



## 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

March 8, 2017

A meeting of the Powell Planning & Zoning Commission was called to order by Acting Chairman Bill Little on Wednesday, March 8, 2017 at 7:01 p.m. Commissioners present included Shawn Boysko, Ed Cooper, Trent Hartranft and Joe Jester. Also present were Dave Betz, Development Director; Leilani Napier, Planning & Zoning Clerk and interested parties. Donald Emerick, Richard Fusch and Chris Meyers were absent.

### STAFF ITEMS

Mr. Betz said he sent Commission members an e-mail regarding an event being held at the Nationwide Event Center on how to plan for pedestrian friendly communities. The event is free. He thought Commission members might want to attend. Commissioner Hartranft asked for the date and whether they had to register. Mr. Betz said Monday, March 13, 2017. He didn't remember if registration was necessary.

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

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

### APPROVAL OF MINUTES

MOTION: Acting Chairman Little moved to approve the minutes of February 8, 2017. Commissioner Boysko seconded the motion. By unanimous consent the minutes were approved.

### ZONING CODE AMENDMENT

To amend Section 1147.11, Agricultural Uses, adding provisions for the allowance of raising chickens on residential properties.

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

### PROJECT BACKGROUND

The applicant came before Planning & Zoning in October 2016. The Ordinance was taken to City Council for review. City Council asked for the proposed Ordinance to be sent back to Planning & Zoning for further review. The Code Update Committee has revised the Ordinance, including recommendations coming from City Council.

### PROPOSAL OVERVIEW

The proposal is to change the Codified Ordinance to allow chickens to be raised on residential properties. Staff did a study of how many subdivisions within Powell allow for these types of uses under their restrictions. There were only a few. HOAs would review requests to raise chickens and would decide whether chickens would be allowed or not. City Council wanted various changes made and for P&Z to review again.

### CHANGES SINCE THE LAST SUBMISISON

1. The Ordinance now specifies the use is a conditional use within the residential districts. This means requests would have to go before the Board of Zoning Appeals for approval.
2. The Zoning Administrator is to inspect the coop within 30 days of approval being granted or 30 days after a coop is installed.
3. Coops are defined as accessory structures.
4. There is now a maximum dimension or size to coops.
5. Language was added to try to reduce negative impacts on neighbors.
6. The maximum number of chickens was reduced from 9 to 6.

## STAFF COMMENTS

Staff feels the revisions strengthen the Code, will ensure less intensity of use and impact on the neighbors and will require a public hearing.

## STAFF RECOMMENDATION

Staff does recommend the Planning & Zoning Commission forward the Ordinance to City Council for adoption.

Maggie Carter, 262 Halverston Rd., said she is 11 years old and attends Wyandot Run Elementary school. They first met last October when she asked for approval to allow for backyard chickens. Due to the Commission's unanimous approval at the time, she presented to City Council in November. There were concerns among the Councilmen about health, safety and the number of chickens allowed. She researched and interviewed experts on the subject. She presented to City Council again during a second reading in December. She believes the health and safety issues were resolved by washing hands and using good hygiene around the chickens. The focus at the second reading was around the details of the Ordinance wording. Mr. Hrivnak requested for the Ordinance to be returned to the Planning & Zoning Commission to consider a conditional permit to allow chickens. Mr. Swartwout was concerned about possible jail time for repeat offenders who don't keep their coops clean. Lastly, there was concern about keeping 9 chickens. Currently, the proposed Code has been changed to address these issues. What used to be a one-time permit is now a conditional permit, the paragraph for violations being a minor misdemeanor has been removed and the number of chickens has been reduced to 6. Ms. Carter said she agrees with the changes and asks for the Commission's vote again in approving the Code change with feedback from City Council.

Acting Chairman Little opened this item to public comment. Hearing no public comments, Acting Chairman Little closed the public comment session and opened the floor for comments and questions from the Commission.

Commissioner Hartranft asked Ms. Carter if she was fine with the coop having to be placed closer to her house. Ms. Carter said yes.

Commissioner Cooper asked if "good animal husbandry practices" in Item #4 of the proposed Code is a little vague, does this need to be tightened up. He doesn't know what "good animal husbandry practice" is for chickens. Mr. Betz said they found many other Ordinances online use this language; as well as language on how to raise chickens and spacing. Commissioner Cooper asked if the language should be more specific. Mr. Betz said if they were going to add anything it would be the dimensions of the coop and working with the individual on cleanliness. The Carters aren't raising and reproducing chickens, they are just raising eggs.

Commissioner Jester asked what a conditional permit is and is there a fee. Mr. Betz said a conditional use permit goes to the Board of Zoning Appeals (BZA) for review and approval. Certain requirements will need to be met. BZA would review the location of the coop to make sure it is placed in the best location. There would be the opportunity for public input at a hearing. The fee is \$400. The Commission may want to make a recommendation to City Council if they are not happy with the \$400 fee. Commissioner Jester asked if there would only be one inspection. Mr. Betz said there would be one inspection to begin with and onsite inspections could take place at any time after. A conditional permit allows the Zoning Inspector to go inspect the premises at any time. Commissioner Jester asked if the \$400 fee was a one-time charge. Mr. Betz said yes, a one-time fee.

Commissioner Boysko said he was at the December City Council meeting and heard Council's opposition to the Amendment. He thinks Maggie and her father presented some great arguments to defend the Amendment. He is very comfortable with the new language. He thinks the fee of \$400 seems high for what is being asked for. The coop is an accessory structure. Would HOAs have to approve? Mr. Betz said correct. This is why they put the language in. Commissioner Boysko asked if an HOA allows accessory structures, would someone still have to go before the HOA for approval to have chickens. Mr. Betz said generally, within Powell, yes.

Commissioner Hartranft said he is happy with the Ordinance. He thanked Ms. Carter for coming before the Commission again. He has always been a supporter. He is a little concerned with the fee; it is a little steep. Maybe \$250 would be better.

Acting Chairman Little said he is also good with the proposal. He also questions the amount of the fee. He asked the Commission if they would like to recommend a fee of \$250. Commissioner Jester asked if the Commission should make a fee recommendation. Mr. Betz said it would be best to recommend that City Council review the fee rather than P&Z recommend an amount. The City looks at what it costs to conduct meetings. The fees are based on the amount of time it takes for various Staff to perform the required work. The fees generally cover the City's costs. Fees for something like this might be a little lower. The fee will cover the time it takes to review the

request, advertise for a hearing and to hold a public hearing. Commissioner Jester asked if Mr. Betz was comfortable with the \$400 fee. Mr. Betz said for a conditional use permit there would also be a court reporter needed since the decision is quasi-judicial and could go to court. Hiring a court reporter is an expense. The \$400 fee generally covers the City's cost. Not everything has to cover the City's costs. He recommended asking City Council to look at the fee. \$400 is about what it costs the City to have a meeting. Commissioner Jester said the fee was set at \$400 for some reason. Mr. Betz said exactly. Commissioner Jester said he isn't sure the Commission has enough information to change the fee. Mr. Betz said ask City Council to review the fee. Acting Chairman Little asked if they recommend reviewing the fee, would it be alright suggesting \$250.00. Mr. Betz said you can do that. City Council will do their own study anyway.

MOTION: Acting Chairman Little moved to approve the Zoning Code Amendment to amend Section 1147.11, Agricultural Uses, adding provisions for the allowance of raising chickens on residential properties, subject to the following conditions:

1. That said Amendment shall be passed on, as noted, to City Council for final approval, and
2. That the Planning & Zoning Commission recommends City Council consider reducing the fee for said use and the recommended fee is \$250.00.

Commissioner Cooper seconded the motion.

VOTE: Y 5 N 0 (Emerick, Fusch absent)

#### **FINAL DEVELOPMENT PLAN REVIEW**

Applicant: Pulte Homes of Ohio LLC  
Location: Steitz Road and Hunters Bend  
Existing Zoning: (FR-1) Liberty Township Farm Residence District  
Proposed Zoning: (PR) Planned Residence District  
Request: To review a Final Development Plan for a proposed residential subdivision consisting of 183 units on approximately 109 acres.

Tom Hart, Lawyer, Isaac Wiles, Two Miranova Place, Columbus, said he is representing Pulte Homes. Matt Callahan, Pulte Homes and Greg Chillog, The Edge Group are present also. He is going to defer to the Staff Report. Each condition listed from the Preliminary Development Plan review has been addressed. The Staff Report details everything.

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

#### **PROJECT BACKGROUND**

P&Z reviewed the Preliminary Development Plan in January. The Plan was approved with twelve conditions.

#### **PROPOSAL OVERVIEW**

The Staff Report itemizes how the applicant has addressed each condition. There are no changes to any divergences which were outlined in the Preliminary Development Plan. The applicant's engineer has continued discussions with the City Engineering Department regarding many items including storm water detention and roadway improvements. Staff has also coordinated roadway improvements with the Delaware County Engineer. The City and County Engineers are OK with the Final Development Plan being approved. Street names have been submitted. There is more detail on the entrance landscaping. The bike path along Steitz Road has been widened. The tree survey provides detail on existing trees, tree removal and tree replacements which meets City requirements. The entrance feature has been revised. Chris Meyers, Architectural Advisor, couldn't be here but sent an e-mail saying all of his recommendations have been addressed. A big discussion was held on the park. City Council is considering accepting fees in lieu of park dedication, making the park an HOA owned and maintained park. P&Z does have the ability to provide a recommendation on whether the park should be private or public. The applicant has met with a representative of the HOA to the north. All utility companies have provided letters stating all utilities are available to the site.

#### **ORDINANCE REVIEW**

The Final Development Plan meets all City requirements.

#### **COMPREHENSIVE PLAN CONSISTENCY**

Overall, this will be a Powell neighborhood and will achieve goals of the Comprehensive Plan; more open space will be provided, more options for housing types with mixed-uses will be provided. A lot of amenities will be provided within the development. No houses will back to Steitz Road. There will be a lot of green space. Subdivisions will be tied together with stub streets and bike paths. A more walkable community will be the result.

## STAFF RECOMMENDATION

Staff recommends approval of the Final Development Plan with the four conditions outlined in the Staff Report.

Acting Chairman Little asked if all of the Architectural Advisor's suggestions and recommendations have been incorporated into the Final Development Plan. Mr. Betz said yes. Staff contacted the County Engineer's office about the Steitz Road / Rutherford Road intersection. Discussions were held about what the County Engineer looked at with regard to this intersection. Traffic counts were taken, a speed study on Rutherford Road was done and they noticed there are some trees which block views. We contacted the Township and some brush and trees have been cleared to make the view a little bigger and better. There is a large AEP pole sitting right at the corner. Other poles will need moved as the Steitz Road widening happens so we may want to see if this pole on the corner of Steitz and Rutherford can be moved also.

Acting Chairman Little opened this item to public comment. Hearing no public comments, Acting Chairman Little closed the public comment session and opened the floor for comments and questions from the Commission.

Commissioner Hartranft said the Staff Report says an attempt was made to talk with the Hunters Bend HOA. How did the conversation go? Mr. Hart said they met with the Windsong folks on site on January 31<sup>st</sup>. The main concern was some kind of traffic calming strategy. After the meeting, they looked at multiple different options and they have had round-robin conversations with the County, City and Township; then they went back to the residents. They talked about speed bumps which weren't favored due to snow plowing. They talked about rumble strips but these create a lot of noise. They presented Mr. Betz with three different options which they call narrowing options. The standard 28 foot road would be taken down to a 20 foot road, which is what exists at Hunters Bend where the road connects and curves. We believe if we narrow our road, it will help slow traffic. We also proposed signage such as "Slow Down Children at Play" and a sign which warns of the curve. There is an immediate, 90 degree curve to go back out to Steitz Road on Hunters Bend. The City and County favor the option he calls the "Wine Bottle". Our street starts out at the standard width and then narrows down to a neck which matches the existing 20 foot road. If you landscape pretty significantly with street trees, with the narrowing, you get a tunnel affect which will communicate you are entering a different situation, slow down. Psychologically, people will notice the change. Commissioner Hartranft asked if the drawing on the left was what Mr. Hart was talking about. Mr. Betz said yes. Mr. Hart said there would be landscaping with trees which would have a funneling or tunneling affect. They tried to meet with the Liberty Village HOA but weren't able to. They spoke with someone who is an officer in the Liberty Village HOA and shared their plans. The transition between the two developments was the main question. There is already a very healthy tree stand on the property line and they plan on keeping it as is as much as possible. There is a natural buffer. They pulled their lots back off the property lines a little more to create a little more distance. They don't plan on having a formalized entrance between the two developments. The gentleman they spoke with was comfortable with their plans. The Liberty Village HOA also asked about the development process. A rare situation exists. The sanitary manhole they need to connect to along Wolf Path Drive goes into Liberty Village a little bit, into the easement along the sidewalk. Usually the Sewer Department makes every developer take the sewer line to the border but they didn't do this with the developer for Liberty Village. We talked in detail with the gentleman about how this will be handled. Our plan is subject to City Engineer approval but they have a game plan. Unlike the sewer line, the water line is stubbed right at the property line and will be a non-invasive hook-up. Commissioner Hartranft asked about the building materials which will be used on the houses. Matt Callahan, with Pulte Homes, said the materials will all be natural materials. The fronts of houses will be a mixture of brick and stone, with accent features mixed in. The majority of their materials are meant to replicate cedar siding; typically the Hardi-plank or cement fiber board siding. Commissioner Hartranft asked if all sides of the houses will be natural. Mr. Callahan said yes. Commissioner Hartranft asked if there will be any restrictions on placement of models of homes so similar houses aren't sitting side by side or across the street from each other. Mr. Callahan said a duplication policy is handled internally. Mr. Hart pointed out the text is on page 12. Commissioner Hartranft asked if air conditioner units will all be in the rear of the house. Mr. Callahan said they typically try and place air conditioning units in the rear. Commissioner Hartranft asked Mr. Betz if the bike path which will be going into parts of Golf Village will connect to the new park in the Reserve at Scioto Glen. Mr. Betz said there are sidewalks now but eventually the bike path will connect. Commissioner Hartranft said he knows the neighborhood above this site, on the west side of Steitz, north of this site, is a part of LCIFA, Liberty Community Infrastructure Finance Authority. Mr. Betz said the Reserve at Scioto Glen is not a part of LCIFA. Commissioner Hartranft asked if it is Hunters Bend which is because one of the two neighborhoods is and he thinks they are because of the sanitation issue. Mr. Betz said he can't answer the question.

Commissioner Boysko thanked the applicant for all of their hard work. He is happy with the changes which have been made. He doesn't think the park should be dedicated as a public park, if the Commission is going to make a recommendation to City Council. Acting Chairman Little asked Mr. Betz what the rec fee would be. Mr. Betz said the fee would be somewhere over \$600,000.00; about \$3,000.00 per unit. The Development Committee

recommended to City Council not to dedicate the park as a public park. Formally, through the process, the Commission does have a recommendation to make to City Council. Acting Chairman Little said we would either collect the fee or declare the park a public park. Mr. Betz said correct. Acting Chairman Little asked which area this involved. Mr. Betz said Reserve K.

Commissioner Jester said his concern has been Steitz Road. His questions have been answered with the information provided. He thinks Steitz Road is going to be busy and we are going to have to watch it.

Commissioner Cooper asked Mr. Betz if the development phasing is acceptable. Mr. Betz said yes, the timing of a development always depends on the market. The applicant is proposing 5 to 7 years but it depends on how fast the houses sell. The applicant's proposal is within reason. Commissioner Cooper said the plan is great. He thinks the park should remain under the control of the HOA.

Acting Chairman Little thanked the developer for getting feedback from residents and listening to everything the Commission mentioned. He thanked the applicant for working with the HOAs. He is in favor of the "wine bottle" affect at the intersection. He asked the Commission members if everyone agreed with the "wine bottle" plan. Everyone said yes. Acting Chairman Little said the Comprehensive Plan is trying to improve the amounts of open spaces and have conservation districts. This plan has 25% open space and he appreciates this. The bike paths are connecting neighborhoods. Alternate housing options are being provided. The Rutherford Road and Steitz Road intersection is a bad intersection. If it would help, he will personally meet with the County Engineer. Anything the Commission can do as tax payers to improve the intersection is appropriate. He appreciates Chris Meyers' comments being worked into the entrance feature, including some history. He thanked the applicant for improving Steitz Road.

MOTION: Acting Chairman Little moved to approve the Final Development Plan Review for the proposed residential subdivision consisting of 183 units on approximately 109 acres, located at Steitz Road and Hunters Bend as represented by Pulte Homes of Ohio LLC, subject to the following condition(s):

1. That the applicant shall follow all requirements of the City Engineer during the final engineering process, and
2. That the final review of street names shall occur at the Subdivision Plat for each phase of the development, and
3. That the Planning & Zoning Commission does not recommend dedication of Reserve K for a public park as proposed to be developed by the applicant, and
4. That the recreation fee for the above mentioned park shall be adjusted accordingly, and
5. That the Steitz Road improvements shall happen at the time the first phase is developed, and
6. That the applicant shall work with City Staff to finalize plans for the street connection with the neighborhood to the north, specifically the intersection of the Windsong neighborhood at Hunters Bend, and
7. That the applicant shall work with City Staff and the home owner to make the sewer connection at Wolf Path Drive.

Commissioner Boysko seconded the motion.

VOTE: Y 5 N 0 (Emerick, Fusch absent)

#### **PRELIMINARY DEVELOPMENT PLAN REVIEW**

Applicant:	Margello Development Company
Location:	West of Sawmill Road at Zion Drive
Existing Zoning:	(PC) Planned Commercial District
Request:	To review a revised Preliminary Development Plan proposal to construct two vehicle storage buildings and two commercial buildings on a 4.49 acre site.

Vince Margello, 3967 Presidential Parkway, said they took Chris Meyers' suggestions on the two storage units, #3 and #4, and changed the roof design. On building #5 and #6, they created a building similar to the building approved four years ago, Revolution Dance, and similar to the building they just built by the Lazy Chameleon, approved in Liberty Township; a building which is more of an office warehouse, built with brick and stone. The two buildings built with brick and stone will face Old Sawmill Road. The landscaping plan has been completed as was suggested at the last meeting. He added a dumpster location. They have worked closely with City Staff on the project.

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

## **PROJECT BACKGROUND**

This is the second review of a Preliminary Development Plan for this project. The Plan was tabled at the last meeting. Mr. Margello took his time and put together the architecture for the two buildings. The two buildings in the front will be office warehouse types of buildings. The uses may coincide with nearby uses. There may be an indoor athletic type of use or offices; depending on who leases the spaces. The type of uses will create a difference in how traffic is managed.

## **CHANGES SINCE LAST SUBMISSION**

The main changes are the two buildings out front. Mr. Margello plans on starting with the storage buildings and the first building out front. The second office building will go in after.

## **STAFF COMMENTS**

Divergences are needed for parking and lot coverage. The number of parking spaces required is 339 for the entire site. The proposal is for 225 parking spaces. There are fewer spaces in the front for the two front office buildings than what is usually associated with office type of buildings. Mr. Margello will be connecting the parking lot to his property to the north to share parking lots. The parking lot to the north is in Liberty Township and is underutilized at this time. The maximum total lot coverage by building is suggested at 20% in the Code. The proposal is for 24.5%. Code requires a minimum of 20% green space. The proposal is for 24.2%. The landscaping recommended at the last meeting has been included. Acting Chairman Little asked Mr. Betz to show the Commission the building in front of the Lazy Chameleon. Mr. Betz was able to show the Dance studio. Mr. Margello said the windows will be different.

## **COMPREHENSIVE PLAN CONSISTENCY**

The proposal is consistent with the Comprehensive Plan. The commercial development of the Sawmill Parkway corridor is continued, allows for uses which have shown to be a need in the area and the architecture chosen will add a benefit to the area versus just having storage buildings.

## **STAFF RECOMMENDATION**

Staff asked Mr. Margello to talk with the property owner to the south to try and tie the entrance drives together, making it a single access point. Staff feels doing this would be helpful in handling traffic coming and going from Zion Drive. One intersection versus two would be helpful. Staff does recommend approval of the Preliminary Development Plan with the three conditions listed in the Staff Report.

Acting Chairman Little opened this item to public comment.

Rosalinde Childers, 3675 Paragon Drive, said she is representing Davidson Phillips Inc. She is the Vice President. She wanted to remind the Commission the applicant will have to obtain plan approval from Davidson Phillips Inc. on the exterior of the buildings and the harmony of what is being proposed. She asked the Commission to consider her request. Commissioner Hartranft asked if Mr. Margello's proposal as is would fit. Ms. Childers said this is the first she has seen the proposal and it looks like it would fit. She asked if the storage building will be brick also. Mr. Margello said no it will be metal siding. Ms. Childers said natural materials are required; metal siding would not be an option. Mr. Margello asked questions and made comments without stepping to the podium (inaudible). Ms. Childers said she is sorry but with the location, metal siding would not harmonize. Mr. Margello again made comments without stepping to the podium (inaudible). Ms. Childers said he would need to address this once he submits his plans to us. Acting Chairman Little said the property was initially developed in Liberty Township and is now coming into the City. He asked Mr. Betz what the stipulation is with the Commission. Mr. Betz said P&Z has full authority over the architecture of the property since it has come into the City. The property now falls under City zoning. When Mr. Margello annexed the property into the City, the property was adjusted to Powell Zoning. If there is a deed restriction and covenant associated with the property, Mr. Margello needs to discuss this as a private matter. The City does not enforce deed restrictions and covenants. This matter is something Mr. Margello needs to talk about with Davidson Phillips if there is something in the deed restriction and covenant about architecture. If there is a note on the Plat versus a deed restriction and covenant, it may or may not be enforceable. This would be a private matter and up to them to deal with. The Commission is following Powell Zoning Code at this time. The Commission has the authority to look at architecture as it relates to the City's zoning. Chairman Hartranft asked if there is a deed restriction. Ms. Childers said it is a condition of the zoning enforced at the time for the whole corridor of Sawmill Parkway. They did not seek out this particular issue. It would have been easier to have Liberty Township have architectural control. This was imposed on us, to control the development and architectural exterior of all buildings along the corridor. It is part of the Plat. If an applicant does not comply, it would be a civil matter. Davidson Phillips Inc. would have to take legal action.



Hearing no public comments, Acting Chairman Little closed the public comment session and opened the floor for comments and questions from the Commission.

Commissioner Cooper said he doesn't have a problem with the proposal. He would like to see more details. He isn't a fan of metal buildings. He reminded Mr. Margello that a year ago, in the March 23, 2016 P&Z meeting, Mr. Margello told the Commission "he would go before Davidson Phillips first." A year ago, Mr. Margello told Commissioner Hartranft "he wouldn't do anything to upset Ms. Childers." Mr. Margello said "he knew Dave Ruma and would discuss the project with Mr. Ruma." Commissioner Cooper said he would like to see this meeting with Davidson Phillips happen prior to coming back before P&Z. Mr. Margello said he will never get Davidson Phillips' approval because they have a double standard going on. This property has history behind it. The property was annexed into Powell to go under Powell's restrictions. This property is the reason the City has Ganzhorn and the Target property. This property is the finger which touches Sawmill Parkway and gave Powell the ability to annex land on Sawmill Parkway. As far as he is concerned, his site does not fall under the master plan. He has had discussions with Liberty Township. When Emerald Lakes was built, all vinyl apartments were built. Those apartments fall under the same restrictions. The Circle K has a structure which houses gas pumps which has no brick and stone. The standards aren't the same for all people. He is prepared to go to civil court on this matter if they force the issue. Commissioner Cooper said he isn't trying to be contentious. Commissioner Cooper said Mr. Margello agreed the last time he was before the Commission he would work this issue out. The minutes from the last P&Z meeting indicate this is a deed restriction issue. It needs to be straightened out before coming back with the Final Development Plan. He won't vote on it in a positive way in the future, to shield the City of Powell from getting mixed up in the matter. Mr. Margello said the property is in the City of Powell. He asked Commissioner Cooper how he can justify Emerald Lakes having all vinyl units under the same statute. Commissioner Cooper said he isn't here to justify anything. Mr. Margello said he is prepared to go to legal battle with Davidson Phillips. Commissioner Cooper said he suggests Mr. Margello talk with them before coming back before the Commission. Acting Chairman Little said the City Attorney should probably make a judgment on this. He heard Mr. Betz say this request is under City zoning and this would be a civil matter. Commissioner Cooper said exactly. Acting Chairman Little asked Commissioner Cooper if he was simply reminding Mr. Margello of what was said a year ago. Commissioner Cooper said yes. Acting Chairman Little repeated what Mr. Betz said, that Mr. Margello needs to work this out with Davidson Phillips. Commissioner Cooper said he agrees and he hopes it is prior to coming back before the Commission. Acting Chairman Little said Commissioner Cooper is encouraging Mr. Margello to meet with Davidson Phillips. Mr. Margello said he has no idea what all of this has to do with P&Z. If this is a civil legal matter, it needs to go to civil court. It has nothing to do with Powell zoning. He has given an example of where the restriction has been broken. Commissioner Cooper said he was quoting comments made a year ago. Mr. Margello said he dropped a packet off with Davidson Phillips. Sometimes people won't agree with what you want. This is his property, which he bought and annexed into the City. He isn't under Liberty Township Code. He doesn't know what Liberty Township did to grant a variance for Emerald Lakes but he would ask for the same variance if he was in Liberty Township. But, he isn't in Liberty Township. Commissioner Cooper said they have no authority to go against a deed restriction if this is a deed restriction issue. Acting Chairman Little said the City Attorney needs to be consulted and the issue needs to be resolved before the Final Development Plan. Commissioner Cooper said this is what he is suggesting. Mr. Betz said they will have Mr. Hollins look into it.

Commissioner Jester said he had no questions or comments.

Commissioner Boysko said he agrees with Commissioner Cooper's position and the need to resolve this. He has had first-hand experience with developing storage units in the City of Powell. They had to use natural materials. Their site was industrial also and their building won't be as visible as these buildings will be. There is another self-storage proposal in an industrial site which will have brick all over. He would be in favor of maintaining this level of consistency for self-storage buildings, visible or not. He agrees with the deed restrictions. The storage building he has experience with will be 50% brick. He agrees the interior facing of the building could be metal. The part on the outside, to be consistent with other projects, should have some level of natural materials. Mr. Margello asked if stucco was acceptable. Commissioner Boysko said something which is better than an industrial looking type of siding. Mr. Margello said he should just use vinyl then. Commissioner Boysko said vinyl isn't natural and it isn't better. Mr. Margello said that is what Emerald Lakes used. Commissioner Boysko said he doesn't know about what Emerald Lakes did or didn't do. He can only speak to what has been done in Powell, precedence. Mr. Margello asked Commissioner Boysko if he has ever taken his lawn mower to Voss. Aren't those metal buildings at Voss? He doesn't see brick on those new buildings. The Voss buildings have metal roofs too. How did that get passed by the Commission? The Voss buildings are far more visible than his buildings will be. Commissioner Boysko asked about proposed uses; will the two front buildings be office/industrial uses. Mr. Margello said the two front buildings will be office/warehouse uses. Commissioner Boysko said the parking is based on those uses, correct. Mr. Margello said correct. There is very little traffic with storage units. Commissioner Boysko said use dictates parking requirements. An office has less parking requirements. Retail space parking requirements change. Mr. Margello said he owns the

property to the north and he is opening up connection to those 40 spaces which aren't being used. Commissioner Boysko said he would like to ask for a parking analysis. Mr. Margello said parking will be more than adequate. Mr. Margello said he wanted to get back to the metal Voss buildings. How did Voss get his new building approved? It had to have come before the same P&Z Commission. Commissioner Cooper said not while he has been here. Commissioner Boysko said he can't speak to the Voss building. Mr. Margello said he isn't asking for anything which hasn't already been done in Powell. There are double standards. The Voss building is all metal with a metal roof. Mr. Betz said the Voss roof is shingle.

Commissioner Hartranft said he appreciates the time put into the front two buildings. He thinks it will help with how it looks from Sawmill Parkway. Commissioner Hartranft asked how conversations went with the property owner to the south about combining the entry point. Mr. Margello said this is Mr. Betz's friend. It is a Liberty Township property so he doesn't know. He doesn't want to be tied to this not happening. Mr. Margello said his property is the only connecting property from Sawmill Parkway to Sawmill Road. He doesn't know if the property owner is going to want the traffic or not. Commissioner Hartranft asked Mr. Betz if there will need to be a cut-in from Sawmill Road if the entry point isn't combined. Mr. Betz said the entry would be parallel to the existing entrance. Commissioner Hartranft asked if there would be two entrances. Mr. Betz said yes. The City Engineer said if there are going to be two entrances they have to be parallel. Mr. Margello said Mr. Betz knows Steve real well and will try and work this out. Mr. Betz said he will try.

Acting Chairman Little asked Mr. Betz if Chris Meyers had any comments on this proposal. Mr. Betz said Mr. Meyers sent a very brief e-mail saying recommendations had been met. Acting Chairman Little asked if Mr. Meyers is OK with the architecture. Mr. Betz said yes. Acting Chairman Little thanked Mr. Margello for proposing the front buildings. He looks forward to the details normally provided in a Final Development Plan. It is good parking is being looked at. He is fine with looking at total parking because it is consistent with the Keep Powell Moving recommendations and sharing parking. Regarding the architecture, his personal recommendation is to try and work out what they believe is a civil matter. In the interim, he will include a motion for Staff to work with the City's Attorney to see if P&Z has enforcement requirements or not. We need to protect the City as a community. Personally, he has mixed emotions on allowing metal buildings but it is up to the judgment of the entire group. Depending on how things go with Davidson Phillips or the City Attorney, he recommended Mr. Margello have a couple options ready at the Final Development Plan. If memory serves him correctly, when Voss came before the Commission, we were trying to make sure the buildings all fit together with buildings already there. Each case has its own merit and its own individual situations which result in the decisions made, ideally trying to be consistent. There are always some variations.

MOTION: Acting Chairman Little moved to approve the revised Preliminary Development Plan for a proposal to construct two vehicle storage buildings and two commercial buildings on a 4.49 acre site, for the property located at West Sawmill Road and Zion Drive as represented by Margello Development Co., subject to the following conditions:

1. That the applicant shall provide a development plan text with the Final Development Plan submission, and
2. That the City Engineer shall provide any recommendations on all outstanding engineering issues, and
3. That the applicant shall discuss with the property owner to the south and work with City Staff regarding combining the driveway access points on West Sawmill Road at a location agreeable to both the City Engineer and the County Engineer. The Planning & Zoning Commission shall reserve the right to require this at the Final Development Plan submission, and
4. That the applicant is encouraged to work out the deed restriction issue with Davidson Phillips Inc., and
5. That City Staff shall meet with the City Attorney to determine the responsibility of the Planning & Zoning Commission to enforce the deed restrictions established when said property was initially developed in Liberty Township.

Commissioner Cooper seconded the motion.

VOTE: Y 5 N 0 (Emerick, Fusch absent)

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

Applicant: Margello Development Company  
Location: 10259 Sawmill Parkway  
Existing Zoning: (PC) Planned Commercial District  
Request: To review a proposal to replace an existing sign with a new multi-tenant sign.

Vince Margello, 3967 Presidential Parkway, said they are proposing to replace an existing sign. Retail business is tough anymore. Amazon and such businesses are taking over. He has a small sign which he thought would do the job when he opened the center but it isn't. He has businesses on the north side of the center which aren't being



advertised at all. People driving down Sawmill Parkway don't know these businesses exist. The tenants have asked him to put a sign up which would display their businesses. The existing sign will be removed and a new sign, just like the sign down the street in Liberty Township, will be put up. Vitoria's will get a double space since it is the anchor business. The businesses on the north side of the center will be able to have their business listed on the sign. He doesn't want to put a sign up on Presidential Parkway. It makes no sense to put a sign on Presidential Parkway. Commissioner Hartranft asked if the sign will be lit. Mr. Margello said the sign will be identical to his other sign less than a block away. There will be a stone or brick base with mulch around the base. Mr. Betz asked if there are four tenants on the north side now. Mr. Margello said yes, four. Mr. Betz said there is room for nine tenants though. Mr. Margello said yes. He could have nine tenants.

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

The only difference between this proposed sign and the sign Mr. Margello already has in Liberty Township is the new sign will have a dark background with white letters. Staff recommended this. We want back lit signs in Powell to have an opaque background. It is better to have the letters lit up with a dark background. Staff recommends the new sign be placed back behind the bike path due to the new sign being so much larger than the old sign. Mr. Margello said the sign can't be moved back because there is a retention area there. Mr. Betz said there is a flat spot where the sign could go. The City Engineer checked out the spot and he is OK with placing the new sign behind the bike path. Mr. Margello asked if there is a reason he can't place the new sign in the same location as the old sign. Mr. Betz said the new sign is much larger. If the new sign is placed further back it will actually be more in line with the current sign down the road. The signs would be more consistent and the new sign would be just as visible. Mr. Margello said he would really like to leave the sign in the same location. He already gave the City the bike path, the easement, with no cost to the City. Mr. Betz said thank you for that by the way. Mr. Margello said he would like to leave the sign in the same place. He doesn't want to not accomplish what he is trying to do; advertise his tenants. He would like to go out and look at the spot with Mr. Betz. Mr. Betz said we can go out and look but he thinks the location will be best for a bigger sign. Mr. Margello said again, he would like to go look together. Commissioner Jester asked if the old sign goes away. Mr. Betz said yes.

#### **STAFF RECOMMENDATION**

Staff is fine with the sign, with the conditions listed in the Staff Report.

Acting Chairman Little opened this item to public comment. Hearing no public comments, Acting Chairman Little closed the public comment session and opened the floor for comments and questions from the Commission.

Commissioner Hartranft said he recommends doing anything we can do to help businesses stay in Powell.

Commissioner Boysko asked Mr. Betz what the maximum allowed sign size is. Mr. Betz said a multi-tenant sign on lots less than 10 acres can be 56 square feet. A secondary sign can be 36 square feet. Lots 10 acres or more can have a sign 72 square feet. This site is less than 10 acres. Commissioner Boysko said he agrees with Mr. Betz's recommendation to place the sign behind the bike path. A sign for tenants is very important. Mr. Betz said the sign does appear on paper to be bigger than what it looks like out on site. Mr. Margello said his tenants have asked how he got the sign in Liberty Township approved. Scramblers has been so busy since the sign was placed out on Sawmill Parkway. No one even knew they existed back there.

Commissioner Jester asked if there was going to be any lighting on the sign. Mr. Margello said there will be back lighting like Mr. Betz said. Commissioner Jester said he is fine with the sign and it is needed.

Commissioner Cooper said he is fine with the sign. He would like Mr. Betz and Mr. Margello to go out and look and see where the sign can be placed.

Commissioner Boysko asked again if the maximum size allowed is 56 square feet. Mr. Betz said yes. Commissioner Boysko said the proposed sign is 212 square feet. It is four times the allowed size. Mr. Betz said the sign is 152 square feet. You only count the sign, not the other stuff. Commissioner Boysko said so the sign is three times the allowed size.

Acting Chairman Little said the choice is to have two signs or allow the one. Mr. Betz said yes. It is better to have one sign and the sign be consistent with the other sign.

MOTION: Acting Chairman Little moved to approve an Amendment to a Final Development Plan to allow for the replacement of an existing sign with a new multi-tenant sign, for the property located at 10259 Sawmill Parkway as represented by Margello Development Co., subject to the following conditions:

1. That the City Engineer shall review the location of the sign and the height of the stone monument, and
2. That the location of the sign shall be approved by City Staff after a site visitation to determine the best location, and
3. That the divergence in size shall be allowed only if the sign is located at a location approved by City Staff, and
4. That no other signs shall be temporarily or permanently erected upon the lawn area on this site at any time.

Commissioner Cooper seconded the motion.

VOTE: Y 5 N 0 (Emerick, Fusch absent)

#### OTHER COMMISSION BUSINESS

No further business.

#### ADJOURNMENT

MOTION: Acting Chairman Little moved at 8:43 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: March 22, 2017

Bill Little  
Acting Chairman

Date 4-11-17  
CITY OF POWERS  
Deborah Napier  
Planning & Zoning Clerk

Date 4/12/17

