



Planning & Zoning Commission  
Donald Emerick, Chairman  
Bill Little, Vice Chairman

Shawn Boysko

Ed Cooper

Trent Hartranft

Shaun Simpson

Elizabeth Bailik

## MEETING MINUTES

March 24, 2021

Chairman Don Emerick called a meeting of the Powell Planning & Zoning Commission to order on Wednesday, March 24, 2021 at 7:00 p.m. via Zoom. Commissioners present included Bill Little, Elizabeth Bailik, Shawn Boysko, Ed Cooper, Trent Hartranft, Shaun Simpson and Don Emerick. Also present were Jeffrey Tyler – Community Development Director; Claudia Husak – Planning Director; Elise Schellin – Development Planner; Pam Friend – Planning & Zoning Clerk and interested parties.

**STAFF ITEMS** – None

**HEARING OF VISITORS FOR ITEMS ON THE AGENDA** – None

**APPROVAL OF MINUTES** – February 24, 2021 & March 10, 2021

**MOTION:** Commissioner Little moved to approve the minutes of February 24, 2021. Commissioner Boysko seconded the motion. By unanimous consent the minutes were approved as written.

**VOTE:** Y – 7 N – 0

**MOTION:** Commissioner Cooper moved to approve the minutes of March 10, 2021. Commissioner Boysko seconded the motion. By unanimous consent the minutes were approved as written.

**VOTE:** Y – 7 N – 0

### PRELIMINARY DEVELOPMENT PLAN (Case 2021-10\_PDP)

Applicant: Good Night Investments, LLC  
Location: 80 E. Olentangy Street  
Zoning: (DB) Downtown Business District  
Request: Review and approval of a Preliminary Development Plan for a proposed private social club on 0.464 acre site.

Chairman Emerick: Gretchen would you like to tell us about your application.

Gretchen Bonasera, Good Night Investments, LLC – 4200 MacDuff Way, Dublin: I am going to let Sarah Mackert take the lead here tonight.

Sarah Mackert, SJM Studio, LLC – sjmstudiollc.com: Thank you for the opportunity to present the project again. We presented in October a Sketch submission for this project, which will include the restoration and renovation of an existing residential property at 80 E. Olentangy Street and the new addition. We have been calling this project the Venerly.

Ms. Bonasera: Sarah submitted the architectural plans and has video of the project to share. In addition to the parking we have on site, we have coordinated with the Historical Society located across from us for additional parking and they have been very amenable as we had hoped they would and a lease is underway. The management company of the Powell Shopping Center has also been very amenable to sharing their parking via a lease. We don't believe parking is going to be an issue at this point. The entrance to the addition will be on grade with the basement. The entrance will be on the east side with the parking lot in the same approved location as the Day Dream Inn.

Ms. Husak: We seem to be having some technical difficulties, if the Board would allow staff to take over and share our comments on the proposal then maybe we can come back to the applicant.

Chairman Emerick: Yes, I agree, staff should share their report and then we can go back to the applicant.

Ms. Schellin: This project is located at the northeast corner of Grace Drive and Olentangy Street intersection. The lot is currently used as a single-family residence. The applicant is proposing to renovate and expand the current structure for a private social club called the Veneri. The residential structure is purposed to be restored and maintained, which includes the front porch, however the existing garage and rear porch will be removed. The new addition on the north side will mimic the existing building. There will be a transitional piece between the old and new building that will function as the entrance. Alternative storm water management strategies are also being explored for the site. New landscaping is purposed as well.

The parking lot will be reconfigured and moved as far north as possible to help with congestion on Grace Drive. Zoning requirements are met, with the exception of lot coverage and parking. We want to make sure that there is only 20% lot coverage and that there is a plan to provide adequate parking. The use as a private social club would require one parking space per ten members, therefore Staff and the Commission need to know the estimated membership limit in order to determine what the parking requirements should be. Staff is requesting more information regarding the membership numbers for parking counts, parking plan, lot coverage calculations, landscaping plan, signage plan, lighting plan and building materials

The plan is consistent with the Comprehensive Plan and is located in the mixed-use village center. The project will provide a new commercial component at the intersection of an arterial and collector-street, which is recommended. Ultimately Staff would recommend approval of the Preliminary Development Plan with the following conditions; one that the applicant work with Staff to address comments within the staff report, including but not limited to lot coverage, parking, as well as the architectural and engineering comments. Also, we are recommending that HDAC reviews the proposal before submission of a Final Development Plan.

Ms. Bonasera: Could you clarify the lot coverage requirement? Are we talking about the overall coverage of the .464 acres?

Ms. Schellin: Yes, all the buildable space vs. open space on the lot.

Ms. Bonasera: As far as membership, we are keeping it below 200 our magic number is 192 and that puts us at nineteen to twenty spaces. We have the twelve on site and fourteen spaces pending a lease we have worked out with the Historical Society that will need to be signed. Furthermore, for events and just for our own need we will be well above what the parking requirements are with the tentative plan for a lease with the Powell Shopping Center, which won't start for a year while we are under construction. This is for 5 employee parking spaces and up to 100 parking spaces additionally after 9 to 5 business hours when we are hosting special events. That would be most likely valet parking because there is not a great walkway between that lot and the connection to downtown.

Ms. Husak: Given that this application is coming before the Planning Commission one more time. We would ask the applicant to put a parking plan together and explain the numbers in more detail. That would be something we could defer to the Final Development Plan when the Commission ultimately makes the final decision on this proposal as well as the other items that staff has outlined and need to be addressed.

Ms. Bonasera: Do we need to have those leases executed before that final approval can be given or just in the works.

Ms. Husak: In the works would probably be ok and then we would condition that they be executed prior to occupancy.

Chairman Emerick – Opened the floor to public comments, hearing none, public comment was closed.

Chairman Emerick: We will start with Shawn Boysko.

Commissioner Boysko: There are a number of items that are missing as the staff report pointed out. I think it's a great idea and I still support this type of project. I like that they are renovating this existing building and giving it a new life. I think the execution looks good architecturally. I just think there is a lot still missing from this Preliminary submittal. There are seven items missing and it is hard to address this between the landscaping, site lighting, and building materials. Typically we have renderings to review and I know there is a massing study that starts to help understand the relationship of the addition to the existing building so I would like to see more of that. I know this is less than an acre site but is there storm water management that is required.

Ms. Schellin: I don't think that is required unless it's over an acre.

Ms. Mackert: We do have storm water management. We are going to have subterranean storm management under the parking lot that is very similar to what was proposed before although we are proposing to use pervious pavers instead of an asphalt parking lot. Our plan has evolved and I have a 3-D rendering I would like to share with the Commission. We are at a 21% lot coverage and I would be curious for preliminary thoughts on that lot coverage and if that is a major concern. We are proposing site lighting to attach architecturally to the building with one parking lot light. We will have more landscaping details with the Final Development Plan.

Ms. Bonasera: Sarah can you show them the 3-D video, which I think will answer a lot of questions.

Ms. Mackert: On the north side of the property, which is the ravine, we have built to the end of the flat land. The addition has two north facing patio spaces. The western elevation has a small wing with a boxed bay window for architectural detail. Facing south you would see gardens from Olentangy and patio spaces. We are proposing new landscaping in the front. We will paint the existing wood work both the horizontal clapboard siding and some detailed architectural woodwork on the front porch in a dark gray with a golden accent color. From the main entrance you would come into the new one-story addition to a double height space, which is the central bar area. There is an overlooking mezzanine space with additional seating. The siding is proposed to be a horizontal fiber cement in keeping with the character of the house. We are thinking a dark grey but are playing around with the final color right now. The dormer mimics the scale and proportion of the original architecture of the house. We've matched roof slopes and asphalt shingled roofing is proposed, which is what is on the original house. We are not planning to replace the roof on the house at this time.

Commissioner Boysko: The video is a powerful tool to walk through but for the Final Development Plan, if you could present more complete renderings for review and evaluation. I think architecturally you have come a long way in identifying issues that need to be addressed. We would like to see a landscaping plan, site lighting plan, building materials and paint colors. Are you proposing some kind of monument sign or entry sign?

Ms. Mackert: We are proposing to not have any signage.

Commissioner Boysko: Is there something that addresses what this building is or how to get there?

Ms. Bonasera: If you are a member then you know how to get there. The reason for that is we don't want someone to be embarrassed or accidental foot traffic to be lured into the space.

Ms. Mackert: If you think of a speak-easy, that is kind of the fun in knowing something is there when there is no sign telling you it is there.

Commissioner Boysko: The required parking is 20 spaces and you have 12 on site, so you are going to have a parking agreement for the balance. Did you mention the potential for 100 parking spots for events?

Ms. Bonasera: Yes, those are at the Powell Shopping Center. All of his tenants are day time businesses, so during our peak hours of 5 to 9 we would have access to those spaces.

Commissioner Boysko: I started off the conversation with storm water management and you are less than an acre so technically you don't need to provide that but it sounds like as a courtesy you are planning something?

Ms. Bonasera: We are not done finalizing that. We were planning on doing something for future irrigation. First phase is not developing the space to the west of the house with future plans to do so and that would be storm water retention for irrigation purposes.

Commissioner Boysko: I assume you are pushing the addition as far back to the edge of the ravine. Is there is an elevation you need to reach that you can't exceed?

Ms. Bonasera: Just from a cost perspective you are correct so we are keeping it tight. The potential rain barrels are not going to work because we now know what the grade of the addition is going to be, which is lower than we anticipated. The future plans for the garden area would be decorative, which might be retired bourbon barrels.

Commissioner Boysko: Getting back to what was submitted and what is still missing. I just want to understand maybe the deviations or variances we are asking for; one is going to be parking, Elise could you address the other?

Ms. Bonasera: Can you clarify that even if we have parking across the street we still need a variance?

Ms. Schellin: No, that would count. We just did not have the information in the packet and without knowing the number of occupants we were not able to do a full parking calculation.

Commissioner Boysko: Regarding lot coverage and what is required, how does that compare?

Ms. Bonasera: It's required at 20% and I think the 1% pushed us over.

Commissioner Boysko: Other than the missing items we talked through, there isn't going to be any deviations?

Ms. Bonasera: No, unless you are going to require a variance for the 21%.

Commissioner Hartranft: I love the plan for the building, which has been a historic building in the City of Powell. The materials that it's made of and how it sits prominently on the corner coming into the downtown area. We definitely appreciate what you are doing with it. On the parking, are you saying 192 members will be there at one time? What's your capacity?

Ms. Bonasera: Absolutely not. Those numbers don't bother me at all because from a membership standpoint we need to have more, which is why we're pursuing not only the Historical Society's 14 spaces, but also the supplemental parking at the shopping center.

Commissioner Hartranft: I guess it doesn't really matter since you have the parking agreements you should be fine as far as that goes. I am comfortable moving forward with this and the things you have left can be brought for our review at the Final Development Plan.

Commissioner Simpson: With this being so far away from the four corners without a lot of commerce, I think concept wise it works extremely well. I think something like this has the opportunity to bring more people to the downtown area for different events. The fact this has to go to HDAC and this is preliminary, I'm ok with sending it on. I think the landscaping plan is important, as well as the parking plan.

Commissioner Bailik: I really like this idea and the 3-D video was a great. I think you did a fantastic job showing us what it's going to look like. I really appreciate your efforts towards green technology. I like the pervious pavers, the rain barrel idea, and onsite irrigation. I'm wondering if you thought about partnering with a composting or recycling business. Anything we can do to take things out of the landfill. Also, I think you will get a lot of attention for lack of signage because people are going to be curious. I like the decks overlooking the ravine and I do appreciate what you have proposed. As far as parking I have to commend you for being proactive in going after these leases.

Ms. Bonasera: You mentioned the ravine and that is pretty much what drew us to the lot, other than being the first business you see coming into the city. As far as landscaping goes in the ravine it is wild and we plan to keep it wild. The landscaping in the 3-D video is very simplistic, natural grasses and other than the previous pavers that we are trying to fit into the budget that's what we are looking at. There is a ginkgo tree out front that we are going to try to save.

Commissioner Cooper: I thought the video was awesome. I have been through that entire house before and you have a lot of work to do to make it look like that. With this going to HDAC and what we have already said and you have agreed to do I am good moving forward.

Commissioner Little: I do appreciate you wanting to be a part of Powell and I think what you are proposing is something that should be successful. The house does have a historical aspect in the City of Powell. Particularly the blocks that I believe were made at a business along the railroad tracks. I personally have always considered this property to be a hidden gem and appreciate the fact that you are committed to restoring it and taking into account the architectural advisors comments, I think it will help maintain that intent. It does for now kind of represent the eastern face of Powell coming into town and I think it looks really nice.

I do see the plan having a lot of similarities to the previous Bed & Breakfast plan with the exception of parking. I think this will generate a much higher amount of traffic. In my opinion we need to make sure we can maintain the flow of traffic at a critical intersection. It is good to hear that you are proactively pursuing traffic, but that being said I think we need more clarification on how you plan to use the building.

When I look at the drawings you submitted I counted 70 seats and 1600 square feet of 3 different lounge areas, in turn you also have a mezzanine and a couple of patios. I think we need to figure out what you may request as a certificate of occupancy and then how many parking spots do you really need. It is good you are talking to the folks at 120 E. Olentangy and it sounds like they are receptive. There has been discussion about extending Susan Street over to

Grace so that would eliminate some of those parking spots. I know the City grabbed on the private club or lodge statement in our code, which requires one spot for 10 members, that is technically correct. In some ways, you might call this a nightclub, which requires 1 spot for every 3 people of capacity. We take the usage, number of employees you have and figure out what you really need for parking. It sounds to me like you are well on your way, but from my perspective it is important that we clearly find adequate parking. At the Final Development Plan I would appreciate that we've got that covered.

I am not sure how you can make valet parking flow at that location and I hate to say this but it might require a traffic study. The City Engineer should look at where you position the drive. I agree the further north you put it the better. Given the number of potential parking spots over at 120 E. Olentangy Street we should have clear pedestrian flow as well, particularly if you are not able to do the valet parking. As mentioned earlier, we need to see your landscaping plans, lighting plans and signage proposal if you end up having one. We will also need to see your material selections and I do agree this should go through HDAC. One reminder for staff, we are a Tree City, and we will probably be removing some trees here, trees that are deemed of value. We do have a requirement to replace that caliber somewhere on the property or somewhere else in the City so we need to keep an eye on that as well. I think what you are doing looks great and I look forward to the Final Development Plan.

Chairman Emerick: I would agree with all the comments particularly on the parking, landscaping and the trees as Bill just mentioned. I appreciate you being proactive on the parking situation as it is always a major concern. I want to commend you for that. At this point I would entertain a motion to take this to the next level.

Commissioner Cooper: Before we do the motion I would like to suggest a divergence because we are at 21% lot coverage.

Ms. Husak: I would like to meet with the applicant to see if we can figure out a way to get the lot coverage to 20%. The driveway is 24 feet, which seems fairly wide to get into the parking lot. I would rather find a percentage than do a divergence at this point, if the Commission would be agreeable.

Chairman Emerick: I would agree.

Ms. Mackert: I apologize, I quickly calculated that percentage and did not include our pervious pavers because I assumed that since it was a pervious lot coverage it did not count. Our existing building, addition, everything under roof that is impervious equals 21%, but if we are including the parking lot and drive we are going to need a variance.

Ms. Husak: I think we ought to take a step back and figure out those details when we have more information.

Chairman Emerick: I think staff can figure that out with the applicant prior to our review of the Final Development Plan.

Commissioner Boysko: Bill brought up some great points about parking and valet parking. I'm not sure what the repercussions are going to be, it could be minimal or significant. Can we include in the motion for staff to work through that prior to the Final Development Plan? We need to have a clear path of what those requirements are going to be, whether we hold them to the 1 for 10 or if there is some other alternate number we think is appropriate.

Ms. Mackert: The membership and occupancy count is limited to seating. We will not have standing room available from a design and business standpoint it's much more important for people to feel like they have high service and privacy. When we resubmit we will make sure you have that information, but in that way I think it is less like a night club.

Ms. Bonasera: If it comes across as a night club then we have failed as a concept, so we will do better with it.

**MOTION:** Commissioner Little moved for an approval of a Preliminary Development Plan for the property located at 80 E. Olentangy Street as represented by Good Night Investments, LLC for the purpose of operating a private social club subject to the following conditions:

1. Applicant shall incorporate the comments from Staff, Architectural Advisor and Commission Members.
2. Applicant shall identify the maximum number of patrons that will be required for a Certificate of Occupancy, while working with Staff to determine the proper number of parking spaces required to support that level of usage.
3. Applicant shall bring forward a bonafide parking plan, which should include any finalized two-party parking agreements, as necessary.

4. Applicant shall review the proposal with the Historic Downtown Advisory Commission (HDAC) and incorporate the recommendations of that Commission.
5. Applicant will work with the City Engineer to resolve all open engineering issues, including confirmation of the entrance location and pedestrian flow optimization.
6. Detailed landscaping, signage and lighting plans shall be included at the Final Development Plan, as well as all other implied requirements of that review.

Commissioner Cooper seconded the motion. Motion passed.

**Vote: Yes – 7 No – 0**

**PLAT REVIEW (Case 2021-12\_F) and Case 2021-13-FP)**

**Applicant:** EMH&T represented by Matt Kirk  
**Location:** East of Steitz Road, south of Hunters Bend  
**Zoning:** (PRD) Planned Residence District  
**Request:** Review and recommendation of approval to City Council of 2 Final Plat Phases for Carpenter's Mill for a total of 36 single family lots.

Joseph Lamparyk, Pulte Homes of Ohio LLC, 5500 New Albany Road, Columbus: I am here representing Pulte Homes.

Ms. Husak: This is the last step in order for the home builder to release lots to potential home buyers. We are looking at Section 3, Phase A, which includes 20 lots numbered from 4053 through 4072 on 12.3 acres. Included in that is 2.731 acres of rights-of-way, and 3.059 acres of open space on lot 4063 and lot 4072. Lot 4072 is a stormwater basin. The plat appears to adhere to all of the approved requirements for the site. Similarly Phase B is 17 lots number from 4073 through 4089. This portion encompasses 6.1 acres with 0.842 acre of rights-of-ways and there is no open space. Staff has concern over 5 lots that have a large easement in the rear, which with the front yard setback it would limit outdoor spaces, as decks and patios would not be permitted to encroach into that easement.

One of the conditions staff is recommending is to have the applicant provide some home fits for those lots, so as to not sell very large homes on lots that have limited area for outdoor spaces. We would like that to be worked out prior to this plat being forwarded to City Council. Staff would recommend approval of both phases and respectfully ask that the Commission make two motions. Staff's recommendation for Section 3, Phase A is that the applicant pay all required development and recreation fees prior to Council review. Staff would recommend for Section 3, Phase B that the applicant pay all required development and recreation fees prior to Council review, as well as applicant will provide sample fit plans for homes and outdoor amenities for Lots 4085 through 4089 prior to Council review.

Chairman Emerick – Opened the floor for public comment, hearing none, public comment was closed.

Commissioner Baillik: I don't have any additional comment other than the applicant address staff's recommendations.

Commissioner Cooper: I agree with Beth. I don't have any problems with this other than the staff's comments regarding the five lots.

Commissioner Hartranft: Looks good to me and I wanted to ask Joe how the sales are over there.

Mr. Lamparyk: They are going great, which is why I want to request that we be on the April 4<sup>th</sup> Council meeting agenda rather than the April 20<sup>th</sup> because of the pace of the sales. Regarding the questions about the houses, that property line setback is already an existing condition in Phase 2B, so this is a continuation of what we have done before. EMH&T places each house plan on a lot to see the most options a buyer can get. I can forward those diagrams to you to review. We did proactively reach out to the engineer on these lots for guidance if someone would want to put in a patio. The engineers reply was to just submit those to us on a case by case basis.

Ms. Husak: As long as the buyer is aware of it.

Ms. Schellin: I do know that in Section 2 there are several lots on Catherine Crossing that have similar conditions where the lots are very small. I have had multiple calls with people asking to do outdoor patios and not knowing the easement condition and setback when they purchase those lots. That is where our concern is coming from.

Commissioner Simpson: If they can do some patios and exterior landscaping, I don't see any problems moving forward with it.

Commission Boysko: I am in agreement with moving forward.

Commissioner Little: I am good as submitted.

Chairman Emerick: I am good and would be happy to hear a couple of motions.

**MOTION**: Commissioner Little moved for an approval of a submitted Plat for a Final Plat Plan, Section 3, Phase A for the neighborhood known as Carpenter's Mill located east of Steitz Road and south of Hunters Bend as represented by EMH&T subject to the following condition:

1. Applicant shall pay all required development and recreation fees prior to Council review.

Commissioner Simpson seconded the motion. Motion passed.

**Vote:**           Y – 7           N – 0

**MOTION**: Commissioner Little moved for approval of a submitted Plat for a Final Plat Plan, Section 3, Phase B for the neighborhood known as Carpenter's Mill located east of Steitz Road and south of Hunters Bend as represented by EMH&T subject to the following conditions:

1. Applicant shall pay all required development and recreation fees prior to Council review.
2. Applicant shall provide sample fit plans for homes and outdoor amenities for lots 4085 thru lots 4089 prior to Council review and the applicant shall ensure that any potential buyers of those lots will be made aware of the setbacks and easements that exist.

Commissioner Cooper seconded the motion. Motion passed.

**Vote:**           Y -7           N – 0

**MINOR AMENDMENT TO AN APPROVED DEVELOPMENT PLAN (Case 2021-14 AM)**

Applicant:           Ill Mannered Brewing Co. c/o Brian Mathias  
Location:           38 Grace Drive  
Existing Zoning:     (PC) Planned Commercial District  
Request:           Review and approval of a Minor Amendment to an Approved Development Plan  
                          for a proposed permanent patio addition.

Chairman Emerick: I see the applicant is here, please tell us about your plans.

Brian Mathias – Ill Mannered Brewing Co., 33 Grace Drive, Powell: Thank you for considering our application. Since Covid hit we have been operating with a modest expanded temporary patio, basically the grassy area around our patio. It's not a large space, but it does give us a lot more options in terms of spacing customers out, so we have put together a proposal to make it a permanent space.

Ms. Schellin: The Final Development Plan for Ill Mannered was approved by Council in 2017 with the adoption of Ordinance 2017-37. They are looking to amend the plan to make outdoor site improvements permanent. They have been operating just outdoors since last summer and were able to temporarily expand their patio with approval from the City and Liquor Control, this would be formalizing what they are currently doing with the space. They have proposed a gravel patio with additional fencing and landscaping as well as a new deck to the east of the building. We have several comments from staff that are broken down by Planning & Zoning, Engineering and Architectural Advisor.

We are concerned about the patio extending into the front setback off of Grace Drive with all the traffic that comes around the bend. We would prefer the patio itself does not go past that front setback and we would like some clarification as to whether the patio and deck will be ADA accessible. Engineering put together some comments regarding the drainage swale along Grace Drive that needs to be maintained. There is no possible way to eliminate this, short of a redesign of the entire swale, which the City Engineering approval would require an engineer's stamp. The other issue is the catch basin, which would be covered by the new deck does not accept any surface drainage directly and only serves as a junction point for pipes so it can be modified, however we are concerned about it being covered and forgotten.

The architectural advisor, Steve Reynolds would like verification on the fence stain color and making sure that it is compatible or matches what is there. He also has concern over grading and site work like the engineers. He would like to know if there is any additional lighting proposed for the new patio.



Overall staff would recommend approval with the following conditions; that the applicant addresses comments and concerns outlined in the staff report; the catch basin remains accessible; the function of the drainage swale is maintained; the patio and fencing do not extend past the 25' front set back and that final design is approved by staff.

Chairman Emerick – Opened the floor for public comment, hearing none, public comment was closed.

Commissioner Cooper: I would agree that we should keep the patio in the setback line. If there is a concern about traffic we may want to recommend putting out some type of cement barrier in front to protect that area. Other than that I am good with it.

Commissioner Boysko: Brian, I read in your submittal that due to Covid you could not utilize the inside of your building, could you give me some background on why you could not use the space?

Mr. Mathias: In the beginning of Covid, the only thing everyone seemed to agree on was that outdoor space was better than indoor space. The other thing is that because of how our bar is situated, it's a pretty narrow space. By operating outdoors we have been able to serve people outside and make the flow of traffic easier to manage. We were nervous going into the winter and it still seemed like a good way to manage the situation.

Commissioner Boysko: I am not familiar with the CDC guidelines, but there wasn't anything preventing you from utilizing the inside of your building other than keeping the 6 feet distance or putting up plexiglass dividers?

Mr. Mathias: Right, just the 6 feet, which would inhibit a lot of space in the way our bar is set up.

Commissioner Boysko: Did you find you utilized the outdoor space even in the winter?

Mr. Mathias: We did. It certainly wasn't like a warm weather day. We tried to focus on sporting events like the Buckeye and Brown's games and with that comes the opportunity to create a tailgate environment. Thankfully people in Ohio know how to tailgate. We have quite a few days where it was snowing or cold that folks still came out and supported us.

Commissioner Boysko: Great, I saw that you had a tent and space heaters for the area that seem to work well.

Mr. Mathias: Yes, we definitely invested quite a bit in heat sources. Almost every spot on our current patio has a heat source nearby. We certainly try our best to keep everybody comfortable.

Commissioner Boysko: Are you in favor of pulling the patio back behind the setback per staff's comments?

Mr. Mathias: I am. I cannot argue with the concerns about vehicular traffic on Grace Drive. We see it every day because it is a fairly well traveled road. I do think there is still enough space for us to make use of the area. If we brought the proposed fence to the setback line I think we can still put picnic tables there and utilize the space.

Commissioner Boysko: I couldn't tell from the drawing if the setback line corresponds to the swale that engineering had proposed to keep clear. I didn't really see the correlation but I assume if we move it back to the setback line it addresses the drainage issue. Does that sound right Elise?

Ms. Schellin: Pushing it back would definitely help to create room for the water to go somewhere. I am not sure if that would elevate all of the drainage swale concerns.

Commissioner Boysko: Brian, what about the deck to the east, is that ADA accessible?

Mr. Mathias: The deck area is going to be a smooth transition from the patio to the deck and will be at the same elevation. There is a stepdown to get to the proposed gravel site so I think technically speaking that would not be ADA accessible. If that is an issue we can certainly do whatever is needed to make that accessible, but I am not sure the gravel is required to be ADA accessible.

Commissioner Boysko: I don't know if it is, maybe Jeffrey can answer that question.

Mr. Tyler: The gravel would not be considered an ADA accessible area by virtue of the type of material you are using.

Commissioner Boysko: Brian, if you are willing to comply with the recommendations I am in favor of this. Anything we can do to support the businesses is good. My concern, and this is more for staff, is the implications of what this is doing to parking and occupancy. We are addressing this temporary Covid issue with a permanent solution.



We are seeing it more and more with applicants wanting to take their temporary patio and make it permanent. I think when we start talking about these expanded outdoor patios we need to take that into account as additional usable space and count that in the increased occupant load and any kind of repercussions that has on parking. I feel like we need to treat these outdoor patios as an extension of the space, which is a usable space that increases the occupant load.

Commissioner Simpson: Is the fencing rope style or rod iron?

Mr. Mathias: It would be would fencing much like what is currently around our patio. It's a little more open, but would be the same design.

Commissioner Simpson: Are you moving the sign?

Mr. Mathias: There is currently a sign that faces Grace Drive and we would just move it to the fence line.

Commissioner Simpson: I would like to see some down lighting there for safety reasons at night, but I think it's great.

Commissioner Hartranft: I think it's a good proposal. Brian, they want the catch basin to be accessible for where you are planning the deck. What kind of solutions have you thought about?

Mr. Mathias: Our architect, Zac is on the line so I will let him talk about it.

Zac Romer-Jordan, BBCO Design, 2029 Riverside Drive, Columbus: In order to keep that deck accessible, we need it to come out to the existing paver patio. In doing so it goes over top that area. Our thought is to put some type of cover or bar grading just over that section of the deck so that if they need to get access they would be able to remove that panel and gain access.

Commissioner Hartranft: Claudia, is that something they ran by you before and is it something we can work with?

Ms. Husak: Yes, that is actually what our Assistant City Engineer pointed out as a possible solution and it has been discussed with our planning and zoning staff.

Commissioner Hartranft: Perfect. Sounds good and I am looking forward to it.

Commissioner Bailik: We appreciate your efforts to maintain a positive business in Powell. Without having seen it in person, I was just wondering if your architect has looked at extending the pavers around the catch basin and then start the deck from there. A lot of times you can either increase or lower the height of the riser for the catch basins and they can be modified to be whatever elevation you need them to be. I also wonder if it's possible to mitigate the area you are going to lose out front by moving the HVAC unit back towards the other unit to give you more space to extend the deck. I definitely think it's critical you maintain the drainage swale. I think it's great we have this business and I am glad you are able to make changes because you have customers. I am good with the proposal and just wanted to share my thoughts about other options.

Commissioner Little: Thank you for being here and congratulations on your success. I am ok with the proposal. I too would stay behind the setback. I think maybe if you talk with your insurance agent you might have some liability there if something would happen. You run a pretty tight ship and I trust you will continue to do that so probably work with our staff on the landscaping and lighting. Regarding Shawn's comments on parking, obviously I'm in agreement with that. We are fortunate I think with this situation that you have excess parking capacity. I would anticipate they will be able to accommodate more people.

Chairman Emerick: I would agree you need to stay behind the setback and work with staff on the final design. I'm good with the proposal with the conditions that staff has laid out.

**MOTION:** Commissioner Little moved for approval of a Minor Amendment to an Approved Development Plan for the property located at 38 Grace Drive as represented by Ill Mannered Brewing Co. for the proposed permanent patio addition subject to the following conditions:

1. Applicant shall address the comments and concerns in the staff report and those given by the Planning & Zoning Commission.
2. The catch basin must remain accessible.

3. The function of the existing drainage swale must be maintained.
4. The patio and fencing shall not extend into the 25' setback.
5. Applicant will work with development staff to ensure that landscaping and lighting are consistent with existing landscaping and lighting.
6. The final design shall be approved by development staff.

Commissioner Boysko seconded the motion. Motion passed.

Vote: Y – 7 N – 0

#### OTHER BUSINESS

Ms. Husak: Please join me in congratulating Pam Friend on accepting a full-time position with the City as Administrative Assistant. We will be looking to fill the Planning & Zoning Clerk position but in the meantime Karen Mitchell will be attending our meetings.

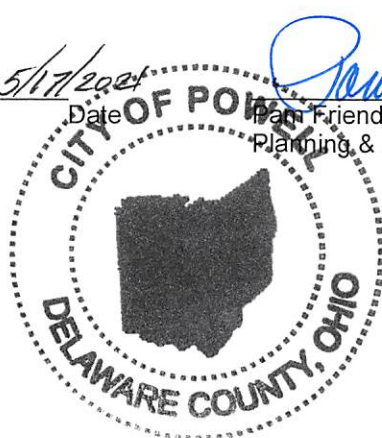
Chairman Emerick: The next scheduled meeting is April 14 and/or April 28, 2021.

#### ADJOURNMENT

**MOTION**: Chairman Emerick moved at 8:35 p.m. to adjourn the meeting. By unanimous consent, the meeting adjourned.

DATE MINUTES APPROVED:

*Donald Emerick* 5/17/2021  
Donald Emerick  
Chairman



*Pam Friend* 5/17/2021  
Pam Friend  
Planning & Zoning Clerk

Date