



**DEVELOPMENT DEPARTMENT REPORT  
JULY 2018**

**CODE ENFORCEMENT REPORT**

*Report attached.*

**HISTORIC DOWNTOWN ADVISORY COMMISSION**

*No meeting held.*

**PLANNING AND ZONING COMMISSION**

***July 11, 2018 – Minutes attached.***

**SKETCH PLAN REVIEW**

Applicant: The Ohio State University  
Location: 3315 Royal Belfast Boulevard  
Existing Zoning: (PC) Planned Commercial District – Liberty Township  
Proposed Zoning: (PC) Planned Commercial District – City of Powell  
Request: To review the conceptual plans for an ambulatory care medical facility.

- *Request reviewed and discussions held.*

**SKETCH PLAN REVIEW**

Applicant: Memmer Homes, Jeff Memmer – Liberty Townhomes  
Location: 2770 Carriage Road  
Existing Zoning: (FR-1) Farm Residence District – Liberty Township  
Proposed Zoning: (PR) Planned Residence District – City of Powell  
Request: To review a proposal to construct 34 condominium residential units on 4 acres.

- *Request reviewed and discussions held.*

**ADMINISTRATIVE REVIEW**

Applicant: Signcom Inc./Melody Ward  
Location: 478 W. Olentangy Street  
Zoning: (PC) Planned Commercial District  
Request: To review a new sign.

- *Request reviewed and approved with conditions.*

**PLANNING AND ZONING COMMISSION**

***July 25, 2018 – Minutes attached.***

**CERTIFICATE OF APPROPRIATENESS**

Applicant: Matthew Althouse  
Location: 26 W. Olentangy Street  
Zoning: (DB) Downtown Business District  
Request: To review a proposal to revert back to the previously approved architecture and site plan for a restaurant and bar.

- *Request reviewed and approved with conditions.*

#### AMENDMENT TO AN APPROVED FINAL DEVELOPMENT PLAN

Applicant: BJ Artrup/Gallo's Taproom  
Location: 240 North Liberty Street  
Zoning: (PC) Planned Commercial District  
Request: To amend an approved Final Development Plan in order to allow for a different design from the previously approved outdoor patio.

- *Request reviewed, discussions held and request tabled.*

#### SKETCH PLAN REVIEW

Applicant: Chris Bradley/The Camber Company  
Location: 185 North Liberty Street  
Existing Zoning: (R) Residence District  
Proposed Zoning: (PR) Planned Residence District  
Request: To review a proposal for a single-family subdivision consisting of 21 residential units on 5.36 acres.

- *Request reviewed and discussions held.*

#### **BOARD OF ZONING APPEALS**

***July 9, 2018 – Minutes attached.***

#### CONDITIONAL USE PERMIT

Applicant: HorsePower Farms LLC  
Location: Home Road and Steitz Road  
Zoning: (FR-1) Liberty Township Farm Residence District  
Request: Approval of a Conditional Use Permit to allow for a sportsmen's club.

- *Request reviewed and approved with conditions.*

## July Code Enforcement Report

Date	Violation Description	Address	Name	Phone	Notes	Resolved Date
7/2/2018	Junk Violation	180 Brairbend CT	Smith Thomas & R Michelle Link		Deteriorating Playsets	7/16/2018
7/2/2018	Boat Violation	49 Ridge Side Dr	Hennessy Brian		Boat in drive way for over a month	pending
7/3/2018	Lawn Violation	170 W Olentangy	Armita Plaza LLC		Weeds/ unkept lawn	7/12/2018
7/12/2018	Boat Violation	130 Olentangy Ridge PL	Kevin Schmidt		Boat in drive way for over a month	7/31/2018
7/12/2018	Trailer Violation	120 Woodland Drive	Ray Matthew & Julianna		Trailer in drive way	7/20/2018
7/16/2018	Lawn Violation	951 Retreat Lane	Vazirani Umesh S		Weeds/ unkept lawn	pending
7/16/2018	Lawn Violation	43 Chenango Dr	Power Garrett		Overgrown tree	pending



## City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Ed Cooper, Vice Chairman

Shawn Boysko

Trent Hartranft

Joe Jester

Bill Little

Shaun Simpson

### MEETING MINUTES

July 11, 2018

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, July 11, 2018 at 7:00 p.m. Commissioners present included Shawn Boysko, Joe Jester, Bill Little and Shaun Simpson. Ed Cooper and Trent Hartranft were absent. Also present were Dave Betz, Development Director; Rocky Kambo, Assistant Development Director; Leilani Napier, Planning & Zoning Clerk and interested parties.

### STAFF ITEMS

Mr. Kambo introduced Derick Stadge with Shyft Collective. Mr. Stadge and Steve Reynolds are going to be the new Architectural Advisors. Mr. Stadge said he was excited to be at the meeting and they are excited to work with the City.

Mr. Kambo advised the Commission Item #8, Amendment to a Final Development Plan for Margello Development Company has been cancelled. Staff sent out postcards in anticipation of receiving information from the applicant. We didn't receive a request so we listed the Item to show it cancelled.

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

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

### APPROVAL OF MINUTES

MOTION: Commissioner Boysko moved to approve the minutes of June 13, 2018. Commissioner Simpson seconded the motion. By unanimous consent the minutes were approved.

### SKETCH PLAN REVIEW

Applicant:	The Ohio State University
Location:	3315 Royal Belfast Boulevard
Existing Zoning:	(PC) Planned Commercial District – Liberty Township
Proposed Zoning:	(PC) Planned Commercial District – City of Powell
Request:	To review the conceptual plans for an ambulatory care medical facility.

Aaron Underhill, Underhill & Hodge LLC, 8000 Walton Parkway, New Albany, said he is representing the Ohio State University Wexner Medical Center for a proposed ambulatory care facility. The initiative by the Medical Center is relatively new. This request is for one of two sites currently in the works. The other facility is a little ahead of this one and will be located at Hamilton Road and Route 161, in northeast Columbus. The process to identify sites involves marketing studies and the need for services. There is a lot which goes into making a decision like this. Staff has been excellent in terms of getting us to a place where we feel good with moving forward. Mr. Underhill thanked City Staff. OSU is trying to bring services into the outlying areas of Central Ohio and outside of the main medical campus. This will be a satellite campus. A significant facility with a very large job base, a lot of services will be provided which will be convenient to the community. They filed an annexation for the property, which is currently in Liberty Township, with Delaware County yesterday. Their goal is to begin the zoning process while the annexation is pending so everything will come together at the same Council meeting. A pre-annexation agreement was approved by Council last week. Mr. Underhill asked Mr. Kambo to pull up a slide presentation (Exhibit A1). The property is currently zoned for retail uses. There are several out-parcels, one of which is the existing bank on the corner of Home and Sawmill Roads. They have a little less than 30 acres they will be re-zoning. The bank property and out-parcels will come in also. There is a second out-parcel which has already been sold to a third party. It is a pet-related venture. They will be requesting that the existing zoning on those parcels stay in place. We needed the out-parcels so we have contiguity to be able to annex into the City. Part of the agreement with the out-parcels

was to leave the same zoning. The first phase will be a 200,000 SF ambulatory care center. An estimated 500 jobs will be created with an estimated salary of \$100,000 per year, for a \$50 million annual payroll. This is bringing a big corporate office complex into your community. Aside from bringing in and making the services convenient, there is a large economic development component which is a big positive. He is relatively certain this will immediately become the biggest employer in town. The services to be provided are outpatient in nature. Some procedures will be performed which don't require inpatient stays. There will be specialty care services, diagnostic treatment, laboratories, MRIs and primary care services. Another team is meeting tonight, concurrently, with the neighborhood residents to the north of this property to introduce this project. There will also be a medical office building in the first phase. The buildings will be oriented parallel with Sawmill Parkway. Parking will be behind the buildings and to the south. There are parcels which won't be owned by the University and could be marketed for retail purposes. The future phase could include a micro-hospital. This will happen several years down the road. Or, the current uses could just be expanded. The architecture is a work in progress. They are in the very early stages of designs. There is no way around the building being tall; the drawings show 5 stories with a 6<sup>th</sup> floor for mechanicals. The location of this property is in proximity to another large, institutional use. We recognize we will have to do some things for the neighbors to the north to make them feel buffered from the use. We show a very heavy landscape area between us and them. We will continue to work with the neighbors to make sure we know what is satisfactory to them. Mr. Underhill showed some character images of the quality of other projects OSU has done. The pictures don't necessarily represent what they will be doing on this project. We haven't started designs yet. They will have conceptual architecture for the zoning. The design of this facility will be driven by the inside. Mr. Underhill introduced Keith Myers.

Keith Myers, Vice President of Planning & Real Estate, OSU, said on behalf of OSU they are very pleased to be coming to this community. The building will be a significant medical ambulatory center. The entrance coming in from Sawmill Parkway is of particular importance to them. They have made a very conscience decision making this the front door to the facility, understanding the size of the building. They have pulled the buildings back away from Sawmill Parkway, creating a real healthy setback. The road is important, coming into the drop off area. On a facility of this size, the drop off areas are critical to how the building functions. The site configuration has been thought through very carefully. The proximity to parking is also very important. Quantity is one thing but proximity is very important. They have hired an architectural firm, Westlake Reed Leskosky DLR out of Cleveland, who does a lot of work with The Cleveland Clinic. We hope to bring many of the features for the Hamilton Road facility to this building, but they won't be identical buildings. This facility will have slightly different services than the Hamilton Road facility which will require modifications to the building. Many of the materials will be used in both buildings. At the very least, the buildings will seem as first cousins, if not brother/sister buildings. They are hoping to be fairly ambitious with their architectural style.

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

The City is very pleased to have OSU become a part of our community. City Council has approved the pre-annexation agreement. We have provided a lot of information to Mr. Underhill over the past several months such as Powell statistics and demographics. Powell and the surrounding area is in need of a facility such as this. The medical office building and ambulatory care facility will be the largest employer in Powell and the largest project we have seen in Powell. We need to carefully plan. Home Road and Sawmill Parkway are going to be the 2 largest arterials in the future of southern Delaware County. If this facility is going to be placed anywhere in Powell, this property is the best. Liberty High School across the street already has an incredible amount of massing like this project will have. The existing zoning which was approved by Liberty Township actually lists hospitals and medical centers as a permitted use. There will be a Phase 1 and a Phase 2. The applicant will have a transportation and traffic engineering study done. All intersections will be looked at. The County Engineer will be involved also. The major concern is the buffering of the north end between the residents. Staff does like the layout of the site. OSU does design to the LEED Silver level which is a very high standard to meet. The uses within the building will drive the height of the building. Design efficiency is important. The size of the property is going to help with the massing. We are doing fiscal analysis to see what all of the impacts will be on the City. OSU will be around for a long time, as opposed to another medical user which could come and go. We feel OSU will be a good partner to have in the City of Powell. Interconnection of pathways through and to the site is another concern. Employees may live near and want to ride their bikes to work. We want the site pedestrian and bicycle friendly. Staff recommends proceeding with the Preliminary Development Plan process.

Derick Stadge, Architectural Advisor, said you can really see the time and thought which has gone into this Sketch Plan. He appreciates this. He agrees with Staff in regards to the siting of the building and the parking in relation to Sawmill Parkway. It makes all the sense in the world. The last thing anyone wants would be to approach this building and have a sea of parking. From a site standpoint, he appreciates the vegetated swales and curbs to break up the lots. It would be nice if you could incorporate some type of rain garden or water management

through them. He will watch the Hamilton Road project. This site could be a showcase for the City of Powell. It makes sense to look at architecture a little more on the modern side. He would caution that an all glass building might not fit the site or the vision of Powell. There needs to be some moderation. He looks forward to seeing the designs.

Chairman Emerick opened this item to public comment. He advised speakers to state their name and address.

John Anthony, 2591 Bryton Drive, said he lives just outside of Powell. He heard this will employ 500 people. He assumes they will be coming from I-270 up Sawmill Parkway or across Home Road, which is even worse. Or down Liberty Road which is once again, worse. This needs to be considered when the traffic studies are done. You have a short life span if you are a goose on Sawmill Parkway. We have seen dead ones all over the place. He doesn't know how the traffic is going to be slowed down or how the flow will be handled.

Brent Burchfield, 1450 Wren Lane, said he is the President of the HOA for Westchester. It is the Carriage Road and Wren Lane housing development off of Liberty. Their road is already heavily traveled and the road doesn't meet Codes. There are unsafe conditions for pedestrians. The amount of traffic this project will bring is concerning. Commissioner Boysko asked where Mr. Burchfield lives. Mr. Betz showed the location on the overhead. Mr. Burchfield said there are 2,000 to 3,000 cars using their road a day; a road which is essentially as wide as a 2 car garage, no berms and there are deep ditches on the side. It's a big concern.

Keith Sarbaugh, 2380 Carriage Road, said he noticed on the site plan an area marked service in the front of the building. Is this a loading dock? Will semis be parked here all of the time? Mr. Myers said there is a service area there because these buildings need a service area. The site is a 360 degree site. This is one of the headaches of the site. Their intent is to fold this area into the architecture. He can't even say right now if this is where the service area will be located. A service area will be placed somewhere. They are just as concerned about this as anyone else. The area will be screened with architecture; a wall, the building, etc. The screening will be permanent; not a landscape screen. Trucks will come in early in the morning and not every day. Most are panel trucks and they are bringing surgical carts and things from their central sterile facility.

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

Commissioner Jester thanked the applicant for coming. He realizes this is a Sketch Plan and there is a lot to do down the road. He thinks this is an excellent location for this type of facility. He appreciates OSU's investment in Powell. The project is outstanding and will improve the quality of life in the community for years to come. The medical facility is going to bring the very best professional medical and support staff to Powell. The supporting businesses this facility will bring is going to be very positive for Powell. He looks forward to the future plans.

Commissioner Boysko said he agrees with comments made already. He realizes the challenges faced with the site, this type of facility and the need for the size of the buildings. How do you respond to people when they ask why the buildings need to be 5 stories high? Mr. Myers said it has to do with medical planning. They are concerned about proximity to nursing stations. It is very difficult to spread out. Medical office buildings have a fairly traditional footprint. The surgical center itself has to connect to the medical office building. This building will be as complex of a building as you will ever come across. It is a series of intertwined features. A smaller footprint is more beneficial. If there were ways to spread areas out, we would have. Medical planners have looked at the plans. Commissioner Boysko said he appreciates pushing the buildings to the front and having parking in the back. It is what everyone prefers. The challenge he sees with creating this type of massing and having four sided architecture is all of the access is from the rear. He is curious to see what will be developed on the front and what will be seen from Sawmill Parkway. Mr. Myers said this is a really good point. The trouble with massing diagrams is the buildings look like blocks, extruded up. We will be looking at places to carve away. He thinks there will be a café inside. They have talked about the opportunity to build a terrace on the Sawmill Parkway side. They are concerned too. Sawmill Parkway will be their face to the community. We will work to break the façade down as much as they can. Commissioner Boysko said this was his concern, there will be 3 big components and whether there is a way to pull them apart to better articulate the buildings and distinguish the pieces/parts so they don't look like one large mass. Mr. Myers said he does think this is possible as we get into the actual designs of the buildings. Commissioner Boysko said the other challenge is access. The way the buildings are situated he understands really needing the access on the south side of the parcel. How critical to the planning is this access if you don't get it? Mr. Myers said it is absolutely critical. Mission critical. Due to the size of the building and the configuration of the site, the site isn't rectangular, the site begins to dictate where the building and parking have to be. We didn't feel like sharing our primary entrance at Royal Belfast would help our neighbors to the north. This entrance is absolutely mission critical. Commissioner Boysko asked if they have had any preliminary discussions with Delaware County yet. Mr. Myers said

they have had some. It seems like we are on the right track. Commissioner Boysko asked if there will be a traffic light at the intersection. Mr. Myers said yes. Commissioner Boysko said ambitious architecture was mentioned. He would love to see something ambitious. Powell is very traditional but this is a great opportunity to deviate away from this. Starting subtle on the lower level and by the time you get to the upper floors, the architecture is very unique. Mr. Myers said we are conscience of the community standards. We say ambitious but this means different things to different people. The scale and character of the building is different enough we want it to be a little forward looking. Commissioner Boysko said he is a little concerned about the 5 or 6 stories so close to the street and residents. Buffering is great but a 6-story building is going to be seen pretty readily. What might help is showing the relationship of the 2-story condos to this building. A site plan study might help. Mr. Myers said this is a good point. They can do this. Commissioner Boysko said the buildings will be well beyond the zoning requirements in regards to height. Mr. Betz said in this current zoning it is 40'. Commissioner Boysko said this is 3 stories at best. Mr. Myers said their floor to floor heights are more than what you would expect. Commissioner Boysko said when applicants request deviation or a variance from Code there is usually a trade-off. What additional amenities would you be providing to offset the variance? The ask needs to be as significant as the give. You are asking for 2 or 3 additional floors, the give needs to be more than just some bike paths and bike stands. Public amenities could go a long way. Mr. Myers said there are always security issues with hospitals. To the degree they can work within the framework of what we have to deal with in regards to security issues, we could look at public amenities. Commissioner Boysko asked what it means to achieve LEED Silver status. Mr. Myers said it is extremely difficult for a medical facility. He isn't the best to answer this but many things such as bike racks to the rain gardens, the storm water treatment system are all going to be necessary for them to achieve this. We will also be dealing with the lighting, the HVAC system and the facades. OSU has adhered to the level for quite some time now.

Commissioner Simpson said obviously the function of the buildings has a lot to do with the design of the buildings. Will this facility be a 24 hour care facility? Mr. Myers said the medical office building isn't. The ambulatory surgery center in Phase 1 isn't. As we move into Phase 2, we haven't figured out all plans with the hospital piece so we really don't know at this time. Higher acuity patients would be treated at the main campus. There may be some procedures performed at the new hospital which require an overnight stay. It is not the intent for the hospital in Phase 2 to be an emergency facility. There needs to be some level of emergency capability but it won't be the main intent. It won't be a trauma center. Commissioner Boysko asked if there will be any urgent care associated with the medical office building. Mr. Myers said there will be walk-in but not urgent care. Commissioner Simpson said he knows OSU has its own police force. Will this facility have City of Powell Police service? Mr. Myers said yes. Commissioner Simpson said his only concern is a project like this could end up being a blockade in the community. Bike paths were mentioned and this would keep the site tied into the community. Light pollution would be his big concern. Mr. Myers said they will be sensitive on this. Commissioner Simpson said Royal Belfast being the only turn out from the facility would be a concern. Mr. Myers said this is why we are pushing for the main entrance. People tend to leave the way they came in.

Commissioner Little thanked OSU for coming before P&Z. He knows OSU had many suitors and they chose Powell. We developed a Comprehensive Plan which is our strategy. This request is consistent with our strategy. It is necessary to ensure Powell remains competitive and a sustainable community. Powell has a lot of competition. We are trying to stay up with our neighbors. It is important to our property valuation and our revenues. Most of our revenue comes from single-family homes. We have data showing this isn't sustainable. This project will help us pay for improvements we can't afford today given our current business model. This project will improve the appeal of Powell and allow us to compete with Dublin, Westerville or Worthington. We are in competition for sustainability. OSU will be around for many years. We look forward to being partners. It will be really important to work with the neighbors. The use is appropriate for the property. The high school across the street should be considered when you decide on the scale of the buildings. The 2 facilities need to complement each other rather than compete against each other. We are developing a medical corridor on southern Sawmill Parkway with the medical centers, the retirement centers. These facilities bring the higher paying jobs, the tax revenues. He encouraged explaining to people how this project will be a benefit and a positive addition to the community. Traffic infrastructure is a key consideration. We have a lot of work ahead of us and he looks forward to working together.

Chairman Emerick said he echoes his fellow Commissioners. He is looking forward to working together. This is a Sketch Plan. The Commission doesn't vote on anything this evening. Feedback and input is given. We look forward to seeing the Preliminary Development Plan.

#### **SKETCH PLAN**

Applicant:	Memmer Homes, Jeff Memmer – Liberty Townhomes
Location:	2770 Carriage Road
Zoning:	(FR-1) Liberty Township Farm Residence District
Request:	To review a Sketch Plan to construct 34 condominium, residential units on 4 acres.

Jeff Memmer, Memmer Homes, thanked the Commission for taking the time to review his request. Their intent is to target empty nesters. Powell is full of young families with young kids. They are looking for opportunities for grandparents to be able to down size and stay in Powell. The product they are proposing is a townhome. They want to create a charming, low profile plan with high end architecture. The style will have a lasting value. They have tried to spread the units out and have created buffer spaces. They intend to landscape around the entire site plan. The site is relatively flat. There is a lack of bike paths and sidewalk connectivity. They see this plan as an opportunity to continue connection. They have a singular in/out so they can control the flow of the space and to self-contain the area. There are some wetlands on the property. They are working with engineers on the wetlands.

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

There are about 167 acres of vacant property left in Powell; about 4.5% (Exhibit 1A). Some of these infill parcels are now coming in for development. They are difficult parcels to develop. This property is about 4 acres. We usually see Sketch Plans which are further along than we are seeing here. There isn't a lot of information to go off of. We appreciate the pictures and the site plan but we are accustomed to seeing a lot more. It is difficult to provide a lot of comments. Staff doesn't know if this request is for rental units, fee simple or what type of ownership structure is being built. We need to make sure the site will be maintained and taken care of. Will there be HOA documents, deeds and restrictions, etc.? It appears as if all units will be facing the loop road. We assume the loop road will be a private road. The units along Liberty Street should face Liberty Street so people driving on Liberty Street aren't looking at the back of a home. Or, the units need to be designed in a way the front and the back are interchangeable. The Comprehensive Plan talks about thoroughfares, main roadways; creating a rural feel. Looking at the back of a home isn't giving a rural appearance or feel. We would want to see four sided architecture here. We need to know if the plan is consistent with our Comprehensive Plan and Zoning Codes. The wetland takes up a significant portion of this site. The site plan is showing the most amount of homes which can be put on this site. There is no foresight of what affect the wetland will have on this plan. We are an MS4 area so wetlands and storm water runoff is very important; how it is managed, where it will be maintained. It doesn't appear as if this has been taken into consideration. Powell has a sense of place. We need to know this development will have Powell's sense of place. Morgan Place was developed on the same size of parcel. Morgan Place has a sense of place, beautiful architecture. Only 6 units were built at Morgan Place, plus an existing house. This plan shows 34 units. This amount of density in this particular site doesn't seem to be correct. The plan is at 8.5 dwelling units per acre. We allow between 1.7 and 7 dwelling units per acre in our Planned Residence District. We allow over 7 dwelling units per acre if there is significant public benefit or other amenities are provided as a trade-off. This plan, with what we have been given, doesn't merit 8.5 units per acre. And, the wetlands haven't been taken into consideration. He isn't sure this is the type of development we want in this particular area. The applicant needs to submit a more refined Sketch Plan showing much less density and the actual homes they are building. The applicant should outline the site characteristics such as the wetlands. The heights of the units should be given. The designs need to make the site not look so dense. The character or sense of place needs to be shown. We want to know upfront what the development will look like.

Mr. Betz said from a traffic management standpoint, we want access off of Carriage Road and not Liberty. The intersection will have to be analyzed. The access point needs to be directly across from the existing road across the street. The homes need to fit into the natural characteristics of the site as opposed to stuffing as many as you can into 4 acres. This is a remnant parcel, left over from The Woods at Powell North.

Mr. Kambo said it would be fantastic if the site plan could be such that there doesn't seem to be friction between the school and the site. There needs to be more of an interplay or relationship.

Derick Stadge, Architectural Advisor, said he has a lot of the same comments Mr. Kambo and Mr. Betz made. He does think the plan is too dense for this site. He appreciates the single drive entry/exit but it seems to have a service drive feel. Having the backs of units facing Liberty Road and Carriage Road will look awkward. The road looks to be 22' wide. He is assuming this will be 2-way traffic. There are single driveways into garages. He can foresee parking being a real problem. People will park on the street and choke things up. The images don't depict quality architecture. The composition needs to be timeless. If you are going to try and fit 16 units in, you want it to look like 8 units.

Chairman Emerick opened this item to public comment. He advised speakers to state their name and address.

Erin Wesson, 104 Mendolin Way, said she lives in The Woods at Powell which is the adjacent neighborhood. She was a member of Planning & Zoning for 5 years. She appreciates the work of the Commission and she understands Staff's comments. As a resident in a neighboring community she has concerns with density, the backs of the homes showing from Liberty, the setbacks, the impact on water and sewer runoff. She is a parent of students at the school.

There is a lot which goes on in this area. All of the traffic comes through Carriage and Mendolin Way. There is a major cut-through at Rutherford Road. Traffic study or not, traffic is going to be a nightmare. The traffic backs up every single morning. There are 6 different routes into this area. To add the traffic from these additional homes, we will never be able to get out. It is busy even when school is out due to baseball games and track meets. She isn't opposed to development but a lot needs to change.

Marilyn Jacobsmeyer, 2497 Shepherd Court, said she lives right across Liberty Road. She has 4 children in the schools. She worked at Wyandot Run. At 8:05 a.m., the bell rings at Liberty Middle School and 9:05 a.m. at Wyandot Run. The reality is, this is already a very dangerous intersection. Even on a good day when there is no rain or special event at the schools, there is a ton of backup. The density is too much on this space. The wetlands is cool. Some of the classes have gone out and done scientific research on the wetlands. It's nice the wetlands is there and it's important to our community. Wyandot Run will be increasing by 6 classrooms real soon. There will be construction traffic. Please thoughtfully consider this request from a parent's perspective. It doesn't seem like the right time and the right plan.

Tom Tacosik, 2111 Carriage Road, said he is on the Westchester HOA. Westchester is Carriage Road from Route 315 to just west of Liberty Road. We have strong objections to this development. Carriage Road was never designed to be a thoroughfare. It is a road for a home development. The traffic has been overwhelming. If you look at the intersection of Carriage Road and Liberty, it is very common for traffic to be backed up on Carriage back beyond the first curve. It is terrible getting off of Carriage Road, morning and evening.

Keith Sarbaugh, 2380 Carriage Road, said he lives on 2-2/3 acres. Most homes on Carriage Road are on lots about this size. Putting this many homes on a 4 acre lot doesn't fit with the neighborhood. The developer said he wants to keep grandma and grandpa in Powell. When grandma falls down the stairs and breaks her hip it isn't going to be good. A 2-story home doesn't match. When he retires, he wants to retire to a ranch not a 2-story house. The height doesn't fit the narrative. The density is too much. The site is surrounded by single-family homes. It looks like an apartment complex right in the middle of a residential area. He is strongly opposed to this plan.

Charles Klein, 2120 Carriage Road, said someone who moves into this new place is going to have severe problems getting in and out of the development. It would almost be irresponsible for someone to move into this development. The land is a wetlands. When his kids were in school, they went out and did projects. There is probably a reason this site hasn't been developed. It was mentioned when there is high density there needs to be a trade off or another amenity offered. He doesn't see anything being offered for this. It was mentioned this is a remnant space. Was this site considered as a green space trade off years ago? Undeveloped, this lot could have helped justify the larger neighborhoods.

Staci Hood, 2920 Rutherford Road, said she opposes this proposal. The density is too high. Both of her children have gone to the schools. Kids walk to school. It is a nightmare not only on Carriage Road but on Rutherford Road. You add another 34 homes at 2 cars per home on average and it will be worse. She agrees with all other comments.

Brent Burchfield, 1450 Wren Lane, said he is the President of the Westchester HOA. Carriage Road is unsafe. The volume of traffic is currently at 2,000 to 3,000 per day. Adding the traffic from 34 more homes and the new medical center is going to cause bigger problems. We ask the Commission to deny any other multi-family developments between Rutherford and Home Road on Liberty Road due to these issues.

John Anthony, 2591 Bryton Drive, said he lives in Liberty Township. We spend a lot of money in Powell. He has been here 22 years. He thought the school owned this property. There are nature things on this property. There is a large habitat of birds. His daughter went on this property when she was in science class. He contacted Dave King with Olentangy Schools. He asked why the school doesn't own the property. It would be worthwhile if the school would buy the property. The land has a value of \$35,000 for taxing purposes. If the owner wanted to do the area a favor, they would consider selling the property at a good price to the school. A lot of green space has disappeared in Powell. He has a 50' easement behind him. He calls it the DMZ. It keeps him from Powell. The area is wild. He has rabbits, chipmunks and deer. What brings people to Powell isn't putting as many houses as you can on a piece of property. It isn't the terrible congestion. It's the environment we moved up here for. Let's leave some green space. Some real woods. A place for animals to live. He hopes this lot is never developed. It isn't worth it. Donate the land to the school.

Stacie Sarbaugh, 2380 Carriage Road, said she is a member of the Westchester HOA. You have heard from quite a few of us today. They did submit 101 signed petitions against this development. This is important. This development will create very dangerous situations. The traffic does back up to where we live. We see this on a regular basis. This is the least of their concerns. We can show you pictures of tracks from cars which go off the road

at the curve into their yard. Several other neighbors have the same thing happen to them. The road is not up to current standards and scales. She has almost been run over by school buses which have gone left of center. We practically get run over getting our mail. The road is too narrow. Cars zoom by. We have paid out of our own association dues to have the Sheriff patrol the area more. We get no support about our road. She isn't being critical of the Township. They have worked with the association. We are only putting Band-Aids on the situation. Carriage Road, with 3,000 cars a day, has not kept up with the growth. It was intended to be a neighborhood road. Putting anything on this parcel will create a challenge. She is asking that the City and the Township work together. This isn't just a Township issue or just a City issue. It is a community issue. Before any development happens in this area, we all need to get together and resolve this issue. Before someone gets killed. She has seen kids go over their bicycle handles and land in the ditch. There are no sidewalks.

Edward Rogers, 2450 Dauer Court, said he lives in Woodland Glen. He asked what the actual setback is on Liberty Road. Mr. Kambo said it is 53'. Mr. Rogers asked if they would build patios. There should be at least 60'. He said traffic is backed up every morning. Something needs to be done with the traffic. The speed needs to be slowed down. Adding more traffic will make it worse. He doesn't recommend the high density.

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

Commissioner Simpson said the current zoning is Farm Residence. Mr. Betz said the Township zoning came in when it was annexed. The corporate limit ends just before this site. The schools aren't in the corporate limit. Commissioner Simpson said our ability to do any mediation is zero. Mr. Betz said we've made a note to have a meeting with the school district. Hearing all of these concerns, there are some other things which come to mind which might be possible. The County Engineer is the one who controls Liberty Road at this point. Commissioner Simpson said he has some of the same concerns mentioned. When a site evaluation is done, the whole project would have to change. When the City looks at density do they look at gross or net? Mr. Betz said we look at gross. We look at a lot of other things too. Commissioner Simpson said it looks to him as if The Courtyards of Powell would be a good guide. He has concerns about this being a grandparent community with 2-stories. Mr. Kambo said a lot of 2-stories have the master bedroom on the first floor. It isn't always just ranches. Commissioner Simpson said the buildings facing inward is a major issue aesthetically. The road dumping off onto Carriage during school hours is going to be a problem. An adequate buffer would be difficult with the current density. The buildings are positioned pretty tight to the property lines. The road looks very tight in the development. He doesn't know if emergency vehicles could move around.

Commissioner Little thanked the developer and the residents for coming. We are all residents of Liberty Township so we are all in this together. It would be hard for him to have better comments than what Mr. Kambo and the residents said. He appreciates all of the input. It is hard to comment with the limited detail provided. The property is a transitional property. Personally he thinks the density is too much pressure on the site and the intersection. He has been a bicyclist for 30 years. He put 2 kids through Liberty Middle School. He has coached basketball, football and baseball back there. There is a lot which goes on back there. The intersection is already a problem. He is surprised it hasn't been addressed yet. He encouraged the developer to take the feedback and consider a more appropriate proposal if you want to go forward. If the school is using the site as described, he thinks the school should buy it. There may be a liability issue since school kids are going on lot.

Commissioner Boysko thanked everyone for coming out. It's good to get the feedback. He agrees with most if not all of the comments made. He asked Mr. Memmer if he has had a wetlands study done. Mr. Memmer said they are in the process of analyzing. Commissioner Boysko asked if Mr. Memmer currently owns the property. Mr. Memmer said it is under contract. Commissioner Boysko said he does have some experience with wetlands. You will have some challenging obstacles to overcome. You will have to redesign the site to accommodate the mitigation which will be required. He has 2 kids which went through Liberty Middle School. He appreciates the traffic in the area. It isn't an enjoyable experience. It is unfair to blame this development for the traffic. The traffic is really caused by the schools. The schools and the YMCA are the major drivers in the traffic issue. Where this development will come out on Carriage Road doesn't help. There is no easy solution. This development will be a very small piece of what is already happening. The Township, the City and the County need to come together and solve the intersection. It is very dangerous. He always takes a more optimistic approach. Development could help solve some of these problems. He isn't saying we want an 8.5 density development in this area. If the development is scaled down, it could help contribute to the improvements. Senior housing has minimal impact on traffic and schools. The right development could work here. As a Commission, if someone wants to build and they meet the zoning requirements, we have some ability to impact the development but we can't just reject the request. We can't reject a request which meets Code. We can modify the request. Our role is limited if the developer meets the standards.

Commissioner Jester said he heard the residents. He has heard his fellow Commissioner's comments. There are a lot of legitimate concerns. He is concerned about the request. There is a lot of work which needs to be done. We need to listen to a lot of people. He doesn't see enough to move this on.

Chairman Emerick said he is very concerned about the proposed density. He is amazed the school has never picked the piece of property up. It seems as if it should be a part of the school's property. Access off of Carriage is a concern. Emergency access is a concern. Once the applicant gets through the wetlands process, he has his work cut out for him.

A man from the audience asked if the plan currently meets the zoning requirements. Mr. Betz said not now. They would have to re-zone.

#### **ADMINISTRATIVE REVIEW**

Applicant: Signcom Inc./Melody Ward  
Location: 478 W. Olentangy Street  
Zoning: (PC) Planned Commercial District  
Request: To review a new sign

Jim Hartley, Signcom, 527 West Rich Street, Columbus, thanked the Commission for letting them do business in the City of Powell. They are proposing a sign with room for 4 tenant's information. Staff has reviewed and recommends approval if we change the background to opaque. The problem with this is the copy is all dark. If we go with an opaque background there would be no reason to have lights in the sign at all. If they go with an opaque background they will need to flip some colors around. Have dark backgrounds and light copies. We can re-submit another design, reversing the colors. We agree there should be a consistent background color so there isn't a hodge-podge of different kinds of panels.

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

The current sign was approved as a part of the development plan so this request is coming before the Commission. The sign size meets our new Zoning Code for signs. The Commission can recommend Staff review and approve the final color pallet. The new sign is nicer so Staff is fine with the sign. Staff recommends approval with Staff reviewing the final color selection. Mr. Betz said the original sign doesn't work well for them.

Derick Stadge, Architectural Advisor, had no comments or questions.

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 Jester said the new sign is an improvement. You need a new sign with all of the new businesses which have been added.

Commissioner Boysko said the sign looks good. Does the sign need to be an internally illuminated sign? Could the sign be lit externally? Mr. Hartley said it could but it wouldn't be as affective. External lighting causes more light pollution. When just the letters are lit, it just glows. External illumination casts light which doesn't always end up on the sign correctly. There are black-faced letters right now. He is restricted to some reds, oranges or greens. A white background shows dirt more. He would suggest going with a dark background if Staff wants opaque. Commissioner Boysko said he wants to make sure the sign isn't just one acrylic panel. Mr. Hartley said it isn't. There are separate, interchangeable panels.

Commissioner Simpson said he had no questions or comments.

Commissioner Little said there is so much going on in the area where this sign is, he doesn't know how anyone reads the sign. You could put up a new sign and query 100 people. 80 people would say they didn't know a new sign was put up. Is there a more creative way to get attention? Mr. Hartley said the tenants know the sign is up. Commissioner Little said he has no complaints and he is good with the request. The sign just needs to be something you glance at and are able to effectively read quickly. There is so much going on there you can't spend a lot of time reading the sign. Mr. Betz said the Recreations Outlet panel should just say Recreations Outlet and not have all of the other stuff. But, we aren't here to judge what the sign says. For the sign to be more affective, less is probably better. The sign guy knows this but the tenants don't. Commissioner Little said he understands. Making the sign simple would be his recommendation. Commissioner Boysko asked if they can't ask for the sign to be

limited to just the business's DBA business name. Mr. Betz said we can limit the types of letters, the colors, but we can't tell them what to say on the sign. Commissioner Boysko said when he worked for a developer, they wrote in the lease the business could only put their DBA business name on the sign. Mr. Betz said as a City, we can't control what is said on the sign.

Chairman Emerick had no questions or comments

Commissioner Little moved to approve an Administrative Review for a proposal for a new sign, for the property located at 478 W. Olentangy Street, as represented by Signcom Inc., Melody Ward, subject to the following condition(s):

1. That the sign shall have an opaque white background; and
2. That Staff shall approve the final color combination.

Commissioner Boysko seconded the motion.

VOTE: Y 5 N 0 (Cooper & Hartranft absent)

#### **OTHER COMMISSION BUSINESS**

Mr. Betz advised the Commission there will be a special meeting on July 25<sup>th</sup>. Mr. Kambo said there will be 3 items on the Agenda.

Chairman Emerick advised everyone he will not be present at the August 8<sup>th</sup> meeting.

#### **ADJOURNMENT**

MOTION: Chairman Emerick moved at 9:03 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

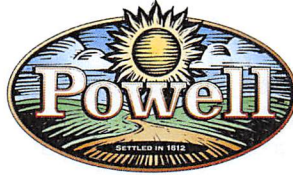
#### **DATE MINUTES APPROVED:**

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



## City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Ed Cooper, Vice Chairman

Shawn Boysko

Trent Hartranft

Joe Jester

Bill Little

Shaun Simpson

### MEETING MINUTES

July 25, 2018

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, July 25, 2018 at 7:01 p.m. Commissioners present included Ed Cooper, Shawn Boysko, Trent Hartranft, Joe Jester, Bill Little and Shaun Simpson. Also present were Rocky Kambo, Assistant Development Director; Derick Stadge, Architectural Advisor; Karen J. Mitchell, City Clerk and interested parties.

### STAFF ITEMS

None.

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

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

### APPROVAL OF MINUTES

MOTION: Commissioner Bill Little moved to approve the minutes of July 11, 2018. Commissioner Jester seconded the motion. Commissioner Cooper abstained. By unanimous consent of the remaining Commissioners, the minutes were approved.

### CERTIFICATE OF APPROPRIATENESS

Applicant:	Matthew Althouse
Location:	26 W. Olentangy Street
Existing Zoning:	(DB) Downtown Business District
Request:	To review a proposal to revert back to the previously approved architecture and site plan for a restaurant and bar.

Dustin Sun, 9619 Shawnee Trail, Shawnee Hills, said Matt Althouse wasn't able to make the meeting tonight. They are back to get approval to keep the addition on the right side of the building. They got approval to knock this side down. They are going back to their original plans but they have a different parking area.

Paul Butler, CCS Construction, 8675 Memorial Drive, Plain City, introduced himself.

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

The drawings are essentially what Mr. Sun first brought to Planning & Zoning. They changed the roofline, the site layout and they were going to tear down the side of the building in their second request, which was a little more palatable. Now we have the best of both worlds. They have an agreement with Dr. Waddell for additional parking. Staff has no issues with the request as it has been brought back. This is a far better design, look and use. Staff recommends approval with the conditions listed in the Staff Report. The Historical Downtown Advisory Commission (HDAC) reviewed this request in the past and liked the original plans much better.

Derick Stadge, Architectural Advisor, said this is a dramatic improvement over what is on the site today. He apologized for going over areas which have been discussed in the past. He is trying to catch up on the plans. In terms of Architectural Guidelines and the pedestrian scale, the applicant did a great job. He likes the entrance and the cornice, how the massing is broken up. He encouraged extending the entry feature down to the ground plate. It will emphasize the entrance more and add detail. He is confused whether the window is intended to be operable and will open.

Mr. Butler: Correct.

Mr. Stadge: What is the plan for a barrier? Will alcohol be served in the restaurant? What is the intention on how this will be secured?

Mr. Butler: There could just be railing inside because the barn doors are going to slide back. Mr. Butler made other comments without stepping to the podium (inaudible).

Mr. Stadge: Then nothing too elaborate or too solid or heavy. What about the downspout and gutter on the far, southeast side of the building and the roofline.

Mr. Butler made comments without stepping to the podium (inaudible).

Mr. Stadge: The gutter and downspout will move back, north of the fence.

Mr. Butler: Yes.

Mr. Stadge: I understand the sign light. The scale of the sign seems a little bit off. If there is an opportunity to make this a little more concealed and use the new entry piece you are creating it might be more affective. Take a close look at the Architectural Guidelines and Historic Guidelines for sizes. The drawings make the sign look a little large. Site plan wise, I get the applicant is trying to maximize parking. I do worry about the usability of the accessible handicap space. If you could picture someone backing up and trying to turn around and get out of the space, they will probably have to back out of the entire parking lot. You can't back up without hitting the stairs and railing. Take a close look at this.

Mr. Butler: OK.

Mr. Stadge: What are the plans for dumpsters and recycling?

Mr. Sun: Initially they are going to use the space for the walkout, use it for totes. They will see what volume they have and probably work with a nearby neighbor to share a dumpster.

Mr. Stadge: Will this area be screened with vegetation or a fence?

Mr. Sun: Yes.

Mr. Stadge: There is an overhead door at the patio. Will there be seating here in the future?

Mr. Sun: No. It's for air circulation, especially in the summer when the barn door is open. The windows will be stationary.

Mr. Stadge: Do you have a survey so you know where the finished floor is inside versus where it is outside on the pavers, trying to adjust to hit the door? It is going to take a surgeon to set them just right and still meet ADA compliance and make it an accessible entrance.

Mr. Butler: The existing slab is already there. They are going to rework the pavers and make it work.

Mr. Stadge: Do you have any idea of how many they are trying to make up?

Mr. Butler: It is less than 2".

Mr. Stadge: Do you have enough there so you can make up for the fall heading south from the door?

Mr. Butler: Correct.

Mr. Stadge: Are you going to have a pretty good sized exhaust fan on the roof?

Mr. Butler: Correct.

Mr. Stadge: Have you taken a look at site lines to see what this will look like, to make sure it won't be seen from ground plate?

Mr. Butler: I believe so. You won't see it from the front because the roofline goes up so high; the parapet.

Mr. Stadge: My concern is exhaust fans can come in many shapes and sizes. They can have a pretty high stack on them. This roof slopes up and the peak is here.

Mr. Butler: Correct. The exhaust fan is closer to the rear of the building and you won't see it.

Mr. Stadge: In the elevations you show the more central chimney remaining. Is the plan for the chimney on the east side to come out?

Mr. Butler: Yes. It is leaning now and looks like it will be a hazard.

Mr. Stadge: You will patch the roof there? The divided light deviates a little from the Architectural, Historic District Guidelines but this being a commercial building he thinks it is very appropriate. He likes how it breaks up the monotony of everything being too light. Mr. Meyers brought up the windows in a previous HDAC meeting. Are they going to be aluminum, wood clad on the exterior?

Mr. Butler: Yes.

Mr. Stadge: Great. Are you trying to use the existing roof?

Mr. Butler: Yes.

Mr. Stadge: Are you going to refinish the roof.

Mr. Butler: No. They will do flashing and this will be it.

Mr. Stadge: Will the roof remain exactly as it is?

Mr. Butler: Yes.

Mr. Stadge: Are all of the windows along Olentangy going to be fixed?

Mr. Butler: Correct.

Mr. Stadge: On the exterior, you are wrapping the east side with new siding. At the very least this needs to happen on the west side. Trying to get the fit and finish of the existing siding, cutting in the new window, will finish the building better.

Chairman Emerick opened this item to public comment. He advised speakers to state their name and address. Hearing none, Chairman Emerick closed the public comment session and opened the floor for comments and questions from the Commission.

Commissioner Cooper said he is glad to see the request come back in its former shape. Aside from the comments made by Mr. Stadge, he has nothing else to add.

Commissioner Jester asked the applicant to go over the handicap entrance and parking. Mr. Butler pointed out the ADA parking space. Commissioner Jester asked how many handicap parking spaces there will be. Mr. Butler said one (1). There are only 40 seats and 6 parking spaces on site. Mr. Kambo said if you feel they need more than one handicap parking space, you can add a condition to the approval. Staff can look into it. Commissioner Jester asked if this is accurate according to the number of seats. Mr. Butler said yes, for this number of seats.

Commissioner Boysko said he appreciates the effort to come back and the revised architecture. He agrees with all of the comments made by our Architectural Advisor. Are you open to making these changes? Mr. Butler said yes. Commissioner Boysko said great. There isn't anything identified as screening for the dumpster. Will there be additional screening for a dumpster up against the building? Mr. Butler said they will probably do a cedar fence or something, whatever is appropriate and used in the area. Mr. Kambo said Staff could review the details and make sure it is appropriate. Commissioner Boysko said he remembers there have been long discussions about parking and this being a high intensity use. The project was scaled back and the dining area was reduced and occupant load was reduced. Now we are back up to the original size and the occupant load is much larger than the 2<sup>nd</sup> time around. He is still concerned with how we are dealing with parking. This still falls under the high intensity use. Mr. Kambo said when this was previously approved, the applicant was going for 44 seats. The requirement is 1 parking space per every 3 people. This has about parking 15 spaces. Since the 2<sup>nd</sup> approval when they changed the roofline, they went to 40 seats. This requires about 14 parking spaces. This new design is keeping the 40 seats. With the Code change, you are not required to give a 50% reduction. You can choose to give a 50% reduction. As Staff said in previous Staff Reports, you need to weigh getting a brand new building and getting a new use. Chairman Emerick asked if additional seating was proposed in the original request. Mr. Kambo said yes. Chairman Emerick said he thought the applicant was asking for 60 seats. Mr. Kambo said it was far more than 40. They have cut it down substantially. Commissioner Hartranft asked if patio seating was mentioned. Mr. Kambo said the patio was supposed to be put where they would have torn down the side of the building. Now that they aren't tearing the side of the building down, there won't be patio seating. Commissioner Boysko said there is patio seating to the east in the public right-of-way which is being added. Commissioner Hartranft said this is what he was wondering. Mr. Kambo said no. Mr. Butler said there isn't going to be seating outside. This is a different parcel. Mr. Kambo showed the site. You are recalling when the side of the building was going to be removed. The side of the building is being kept. There will be no outdoor seating. Commissioner Boysko said there is a door going out the east wall to an area which could be used as additional seating. Mr. Butler and Mr. Kambo said no. Mr. Butler said it is an emergency exit. Commissioner Boysko asked if the area will remain a public seating area. Mr. Kambo said exactly. Commissioner Boysko said seating plans show the applicant is up to 47 actual seats. The plan says 68. Potentially you can fit 68 people in the space. He is a little skeptical. Mr. Sun said when you walk in there is a bar up front. Those seats probably won't be there because nobody will want to sit right in front of the door. Those seats will be shifted elsewhere. 40 seats is probably a good number, unless we have standing room, but we aren't going to. Mr. Kambo said as in past approvals, the Commission can specify the maximum number of seats the applicant is allowed to have. 40 is what Staff has been told. Commissioner Boysko said the revised plan shows 47. Mr. Kambo said they are incorrect. Commissioner Boysko said he wants to make sure there is adequate parking. How many parking spaces are on the property and off the property? Mr. Sun said 9 and 5. Commissioner Boysko asked where the additional 5 spaces are shown. He doesn't see them on the plan. Mr. Kambo said there are 9 spaces on site. The other 5 spaces are on Dr. Waddell's property, down the street, to allow overflow parking. The parking agreement with Dr. Waddell is included. Commissioner Boysko asked if these 5 spaces are going to be developed. They don't exist now. Mr. Butler said the 9 spaces in the back are going to be developed. Mr. Sun said the 5 spaces will be developed. They aren't there now. They will make them. Mr. Butler said it is a part of their build out. Commissioner Boysko asked if we think the 9 and 5 spaces, 14 spaces, are enough to accommodate the 47 seats. Do we need to update our parking plan to accommodate additional parking in the public lot? Mr. Kambo said we are going with 40 seats. At 3 seats per person, we are sitting at about 13 parking spaces, or 14 when you round up. The applicant has met the minimum parking requirements. Per Code, in black and white, the 14 spots meet requirements. Mr. Sun said even with the patio we had approval the second time. Commissioner Boysko said he still isn't clear on the math but he will leave it at that.

Commissioner Simpson said he wasn't here for the earlier reviews. It seems as if reverting back to the old plan is definitely a positive in every direction. He will defer back to everything which was done before.

Commissioner Hartranft said in regards to the parking lot agreement and the signage, will you monitor the lot? Mr. Sun said they can do what they can but he doesn't know how they would monitor or restrict people. Commissioner Hartranft said we have talked about developing some common, standard signage which can be used for onsite and offsite parking. Are we working on standard signage? Mr. Kambo said yes, as much as possible we want to share parking. The intent of this is to ensure we aren't building more parking. Uses are better than parking. We are going to come up with a design standard for these parking signs so people know. This could be the first, initial case study for us. Commissioner Hartranft asked what we are voting for tonight, with a Certificate of Appropriateness. Mr. Kambo said a Certificate of Appropriateness is a one-time review unless you table for further discussions. Commissioner Hartranft asked if the applicant will be coming back before the Commission. Mr. Kambo said no, you are voting on the approval tonight.

Commissioner Little said he thinks it is great the plans are going back to where they were. He knows Staff tried to capture in Item #4 all of the previous things we talked about, make sure they are included in the motion but he wants to confirm the applicant is requesting 40 seats. Mr. Sun said yes. Commissioner Little said he also had a hard time seeing what is being done. Do you have a parking agreement with 30 West Olentangy Street? Mr. Sun said we do. Commissioner Little said you also have a parking agreement with 49 and 55 Scioto Street. Mr. Sun said we have Scioto Street. We don't have Olentangy. We don't have an agreement with next door. Commissioner Little said you are not counting the parking spaces at 30 West Olentangy Street in your calculations? Mr. Sun said correct. Commissioner Little asked if the applicant is still planning on paving their portion of the lot. Mr. Sun said yes. Commissioner Little asked if the City Law Director has reviewed the parking agreement with 49 and 55 Scioto. Mr. Kambo said no, not yet. We would have our Law Director review it as a part of the review process. Commissioner Little said he is trying to make sure what is relevant and what isn't. We discussed in previous reviews that this project would be a good property to start out with using directional signage. We said we wanted a sign in the parking lot and at the front door. Commissioner Boysko said this could be included in the sign submittal. Commissioner Little said this is a good idea. We did list as a previous condition that we wanted the applicant to come back 60 days after occupancy was granted to report how parking is working. We mentioned valet parking if parking wasn't working out. Is this still a concern of the Commission? Commissioner Boysko said it can't hurt for them to come back. Mr. Sun said if we could use the designated parking space out front, which isn't counted as parking right now. If we do valet, it would be a good idea to do it out front. We would be glad to do this, especially on weekends. Commissioner Boysko asked if this really fits the model. It's more of a bar than a restaurant. Mr. Sun said correct. It is going to be a modern, fast, casual Tiki bar. Commissioner Little said maybe we need to see if parking is really an issue. If we decide it is an issue and valet parking is a way to address the issue, we could decide then how to do fix it. Chairman Emerick agreed. Commissioner Little said going forward, not for this applicant but for the next, we've used up all of the virtual parking. If another applicant comes along and wants to add to the virtual parking, we will need to take a usage inventory at that point.

Chairman Emerick said everyone has asked his questions.

MOTION: Commissioner Little moved to approve a request for a Certificate of Appropriateness for the property located at 26 W. Olentangy Street as represented by Matthew Althouse, to allow the applicant to revert back to the previously approved architecture and site plan for a restaurant and bar, subject to the following condition(s):

1. That the applicant shall work with the City's Public Service Department to rearrange the public seating adjacent to the structure, and
2. That the signage designs, including the signs directing customers to other parking locations, shall be brought before the Planning & Zoning Commission prior to issuance of a Certificate of Occupancy, and
3. That all Engineering Department comments and requirements shall be met, and
4. That the applicant shall work with City Staff to incorporate the Architectural Advisor's recommendations, and
5. That the applicant shall work with City Staff to obtain approval on how the dumpster will be screened, and
6. That the number of seats shall be limited to forty (40) seats at all times. Should the applicant or a successor desire to increase the occupancy level in the future, the applicant or successor shall be required to come back before the Planning & Zoning Commission and shall demonstrate parking is sufficient to support a specific increase in seating over the approved forty (40) seats, and
7. That the applicant shall place a map-like sign at the entrance to their parking lot which declares the rules for the shared parking lot and directs patrons to other parking options, to include the Village Green (municipal) parking lot, the west parking lot next to the railroad, West Olentangy Street and other shared parking sites as appropriate. The map-like sign shall be brought before the Planning & Zoning Commission for review as specified in condition #2, and
8. That the applicant shall also place similar, yet smaller in size, signage at the front entry of 26 West Olentangy Street, directing patrons where to properly park. This smaller sign shall be brought before the Planning & Zoning Commission for review as specified in condition #2, and

9. That the tenant/owner of 26 West Olentangy Street shall come before the Planning & Zoning Commission within thirty (30) days in the event the shared parking agreement with 49 and 55 Scioto Street becomes void after issuance of a Certificate of Occupancy. At which time the Planning & Zoning Commission shall determine whether adequate parking still exists, grant an extension up to sixty (60) days to allow the tenant/owner to make additional parking accommodations or shall reduce the number of allowed seats accordingly, and
10. That the applicant shall come before the Planning & Zoning Commission within sixty (60) days of occupancy to determine whether valet parking is or is not needed to enforce the parking agreement and use of public parking lots.

Commissioner Boysko seconded the motion.

VOTE: Y 7 N 0

#### **AMENDMENT TO AN APPROVED FINAL DEVELOPMENT PLAN**

Applicant: BJ Artrup/Gallo's Taproom  
Location: 240 North Liberty Street  
Zoning: (PC) Planned Commercial District  
Request: To amend an approved Final Development Plan in order to allow for a different design from the previously approved outdoor patio.

Robert ("BJ") Artrup, Architect, 3141 Polley Road, Columbus, said he has never worked in Powell before. He has been brought in by the contractor unaware of what was being done before.

Nicki Gallo, 240 N. Liberty Street, said she is one of the owners of Gallo's Taproom. She came to answer questions and give support.

Mr. Artrup said the contractor told him what was needed. He did the design and went to get a building permit. This is when he found out there was a Commission.

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

Staff is happy Gallo's is doing well and is ready to move forward with a patio space. Commissioner Little asked if the Commission has reviewed a patio before. Mr. Kambo said we did. Commissioner Little asked if the patio was approved or did we ask for the applicant to come back? Mr. Kambo said it was included. There has been a change in the type of outdoor patio space proposed versus what was approved before. The original request included a TV wall, a rock wall, a fireplace, an outdoor bar area, seating areas. They now want to add 2 trellises. What they are proposing now is very different from what was originally approved. The new proposal is much less refined. There isn't much detail, no TVs, no fireplace and the seating area isn't shown. Instead of taking the patio out and over the swale area, which would create a number of engineering issues, they have decided to keep the patio back and away from the area. Overall, Staff is very happy with an outdoor patio space. We often talk about activating spaces and bringing people in off the street, extending the downtown northward. The proposal, as is, doesn't have the look and feel, the level of quality material we are used to seeing. This is on such a prominent street. We want the patio to have a presence, a look. The plans are less than impressive. Staff recommends the patio be approved with the conditions listed in the Staff Report, but we need far more refinement in details, quality materials. Staff could review or the Commission can ask for the applicant to come back. We want the applicant to be able to move forward and get this completed as soon as possible so they can still enjoy the summer crowd.

Derick Stadge, Architectural Advisor, said the narrative in the plans mentions a potential covered bar being added. In terms of your vision for this space, would this still apply or is it more applicable to the previous submission? Mr. Artrup said did you say covered with a roof? Mr. Stadge said this is what I'm asking you. Ms. Gallo said there is still a plan to have a bar. The first drawings look beautiful with all of the seating and flowers. This will be their ultimate goal, to finish and get to that point. She said with time and money, they want to start small and continually add on and make it nice. They want to make it a beautiful site. She is from Powell. She has grown up here. The trellis will be added. We have the westward facing sun. Do we use umbrellas or do we use trellis? We want to use something which is very pleasing. We brought BJ in to get the first stage started. We plan to add on from there. We may have to come back. We may not have the stone fireplace but we want TVs and the nice seating. Mr. Stadge asked if the bar area is to the left. Ms. Gallo said yes. We did cut the patio back because there may be engineering problems with the drain. Mr. Stadge asked if the trellis would be redundant. Or would it be adapted? He struggles to picture how the bar would work with the space you have left between the trellis and the building, with how you have the column situated in the entrance/exit. Ms. Gallo said they originally had the bar up on the right. This is where they are planning on putting the bar. Mr. Stadge said he understands how they have the patio centered on the landscape feature and offset from the building. This is very intentional. Is this your intention BJ?

He asks because when you look at an elevation, most folks driving by will associate this more with the building than the rock out-cropping in the swale. It's off enough, but it's still close that it looks like a near miss. I want to ask you to think about this. All the landscaping along the building and the larger bushes which are south of the patio but north of the rock out-cropping will have to be removed to build the fence and trellis. Ms. Gallo said everything on the left will have to be torn out. The bushes on the far right will be gone. She pointed out the bushes and tree they want to try and save. She wants to keep as much of the natural greenery as she can, for shade and to make it look nice. Ms. Gallo asked Mr. Artrup if this is what he wants to do. Mr. Artrup said he hadn't gotten to landscaping yet. Mr. Stadge said the point is, everything around the building has to go. You have to get in and start laying the patio. Whether you go back and replace is another issue. You should definitely look at this. The plans you have submitted don't show any landscaping yet. Softening up the edge will make a huge improvement to the Liberty Street façade. As you start to consider what the fence will look like from the Liberty Street side, it would be great to use something built in place like wood. He asked Mr. Kambo to show the sample image of a fence. The fence doesn't have to look exactly like this but something similar to warm up the edge. You could use the black fence on the sides. This would be a good compromise and will dress up the front of the building. Mr. Artrup said the trellis will be cedar. Mr. Stadge said they would go very well together. Do you envision lighting or fans? Mr. Artrup said the discussion with the contractor was to have 2 poles, the far back left corner and right corner, bring up some conduit and have string lights. Lighting hasn't gone any further than just a decorative, string lights. Mr. Stadge said this is obviously something which can make or break the aesthetic of the patio. It is something to think about. We would like to see more on this. The other thing which jumped out to him, at the existing entrance, you currently have a window. You are cutting in a door and you have the 2 half side lights. The 2 half side lights look a little funky. They should come all the way down. You will find a door which is more standard that way. Beyond this, the space does scream for an exterior space along the street edge. It will be fantastic space and heavily used. His biggest concern is dressing up the Liberty Street side.

Chairman Emerick opened this item to public comment. Hearing none, he closed the public comment session and opened the floor for comments and questions from the Commission.

Commissioner Simpson asked what the Commission is determining tonight. Mr. Kambo said as an Amendment to a Final Development Plan, this is a one-time look unless you decide to bring the applicant back. We are looking for approval of the concept as shown with Staff's review of the finer details. Or, you can table the request and ask for more details. Commissioner Simpson said this will add a lot to the corner. It is something which will be used. He would like to see more information, more detail.

Commissioner Hartranft asked what kind of materials will be used on the deck of the patio. Mr. Artrup said stamped concrete. Commissioner Hartranft said so you aren't using pavers? Mr. Artrup said correct. Commissioner Hartranft asked how much seating? Mr. Artrup said they will have 58 seats, about 16 SF per person. Commissioner Hartranft asked what material the fence will be. Mr. Artrup said aluminum. Commissioner Hartranft said the trellis will be cedar. Mr. Artrup said correct. Commissioner Hartranft said he would like to see the door suggestion made by Mr. Stadge followed. The door looks out of place. Ms. Gallo asked if he meant make the door bigger. Mr. Stadge said take the 2 side lights down to grade, to the paving. A double door could work too. Extra egress is never a bad thing. Commissioner Hartranft asked what the process will look like if the applicant wants to start simple and upgrade year after year, trying to get to the originally approved patio. Will the applicant have to come back before Planning & Zoning? Mr. Kambo said since this is the first time he has heard this, he thinks the applicant should come back before Planning & Zoning. There isn't enough detail to go off of what has been given. It's probably going to be great but we don't have enough to see this. Commissioner Hartranft asked if this project is shovel ready. Ms. Gallo said they want to start as soon as possible. Commissioner Hartranft said you want the patio in before the season ends. He would hate to hold the applicant up. Ms. Gallo said she promises at some point the patio is going to look amazing. It's just the time and money to get there.

Commissioner Little thanked the applicant for coming in. When you first came in, you gave us a lot of concept and ideas of what you want to do. Today you are changing this and shifting directions a little bit. He suggests briefly tabling the request. He has heard there needs to be more detail. You should try and identify the end in mind and we can approve it. You can go step by step to get there and not have to come back again, unless you deviate from what is approved a significant amount. If you look at Ill Mannered down and around the corner, we spent a large amount of time looking at their patio. He would have a hard time approving the request today. Ms. Gallo said they had a lot of trouble with their contractors since 2016. A lot of stuff was supposed to be included and it wasn't. They had a lot of additional costs incurred. They didn't get the patio they thought they were originally going to get. They have had to back track. Commissioner Little said he thinks they can get there. This is an important building. It has a lot of frontage visibility. We need to look at more information.

Commissioner Boysko said he agrees with everything the Commission has said and Mr. Stadge's comments. He

can't emphasize enough. You need to look at where you want to be five years from now, with all of the improvements, the bar, the landscaping, the trellis, the patio, all the pieces and parts. Once you have the plan the way you want it to look, we can start to dissect and divide into Phase 1, 2, 3 and 4; dividing the work into smaller chunks. We all need to see a master plan, the end goal. We need to see what the final goal will include, additional landscaping, lighting, fans, fencing, and trellis, all of the components. It is in your best interest to come back with a master plan. The idea is great. It will add vitality to the space. Gallo's is a great anchor to the shopping center. You need to treat this as an extension of the building, an extension of the façade, more than just a trellis and a patio. You mentioned 58 seats. Keep in mind this is 19 additional parking spaces. He doesn't know if the site can accommodate 19 more parking spaces. You need to figure how to deal with the additional use. It's going to be a great active place. A good place to be for the parade.

Commissioner Jester said he agrees with and supports everything which has been talked about. What is your timetable on the project? Ms. Gallo said they wanted it last year. The sooner we can start the better. It's been hard getting contractors and have them follow through with what they say they will do. Our goal is to get it done as soon as they can. Commissioner Jester said in reality you are into next year now. It's August. Ms. Gallo said they were trying to get the patio in by September for football season.

Commissioner Cooper said we need more details. Come back with the final details as everyone is asking and we will get you through as soon as we can.

Chairman Emerick said if he had to vote tonight, he couldn't vote for this based on what he has in front of him. You should talk with Mr. Kambo and Mr. Stadge further and provide the detail we need to see. We can talk about phases once we have something to honestly evaluate.

Commissioner Little moved to table the Amendment to an Approved Final Development Plan for the property located at 240 North Liberty Street, as represented by BJ Artrup, Gallo's Taproom, to allow for a different design from the previously approved outdoor patio.

Commissioner Cooper seconded the motion.

VOTE: Y 6 N 1 (Hartranft)

#### SKETCH PLAN REVIEW

Applicant:	Chris Bradley/The Camber Company
Location:	185 North Liberty Street
Existing Zoning:	(R) Residence District
Proposed Zoning:	(PR) Planned Residence District
Request:	To review a proposed single-family subdivision consisting of 21 residential units on 5.36 acres.

Chris Bradley, 6760 Colt Court, Dublin, said the property is the Perry's. Mrs. Perry is here tonight. There are 2 parcels which add up to about 8 acres. The survey shows the lot split which would be required for this development. The portion is about 5.3 acres. The portion to the east would remain the same. We read the revitalization plan. We think our plan is in line with the vision. Access off of Adventure Park Drive would be required. There will be 21 detached, residential lots. The lots are 50' wide and a minimum of 100' deep. One to 2-story residential houses will be built. We are working on this part of it and will bring more details on the product type in the Preliminary Development Plan. The homes will be very charming and appealing to the history of Powell. Maybe a little modern as it relates to floor plans and livability. In talking with Staff, he understands there is a desire for the road to connect to Depot Street. In his opinion as the developer, he considered this. It changed the development plan they had to put together. He read the traffic report and talked with Trans Associates. He gets the idea but he has a hard time understanding how critical the connection actually is. Particularly when you look at the condition of Depot Street. The street is 40' wide right now. There is parking from the brewery. Cutting through here to get to Liberty Street will be a challenge. He isn't sure it is the best thing. He is neutral. He wants to be cooperative. It would require the neighboring property to the south owned by Mr. McClurg. We have met and discussed this. He isn't real excited about it either but he is neutral and willing to work on it. It won't be cheap. We would want to understand how we will work together from an economic standpoint. Ultimately, he would like to move forward in a fairly timely fashion though the process. He is prepared to create a development which leaves the opportunity to do the extension at some point. Plans show a 50' right-of-way right now. The street section is about 30' of pavement curb to curb with a 5' sidewalk and 5' tree line. This will make a nice streetscape for the neighborhood. Where the road comes into the project, the trail is a park piece. We are taking about a 30' piece of the trail. It will be a road and right-of-way. It still functions the same. You are just walking across the street as opposed to walking on a trail. There has to be some kind of trade for land. We are willing to work and cooperate on the exchange. The plan currently shows detention in the southeast corner and possibly by the entry. We will probably need to have most of the detention on the northeast corner due to the way grades work. We will fix this on the next version.

This is a re-zoning. The property is currently zoned Residential and we want to re-zone to Downtown Residential. This allows 6 or 8 units per acre. The density is about 4 units per acre.

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

There was a grant which was awarded to the City in order to construct the park. As a result, the land is designated as a CFR 6(f) property. This means any time park land is removed, what is given back has to be twice in value. Staff has some ideas on how to get this out of the development, make everybody whole and make an access to the property. There is a very large flood plain which is along the front of this property. This is why there is a bridge going over into Adventure Park. This makes it understandable why they aren't trying to build a road out onto Liberty Street. The cost would be quite high and we don't want to build on the flood plain. The next best option is to go up on Adventure Park Drive. Staff isn't saying the cut-through or roadway is needed. All Plans determine the grid needs to be extended to the north. We need to alleviate an abundance of traffic at the 4-corners. We need to thin out the traffic so it has other routes to travel. This is the logic behind providing the additional downtown road networks. A roadway will also increase bicycle and pedestrian access to the park. If this development happens, do you want the residents to have to take a longer route around to get to downtown or do you want them to have access via Depot Street to businesses. It would be an exceptional selling point for this development. Staff also wants the cut-through to avoid cul-de-sacs. One entrance/exit to a development leads to friction and traffic issues. The access road will provide more than one way to get into and out of this development. Staff feels the re-zoning is a great thing. The developer will have to abide by the Downtown Architectural Guidelines. Water lines and sewer lines will need to be connected which are outside of this property's boundaries. If they cross over City land it will require City Council easements. He doesn't foresee issues with this. There is a pump house or a well which needs to be verified whether it is still in use or de-commissioned. Mr. Bradley already mentioned moving the detention basin off site. It makes sense due to the grading of the site. We may want to consider squaring the lots off. Mr. Kambo pointed out an area to make a part of the City owned right-of-way. In the future, if the parcel in the back, behind the flood way, is split off and 2 or 3 lots are created, a potential common access driveway could create a spur off the roadway rather than cross a flood way on 2 or 3 lots. There are beautiful, old oak trees Staff would like to see retained. The trees are a beautiful buffer between the park and add to the aesthetic of the park. Maybe the area could be dedicated to the park, given to the City in exchange for the access/entry off of Adventure Park Drive. This detail could be worked out later with the developer. Whatever is built here is going to have to be of the highest architectural value. The property is in the historic core, a very important parcel. There needs to be 4-sided architecture. It is good Mr. Bradley is already thinking of what Powell is and wants to provide the look, the feel. Specific housing types in the Preliminary Development Plan will be something we will be looking for. Staff does recommend the applicant proceed with a detailed Preliminary Development Plan, keeping the comments in our Staff Report in mind.

Derick Stadge, Architectural Advisor, said Mr. Kambo covered everything in great detail. He does want to mention connection with the hike and bike trail. He thinks the connection would be more successful if it was along the tracks. It would be beneficial to the residents who live in these homes. Scenically it will be a really cool connection. If the future connection was tandem with this and you used it as buffer space along the tracks, it will allow more green space. You can put the hike and bike trail as an additional lane or it could be a widened sidewalk. He realizes this could severely change plans of the development. Mr. Bradley asked if Mr. Stadge meant the road back in the back. Mr. Stadge said the future connection. Mr. Bradley asked if Mr. Stadge means moving it somewhere else. Mr. Stadge said move it so it runs parallel to the tracks. Mr. Bradley asked how people would get to Adventure Park then. Mr. Stadge showed where the cut-through would be and pointed out parcels which would go to the east. He does agree with Staff that connecting the grid is important. He thinks the off-set will deter people from cutting through and act as a natural traffic calming measure. He does realize this would create some wrinkles which will need to be thought through. It is food for thought. Mr. Bradley said it wouldn't be a bad idea. He would need direction on the alignment of Depot Street. Mr. Stadge said there are some really neat things you could do with the frontage.

Chairman Emerick opened this item to public comment.

Garry Swackhamer, 76 Scioto Street, said he has a lot of interest in the history with this City. His family has been here for over 150 years. He lives in his grandparent's home. His grandmother was born in 1899 across the street. He was on Planning & Zoning for 6 years when we were a Village and on Council before this. This gentleman's proposal is nice. He would have liked to have seen this land go to the park. He thinks the 21 homes proposed is a fair amount. He thinks the developer could even go up more. He wouldn't want to see any more than 5 units per acre. Case and Scioto Streets currently have cut-through traffic. We have spent hundreds of thousands of dollars over the years on traffic studies. We see very high speed traffic on Case and Scioto. People blow off the stop signs. No one is going downtown. They are going to Bob Evans, Giant Eagle and Kroger. In reality, we should limit traffic,

where it goes. It is total chaos. We even have road kill. Nothing he approved over the years allowed cut-through traffic through the sub-division you live in. He proposes having people go up to Seldom Seen Road, over to Sawmill Parkway, which are roads which can handle the traffic. Any more traffic we keep adding to Powell Road with these new developments just increases the traffic on Powell Road. It needs to be diverted more onto Seldom Seen. A cut-through to Depot Street is going to cause the same high speed traffic we experience. We know the Police Department is limited on what they can do. He wants to caution, great intentions don't always pan out well.

John Marefka, 90 E. Case Street, said he does The Owl from Powell. Mr. Kambo did a great job. He actually even convinced me to do this. But, he has 2 problems. He runs through the park every day. It is heavily used. He is concerned with taking the road out into the park. It will be right across from the skate park. The kids go down the sidewalk on their skateboards. There are bikers and dog walkers. Runners. Once this road is connected to Depot Street it will be a high speed cut-through. It isn't going to work the way everyone thinks it will. Mr. Kambo talked about the brewery as an asset, which is true. But, putting a brewery at one end of a street and a park at the other end of the street seems like a disaster waiting to happen, especially if someone gets hammered at the brewery. The flood plain is a really good point. He would like to see this road go someplace rather than into the park.

Larry Coolidge, 78 W. Olentangy Street, said he has known Ms. Perry for 40 or 50 years. He knew her parents. He knew they had the land for sale. The last proposal brought through had 42 units on the property. This proposal reduces this to 21. Mr. Bradley is working on another project on South Liberty Street. He has hired Jeff Memmer, a custom builder. He put Mr. Bradley and Ms. Perry together. Mr. Bradley asked him what could go on the property. I told him to replicate old Powell houses. Mr. Bradley thought this was a good idea. He does like the idea of moving the roadway up to the railroad tracks so it isn't a curvy road. There used to be an alley on Case Avenue which might be easier to use. He can't say he wants this road. Mr. Marefka said it is more like a dirt path. Mr. Coolidge said it was never completed. This project is better than the last project for this property and will match up to old Powell. The Perrys like the plan.

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

Mr. Kambo said the right-of-way to the north, the Case right-of-way, and the south part of Scioto Street, are both being land leased to Nocterra Brewery so they can use it for parking.

Commissioner Cooper said he agrees with most comments he has heard. He likes the size of the plan, the number of units as opposed to what was proposed before. He knows nobody wants to hear it but the Depot Street connection is going to happen someday. He likes the idea of moving the road back by the railroad tracks to make it a little less convenient for people to drive through. He likes the idea of a bike/walking path being there too. He needs to see the rest of the plans.

Commissioner Jester said he sat on the curve a couple times this past week after seeing this proposal. He agrees there is a lot of action on the sidewalk and street. He isn't sure about putting an exit driveway right there. People whip around there. If you would sit there and watch the traffic you would see this. It is a concern and he doesn't know what the traffic people will say. We have heard for years a road will go through Depot Street. We don't know where it will be. He may have a concern with respect to the final location of the stub road and any future connection to Depot Street. He likes to have a vision on what this will look like in the end, what it will look like in 10 years, what this will look like opening up out onto Adventure Drive. There are a lot of questions which still need to be answered. Mr. Kambo said this is of great interest to Staff also. We will make sure this is nailed down. Mr. Stadge said there is a hike and bike trail on the north and south side of Adventure Park. Everyone is concerned about the new cut-through. There is an opportunity to look for some type of compromise to eliminate the one on the south side. People who want to continue east instead of taking the new hike and bike trail extended along the railroad tracks still have an opportunity to go south in a safer manner than if they were on Liberty Street. If a person wants to go east they could head north of Adventure Park. There are a lot of things which can be done to bring character and safety such as brick pavers.

Commissioner Boysko said there has been a lot of great discussion. It was mentioned to move the detention area from the southeast corner to the northeast corner. Will the detention still be on site or will it be pushed off site? Mr. Bradley said they may shift the plan. He doesn't know for sure yet. He will have to talk with everyone. He may have to use a little piece of their existing land. Commissioner Boysko said he likes the direction of where the connection goes to Adventure Park. He likes Mr. Stadge's idea of re-working the bike paths on the south side of Adventure Park. This would go a long way to alleviate potential pedestrian conflicts. If the plans are modified, it would be nice to see if the roadway could shift further to the south, creating a better buffer and maintain some of the existing trees. If the southern detention area gets eliminated and gets pushed further south, you could increase

the buffer there, between Adventure Park and the development. He agrees with the need for 2 accesses. Especially if you increase the density. Whether the connection goes south along the railroad tracks or better aligns with Hall Street, it needs to be worked out. He understands some of the concerns mentioned about cut-through traffic. He thinks most of the traffic will be southbound and not northbound. It will be difficult to go northbound. There is a right-in/right-out at Hall Street. He does agree with resident's comments that there is a lot of cut-through traffic. He is one of them. He cuts around the 4-corners to go north. He would never consider using Hall Street as a cut-through. It is more convenient to go a different path. The need for a southern connection to Hall Street is very important and should be a big part of this development.

Commissioner Simpson said from a plan standpoint, aesthetically, we are looking at about 50% garage fronts on these homes. The Historic Guidelines suggest carriage type as opposed to front garage doors. This is one concern he has. Everyone else has mentioned safety in regards to the connection. If there isn't a connection, he doesn't think the request will get past Council since it is in the Comprehensive Plan. He would like to see some type of buffer for Lot 21. If the connection road gets moved, this would all be adjusted.

Commissioner Hartranft said he likes the conversations we have had. A lot of good ideas have come out. He would support changing the stub street down towards the railroad. Are there any restrictions on how close a road can be to a railroad? Mr. Kambo said the railroad has a right-of-way. The road could go right up to the railroad right-of-way. There shouldn't be much of an issue but he will let the City Engineers answer this question. It is a good question. Commissioner Hartranft said he likes the development, the plan. He is excited to see the request move forward. He thanked the applicant for coming.

Commissioner Little asked if the property is in the Historic District. Even if it isn't, it is going to look like it is. You do get into the issue of a driveway which takes you around back where the garage really needs to be. He doesn't know how this will be addressed. It will be interesting to see what is proposed. The road connection is important. We are trying to build a grid for local traffic. We are going to need to do something to calm the traffic and be respectful of the residents. We also have foot and bicycle traffic to consider. We want a more walkable community. Eliminating the southern-most bicycle connection at the park might take some of the pressure off of the area. Conceptually the plan makes sense. He looks forward to seeing the Preliminary Development Plan.

Chairman Emerick said he agrees with comments made. He looks forward to seeing the next plans. Good comments have been made tonight.

Mr. Coolidge spoke from the audience (inaudible).

Mr. Bradley said they are still refining the design of the units. There has been great feedback. He likes the rear load look. You end up having back alleys and roadways. It is hard to keep these back alleys looking OK. They are thinking about courtyard garages so the garage door isn't facing the front but you have a good looking elevation which is the front of the garage. He likes the idea of a couple varieties of homes. Rear loaded garages would cause them to lose a significant amount of lots. It is a challenge. If the garages are front loaded, you have to make sure they look good architecturally. Commissioner Boysko asked if you could consider a common driveway between 2 units. Mr. Bradley said this isn't a bad idea. Mr. Stadge said he likes the idea. There is precedent for it all over Columbus, Grandview, German Village; more dense areas. Hopefully buyers like the idea too. Mr. Bradley said there is a lot of work to be done between now and the Preliminary Development Plan. He is hearing feedback you would like the future road to run along the railroad tracks. We will have to get other property owners to cooperate. He is nervous about getting hung up on waiting for this to come together. We want to move forward with the development even if it means stubbing the road or having the open space to build the road when it happens. He doesn't know the timing of when it would happen. He needs some consistent direction. He needs to go back to planning and know what everyone wants. Chairman Emerick said Staff can facilitate discussions with the other property owner. Mr. Kambo said it would be best if Staff sat down with the southern property owner.

#### **OTHER COMMISSION BUSINESS**

Mr. Kambo notified the Commission the next meeting will be on August 8. OSU will bring their Preliminary Development Plan to this meeting. There may be another item on the Agenda. Chairman Emerick advised he will not be at the August 8<sup>th</sup> meeting.

#### **ADJOURNMENT**

MOTION: Chairman Emerick moved at 9:08 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

**DATE MINUTES APPROVED:**

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Donald Emerick  
Chairman

Date

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Leilani Napier  
Planning & Zoning Clerk

Date

DRAFT



## City of Powell, Ohio

Board of Zoning Appeals

Ryan Temby, Chairman

Randy Duncan Robert Hiles Gregory Short Dan Wiencek

### MEETING MINUTES

July 9, 2018

A meeting of the Board of Zoning Appeals was called to order by Chairman Ryan Temby on Monday, July 9, 2018 at 7:00 p.m. Members present included Randy Duncan, Robert Hiles, Gregory Short and Dan Wiencek. Also present were David Betz, Director of Development; Leilani Napier, Planning & Zoning Clerk; and interested parties.

### APPROVAL OF MINUTES

MOTION: Board Member Hiles moved to adopt the minutes from June 14, 2018. Board Member Duncan seconded the motion. By unanimous consent the minutes were approved.

### CONDITIONAL USE PERMIT

Applicant: HorsePower Farms LLC  
Location: Home Road and Steitz Road  
Zoning: (FR-1) Liberty Township Farm Residence District  
Request: Approval of a Conditional Use Permit to allow for a sportsman's club.

MOTION: Board Member Hiles moved to take the Conditional Use Permit from HorsePower Farms LLC off the table. Board Member Short seconded the motion. By unanimous consent the request was removed from the table.

Mr. Betz advised the Board they were correct to open the public hearing again. The Board has the opportunity to continue the public hearing, even at the end of this hearing. The Board will have thirty (30) days from the time the hearing is closed to render a decision. If the Board closes the hearing and needs more time to think about things, the Board has thirty (30) days to make a decision. Three (3) out of the five (5) Board members must have an affirmative vote to approve the Conditional Use Permit. If the Conditional Use Permit is approved, the Conditional Use Permit is good for one (1) year to allow the applicant the opportunity to create the final plans and meet any supplementary conditions and safe guards the Board may issue with their decision. If the use would cease to exist, after being started for six (6) months, the Conditional Use Permit would go away. Someone would have to re-file for a new Conditional Use Permit.

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

The Board asked for certain information at the last meeting. The applicant was able to obtain most of the information. The applicant will cover some of the items requested which haven't been submitted on paper yet. The applicant did submit a revised site plan. The pond has been revised to allow for 30' of area, which is one of the items AEP asked for. Specifics on lighting were submitted. There will be no pole lights. All lights will be building lights. The light study shows the amount of lumens at various locations on the property. The amount of lumens is zero (0) when you get to the edge of the property line. Light will not flush off of the site. The applicant has communicated with AEP. Mr. Betz showed the e-mail he sent out to the Board earlier in the day (Exhibit 1A). There were also copies at each Board member's seat. It is interesting to note the concerns AEP brought up were in regards to the grading plan, because they don't want to see big mounds; the detention pond, because they don't want a fountain in the pond; the ornamental trees because they don't want any trees; the windmill being within the easement and the existing horse fence. The applicant will probably use bubblers in the pond to keep the pond healthy, will look into what type of landscaping will be acceptable to use and the horse fence on the south side of the site will have to be removed. AEP didn't have concerns about buildings which are located outside of the easement. They are only concerned about their easement area.

The Board can place conditions or special safe guards on an approval of a Conditional Use Permit as long as they relate to the General Standards listed in Section 1129.03. Staff does feel completing the proposal in phases is a good idea. The Board has full control over what happens with this Conditional Use Permit. The Board needs to decide if the use itself is a conditional use within the FR-1 District as identified by the applicant. Staff has some ideas of conditions which are listed in the Staff Report.

Chairman Temby asked all people who would be speaking to stand. People in the audience stood and were sworn in.

Chip Vance, 275 Oakham Court, Powell, said he has made changes to the size of the pond and where the pond will go in the easement since the last meeting. To recap, the condominium documents won't allow for unkempt private or common areas, accumulation of debris, noxious chemicals and fumes, fuel storage, commercial enterprises, activities which disrupt the peace, welding, painting or flammable storage. He is proud they are able to accomplish zero (0) lumens at the property line. They will use a soft, yellowish light. Noise pollution will be covered by the bylaws. Mr. Betz showed the e-mails from AEP. AEP wasn't able to give him their approval in writing. He hopes to have it this week. None of AEP's questions raised any red flags for anyone. Their traffic study shows low impact. Brian Reynolds is here tonight to talk about fire prevention and protection issues if anyone has questions. There will be a one hour fire wall between each unit. There will be fire and smoke detectors in each unit. Pond maintenance will be covered in the bylaws. There will be reserves to ensure the property is maintained. The same goes for the landscaping and the grounds. The people who buy these condos want to have a nice place. Mr. Vance showed where a dumpster will be placed. The dumpster will be enclosed with a fence. He feels compelled to help the Board understand what these garage condos will look like. It is a concept which people don't understand unless they are a car guy. Mr. Vance showed some pictures of other car condos (Exhibit A1). The people who buy these condos will finish the floor with an epoxy floor in many cases. The person could opt to put in a mezzanine with stairs to go up to it. These people have homes so they won't be spending the night here. They will be there for special occasions. The variety of finishes and interiors runs the gamut. The unit could be empty. Our target is automobile, motorcycle collectors, someone who has an RV. The units will be climate controlled. This is important to collectors of high-end cars. Unheated spaces make things rust. Unconditioned air allows moisture to accumulate. The buyer of the unit is affluent. They are particular individuals. They won't tolerate a common area which is unkempt. They want their piece of real estate to appreciate. It would be foolish of any developer to do something in AEP's easement which AEP doesn't like or approve. He will do what AEP allows. He respectfully requests approval of the Conditional Use Permit so he can get moving on this project.

Chairman Temby said he appreciates all of the hard work done since the last meeting. The Board did ask for sportsmen's club bylaws or articles of incorporation. Have you had a chance to get these documents accomplished? Mr. Vance said he does have them but they aren't complete. He would be happy for this to be a condition of the approval. He didn't want to spend the money and time to finish the documents until he knew he was moving forward.

Chairman Temby opened this item to public comment. He advised the audience the Board is specifically interested in new testimony. Comments which haven't been discussed before. Please state your full name, address and keep comments to 3 minutes.

Larry Coolidge, 78 W. Olentangy Street – supports

- He has been around for a while now. He moved here in 1973. He became active. He was on the Zoning Board. If you look back in the archives, we didn't have Zoning Codes. When they built Olentangy Ridge he met with the attorney Ben Hale who put together a zoning book for the City for \$500. It got us started.
- He has always stood and tries to promote the good projects in Powell. He fought the ones he didn't like.
- He has known Mr. Vance. His building is one of the nicest in Powell. The building isn't in the Historic District but Mr. Vance followed all of the guidelines. Some people come in and do projects like the one on Home Road. The property is in the Township. Townships don't have the same ability to regulate or enforce. He is glad this project will be in the City where the City can have better control.
- Mr. Vance invited all of the neighbors in and showed them his project. Most are happy.

- Powell lacks a lot of tax dollars from commercial properties. This is a commercial venture and will collect tax dollars. There won't be any children going to school. 75% of the tax dollars earned from this project will be a relief.
- Mr. Vance has the capabilities to finish this project. Some builders get ¾'s of the way through and run out of money and don't complete.

Joel Kallman, 1501 Dickerson – supports

- He lives in Liberty Township between Powell and Delaware. He has been a resident since 1997. They built one of the first houses in Big Bear Farms. The only things around at the time was UDF and Wendy's. Sawmill was extended to Seldom Seen and stopped. A couple years later, the shopping center started and numerous other businesses.
- Along with the development came traffic. Today he lives off of 315 and he travels Home Road on his way to work in Dublin. He is very sensitive to traffic. The proposal for HorsePower Farms introduces the least possible impact on traffic.
- Like everyone else, he is fearful of development. But he does think this is the best project.

Surendra Vegnesna, 2606 Triple Crown Xing – opposes

- If the Board is really going to approve this project, he requests that Phase 1 be reviewed after completion before giving approval for other phases.
- The Powell Auto Club wasn't a good job. He sees how Auto Assets is but you never know.
- Will the approval be granted with a condition about the bylaws?
- Will HorsePower Farms be a part of their assessments due to the access?

Chairman Temby asked Mr. Betz about the access point from the residential neighborhood. Mr. Betz said the driveway will be closed off and gated. It will be for fire access only. Mr. Betz asked Mr. Vance if this is correct. Mr. Vance made a comment from the audience (inaudible). Mr. Betz said there is no other reason for the connection due to the low traffic. It is wise to have another access point onto the property. The fire department has ways to get into a gated entrance. Chairman Temby asked Mr. Vance to come back up to the podium and asked if this is the intended use of the entrance. Mr. Vance said correct. There is no intent for the access area to be used for anything other than emergency vehicles. The neighbors were concerned the trees and shrubbery will have to be removed and they will see into his property. The growth currently provides a lot of buffer. The shrubbery would have to be removed to put the gate in. Light wouldn't go down the road. This can be revisited in Phase 2. If the Fire Department doesn't have to have the access he would not put the road in and leave the brush and trees. If they want the access road, he will provide it. Chairman Temby said it is fair to say if the road is built, it will be exclusively for emergency access. Mr. Vance said emergency only. Mr. Betz said Mr. Vance could ask Fay Baynton if her driveway could be used for emergency access. This could be a good option and could be re-visited later.

Vince Contini, 2474 Friesian Lane – opposed

- The southeast corner of this property is Golf Village. The northeast corner is Harvest Pointe, a Rockford Homes development. The southwest corner is the Reserve at the Glen, a MI Homes neighborhood. This is where he lives. You can throw a baseball to 2 of these neighborhoods from this property. Harvest Pointe is little more of a stretch but very visible. People are just buying there now. His whole point is there are hundreds of people who have invested basically their life savings into \$500,000 to \$700,000 homes in these 3 neighborhoods. Their intent wasn't to have a car storage facility in their neighborhood. The land was intended for farm use. He was always taught by his parents you can't change the game in the middle of the game. It is fair to these folks to keep the intended use of the land, farm use.
- Would the Board like a car storage facility in their neighborhood?

Jon Petz, 4320 Home Road - opposes

- There are a couple questions which haven't been addressed. He wants to make sure the bylaws or regulations will make sure people will not live in these condos.
- He wants to make sure the height, light or movement of any signage is addressed.
- He would like to know more about the screening along Home Road to block residents across the

street.

Chairman Temby asked Mr. Betz to show a shot of Home Road. Mr. Betz said there is a mix of trees and shrubs along the parking lot.

Todd Faris, Faris Planning and Design, 243 N. Fifth St., said they will pick up the landscaping from The Reserve at Scioto Glen. They will use the same horse fence, the same pattern with the plantings. The landscaping will be identical to what they did for Scioto Reserve. They want the continuity. They are providing additional screening in front of the cars so if something happens after dark headlights don't shine out on Home Road. This is typical.

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

Chairman Temby thanked everyone for their input. The Board has a couple matters to decide. We need to first decide if what has been presented to the Board does meet the clause of a sportsmen's club. There is no precedent in Powell as to what counts as a sportsmen's club. We don't have a zoning stipulation in the guidelines. We have nothing to go by. The dictionary definition offers no help. We did ask for bylaws and they haven't been presented to the Board. We asked for articles of incorporation which haven't been presented to the Board. Condominium documents have been mentioned but we haven't seen these. Chairman Temby asked Mr. Betz if we have seen condominium documents yet. Mr. Betz said not yet. Chairman Temby said we need to decide if this meets the condition. He would like the Board to discuss whether this qualifies as a sportsmen's club.

Mr. Wiencek said he wasn't here for the last meeting. He did review the minutes. He recalls Mr. Vance's intention to be marketing to vehicle enthusiasts but if someone else wanted to buy a condominium Mr. Vance wouldn't stop them. Mr. Vance said the units are geared towards motor sports, car enthusiasts. This is where they will do their marketing. This is the type of people he wants. There are people who have RVs who may want to use these units as well to store their RV. Some people have used units for records storage. He doesn't know how you can discriminate in the uses other than through the bylaws. To answer Mr. Petz's question, the units can't be used as a residence. People can't sleep there as a primary residence. You can't have a commercial enterprise where people exchange money for goods or services. There are other places with less expensive storage for other items. These units will not be inexpensive. They will be geared towards people with the means to buy a place to put their nice things.

Mr. Hiles said if it was all cars this would more reflect a sportsmen's club.

Mr. Wiencek said he is struggling with the issue. When you think of a club, you think of people who have something in common. These people have ownership of a condo unit in common. This is what makes it a club, their ownership. He doesn't want to put words in Mr. Vance's mouth but to him this is the definition the Board has to accept as a definition; an ownership in this condominium complex and not get too hung up on what someone may or may not be storing. This is where the crux of the question is to him. He read the Township zoning and it provides no help. It gives examples but the examples are what you would expect, a hunting club, and a fishing club. This request doesn't fit into this. Mr. Wiencek asked Mr. Betz if Staff had a role in advising the applicant on coming forward with this application as opposed to a zoning change or a variance. Mr. Betz said we had a lot of discussion about which way to approach this. Because the Conditional Use Permit process allows for a similar type of hearing as a zoning change, it allows for similar examination of the facts of the case as a zoning change, it gives authority to the Board to place conditions and safe guards on the proposal. The biggest task is defining the use of a sportsmen's club which the Board has authority to do under the Code. Can the Board determine whether this use is similar to a sportsmen's club? This is the reason we went this route. If we went through a zoning change to a Planned Commercial District you end up with that zoning. Planned Commercial allows for a myriad of uses. Staff felt this was the best route for the City because of all of the conditions which could be placed on the request. This Board is in charge of looking at uses and determining which uses are acceptable. If this is identifiable as a sportsmen's club, then it is a Conditional Use in this District. The property owner is telling you this will be a sportsmen's club for car collectors. The bylaws can be written specifically and the Board would want the chance to look at the bylaws as a condition of approval. Mr. Vance wants to get some approval so he can move forward with the legal documents. The documents won't come cheap. Mr. Vance said they have created a clubhouse on the property. There will be restroom facilities and an office for an office manager so the property owners have someone to turn to. The clubhouse is also a place for owners to gather. The price point of the space is going to discourage people from storing a lot of items. Mr. Wiencek said the

units will be too expensive to store records. Mr. Vance said the units will be geared towards car collectors. The word is going to spread. His hope is to fill it with really cool cars. Mr. Wiencek said the applicant has made the appropriate effort to design the space in a club environment. Building a clubhouse isn't an inexpensive gesture. It isn't putting lipstick on a pig. It is a significant improvement to the property. He doesn't think this use was the original intent of a sportsmen's club as defined in the Township but he can see the commonality. He could move to say yes, this is a sportsmen's club.

Mr. Vance asked if he could make a clarification. Chairman Temby asked Mr. Vance to come back to the podium. Mr. Vance said reading from the Liberty Township Farm Residence District, Section 8.04.E, Public or Private Golf Courses, Country Clubs, Hunt Clubs, Sportsmen's Clubs, Fishing Lakes or Similar Recreational Uses, etc. If it would help the Board, he could change his application to "Similar Recreational Uses" as opposed to a Sportsmen's Club. Chairman Temby said this isn't necessary.

Chairman Temby said he has a real difficult time seeing condominiums as a sportsmen's club or a recreational use. He might have had an easier time if the Board would have had at least a skeleton of bylaws. Not an expensive document but something which would have given an indication of what you are going to keep the use to and how you are going to guide the rules. His opinion is this should be a re-zoning effort and not a Conditional Use Permit. However, we do have a motion to accept the use as a sportsmen's club.

MOTION: Board Member Wiencek moved to accept the use of HorsePower Farms LLC as a sportsmen's club.

Board Member Short seconded the motion.

VOTE: Y 4 N 1 (Temby)

Mr. Hiles said he has been out to the property and he doesn't see a lot of victory elsewhere for this property. He thinks this is probably the best use for the site. Knowing Mr. Vance lives in Powell and is a business owner, I think Mr. Vance is going to want to do right.

Chairman Temby said the second item we need to consider is the conditional use of the FR-1 District zoning. He has numerous notes on this in regards to what needs to be considered and listed as part of the Conditional Use Permit. Chairman Temby reviewed each of the 4 conditions listed in the Staff Report. All Board members agreed the 4 conditions should be listed.

Chairman Temby added the following items to be listed as conditions:

- AEP compliance. All Board members agreed.
- Bylaws to be presented back to the Board for approval. Mr. Short said he would like to see this condition added. He has been on an HOA board. What Mr. Vance puts in the bylaws will be very important for the Board to see. The hours need to be addressed. In the previous meeting Mr. Vance said 10:00 p.m. to 6:00 a.m. as quiet hours but in this meeting Mr. Vance said 10:00 p.m. to 8:00 a.m. There needs to be clarification. The number of units sold to change the development from a developer-managed to a board-managed entity needs to be addressed. How the board will run needs to be addressed. Mr. Wiencek said he also has some concerns he wants to see specifically addressed in the bylaws. The first is how the reserve amount is established. It does no good to have a condominium association if they don't have enough money to maintain the property. Mr. Wiencek asked Mr. Betz if the property falls into disrepair or an inappropriate use happens, would the Zoning Administrator handle? Mr. Betz said yes. In combination with the association, both the Zoning Administrator and the Police Department can get involved. We would work closely together. The City deals with zoning violations all the time. Chairman Temby said bylaws are going to be particularly important and the Board would like them to review. All Board members agreed.
- Landscaping. We have heard about and seen pictures of trees. We want to ensure the landscaping theme used in Scioto Reserve and Reserve at Scioto Glen is continued on Home Road in this project. All Board members agreed.
- Emergency entry/exit. The access should be for emergency vehicles only. Mr. Hiles said a locked gate should be put in to keep people out. Mr. Betz suggested looking at the placement of the fire access not being from Friesian Lane. The location could be from some other place. All Board members agreed.

- Mr. Wiencek asked for a condition stating this property will be a part of the assessment district. The property is gaining the benefit of the sewer and roads. They should be paying their fair share of assessments. Mr. Betz said they are getting their sewer from Scioto Reserve which is in Concord Township. Mr. Wiencek said then maybe this isn't a reasonable request. Mr. Wiencek withdrew his suggestion.
- Mr. Wiencek suggested a condition regarding signage. He asked Mr. Betz if it is appropriate to have signage reviewed. Mr. Betz said yes. All Board members agreed.

Mr. Wiencek asked Mr. Faris to come to the podium and explain how the pond will be kept from becoming an algae collection. He lives near a City pond which is only an acre in size and it has 4 bubblers in it and it's weedy and full of algae. Mr. Faris said Delaware County has standards in regards to how ponds are constructed, especially in regards to the depth of a pond. As long as we maintain a depth of 6' to 8' it helps the water quality be consistent. The bubblers add onto this. The biggest issue is to make sure the depth is there. We have to follow Delaware County regulations. Chairman Temby asked if the Board wants to review the pond design. Mr. Wiencek said City Staff will be reviewing this along with drainage issues. Mr. Hiles said he concurs. It wouldn't help for the Board to review pond designs.

Chairman Temby reviewed the conditions one last time and asked if there were any other comments or questions.

MOTION: Board Member Hiles moved to close the public hearing. Board Member Short seconded the motion. By unanimous consent the public hearing was closed.

MOTION: Board Member Wiencek moved to approve the Conditional Use Permit to allow for a sportsmen's club for HorsePower Farms LLC, located at Home Road and Steitz Road, as represented by Chip Vance, subject to the following condition(s):

1. That approval shall be granted for the completion of Phase 1 only and that all future Phases shall come back before the Board of Zoning Appeals; and
2. That the applicant shall come back before the Board of Zoning Appeals at a future date for review and approval of building designs and details; and
3. That the applicant shall submit building designs with no doors on the front of the storage building(s) facing Home Road; and
4. That the applicant shall submit for and receive approval of all utility plans, site engineering and grading/storm water control plans by the City Engineer; and
5. That all project plans shall be AEP compliant; and
6. That the applicant shall come back before the Board of Zoning Appeals at a future date for review and approval of the condominium association bylaws. The bylaws shall specifically address the hours of quiet time, how the reserve will be established and managed and when the association will be in full control; and
7. That the applicant shall ensure all landscaping plans continue the landscaping design along Home Road which is currently present in the Reserve at Scioto Glen and Scioto Reserve; and
8. That the emergency access/exit at Friesian Lane shall be a gated, secured entrance used by emergency personnel only; and
9. That the applicant shall come back before the Board of Zoning Appeals for review and approval of all signage.

Board Member Hiles seconded the motion.

VOTE: Y 5 N 0

## **ADJOURNMENT**

MOTION: Chairman Temby moved to adjourn the meeting at 8:10 p.m. By unanimous consent of the Board members the meeting was adjourned.

**DATE MINUTES APPROVED:**

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Ryan Temby  
Chairman

Date

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Leilani Napier  
Planning & Zoning Clerk

Date

DRAFT