteria to come back before the Commission. He is confident the Law Director is correct in his determination and would be able to provide a written determination as well as a verbal. Chairman Emerick said he does agree with Commissioner Little's comments on this being a very nice project. He feels the first project was even nicer. He would like to get the road back in which is one of Staff's conditions for recommending approval. Chairman Emerick asked Mr. Betz if he was correct in thinking 2 motions were needed tonight; one for the Zoning Map Amendment and one for the Preliminary Development Plan. Mr. Betz said it would be good to have 2 motions. Mr. Betz said all 4 conditions Staff recommended along with any other conditions the Commission comes up with could be on both motions.

Commissioner Boysko asked if there are going to be deed restrictions limiting the age range. Mr. Pivar said no, they aren't going to place any deed restriction regarding age. He doesn't know if they legally can do that. There is nothing about the project which is attractive to people with young children. The price range and the small size of the units appeals to people who are moving out of the large houses and want no maintenance and small yards. The homes people are moving out of to move into these retirement homes are the ideal homes for people with children. Mr. Pivar said he would also address Commissioner Jester's concerns about the pond. A civil engineer explained to Council it is not a lake, it is a cistern. There is no evidence of the lake being spring fed. The engineer said it could be filled in tomorrow and there would be zero impact on the water coming off of the property. It is the original cistern from when the Trowbridges built the home back there as a water supply for the house. There should be records on this.

MOTION: Commissioner Little moved to approve the Zoning Map Amendment for the property located at 2470 West Powell Road as represented by Arlington Land, LLC, amending the zoning from both (PC) Planned Commercial District and (R) Residence District to (DR) Downtown Residence District, subject to the following condition:

1. That the property shall be rezoned into the (DR) Downtown Residence District. The rezoning of the property into the (DR) Downtown Residence District is more consistent with the Comprehensive Plan which calls for Village type housing in this area. In addition, the proposed Preliminary Development Plan is more consistent with the development standards within the (DR) Downtown Residence District. The (DR) Downtown Residence District is still a planned district.

Commissioner Boysko seconded the motion.

VOTE: Y 6 N 1 Jester

MOTION: Commissioner Little moved to approve the Preliminary Development Plan for the property located at 2470 West Powell Road as represented by Arlington Land, LLC, to allow for the development of 48 single-family condominium homes, subject to the following conditions:

1. That all engineering requirements, easements and utility provisions shall be approved by the City Engineer through the final engineering review process; and
2. That the area where unit #48 is located shall be reserved for the possibility of connecting a new road through Powell Center to Grace Drive and connecting to Beech Ridge Drive. The developer shall facilitate coordination between the Powell Center owners, the City and themselves to see if such a roadway can be worked out during the Final Development Plan process; and
3. That the developer shall coordinate the requirements of all environmental studies and recommendations with Staff as these requirements are being met; and
4. That the developer shall provide a schedule for when any pond or catch basin work will be completed which will impact the Olentangy Ridge pond. Said schedule and periodic updates shall be provided to Olentangy Ridge residents whose property abuts the pond in the Olentangy Ridge neighborhood; and
5. That the developer shall work with the Olentangy Ridge Civic Association to ensure the Association's ideas are taken into consideration in the Final Development Plan; and
6. That the City Law Director shall attend the Final Development Plan review to offer appropriate legal advice; and
7. That the developer shall meet all of the obligations necessary to fulfill the Final Development Plan review process.

Commissioner Fusch seconded the motion.

VOTE: Y 6 N 1 Hartranft

PRELIMINARY DEVELOPMENT PLAN REVIEW

Applicant: Global Land Investments LLC
Location: Village Park Drive, near Penny Lane
Zoning: (PI) Planned Industrial District
Request: To review a proposal to construct an 85,800 square foot, three-story storage facility on 3.02 acres.

Commissioner Shawn Boysko recused himself from the Preliminary Development Plan review for Global Land Investments LLC.

Melanie Wollenberg, Brexton LLC, 815 Grandview Ave., said the team took all of the comments made at the Sketch Plan review to heart and put in a lot of work and effort into the detail of the items which concerned the Commission. They worked closely with City Staff to address additional concerns Staff had. They are requesting a couple setback variances and they are seeking approval for a limited amount of trucks on site, in a part of the site which would be screened with landscaping so the trucks will be out of site from the road. There could be 1 or 2 trucks on site at a time. Today, they received notice from Lt. Tom Saunders, Liberty Township Fire Department, who is asking them to add a 24' fire lane on the south side of the building. They are happy to do this. They could move the landscape buffering and the mounding which would have been in the 24' south into the neighboring property to ensure there is still plenty of screening for the apartments. They will still keep the same landscaping commitment, just move the buffering south. We recognize this means some of the landscaping would be on the 30' easement and if the City ever had to make repairs in this area we would be responsible for replacing the landscaping.

Steve Fox, Mannik Smith Group, Civil Engineer, said he would be speaking about the detention basin and the storm water detention water quantity. Half of the proposed building will sit on an existing detention basin. The area they will be filling in will have to be compensated for. Working with the City Engineer, the developer will be buying an acre of land to the east which will compensate for the fill which is going to be done. Additionally, we believe we can do water quality for the entire development or at least do water quality for our development. We will still have overcompensation to the east. The detention basin serves as the water quantity for the whole Village Park development. In adding the additional storage, we would provide above and beyond what is required. After consulting with the Fire Department, they need to have a 24' access aisle on the south side of the building. This is the location of the proposed landscaping. Mr. Fox said he has a letter from the Delaware County Sanitary Engineer which permits trees and mounding of 2' in the sanitary easement as long as the developer takes responsibility for any damage which might occur. If the area needs to be maintained or ripped up, it would be our responsibility to replace the landscaping.

Nikki Wildman, MS Consultants, 2221 Schrock Rd., said she is representing the architectural team since Shawn Boysko recused himself. Ms. Wildman asked Mr. Betz to show the new presentation. Mr. Betz said the new presentation was just provided late today. Ms. Wildman said the presentation shows the proposed building's relationship to Village Park Drive and the landscape buffer to the south, between the proposed building and the apartments. The landscaping is denser than what is currently existing. Landscaping to the east and north are also shown. The team heard the Commission loud and clear at the Sketch Plan review. One of the big concerns was the size and scale of the building. They worked hard to add character to the building and break up the scale of the building. They still have red panel corners but they broke up the interior portion of the elevation by adding additional materials. On the west elevation they have added a row of store front windows on the 3rd story to break up the scale and add more character. The south elevation faces the Penny Lane apartments. They added material to the south side to break up the scale, making the widest point on the south elevation 77' instead of the same material on the entire 100' side having continuous material. There are infill panels which help break up the elevation. These infill panels are stepped back. We also responded to questions regarding lighting on the west elevation. They are including lighting within the canopy structure itself over the entries. There are low profile, LED wall packs on the corners and center of the building to illuminate the parking lot for dawn and dusk. They brought a material board to show samples of utility brick which will be at the base of the building and the insulated metal panels above. The comments regarding the canopy design were taken to heart and will be grey. Slides show the view of the building from Village Park Drive, Seldom Seen Road and Liberty. You can only see a small portion of the building beyond the trees and landscaping. The views show the condensing units, which sit about 85' back from the edge of the building edge on the roof, aren't visible. The condensing units are 34 x 34 x 36. The line of sight if someone were to stand on an apartment balcony shows the condensing units are obscured by the distance and the sheer small size of the units. Due to a safety concern of people possibly breaking into the windows on the ground level hidden by the dense buffering, they may consider removing the ground floor windows from the building. Ms. Wildman said there is no dumpster on the property. There will be minor garbage which will be handled by the one staff member. Garbage from the units would be handled by the renter. There are no overhead storage

doors for access to the units. There will be double doors on the west side and an entry door to the office area. The building will be fully enclosed and conditioned.

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

There have been a lot of changes since the writing of the Staff Report, including the letter from the Fire Chief. Due to these changes, Staff is going to recommend tabling the Preliminary Development Plan request today so Staff can re-review all of the new information/changes which have been submitted. Staff thanks the applicant and consultants for the hard work and listening to the Commission's comments and recommendations. Staff needs time to review the changes and will recommend the request come back before the Commission as a Preliminary Development Plan.

Proposal Overview

The proposal is for a three-story building to be utilized for personal self-storage, roughly 88,000 SF on 3 acres. The applicant has taken into consideration a lot of the comments made regarding scale, size and architecture at the Sketch Plan review.

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 area of this proposal is slated for Planned Industrial uses and this use is permitted within the overall plan for Wolf Park.

(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;

Staff had reservation at first with the initial design but is now relieved with the new presentation. Staff recommends the applicant speak further with Mr. Meyers.

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

Primarily a commercial area, the proposed use should have little impact on the neighbors. The residential units to the south may actually benefit from having this service nearby. Three-story facilities are unique for the City of Powell but Staff has heard this type of service has been requested and will be used by residents. The residents who live to the south in the apartments might utilize the facility.

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

The traffic circulation and geometry are adequate.

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

As a storage facility, yard spaces are not necessary but the plan does provide for ample greenspace. This is especially true since the applicant purchased the land to the east for storm water purposes.

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

Similar to the answer above, as a storage facility, open spaces are not necessary but are provided.

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

The proposal is to take place in one phase.

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

Staff estimates the project will take less than a year to complete.

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

There are no municipal improvements required.

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

Police may be required to patrol the site but otherwise there should be little community cost.

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

There should be little negative impact on the surrounding area.

Comprehensive Plan Consistency

Staff initially felt the proposal wasn't consistent with sensitive infill development. Staff is happier with the re-design. The applicant has done a better job of blending in with the community character of Powell. Powell has a certain level of design in the City and the Comprehensive Plan states there needs to be high quality material development.

Staff Recommendation

Staff would like to recommend tabling the plan to allow Staff time to review the new information and then bring the plan back to the next P&Z meeting. Mr. Betz said the key issue for Staff's review is the fire lane and buffer zone being reduced, whether the fire lane needs to be directly adjacent to the building, whether the fire lane can be offset a little bit from the building. Staff needs time to speak with the fire inspector about whether they can utilize the parking area. The building does have sprinklers and this is the only reason the Fire Department will consider having access to 2 sides of the building rather than 3 sides. The Fire Department's letter just came in today.

Chris Meyers, Architectural Advisor, asked if the request will need a variance for height. Mr. Betz said the variance for height would be for the parapets which are 36' high as opposed to the allowed 35'. Mr. Meyers said it would be a 1' variance then. Ms. Wollenberg said the roof height is less than 35'; it is 33'8". It is the parapet which extends beyond. Mr. Betz said parapets are allowed under Code. Mr. Meyers said then there would be no variance needed. Mr. Betz said correct. Mr. Meyers asked if there are any other variances needed. Mr. Betz said the setbacks to the north are proposed at 10' and the Code allows 50'. Ms. Wollenberg said the south setback is 5'. Mr. Meyers said if the sensitivity between properties is the storage building and the apartments, and the fire lane is being proposed on the south side and the fire lane is going to mitigate mounding and landscaping, is there an opportunity to put the fire lane on the north side and shift the building around? Mr. Betz said Staff can meet with the Fire Department and ask these types of questions. Mr. Meyers said when the applicant comes back with the changes, based on the needed fire lane, they should study different options. Mr. Meyers asked if the total square feet is 105,000 SF. Ms. Wollenberg said 88,000 SF. Mr. Meyers said the applicant might not want to compromise the treatment between the building and the apartments but compromise the dimension of the building to accommodate the Fire Department. Mr. Meyers said all details discussed in meetings with the applicant have been represented in the new elevations provided. They tried to minimize length, mass and scale by incorporating proportional variations in materials. The window placement mitigates the perception of the building being too tall. Adding the band of windows on the west elevation created a challenge with the interior plans on the upper level. Mr. Meyers asked if the last storage unit was shifted in and the area will become a corridor or does the window look into a storage unit? Ms. Wildman said there will be a hallway behind the window. Mr. Meyers said it is good the window doesn't look on cardboard boxes. Mr. Meyers asked if the windows on the ground level will have security level glass or if security will be handled with an electronic security system. Ms. Wollenberg said they want to rethink having windows on the ground level. The security system is fully electronic. The first floor windows will be screened by landscaping and may be unnecessary and might pose a slight risk to break-ins. Mr. Meyers said a challenge of flat-roofed buildings with parapet extensions is the cowboy movie set look. You might want to consider running the length of the parapet along the roof a short distance. The real challenge is going to be the treatment of the fire lane, mounding, landscaping and the area around the pond. He is interested in seeing how the applicant handles this so it doesn't become a detriment to the building but enhances the building. Height is always going to be an issue in the City of Powell. A reference of what is around the site, showing heights of all buildings might help. It would give people a reference of heights. Showing heights would show the building really does fit into the area. Mr. Meyers said he went and looked at other buildings the applicant has built. The façade of the building is very nice.

Chairman Emerick opened this item to public comment.

Hugo Noort, Vancouver, Canada, said he represents the Village Self Storage building across the street. He disagrees with most of what has been said tonight. When he drives into Powell, which is a very nice city, everything is open and nice. When he travels into the industrial park it is very nice, you see a lot of grass and open spaces. This project looks like a skyscraper. It is very high for a 2 acre parcel. The applicant proposes this as 3.02 acres but if you look at the land it is 2.02 acres according to legal documents. The applicant has rounded the size up. A surveyor could tell us which is correct. He thinks this application looks like a skunk in a garden party in relation to the other buildings. The other buildings are one-story and all have pitched roofs which make them look lower. This building does the exact opposite. The zone calls for .2 density. His property was given more density because of a density transfer which preceded him. He bought 6 years ago. He has 28% site coverage. The industrial park is meant to be low density. A big deal was made about this years ago. This is why you see so much grass and open space. This project is contributing virtually no grass in relation to the size of the building. A 2 acre site offers about

86,000 SF and this project is for 88,000 SF. This would be 100% density, which is ridiculous. We had to pay for basically 4.5 acres of land. If they want 88,000 SF of density they should buy 7 acres of land. This is the wrong parcel for this project. Mr. Noort said he knows this business will be in direct competition of his business but he doesn't begrudge them the use. He does begrudge them getting a corporate handout, right up front, in the form of a relaxation of the densities. The size and height requirements say 2-stories is the maximum. This project proposes 3-stories. Mr. Noort said he would expect from the Commission and the City to basically give an even playing field, a level playing field. Not one rule for him and another rule for this developer.

Leif Carlson, 178 Beech Ridge Drive, said there is a general malaise in Powell evident by the citizenry displayed through the votes and when you see another 3-story structure proposed it kind of fans the fires. He wasn't going to stay at the meeting tonight but when he saw a 3-story building he decided to stay. This is a big building. A Sam's Club is 100,000 SF. This proposal is for 86,000 SF, just shy of 100,000 SF. The building is a monster building. The residents in general are getting burned out with the fight for these major developments. He doesn't know what his point is but this is another big building.

Chairman Emerick asked the applicant to clarify the difference in the acreage. Ms. Wollenberg said the site is comprised of the 2 acre parcel plus an additional acre, both of which are under the applicant's controls. They sit on 3 acres. The lot coverage is 23%. They would be happy to meet with the 2 gentlemen who spoke and talk through any concerns they might have. She believes the density is comparatively larger in the surrounding properties. There are some over 30%. They are well within context.

Chairman Emerick said the drawing says 2.02 +/- acres. You said there is another acre. Ms. Wollenberg said there is another acre under their control. Mr. Fox said the one parcel is 2.02 acres and they are purchasing 1 acre to compensate for the detention area.

Chairman Emerick closed the public comment session. Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Cooper said he doesn't have questions at this time. He agrees to table the request and allow Staff the opportunity to review the new information.

Commissioner Jester said he had no questions or comments.

Commissioner Little asked who built the apartments. Mr. Betz said P&D built and still owns the apartments. Commissioner Little asked if we have gotten any input from them. Mr. Betz said they haven't. Mitch Carley with Brexton said they had a very positive conversation with Mr. Dillion regarding the Abbotts Gate Lane apartments. Mr. Dillion sees two primary things; one, quiet and not a lot of light if any and two, no additional or very little traffic. Mr. Dillion believes his tenants will be the first potential renters in the storage facility. He sees the project as a very positive thing and Mr. Dillion told the applicant to speak on his behalf. Mr. Dillion said you guys have the ground, you informed me, he understands the project and there is no real variance aside from the shift and he told us to do what we need to do, he is a developer as well. Mr. Carly said this is a 3-story building, when you do the math, the footprint is around 29,440. A Costco or something like that is 100,000 SF but Costco is one floor. This is where the difference is. Commissioner Little asked how important the branding signage is. Mr. Carly said it is important. They aren't a national brand. Personally, knowing the square footage of the building and not knowing the signage Code, he doesn't think the signage is overdone. Commissioner Little said he may have questions about the signage and we will need to go into these types of details in the Final Development Plan. Commissioner Little said he would avoid removing the existing mature trees for the fire lane and encouraged the developer to find a way. Mr. Faris said there is one tree on the site and it is next to a manhole. The sewer department may remove it anyway. Commissioner Little said if the heavy landscaping proposed is put in, it might not be a bad idea to look at whether first floor windows are needed or not. You might put an architectural feature in the space but no window. Commissioner Little asked if there are deed restrictions which apply to this parcel. Mr. Betz said they looked at the Wolfe Commerce plans and there are some. It appears as if this project is consistent with the plan in place. Commissioner Little suggested tabling the request.

Commissioner Hartranft said he doesn't have anything else to add.

Commissioner Fusch said he doesn't have anything else to add.

Chairman Emerick recommended tabling the request.

Mr. Betz said they can't have a special meeting in August. They have too many other meetings. Ms. Wollenberg asked if they could combine the Preliminary and Final Development Plans. Chairman Emerick said the Commission wouldn't be in favor of this. Commissioner Little said he wasn't in favor of combining plans. Mr. Betz said 4 positive votes would be needed to combine.

MOTION: Commissioner Little moved to table the Preliminary Development Plan for the property located at Village Park Drive, near Penny Lane as represented by Global Land Investments, LLC. The Preliminary Development Plan will return to the Planning & Zoning Commissioner at the next regular meeting, September 14, 2016.

Commissioner Fusch seconded the motion.

VOTE: Y 5 N 0

(Cooper left, Boysko recused)

SKETCH PLAN REVIEW

Applicant: Elite Real Estate Holdings, LLC
Location: 10331 Sawmill Road
Zoning: (PR) Planned Residential District
Request: To review a proposal to construct two, 4-unit condominiums on 1.52 acres.

Dave Pontia, Pontia Architecture, 39 E. Main Street, said the project is for two units on the southeast corner of Sawmill and Zion Drive. We are looking at this meeting as an open format to try and get ideas which are beneficial for all parties involved. There will be a single access drive off of Sawmill Drive. There is an existing sidewalk and walkway. There will be two end units and two center units for each building. The buildings will be similar. They may look at minor variations in the elevations when they get to that point. Each unit will be approximately 2,100 to 2,200 SF. They are 2-story units, all 3 bedroom units. The plan is to have full basements with each unit. They haven't tested the soil yet. There will be attached 2 car garages with each unit. They will use stone and Hardi-plank or similar type of material which is pretty consistent with the area. Garage doors have been placed on the sides to help minimize garage doors facing the neighbors to the south. The center units have 3 bedrooms upstairs, the end units have a master bedroom on the first floor and 2 bedrooms upstairs. There will be a sunroom and a den/study. The overall lot coverage is about 50%. They have stayed off of and out of major easements along Zion Drive.

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

Project Background

The site came before P&Z in 2006 and was approved for two, 3-unit condominium buildings similar to the ones to the south. Since then, the approval has expired and a new owner has brought forth the submitted proposal.

Proposal Overview

The applicant is proposing two, 4-unit condominiums.

Staff Comments

Staff spoke with the applicant before submission and suggested they keep with the previously approved 3-unit plan. The applicant, after discussion with Staff, continued with a 4-unit plan. As stated to the applicant before, Staff feels the increase in density is too intense for this site. Furthermore, the scale of the proposed buildings are larger than those to the south. Staff would be more comfortable with a building in the same proportion to those to the south in The Commons development. Lastly, Staff would like to commend the applicant on providing two buildings which have a variety of material and texture. However, the style proposed does not fit well with the existing units to the south.

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 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.

Staff Recommendation

Staff recommends the applicant revise their plan to include only 3 units per building and also reduce the massing of the buildings to be similar to The Commons' units. Also, Staff would like the applicant to continue with the mixture of stone and siding proposed in this initial design but refine the overall design of the buildings.

Chris Meyers, Architectural Advisor, said he thinks having 8 units in 2 buildings could work on this property just fine. Variation in roof line and alteration in scale of the façade create enough distinction the density or building type has a different perception. The buildings being kinked on the site might actually be hurting the appearance. If the buildings were streamed out with variation in the façade it would read more like a pedestrian streetscape rather than a replica building right next to each other. Repetition in such a small quantity of buildings hurts the massing and scale. Mr. Meyers recommended the builder look at examples of other developments in Powell in regards to facades, specifically the Powell Grand project. He suggested considering the details. Mr. Meyers suggested looking at the Historical Architectural Guidelines as a reference to see Powell details. The variation is the solution for repetitive, multi-family type of buildings. Odd sites end up as condo developments so this project is in the right end of town.

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 remembers approving the previous development for this property and he liked the design and scale proposed then. He liked Staff's suggestion to go with two, 3-unit buildings. But, Mr. Meyers' comment reminded him brownstone style buildings right on the street, with a walkable landscape up and down the street, might work as well.

Commissioner Hartranft said he isn't opposed to the 4 units in the 2 buildings. He thinks Mr. Meyers' suggestion to look at other plans in Powell is a good idea. Commissioner Hartranft asked if the project is over density on this particular lot. Mr. Kambo said the density is fine under a Planned Residence District, even with 4 units per building. The question Staff brought up was, even though allowed, is the density too intense for the area and based on what surrounds the property. Commissioner Hartranft said Code allows the density but it is more of whether it fits or not. The idea of condos fits in well with the area. Mr. Betz said this is another tough infill site.

Commissioner Little said he remembers the 2006 review of this property. It took a while to get to the approved plan. Folks in the condos to the south were very active and adamant about what was going to be put on this site. He wouldn't expect anything different this time. The folks were extremely adamant about not wanting to look at garage doors. He would anticipate the same and encouraged this developer to have some discussions with the residents to get a sense of how they feel. Remembering what they went through in 2006, he walked into this meeting being in favor of 6 units, if they have an apartment building like appearance, but he is also open to 8 units if you take the brownstone or streetscape type of appearance.

Commissioner Boysko said he agrees with many of the comments made by the Commission. He questions the reasoning behind fronting the buildings as proposed. It seems as if you would want to have your front door on Zion Drive and the back yard facing the apartments. This would turn the project around 180 degrees. He doesn't know what this would mean to the access, is there a strong need to have access on Sawmill as opposed to Zion. Mr. Pontia said they can't access off of Zion Drive. They have to access from Sawmill. Commissioner Boysko asked why. Mr. Betz said from the review of the previous proposal, the residents in the Lakes of Powell liken Zion Drive to the driveway in Dallas. It was decided to have access off of Sawmill Road because of this. From a traffic management standpoint, in Staff's opinion, access should be from Zion Drive. We would like to have 150' separation between intersections. Commissioner Boysko said it was his first initial thought when he looked at the site. Mr. Betz said they will need to review the project with the County Engineer. Half of the right-of-way is in the County and not Powell. Commissioner Boysko said flipping the whole property 180 degrees is something to reconsider and see what the property would look like if the front doors faced Zion Drive. This could be more appealing to the residents to the south. He agrees with Mr. Meyers' comments about breaking up the size and scale of the buildings.

Commissioner Jester said he had no comments or questions.

Chairman Emerick said he remembered the previously approved project and he remembers the discussions from the condo association when Margello's project was being reviewed. He anticipates residents will come in mass when they become more familiar with this project. He can go either way on 3 or 4 units per building. He does agree with Mr. Meyers' comments about the rooflines. The rooflines need to be broken up so they don't look so massive in scale. Mr. Betz said Staff also recommended the developer meet with the neighbors ahead of time, not just the condo association but the Lakes of Powell also. Mr. Pontia said he appreciates everyone's comments. He agrees with everything Mr. Meyers said. We keep coming back to what was proposed in 2006. A project our team had no association with. The access off of Zion is something they wanted to do. Access off of Zion allows them to

not have garages facing the residents behind. They can make this a successful project. Mr. Betz said the City would not want 8 driveways or 4 driveways onto Zion Drive; just one. The Commission agreed.

OTHER COMMISSION BUSINESS

No other business.

ADJOURNMENT


MOTION: Chairman Emerick moved at 9:56 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: September 14, 2016

 10/12/16

Donald Emerick
Chairman

Date

 10/12/16

Leilani Napier
Planning & Zoning Clerk

Date

