



DEVELOPMENT DEPARTMENT REPORT JULY 2017

CODE ENFORCEMENT REPORT

Report attached.

HISTORIC DOWNTOWN ADVISORY COMMISSION

No meeting held.

PLANNING AND ZONING COMMISSION

July 12, 2017 – Minutes attached.

ZONING CODE AMENDMENT PUBLIC HEARING

To amend the City Code to add a new District. The purpose of the proposed (PRC) Planned Residential Conservation District is to balance development pressures with goals of preserving open space and responding to market demands for alternative types of neighborhoods.

FINAL DEVELOPMENT PLAN REVIEW

Applicant: DJCF Holdings LLC
Location: 18 – 36 Grace Drive
Existing Zoning: (PC) Planned Commercial District
Request: To review a proposal to construct a 3,000 SF building on an existing site to be used as a nano-brewery with a pub.

- *Reviewed and approved with conditions.*

SKETCH PLAN

Applicant: Kohr, Royer, Griffith
Location: Golf Village Self-Storage Lot 2, Woodcutter Drive
Existing Zoning: (PC) Planned Commercial District
Request: To review a proposal to construct an office/flex space on 1.86 acres.

- *Reviewed and comments/suggestions provided.*

CERTIFICATE OF APPROPRIATENESS

Applicant: Matthew Althouse
Location: 26 West Olentangy Street
Zoning: (DB) Downtown Business District
Request: To review a proposal to renovate an existing building for the purposes of a restaurant, and approve a parking plan for the proposal, as allowed by Section 1143.16 (g) (7) of the Powell Zoning Code.

- *Reviewed and request tabled.*

PLANNING AND ZONING COMMISSION

July 26, 2017 – Minutes attached.

COMBINED PRELIMINARY AND FINAL DEVELOPMENT REVIEW

Applicant: Ford & Associates Architects/Dr. Khaksarfard
Location: SE corner of West Olentangy Street and Murphy Parkway
Existing Zoning: (PC) Planned Commercial District
Request: To review a proposal to construct a retail center on 1.51 acres.

- *Request reviewed and approved with conditions.*

CERTIFICATE OF APPROPRIATENESS

Applicant: Matthew Althouse
Location: 26 West Olentangy Street
Zoning: (DB) Downtown Business District
Request: To review a proposal to renovate an existing building for the purposes of a restaurant, and approve a parking plan for the proposal, as allowed by Section 1143.16 (g) (7) of the Powell Zoning Code.

- *Reviewed and request tabled.*

BOARD OF ZONING APPEALS

No meeting held.

July Code Enforcement Report

Date	Violation Description	Address	Name	Phone	Notes	Resolved Date
7/13/2017	Mow Order	326 Olenview Circle			Lawn overgrown, unmaintained	7/17/2017
7/14/2017	Boat Parking Violation	130 Olentangy Ridge				In Progress
7/14/2017	Trailer Parking Violation	250 Beech Trail Ct				8/2/2017
7/14/2017	Trailer Parking Violation	49 Ridge Side Dr				8/2/2017
7/16/2017	Incomplete Zoning Certificate	725 Kintner Pkwy				In Progress
7/16/2017	Incomplete Zoning Certificate	2505 Isabella Blue Dr				8/4/2017
7/16/2017	Incomplete Zoning Certificate	356 Partridge Bend				In Progress
7/28/2017	Violation Letter	130 Olentangy Ridge Pl			Trailer in drive, violation letter posted	In Progress
7/28/2017	Violation Letter	250 Beech Trail Ct			Trailer in drive, violation letter posted	8/2/2017



City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Ed Cooper, Vice Chairman

Shawn Boysko

Trent Hartranft

Joe Jester

Bill Little

Chris Meyers, AIA, Architectural Advisor

MEETING MINUTES

July 12, 2017

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, July 12, 2017 at 7:00 p.m. Commissioners present included Ed Cooper, Trent Hartranft, Joe Jester and Bill Little. Also present were Dave Betz, Development Director; Chris Meyers, Architectural Advisor; Leilani Napier, Planning & Zoning Clerk and interested parties. Shawn Boysko was absent.

STAFF ITEMS

- Mr. Betz asked the Commission to move Item 5, Zoning Code Amendment, after current Item 8, Certificate of Appropriateness.
- City Council will be interviewing for the vacant P&Z Commission position at the July 18th Council meeting.
- There is a need to schedule a special P&Z meeting on July 26th. Mr. Betz polled the Commission to see if everyone could attend. Mr. Meyers said he could not attend. Mr. Betz said he would give Mr. Meyers the information for the plan. Commission members present said they could attend.

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 Little moved to approve the minutes of June 28, 2017. Commissioner Cooper seconded the motion. By unanimous consent the minutes were approved. Chairman Emerick abstained.

FINAL DEVELOPMENT PLAN REVIEW

Applicant: DJCF Holdings LLC

Location: 18 – 36 Grace Drive

Existing Zoning: (PC) Planned Commercial District

Request: To review a proposal to construct a 3,000 SF building on an existing site to be used as a nano-brewery with a pub.

Matt Franz, Director of Operations, DJCF Holdings, 20 Grace Drive, said he won't go into too much detail since Mr. Betz will. He can answer any questions which might come up. They tried to incorporate all comments into the design.

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

The applicant has submitted plans showing all of the changes which have been made since the Preliminary Development Plan, including changes to the patio plan. He has a survey (Exhibit 1A) showing the property which will be dedicated back to the property owner; right-of-way area which the City doesn't need for Grace Drive. The storm water detention area, a dry basin, will be re-worked, moving the storm sewer line. The signage plan has been updated. Material samples have been provided. There will be wall packs for lighting on the side of the building facing the Post Office. Staff recommends the light fixtures have a shield so lighting is downward only. There will be dim string lights on the patio. The elevation drawings show stone and cement fiber siding around the front and tap room. There will be metal siding in the rear and metal roofing.

ORDINANCE REVIEW

The development will happen in one phase. The development is compatible with the surroundings. The applicant met the requirements of the Preliminary Development Plan. Staff didn't make many changes to their recommendations for approval. Staff is very supportive of this request.

STAFF RECOMMENDATION

Staff recommends approval with the two conditions listed in the Staff Report.

Chris Meyers, Architectural Advisor: Is there going to be any rooftop equipment; exhaust fans, compressors, HVAC units or any equipment needed for the brewing?

Mr. Franz: He believes the brewery will vent out the top.

Mr. Meyers: Is it a pipe vent?

Mr. Franz: Yes, not an exhaust fan.

Mr. Meyers: Are cooler compressors all internal?

Mr. Franz: Yes.

Mr. Meyers: Is there going to be a food service grill and exhaust fans.

Mr. Franz: The current plan is to utilize food trucks. He has incorporated a kitchen area and may put in rough-ins just in case future tenants may need it.

Mr. Meyers: I suggest coming back before P&Z if situations change and future tenants want kitchen elements added. The west elevation shows light fixture A, a wall pack unit, a single light which is very bright. There is concern for light trespass. I suggest using 3 down lights, placed in the overhang of the roof. The light would be focused down and wash over the side of the building. It is a very subtle lighting change but you would see a more attractive building and a better spread of light.

Mr. Franz: They originally looked at gooseneck lights over the garage. The parking lot already has 2 big lights. The parking lot doesn't need to be lit. They are open to what suits the City.

Mr. Meyers: I suggest changing the sign to pin letters mounted onto the wood slats rather than have letters on the big white panel. This would leave the detail of the railing and woodwork visible. You might use some color to make the letters pop.

Mr. Franz: I agree, it might look better.

Mr. Meyers: There is a great effort for landscaping to the south and around the outdoor terrace but not much along the north or east façade of the building. You might be able to screen the HVAC units on the east side or wrap the landscape design around the entire building, create a better transition between building and grass. Mr. Meyers asked Mr. Franz to better describe the trash bin enclosure.

Mr. Franz: It is cedar planks which are past their life span. The parking lot is too. The door of the enclosure faces west.

Mr. Meyers: The enclosure could be re-clad or refinished/painted.

Mr. Franz: It is a part of their overall plan. They are re-doing the entire lot too.

Mr. Meyers: The comments from the last meeting were all picked up. It was nice to see the material selections and the quality of the materials being proposed.

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

Commissioner Hartranft said he appreciates the applicant coming back before the Commission and incorporating all suggestions made into the design. He likes the plan.

Commissioner Little said he also appreciates the applicant taking into account all of the comments/concerns. We appreciate you working well with your neighbors. We have a successful business in town and we are trying to help the business expand and grow. He looks forward to the final product.

Commissioner Jester said the plan is great. He asked Mr. Betz if the sign is big, is it within the allowed dimensions. Mr. Betz said the sign fits within the allowed size and if the applicant takes Mr. Meyers' suggestion the sign will go way down in size. Mr. Franz said the suggestion was great, he just needs the tenant to do a cost analysis and see what they can afford. Commissioner Jester asked if anything was done about the lights he talked about at the last meeting. He is concerned about people driving up Grace Drive and being hit with bright lights. Mr. Betz said the lights being proposed aren't going to be a problem. The lights are the same type of lights used at the four corners. They are very dim. Commissioner Jester said he is OK with the plan.

Commissioner Cooper thanked the applicant for cooperating with everyone. This is a great project. He hopes they start soon.

Chairman Emerick thanked the applicant for working with everyone.

MOTION: Commissioner Little moved to approve the Final Development Plan for a proposal to construct a 3,000 SF building on an existing site to be used as a nano-brewery with a pub, for the property located at 18 – 36 Grace Drive as represented by DJCF Holdings LLC, subject to the following condition(s):

1. That all City Engineer requirements shall be met, and
2. That the Planning & Zoning Commission recommends to City Council the abandonment of a triangular portion of the Grace Drive right-of-way which shall be added to the applicant's land, in a manner approved by the City Law Director, and
3. That City Staff shall approve all final mechanical plans, including complimentary landscaping and/or screening, and
4. That the applicant shall install three (3) exterior, down lights in lieu of the currently proposed one-pack fixture, and
5. That City Staff shall approve the final signage plan, and
6. That City Staff shall approve the upgraded dumpster enclosure.

Commissioner Cooper seconded the motion.

VOTE: Y 5 N 0 (Boysko absent)

SKETCH PLAN REVIEW

Applicant: Kohr, Royer, Griffith
 Location: Golf Village Self-Storage Lot 2, Woodcutter Drive
 Existing Zoning: (PC) Planned Commercial District
 Request: To review a proposal to construct an office/flex space on 1.86 acres.

Paul Bloomfield, Kohr, Royer, Griffith, said they are proposing a 10,800 SF office/flex space. They are looking for feedback and comments.

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

PROJECT BACKGROUND

This proposal is coming before P&Z because the zoning was changed and the area is now separate from Golf Village. The area is zoned (PC) Planned Commercial District. Commissioner Little asked if we aren't required to comply with Liberty Township. Mr. Betz said exactly.

PROPOSAL OVERVIEW

A flex/office space is being proposed. Several units would be possible. There will be a shared access driveway with the existing storage facility and DelCo, the water tower. There will be retention which happens on site and drains to the south. All utilities are available. There will be a sign in front. There are some issues with existing electric boxes which the applicant will need to deal with. The building is a basic rectangle. There will be a brick veneer on the front with board and batten siding. The roof will be gabled on the main portion with hipped roof over the entrances. There will be overhead doors on the back with man doors. The use is appropriate. There won't be any outdoor storage. Staff feels the development can fit into the Golf Village sub-area F requirements.

STAFF RECOMMENDATION

Staff recommends the applicant submit a Preliminary Development Plan.

Chris Meyers, Architectural Advisor, asked Mr. Bloomfield if he was the architect. Mr. Bloomfield said he is the developer. Mr. Meyers said it is a good rule of thumb to reach out to the neighbors; the condos on Woodcutter. Recently Kinsale proposed a driving range change and the condo residents were very interested in any activity in the area. This will be a low output facility for traffic but you need to be aware this will be asked about. The information is thorough for a Sketch Plan Review. As you move further along it will be beneficial to show more detail on landscape designs, especially the west side treatment. This site is going to be seen from above on the Home Road bridge, especially traveling east to west. The back view of the property will become quite visible. This elevation deserves attention. We will want to understand how exterior utilities meet up to the building; where gas and electric meters will be located. We will want information on where the dumpster will be and exterior signage. The front elevation of the building shows a 6' brick water table. This really compresses the building quite a bit. You might want to bring the water table down and consider wrapping the entire building with a brick water table. It appears as if there are 8' entry doors and windows. There are no dimensions listed. It surprised him to see extra tall doors in this type of unit. You might provide more details; size, the header details, the windows being used. The east elevation shows an AC condenser bracket mounted to the exterior wall above each door. He is guessing this is a shelf bracket holding up condensing units. Seeing a photo of what this will actually look like would be helpful. Material samples at the next meeting would be helpful. This is a good start.

Chairman Emerick opened this item to public comment.

Larry Wilkins, 3356 Timberside Drive, said the President of their condo association asked him to attend to see what is going on. He asked if this proposal is affiliated with the storage units already there. Mr. Betz said this is a separate entity. Mr. Wilkins asked what the tenants will be. Mr. Bloomfield said he wished he could tell him. Mr. Wilkins asked if it will be a medical supply building, a paper supply building. Will the building be offices and not stores? Mr. Betz said this is a flex space which could be a place with an office up front and a showroom in the back like a tile supplier or a flooring supplier. There could be a landscape company which needs to store materials or equipment. The space is restricted. There will be a need in the plan to limit the type of tenants. The zoning may allow for a vehicle repair but you probably don't want this type of business here. The applicant needs to work with Staff to determine which types of businesses to restrict. The Village Pointe offices are a good example. Mr. Wilkins asked Mr. Bloomfield if someone could come meet with the condo board. Mr. Bloomfield said yes and gave Mr. Wilkins his business card. Mr. Bloomfield said they aren't going to be able to get semis into the site due to the size. They are going to be very limited on the size of vehicles they can get into the area.

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

Commissioner Cooper asked the applicant to take the comments made into consideration when they come back with the Preliminary Development Plan.

Commissioner Jester said the question about what will go into each of the different units is important. There should be some restrictions. Mr. Betz said the restrictions would become a part of the development plan text. They could list the types of uses not allowed. Commissioner Jester said we need to be awful careful of what goes on in each of these units. Mr. Betz said the building design is really restrictive. There isn't room for intense users. Commissioner Jester asked Mr. Bloomfield to talk more about this at the next meeting.

Commissioner Little said for a Sketch Plan we are in good shape. He looks forward to seeing the Preliminary Development Plan. It is important to work with the Woodcutter condo association. Keep them involved, let them know what you are doing, get their input. Usage restriction will make sure we are doing the right thing.

Commissioner Hartranft said the use of the space and site is appropriate. Keep exterior lighting fixtures in mind so there is no impact on the neighbors; down lighting is nice. Look at signage which could be used for multiple tenants. We want to see the signage plan and landscaping plans.

Chairman Emerick agreed with the comments made. They will be looking at the usage restrictions which will be a critical area for the whole project.

CERTIFICATE OF APPROPRIATENESS

Applicant:	Matthew Althouse
Location:	26 W. Olentangy Street
Zoning:	(DB) Downtown Business District
Request:	To review a proposal to renovate an existing building for the purposes of a restaurant, and approve a parking plan for the proposal, as allowed by Section 1143.16 (g) (7) of the Powell Zoning Code.

Matthew Althouse, Architect, 1165 Elm Park Circle, Galloway, said they went before the Historical Downtown Advisory Commission (HDAC). They have been working on the parking which was a major holdup at the last meeting. They reduced their seating count to lower the impact on parking requirements. They still aren't above the minimum requirement but they have reduced the impact. Dustin Sun has been working with Staff on parking. The design elevations stayed fairly similar to what they presented before. They took Mr. Meyers' comments into consideration. They are going to use aluminum clad, wood windows instead of aluminum store front windows to give more character. There will be a stone band around the bottom of the building. There will be more detail on the cornice work. Parking was the last outstanding item. Commissioner Little asked what the current seat count is. Mr. Althouse said it was 60 and they have reduced to 40.

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

Dustin Sun is here tonight. He may want to speak on his process to achieve a shared parking agreement. Mr. Sun has contacted all of the owners around his building. He doesn't have a formal plan for shared parking but he does have a couple options. Staff would still like to work with Mr. Sun in the future to achieve a shared parking plan. Right now it isn't achievable. Mr. Sun is trying to work out arrangements with the new tenant who is his neighbor.

Mr. Betz showed a Downtown Parking Census Staff has been working on. The Code Update Committee wanted to work on what parking requirements need to be for the downtown area. The downtown parking requirements are the same as other commercial areas except divided by 2. The lots are limited in size and can only incorporate on their own properties a certain amount of parking spaces. The Parking Census has identified all public and private parking spaces utilized within the downtown area. Counts were done during different times of the day, on different days of the week, during different weeks in the year. They are still in the process of doing these counts. Preliminarily, they have found there is plenty of parking west of Liberty due to the large municipal parking lot which is 1/3 to 1/2 utilized on most days. The lot was full during Powell Festival but the festival affects all downtown parking. Normal day to day activities show only half of the on-street parking is used up to Hall Street. The on-street parking on the west side of Olentangy Street before Depot Street is under-utilized. The Depot Street parking is under-utilized. Staff feels with the reduction in seats, the area can handle any additional parking brought about by this business. Staff did find east of Liberty is where most of the parking problems occur. The most intense restaurant use is east of Liberty. The lots are generally 3/4 full or full at the various times Staff counted. Staff would like to identify a spot for more municipal parking east of Liberty. The P&Z Commission does have the authority to allow parking plans at a reduction within the Downtown Business District. Mr. Sun's proposal makes sense for the lot he has. The proposal allows for the total renovation of a building which has had no work done to it for over 25 years. A good use will be provided for the downtown area. Mr. Sun is still working with neighbors for a shared parking agreement and he has the municipal parking lot for his employees to park in. He has Espresso 22 to park in after it closes each evening. HDAC has reviewed the plan and overwhelmingly recommended the architectural changes proposed.

STAFF RECOMMENDATION

Staff recommends approval with the conditions listed in the Staff Report.

Chris Meyers, Architectural Advisor, thanked the applicant for incorporating the comments from the previous meeting. Is the new entry way into the right-of-way? Mr. Althouse said they took the posts which were shown in the first rendering off. They are just applying the porch roof. It isn't a true porch, it is just recessed. It doesn't extend into the sidewalk. They will still have an element identifying the entrance. Mr. Meyers asked if there will be brackets holding the porch roof up. Mr. Althouse said the projection portion will be flat on the wall, the top of the porch roof would just build out from it. Mr. Meyers asked if everything was removed due to cost or because it was in the right-of-way. Mr. Althouse said mostly for cost reasons. Mr. Meyers said he would like to see the final drawing. It is hard to make statements without really seeing it. The front entry area usually isn't where he recommends cutting costs. The front door is the first impression. Mr. Betz said there is also an issue with the right-of-way. Mr. Meyers said maybe you could use a bracket detail. The change in window materials is appreciated. It helps the character of the building and the entire area. The west elevation shows 4 little rectangles which look like lights. Mr. Althouse said correct. Mr. Meyers said there only appears to be a few feet between the outside wall and the next building. Mr. Althouse said no, there is a sidewalk and a small grassy area. The lights are small LED lights which illuminate a small wall wash. Mr. Meyers said his concern was safety. The City of Powell has a parking challenge. There are a lot of folks who don't live in Powell, who don't know where the parking is. The clarity of where available parking is for particular businesses is hard for outsiders to understand. Mr. Althouse said they were talking about providing way-finding signs. Mr. Meyers said this is what he was going to suggest. If you had some nice, clear, simple, graphic signs in the back of the building it would help. You can take this further and put information on your website. Highlight the parking arrangements you are making. This could minimize people parking where they shouldn't. The resource of the municipal lot is a huge benefit. It will be an easy walk. Landscaping could be enhanced a little in the back. He would like to see the final entry area drawing.

Chairman Emerick opened this item to public comment.

Vince Margello, 3960 Presidential Parkway, said the lots in the City are private lots. The only lot which is municipal is the City Building lot. He just took a picture of the lot as he was coming in and the lot is completely full. There are no more parking spaces. We have a definite parking problem in downtown Powell. He is here tonight to show the different things which go on. In the 1980's, he spent 1/2 million dollars to buy land to put a parking lot in for his restaurant. He had to have enough parking for the restaurant. The comment was made that Espresso 22 could be used for parking. It can't be used. He owns the coffee shop. The lease states the parking lot is for the vehicles at the coffee shop. He has the liability for this lot. Local Roots has 125 parking spaces. If you go by the lot, it is completely packed, full. He guarantees about 25 of those cars aren't in Local Roots, they are at other businesses. Every time a parking space is lost to another business, Local Roots loses \$60 - \$100 in revenue. Their lot subsidizes other businesses. He is tired of subsidizing other businesses in this town. He pays an extreme amount of real estate taxes, over 1/2 a million dollars a year on the properties he owns. He should have some right to protect his private property and to the people he rents to. He has the liability and maintenance on these lots. They pick up Jeni's ice cream cups from their parking lot. People park in his lot and go to Jeni's. Jeni's has 3 parking spaces. Jeni's was zoned with the stipulation that people could go down to the old fire department to park. He went and looked at

this parking lot today and it was full and there wasn't a single customer in Jeni's. Others are taking up those parking spaces. There are "ghost" parking spaces in Powell. When Easy Street went in, they were supposed to get an agreement with the spa next door. Mr. Margello showed a picture of a sign (Exhibit 2A) which says spa parking spaces are reserved for the spa. The City has put him in the position to be the bad guy, to make us have to tow cars. We don't want to tow people. We have the largest, most noticeable parking lot in town so everyone parks there. The City has put quite a burden on his parking lot. It is ridiculous. He got a phone call one day from Dustin Sun saying there were carpenter trucks in his Espresso 22 lot. Mr. Margello said he was putting a roof on the back of Local Roots. Dustin told him he needed to get the trucks out of the lot, there was no room for customers. There are 15 seats in the coffee shop. There are 14 parking spaces. Two carpenter trucks messed up his whole business that day. Yet, Dustin is coming to P&Z with a 40 seat restaurant and only 9 parking spaces. There is something wrong here. He has heard this stuff over and over again. There is no parking for this restaurant. If someone could show him the parking he would be OK. It isn't about the remodeling of a building, it isn't about the town looking better. It is about the City burdening his properties when he has to pay the real estate taxes, maintenance and liabilities on these properties. Mr. Margello showed the Commission a picture of a sign (Exhibit 2B) at Espresso 22's parking lot. Dustin makes sure no one parks in his spaces so he can do business. Mr. Margello gave the Commission other pictures of signs (Exhibit 2C) other businesses have out to stop parking in their lots. This is what the City has created in the downtown area. The smaller lots can tell when a car is parked in their lot which shouldn't be. He can't tell with his lot, he has 125 spaces. It is hard for them to police the lot. Jesse spends \$6,000 or \$7,000 a year to put a person out in the lot. Local Roots also contributes a lot of income tax to the City. Over the years he has given the Tyler Run school site to the City, he gave a million dollars for Seldom Seen Park. He is contributing to the City and not burdening anyone else. Two years ago, he got a call from a lady who said she was going to sue him because her daughter fell in Local Roots' parking lot, on the drain grate. She didn't think the grate was the proper grade. Mr. Margello asked the lady if they went into Local Roots and told the manager. The lady said no, we went to Jeni's. He has the liability. He told the lady to sue him. There is a sign which says she shouldn't have parked there. He deals with this constantly. Easy Street is in violation, Jeni's is in violation. He has to make sure Local Roots survives. If your neighbor has more cars than you and decides to park their cars in your driveway, what would you do? How would you feel about this? This is what he feels with his parking lot. What if a dog came over and did their business in your yard every day and you had to clean it up every day. This is what he has to do every day with litter from the other businesses. People don't care. The municipal lot is burdened. He has a hard time finding parking so he can come in and get permits. He doesn't know where parking for 40 more seats is going to go with 9 parking spaces. If this request goes any farther, he is going to have to do something about it.

Dustin Sun, 9619 Shawnee Trail, Shawnee Hills, said he agrees Mr. Margello is his landlord for the coffee shop. The coffee shop parking lot is for the coffee shop. They have enough spaces for the coffee shop right now. If he would have known the trucks parked in his lot were working on Mr. Margello's building, they would have accommodated. They would have moved the employees. He wasn't notified in advance. He is very accommodating. After the coffee shop is closed, Local Roots can use the parking lot. He will honor whatever the lease says. He just wants to get this out. He is very excited about this new project and they have worked very hard with their neighbors to meet the parking requirements. He will continue to work with his neighbors. He would like to get this project moving with the current parking plan on site and then keep working on a shared parking agreement. He hopes the Commission will look at the survey and see there won't be any parking interference on the east side of town. Local Roots is a great restaurant, a good representation of Powell. He isn't trying to compete or take any business away from Local Roots. He would like to work with one another. They have spent a lot of time already on this project and he hopes the Commission will let them proceed. Or, he will have to lease the building as retail, as is.

Randy Savage, 16 W. Olentangy Street, said he owns the barber shop next door. There are 3 of them which work at the barber shop. Sometimes they don't have anywhere to park. He has a very good, popular stylist who loads their parking lot. He doesn't see how this business, with 40 seats, is going to happen in regards to parking. Commissioner Hartranft asked Mr. Savage how many parking spaces he has. Mr. Savage said they have about 12 spaces. His stylist has customers coming in every 20 minutes. On Saturdays they don't have anywhere to park the way it is now. Commissioner Jester asked if his customers complain to him about not being able to find a place to park, for the record. Mr. Savage said yes they do. Commissioner Jester said he wants this on the record. Mr. Savage said his customers come in and tell him they can't find anywhere to park sometimes, when they are super busy. Commissioner Jester asked if this is every day. Mr. Savage said not every day but every day during the summer and around holidays. He hasn't hired another stylist because of the parking problems. He starts at 7:30 in the morning so he can park. He goes home early when his popular stylist comes in so he isn't parking. Commissioner Hartranft asked how late this stylist works. Mr. Savage said she works until 9:00 p.m. most evenings. Commissioner Jester asked what happens to his business if the new business goes in. Mr. Savage said he thinks it is going to destroy his business. He hates to say that but he doesn't see how it is going to help any. He has been thinking of putting a chain across the back of his lot. He heard the business is going to have a liquor license and be open until midnight.

He doesn't want to come in every morning and find a bunch of beer bottles and trash laying in his lot. Commissioner Jester asked how long he has had his business. Mr. Savage said it will be 18 years August 15th.

Mr. Margello advised Commissioner Jester it doesn't matter when a business is busy and when a business isn't busy. It is private property. The man is trying to run a business. How does he know when he is going to be busy and when he isn't? It is the same with your house. You own it. You should be able to control your parking situation. That is all the businesses are asking for. You are creating all these "ghost" parking spaces in the town and they don't exist. A week ago he asked Steve Lutz if the City can put a parking garage in downtown. Mr. Lutz said the City doesn't have the money. It is almost like building a sub-division without the infrastructure. He doesn't understand how P&Z keeps approving these requests.

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

Commissioner Hartranft asked if we are making a decision on a Certificate of Appropriateness tonight. Mr. Betz said yes and the Commission can approve the parking plan under the Downtown Business District. Commissioner Hartranft said obviously there is a huge concern about parking. He asked how many parking spaces the request has. Mr. Betz said 9 spaces plus a handicap space. Mr. Althouse said there would only be 9 because one of the spaces is where the dumpster goes. Commissioner Hartranft asked how many spaces are in the municipal lot. Mr. Betz said over 130 spaces, including the large area on the west side of the building. The back part is reserved for the Police Department. Commissioner Hartranft asked how many are on Depot Street. Mr. Betz said about 12 spaces. There are 32 spaces along the street. Commissioner Hartranft said this is approximately 190 spaces. Mr. Betz said yes, the parking plan shown has about 200 spaces. Commissioner Hartranft asked who the shared parking agreement conversation has been with. Mr. Sun said he has been working with Steve and Deb next door. Option 2 on his site plan is what they are working on. They have been out of town. They have a new baby. They are very receptive. Since they are on tonight's agenda he would like to move forward with Option 1 and have time to work on Option 2 as a possibility. Commissioner Hartranft asked how many spaces Option 2 takes him to. Mr. Betz said 16 spaces. The 16 spaces would meet the Downtown District requirement. Commissioner Hartranft said he knows the parking concern is real. He experiences it when he goes out to eat. It is a tough dilemma to be faced with. We love to see new businesses, we love to see the revitalization of the downtown area and the improvement to this building would be dramatic and great. He thinks the business would be great for the downtown area. He would like to see the parking agreement of Option 2. This takes the number of spaces from 9 to 16. This would be more palatable. Where the parking is right now makes it real difficult for him. He needs additional time to review all of the options.

Commissioner Little said if only one more building could be renovated in downtown Powell, this would be the building. He thinks the developer/tenant is trying to work with the City. We have seen a 33% reduction in proposed seating. For him, he could not vote on the request tonight, given the unknown final details which are important. Depending on everyone else's feelings, he would recommend tabling the request tonight. There is a traffic census underway. When will it be done? Mr. Betz said it is a parking census and it will be done in September. Commissioner Little said the proposal presented today only has 9 parking spaces. If this business weren't in the Historic District, how many parking spaces would be required to accommodate 40 patrons? Mr. Betz said 25 spaces; one space for every 3 seats or whichever is greater. Commissioner Little said this makes the applicant 16 spaces short. Mr. Betz said yes. Commissioner Little asked if there is specific language in the lease for 22 S. Liberty Street which limits parking to the patrons and/or employees. Mr. Margello said yes there is. Commissioner Little said Mr. Meyers' recommendation on the wayfinding signs starts to get the applicant there. To make this work, you have to get a parking agreement. It sounds like you are relatively close to getting 7 more spaces with your neighbor next door. You are getting closer. Having the information they have today, it would be difficult for him to personally approve this request. When this request is approved, he would suggest some language pertaining any increase in the amount of seats. The applicant originally wanted 60 seats and he is assuming the applicant would like to get to 60 seats. If that happened, the parking arrangements would need to be revisited by P&Z. If this request moves forward today he will vote no. He suggests tabling the request.

Commissioner Jester said he likes the building and the business. There will be a lot of people who will be more unhappy and new people unhappy if this business goes in. People will want to come to your business and they won't have a place to park. What bothers him is the applicant is caught in the middle of trying to solve our parking problem downtown and this isn't what we want. We are here to get businesses downtown. Right now he can't go along with just 9 parking spaces. He doesn't want the applicant to give up. Keep working on this. You need the parking or you don't have my support.

Commissioner Cooper said there isn't much more to add. It has been pretty obvious; parking is definitely a problem. There is a new owner of the carry-out, maybe there is a possibility to secure a parking agreement with him. He couldn't vote for this right now. He would love to see the building renovated. He agrees with tabling the request.

Chairman Emerick said when this project first came before P&Z he made mention of the parking. It is still his number one issue. He would love to see the project move forward but he couldn't in good conscience vote yes tonight without having a firm parking arrangement. There are a lot of ifs here. You have good intent and you have been working hard on this. He appreciates this. We wouldn't be doing our due diligence and our duty if we just voted on the hope of something happening. We have to have firm plans in place which we know will work. He also is in favor of tabling the request tonight, until we have clearer answers. Mr. Sun said he will put the building up for lease, for a retail business and work on a parking agreement at the same time and see what develops first. It has been 10 months already. He can't keep waiting. He appreciates the feedback.

MOTION: Commissioner Little moved to table a request for a Certificate of Appropriateness for the property located at 26 W. Olentangy Street as represented by Matthew Althouse, to allow renovations to an existing building for the purposes of a restaurant, and approve a parking plan for the proposal, for a maximum of sixty (60) days. Commissioner Cooper seconded the motion.

VOTE: Y 5 N 0

(Boysko absent)

ZONING CODE AMENDMENT – SECOND PUBLIC HEARING

To amend the City Code to add a new District. The purpose of the proposed (PRC) Planned Residential Conservation District is to balance development pressures with goals of preserving open space and responding to market demands for alternative types of neighborhoods.

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

This item came out of the Code Update Committee. This is the second hearing for this item. Unfortunately, the timing going to City Council was longer than allowed by Code so we need a new hearing tonight. We will move this on to City Council in a timely fashion now. No changes were made from before. Staff recommends approval.

Chris Meyers, Architectural Advisor, had no comments.

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

No Commissioners had questions or comments.

MOTION: Commissioner Little moved to approve the Zoning Code Amendment to add a new District, the (PRC) Planned Residential Conservation District, to balance development pressures with goals of preserving open space and responding to market demands for alternative types of neighborhoods, subject to the following condition(s):
1. That the proposed Zoning Code Amendment shall be forwarded on to City Council for approval.

Commissioner Jester seconded the motion.

VOTE: Y 5 N 0

(Boysko absent)

OTHER COMMISSION BUSINESS

No further business.

ADJOURNMENT

MOTION: Chairman Emerick moved at 8:37 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: July 26, 2017

Donald Emerick
Chairman

Date

Leilani Napier
Planning & Zoning Clerk

Date



City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Ed Cooper, Vice Chairman

Shawn Boysko

Trent Hartranft

Joe Jester

Bill Little

Chris Meyers, AIA, Architectural Advisor

MEETING MINUTES

July 26, 2017

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, July 26, 2017 at 7:00 p.m. Commissioners present included Shawn Boysko, Ed Cooper, Trent Hartranft, Joe Jester and Bill Little. Also present were Dave Betz, Development Director; Leilani Napier, Planning & Zoning Clerk and interested parties. Chris Meyers, Architectural Advisor, was absent.

STAFF ITEMS

No Staff items.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES

MOTION: Commissioner Cooper moved to approve the minutes of July 12, 2017. Commissioner Jester seconded the motion. By unanimous consent the minutes were approved. Chairman Emerick abstained.

COMBINED PRELIMINARY & FINAL DEVELOPMENT PLAN REVIEW

Applicant: Ford & Associates Architects/Dr. Khaksarfard
Location: SE corner of West Olentangy Street and Murphy Parkway
Existing Zoning: (DB) Downtown Business District
Request: To review a proposal to construct a retail center on 1.51 acres.

Rob MacInnes, Ford & Associates, 1500 West First Ave., Columbus, said he is representing the owner. He brought material boards to show materials and a rendering of the building. A lot of the comments at the last meeting were regarding enhancing pedestrian activity at the northwest corner and connecting pedestrian experience from the rear parking area. They addressed these comments in a positive manner. They paid a lot of attention to comments regarding the site plan, the architecture and the landscaping. They modified the northwest corner tower per Mr. Meyers' comments. They carved out a portion to allow pedestrians to walk through. A nice exterior patio space has been created. They created a deeper overhang, added nice up-lighting and changed some materials. They moved the dumpster location from near the transformer to the southwest corner of the parking lot. This created a nicer pedestrian experience while walking around the building but also makes it easier for the truck to pull in and out when picking up trash. They pulled the concrete walk off of the face of the building roughly 5' so they could add a lot of landscaping to soften the edge. They created piers with a light and sign at the corner locations. They added landscaping detail to mask the utilities.

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

PROJECT BACKGROUND

The site is located at the southeast corner of Murphy Parkway and Olentangy Street. Best Friends Veterinary is to the east and the Murphy Crossing condos are to the south. This is the last property within the overall Murphy Park development plan approved by the City many years ago. There was always a plan to have a common access drive shared to the south and east of the site. The right-in/right-out on Olentangy Street will stay.

A gentleman from the audience spoke without going to the podium (inaudible). Chairman Emerick advised the gentleman public comments would be allowed after the Staff Report.

PROPOSAL OVERVIEW

Mr. Betz said the property will be a mixed-use of retail and service businesses. Restaurants will be restricted due to parking. Parking meets requirements for retail and service businesses but would not meet it for restaurants. There is no parking agreement with the veterinary office to the east. Staff had asked the applicant to have a traffic engineer look at Murphy Parkway. We received a letter (Exhibit 1B) from Todd Stanhope recommending a 50' left turn lane with a 50' taper. There will be underground storage of storm water, under the parking lot. The elevation drawings are very similar to what was shown in the Sketch Plan review. This building will be very similar to the retail buildings across Murphy Parkway. Materials will be a mix of stone, brick and Hardi-Plank siding. Signs with down lighting will identify the stores. Landscaping around the building has been increased. A line of shrubs along the southern end of the property will be put in, creating a buffer for the residential area. Staff has a concern with the access drive and the parking spaces which might allow people to pull right in and right out, while traffic is coming and going. The applicant might want to consider putting a small island in which would force people to drive into the lot to park and would prevent people from leaving their cars hanging out into the access drive.

STAFF RECOMMENDATION

Staff recommends approval with the conditions listed in the Staff Report.

Commissioner Hartranft said an outside sitting area is mentioned. Does this need to be added? Mr. Betz said there is a possibility for a shop to want to have outdoor seating. If a coffee shop were to go in they might want outdoor seating. There may be areas along the sidewalk to create these types of seating areas. Staff would need to review these types of requests as they come in. Mr. MacInnes said they looked into this idea at one point, until speaking with Mr. Betz and learning restaurants would be prohibited due to parking. If parking is resolved with the neighbor at a later date, there is plenty of space to revise the landscaping to add exterior seating. Mr. Betz said there may be some alternatives to restaurants which want seating areas. Mr. MacInnes said there is a pretty large space by the north tower with bike racks and enhanced landscaping which could be a gathering space.

Chairman Emerick opened this item to public comment.

Roy Baldwin, 69 Murphy Oval, asked where the dumpster will be located. Mr. Betz showed Mr. Baldwin where the dumpster will be placed, the south side of the parking lot. Mr. Baldwin said this is 60' from his bedroom. Will there be any restrictions for the dumpster? Commissioner Hartranft asked if Mr. Baldwin was asking about the size of the dumpster or when trash can be picked up. Mr. Baldwin said yes, the size, how often it will be emptied. Mr. Betz said there has to be screening around the dumpster and pickup times have to be after 7:00 a.m. until 10:00 p.m. Commissioner Little asked Mr. Betz to show where the dumpster is for the veterinarian property. Mr. Betz showed the veterinarian's dumpster is also located on the south side of their property. Mr. Baldwin asked if there will be outdoor restaurants which will create noise. Chairman Emerick said there will be no restaurants. Mr. Baldwin asked if there will be restrictions which will prevent restaurants. Mr. Betz and Chairman Emerick said yes. Mr. Betz said a restaurant restriction will be a part of the Development Plan. Mr. Baldwin said another concern is the traffic on Murphy Parkway. When they moved in the parkway wasn't complete. Traffic has gotten very heavy. He is concerned because his bedroom is 60' away from the dumpster. He has an 86 year old wife. They have serious concerns. Chairman Emerick thanked Mr. Baldwin for his comments. Mr. Baldwin said what about the traffic. Will a traffic light go in? Chairman Emerick said no traffic light is planned.

Vince Margello, 3967 Presidential Parkway, said he has built many centers. How many SF is this center? Chairman Emerick said around 13,000 SF. Mr. Betz said 13,800 SF. Mr. Margello said it is a very nice design. Why are restaurants being restricted? Chairman Emerick said it is the applicant's desire. Mr. Margello asked Mr. MacInnes why they are restricting restaurants. Mr. MacInnes said the main reason is because of the parking count. Mr. Margello asked what the parking count is. Mr. MacInnes said they will have 42 parking spaces. We are talking with the veterinarian regarding shared parking but neither owner is interested at this time. Mr. Margello said he was just curious.

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

Commissioner Hartranft thanked the applicant for coming back before P&Z, making the changes, listening to the comments made at the previous meeting and complying with those requests. Mr. Meyers' comments were taken to heart regarding the landscaping and opening up the tower area, making it appealing to pedestrians. He likes the plan and he likes the way the plan has been tied into the sidewalk and walking path on the Murphy Parkway side.

Commissioner Little thanked the developer. Will there be white fencing? Mr. Betz said white fencing is included in the plan. Mr. MacInnes said there is existing fencing along the west side which they will continue along the north

side. It will all match. Commissioner Little said he will include working with the City Engineer to construct an island on the south side of the parking lot as one of the conditions. He looks forward to the final building. It will be a nice bookend to the building across the street.

Commissioner Boysko said he agrees with all comments made. He recalls discussing how they will deal with the dual loaded retail space and how it will be accessed; from the back or front. Mr. MacInnes said he anticipates the majority of the front entrances will be along the parking lot side. They are trying to leave flexibility to allow for secondary means of egress or a larger rear door along the back side. There are concrete walks along the west and north sides which connect to exterior doors. They want to leave some flexibility for the tenants. We are giving the tenants the design criteria and telling them what the exterior elevation needs to be. They need to fit within the store front. They can't modify the materials. Commissioner Boysko asked if the store fronts along Murphy Parkway are opaque or clear glass. Mr. MacInnes said it would depend on the tenants but personally they will try to avoid the spandrel panels as much as possible. They will push the tenant to leave the glass as transparent as possible. They haven't talked to any tenants yet but they believe tenants are going to want their front window as close to the parking spaces as possible. Commissioner Boysko said this was the challenge you face with this type of configuration, a dual loaded retail space. Some of the changes made had the intent to activate the pedestrian side, make it more pedestrian friendly; which is great but without entrances there will be a false store front. He doesn't know how well this side will be used, if any at all. If you build with spandrel glass they will be false store fronts. You will be pushing everyone to enter from the back. Unless you put in clear glass. Mr. MacInnes said he isn't opposed to using clear glass however some tenants will just put film on the glass. City restrictions pertaining to putting up film or signs would help but he isn't aware of any.

Commissioner Jester said he was over on Murphy Parkway watching the traffic and the change of the lines on the street is a good idea. There was a lot of traffic backing up. He knows 315 is making things back up but traffic is very heavy. Should there be a deceleration lane for traffic coming north? He doesn't know how someone turning left leaving the parking lot is going to get out. Today it would have been impossible for someone to turn left out of the lot. Mr. Betz said the current 315 situation has increased the use of other roads in our community. We have seen a 50% increase in traffic since 315 closed. This should go away once 315 opens back up. The long term plan for the City in regards to capital improvements will include looking at how to improve West Olentangy to the west. This would include the Murphy Parkway intersection. Eventually, West Olentangy will need to be widened and possibly put in a double left-hand turn lane at this intersection. This isn't necessary now but may be in the future. Commissioner Jester asked how far out this would be. Mr. Betz said we don't know. It will be based on utilization of Murphy Parkway, how much Powell Road traffic increases and surrounding growth. We will have to monitor the intersection. When the Murphy Park development was done 15 years ago, Murphy Parkway was built with the turn lanes based on the traffic plans then. In the next 10 years we will need to watch and include any improvements as a capital improvements project. This developer isn't responsible for improving the intersection. We are trying to accommodate moving people in and out of the parking lot now. Commissioner Jester said we are responsible for looking at what a development will do in regards to traffic. What about a deceleration lane? Mr. Betz said a deceleration lane is not warranted with the current traffic. Commissioner Jester asked how he knows this. Mr. Betz said it is his best guess right now, as a practicing planner for 30 years. We can take a look at this but it isn't something which has come up on our radar or the traffic engineer's radar. Commissioner Jester said he wants it on record he has asked the question and it is on the City's radar. Chairman Emerick said the speed limit on Murphy Parkway is 25 MPH. Mr. Betz said it is not anticipated there is going to be a problem. Commissioner Jester said his thoughts are based on what he saw today.

Commissioner Cooper thanked the applicant for coming back. He likes the design. We need to list restaurant use is not allowed in the conditions. We need to include the street striping and the additional parking lot island in the conditions.

Chairman Emerick thanked the applicant for incorporating the comments from Mr. Meyers and the Commission. This is a good looking project.

Commissioner Cooper said he understands what Commissioner Boysko was saying about clear windows on the west side of the building. During this time of year, the sun will be brutal on the west side of the building. This is something to keep in mind.

Mr. Baldwin spoke from the audience saying he has been waiting for the environmental impact statement for this project and he hasn't seen it. Chairman Emerick said this would have been a part of the Staff Report which was covered earlier. Mr. Betz said when the overall zoning was done of the entire Murphy Park 100 acres, the City looked at the environmental issues. Each development is done in phases. Murphy Park was done in 4 phases of the residential. Each development is reviewed. Commercial was a part of the plan to begin with. He isn't sure

what Mr. Baldwin is looking for exactly, in terms of an environmental impact statement. The City doesn't require an environmental impact statement for any individual lot development like this one. We look at the soil to make sure it is stable enough to hold the building. In terms of the general impact of the development on Powell, this was studied when the original 100 acre zoning was established. This project has certain requirements in regards to the buildings, landscaping, trash removal, lighting requirements; all of which the developer is meeting. The developer is doing everything Code requires them to do. The Commission adds conditions to make sure the development is the best it possibly can be. Mr. Baldwin spoke from the audience (inaudible). Mr. Betz said no, there is no specific environmental impact statement. One isn't required. Storm water has been reviewed to make sure there will be no flooding. Mr. Baldwin spoke from the audience (inaudible). Mr. Betz said there will be a wall of plants.

Josh McKeever, Faris Planning & Design, said there will be numerous plants, over 40 plants, which will be put in along the southern edge of the property line. The plants will be 4' tall when planted. The plants will grow at a quick pace. It won't be long before there will be a very nice plant screen. Mr. Baldwin spoke from the audience (inaudible). Mr. Betz said there is no room for mounding. There is existing mounding on the condo property which serves as a buffer. Chairman Emerick said if Mr. Baldwin has any other additional questions someone would be happy to meet with him after the meeting.

MOTION: Commissioner Little moved to approve a combined Preliminary & Final Development Plan for a proposal to construct a retail center on 1.51 acres, for the property located at the SE corner of West Olentangy Street and Murphy Parkway as represented by Ford & Associates Architects/Dr. Khaksarfard, subject to the following condition(s):

1. That the City Engineer shall review and approve all final engineering plans, and
2. That all engineering related items and easements shall be implemented as required by the City Engineer, and
3. That restaurant tenants and/or other uses with high demand parking shall be prohibited unless the applicant is able to produce a shared parking agreement with the property to the east or another nearby location. Any change to the approved Development Plan shall be reviewed by the Planning & Zoning Commission at a future meeting if a restaurant and/or other uses with high demand parking are proposed, and
4. That City Staff shall review and approve any request(s) for outdoor sitting areas by individual tenants or the owner, and
5. That all site lighting shall be down style lighting with the exception of landscaping lighting or building lighting which adds visual interest to the site, and
6. That the applicant shall work with the City Engineer to construct an additional parking lot island at the first row of parking, on the south side of the parking lot, to eliminate immediate pulling in/pulling out of vehicle parking upon initial entry into the lot, and
7. That Murphy Parkway shall be re-striped south of Olentangy Street, to allow a left-hand turn to enter the property when traveling southbound on Murphy Parkway, and
8. That the developer shall, in good faith, provide periodic construction updates to the Murphy Crossing Condo Association which surrounds the property.

Commissioner Cooper seconded the motion.

VOTE: Y 6 N 0

CERTIFICATE OF APPROPRIATENESS

Applicant:	Matthew Althouse
Location:	26 W. Olentangy Street
Zoning:	(DB) Downtown Business District
Request:	To review a proposal to renovate an existing building for the purposes of a restaurant, and approve a parking plan for the proposal, as allowed by Section 1143.16 (g) (7) of the Powell Zoning Code.

Matthew Althouse, Architect, 1165 Elm Park Circle, Galloway, said they have brought revised elevations, a shared parking agreement and parking lot signage. Architecturally, they took Mr. Meyers' comments into consideration. They added brackets onto the main entrance feature which protrudes 16", with a metal roof. Mr. Betz said there used to be 2 posts and a little overhang. They removed the posts because it was protruding into the right-of-way. Mr. Althouse said there will be an applied element which will create a sense of home with a porch, embracing the front entrance aspect. The door is within the building, recessed into the building. People will go up 2 steps off of the sidewalk into/under the feature. Commissioner Jester asked what he will do for handicap people. Mr. Althouse said there is handicap parking in the rear, with a ramp up to the back door. Commissioner Jester said he would expect him to put a sign up showing where handicap parking is. Mr. Althouse said they will. Code says they have to identify where handicap parking is. They are up to 15 parking spaces with the new parking plan. The dumpster is along the alley, pushed forward so they could fit in another parking space. The sample sign is a graphic

representation of the downtown area so people can get a feel for where they are and where parking is. Streets are labeled.

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

The applicant has provided a signed easement with the neighbor next door to build the proposed parking lot, providing for 16 spaces, including the handicap space. This does meet Code requirements because in the Downtown Business District we divide by 2. There is a garage which could provide 2 extra parking spaces not included in the count. The garage is being used for storage right now but could be cleaned out and used in the future for employees or owners. Staff has provided photos from the municipal parking lot (Exhibit 1C), using security cameras. They have data over various days, over a 2 week period. The video shows how the parking lot is used at various times. The photos show a Monday morning when a special kid event was taking place; 88 of the 112 parking spaces were being used. The Downtown Parking Census, which comes out of the Code Update Committee, looks at whether parking requirements are OK or if there should be any changes. A parking census is a review of the City, going out at various times of the day, on various days of the week, during various weeks of the year, to count cars in parking lots/spaces. Staff has physically counted cars. Today was the last day of taking counts. They have started putting together a data table. They have created a few maps showing the data. They have many more to create. The maps show parking lots downtown. The different colors represent the percentage of use the particular parking lots experience. Blue is 0 – 50% utilization, green is 50% - 75%, yellow is 75% - 90% and red is 90% - 100%. You can see patterns as they evolved at various times of the day, various days of the week and weeks of the year. They started this project in late April or early May. Mr. Betz showed May 20th and the various changes throughout the day. The on-street parking spaces are pretty much used all day on Olentangy Street. Mr. Betz showed other days. Commission Hartranft asked if a specific day shown was a special event. Mr. Betz said it could have been a Parks & Rec event. He can find out. The data shows the various parking levels. The municipal lot is mostly in the 50% - 75% utilization rate. At the last meeting it was mentioned the municipal lot was full as people were coming in to the P&Z meeting. This was the case that night, the west part of the lot was only half full and no alley spaces were being used. We found out there was a private party in the solar shelter which had several dozen adults and kids attending. This was an anomaly but certainly we expect the municipal lot to be used. Staff's review of the data and having a general knowledge of the municipal parking lot, shows the municipal lot is under-utilized; especially the west portion of the lot. There are opportunities for additional parking which have been identified in the Keep Powell Moving plan, if roadways are adjusted and alleys are connected. Staff feels parking is adequate now that Mr. Sun has provided an approval from his neighbor to build a parking lot and with using the municipal lot for his employees. The City's Code is the way it is because of the smaller lots. The Parking Census will be finalized and presented to the Code Update Committee.

Chairman Emerick opened this item to public comment.

Vince Margello, 1900 West Powell Road, said he is the owner of the property where Local Roots is located. He is going to repeat some of the stuff he said last time because Commissioner Boysko wasn't here. He purchased about ½ million dollars' worth of land in 1980 to provide parking for a restaurant he built. It was called Saturday's Sports Club. He invested over a million dollars in it. He had to so he could provide parking for the restaurant. They have about 125 parking spaces. His lot is totally full tonight. Probably 20 of those cars don't belong in his lot. He pays real estate taxes on this lot. This month he wrote a check for over a ¼ million dollars for real estate taxes on properties he owns. He should be allowed to have a private parking lot and be able to take care of it. He noticed Mr. Betz pointing out a bunch of parking lots he says are under-utilized. These lots are private parking lots owned by land owners who own the lots. We have the maintenance on these lots, we have the cleanup, and we have the striping, the sealing, the real estate taxes and the liability on our lots. A woman called him one day saying her child fell in his parking lot. She was going to sue him. He asked her if she went inside and told the manager. She said no because they went to Jeni's Ice Cream. He told her he would have no more conversation with her. She was illegally parked in his parking lot. P&Z has 2 other agreements which have been broken; Easy Street, now Kraft House. They were to provide off-location parking in the salon parking lot for the seating in their restaurant. He brought pictures to the last meeting showing a sign saying "salon parking only". Then there is Jeni's. Under their agreement they were supposed to have 12 reserved parking spaces down where the old fire station is. It is a hub for new businesses now. If you go down there during the day, those parking spaces are completely full during the day. Jeni's basically has 2 parking spaces. He can sit there with a camera any day of the week and watch Jeni's customers park in his lot, walk across the street and sit over at Jeni's and have ice cream. They walk back over to his lot. Every time they have a car in their lot which doesn't go into Local Roots, we lose \$60 - \$100. He is here tonight because he will not subsidize anymore restaurants being built or high density businesses downtown using his parking lot. Nobody looks into these agreements made. If we put an illegal sign out, the Zoning Inspector is there telling us to remove the sign. Nobody looks into the parking agreements which are broken by these 2 businesses. You have a proposal before you tonight with an agreement of easement for shared parking. Great

how Mr. Betz explains it. But, he left out some important issues. Mr. Betz said there will be 16 parking spaces. He asked Mr. Betz to count the spaces. They scratched their heads today trying to figure out where 16 parking spaces come from. Mr. Margello asked if a real narrow Fiat would be parked in the real narrow parking spaces shown. Mr. Betz said the spaces are 9' by 19' spaces and they meet Code. Mr. Betz counted 16 spaces and said there are 2 potential spaces in the garage. The required spaces per Code is 16 spaces. Mr. Sun has said he will have his employees park in the municipal lot. There are other property owners in the area, such as Prohibition, which do the same. Prohibition employees do park in the municipal lot, as opposed to employees at other restaurants who park in the on-street parking spaces all day so the retailers have problems with parking for their customers. Staff feels this is a good plan to get in as many parking spaces as possible in the back. Staff is making this recommendation to the Commission. Commissioner Jester asked what the ratio is for handicap parking. Mr. Betz said there needs to be 1 handicap space for 25 spaces. It becomes more as the lot gets bigger. Mr. Margello said he can't believe 2 of the proposed spaces will fit cars. Can you imagine a parking space in front of a dumpster? That is what this plan is showing. A parking space in front of a dumpster. They are also showing 2 different parcels, with 1 handicap parking space. Let's get down to the nitty gritty. They left out the most important part. The agreement says during the hours of 9:00 a.m. and 7:00 p.m., the 4 parking spaces in the southwest portion of the west parking lot shall be reserved for Powell Property Partners, LTD (PPP), or the other lot, and for occupants and visitors for 30 West Olentangy Street. In other words, 4 parking spaces can't be utilized by the restaurant during 10:00 a.m. and 7:00 p.m. Lunch is between 11:00 a.m. and 1:00 p.m. Dinner is between 5:00 p.m. and 7:00 p.m. There is no guarantee those 4 parking spaces will empty out at 7:00 p.m. Those 4 spaces are null and void. The agreement also says the handicap space can be utilized by PPP if it is empty. The restaurant then won't have a handicap space. This is a cloak being pulled over everybody to get more parking spaces which don't exist. PPP has to have parking spaces so they have reserved the spaces so the restaurant can't utilize them between 10:00 a.m. and 7:00 p.m. He stressed the prime meal business times. The agreement can also be terminated at any time. The agreement doesn't have to come back before P&Z. The agreement can be terminated by the landowners. The person who signed the agreement isn't the owner. He has a land contract. It is Larry Coolidge's land and whoever he is in with. Larry is granting parking spaces and he can terminate at any time. Mr. Margello said he has 2 handicap parking spaces for Local Roots. What if he went down the street and told another business they could use those handicap spaces, you don't need to have any in your lot. Somehow this has got to be against Code. Mr. Betz said the ADA requirements and Building Codes allow for a handicap space at a building next door if the overall parking size meets ADA parking. Mr. Margello said P&Z has to see they don't have 4 parking spaces between the hours listed. This is prime restaurant business time. This is when a restaurant makes money. You heard me ask the gentleman from the previous request why they aren't putting in any restaurants. His answer was because they don't have adequate parking. He has 40 some spaces. Eliminating 4 spaces plus the handicap space takes 16 spaces down to 11 spaces for a 40 seat restaurant. All you are doing is cannibalizing his parking lot and he isn't going to put up with it anymore. He is tired of subsidizing other businesses. He had a person spend 7 hours cleaning up his lot this week. Kraft House hasn't had their lot paved in years. There needs to be some type of standards. Agreements made should be kept. Business owners should take responsibility for their own parking and not put the burden on any other owner. Commissioner Jester asked Mr. Margello what his solution was, you gave us the problem, what is the solution. Mr. Margello said his solution is to do what he did, buy some property and put a parking lot in. You can't keep putting 25 pounds of crap in a 2 pound bag. It doesn't work. Did you read the article about the Short North? They have no parking. The Commission is creating the same situation in downtown Powell. You are crucifying businesses who put millions of dollars into their property and try to do something right downtown. You are letting people come in on the cheap side and finagle their way in, knowing they are going to park in other business's parking lots. It isn't right. Commissioner Jester asked what the solution is. Mr. Margello said when a request for a restaurant comes before the Commission, they have to provide parking for their facility. He did. Prohibition is the best situation he has seen. They put in a drive and their people park in the municipal lot. They don't park in his lot. The Commission is making him the bad guy telling him he has to tow. It makes him look like the walking devil. You wouldn't like it if people parked in your driveway. You are putting me in a bad position. You are putting Jessi, who has put a lot of hours into the restaurant to make it successful, in a bad position. It isn't right.

Bill Waddell, 4951 Scioto, said he has been a member of the community for 30 plus years. He has watched the community grow. He told Larry Coolidge and Jon Bennehoof he has pictures of his newspaper being delivered by horseback at his house on Jewett Road. Mr. Waddell asked Mr. Betz to show his property on the screen. He has a sense of community. He thought he saw a lot of empty parking spaces in Mr. Betz's illustration. Something needs to be worked out. Some signage put up showing where parking is. The community needs to know where parking is and they don't need to park in Mr. Margello's lot. It is very convenient and he knows it happens because his daughter is the hostess at Local Roots. He hasn't talked with his wife but he wants to throw out a proposal. People could park on his lot. Some gravel could be put down and people could park there. Commissioner Little said he was going to recommend this. Mr. Waddell said people fill his lot during Powell Festival. Larry Coolidge told him the City would pay me to let people park in his lot but he said no, let them park there. He pays to have the lot cut.

They have never had an issue. He understands now, after talking to Jon Bennehoof, there is a liability issue. He heard Mr. Margello speak of the liability issue. He knows it is real. He has a dental business in Liberty Crossing and he has invested about 2.5 million into this area. He has liability. There are easily 10 spaces on his lot. He doesn't have any immediate plans for the property. He is open to help the community grow. If Mr. Sun wants to lay some gravel down and bail him out on liability in some way, protect him in that area, it is a walk away. Mr. Betz said the width of the lot is 100'. You could easily put 10 spaces in off the alley. Mr. Waddell said he had 60 cars in the lot during Powell Festival. We will have to talk about this. He may plan to build on the lot but not in the immediate future, 2 years. This would give the City time to get some signage up. There is under-utilized parking. We need to get people out of Mr. Margello's lot. If you are travelling north on Liberty, you can't make a left-hand turn on Olentangy. People could go up a little further north on Liberty and turn left onto the road his property is on. Chairman Emerick recommended Mr. Waddell talk with Mr. Betz and the applicant. Mr. Waddell said one of his original ideas for his property was to put a community garden on it. He has talked with restaurant chefs about growing vegetables and herbs in a community garden. This would really make it Local Roots. He was told there were zoning issues with this idea. He was planning on donating the property to have it in the community. Depending on how talks go with his wife, but as he downsizes over the next 2 years, this property is open.

Mr. Margello said here we are, back to these agreements. What happens in 2 years or even a year, when Mr. Waddell decides to do something? Or what happens if Mr. Waddell is no longer around and his wife decides to sell the property? I want an ironclad agreement in place. Commissioner Boysko said to Mr. Margello's point, aren't these easements deeded with the property? Mr. Betz said yes, it would be a recorded easement. Commissioner Boysko said the easement is tied to the property. Mr. Margello said if you look at the agreement, the agreement can be cancelled at any time. Mr. Betz said there is a way to work this out.

Larry Coolidge, 78 West Olentangy Street, said it was mentioned earlier that he owns a building. He doesn't own a building. It was sold on a land contract. Mr. Sun was going to refinance and buy him out once the building got to where he wanted it to be. Mr. Sun has the rights to the property right now, legally. This building is one of the original buildings in Powell. It used to be a general store with an ice cream store in it. He purchased the property with his partner Steve Martin. They never had a vacancy. As trends changed, it was once the highest volume antique store in Powell. There is a lot of viewing from the window frontage. The building went vacant about a year ago. He had several people interested in the building. One was a gourmet popcorn store. Due to an untimely death of one of their key members, they backed out. There was someone interested in putting in a dress store. He doesn't think a dress store would add to downtown Powell. He met Mr. Sun and Mr. Sun told him his plans and he thought it would work. The building is old. He never had the chance to renovate. Mr. Sun's plans are beautiful. The building is in a TIF District. Mr. Sun did an excellent job on Espresso 22. He has turned the business around and he knows what he is doing. His family has owned Asian restaurants in Akron. This is an opportunity to rehab this building and change the use. We met tonight with the business association, Jon Bennehoof and Mayor Lorenz. We talked about parking in Powell. There is enough room on the north side of Olentangy Street to put 45 parking spaces behind the church, Kevin Knight's property, my property, the new frame company going in and behind Dan McClure's property. If this could be coordinated there would be 45 more parking spaces. Dr. Waddell has been very nice over the years to let us use his property for events. We can put 45 cars on his lot. But if we just had 10 spaces along the alley it would work. If you look at the parking ratios in Powell, there is only one building which has the right amount of parking spaces. 21, 23 and 35 West Olentangy Street, where Prohibition is, has 6,600 SF of buildings with 12 parking spaces. This is 1 parking space for each 550 SF. Mr. Sun has 1,800 SF, 1 parking space for 200 SF. This doesn't include the property next door. 8 North Liberty Street, Jeni's, has over 5,000 SF, 1 parking space for each 1,250 SF. 50 South Liberty Street has over 35,000 SF, with 84 parking spaces or 1 space for 416 SF. This request more than meets what the other restaurants have. Easy Street made an agreement with the spa tenant for parking. Someone went to the land owner and told them this. The land owner went to his tenant and told him to not let anyone park in the lot. The new people who bought the carryout want to welcome the community and they aren't going to close off their parking lot. The carryout is right behind Mr. Sun's restaurant. This is an opportunity to rehab the building and increase taxes. This restaurant, an Asian fusion, won't go against any other restaurant in town. He thinks it should be welcomed in the community and we should be happy it is here.

Dustin Sun, 9619 Shawnee Trail, Shawnee Hills, thanked everyone who spoke before him. The City of Powell is a city he has always wanted to be involved in. They had their son in Powell, 13 years ago. They went to Akron to help his family business out. They have 3 restaurants in Akron. The oldest has been in Akron for over 40 years. He grew up in the restaurant business. He knows how hard it is. He appreciates Jessi because he knows it is a tough business. He thinks this is a good building to invest in. He will probably be putting a ¼ million into this project. He has been working with everyone on this project. He thanked Mr. Betz for the parking data. He wishes this would be the last meeting. He will continue to work with the area business owners. He would love to talk with Mr. Waddell and put gravel down for 10 spaces. Once down, it would be very hard to remove those 10 parking spaces. The spaces would be available for the residents of Powell.

Mr. Margello said he gave the Commission 2 examples of businesses who have broken their parking agreements. Nothing is being done about it and he is suffering because of it. He is asking the Commission to make sure any agreement is in concrete writing that there is proper parking, if the Commission is going to approve this request. Don't let them come in here and fool you by not reading the hours of use limitations. They are trying to fool the Commission. If Dr. Waddell is going to give parking, it needs to be available as long as the restaurant is in business. Otherwise, there will be another broken agreement just like Kraft House and Jeni's. He will suffer again. He is asking the Commission to be fair and understand he is trying to run a business and the Commission is basically cannibalizing his parking spaces.

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

Commissioner Cooper said the problem with this request is the parking. He said this 2 weeks ago. He would love to see this building rehabbed. He would love to see the restaurant go in. He still thinks there is a problem with the parking. The agreement can be cancelled at any time. The lack of use of the 4 to 5 spaces during the hours of 10 to 7, which is prime time. Dr. Waddell's offer is great but he would have to agree with Mr. Margello, it needs to be permanent. Dr. Waddell doesn't know what his wife is going to say yet. The City should investigate this further. As it is right now, he couldn't approve the request this evening. He would be willing to table the request again. See if more details can be worked out.

Commissioner Jester said he is listening to Mr. Margello in regards to the agreement. If we approve this based on the agreement, the agreement should be reviewed by the City Law Director. There was a lot of new information tonight. He thinks the new information is very interesting and he wishes he would have known before tonight. He went to this property today and parked behind the building. He would like to see the restaurant go in. He has some problems with the parking. New information has been presented tonight and he is wondering where in the world these people have been all along. The Commission is making a major decision. This is a turning point. Mr. Margello, you are making your point very well. This is important and sometimes we need to say enough is enough. Solutions have been presented. We need to see these other new solutions worked out. He would like to hear a legal evaluation. He wants the City Attorney to get involved before he does anything. As he sat in the parking lot, he realized this business is going to change the whole dynamics of the alley area. Lighting is going to be an issue. There are a lot of unanswered questions. This business is very important to Powell. The issues need to be settled. He is trying to be as fair as he can be. Commissioner Jester asked Mr. Betz if he had something he wanted to say. Mr. Betz said this request is very important to the City of Powell. This is why Staff is in full agreement with Mr. Sun's request and what he is trying to do with this property. Without approving the restaurant, the City is going to continue to see the current building. The City will continue to see the current building no matter what kind of parking is put in. The building is not a viable retail store, when financing \$250,000 to \$300,000 to renovate. A restaurant can make the transition a lot easier from a financial standpoint; especially if the restaurant is successful. A retailer who is not a national retailer or someone who ends up leasing to some trinket shop is not going to make this type of renovation happen. The building, in the condition it is in, is going to keep being the way it is with a coat of paint on it. This is why Staff feels this request is very important, with the parking agreement presented, which meets Code requirements. The combined parking does meet Code. Staff is asking for approval on the combined parking option. The Commission has the authority, Staff doesn't, to approve this under the Code. That is why the request is before you tonight; to approve the architecture and the parking plan presented; including the shared parking easement and having employees park in the municipal lot. We know the restaurant is going to provide a greater impact. Even Local Roots employees park in the public parking spaces along the street when they should be parking in the bigger parking lot so other businesses have the opportunity to use the on-street parking. Mr. Margello said the spaces are public spaces. Mr. Betz said he understands that. From an economic standpoint, Staff feels this request is very important, no matter what kind of agreement is put together. Commissioner Jester said he thinks the request is very important. You haven't heard me saying anything against the business and the development of the building. He likes it and it is important for Powell. There also needs to be better signage than what we have today. Most people won't be able to find their way to the back of this building. He is excited about what Mr. Coolidge and Mr. Waddell said. He doesn't want to be dramatic about it but there is work which needs to be done yet. Mr. Coolidge said what has happened tonight is good and it will lead to good things. Solutions have been opened up and there are things which need to be done. He doesn't think people going to Mr. Sun's restaurant will walk all the way from Mr. Margello's parking lot. There are anti-growth people in Powell. Commissioner Jester said one of the things he heard tonight and some of the things he shouldn't have heard tonight is that you met with the Mayor and Vice Mayor. Mr. Coolidge said yes. Commissioner Jester said you guys may be working on something which can solve the problem. We don't know. Mr. Coolidge said this will probably expedite things. Commissioner Jester said how can he know what he is voting on if I don't know what you guys are working out? Mr. Coolidge said he will make sure he gets on things first thing in the morning. Commissioner Jester

said he hopes everyone realizes he is trying to be fair about everything. He likes what was said. Mr. Betz said in the meeting they were talking about future improvements. Some improvements can be made in a very short term period and some will take longer. The request you are looking at tonight is a proposal submitted for review by the Commission. The things the meeting met about are about things the City will work towards in the future. Commissioner Jester said he wishes all of the information could have come before the Commission before tonight. He feels there is some stuff going on which should have been on the table. Mr. Betz there are other things going on like our Comprehensive Plan and our Keep Powell Moving plan for future improvements which will benefit the City. Commissioner Jester said he doesn't want to lose this business but he can't say yes tonight with what is going on right now. He is sorry.

Commissioner Boysko said he agrees with everything Commissioner Jester said. He feels the passion. Commissioner Boysko apologized for missing the last meeting but he needs to back up. The parking calculations show 16 parking spaces plus the 2 spaces in the garage. The parking ratios; 25 for the restaurant, 5 for the office, 2 for retail; are for the restaurant and the adjacent retail space. Mr. Betz said yes, for both buildings. Commissioner Boysko said both parcels require 16 spaces total. Mr. Betz said yes. Parking requirements for the Downtown Business District allows for the division by 2. The reason is due to the smaller lots, smaller types of uses and the availability of the municipal lot. There are 112 spaces in the municipal lot available for use. People use about 1/2 to 3/4 of the 112 spaces. There are plenty of spaces for businesses who can't meet their parking requirements to use. This request is meeting the minimum requirement. We would love to see more for the business but this property can't put in anymore spaces. The parking analysis shows the City doesn't have a parking problem. Commissioner Boysko said to Mr. Margello's point, if both parcels are required to have 16 spaces in total and the agreement eliminates 4 of those spaces, by his calculations the restaurant is only lacking .5 spaces. Mr. Betz said exactly; this is the point he was trying to make. There is a lacking for the restaurant itself however they are investing in the whole parking lot to be utilized. The 4 spaces are being reserved for the other business, of course. Why wouldn't they? The improvement is being made to both properties, which is a betterment to the area. There will be more spaces than what is there now. Commissioner Boysko said he agrees. The Commission isn't in a position to refute those parking requirements/ratios. We have to follow the requirements. We have to make decisions which may not be popular. Mr. Betz said correct. The Code allows the Commission, in the Downtown Business District, to make adjustments to the parking requirements. Plans have been brought before the Commission before such as Prohibition, with other parking plans and testimony tonight has said it works. Commissioner Boysko said he agrees. Mr. Betz said this will work too. Commissioner Boysko said based on this agreement, with the exception of the language or enforceability of the agreement, he agrees with Mr. Margello there may be flaws in the language which should be more restrictive or tied to the parcel and more permanent, which can't be negated. He isn't an attorney. If the agreement was more restrictive, tied more to the property and the only way it could be changed would be to sell the property might be a better way to maintain the parking. Mr. Betz said or a condition could say if the parking goes away they need to find another place for additional parking. Conditions can be added. It isn't a smoke and mirrors type of thing; it is a reality. You are either going to get a use which can afford to pay for this type of improvement or you are going to get a use which can't. Commissioner Boysko said this is a great catalyst to push us towards this direction so we can start making improvements to the alleyway. Maybe this is the project which will do this. The study done goes a long way to identify the utilization of parking lots but the one piece missing, which he would like to see, is to show all of the downtown businesses, what their parking requirements are and compare their requirements to what is actually provided; similar to what Mr. Coolidge was giving. Mr. Betz said we did this a couple years ago, based on square footage and use. He doesn't have the study with him tonight but he can provide the information. Commissioner Boysko said this is a piece of information he is missing and would like to see. The municipal lot is being used to justify the reduced parking the City has so he would like to see this further information. Mr. Betz said exactly, the lot is there for this purpose. We have seen and shown there is plenty of room for more parking. Commissioner Boysko said he thinks everyone is in agreement the development is great and a beautiful addition to the community but the challenge is the parking. In his opinion it comes down to whether we are willing to approve a development which will have a bigger benefit for the community but have a negative impact on the surrounding businesses such as Mr. Margello's business and others. This is what he is struggling with. If he has to evaluate the request just on the zoning requirements, the spaces are negligent .5 spaces. In his mind this is negligible. Mr. Althouse said when they originally came before the Commission, 3 or 4 months ago, we only had parking on our parcel alone and we were 1/2 a space short. We fell short immediately and couldn't get a variance from the Commission. We have added 6 or 7 spaces to what was originally proposed. We are maxing out the lot. Commissioner Boysko said for the 1/2 space you are short, you are essentially utilizing the municipal lot to make up for the shortage. Mr. Althouse said 25 spaces is the minimum for restaurant use. Commissioner Boysko said 12-1/2 spaces. Mr. Althouse said 25 spaces is for the normal calculation or 1 space of every 3 seats. A 25 space minimum works for 75 seats. We started with 60 seats and we reduced to 40 seats. If you use the 40 seat count, we are required to have 8-1/2 spaces; if you use pure seat count. They have reduced the seat count and increased their parking in hopes we have met what the Commission has asked for. The proposed sign was glanced over. Other lots could be included on the sign to direct people to other lots. Several people have testified signage

is lacking. Every lot could have some type of wayfinding sign. It would get a little more complex to identify private lots where people shouldn't park. Downtown owners could get together and help show where parking is available. It is unfortunate for Mr. Sun that this project is being the catalyst to promote all of this but it will be great for Powell. Commissioner Boysko said based on following the guidelines he would be hard pressed to say the applicant doesn't comply. He fully understands and appreciates the position Mr. Margello is in but if the applicant is following and meeting the guidelines he would have a hard time not approving the request.

Commissioner Little said he has been here for 31 years and when he signed up to be on the Commission he said he would have an equal obligation to both the new residents and the current residents. He thinks he is in the middle of this right now. Mr. Margello has been here longer than most of us, if not all of us. Powell wouldn't be what it is if Mr. Margello hadn't put the blood, sweat and tears into working on things. If Jessi hadn't worked so hard and had such a successful restaurant he doubts we would have all these other restaurants wanting to be in downtown Powell. This request is an opportunity for the City to try and address an issue. If only one building could be refurbished in downtown Powell, this would be the building. To him, when he reviews this kind of request, he tries to make it a process. If we look at the process we have been through, initially when the applicant came in we said you need to work on parking, you have to have a shared parking agreement. Then, at the last meeting, they came in and didn't have an agreement. In good faith they reduced seating from 60 to 40, but still no parking. We have a Historical District requirement which says we will divide parking by 2 and it will be OK. He understands the logic behind the requirement. We don't want to tear down a bunch of buildings so we have a bunch of parking. He understands Commissioner Boysko's point about the applicant meeting our criteria, where we are at, and the applicant is close. Then there is the practical side where we are talking about a high intense use type of business and they have 12 parking spaces, and we can say they really need 25 to be functional and ignore this. He doesn't think we should do this. Now the applicant shows up today and has a shared parking agreement with between 12-1/2 and 18 parking spaces. We are making progress. Commissioner Little asked Mr. Betz if he could show census data for the 10:00 a.m. to 7:00 p.m. period everyone is worried about. Mr. Betz said they are mapping the chart data. Commissioner Little said he is mostly interested in the municipal lot where the cameras captured parking. Can you roll it to show 10:00 a.m. to 7:00 p.m. parking? Mr. Betz said yes. Commissioner Little said pick some days, a Friday, a Saturday and see. Mr. Betz showed the municipal lot during those hours on different days. There is less use during weekends since City employees are not parking. Commissioner Little said during these hours we are trying to find 12-1/2 parking spaces. The data has been gathered it just hasn't been pulled together to see what the data tells us. Data is data and data can lie. We have data and maybe the data needs to be summarized so we can really understand what is going on. In addition to needing to summarize data, we have the lots Dr. Waddell has offered. This is a positive direction. I think we are real close but we have some apprehension. If we can see the data, maybe the applicant can help the City gather and parse the data to help tell the story. Then maybe we can come back to another meeting and see what the data is actually telling us. Maybe Mr. Coolidge can work with the business owners to agree to work things out. If I'm a business owner uptown, I want people to come uptown, park, walk around, walk into my business, and walk into my neighbor's business. I don't want them to have to get back into their car to drive to another lot. He understands Mr. Margello needing to protect his lot because they have the best parking in town, a well-run business and a lot of patrons. Tabling the request might be the thing to do. I know the applicant is getting antsy but if we can get the data and arrive at a data-driven conclusion. Or, I don't know if we can move forward with the building improvements only and table the parking portion. Mr. Althouse said they are here today because they are changing the use from retail to restaurant which changes the parking requirements. By approving the building only, the return on the investment is risky. Mr. Sun would have to decide if he is willing to pursue this. Commissioner Little said his take is they are not going to approve the request or we are real close to approving. The entire request can be tabled and you can come right back after the data is gathered. Or, we can vote and see what happens. We are close but we need to honor current residents as well as those who want to become members of the community. Mr. Betz asked what it is in regards to data Commissioner Little would like to see. You have already seen snapshots and different times. Commissioner Little said the obvious solution is the municipal lot. He agrees with the comment made that people aren't going to want to park down in Local Roots' lot and walk to this restaurant. The first place people will try to park is the municipal lot. He knows from being in the lot several times over the last couple weeks he sees 25 – 30 open spaces on a regular basis. If the data can be put in a presentable form which everyone can look at and understand, we may be able to see this. Mr. Betz said so you want specific numbers at various times, days, weeks? Chairman Emerick said he thinks Mr. Kambo, after their Code Diagnostics meeting last night, was going to look at the data and analyze the total restaurant demand versus the municipal lot utilization and make sure we weren't over-selling the municipal lot as a solution. This might be helpful. Commissioner Little thinks the data is starting to tell the municipal lot can bear some of the load, but the data hasn't been summarized. Mr. Betz said yes, the municipal lot can bear about 50% more load, most of the times. Mr. Coolidge asked if this would be during the 10:00 a.m. to 7:00 p.m. period. Mr. Betz said yes. Commissioner Boysko said this is what we are looking to quantify. It isn't just this request. Other developments coming will be affected. Mr. Betz said you need the overall picture, he understands. Commissioner

Boysko said at what point are we going to overburden the municipal lot? Is it this request or is it 5 more? We need to quantify. Jessi Iams spoke from the audience (inaudible). Chairman Emerick asked her to come to the podium.

Jessi Iams, 15 East Olentangy Street, said Mr. Betz just made a snappy comment saying her employees are parking at 44 or on-street parking. Their requirement is public parking. She tells them to be kind and not park in on-street parking but she can't control them. It is public parking. If I told them they couldn't park at 44, which is what Mr. Betz wants her to do, or not in on-street parking and only at the municipal lot, it would be 25 more spots her employees would be taking from the municipal lot. Behind 44 in the gravel parking lot is what she finds to be fair but she is getting told this isn't a good option.

Commissioner Little said in his opinion we should look at the burden in the municipal lot. The camera catches along the railroad tracks which is a quasi, unofficial parking lot. Commissioner Boysko asked if he meant Depot Street. Commissioner Little said yes. Mr. Betz said Depot Street is another lot which is utilized for public parking. Commissioner Little said it would help if a lot of businesses put up directional signs for parking. He has walked around German Village and Italian Village and they have worse parking problems than Powell. They seem to manage their parking. If we want a vibrant community we need to find a way to address the situation. A proactive City Council would have bought the 2 lots behind the carryout and we would have had parking. Maybe Mr. Waddell would like to make some profit and the City can have a parking lot. We are making progress. He would hate to see Mr. Sun walk away. He thinks we can get there but we need to satisfy everyone's emotions on this. It frustrates him and he has always wondered why the downtown business owners don't want to make it a priority to figure out how to address this issue. Maybe they now feel the need to do this. It would be beneficial.

Commissioner Hartranft thanked everyone for their input. The more input the Commission receives the more we can evaluate things and change things in the future. He isn't going to take any more time. What has been said has been said. Parking has always been an issue in Powell. This restaurant isn't going to overburden the current status of our parking. The applicant has come back with reduced seating and a parking agreement. I think he is within our requirements and our job as a Commission is to look at the requirements and see if they are being applied in a reasonable manner, interpret the requirements and make a decision. While a lot of the Commission members don't feel the same, he would be satisfied if we would approve the Certificate of Appropriateness.

Chairman Emerick said he has a lot of mixed emotions about the request. He wants to see the request go through. He understands Ms. Iams' and Mr. Margello's frustration with having people park in their lot. He feels like this location would have less of an impact on their lot than Jeni's does. It comes down to how far people are willing to walk. We do have a lot of under-utilized parking spaces in the municipal lot and in private lots. We realize they are private lots. There is a lot of work which needs to be done on agreements with private lot owners to be able to utilize lots. We have another shopping center down the street which has very few cars in their lot. There is some missing analysis which needs to be done by the City on the collected data. The potential solution offered by Dr. Waddell is very hopeful. How soon do we think we could have something worked out with all of the parties involved? Mr. Betz said he can present a final report at the August 9th meeting. Mr. Waddell said he would like for all of the private property owners who already have parking in place, who are 10 yards away from this building, to embrace the concept of shared parking. It is so simple. He doesn't understand. Chairman Emerick said he agrees. As he has listened to his Commission members tonight, there needs to be a minimum of 4 yes votes for the request to pass. Right now there are 2 definite no's, 2 yes's and 2 unknowns. Mr. Sun asked what the Commission would like to see. He has tried to do everything asked of him. Chairman Emerick said we understand and appreciate this. It isn't what you have to do at this point as much as what other parties need to do. You indicated some willingness to work with Dr. Waddell. You said you would put the gravel down and come up with some type of agreement. This would go a long way towards alleviating some of the Commission's concerns. Commissioner Jester said we tabled the request for 60 days at the last meeting. The applicant was back here in 2 weeks. New information came to light tonight which we hadn't heard about. Do they still have the 60 days? Chairman Emerick said the request is before us tonight to take action on. We either need to table again, deny or approve. Mr. Betz said to Mr. Sun he is going to make the recommendation to wait 2 more weeks and try again. Mr. Sun asked what he will need to do. Mr. Betz said Staff needs to get more data pulled together and we can talk to some property owners, together. Mr. Sun said he would like to know exactly what he needs to do. He knows the Commission is looking for data but this wasn't the case before the meeting previously. We were asked to provide a parking agreement. We didn't know data was needed. If we would have known we would have waited and gotten more agreements in place. He is concerned. He doesn't want to come back and then have something else pop up and the delays keep happening. We started this in January. I need to know if I'm going to be able to move forward or not. We need to know what direction to take. Commissioner Little said he would offer his personal opinion; he thinks you have taken "x" amount of steps to swim through this situation. You are landlocked and limited to what you can do. You can still pursue additional parking agreements in addition to what you already have. You have a gentleman sitting across from you who is willing. Between now and 2 weeks you should work

real hard with Mr. Waddell and Mr. Coolidge. I don't know if you have the ability to help the City, or maybe the City doesn't want help, to put all the gathered data into a format which is easy to analyze. The burden is on the community now to figure out if we can work out a solution. You have maxed out what you can do. We appreciate what you have done and you have a great concept. It is up to the town now. We have been kicking this can around for a long time. Mr. Betz said Staff will get their part done. Information will be in your packets the Friday prior to our meeting. Mr. Sun asked specifically, what type of agreement are you looking for? Commissioner Cooper said long-term to permanent parking. Chairman Emerick said any short-term agreements are going to give additional time to work on long-term agreements. He isn't confident there will be a long-term solution within 2 weeks. He would be looking for short-term parking agreements to allow us time to work on more permanent solutions. Chairman Emerick asked Commissioner Jester what would satisfy him. Commissioner Jester said he wants to hear from Mr. Waddell and Mr. Coolidge. He doesn't want them to go away. They should be at the next meeting. They should work with Staff and try and make what they put on the table happen. This would help things for him and he hopes this would help Mr. Margello too. You said you met with members of Council tonight. What is going to happen from that? Mr. Waddell said all this has happened after 7:00 p.m. tonight. He is frustrated. His daughter works for Mr. Margello. She has to park on public property so Local Roots can have the parking spaces. There is parking which already exists. Right next to the church is parking. The lot is already paved. You could get 15 cars in this lot. Why doesn't the City abate the taxes or maintain the property if the owner would lease out the spaces short-term or long-term. It would be easy. Commissioner Jester said he wants to see a plan, short-term or long-term. Mr. Waddell said he would participate in a short-term plan. Chairman Emerick said to answer Mr. Sun's question, everyone needs to work together; the City, adjacent property owners and you. Mr. Sun asked if he can get 10 or 15 parking spaces will he still have to pave and use his neighbor's lot. Or, would these spaces be in addition to using his neighbor's lot. Mr. Betz said we will figure this out. We will get a plan put together and come back in a couple weeks.

MOTION: Commissioner Little moved to re-table a request for a Certificate of Appropriateness for the property located at 26 W. Olentangy Street as represented by Matthew Althouse, to allow renovations to an existing building for the purposes of a restaurant, and approve a parking plan for the proposal, to allow for resolution of the City's Parking Census data and any other parking arrangements which can be made with property owners in the area. Commissioner Cooper seconded the motion.

VOTE: Y 4 N 2 (Hartranft, Boysko)

OTHER COMMISSION BUSINESS

No further business.

ADJOURNMENT

MOTION: Chairman Emerick moved at 9:31 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED:

Donald Emerick
Chairman

Date

Leilani Napier
Planning & Zoning Clerk

Date