



DEVELOPMENT DEPARTMENT REPORT  
JULY 2019

**CODE ENFORCEMENT REPORT**

*Report attached.*

**PLANNING AND ZONING COMMISSION**

*July 10, 2019 – Minutes attached.*

**SKETCH PLAN REVIEW**

Applicant: Redwood USA, LLC  
Location: 3041 Home Road  
Existing Zoning: (PI) Planned Industrial District – City of Powell & Liberty Township  
Proposed Zoning: (PC) Planned Commercial District  
Request: To review a Sketch Plan proposal to annex two (2) parcels from Liberty Township into the City of Powell and rezone the resulting four (4) contiguous parcels from (PI) Planned Industrial to (PC) Planned Commercial in order to construct a multi-phased, mixed-use development which includes multi-family, office and assisted living on approximately eight (8) acres.

- *Request reviewed and comments provided.*

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

Applicant: Beverage Refoundry LTD, dba The Daily Growler  
Location: 258 W. Olentangy Street  
Existing Zoning: (PC) Planned Commercial District  
Request: To review an Amendment to an approved Final Development Plan to allow for the expansion of an existing patio, to add a bocce court and more seating.

- *Request reviewed and approved with conditions.*

**HISTORIC DOWNTOWN ADVISORY COMMISSION**

*No meeting held.*

**BOARD OF ZONING APPEALS**

*No meeting held.*

## July Code Enforcement Report 2019

Date	Violation Description	Address	Name	Phone	Notes	Resolved Date
7/8/2019	rabbit pen - nuisance condition 505.08	843 Middlebury Ct	William & Talitha Helmling		Rabbit pen not properly maintained along the side of the house, rabbits left outside in extreme heat, Police involved	7/12/2019
7/17/2019	parking violation	120 Woodland Dr	Matthew & Julianna Ray		trailer parked in the driveway w/o permit	informational letter sent 7/17
7/17/2019	weed violation	204 Sierra Woods	Brian Kelly		unkempt landscaping in front of home, tall weeds - property looks abandoned	informational letter sent 7/17
7/17/2019	hazard tree	55 Chenango Dr	Steven Kerns		dead tree in the front yard	



Planning & Zoning Commission

Donald Emerick, Chairman

Bill Little, Vice Chairman

Trent Hartranft

Joe Jester

Shawn Boysko

Ed Cooper

Shaun Simpson

## MEETING MINUTES

July 10, 2019

A meeting of the Powell Planning & Zoning Commission was called to order by Vice Chairman Little on Wednesday, July 10, 2019 at 7:00 p.m. Commissioners present included Shawn Boysko, Ed Cooper, Trent Hartranft, Joe Jester, Bill Little and Shaun Simpson. Donald Emerick was absent. Also present were Dave Betz, Development Director; Derick Stadge, Architectural Advisor; Leilani Napier, Planning & Zoning Clerk; and interested parties.

## STAFF ITEMS

None.

## HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Vice Chairman Little opened the public comment session. Hearing no comments, he closed the public comment session.

## APPROVAL OF MINUTES

MOTION: Commissioner Boysko moved to approve the minutes of June 12, 2019. Commissioner Cooper seconded the motion. By unanimous consent of all Commission members present, the minutes were approved.

## SKETCH PLAN REVIEW

Applicant: Redwood USA, LLC

Location: 3041 Home Road

Existing Zoning: (PI) Planned Industrial District – City of Powell & Liberty Township

Proposed Zoning: (PC) Planned Commercial District

Request: Review a Sketch Plan proposal to annex two (2) parcels from Liberty Township into the City of Powell and rezone the resulting four (4) contiguous parcels from (PI) Planned Industrial to (PC) Planned Commercial in order to construct a multi-phased, mixed-use development which includes multi-family, office and assisted living on approximately eight (8) acres.

Steve Martin, Attorney, Manos, Martin & Pergram Co., 50 North Sandusky Street, Delaware, said he is here on behalf of Redwood. I normally wouldn't take much time to talk at a Sketch Plan but there have been some questions coming up with folks in the newspaper and regarding the period of time/timing of the annexation petition. Redwood went into contract for this 35-acre property in the City of Powell and for the 35-acre property in Liberty Township. This property is in between Liberty Park and the railroad. The property owner, in a trade with the City, acquired 25 acres to the south after the City got it from MI Homes during remediation. We first met with City Staff last November. There are a number of issues with this property. There is a total of 70 acres. When this many acres are developed you have to have a secondary access. We've talked to the Fire Department and Liberty Township's administration about getting access through Liberty Park. This was problematic. We later acerbated things by filing the annexation petition. Redwood is a rental project with private streets. It is very difficult, if not impossible, to have an apartment project partly in a Township without an income tax and partly in a City with an income tax. We've spent a substantial period of time trying to find a secondary emergency access to be used only in the event of an emergency. The City had no interest in going to the south through the wetlands and out through a subdivision. We had a discussion with the railroad, to no avail. There is a road along the railroad tracks part of the way. The Township wasn't receptive. It appears we have worked out a solution with the Olentangy local school district. We received a redlined agreement back within the past week. This property is very adversely impacted by the Home Road project in 2008 – 2009. There was a jury trial and the issue was whether there was damage to the resident. The defendant's argument was the property was rendered not viable as commercial or industrial due to the elevation and relocation of the drive. The jury agreed and the defendant was

awarded close to two-thirds of a million dollars in damage to the value of the property. Questions have been in the newspaper asking why we filed the annexation petition before coming before Planning & Zoning Commission. We met with the City's Development Committee and it is very questionable, if the City has jurisdiction, to hear an application without the property being in the City or pending an annexation petition. We filed the annexation petition and shortly thereafter filed the application for the Sketch Plan review. The timing of the acceptance of the annexation and the Final Development Plan approval would be about the same. If Redwood doesn't get the re-zoning, there won't be a Final Development Plan. The owner of this property has been trying to dispose of the property for a number of years. Trucco has had the property zoned industrial/commercial on the market since 2009. This should tell you how the market is for industrial/commercial property right here. The property is still sitting there unsold. We would have liked to have 70 acres for the apartments. Redwood has partnered with assisted living care facilities on some other properties. After the meeting with the Development Committee and City Staff, we selected to have an assisted living care facility on a portion of the property. We've spent the last 6 months trying to find someone to co-locate and haven't been successful. There may be some saturation in this area.

Todd Foley, POD Design, 100 Northwoods Blvd., said they are the land planner/landscape architect for this project. Mr. Foley presented Exhibit A1. Less than 10% of renters have children in Redwood communities. We are excited about the possibility of the pedestrian interface between this property and the park. The current access point to the site would be maintained. It is the only option. There are four (4) different types of building configurations. The quantity of units in the buildings will vary. The emergency access would go through school property, snake around the existing ball diamond, and tie into the existing street network. We have been in constant dialog with the school district about how we can achieve this. We are working to preserve the existing trees and the trees along the railroad tracks. Approximately 43% of the site could be allocated open space. This is substantially above what is required. We will be looking at internal paths and connection points. Each unit is typically finished in a different siding color so there is variation. There will be stone water tables. The units are very condo like, without the ownership connection. We think there are many benefits to this type of project and it will fulfill a non-existent niche; an opportunity to rent and stay in a community without owning a home, but have all of the nice amenities of a house. The community is centered around peace and quiet. There won't be a clubhouse, pool or traditional active amenity area. A very passive active lifestyle. There will be a positive tax revenue, with a minimal impact to the community services and school system. The streets will be private, concrete streets which won't be maintained by the City. Redwood will maintain the streets.

Jim Frey, Real Estate Advisor, 5311 Gillumway, Westerville, said our communities don't have clubhouses or pools. It is strictly a peace and quiet community. When people sign an application, they agree to a credit check and a background check. We use a 6-point system. If a person fails any of the 6-point check, they can't rent from us. You can't do this in a single-family community. We cater to empty nesters and young professionals. There are very few families with children. Our average is 5 – 6 children per 100 units. We've met with the Olentangy school district Superintendent. The median household income will range from \$50,000 to \$200,000. We estimate \$300,000 a year in income taxes. The only City service we will need is police and emergency service. Delaware County said they've had one EMS call per year to our community in Delaware.

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

An agreement was made years ago between the City, the Township and the property owner to swap some land. The City got land as a result of a lawsuit. Liberty Township ended up with the property near the park to prevent the land from being chopped up. There was some mediation about a lime pit at that time. The pusher engines from the railroad track would be cleaned out there, leaving lime deposits. It has all been cleaned up since then. There are a lot of little wetlands in the site which the applicant is going to have to deal with. The Comprehensive Plan shows the area north of Home Road as a potential growth opportunity. There is a mix of conservation residential, mixed-use and commercial. The area along the railroad is designated for employment type uses. This could be industrial, commercial or anything which would provide offices and have employees who would work within the City of Powell. Growth opportunities to the north would be cut off if the land remains in the Township. Having commercial areas would reduce the amount of traffic going into downtown Powell. The annexation would preserve the opportunity to move north of Home Road. There is very little undeveloped areas left in Powell which can be used for commercial use. This is one of the last, largest areas left. We need to look at what our plan is for the City and where we will go from here. The Delaware County Engineer has plans for work along Home Road. Home Road will be the next east/west corridor. We don't know the extent or time. Staff would want to see a market analysis done to see if an assisted living facility is the best option as we go into a Preliminary Development Plan review. We need to evaluate and determine if there are better land use choices for this property. If this use is desirable, we need to make sure it is the best plan it can be. Staff is concerned about changing land uses to something outside of what the Comprehensive Plan calls for and for long-term viability of income taxes. Retired renters won't pay income taxes for their retirement income. Vice Chairman Little asked if there is a pedestrian walkway option under the overpass. Mr. Betz showed an access on CSX property which goes under the overpass. This access most likely isn't available for use. The landscaping company has access via a little driveway on the west side but there is not access on the east side. There is a bike lane on Home Road, way up high.



Derick Stadge, Architectural Advisor, reviewed Exhibit 1A. This Sketch Plan is more thorough than what we typically see. There are a lot of non-traditional things about this plan which are really good. We would want to see specific elevations at the next review. We would want to see a parking count also.

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

Commissioner Cooper said he likes the concept but he doesn't want to see it on this piece of property. There are a lot of pluses to this proposal but he isn't in favor of changing the zoning of this property.

Commissioner Jester said the designs are very interesting. I give a lot of credit for that. I agree with the Staff Report and the comments about keeping this property in line with the Comprehensive Plan are important. Moving away from the Comprehensive Plan is not the thing to do. We have to draw a line in the sand some place and say we came up with a Comprehensive Plan for a reason. You would need to give us a real good reason to move away from the Comprehensive Plan and I haven't heard it yet. You have a good product but maybe in the wrong place.

Commissioner Boysko asked for the number of units in the development. Mr. Foley said 334. Commissioner Boysko said they are all two bedroom. Are all of the floor plans identical? Mr. Foley said they are identical in composition but the layout does differ. The SF varies between 1,295 SF to 1,600 SF. There are 4 building types. We will bring elevations and more information to the next review. Commissioner Boysko asked if there is going to be some type of variation in the elevations. Mr. Foley said yes. Commissioner Boysko asked if the types of units would be grouped together in such a way as to create some symmetry or will it be random? Mr. Foley said this will be one of the larger projects in our portfolio. We talked about breaking the site down into 3 little neighborhoods. The phase 1 neighborhood might have unique landscaping. We have a project started in Delaware which has similar attributes to this site. Commissioner Boysko said this is great to hear. Looking at the site plan it looks very monotonous, very cookie-cutter. Having stronger identities will help. It will be important to create these neighborhoods. This amount of units could create a lot of traffic. Have traffic studies been done yet? Has any thought been given to the volume of cars going out to Home Road and how you will deal with the intersection? Mr. Foley said we get this question with every project. We can provide this information when we return. We have done a lot of self-analysis on traffic impacts and we have found that the daily traffic impact is substantially lower than traditional multi-family developments. It almost falls right in line with senior communities. This is due to the predominant types of people who choose to live in our communities. They aren't 8 to 5ers. They are 10 to 2ers. The access for this site is going to be an issue for any type of development. We have had preliminary talks with the Delaware County Engineer about access. Commissioner Boysko said the community can't be age restricted. You are just anticipating empty nesters. Mr. Foley said this has been what we've experienced across our portfolio. Commissioner Boysko asked if there is some type of study which substantiates this. This will be a big argument. The schools are great and people will move in to get their kids in the school system. Mr. Foley said from a typical family amenity approach, the development lacking such amenities as playgrounds, a clubhouse, a fitness facility or a pool, will make the desire less. This combined with the rental price and the design of the units makes it less compatible for a family structure. We will be prepared to talk about the school aspect at the next review. Mr. Frey said we have a combination of empty nesters and young professionals. We met with the Superintendent and he loves our projects because we don't provide children but we provide income taxes. Commissioner Boysko said the way this project is being approached is almost the exact opposite of what we like to see. There is no interconnectivity with other neighborhoods. In fact, you said you go to great lengths to not have interconnectivity. There is no connectivity to the pathways which is important to us. We typically like open spaces to be activated. You are doing the opposite. Mr. Martin said we had conversations with Liberty Township and we proposed connectivity. From a marketing standpoint, we think it would be absolutely fantastic. At the present time, Liberty Township isn't the happiest since we are seeking to annex 35 acres into the City. There will be connectivity to the school. It will be a walkway because the school doesn't want people driving back in. We proposed several other connections but didn't show them because Liberty Township didn't agree to them. Mr. Frey said people like the peace and quiet of our neighborhoods. They don't want a clubhouse or a pool. They want the privacy. We have activities which get our tenants involved. Commissioner Boysko asked how the traffic light at Liberty Park would be dealt with. How will it coordinate with this project's access point? Mr. Martin said the curb cut is located where it is because the County put it there. The elevation of the bridge is such that the Del Co water tower access couldn't be maintained. The access is through the storage unit business. Our project will have cars accessing. Think about the types of vehicles which would be accessing if this property were industrial. Think about a semi trying to make a left hand turn out of this drive. It will be problematic. Commissioner Boysko agreed. The access can't be changed. The traffic light at Liberty Park isn't going to go away either. What form of agreement is in place with the Olentangy school system for access and how comfortable do you feel with this agreement? Mr. Martin said on June 5<sup>th</sup>, we submitted an easement agreement. We got a redlined agreement back 7 or 8 days ago after the school district had their council review it. The agreement would provide for certain things we would do for the school in addition to creating the road. There would be some amenities, in the nature of dugouts for the school. The easement would be signed, go into escrow and come out

of escrow when and if they close. We think we are there. Council has blessed it. Commissioner Boysko asked if the easement is such that the road will only be fire department access and won't ever in the future be turned into a public street or private road. Mr. Martin said we are granted an easement. The school district does not want public access. Commissioner Boysko said I agree with this. I'm concerned that in the future the road would turn into something else. Mr. Martin said if it does, it would be because the school district decides to do it. Under the easement agreement, we can't do it. Bollards or a gate will be placed there. Commissioner Boysko said this is good. I do have some concerns with the multi-family use, the inconsistency with the Comprehensive Plan and the volume of units. Would Redwood be open to some other type of use on the north side of the property? Mr. Martin said yes. We propose assisted living because we thought it would be easier. We would love to see some sort of medical office building. There may be a good market for a medical office type once the OSU facility is in. The downside would be the visibility. We can't do anything about the visibility. Mr. Frey spoke. (Inaudible because he didn't step close to the podium). Commissioner Boysko said I am optimistic. I think we can work through this.

Commissioner Simpson said the front half of this parcel is in Liberty Township. Liberty Township has a recent history of doing whatever they can to stop the City. If the Commission doesn't approve a plan, can Liberty Township approve something on the front parcel and totally cut the City off from access? Mr. Betz said they could. Under our current Cooperative Economic Development Agreement (CEDA), regarding an annexation south of Home Road, Liberty Township can't say anything in the negative way about it and try to prevent it. The County Commissioners actually have an obligation to approve it. City Council does not have an obligation to approve it. Commissioner Simpson said Liberty Township could approve something like storage units on the front parcel and cut the City's income possibilities. Comprehensive Plan or not, if the City doesn't have access we have zero control. I look at this from an 80/20 possibility. The frontage of this site is very narrow. To get something which fills from the front to the back, commercial or industrial, I don't see it happening here. The 80% would be perfect for something like this request. There will be a positive impact on the schools. Current condos for sale in the area are providing \$4,000 per unit to the school and very little impact to the school. This is a positive. There probably won't be a high use. Since these will be apartments, you can limit the number of occupants. They won't flood the units with kids. I would like to see more buffer from the railroad tracks. The phasing scares me a little bit due to the one access point. Building from the front to the back will affect a lot of residents when phase 2 and 3 are going on. Mr. Martin said there would have to be a second access point at the 100<sup>th</sup> unit. You can not go beyond 100 units. It is Code. We met with the fire department. Valuation for an assisted living facility on 8 acres will be \$10 million, the phase 1 apartments will be \$11 million, the phase 2 apartments \$12 million and the phase 3 will be roughly \$20 million; for a total valuation of \$53,170,000.00 project. Commissioner Simpson said I am concerned from a construction standpoint, not a valuation standpoint. The construction bothering existing residents. Mr. Foley said there would be a period of time when site work is being done, but the project quickly moves on to the smaller trades like carpenters. Commissioner Simpson said the phasing won't be long term then. Mr. Foley said correct. Mr. Frey spoke. (Inaudible because he didn't step close to the podium). Mr. Frey said phase 3 will probably be 2 phases due to the size. We do consider our tenants and try to cause the least amount of impact. Commissioner Boysko asked if all site work and infrastructure work will be done at one time or in phases also. Mr. Frey said he isn't an engineer but sometimes they do move dirt in one phase. I don't see all 3 phases being done at one time. I see phase 1 and 2 dirt moving done together. Phase 3 will probably be done alone, with all dirt moving done at one time. Commissioner Simpson said we don't use vinyl siding much anymore. We will look at this later. Mr. Frey said it is upscale vinyl. We build these units to stay forever. We are going to own them forever. We want them to be maintenance free. The streets are concrete, not asphalt. Everything is high quality. We don't want to spend \$100,000 a year on maintenance. Commissioner Simpson said my sticking point is the front portion, the 20%. I would like to see something income producing. I don't know if we could ever find something better for the back half of the property. There will be 2 traffic lights within 300 feet of each other. Mr. Frey said we have already talked to the County. There won't be a traffic light at our access.

Commissioner Hartranft thanked the applicant for presenting the project. I am on the fence in regards to changing the zoning. We have a request in front of us and we haven't had any requests for this site in front of us for at least 10 years. Having something in our hands is better than having open space and wanting to have something developed on the site. I would like to see the request moved forward so we can see how we can tighten up the request but I am on the fence. The applicant has gone to great extents to look at the challenges of the site and they are handicapped by other entities surrounding us. I like how the applicant has already reached out to and worked with the school system. The applicant is doing what they need to do and has been working on this for a while. I look forward to seeing the next step.

Vice Chairman Little thanked the applicant for coming in. The City spent a lot of time developing the Comprehensive Plan and looking at our future as a City. We have encouraged the Township to be involved. The City knows from studies that the current bedroom versus commercial versus industrial mix we have in the City is not sustainable. We don't have the revenue to meet our expenses. When I signed up to be on this Commission, I said I would enforce the Comprehensive Plan. I am a Strategic Planner in my professional life. I am on the fence. Some of Commissioner Simpson's comments are in line with my thoughts. There have been some recent Liberty Township decisions which make achievement of the City's plans to make the area to the north a conservation district, protecting the land and less

homes, impossible. The City envisioned some of the major intersections to the north of the City being mixed-use types of developments to allow residents to stay north of the downtown area. The Township is on their own path. This is a tough piece of property to make work for industrial, logistically, due to the overpass. Half of me says enforce the Comprehensive Plan. Industrial is important to the City's revenue base. However, the Township could do something on the one piece of the parcel which in theory would shut off the industrial portion in Powell. Hence, I am open to ideas. It is extremely strategically beneficial to bring this parcel into the City to allow us the pathway north so we can enforce at least a portion of the City's plan for the future. I am looking for some type of commercial, mixed-use in the front parcel to help keep traffic from going into downtown. Right behind the mixed-use, I might envision senior living or medical office buildings. The OSU hospital will draw this type of need. The apartments could fall behind this. Bike paths should be included in whatever is proposed. Thought should be given to connection to the Township parks and/or City bike paths. Traffic will need to be discussed if the applicant comes back. It might be helpful to gain the property to the east of this parcel. It is for sale. It would be nice if the Township were interested in creating a secondary road parallel to Home Road to bring traffic out to the traffic light at the park. A study to compare what the City might get if the parcel remains industrial versus an attractive proposal that gets us some mixed-use would be nice to see. It is unfortunate the Township is a separate entity. Maybe this will be fixed in the future.

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

Applicant: Beverage Refoundry LTD, dba The Daily Growler  
Location: 258 W. Olentangy Street  
Existing Zoning: (PC) Planned Commercial District  
Request: To review an Amendment to a Final Development Plan to allow for the expansion of an existing patio, to add a bocce court and more seating.

John Blakely, 258 W. Olentangy, The Daily Growler, said they want to add a bocce ball court to the patio on the northwest side of the building. There will be some additional bench seating added along the beer cooler. The fence would be extended around the bocce ball court. The fence would match the existing fence. The court is made of crushed oyster shells. The landlord will replace the trees being removed.

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

Commissioner Boysko asked how many trees are being lost. Mr. Betz said two. Commissioner Simpson said they are being replaced. Mr. Betz said the Resolution will require The Daily Growler to remove the bocce ball court if the City ever needs to do any work. The area is over a sanitary sewer area. Commissioner Simpson asked if Mr. Vance has said anything about adding the court. Mr. Betz said Mr. Vance is good. He is a good neighbor.

Derick Stadge, Architectural Advisor, reviewed Exhibit 1B. He asked what the intentions are for the shade canopy. Mr. Blakely said it will remain exactly where it is. Mr. Stadge said the posts in the area east of the proposed court will get in the way. Mr. Blakely said this area will be grass only. It won't affect the court. Mr. Stadge asked if the bench will be built. Mr. Blakely said the bench will be built out of bench decking. Mr. Stadge asked about stain. Mr. Blakely said it would be a wood bench.

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

Commissioner Simpson said anytime a business is successful and we allow more use, I am fine with it. As long as City Staff is OK with how the improvements look, I am fine with it. Any type of bench is going to be more aesthetically attractive than just looking at the current cooler. This is going to be a great addition to the business.

Commissioner Hartranft said he thinks this will be a great addition. Is the bocce ball court fairly moveable in regards to access to the sewer? Mr. Betz said yes, the court is a crushed oyster shell base. Commissioner Hartranft said as long as it wouldn't take too much work to get to the sewer if necessary. Mr. Betz said the applicant knows the court is going to be on the right-of-way, on the easement, and they are taking a risk. Staff doesn't see any future need for anything.

Commissioner Cooper said he has no problems with the request.

Commissioner Jester said he usually fusses a little bit about right-of-ways but if the applicant knows this area would have to be dug up if a problem arises he is OK with it.

Commissioner Boysko said this is a great and appropriate use for the area. Is there a manhole which might have to be accessed in this area? Mr. Blakely said no, we specifically designed the area so the existing manhole would not be covered. Commissioner Boysko said perfect. His only other concern is that the roots of the tree close to the court will be disturbed. He is assuming it is the tree closest to the court which is going to be removed. Mr. Betz pointed out the

two (2) tress which are going to be removed. Commissioner Boysko said the grassed area between the bench and the bocce court is going to eventually wear away. You won't be able to maintain it very well. He's worried about the area turning into a mud path. He would encourage another type of base here like gravel or something. Mr. Blakely said OK. Commissioner Boysko said his only other concern and he's guessing this will be handled in the language; we shouldn't be setting a precedent for other businesses along a major street. Mr. Betz said these are case-by-case requests. The City can approve one and turn down another. It would be based on the request. The City has approved some signs in a right-of-way. Commissioner Boysko said he agrees and he thinks this is a great opportunity in this location if this wasn't along a more public thoroughfare. Will the easement be a permanent easement or a temporary one? Mr. Betz said permanent use of the right-of-way until the City would give the applicant a thirty (30) day notice to remove the court. Commissioner Boysko asked if the easement will be tied to this business, The Daily Growler, or if this business goes away in ten (10) years and another business goes in, will the easement stay? Mr. Betz said the agreement hasn't been written yet but he will review this with the Law Director tomorrow. He understands the point made. If The Daily Growler were to leave or the establishment ceases to be a beer establishment, the City might want to remove the easement. Commissioner Boysko said other than this it is a great amenity.

Vice Chairman Little said he appreciates The Daily Growler being a successful business and trying to make the business even better. The trees should be replaced per City policy. He personally sees Murphy Parkway being connected to the north someday so we need language to reclaim the right-of-way. If we have this language, he is good with the request.

Commissioner Little moved to approve an Amendment to an approved Final Development Plan for a proposal to allow the expansion of an existing patio to add a bocce court and more seating, for the property located at 258 W. Olentangy, known as The Daily Growler, as represented by Beverage Refoundry LTD, subject to the following condition(s):

1. That the applicant shall work with the Delaware County Sanitary Engineer's office to ensure there are no issues with the sanitary sewer line and its easement; and
2. That the applicant shall work with the City Building and Engineering Departments to satisfy all of their requirements; and
3. That all trees removed shall be replaced with trees of equal caliber elsewhere on the property; and
4. That the applicant shall gain approval from City Council to build within the City right-of-way; and
5. That the applicant shall work with City Staff on the final details of the new bocce court and other amenities; and
6. That City Staff shall ensure the easement language incorporates all comments made by the Planning & Zoning Commission:
  - A. Language will address the easement and any future business change at this location.
  - B. Language will address how the easement would be handled if Murphy Parkway were extended to the north.
  - C. Language will specifically address the easement and how the need for sewer access would be handled.

Commissioner Cooper seconded the motion.

Vote:            Y – 6                      N – 0                      (Emerick absent)

#### **OTHER COMMISSION BUSINESS**

Mr. Betz said there isn't a need for a second meeting in July.

#### **ADJOURNMENT**

MOTION: Vice Chairman Little moved at 8:44 p.m. to adjourn the meeting. By unanimous consent, the meeting was adjourned.

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

\_\_\_\_\_  
Bill Little  
Vice Chairman

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date