



City of Powell, Ohio
City Council

MEETING MINUTES

MAY 5, 2015

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, May 5, 2015 at 7:30 p.m. City Council members present included Frank Bertone, Richard Cline, Mike Crites and Brian Lorenz. Tom Counts arrived at 7:55 p.m. Jon Bennehoof was absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Chris Huber, City Engineer; Gene Hollins, Law Director; Susie Ross, City Clerk; and interested parties.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Hrivnak opened the citizen participation session for items not on the agenda. Hearing none, he closed the citizen participation session.

PROCLAMATION – Military Appreciation Months

Mayor Hrivnak read a proclamation declaring May 1 through June 30, 2015 as Military Appreciation Months in the City of Powell. He recognized those present who are veterans, current military service members and/or family of a service member. Lt. Col. Calvin L. Taylor was present to receive the proclamation. He said the veterans and military service are called upon more than ever and are in 30 locations around the world. He accepted the proclamation on behalf of past, current and future military service members and thanked the City Council for their support.

PRESENTATION: HDPI UPDATES

Jayne Kottenstette, Executive Director of HDPI, introduced Board of Directors President Cindi Capizzi. Ms. Kottenstette said they are honored to represent and work with a city and community like Powell. She said they are evolving the mission of HDPI by changing the name to "Heart of Powell." After long discussions with the business and community leaders they recognize that their identity needed to better reflect their intentions and purposes. Their new name and logo was rolled out on May 1. Their mission is simple: "Building Community by Strengthening the Heart of Powell" and it allows them to serve more than the downtown but still recognizes that the downtown acts as the core and foundation of the community. They will continue to host and promote events like the Powell Festival, Powell Festival 5k, Powell Street Markets, Oktoberfest in Powell and Holidays in Powell. Ms. Kottenstette encouraged others to embrace their spirit and mission and become involved in their neighborhood, city and community. They will reward this spirit of involvement with the "I Heart Powell Community Spirit Award," given annually to persons or groups that make a difference in the community of Powell.

Mayor Hrivnak said he speaks for the whole Council when he says the work they do is extraordinary and builds up the City of Powell. He thanked them for their service.

APPROVAL OF MINUTES

MOTION: Councilman Cline moved to approve the minutes of April 21, 2015. Councilman Crites seconded the motion. By unanimous consent, the minutes were approved.

FIRST READING: ORDINANCE 2015-18: AN ORDINANCE APPROVING A ZONING MAP AMENDMENT AND FINAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF 47 SINGLE FAMILY CONDOMINIUM HOMES ON 8.75 ACRES OFF OF BEECH RIDGE DRIVE AND TO CHANGE THE ZONING MAP FROM PC, PLANNED COMMERCIAL DISTRICT AND R, RESIDENCE DISTRICT TO REFLECT THIS PROPERTY TO BE PR, PLANNED RESIDENCE DISTRICT.

Steve Lutz, City Manager, said this is the first reading for the proposed redevelopment of the former site of the Powder Room which is adjacent to the Olentangy Ridge subdivision.

David Betz, Development Director, presented the proposed plan (Exhibit A). He said this property is located off of Beech Ridge Drive with an address on Powell Road. It is almost nine acres in size and is surrounded by the Olentangy Ridge subdivision on the east and north and commercial properties on the west and south. The property has access off of Beech Ridge Drive and is proposed to be single family condominium homes. The site plan is designed so the houses can be no closer than 10' apart. The current zoning districts in the area were identified; this proposed development is a mix of Planned Commercial zoning on the front and a single family home at the back that is currently Residence District. This plan would change the zoning map for the property to all Planned Residence District. The property will have a public street and private streets within the subdivision that will be the responsibility of the condo association. Mr. Betz said the pond that is near the existing home will be moved to the center of the site as shown. Additional landscape will be added all around the perimeter of the site. The existing trees will be added to and a hedgerow will be added as a part of the project. The developer has looked at the existing trees and the tree removal plan and the landscape plan meet code requirements. Care was taken in the layout of the property along the east and north sides so there is a match-up of similar lot numbers between the condominiums and existing homes in Olentangy Ridge. All zoning code requirements were met with this project except for a variance so the rear setbacks of the proposed homes which are reduced from 30' to 25' so a larger setback could be accomplished on the east side where the residential properties meet.

Mr. Betz said Staff tried to determine how they could get better site circulation. The developer is going ahead with the first phase of a road that would go from Beech Ridge Drive to Grace Drive. They have a letter of intent from the Powell Center owners regarding the continuation of the road. One unit was removed from the site plan to allow for this road connector. There is already room for commercial development on the Powell Center frontage. This opens the opportunity for better traffic control when that area is developed and provides an alternative route for people that go to and from Beech Ridge Drive to access Grace Drive. Staff sees this as a good benefit and have worked together with the property owners to solve an issue. Mr. Betz said the Planning & Zoning Commission studied this extensively and recommends it to City Council with the conditions as set forth in the ordinance. The conditions are not untypical of developments of this size: the final engineering has not been completed so they will still need to see final stormwater management plans for review by the City Engineer. There will still be lots of review required by the Ohio EPA in the area where the pond will be moved. They have already achieved Condition #4 requiring a letter of intent from the Powell Center owner and the Finance Committee has discussed how the road connector can be achieved. There are outstanding minor architectural details of the buildings but the proposed homes will be of very high quality in the \$400k to \$500k price point. The developer can provide further details about the quality and materials.

Mayor Hrivnak asked that of the nine conditions listed on the ordinance, are there any that should be resolved at this time and are not resolved. Mr. Betz said they are in good shape for a project this size and the City Engineer believes they can meet the guidelines for stormwater control. That is the largest part that Staff will need to consider. The ability to continue the road across the Powell Center property and those details still need to be worked out; this developer is putting in their part of it and Staff feels that is a good thing.

Mayor Hrivnak said Condition 2 talks about maintaining the current condition of the pond at Glen Village Court. He asked to see the location of the pond. Mr. Betz indicated the location and said the property drains to a storm sewer and goes underground into that area. They will have to make sure the storm water quality is as good or better than what comes off now. There are stormwater plans for siltation prevention and those types of things and they will be reviewed as the engineering comes forward.

Councilman Crites asked what issues were raised by the residents of Olentangy Ridge and were they addressed to their satisfaction. Mr. Betz said they may still hear some concerns this evening. There were concerns about the number of units on the property at under 6/acre which is typical density for single family condo developments they have seen in Powell and it fits in the City's guidelines. There were issues of the amount of traffic coming out on Beech Ridge because that is their only access point. They explored several ways to arrange for access off of Grace Drive but that did not work out and then the access road

idea was proposed. Staff feels this helps this project as well as allowing the Powell Center to be more successful. It also provides access for the outlots along the frontage of the Center property. Stormwater was a concern and the Commission made specific recommendations to make sure it will not negatively affect the homeowners in Olentangy Ridge. Staff will pay particular attention to make sure the engineering is correct. Mr. Betz said the home price point came up early in the discussion and the developer will address that as he described the quality of the homes and site improvements.

Councilman Bertone said the pond will be removed and placed in a different place on the lot. He asked if that will be a smaller pond than the one that is there today. Mr. Betz said the engineering has not been done so the size is not known; it may be possible to have a smaller pond. Mr. Faris, the land planner, will discuss the details of the site plans. Councilman Bertone said if it is a wetland it is typically replaced at 1.5 times the current size.

Len Pivar, Arlington Homes, Builder and Developer, said they had the CEC do a study regarding wetlands, streambeds and the lake and they have acquired a Nationwide permit through the Corps of Engineers to move the lake. The original pond was built by the Trowbridge family for use as a cistern. There is a very small area that they consider wetlands and it is of no significance. Their Civil Engineer can respond to any questions they may have.

Councilman Cline said he shares a concern that Councilman Bennehoof raised in his email (Exhibit 1). That concern was that they should ensure that the east-west connector to Grace Drive is a viable part of this overall plan for the development. He asked if it is correct that the connector would actually enhance the Powell Center property by making those outlots more desirable. Mr. Betz said this is a group effort between this developer, the Powell Center and the City. They are still determining exactly how that will work, who will do what and how it will be financed. This connector will provide a way to get from Beech Ridge Drive to Grace Drive for surrounding residents. From an economic development standpoint it provides a benefit to make the Center more attractive and it also allows the outlot properties to have multiple access points. In the future there may be a traffic signal at Grace Drive and this will help traffic reach that signalized intersection.

Councilman Cline said it seems that the east-west connector will serve a lot of purposes. It increases the options available for the development of the Powell Center property, gives Olentangy Ridge residents a way to get to Grace Drive at a time when currently the traffic makes it problematic. It also helps this property develop in a way that minimizes its impact on the Olentangy Ridge residents who would otherwise be burdened with traffic from it. In the absence of the connector he sees problems he would like to avoid. When he reads the conditions that Planning & Zoning put forth they are essentially saying they realize the developer is making best efforts but he might fail and if he fails he will regroup but still be able to build. Mr. Betz said they are trying to coordinate how that will happen within 120 days; if they do not succeed the Commission wants a final layout of the plan. The key is that this developer is doing his part by building the part of the connector that is on his property and the City will have to negotiate a deal with the owners of the Powell Center. Councilman Cline asked if there is an estimate of how long that will take to finalize. Mr. Betz said they have had one meeting with the Finance Committee and several meetings with this developer and the adjacent property owner. They were very receptive and it may be able to be resolved in the 120 day period. Councilman Cline said it sounds like there is good reason for optimism that a viable plan to make the connection happen is realistic; they have to temper that with the fact that nothing is permanent until the ink is dry.

Mr. Lutz said they are looking at the Powell Center donating the land for a street to be built and the developer and City would use a TIF district to fund it so this development would pay for the construction to complete the street to Grace Drive. It would cost about \$400k to \$500k. Councilman Cline said it is best for all parties concerned if there is a way to ensure the road connection from Beech Ridge to Grace is completed in one construction phase. Mr. Betz said the developer is here tonight to hear whether this is a good plan that can move forward so he can proceed to the financing of the connector. Councilman Cline said at a minimum he would like to see binding commitments even if they don't have the funding mechanism worked out. The letter of intent is drafted to give the parties some wiggle room, which is appropriate because there are unknowns. Until those unknowns are resolved they cannot commit to something. It sounds like all of the parties are working on those being resolved. Mr. Betz said he is very hopeful.

Gene Hollins, Law Director, said they hope to have all of that information to Council before the second reading. They are trying to get a legal description of the right-of-way if the Church that owns the Center is willing to commit. They may also need a mortgage release and from that point it will be a case of securing financing through the TIF. Mr. Lutz said many of the proposed details will be discussed at the next Finance Committee meeting and Brad Sprague, the City's financial advisor will be there. Mr. Hollins said they all agree that building it in one phase makes the best sense.

Councilman Counts arrived at 7:55 p.m.

Councilman Lorenz asked if the outlots will stay planned commercial. Mr. Betz said they are not a part of the property in this proposal. The property that this developer owns is the areas at the front of this site where the Powder Room and a former restaurant building are located; the zoning for that property is currently commercial and could hold 23k sq. ft. of commercial building. The Zoning Map Amendment changes all of the property to Planned Residence District.

Todd Faris, Faris Planning & Design, 243 E. Fifth Street, Columbus, said they discussed many items at the Planning & Zoning Commission including:

- There are two existing commercial structures and an underground rifle target range at the front of the site.
- In the back of the site there is a single family residence, detached garage, several barns and a pond.
- The former homeowner had the pond dug to serve as a water source for the residence and it was there prior to all that surrounds it. The pond serves absolutely no stormwater detention requirements for Olentangy Ridge as it was built prior to those regulations. All water just passes through it. There is 1800 sq. ft. of wetlands on the west portion of the site.
- They have permission from the Corps of Engineers to correct that situation and the new pond is more than adequate to mitigate the stormwater per the requirements. They cannot compare the old pond with the new because they serve different purposes.
- There are scattered existing trees throughout the site that will be preserved to the best extent possible.
- The southern portion of the site is zoned Planned Commercial and the northern part is zoned Residential which allows for 1 acre lots.
- The proposed concept plan has qualities and design aspects that will be beneficial to the developer and the area.
- They will provide a central amenity area near the pond as well as a gated entry, tree-lined streets, well buffered rear yards on all homes and they pushed homes toward the commercial to allow for more room for larger evergreen trees. On the commercial side where they do not have as much room they will plant arborvitaes at 3' on center so it will be a substantial hedge from the beginning.
- They will provide a wide selection of quality homes. There are three base homes right now and the developer will extend that to more. They will have various options so there will not be a lot of repetitive home styles. This is the only development of its kind and was designed exclusively for the Powell community.
- The homes will all be stone or brick on the front with stucco on the sides and rear. The goal is low to no maintenance for homeowners. They will install paver walkways and driveways. The garages are set back from the face of the house so the streetscape is the architecture and not the garages. This will provide a traditional street feel.
- The proposed price range goes with the size of the homes. The 2,400 sq. ft. homes start at \$400k and they will go up to 3,000 sq. ft. homes that range above \$500k.
- The major contributions to the City are decreased traffic from the current approved uses, a stable transition from single family to commercial, a known entity for what will be built, provision of a significant tax base for the TIF district (\$20 million real estate value), provision of a different housing option that is in high demand, alternative access from this development and the homes off of Beech Ridge Drive, this will generate very few school age children, and all streets are private other than the public connector road. This development will have a low impact to the City with a lot of benefits.

Mr. Pivar said he did not mention earlier that he is a long time resident of Powell and has been in the custom home business since prior to 1994. He said they are proposing a custom home community with a very high design standard which includes single family detached condo homes. The materials and price ranges have been discussed. They will have little or no school impact as they are marketing to empty nesters and the design and price point will discourage families. They will also offer the option of finished basements and that will increase the square footage. Mr. Pivar said these will be small, high-end floor plans designed to attract people who want to scale down but want the same level of quality and amenities as their larger homes. Small yards do not attract families with children and at these price points they could purchase a single family home with a large backyard and neighboring children. They are not offering a clubhouse or pool that would attract a large number of people or children but they are offering a quality, quiet, safe and sedate community for empty nesters. Mr. Pivar said this will generate a great amount of revenue to the schools without placing an additional burden on the system. The quality of the neighborhood and price point will enhance the value of the neighboring homes. Targeting empty nesters means they will have a lot of retired people and some will be in warmer climates during the winter so the traffic numbers may be less than projected. The location is within walking distance of Powell restaurants and bars and should bring business to that area. Mr. Pivar said the development is in a TIF area and will create a large amount of funds for public improvement; they project that the value of the developed land will be about \$17 million more than its present value. They are creating a logical transitional use from the large single-family homes to condos to the adjacent commercial property, reducing traffic, bringing in taxes and TIF revenues that will help Powell's future public improvements. This development should serve as a catalyst for the adjoining areas. They hired a traffic engineer but the simple fact is that traffic created by the existing buildings if they were open would be greater than the traffic that will come from this development.

Mayor Hrivnak opened this item to public comment. He said questions will be addressed at the end of this comment session.

Scott Duckworth, 109 Beech Ridge Drive, said assuming this passes at the second reading, he would like to know about the timeline for addressing lead remediation, pond relocation, road development, utilities & sewer, any tree removal and the actual building of the units.

Brian Ebersole, 215 Squires Court, said he mentioned at a previous meeting that this is a legislative decision because they are rezoning this property. This means Council is deciding whether or not they want to rezone this and want this condo development in place. Like the previous complexes approved in the past six months, this is not an administrative issue where they are just deciding whether the proposal follows the rules and zoning laws. This is strictly City Council deciding if they do or do not want these condos in place here. Mr. Ebersole said on November 4th they passed a law banning high density housing in the Downtown Business District. The intent of that law is to keep high density housing - condos and apartments - out of the whole downtown area. This property is literally on the border of the Downtown Business District and the voters of Powell certainly did not intend for the City Council to rezone the property so they could build high density housing right up against the Downtown Business District. Mr. Ebersole said they have heard a lot of the issues over the months, mainly traffic. They have heard that the traffic will not be increased but there is nothing on this site right now and putting something of this magnitude (47 units) in place will obviously increase traffic. Traffic is so bad they are paying a consultant to give them recommendations on how to reduce traffic; it is clearly a problem in the Downtown Business District and surrounding area. Mr. Ebersole said this decision is on Council and they are making this decision for the community. They have a vote that tells them that the voters of Powell do not want high density housing in the downtown area and a vote for this is saying that they will do whatever they want and do not care what the voters of Powell have to say.

Pat Kijewski, 9030 Francine Lane, said this is her mother's property and she admits her bias. Her parents moved here long before anyone else was around. Her father started a business in Powell years ago and her mother built a bakery in Powell as well. Her mother is elderly and her father is deceased and it is time for this property to become more than a vacant lot with issues. Single family homes in this price range do not qualify as dense housing because the back yards are almost one-to-one with the adjacent subdivision. Her mother's maiden name is Harper and this development is named Harper's Point. It is time for her mother to see the fruits of their hard work when Powell was a crossroads.

Erwin Grabisna, 278 Glen Village Court, asked if there will definitely be a second reading on this matter. When he attended an earlier Planning & Zoning Commission meeting they compared this density with other Epcon communities in Powell and this density is actually about 25% larger than the next smallest condo complex. It is also about double the density of Olentangy Ridge. In regard to the water issues it is not just the quality of the water going into the pond; it is also the water leaving the pond. He lives on a property that has a stream in the back and one of the sources of the stream is the overflow from the pond. Mr. Grabisna said he has a big concern that they taking a 2-acre pond and making it much smaller and taking a lot of land away that would normally absorb stormwater. They may have issues with the flow of water if there is a heavy rain. That is something that is still up in the air from an engineering standpoint. Mr. Grabisna said if they can get \$200 per sq. ft. from their houses he will be thrilled but he is skeptical because the existing neighborhood homes are asking about \$115 to \$125 per sq. ft. He asked the developer what happens to the project if they cannot get the cost per square foot they anticipate. Mr. Pivar said if they are not able to get that price they will not build the development. Mr. Grabisna said that is a big concern, especially for the houses that will overlook the development or property that used to be a pond. They are marketing to empty nesters but many of the homes are proposed to be two story homes; typically most empty nesters would prefer a ranch where everything is on one floor.

Norm Kijewski, 9030 Francine Lane, said he is the property owners' son-in-law and he is here to support her. They can approach this project on many levels from finances to taxes. He understands that being elected officials it is all about the town and he agrees with that completely. There is an eyesore when one drives into Powell from the east where there is a big ugly empty building that needs to go away. Mr. Pivar wants to replace it with a very nice, beautiful development. Mr. Kijewski said the things that have been done show that the developer has bent over backwards to try to develop this land. It is not realistic to have a park on a \$1.5 million property. This is an opportunity for them to showcase this property, take Powell up a notch and to get rid of an eyesore.

Tom Happensack, 127 Kelly's Court, said this project requires Council to legislatively change the zoning of several parcels of land just 1/10th or more miles from the center of town. They are considering a change from Residential and Commercial zoning to Downtown Planned Residential zoning in order to allow high density housing. In the November election 2,336 Powell voters voted to stop high density housing in and near the Downtown area. The amendment passed that day with 56% of the vote. It does not technically cover these parcels of land but it is apparent that the voters' intention was that these types of projects not be built in the Downtown area. Mr. Happensack said the outcome of any court case will not change the message those voters sent them that day. Later in this meeting the agenda calls for an update of the traffic study performed as part of the Comprehensive Plan Updates. If the presentation is the same as that shared with the Comprehensive Plan meeting in early April, the projections are mind-numbing. The impact of just current trends, without these developments, shows significant increases in traffic on both Liberty and Olentangy Streets. Mr. Happensack said it would be irresponsible to turn their back on the infrastructure while throwing in more use and then later what happens to the City when no one can get through. When that happens businesses will die, not thrive. This study should be an eye-opener about continuing to build in this area.

Mr. Happensack said he is not against high density housing, it just needs to be in the appropriate place. It should not be in a place that has significant traffic concerns. Adding significant amounts of people by filling in these small parcels with high density housing does not make sense for the quality and long term financial aspects of the City. The City is currently updating the Comprehensive Plan and moving forward these types of developments before the process is completed cheapens the process and calls into question why the City is spending significant taxpayer funds to update the plan while moving ahead with projects that are unpopular with the majority of the residents. Mr. Happensack asked that they consider the message they are sending with their vote. A "no" vote supports the current intentions of the majority who have spoken out of high density housing. It also supports the Comprehensive Plan process which is long past due. A "yes" vote will tell their constituents that the details of the Comprehensive Plan are already either decided or don't matter at all. They are so close to completing that process that a six month delay in these projects is called for. This will not be the last one of these plans proposed this summer and it just takes away from the validity of the Comprehensive Plan. Mr. Happensack said as a landowner he somewhat feels for the family because they have a piece of property that is pretty valuable. When they sell that property they will move from it, they will profit from it, and the developer will sell the units and leave, leaving the impact to the people who live in the City. That is what people voted on.

Dr. David Tolley, 193 Muladore Drive, said he has lived at his residence for 10 years. He specifically chose this custom built home because it had a gorgeous view of the pond. They were guaranteed by their real estate agent that nothing would ever happen with this property. Dr. Tolley said his beautiful view will be gone if this is built. He lives in a neighborhood of great neighbors and he is concerned about the traffic issue and there may be something they can do to resolve it. His concern is with the high density and they have too much packed on this site. From a visual standpoint it may only be his house that will be impacted. At one point after he bought his house they could see no buildings at all. Real estate agents have told him he can kiss his property value goodbye. Dr. Tolley said the former owner of his home said it was built specifically for the view. It is a great place to live that is quiet and it will be a blemish if they pack too many homes on this site. He is happy it will not be commercial but building too many homes on this property is just trying to profit off of a piece of land. If he had the funds to buy this property he would put a park on it to preserve it.

Dr. Tolley said he would love to see the EPA reports from the past because he heard there have been issues with the pond. The animals on the property will be gone and without the pond he will be staring at the back of three houses. He agrees that The Powder Room is an eyesore but that can easily be taken care of. To totally move the pond and add three homes behind him will be a mistake. When they say the pond has no functional value they must not consider wildlife a value. Dr. Tolley said if these are \$400k to \$600k homes it will probably mean an increased value for the neighborhood but most real estate agents would say his property will decrease in value. His wife passed away last year but she was present at Council for other meetings regarding this pond; he is speaking for her as well. Packing houses onto this site will take away from the heart of Powell.

Lois Dozier, 4385 Seldom Seen Road, said she has lived in Powell since 1962 and her husband John was raised in the house next door. Her mother-in-law is here tonight and she is 98 years old; she has lived on Seldom Seen Road for more than 45 years. She is not trying to be insulting but they did not want the current developments here either. This property owner is 90 years old and is stuck with property that she wants to sell so she can enjoy her life. Ms. Dozier said Mrs. Trowbridge has been living in another home in Powell and she is stuck with an albatross. It sounds great to put senior citizen housing on this site. She does not drive much and she assumes that senior citizens will not drive very much either. She asked that her cousin by marriage, Ms. Trowbridge, be given a chance to get this property off of her back.

Rev. Merv Brereton, Pastor of Powell Bible Church, 4373 Seldom Seen Road, said he is here to support the Trowbridge family who he has known since 1991. They are good friends and part of his congregation. This is a burden on Mrs. Trowbridge's heart and before her husband died he spent many hours with him trying to make sure the property was handled to keep the neighbors happy. He passed away and his wife and children have tried to do the same. There is a problem because it is a large piece of property and because no one is living there it is burdensome to keep the lawn mown. There are many other things they have tried to do just to avoid any problems with the neighborhood. Rev. Brereton said today they are here trying to make sure this property will be handed over in such a way and by developing this site it will be very beneficial for the area. He has been a part of the Powell community for many years and the same problems became relevant when he lived at the property at 24 Olentangy Street. He was the last person living there and today the place is a beauty. Rev. Brereton said he is in support of the Trowbridge family and he hopes they can vote in a way that they will be able to see something develop on this property. It is hard to keep this property clean and there are persons who trespass to fish so the area must be watched night and day. This development will be good for the neighborhood.

Sarah Shope, 4433 Seldom Seen Road, said a vote against this development certainly does not coincide with the wishes of all of Powell's residents as she is a lifelong resident. The advantages as the developer has well stated far outweigh any negative concerns that have been brought to light. To expect that the traffic will stay the same as the currently unused parcel of land is simply illogical. Ms. Shope said over the years there have been more numerous complaints than can be counted from neighboring residents about this property regarding noise pollution from the Powder Room and the danger that the pond poses to the resident's children and pets. As to the deer and wildlife, the impact that the Olentangy Ridge subdivision had on the wildlife when they came in was very negative. This builder will end up putting in exquisite homes and then he will leave; he will leave the community a better place and a far cry from leaving it an eyesore. Ms. Shope said she completely supports this positive development in the community.

Hearing no further comments, Mayor Hrivnak closed the public comment session.

Councilman Counts asked if the questions of the speakers should be addressed prior to Council comments.

Mr. Pivar provided clarification:

- Timeline – If they receive final approval they will first have to clean up the site. There is a hazardous waste dump of lead dust behind the building, the contaminated dirt must be dug up, stabilized and moved off site. The buildings will need to be torn down and while that is happening they will have to do the final engineering and gain approval from the Sanitary Engineer, DelCo Water and the City Engineer. Their timetable would be to start as soon as possible after that.
- Phasing – The first phase will be the main road coming into the property. They may have two more phases to build the homes. They hope to start construction this year.

Tom Warner, Civil Engineering Consultant, Advanced Civil Design, said the current pond on this property does not perform any site detention. This is a man-made pond that was not intended to perform any water storage or water quality performance. It does not have a head or top to the pond that would allow water storage. The one they are building will function as both a water quality and detention pond; volume will be kept in the pond. Mr. Warner said during a higher end rain event the water will be stored in the basin and slowly drain out. With a wet pond they have an EPA requirement to store the water for a period of 24 hours to allow the sediment to settle and that helps perform the water quality. During construction they will use silt fence and other provisions to protect downstream properties and sewers. The Ohio EPA and City requirements and permits must be secured. Mr. Warner said by developing this land they will likely see less water runoff during all events above the 100 year storm event because the quantity of water will be controlled at every stage so they do not flood upstream or downstream. The property will be graded so they contain their water on site and will create a better stormwater condition for the surrounding homes. Mr. Warner said the pond on Glen Village Court is downstream so water will still come out of this property into a storm sewer pipe under Beech Ridge Drive and end up in that stormwater basin but it will be in a more controlled environment with water quality every step of the way. Right now there is no water quality implemented on this property and if they disturb more than one acre they are required to provide water quality on the property.

There was no further discussion by Council and Ordinance 2015-18 was taken to a second reading.

FIRST READING: ORDINANCE 2015-19: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR SEAN SNYDER FOR A PROPOSED TWO-BUILDING OFFICE DEVELOPMENT ON 1.05 ACRES ON LINCOLN STREET.

Mr. Betz said this proposal is within the Downtown Business District on Lincoln Street. He identified the location of the property and surrounding vacant areas and current uses. The proposal is for two office buildings and both will have some storage/warehouse capacity. The property owner has a couple of different businesses that need a bit of storage. There is access off of Lincoln Street with parking in the back and a loading dock for the main building. The site has scattered trees and understory. Mr. Betz said there are some improvements to Lincoln Street proposed and one is a continuation of the widening started with the Traditions of Powell development which will go to the south past the property line. The sidewalk is proposed to go back to the buildings to give a more storefront feel. An overhead view of the buildings was shown to indicate their size and scale in relation to the nearby condos; the building to the north is much smaller. Mr. Betz said they will have at the most one truck delivery every couple of weeks. It is generally a 40' delivery truck and that will require some throat widening at the intersection of Lincoln Street and Olentangy Street. The Planning & Zoning Commission did look at that and requested that it be reviewed in the final engineering so the City Engineer will make recommendations about the widening.

Mr. Betz said the landscaping plan has plantings that meet requirements for replacement and perimeter landscaping. This development plan meets all requirements without any variances. The proposed buildings were designed with the Downtown Design Guidelines in mind and the Commission asked that the Historic Downtown Advisory Commission (HDAC) review the design. The HDAC met last week and the discussions regarding the exact building architectural details are still ongoing. Mr. Betz said the Planning & Zoning Commission recommended approval with the conditions shown on the face of the ordinance. The owner will be responsible for the improvements to the intersection.

Councilman Cline asked if signalization is contemplated at the intersection of Lincoln Street and Olentangy Street. Mr. Betz said it is not. Councilman Cline asked if the development at Powell Crossing will affect that condition if it goes in. Mr. Betz said if Powell Crossing goes forward the whole area will be considered and engineered together. Councilman Counts said he assumes there is no way to get a truck to the rear of the site in another way. Mr. Betz said there is not a better access than from Lincoln Street. Councilman Counts asked if the HDAC review is supposed to be done before the next Council meeting or will it be ongoing after City Council has made their decision on this. Mr. Betz said it will probably be ongoing.

Councilman Lorenz asked if this development is in concert with the road vacation that Council approved a few weeks ago. Mr. Betz said it is in line with the vacation that Council approved.

Cathy Ramondelli, Architect, CSR Design, 2970 Rutherford Road, said Mr. Snyder is a local business owner with a growing business that he would like to expand and keep in Powell. They worked very hard with the Planning & Zoning Commission and the HDAC to meet their architectural requirements and address any comments made throughout the process. This proposal started with three buildings and has been reduced to two buildings; they have changed the massing and a lot of the elements so it will fit within the Historic District of Powell.

Councilman Cline asked about the nature of this business. Ms. Ramondelli said Mr. Snyder sells materials and parts for hotel bathrooms.

Mayor Hrivnak opened this item to public comment. Hearing none, he closed the public comment session.

Councilman Lorenz asked if there is a reason to carry this to a second reading. Mayor Hrivnak said he would prefer that they do so. Councilman Cline said he does not have a preference but he wants to ensure it was advertised as the public hearing. Mr. Betz said it was published as such and the nearby property owners were notified by post card. Councilman Lorenz said he would prefer to act on it; this gentleman is keeping his business in Powell and cooperating with the City Boards and Commissions.

MOTION: Councilman Lorenz moved to suspend the rules in regard to Ordinance 2015-19. Councilman Cline seconded the motion.

VOTE: Y 5 N 1

Councilman Counts said they have tonight heard two proposed developments about people who are here and want to stay in Powell. Up to this point it has been all about moving into Powell. Now they are hearing that people want to stay here to either continue to age in place or their business is growing and they want their business to stay here. City Council should really take that to heart; this is a change in circumstances that makes Powell different.

MOTION: Councilman Lorenz moved to adopt Ordinance 2015-19. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2015-20: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR ELITE LAND TITLE LLC & 75 LINCOLN LLC FOR A PROPOSED 2,735 SQ. FT. OFFICE BUILDING LOCATED AT 75 LINCOLN STREET.

Mr. Betz said Elite Land Title wishes to move their business to the City of Powell from Liberty Township. They are proposing a small office building on Lincoln Street. The building is on the south end of the site with a parking lot on the north end. There is a heavy landscape plan for around the building and hedge along the parking lot. This will be a title office that has real estate closings at this location. Mr. Betz said they have plans for a future patio on the back of the building. The building plan was done under the architectural requirements and guidelines of the Downtown. The Planning & Zoning Commission reviewed this proposal and recommends approval with the conditions shown on the front of the ordinance. There are no variances in this development and it has been through architectural review by the HDAC.

Mayor Hrivnak opened this item to public comment. Hearing none, he closed the public comment session.

Councilman Lorenz asked if this is the public hearing. Mr. Betz said it is. Councilman Crites asked if there is a reason this should go to a second reading. Mr. Hollins said this can be adopted this evening.

MOTION: Councilman Lorenz moved to suspend the rules in regard to Ordinance 2015-20. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Crites moved to adopt Ordinance 2015-20. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

PRESENTATION: FOUR CORNERS TRAFFIC ANALYSIS – Doyle Clear

Mayor Hrivnak said this presentation is at the request of City Council to help determine the magnitude of the problem in the Downtown and identify contributing factors and possible solutions to that issue. Some of this information was presented at the Comprehensive Plan Open House.

Doyle Clear, Trans & Associates, introduced Angela Coates who will assist him with technical questions. Mr. Clear presented Traffic Flow Evaluations of Downtown Powell (Exhibit 1). As part of the Comprehensive Plan process they engaged MORPC to help them look at today's conditions and potential future traffic volumes on the roadway system. The volumes presented represent future land uses within the whole region of Delaware and Northern Franklin Counties; it does not yet represent any changes they may make in land use recommendations as part of the Comprehensive Plan. They are seeing the following in the years from 2014 to 2035:

- Liberty Street may have a 70-75% growth, Olentangy Street may have a 30% growth, Bennett Parkway may have a 40% growth, and Murphy Parkway may have a 115% growth

The statistics for Sawmill Parkway reflect the future conditions such as the extension north to SR 42, the Home Road extension east of SR 23, and the widening of SR 750/Powell Road west of Sawmill Parkway to the Zoo. They also asked MORPC to provide traffic patterns. They found the following:

- 50% comes to and from Sawmill Parkway, 15% goes north and south on Liberty Street, and 37% of the traffic goes over to the SR 315 intersection

Of the traffic coming from just west of SR 315 on SR 750/Powell Road:

- 65% tries to go north/south on Liberty, 15% goes north/south on Sawmill Parkway, and 20% continues on to the Columbus Zoo

The traffic from the south and crossing the Delaware County line traffic splits as follows:

- 45% turning eastbound, 35% continuing north, and 20% turning westbound

Of the traffic coming from the north:

- 38% continues through, 35% turning eastbound, and 27% turning westbound

Mr. Clear said these statistics can help them reassign traffic at the Four Corners in the Downtown. The model they are using gives them average daily traffic (ADT) volumes on the roadway system. It does not necessarily represent the peak hour or off peak hours of traffic but is the traffic that generally occurs on a weekday. Councilman Counts said they all seem to think of Zoo traffic being the problem. Mr. Clear said they had machine counters out to provide base traffic counts when the Zoo was operational but the Water Park was not open. MORPC calibrated their model based upon the counts they provided; the emphasis of the study was the weekday conditions. Knowing the travel patterns and growth rates anticipated, they made estimates during AM & PM peak hours Mr. Clear reviewed the estimates shown within the presentation; the volumes seen include that the Murphy Parkway Extension has been completed as well as a more robust downtown roadway system such as the extension of Scioto Street and connections in the southeast corner. They looked at this in terms of how they are using the capacity of the intersection with the traffic flow that goes through it (intersection capacity utilization or ICU). Anything on the charts that is over 80% says they are on the verge of congestion, from 90% to 100% says

they are at congestion and over 100% says they are at a congested stage. In the ICU under today's conditions they can see they are at 117%, well into congestion for long periods of time. One of the proposals brought forward to Council was to add left turn lanes on SR 750 at the intersection to allow left turns to be made. Mr. Clear said if they add turn lanes and keep a three lane section on SR 750 it will allow a volume of traffic that isn't there today, making the intersection worse. If they make SR 750 five lanes all the way from the Zoo to Polaris and allow left turns on SR 750 it still will not work. One of the base conclusions is that they suggest that the City not put in left turn lanes in at this intersection. It will bring more traffic in, create more conflicts and the intersection will operate worse.

Mr. Clear said if they look at alternative conditions based on ICU and with the existing restrictions, the intersection is well over capacity in the AM peak hour when left turns are allowed. During the PM peak hour left turns are restricted and they are still well over capacity. They considered a condition where they would take the left turns away during the AM and PM peak hours on SR 750 and on Liberty Street. During the AM peak hour they would reduce to 80% on the verge of congestion but at the PM peak they are still around 90%, near congestion, meaning the intersection will not work very well. If no turns (left or right) are allowed it reduces the AM peak to reasonable use but the PM peak will still be at 80% on the verge of congestion. Taking away just the turns does not solve the problem. Under a different type of capacity analysis called Highway Capacity Manual (HCM) they can determine the level of service. This is based on the amount of delay or the number of seconds the average driver experiences as they move through an intersection. A delay greater than 60 seconds is on the verge of congestion at around a "D" level of service. Under current conditions, they have significant amounts of delay during AM and PM peak hours using 2035 traffic volume numbers. If they take just left turns away it drops down to a good level of service during the AM peak hour but during the PM peak hour it is still at 80 seconds of delay ("E" or "F" level of service). If they take away right and left turns they can drop to acceptable operation at the intersection. The AM peak hours always see less traffic because school has not started yet and people are not visiting restaurants or running errands/shopping.

They looked at the length of queue that might be on SR 750 during the AM and PM peak hours and in the projections for the 2035 AM peak hour, if they keep the existing restrictions as they are today, the back of the queue would extend to Murphy Parkway. If they take away all of the turns they would see a 60% reduction and the queue would come to just west of railroad tracks during the AM peak hour. Westbound traffic extends well past Bartholomew Boulevard during the AM peak hour but if they eliminate all turns there will be a 71% reduction to east of Grace Drive. During the PM peak hour there are similar conditions heading eastbound but if they take away all turns there would be a 38% reduction to take the queue to east of Grace Drive.

Mr. Clear said during the Comprehensive Plan discussions they have presented for consideration a little more robust roadway system within the downtown:

- Scioto Street eastbound connection, Hall Street connection farther to the north, Depot Street connection to the north, connection in the southwest corner, and connection in the southeast corner

When they did the traffic reassignments for 2035 the local traffic was assigned to a roadway system similar to those connections. Rendering were shown looking all directions to show options for widened roads, turn lanes and intermediate turn lanes with parking removed. They were asked what the City can do within the near term. If they take the current traffic before Murphy Parkway is extended and they will see higher volumes in the current condition than they will in the 2035 projections. Murphy Parkway will take some of the traffic off to the west. The current counts were provided:

- 400-500 cars in each direction on SR 750, 200-300 cars in each direction on Liberty Street, 500-600 cars in each direction on SR 750 during PM peak hour, and 300-350 cars in each direction on Liberty Street during PM peak hour

Issues with the area:

- SR 750 is an east-west arterial. It is the only bridge crossing of the Scioto near the Zoo, the only bridge crossing of the Olentangy in this area and the main tie in to Polaris to I-71 from this area. It handles a lot of traffic and of the traffic going through the Four Corners, 75% is oriented to somewhere in the Powell region.

- Turning traffic at the intersection. Turns slow down traffic and cause congestion. There are not as many issues in the AM peak hour but during the PM peak hour the north/southbound left turns are an issue.

Alternatives at the Four Corners with today's volumes:

- With current restrictions of no left turns on SR 750 during PM peak – volume reduced to less than 80%
- With restrictions of no left turns on SR 750 and Liberty Street during PM peak – some condition that might be acceptable
- With restrictions of no right or left turns on SR 750 and Liberty Street during PM peak - less than 70% but approaching congestion

Looking at the intersection from a HCM standpoint considering the amount of delay, the capacity analysis says there should not be an issue at the Four Corners intersection if there are no other circumstances. There are other issues within Powell that are causing the problems and congestion to take place; it is not the capacity of the intersection itself. The volumes are low enough that it should work fine. If looking at the intersection in terms of delay, under existing conditions there is a delay that is reasonably good at 32 seconds per vehicle. The signal is currently on a 120 second cycle.

Potential Signal Timing Alternatives:

- There is less delay eastbound and westbound than from the northbound and southbound approaches. The left turns could be restricted but it increases the delay on northbound Liberty.
- A computer program can optimize the signal and determine the operation of the signal. It would help the eastbound and westbound movements on SR 750 but the northbound and southbound delays would increase.
- A shorter cycle length of 80 seconds could be considered. It made things worse eastbound and westbound but it helped a little bit with the northbound and southbound.

Mr. Clear said the first place one might want to start is to change some of the signal timing. The current signal timing has been in place for a long time. If they keep the cycle time the same they can optimize it by changing the times on the splits. The volume of traffic going northbound and southbound is less than the eastbound and westbound but the total amount of delay is about the same. The northbound and southbound on average spends more time at the intersection waiting but it is giving preference to the other directions because there is more traffic in those directions.

Travel time:

- Travel time for eastbound traffic from Murphy Parkway to Bennett Parkway is 5 minutes at 14.5 mph.
- Traffic going westbound takes 4 minutes to go through. If they optimize the splits they can reduce it by 27 seconds in the AM peak hour and 17 seconds in the PM peak hour. A shorter cycle length can reduce it by 8 seconds in the AM and 15 seconds in the PM. Travel time going through this corridor is 5 minutes eastbound or 4 minutes westbound and pure signal modifications can take a few seconds off of a trip.

There are many things that influence the condition of traffic through the intersection:

- Railroad - the frequency of trains, delay from trains and speed reduction as one travels over the crossing
- Left turns blocking the driveways and intersecting streets
- Curb parking
- Small turning radii at the Four Corners
- Slow travel speeds

This corridor is quite unique and many may point to the intersection as the problem but it is only part of the problem. The turns slow things down and the signal timing may not be quite right but all of the other factors mentioned are more of an influence to slow the traffic speeds. If they were able to widen Liberty and SR 750 and put in center turn lanes for the intermittent turns, fix railroad tracks so they are smooth, put the queue cutter system in place, and make the corridors work as best they can they might save 1 minute

of driving time to pass through this corridor. If they do not do the widening but restrict turns and do some signal modifications they may save 30 seconds.

Mr. Clear said any time they make the traffic work better through this corridor the volume will just fill up again. There is such a large demand and it is shown in the modeling provided by MORPC. All of the corridors are over capacity in this area. The better they make the system work, the more traffic will come to it. There are things that can be done to make it a bit better but in the overall scheme of things he does not consider this to be a big traffic problem. When one looks at the urban environment they are in with Powell in-between two rivers and the lack of east-west roadway systems, it is a volume of traffic that will meter itself. Mr. Clear said he would approach this cautiously and consider signal modifications and possible turn restrictions but there are too many factors in this system. It is not just a problem with the Four Corners intersection. If it takes a person an extra 2.5 minutes to get through Powell that is just part of the way the system works in the Columbus region. This happens in Hilliard, Worthington and Dublin and it is not a unique condition. Mr. Clear said they will make suggestions in the Comprehensive Plan update to make things work better so the Downtown can grow and people can get to and from this area.

Councilman Cline asked if all of the 2035 projections assume that Murphy Parkway will be open and some version of this conceptual roadway plan will be in place. Mr. Clear said it does. Councilman Cline said this will only be worse if it is not in place and it is within the City's power is to create alternatives for local residents. Mr. Clear said that is exactly what they are recommending.

Dan Kottenstette, 2635 Clubhouse Circle, said he agrees with what Mr. Clear is saying. At the Four Corners he suggested signal manipulation. He said at the intersection of Zollinger and Northwest Blvd. they use a signal where one side is green and all of the others are red. He asked if they manipulated this intersection in that way would it help alleviate the delay or elongate the wait time. Mr. Clear said it would elongate the wait time because there is more lost time between each signal change. The yellow and red signals cause additional delays; more phases equal more lost time and increased queues.

Xenios Michael Xenios, 50 S. Liberty, said the presentation was very enlightening. He said he is here to voice concern about restricting the turn lanes at the intersection. In the efforts to continue to revitalize the retail in the Downtown, as anemic as it is, restricting turns can have a negative effect on their businesses. The net gain in seconds should be balanced out with the likelihood of losing businesses in the Downtown.

Mayor Hrivnak said currently we have turn restrictions during peak evening hours; he asked if limiting turns is a standard practice. Mr. Clear said it is in many locations where the restrictions were made to limit the conflicting movements during peak hours. Most intersections do not have this type of volume that grows and stays. If they restrict turns all of the time they have to be conscious of enforcement for many hours during the day rather than just during peak hour conditions. Restricting the turns can work as long as there are alternative ways to get to the business facilities. In the southeast quadrant they can interconnect some of the parking lots so they work together and that can serve businesses that may be hurt by not allowing left turns. They can provide mechanisms such as a Scioto Street extension. Restricting turns is key to making this intersection work well as long as they can also provide alternatives.

Councilman Counts asked if it is correct that because most of the traffic going through the intersection is local, the people would know the businesses and be much more able to find a way to get to a business through local streets. Mr. Clear said that is correct. Councilman Counts asked if they calculated the amount of road miles/feet to implement what they have designed. Mr. Clear said they have not yet. Councilman Counts said he wonders how expensive that would be and they would not be able to get the developers to pay for some of the roads. Councilman Cline said that would be the case on many of the roads and they would have to pay eminent domain prices to reluctant land owners to make the connections. If the Comprehensive Plan concludes that a road system similar to that is the answer, the City ought to be prepared to make a substantial financial commitment to make that happen. In his experience there are a couple of these connectors that would make land more valuable and it would be worthwhile for a developer to pay for the infrastructure but with most of them they are going to meet resistance.

Councilman Lorenz said extending Scioto Street will require a stream crossing so they would get into high mitigation costs. They have all concluded that not just one solution will help the traffic and Mr. Clear's analysis has reinforced that. It will be a combination of several improvements. Mr. Clear said if they do not identify these potential extensions and roadways today they cannot tell the developer to save the right-of-way for them. Even if the developer does not help build the road he can provide the right-of-way so the City can build it when they need it. In Dublin they do not necessarily have all interconnecting roads but they do have parking lots that are interconnected through cross-access easements. Mayor Hrivnak said they asked Mr. Clear what they could do in the short term and it sounds like signal optimization may be a start. Mr. Clear said that is correct and they can also restricting northbound and southbound turning movements on a short term basis to see if there is any improvement and/or ramifications. It will also be helpful to complete the Murphy Parkway extension as quickly as they can.

COMMITTEE REPORTS

No reports were made.

CITY MANAGER'S REPORT

Mr. Lutz said last November CSX was going to make the repairs to the Olentangy Street railroad crossing and as they were about to begin they realized they did not have the proper materials so they said the repairs would be made in early spring. Staff has been trying to contact CSX since the end of February to no avail until yesterday when CSX responded that they are updating the agreement for the City to review as it relates to the project. They should have it to the City shortly and then they can work to coordinate the best time to do the repairs. Mr. Lutz said the repairs will require that the crossing be closed for one week. He said they are now looking at the summer season and that will probably not work so they will keep Council updated. Councilman Counts asked if there is anything they can do on a temporary basis to repair the asphalt. Mr. Lutz said that is part of the railroad's crossing and that has been a part of the conversation since February as well.

OTHER COUNCIL MATTERS

There were none.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (1), PERSONNEL MATTERS (BOARD & COMMISSION/STAFF VACANCIES).

MOTION: Councilman Cline moved at 10:20 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (1), Personnel Matters (Board & Commission/Staff Vacancies). Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bertone moved at 10:25 p.m. to adjourn from Executive Session. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

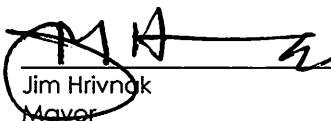
MOTION: Councilman Counts moved at 10:25 p.m. to reconvene in Regular Open Session. Councilman Crites seconded the motion.

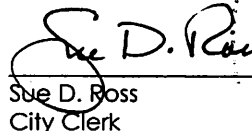
VOTE: Y 6 N 0

MOTION: Councilman Cline moved at 10:25 p.m. to adjourn from Regular Open Session. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

MINUTES APPROVED: May 19, 2015

 7-6-15
Jim Hrivnak
Mayor Date

 7/6/2015
Sue D. Ross
City Clerk Date

City Council

Jon Bennehoof Frank Bertone Tom Counts Mike Crites Richard Cline Brian Lorenz
Jim Hrivnak, Mayor