



**DEVELOPMENT DEPARTMENT REPORT  
MAY 2019**

**CODE ENFORCEMENT REPORT**

*Report attached.*

**PLANNING AND ZONING COMMISSION**

***May 8, 2019 – Minutes attached.***

**FINAL DEVELOPMENT PLAN REVIEW**

Applicant: Home Steitz LLC, c/o John Wicks  
Location: Northwest corner of Home Road and Steitz Road  
Existing Zoning: (PC) Planned Commercial District  
Request: Review of a Final Development Plan for development of the property for housing, commercial and a library.

- *Request reviewed and approved with conditions.*

**HISTORIC DOWNTOWN ADVISORY COMMISSION**

*No meeting held.*

**BOARD OF ZONING APPEALS**

*No meeting held.*

## May Code Enforcement Report 2019

Date	Violation Description	Address	Name	Phone	Notes	Resolved Date	
4/29/2019	Lawn Violation	396 Shale Ridge Ct	Gary Leanz		overgrown lawn	Informational letter sent 5/15	
5/1/2019	Lawn Violation	762 Bovee Ln	Adige LLC - 5890 Sawmill Rd, Dublin, OH 43017		overgrown lawn, fencing around trees in backyard	Informational letter sent 5/2 - fencing permit still not submitted as of 5/28	
5/8/2019	Lawn & Junk Violation	707 Middlebury Ln	SB Homes LTD		overgrown lawn, and junk in yard. Might be moving		5/15/2019
5/8/2019	Junk Violation	42 Scioto St.	Joan & Daniel Sanders		washer & dryer on front porch		5/28/2019
5/9/2019	Lawn Violation	207 Woodedge Cir W	Open House Ohio Realty & Investments		overgrown lawn		5/14/2019
5/15/2019	Lawn Violation	265 Raven Spur	Alexius Dorsey		overgrown lawn		5/31/2019
5/24/2019	Lawn Violation	Old Pond Ln	David & Nancy Brehm		overgrown vacant lot	Informational letter sent 5/24	
5/24/2019	Lawn Violation	Retreat Ln btw 670 & 710	Gregory Chalfant		overgrown vacant lot	Informational letter sent 5/24	
5/25/2019	Lawn Violation	951 Retreat Ln	Umesh Vazirani		overgrown lawn		5/28/2019
5/25/2019	Parking Violation	473 Zion Dr	Jay & Michele Jones		trailer parked in driveway w/o permit		
5/28/2019	Parking Violation	691 Old Pond Ln	John Schoettmer		trailer in driveway w/o permit		
5/28/2019	Lawn Violation	688 Old Pond Ln	Andrew Huang & Frances Hsieh		overgrown lawn & landscaping		
5/28/2019	Parking Violation	345 Retreat Ln W	Nicole Toscano		trailer in driveway w/o permit - trailer may be behind BL		
5/30/2019	Drainage Violation	299 Briarabend Blvd	Barry & Marianne Hesseltine		altered drainage path blocking neighboring drainage	violation letter sent 5/31 - plan to be submitted by 6/17	



Planning & Zoning Commission

Donald Emerick, Chairman

Bill Little, Vice Chairman

Trent Hartranft

Joe Jester

Shawn Boysko

Ed Cooper

Shaun Simpson

## MEETING MINUTES

May 8, 2019

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Emerick on Wednesday, May 8, 2019 at 7:00 p.m. Commissioners present included Shawn Boysko, Trent Hartranft, Joe Jester, Bill Little and Shaun Simpson. Ed Cooper was absent. Also present were Dave Betz, Development Director; Rocky Kambo, Assistant Development Director; Steve Reynolds, Architectural Advisor; Leilani Napier, Planning & Zoning Clerk and interested parties.

## STAFF ITEMS

Mr. Betz advised the Commission there will not be a meeting on May 22<sup>nd</sup>. The next meeting will be June 12<sup>th</sup>.

## HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

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

## APPROVAL OF MINUTES

MOTION: Commissioner Jester moved to approve the minutes of April 10, 2019. Commissioner Little seconded the motion. By unanimous consent of all Commissioners present, the minutes were approved.

## FINAL DEVELOPMENT PLAN REVIEW

Applicant: Home Steitz LLC, c/o John Wicks

Location: Northwest Corner of Home Road and Steitz Road

Zoning: (PC) Planned Commercial District

Request: Review of a Final Development Plan for development of the property for housing, commercial and a library.

John Wicks, Real Property Design and Development, 267 North Liberty Street, Powell, said we received Preliminary Development Plan approval on January 16, 2019. We have received approval from City Council on the pre-annexation agreement and it has been filed with Delaware County. There is a sixty (60) day waiting period, which ends June 18, 2019. We would like to have the annexation and the Final Development Plan approved by Council at the same hearing. The library has selected our site for the new library branch. There are representatives from the library here tonight if the Commission has questions. We are very proud of how our plan has turned into a community effort.

Gary Smith, G2 Planning and Design, 720 E. Broad Street, said he is the land planner and landscape architect for this application. We have received a lot of good feedback from City Staff, the Commission and City Council. There aren't many substantial changes to the plan; with the exception the library is a little more formed. Plans aren't 100% solid with the library. The library provided an initial sketch of what they anticipate. The changes you see on the plans are a result of the library's thoughts and where they would like to locate the library, the size and shape, where the library would like for parking to be, etc. The orientation of the library has changed. Instead of being parallel with the power lines, the library is now further away from the power lines. Parking is more efficient and more evenly spread out. The commercial buildings have been turned to be parallel to Home Road and perpendicular to Steitz Road. We had to respond and adjust to the change in the library location. The residential portion is very similar to what was shown during the Preliminary Development Plan review. We have added more detail to the pool area, the pool building and the architecture. Landscaping is basically the same. We have continued to have conversations with the neighbors to make sure we can do everything possible to provide the needed screening.

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

The Commission needs to include a condition that Council approves the annexation for approval of the Final Development Plan to be effective. The Commission may want to tie down the commercial uses possible and any types of uses we would want to restrict. The plan shows a possible drive-thru. We may not want a "highway oriented" use such as a fast food business. We may want a more limited drive-thru use. We don't want long lines of cars sitting. Discussions have been held regarding how to resolve some issues pertaining to the buffering on the west side. The applicant has provided an additional exhibit tonight (Exhibit A1) which shows some additional landscaping and mounding. This can happen with the cooperation of the landowner to the west. Discussions have taken place between the landowner and our Engineering Department about the flow of water between the two ponds. Water needs to continue to flow between the two ponds. Staff recommends a condition to ensure our Engineering Department stays involved throughout the remainder of the process. The property across Home Road to the south is where HorsePower Farms will go in. The Board of Zoning Appeals approved the request for high-end car storage. The applicant is still working on their final plans as they obtain commitments from people to buy into their club. Approval hasn't been given for this project to start yet. The area to the east of Steitz Road is part of a planned overlay district in Liberty Township. The parcel on the other corner of Home Road and Steitz Road is reserved for open space. It will be up to Liberty Township as to whether the area will be a park or not. Commissioner Hartranft asked how many houses are going in this area. Mr. Betz said he would have to look to give a specific number, somewhere around the 4 units per acre density. Mr. Kambo said he wanted to mention again that having these hubs or nodes of commercial use placed near residential areas is good to help keep traffic from having to travel to Powell Road. It's important to put these commercial nodes in now while we can. Mr. Betz said Staff recommends approval of the plan with the conditions listed in the Staff Report and adding the additional conditions regarding the annexation and details about the landscaping/buffering/pond along the west side of the site.

Chairman Emerick said the Commission would like to hear from the library representatives.

Molly Meyers LaBadie, Deputy Director, Delaware County District Library, said the Board of Trustees approved this site for the new library at our May 19<sup>th</sup> meeting. It is very early in our planning process.

Michael Butler, Vice President of the Board, Delaware County District Library, said he is also on the building committee. Another member of the building committee is here tonight, Kevin Daberkow. Mr. Daberkow is newly appointed. We are thinking about a 2-story library so there can be plenty of parking. We are working on obtaining attorneys and architects for the project. We will sign contracts for contractors and sub-contractors, hoping to have a start build date towards the end of 2019. We would hope for completion in 2021. Mr. Betz said the library will have to come before the Commission for all plans. Ms. LaBadie said we are currently working on Requests for Quotes (RFQs). Commissioner Jester asked how the new library will compare to the Orange library in regards to volume of books, size and programs. Ms. LaBadie said the library will be comparable. The new library won't have the outreach department like the Orange branch has. Commissioner Jester asked what will be done with the current Powell library. Mr. Butler said we are keeping it. It is valuable to the community. Ms. LaBadie said we will evaluate services as we go; things like hours open, programs, etc. Commissioner Jester asked if the same staffing level will be kept. Ms. LaBadie said yes, at this time. We will evaluate as we move forward. We may shift employees around. Mr. Butler said processes could change at each branch as we move forward. We just don't know at this time. Outreach is always consolidated into one location. It's at the Orange branch. Commissioner Jester suggested keeping people informed as the library moves forward and if they change things, so people know. Mr. Butler said we will be keeping the old Powell library and we will keep people informed of programs provided. Ms. LaBadie said we do listen to the community. Commissioner Boysko asked if the new library will still be a 25,000 SF building with the 2-stories. Mr. Butler said plus or minus, yes. We are going with 2-stories to ensure we have the appropriate parking. Commissioner Boysko asked if there are any concerns about the detention pond. Ms. LaBadie said at this time we don't have any concerns. Once we have an architect on board, we will be able to give you a better answer. Commissioner Boysko said he didn't know if it's too early to know if the library would have any programs associated with the pond and pathways, with the outdoor area. Ms. LaBadie said this will depend on the librarians. Once we hire staff for this location, programs will be based on the librarian's knowledge and on the community's response. We put a lot of research into the programs we offer. If there is a lot of interest in something like tadpole story times at the pond, we might implement the program. Commissioner Jester asked if there will be a signed contract by the time the library goes to City Council. Mr. Betz said it would be the middle of June. Mr. Butler and Ms. LaBadie said that is a tight timeframe for the library to have an architect. We want an architect on board before we purchase so we know we are purchasing the correct amount of land. Mr. Butler said we have to make sure we are being good stewards of the community's money and resources. We need an architect first and a foundation expert to make sure there are no surprises. We are committed to this piece of property. We are 99% certain we are building on this property. We just have to do the proper due-diligence. Commissioner Jester said it will make this a complete package if you have everything before going to Council. It is very important. Mr. Butler said we have a board meeting on May 21<sup>st</sup>. We will mention this. Commissioner Boysko said he mentioned the pond because the sketch shown seems to show some type of structure near the pond. Mr. Betz said the structure is the wire suspension tower.



Mr. Wicks said we acknowledge the pond is going to be on the portion of the property the library is going to acquire. (Mr. Wicks went on to make further comments, which were inaudible. Mr. Wicks did not step to the microphone.) Commissioner Boysko asked if this is going to be a pad ready site, you are doing all of the site work, giving them a pad and from the pad it will be the library's responsibility to develop the building. Mr. Wicks said no, we aren't doing any site work for the library, other than building the infrastructure necessary to complete the storm sewer and the grading of the lawn. Commissioner Boysko asked if an architect is going to be brought on board to determine if the site is big enough. Ms. LaBadie said we believe our building will fit in but we need to make sure. Mr. Butler said it isn't about the size per se; there could be something in the soil which could preclude us from building here. We just need to make sure we are satisfied with what we are going to purchase. Ms. LaBadie said we have no concerns an architect is going to reject this site. Commissioner Boysko said he just wants to make sure this is the right fit. Mr. Wicks is giving the library a certain size of parcel. Mr. Wicks said the library has already looked at the site and evaluated to the extent the site meets their needs. We did have a Phase 1 environmental study done and everything is clean on the site.

Steve Reynolds, Architectural Advisor, reviewed the comments in Exhibit 1B. Three big points: as the library progresses in design, keep in mind how to address the corner and utilizing outdoor space; the density of the corner where the drive-thru is proposed; the pedestrian scale of the elevations and the overall density of the apartments.

Chairman Emerick opened this item to public comment.

Jon Petz, 4320 Home Road, complimented the library and Mr. Wicks for working together. The library is a great win for Powell. He lives immediately to the west of this site. There has been considerable discussion over the past couple hours, let alone the past 24 hours, on how we can best address some of the privacy concerns. To confirm from his standpoint, part of the condition of approval will be continued discussion for the drainage and landscape plan, which is acceptable to the immediate neighbors, Mr. Wicks and the City of Powell. The main recreation area of these townhomes is their backyard, which is my side yard. He still has interest in some type of physical barrier, a fence, a wall or something to keep people from coming onto his property. This is a liability and safety concern. He would like a better understanding of approved uses of the retail spaces. He isn't a big fan of the drive-thru. God help us if this is a coffee shop drive-thru line. He wouldn't want an auto car wash business, no business which is 18 years or older, no adult stores, no vape stores, no sexually oriented businesses. He believes these are listed in by-laws. Garbage dumpsters should have shielding and no outside storage. Attention needs to be given to signage. A condition needs to be listed on bike paths. The applicant needs to work with everyone for bike paths. He talked with Mr. Betz about granting an easement to allow a bike path to continue through his property. He wants to make sure a bike path happens for the community. A bike path would cross right through the drive-thru. This scares us. Precautions need to be taken. The library will be there and draw cyclists. Everyone needs to continue to work together as this moves forward.

Paolo Rosi, 4330 Home Road, said he is on the west side of and adjacent to Mr. Petz. He is also encouraged with the level of cooperation. He is excited about the library. The plan has changed considerably since the last review. It is now a matter of what can be done to respect someone's property. Homes where the recreational space is directly adjacent to Mr. Petz's property and have a natural slope down will cause a natural bleeding out onto Mr. Petz's property. Children playing and cookouts will naturally flow onto Mr. Petz's property. People don't like fences but Mr. Petz's property needs to be respected. Mr. Petz has been more than generous in being willing to grant an easement for the bike path and has been very community-minded. The community needs to respect Mr. Petz's property. There has to be some type of physical delineation between where the townhomes end and Mr. Petz's property begins. Mounding and trees won't be a hard barrier. It would create a park environment. This area won't be a park. It is Mr. Petz's property. He has the same concerns about the types of businesses which could go in. He is concerned with the traffic tied to a drive-thru. It hasn't been mentioned but Home Road in front of 4320 and 4330 Home Road is a stretch where people end up in the ditch a lot. You can look at police records. He pulls people up out of the ditch with his tractor a lot. The concerns about traffic are very real, Starbucks or no Starbucks. His focus is for respect of Mr. Petz's property and the type of retail allowed.

Nancy Patch, 7286 Goldenrod Court, said she just found out about this development. She would like to request mounding or extra trees for privacy reasons. The apartments will be looking into her yard. A fence would be nice. The green space is why they picked the lot they did to build their house. We moved in in September. She doesn't know if pets will be allowed at the apartments but she is concerned about safety of her children. A fence would create a good barrier. Children like to play in the grass. Sexual offenders can't live within a 1,000 feet of a school. Does a library have the same laws? Ms. LaBadie said it is not the same. Ms. Patch said this makes her nervous. She doesn't know if anything can be done about this or if we will just have to do our due diligence and watch who lives around us.

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 thanked everyone for working together on this project. It is great to see the developer, the library and residents come together and work together. He thanked the library for approving the site and for keeping the current library. His biggest question is whether we have any idea of what the rear elevation of the retail area will look like. Now that the library has been pushed closer, this area will be more exposed. Mr. Smith said there will be four-sided architecture. They will have to create desirability for the apartments behind. Commissioner Simpson said bike paths continuing is important. What will be used for buffering? Mr. Smith said we are committed to continuing to work with the neighbor. We have talked about many different options. We will take care of this to Mr. Petz's and Staff's satisfaction. We are looking at many things. We aren't opposed to a fence but a continuous evergreen buffer is planned. The trees will ultimately fill in and grow together. We have tried to create an activity space with the pool. We are hoping the apartment backyards don't become a recreational area. Commissioner Simpson said sometimes firs can take over 30 years to grow. Mr. Smith said we understand there is a concern with the privacy and separation. We will continue to work through this. Mr. Smith pointed out a person in the audience (name inaudible because Mr. Smith turned away from microphone and person didn't sign in) and told Ms. Patch the man was going to manage the apartments and background checks will be done. The background check will probably be more stringent than if someone were to buy a house nearby. There is probably more certainty we would screen out a sexual predator in the apartments versus a house next to Ms. Patch. Commissioner Simpson said as long as Staff is good with this, he is. Mr. Kambo said, similarly, if you would like Staff to review architecture we could. Mr. Smith said drawings show a drawing of a drive-thru. It's a best guess situation. It depends on who the tenant is. There may not be a drive-thru. We want to preserve the opportunity to have a drive-thru in case a coffee or sandwich shop is interested in this location. We know we would have to come back with a layout and a traffic pattern which works for the City Engineer. We will work through this process when we get closer to a specific tenant. I'm not sure how we would address the bike path crossing over the drive-thru road area. We basically have a bike path across the frontage of almost every development we do. At some point in time, you have to cross a bike path with a road. You deal with it by having stop signs, handicap ramps, warning strips, etc. He doesn't know if there is a better way to deal with this situation. Commissioner Simpson asked if this would be both left and right out. Mr. Smith said yes, it would be a full access entrance, lined up with HorsePower Farms access across the street. This was a requirement from the City Engineer.

Commissioner Hartranft thanked everyone for coming before the Commission. This has come a long way from a gas station and storage buildings. It is a testament to the applicant, the library and residents for making their voices heard. He does have a concern about a physical barrier. Several options have been thrown out. Besides a fence, what else is being considered? Mr. Smith said a fence is what everyone gravitates to because it is a physical delineation. The landscaping itself will ultimately form a barrier as it grows. He understands there are concerns about the interim time. We can figure this out. There are many different types of fencing. Commissioner Hartranft said you can have a 5' fence and block everything out or you can have a fence that shows people they need to stay on one side. Mr. Smith said the fence doesn't have to be continuous. We are dealing with a very specific area. We will find a way to incorporate a fence into the landscaping if that's the route we go. We will make sure it is effective and looks good. Sometimes a giant row of privacy fence doesn't look good from either side. We will work with Mr. Petz. Commissioner Hartranft said he would encourage this. It is early in the process but as a developer, have you put some feelers out to see who might be interested in the commercial areas? We have made it clear high-density shops may be shops we discourage. We don't want to put a cap on your process but the Commission will probably want to review what businesses go in. Mr. Smith said the first preference is to find businesses which have a synergy with the entire development. This will make the whole development more attractive to renters and businesses. It gives the opportunity for more mom-and-pop type of businesses. A McDonalds or Wendy's would never work here. The buildings aren't going to be designed for these types of businesses. We could never meet their branding or site requirements. A Starbucks or Tim Hortons would be more suitable. We have a couple spaces with patios. We hope to attract restaurants with patios. A Walmart won't go in here. Commissioner Hartranft asked if the traffic light at Steitz and Home Roads has a left turn arrow. Mr. Smith said yes. Commissioner Hartranft said another concern is the right in/right out on Steitz Road. Will this be conducive to residents getting into the back part of this development? If a resident is traveling north on Steitz Road and gets to Home Road, they would have to turn left on Home Road to get into the development. Mr. Smith and Mr. Betz said correct. Mr. Wicks said Delaware County has done a traffic study and is reviewing this along with the City. Delaware County would let us know if any improvements need to be made on Steitz Road. Commissioner Hartranft asked if there could be enough room on Steitz Road to put in a left-hand turn. Mr. Betz said probably not. Mr. Wicks said we would have to widen Steitz Road to do this.

Commissioner Jester said the applicant has come a long way and should feel good about that. Is the exit onto Steitz Road the only way to get out of the library? Mr. Smith said you can exit south onto Steitz Road. There is also an exit onto Home Road. Mr. Wicks said there will be cross access easements throughout the entire development. Commissioner Jester said you aren't going to want people to weave all through the development, are you? Mr. Smith said we are going to allow it. There will be cross access easements so people can get from Home Road up to the library and vice versa. Mr. Betz said we are going to want this. Commissioner Jester said it is going to get pretty busy. Is a two-lane road enough to be able to get out of there? Mr. Betz said it will be fine. Mr. Butler said it only gets busy during story times. Commissioner Jester said you will have apartment people using the road too. Ms. LaBadie said we

get busy during story times, which tend to be in the morning between 10:00 a.m. and 11:00 a.m. Then, we get really busy after school hours; there is another big rush. Commissioner Jester said it could get awfully crowded there. Ms. LaBadie said libraries can get busy. Commissioner Jester said it could affect the apartment people too. Mr. Wicks said it is important to note the peak hours Ms. LaBadie just mentioned are not the same as the typical working class peak hours. If the library gets busy at 10:00 a.m., the work rush hour is already gone. The after school rush is before work lets out. They don't overlap. Commissioner Jester said you have done a great job reducing the density. He feels better about this.

Commissioner Boysko said he tends to agree with Commissioner Jester's concerns about access on and off Steitz Road. Was a traffic study done? Mr. Kambo said yes. Commissioner Boysko asked if it was included with the submission. Mr. Kambo said yes. Commissioner Boysko said he must have missed it. Was it posted online? Mr. Kambo said yes. Commissioner Boysko asked if the traffic study prohibits full access on Steitz Road. He would challenge this. He is concerned about limited access from Steitz Road and taking traffic through the site to Home Road. Mr. Wicks said this is the first step of the study. The study was just submitted and is being reviewed by Delaware County and the City. We are still subject to recommendations and requirements from the County and City. We could be told the Steitz Road access needs to be enhanced. Commissioner Boysko said someone took it upon themselves to limit the access. Where did this come from? Mr. Wicks said we did this because of the conflict of the left turn lane on Steitz Road presently, which is there today. The road isn't wide enough for someone to turn left into this drive and maintain 3 lanes of traffic. Commissioner Simpson said anyone who goes north on Steitz Road would have to go in from Home Road. Mr. Wicks said a person will not be able to enter the site going northbound on Steitz Road. Commissioner Simpson said he is more worried about exiting during busy times. Mr. Wicks said the only limited movement would be northbound, left-turn movements out of the driveway onto Steitz Road. A person could turn right and go to Home Road but they couldn't turn left and go north on Steitz Road. Commissioner Boysko said he understands there is no left turn lane on Steitz Road into this property. He doesn't necessarily consider this a critical factor. He does have concerns about taking the traffic all the way through the site. There will be a lot of traffic going through the site and he doesn't know if this is the best approach. Unless you are wanting to specifically drive traffic through the commercial part of the development. Mr. Wicks said it is more of a safety issue and based on early conversations with the County. If the County or City want this to be a full access area, we would support this. We think it would be better for traffic flow. Commissioner Boysko said you could have full access without a left turn lane. Mr. Wicks agreed. Delaware County may not. The traffic gurus will have to decide this. Mr. Betz said we will have conversations regarding this. Mr. Kambo said the point is well taken. Commissioner Boysko said parking volumes could change drastically based on the business which goes in. Mr. Smith said we are considerably over-parked right now for a straight retail environment. Mr. Betz agreed. Commissioner Boysko asked how parking will be allocated. Have you made assumptions that a certain amount of space will be restaurant? When you say you are over-parked, what is this based on? Mr. Smith said based on a typical 5 per 1,000 ratio for retail. From a restaurant standpoint, a restaurant owner is going to want a guarantee for a certain number of parking spaces before they commit. Commissioner Boysko asked Mr. Betz/Mr. Kambo if this is something which will self-regulate based on the uses and the City doesn't need to regulate. Mr. Kambo said if a certain use is interested in the site and parking doesn't meet their requirements, the use won't be able to go in. Mr. Betz said Staff analyzes the mix of uses as they go in. Staff ensures Code is met. Mr. Kambo said if the use doesn't meet Code, they would have to reduce their seats and make changes to their proposal. The amount of parking available on this site is the amount of parking available. Period. Commissioner Boysko said Mr. Smith said they are over-parked now. If 50% of the use is restaurant, all of a sudden they aren't over-parked and the rest of the uses would be limited. Mr. Smith said from a marketing standpoint, business-leasing managers are very sophisticated when it comes to analyzing parking needs. They won't lease a space if they feel there won't be enough parking. City Staff will also be looking at the allocation of parking spaces. There are a couple checks and balances in place. There are also opportunities to work with the library for shared parking during non-peak times. Mr. Kambo said this is a very valid point. We have talked about shared parking agreements numerous times. A restaurant's operating hours will be inverse of the library operating hours. This can be handled as each use is brought in. Mr. Smith said it is worth talking about. Mr. Wicks said it goes both ways. There could be a couple times a year when the library may need more parking. Commissioner Boysko said this is what he was getting at. The next concern is the drive-thru and high volume traffic. I don't want to micro-manage this but how do you prevent a high volume users such as Starbucks. There will be 10 cars around the corner and it will be a challenge. A lower volume user might not be an issue. Mr. Smith said an exception might not necessarily have to be put in. We will have to prove to the Engineering Department that we can stack cars or we won't be able to lease to the user. Commissioner Boysko asked if this is another function which will have to happen administratively and doesn't have to be handled in this meeting. Mr. Smith said he has had many conversations with Mr. Betz and Mr. Kambo. We will have many more. No one in this room, nor the City Engineer, is interested in creating an unsafe situation. They will make sure we can provide adequate circulation and avoid vehicular conflicts. The City has hired some pretty smart people. Commissioner Boysko said plans show at least 2 or 3 architects on the project. Mr. Smith said we have 2 now. Commissioner Boysko said you have Sullivan and Chris Meyers. Mr. Smith said there will be a third with the library. Commissioner Boysko asked how we can keep the aesthetic consistent. We don't want 3 different aesthetics. There needs to be some type of cohesion. Mr. Smith said Meyers & Associates is the architect for the garden apartment building and the retail. There

will be a similar level of detailing on both of these buildings. Our second architect, Joe Sullivan, is responsible for the design of the townhomes. Mr. Sullivan has done an excellent job of making these look a lot less like a townhouse. It was mentioned that there is a lot of garage. In Mr. Sullivan's words, a lot has been done with the architecture to make it very active. Recesses and projections break up the massing of the buildings and diminish the impact of the garages. Garages are a necessary function of a townhome. Mr. Sullivan incorporated similar detailing to the retail and garden apartments. There are common threads which wrap through the site. I can't speak for the library because they will have a separate architect. I'm sure the library will pay attention to the style which goes on throughout the site. The library's plans will come before Planning & Zoning so the Commission will have an opportunity to review the plans. If the Commission doesn't think everything ties in together, they will have the chance to say this. Mr. Kambo said it is also important to note we don't want to stifle the creativity of the library. Mr. Wicks said the library has said they won't be building another Orange branch type of library. Mr. Butler said the new library will be more traditional. Mr. Wicks said the library has agreed to the same building materials and color palettes. Commissioner Boysko said he agrees, you don't want to stifle creativity but he is worried about 3 different aesthetics and 3 different designs. The elevations, as our Architectural Advisor said, leaves a lot to the imagination. There isn't a lot shown of materials and colors. Chris Meyers' retail piece only shows the front. The sides and backs aren't even shown. The backs are a big piece due to four-sided architecture. Chris Meyers knows this. Especially when there will be access coming in from the back. A lot has been left to the imagination. The plans are good for a Preliminary Development Plan but for a Final Development Plan we are still missing a lot. Unless, we are going to place the burden of review on our Architectural Advisor and Staff. Mr. Wicks said we can submit supplemental information before City Council. Mr. Betz said there is a Certificate of Appropriateness process which can be used to bring this detail back to Planning & Zoning. They will be completing their architectural detail plans for building permits so we could have a meeting to review all of remaining details. This is what Staff would recommend. There is plenty of time. Commissioner Boysko said we usually have this type of information in a Final Development Plan paperwork. Mr. Betz said you can have this level of detail or you can have a greater level of detail. There is another process in the Code that you can use. We may even know more information on the architecture of the library then. Commissioner Boysko said it just seems we are dumping the burden on Staff. Mr. Betz said we are the experts. Commissioner Boysko said the last thing he wants to mention is the buffer between the site and Mr. Petz's property. Is the mounding a part of this development's plans and does Mr. Petz agree to the mounding? Mr. Wicks said we have had discussions with Mr. Petz and Mr. Petz agrees to allow us access to his property. It wouldn't be owned and maintained by us but we would build and install. Commissioner Boysko said the water has to flow to the west. Mr. Smith said Mr. Petz has an existing pond and we can't dry up his pond. Nobody would be happy if this happens. We have a legal responsibility to make sure Mr. Petz has water in his pond. It is a delicate balance. We also have to make sure we don't put more water on Mr. Petz's property and we can't put less. We have to feed the pond. Commissioner Boysko said his only opinion about the buffer is he likes the dense, evergreen buffer. You need to be careful with a fence. Someone has to maintain a fence and it could become a maintenance challenge for everyone. He tends to like a natural buffer more. We need to find a happy medium for everyone. A strong, heavy landscaping buffer tends to be the best solution. You have to use the right trees and buffering. Mr. Smith said we have many people we have to make happy. We will get there.

Commissioner Little thanked everyone for working with the City and bringing the library proposal in with this plan. He thanked the library staff for coming. The applicant seems to be working well with the property owners. You need to continue to work with the property owners on landscaping, pond drainage and connections. The signage shown appears to be consistent as opposed to brand signage. Will there be a consistent signage policy or will you allow chain signage? Mr. Smith said we have applied for 4 signs. There will be a sign at the corner which is the main identification signage. The smaller signs will be located at each entry. These signs will identify each user in the development. We will have smaller tenant panels on each of the entry sign areas. Tenants will have to fit within the sign box. The tenant will have their individual signage but it will have to fit within the theme. Tenants won't be able to come in and erect their own sign. Commissioner Little said what happens if there are 3 different ice creams shops and each is branded. Will they be allowed to put their branded signage up? There could be different colors and different artwork. Or, would you make the image be more consistent? Mr. Smith said we haven't had this level of conversations yet. We probably would like to see some level of consistency. Businesses are pretty particular about their brand. As long as the brand sign isn't overwhelming and is limited to the space provided, hopefully it would be acceptable. Mr. Kambo said similar to doing a Certificate of Appropriateness with the architecture, we typically bring sign plans in afterwards. We could bring sign plans back for the specific information Planning & Zoning wants to see. Chairman Emerick said he was going to suggest this. Commissioner Little said City Code used to reference "highway use" in regards to high volume businesses being placed near parks or things such as a library, which attract children. We didn't allow this. Code specified which businesses were considered "highway use" businesses. An example is Murphy Park and a business with high volume "highway use" who wanted to go beside the park. Every time I drive by the park, I recognize what a good decision this was. The traffic is already heavy in this area let alone allow a high volume, fast food business. Code has been re-written. Do we still reference "highway use" businesses? Mr. Betz said yes. Commissioner Little said if we had a list of those businesses we could look and restrict. It's a slippery slope, a give and take type of situation. We may have to find a creative way to control what goes in. Is there something we can do? Mr. Betz said this would deal with restaurants having a drive-thru versus a coffee shop with a drive-thru. We can even restrict a drive-thru. The applicant would like



to have the ability to have a business with a drive-thru. You can restrict the business and say it doesn't really work because of the access management plan and because there will be a library. It might not be a good idea to mix. Commissioner Little said we could allow a dry cleaner with a drive-thru. Mr. Smith said he wants to put this in perspective. A lot is being made of this. The building is divided for multiple tenants. Multiple, small tenants. A business who comes in and takes the end with the drive-thru is going to have a smaller use. We have allowed for a total of 14,000 SF of retail space, including restaurant. 14,000 SF is the size of a CVS. We aren't talking about putting a Longhorn Steakhouse in. We are talking about very limited, very small uses. There would be traffic for a drive-thru but we are committed to working with the City Engineer to ensure this is done in a safe and effective manner. If it can't, we won't be able to allow the business to go in. We don't anticipate having any "highway use" businesses. They will be smaller, mom-and-pop shops. Look at the delineation lines in the plans. There isn't room for a big, high volume use. Commissioner Little asked if the internal walls are permanent. Mr. Smith said a business could certainly take 2 spaces but one user won't be able to take the entire building. Mr. Wicks said we are marketing this as a neighborhood retail use; not a "highway use" type of business. We expect mom-and-pops, not a chain. Mr. Smith said a high volume use is going to want to be located on Sawmill Road. Commissioner Little said I recognize you are a good, corporate citizen by the way you have gotten to this point. Five or ten years from now, when you decide you want to sell this property and Home Road is now a 5-lane road, as is planned, things change. From a personal standpoint, I would like to see some way to either cap the type of use for this particular building and/or if the applicant wants to introduce a specific drive-thru type of operation, the request would come back before the Commission through a Certificate of Appropriateness. Commissioner Boysko agreed and said it should go with the entire development. We need to manage and regulate the uses. The size of the space doesn't dictate the volume of traffic. A 1,500 SF Starbucks is going to generate a lot of traffic. You can see it everywhere. A 5,000 SF restaurant will generate very little drive-thru traffic. Commissioner Little said the intent isn't to limit the ability to market the property. However, the intent is to limit the ability to put an extremely high volume operation in, which has 35 cars cueing up at midnight on a Friday. Mr. Wicks said we are going to self-limit this. If we have a high volume coffee shop in there with 10 cars cued up, we will anger all of the other tenants in the building. We aren't in the business of doing this. We will self-monitor this. There is a process through the City which will determine who tenants can be. We have our own controls and the City certainly has controls. Commissioner Simpson said he would personally hate to see this limited to prevent a donut shop from being able to go in. A smoothie shop or a donut shop would be ideal for this location. Commissioner Little said he is more concerned there are large amounts of high volume businesses. We can use a Certificate of Appropriateness when a tenant is being considered. Mr. Betz said we have other ways of handling this. We can use traffic volume, predicting the number of stacking spaces or looking at sales. It is common sense. Maybe we need to come up with a number which makes it tangible on intensity of use. Commissioner Little said, as a matter of process, if the applicant wants to introduce a drive-thru operation, are they required to come before the City for approval? Mr. Betz said you can make it that way. You can make it a condition if there is a drive-thru. Use the Certificate of Appropriateness. Mr. Smith said he doesn't want to keep going back to this but it is true, the leasing business for retail and restaurant spaces has become very sophisticated. The users themselves ask these types of questions. They are going to ask how many spaces there are, can you provide a certain number of stacking spaces. If we say we can't, the business isn't going to lease here. This is going to be self-limiting. The City is the second stop in the process. Chairman Emerick said we basically have 2 conditions; one, you are going to be self-limiting and two, through the Certificate of Appropriateness place additional controls. Mr. Kambo said a Certificate of Appropriateness for a drive-thru user. We don't want to be doing a Certificate of Appropriateness for all users. Commissioner Little said the intention is not to limit. If you come in with something extremely reasonable or casually reasonable as opposed to something oppressive, it won't be a problem. Mr. Smith said he wants to give a perfect example of what he is talking about so you don't think I'm blowing smoke at you. We do a lot of work for NP Limited. NP Limited controls all of the leasing for the Polaris Center. Not the Mall but all of the other areas. We constantly get calls from the owners saying this business will not lease from us because we are 2 parking spaces shy of meeting their requirements. If you can't get me 2 more spaces, we aren't signing the lease. This happens all of the time. The process is getting more sophisticated. They don't want to turn customers away. Commissioner Little said this is great but I haven't heard you state what the maximum stacking allowed will be. You only give half the equation. Mr. Smith said I appreciate that. We don't know. We have to sit down and work this out with the Engineer to make sure we do things in a safe and effective way. If the Engineer tells us we can only stack 4 cars, we will be limited to that.

Commissioner Little polled the Commission on including a condition to have the applicant come back before the Commission via a Certificate of Appropriateness for the drive-thru portion. Commissioner Simpson asked how long the process would take. Mr. Betz and Chairman Emerick said one meeting. Mr. Betz said they would have to go through a change of use or occupancy permit through the Building Department. It isn't going to take a lot of time. It might hold up someone signing a lease until approval is obtained. Commissioner Simpson said he is good with the process working things out. I don't think a high volume coffee shop is going to go in and say, hey, I tricked you.

Commissioner Little said looking at the landscaping plan, from the size of the font, it is hard for me to determine what type of screening will go in to the north, to address Ms. Patch's concerns. It references an evergreen tree. What, in your mind, is an evergreen tree? Mr. Smith said we like to use spruce trees. They generally are the hardiest, the most

opaque and they grow the fastest. They last a long time, they get tall and they get full. Commissioner Little said to clarify; you aren't intending to put a white pine type of plant in. Mr. Smith said he hardly ever specs white pine anymore. White pine aren't salt tolerant. Commissioner Little said he would like to see a shared parking agreement worked out with the library. As a community, we try to promote this. This property is now Powell property. We typically go with the Powell, 3 split rail white fence when a fence is put in. Would this be an appropriate type of fence? Not necessarily everywhere but to differentiate the property lines the residents are concerned about. Mr. Betz said another item to look at is the detail of the patios and/or decks which will be there. Each individual unit will have a patio in the back. There will be individual fences in between each unit and nothing behind. Sometimes there is an L-shaped fencing unit which goes in around the patio. This would help also. During the Certificate of Appropriateness review on the architecture, you could look at this. Mr. Smith said we would want to take a closer look at this. We do have a 3-rail fence specified along the frontage. Maybe there is a way to incorporate it elsewhere. We are willing to have these types of conversations. I don't think we need to form a continuous barrier around the entire property. We need to find a way it aesthetically works and provides the level of comfort the residents are looking for. Commissioner Boysko said he agrees. There is value in creating separation but putting a split rail fence in between dual landscape buffers, a landscape buffer on this property and a landscape buffer on Mr. Petz's property, lessens the value. The property line to the north does merit consideration. Commissioner Little said and/or where there are gaps, and/or where the pool is, and/or where the property owner to west would like you to consider a fence. Mr. Smith said yes. The pool itself requires its own pool fence. It's a requirement.

Chairman Emerick said it looks like the evergreen trees will be planted roughly every 12' apart on center. There will be 8 trees, plus or minus. Mr. Smith said we will stagger them so they grow and overlap. Chairman Emerick asked how quickly they fill in. Mr. Smith said they grow about a foot a year. If we plant a 6' or 7' tree, in 5 years they will be 12' tall. They spread proportionally. He can't guess how fast they grow together. Trees grow at different rates. Chairman Emerick said he wants everyone to have a realistic expectation. Mr. Wicks said it's not 2 years but it won't be 20 years. We aren't trying to pull the wool over anyone's eyes. We can't space them so close that in 3 years they are crowded. Mr. Betz said they will kill each other.

Commissioner Little moved to approve a Final Development Plan for a proposal to develop the property for housing, commercial and a library, for the property located on the northwest corner of Home Road and Steitz Road as represented by Home Steitz LLC, c/o John Wicks, subject to the following condition(s):

1. That the City Law Director and applicant shall create a Development Agreement to ensure a Delaware District Library is located on this property for implementation of this plan; and
2. That a revised development plan shall be submitted to the Planning & Zoning Commission if the Delaware County District Library ceases to locate on this site; and
3. That all Architectural Advisor comments shall be implemented as agreed to by the Planning & Zoning Commission; and
4. That all Engineering Department comments shall be adhered to during the engineering plan review; and
5. That all roadway improvements as outlined within the traffic report or as required by the County Engineer shall be implemented; and
6. That the proposed annexation of the property into the City of Powell shall be approved by City Council; and
7. That the applicant shall work with the homeowner to the west of this property to finalize the landscaping buffers such as mounding and plant materials; and
8. That Staff shall have final say and approval of all landscaping plans; and
9. That the applicant shall work with the City Engineering Department to address the drainage of the retention pond in relationship to the pond on the property to the west; and
10. That Staff shall have final say and approval of retention pond plans; and
11. That all plans for the new library shall be brought before the Planning & Zoning Commission for final review and approval; and
12. That Staff shall work with the property owner to the west of this property to acquire an easement to allow for a future bike path connection; and
13. That the applicant shall work with City Staff and library staff to establish a shared parking agreement in a manner which is beneficial to both; and
14. That the applicant shall return to the Planning & Zoning Commission with a Certificate of Appropriateness to ensure consistency in the overall plan of the three (3) different sub-developments; and
15. That the applicant shall return to the Planning & Zoning Commission with a Certificate of Appropriateness for final review and approval of all signage plans; and
16. That the applicant shall return to the Planning & Zoning Commission with a Certificate of Appropriateness in the event a "drive-thru" operation is proposed for the property; and
17. That the applicant shall return to the Planning & Zoning Commission with a Certificate of Appropriateness for final fencing and barrier plans.

Commissioner Simpson seconded the motion.

VOTE: Y 6 N 0

(Cooper absent)

**OTHER COMMISSION BUSINESS**

None.

**ADJOURNMENT**

MOTION: Chairman Emerick moved at 8:50 p.m. to adjourn the meeting. By unanimous consent, the meeting was adjourned.

**DATE MINUTES APPROVED:**

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date