

**WESTERVILLE PLANNING COMMISSION
CITY COUNCIL CHAMBERS, 21 S. STATE STREET
WEDNESDAY, JUNE 25, 2014
MINUTES**

Chairman Paul Johnson opened the June 25, 2014 Planning Commission meeting at 6:30 p.m. in City Council Chambers at 21 S. State Street. Other members present were Council Member Michael Heyeck, Brian Szuch, Amy Koorn, Dave Berger, Gerry Domanik, and Dave Samuelson. Staff members present included Bassem Bitar, Jeff Buehler, Chelsea Nichols and Kyle Stroh, from the City's Law Department.

Chairman Johnson led the group in the Pledge of Allegiance.

APPROVAL OF THE MAY 28, 2014 REGULAR MEETING MINUTES

Mr. Domanik moved to adopt the May 28, 2014 minutes as presented; Ms. Koorn seconded the motion.

Yeas: Council Member Heyeck, Mr. Szuch, Mr. Domanik, Ms. Koorn, Mr. Berger, Mr. Samuelson, Chairman Johnson

Nays: None

Motion Passed: 7-0

Chairman Johnson explained the procedures to be used in tonight's Public Hearing.

Ms. Nichols swore in Staff and all those wishing to speak before the Commission.

PUBLIC HEARINGS

Case #: PC 2014-12
Request: CONDITIONAL USE PERMIT
Location: 975 EASTWIND DRIVE SUITE 190
Zoning: PID- PLANNED INDUSTRIAL DISTRICT
Proposed Use: ADULT DAY CARE
Applicant: BRENT RACER – NEW AVENUE ARCHITECTS &
ENGINEERING

Mr. Buehler gave the staff presentation which closely followed the written staff report.

Chairman Johnson invited the applicant to the podium.

Brent Racer, with New Avenue Architects, was present. He stated the tenants and owners of the adult daycare facility were also present if the Commission had any questions for them as well.

Chairman Johnson opened public comment. Seeing there was no public comments, Chairman Johnson closed public comment and opened the floor to the Commissioners.

Mr. Szuch:

- Stated this is an I4 building use. He asked about their fire separation from the rest of the building.
 - Mr. Racer explained that they are still working on that with the Building Department.
- Asked if the users can exit on their own. Mr. Racer answered in the affirmative.

Council Member Heyeck:

- Expressed the need for a Code change in regards to conditional uses in this district.

Mr. Domanik:

- Echoed Council Member Heyeck's concerns and also explained his feelings on the need for a Code change in regards to conditional uses in this district.

Mr. Samuelson:

- Explained that his comment did not have to do with this particular application but was about the area in general. He expressed concern about a wood sign has seen at the southeast corner of the site. He would like an update from Staff about that sign after they look into it.
 - Mr. Buehler acknowledged the sign but didn't know what it identified since it faces the freeway but is blocked by a lot of vegetation in the area.

When there was no further comment, Chairman Johnson invited Commission members to make a motion.

Council Member Heyeck moved to approve PC 2014-12; Mr. Domanik seconded.

Yeas: Mr. Szuch, Mr. Domanik, Council Member Heyeck, Mr. Berger, Ms. Koorn, Mr. Samuelson, Chairman Johnson

Nays: None

Vote: 7-0

Application approved.

Case #: PC 2014-15

Request: FINAL DEVELOPMENT PLAN MODIFICATION

Location: 400 POLARIS PARKWAY
Zoning: PD- PLANNED DEVELOPMENT DISTRICT
Use: RESTAURANT IN MULTI-TENANT RETAIL CENTER
Applicant: RANDY ROBERTY – DESIGN COLLECTIVE ARCHITECTURE

Mr. Buehler gave the staff presentation which closely followed the written staff report.

Chairman Johnson invited the applicant to the podium.

Randy Roberty, with Design Collective Architecture, was present. He acknowledged the staff report and agreed to work with Staff to meet the conditions of approval.

Chairman Johnson opened public comment. Seeing no public comments, Chairman Johnson closed public comment and opened the floor to the Commissioners.

Council Member Heyeck:

- Noted the Fire Chief did not comment. He asked if they are OK with Fire Code regulations.
 - Mr. Buehler stated that there were no comments provided by Fire during internal City staff review. He assured Council Member Heyeck that the applicant will go through the building permit process and the Fire Dept. will have the chance to review the application at that time as well.
- Indicated that Fire Dept review and approval should be a condition of approval.
- Noted that the application is lacking on visuals of what it looks like when the windows go down.
 - Mr. Roberty explained the patio screens. However, Mr. Heyeck explained that he is talking about the garage doors. He asked if they were there today.
 - Mr. Buehler stated no and showed the proposed garage doors.
- Did not think the patio screens are very attractive.
 - Mr. Roberty stated theirs will be recessed in two feet and will be behind the railings and planters.
- Asked why Staff is recommending approval.
 - Mr. Buehler stated the applicant is not interested in the “nanowall.”
 - Mr. Roberty explained that the problem with the “nanowall” is that it creates an interior space. This will take up a lot of space and would close in columns. The “nanowall” would cut seating in half.
- Requested a condition concerning the maintenance of the patio screens.
 - The tenant has the same desire in regards to keeping up the nice appearance of the patio screens. They are fine with a condition on the maintenance of the screens.

Mr. Szuch:

- He explained his concern with the Code implications regarding a 10’ distance and that the patio occupancy would increase over 50 so they would need two points of egress. He is also concerned with the permanent roof structure and the drainage of the roof.

- Mr. Roberty explained how they will drain the roof.
- Would like to see a more permanent type of system.
- Asked how the space would be heated. Mr. Roberty stated there will be heaters in the ceiling.
- Pointed out that they are trying to make it a room but not make is a room, which is a concern.
 - Mr. Roberty responded by saying they want a permanent roof because awnings leak and this is more aesthetically please while dining.
- Asked if the fire place met the clearance. Mr. Roberty answered in the affirmative.

Ms. Koorn:

- Asked if the fireplace was to be screened on both sides.
 - Mr. Roberty stated it will be tempered glass and operable glass on the other side. It is clear glass on both sides.

Chairman Johnson:

- Expressed understanding that this is to extend outdoor seating for the season but wonders how it will be during the winter.
- Would like there to be a condition that the vinyl be up when the patio is closed/not being used.

Gary Calico, President and CEO of Rusty Bucket, was present and addressed concerns. He stated the vinyl will be down when raining. The canopy will be used year round and they hope to use the screens to operate the patio in less than normal weather conditions. They too want them to look nice. In the middle of the winter it will be closed and the vinyl will be rolled up.

Mr. Berger:

- Asked if the garage doors will be up during the summer.
 - Mr. Calico stated they will not be down on a hot day like today. That will be more for during football season.

When there was no further comment, Chairman Johnson asked for a motion.

Council Member Heyeck moved to approve PC 2014-15 with the following conditions:

1. Foundation plantings consistent with the original landscape plan be installed;
2. Applicant continue to work with staff on the details of the patio improvements (e.g., fireplace cap);
3. Applicant secures the appropriate Building Division approval(s);
4. Vinyl be rolled up when the patio is closed; and,
5. Patio screens be maintained.

Mr. Berger seconded.

Yeas: Mr. Szuch, Mr. Domanik, Ms. Koorn, Mr. Berger, Mr. Samuelson, Council Member Heyeck, Chairman Johnson

Nays: None

Motion passed: 7-0

Application approved with conditions.

Case #: PC 2014-16
Request: FINAL DEVELOPMENT PLAN
Location: EAST OF OLDE WORTHINGTON ROAD AND SOUTH OF
POLARIS PARKWAY (ZUMSTEIN SW)
Zoning: PD- PLANNED DEVELOPMENT DISTRICT
Proposed Use: RETAIL
Applicant: NP/FG, LLC

REQUEST

Final Development Plan for a new 29,000 sqft grocery store anchor and 20,000 sqft multi-tenant retail building on 15.3 acres.

Mr. Bitar gave the staff presentation which closely followed the written staff report.

Chairman Johnson invited the applicant to the podium.

Franz Geiger, with NP/FG, LLC, was present. He stated that Gary Schmidt, their land planner, and Mark Ford, their architect, were also present. He went over the status of the project and explained that the new entity of the land would be Westar Neighborhood Retail Center. He then went over where they stood on the Staff comments in the report.

- They are Ok with the cart corrals matching the color of the light poles.
- They will better define the edge near the southeast corner of Fresh Thyme.
- Fresh Thyme will actually have some seating in the front.
- They will have seating benches on the east side, but cannot commit to making it a patio as Fresh Thyme does not have that as part of their program.
- They will work with Staff on meeting the landscaping requirements.
- They are OK with adding appropriate dry basin plant materials.
- They have a letter of intent with Fresh Thyme and are negotiating a deal.
- They hope to keep the metal awnings – metal looks cleaner and requires less maintenance, and Fresh Thyme wants them as they would at least convey a small bit of their barn prototype.
- They are OK with removing the two monument signs and utilizing one shopping center identification sign. They had been trying to get some identification for tenants in the rear.
- There will be no cabinet signs. They do not like tag lines but if needed, they will incorporate them into the overall square footage limits.
- They will paint the concrete pedestals to match the light poles.

Chairman Johnson opened public comments. Seeing there were no comments, Chairman Johnson closed the public comments and opened the floor to the Commissioners.

Mr. Berger:

- He needs clarity on what they are voting on. The cover letter refers to Phase 1, but the map shows additional buildings.
 - Mr. Geiger stated it would be the common improvements including the asphalt and landscaping, and the two buildings. The other buildings will come forward in a month or two.

Mr. Szuch:

- Asked when the second part of the anchor building will come. He is concerned about having half a structure.
 - Mr. Geiger stated that he does not know when that building will be built. He hopes that these will be a start and others will follow. They will make the blank side attractive. They did the same thing on Gemini where they first built Toys R Us/Babies R Us then Hobby Lobby.
- He expressed concern that other users will want their own stamp. They will need to make it clear that the style will need to be the same.
 - Mr. Geiger explained that they have architectural standards in the Text. They also have a standard material and color palette. They want this to be uniform.
- He asked for clarification on whether one of the restaurants will be coming back. Mr. Geiger answered in the affirmative.
- He questioned the placement of the center identification sign relative to the east side of Worthington Road. It is not purely to suit this space. They need to think about this site holistically and make sure the placement makes sense.
- He asked if the towers would be illuminated at night.
 - Mr. Ford stated that they will have clear glass in those towers and that they will be illuminated.
- He stated that the inside of those towers will need to be finished.
- He does like the look of the building. He reiterated that wants consistency when the other half of the building comes in.

Mr. Samuelson:

- He expressed his concern with the corner of the site and whether the bike path will work along Olde Worthington Road where Parks and Recreation wants it.
 - Mr. Geiger stated that this is an issue they will have to try to deal with. He added that the 10 foot width is significant and that there are grade issues, AEP easement, utility boxes, drainage swale and other constraints. They have not yet secured the corner, but are trying to work with Columbus and Delaware County on that issue. They may be able to make it work if it is located in the setback with an easement instead of the right-of-way.
- He asked if whether what they are voting on tonight will affect the bike paths.
 - Mr. Geiger explained that the corner will not be resolved before they start. He wants to start this project this summer. However, they are committed to accommodating the bike path.
 - Mr. Schmidt provided cross sections and explained the constraints they have with the grading and underground utilities. They are working through those issues.

- He asked if they will want metal awnings for the rest of the site as well.
 - Mr. Ford stated that they are showing fabric awnings for Building C. He showed a materials sample board and stated that they are using brick with various earth tone colors.
 - Mr. Bitar suggested the Commission make it clear that the metal is being approved only as an architectural feature of the Fresh Thyme building.
- He asked about Staff's comments on the lighting and the exposed foundations not meeting standards.
 - Mr. Bitar explained that the Polaris Parkway Corridor Design Standards state that light poles should be installed in landscape islands so as to avoid the need for concrete bases. Staff understands the applicant's reason for the light pole placement in this case and has suggested that the bases be painted. Also, the Standards include maximum to minimum lighting ratios to make sure that the lighting is uniform, but the numbers they have provided deviate from those standards in some instances. Staff will be checking the numbers again during the permit process.
 - Mr. Ford stated that McMullen Engineering (the lighting contractor) will be adjusting those numbers.
- He expressed concern about the area around the loading dock.
 - Mr. Schmidt stated they will angle the compactor, reduce pavement and extend the green space a little around the southeast corner of the Fresh Thyme building.

Ms. Koorn:

- She asked the applicant to address Staff's recommendation to line the central green space with trees on both sides.
 - Mr. Geiger stated they like what they did with clustering the trees around the benches.
 - Mr. Schmidt showed an enlargement and explained what they did as far as the benches, flowers, evergreen shrubs and trees that are clustered around the seating areas.
- She asked about the issue with the tree replacement.
 - Mr. Schmidt stated that they had apparently used the wrong Code provision in their chart. They have a tree survey and will work it out with Staff.
 - Mr. Bitar explained that Mr. Schmidt had mistakenly used the Heavily Wood Site provision in the Code, which does not apply in this instance. The provision that should be used is more involved.
- She too is confused about what they are approving tonight since the agenda only includes two buildings in the title, but the map shows more buildings.
 - Mr. Bitar explained that it is the two buildings plus the parking and access points.

Council Member Heyeck:

- He is not a fan of fabric awnings as they fade and become a maintenance issue. He asked how many metal awnings are proposed.
 - Mr. Bitar answered by stating six.
- He asked if traffic is coming south, what will direct drivers to the property in that area? How will they identify that these roads are for this development?
 - Mr. Geiger stated that they will have to look further into this issue. They will need to add directional signage to their sign package and will match the materials of the main

signs, but on a smaller scale. He would like to make it a condition that directional signs be installed at the four entrances.

- Stated the Worthington extension needs to be done right. He does not want it to be like Polaris Parkway and it should not become just another thoroughfare. He wants them to consider something that looks like a streetscape. The buildings, walks and parking need to feel better, especially when they get the plans for the other side.
- As far as the monument sign, they need to look at it for the entire Zumstein development and have full signage for both sides.
- He wishes the Westerville sign was more to the west.
- The North Westerville Plan was trying to avoid having this area look like Morse Road.

Mr. Domanik:

- He likes their original plan but this current plan has come a long way and he is starting to like it.
- He is OK with the metal awnings.
- He would like to see the construction started.
 - Mr. Geiger stated that they had hoped to start on the apartments but it has been too wet. This may start before the apartments and they should be able to move quickly once they start.

Mr. Szuch:

- Questioned the readability of the shopping center identification sign since it is shown at a 45 degree angle.
- Asked why they are not paving the small square section north of Building C now.
 - Mr. Geiger stated they could do it now.

Mr. Samuelson:

- Stated that there is a parking surplus and suggested replacing some of it with landscape islands that could accommodate the light poles and avoid the concrete pedestals, which look cheap. He suggested they talk about it with Staff.
- He suggested that they get rid of the few parking spaces backing onto the entrance off of Olde Worthington Rd. He encouraged them to talk with Staff about that as well.

Chairman Johnson:

- He is ambivalent about metal versus fabric awnings.
- He likes what they are showing on the central green with the benches and trees.
- He likes the way the project is proceeding.

When there was no further comment, Chairman Johnson asked for a motion.

Council Member Heyeck moved to deem PC 2014-16 as a minor modification; Mr. Szuch seconded.

Yeas: Mr. Domanik, Mr. Samuelson, Council Member Heyeck, Mr. Berger, Mr. Szuch, Ms. Koorn, Chairman Johnson

Nays: None

Motion passed: 7-0

Deemed a minor modification.

Mr. Berger moved to approve PC 2014-16 with the following conditions:

1. That the application title be modified to reference the two buildings, associated parking and access points.
2. That the landscape and tree replacement plan be updated and finalized to the satisfaction of Staff.
3. That the proposed two 40 square foot monument signs along the Polaris Parkway frontage be eliminated.
4. That the sign criteria be finalized to the satisfaction of Staff, including their applicability to the rest of the Zumstein property and accommodating directional signage at the entrances.
5. That the metal awnings only be used on the grocery store anchor.
6. That the applicant work with Staff on eliminating some parking spaces including the ones that require maneuverability into the entrance off of Olde Worthington Road and others as appropriate to allow for protected islands around the light poles so as to minimize the need for concrete pedestals.

Council Member Heyeck seconded.

Yeas: Ms. Koorn, Council Member Heyeck, Mr. Berger, Mr. Domanik, Mr. Samuelson, Mr. Szuch, Chairman Johnson

Nays: None

Motion passed: 7-0

Application approved with conditions.

SUBDIVISION REVIEW

NONE

MISCELLANEOUS

DISCUSSION ON MULTI-FAMILY.

Kim Sharp, Deputy Director of Planning and Development, gave a presentation regarding proposed Multi-family residential guidelines that could be used on an interim basis until the comprehensive Community Plan is finalized. There was discussion between her, the Commissioners, and staff.

OTHER MISCELLANEOUS

Council Member Heyeck stated he would like the City Hall parking lot as a miscellaneous item on the July agenda so they can vote in August. They need to discuss the Planning Commission's role on this item.

Mr. Bitar passed out the tentative July agenda and briefly went over the items.

When there was nothing further to discuss, Chairman Johnson adjourned the meeting at approximately 9:25 p.m.

Bassem Bitar, Secretary

Paul Johnson, Chairman

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