



City of Powell, Ohio
City Council

MEETING MINUTES

MARCH 4, 2014

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, March 4, 2014 at 7:30 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Richard Cline, Tom Counts, Mike Crites, and Brian Lorenz. Also present were Steve Lutz, City Manager; David Betz, Development Director; Debra Miller, Finance Director; Megan Canavan, Public Information Officer; Gene Hollins, Law Director; Susie Ross, City Clerk, and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Hrivnak opened the meeting to Citizen Participation for items not on the agenda. Hearing none, he closed the Citizen Participation session.

APPROVAL OF MINUTES

Councilman Bennehoof asked that several statements be revised within the minutes. The items were noted. MOTION: Councilman Cline moved to approve the minutes of February 18, 2014 as amended. Councilman Crites seconded the motion. By unanimous consent, the minutes were approved.

CONSENT AGENDA

<u>Item</u>	<u>Action Requested</u>
• Monthly Building Report - January	Receipt of Electronic Report
• Monthly Development Report - January	Receipt of Electronic Report
• Monthly Financial Report - January	Receipt of Electronic Report
• Monthly HDPI Report - January	Receipt of Electronic Report
• Monthly Police Report - January	Receipt of Electronic Report

MOTION: Councilman Cline moved to approve the Consent Agenda. Councilman Bennehoof seconded the motion. By unanimous consent, the Consent Agenda was adopted.

PROCLAMATION

Mayor Hrivnak read the proclamation recognizing National Crossfit Month in the City of Powell and pledging support to the local competitors. Councilman Lorenz accepted the proclamation on behalf of Katrina and Darin Riffle, who are unable to attend this evening.

FIRST READING: ORDINANCE 2014-10: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE CENTER AT POWELL CROSSING LLC, A DEVELOPMENT OF 14,000 SQ. FT. OF RETAIL IN TWO BUILDINGS, PRESERVING THE OLD HOUSE FOR COMMERCIAL USE, AND DEVELOPMENT OF 64 APARTMENT RESIDENTIAL UNITS ON 8.3 ACRES, LOCATED AT 147 W. OLENTANGY STREET.

Steve Lutz, City Manager, said this is the first reading of this proposed mixed-use development. He said Mr. Betz will provide an overview of the development and representatives of the Planning & Zoning Commission are here to discuss their review. He said the developer is also present. He said residents will be given the opportunity to voice their comments and questions.

David Betz, Development Director, said the proposed development is on a property located at the southwest quadrant of the CSX railroad and Olentangy Street. He described the surrounding sites and uses. He said it has industrial and heavier commercial uses to the west, single family residential to the south and the railroad to the east. He said the proposal calls for two 7,000 sq. ft. commercial buildings. Mr. Betz said the existing Dr. Campbell House is proposed to remain and be rehabbed for office use. He said they propose four 16-unit apartment dwellings at the rear of the site with private garages. He said there is a centralized trash compactor and dumpster located along the railroad tracks next to the garage. Mr. Betz said parking areas are intertwined throughout the site. He said access is from West Olentangy Street as far west as they can on

the parcel by a full-access cut in the area indicated. He said it will allow right turns in and a left turn lane will be built as part of the project. Mr. Betz said there will be a right-in/right-out only curb cut to the east of the center green area to allow convenient egress and ingress and help relieve the main entrance. Mr. Betz said as part of the overall stormwater control within the Development Plan, they propose a bio-swale/wetland stormwater detention area that would retain and filter the water within the development and eventually it will exit out to the storm sewer that is reserved for acceptance of stormwater to the north. He said the sanitary sewer and utilities are from the Olentangy Street frontage. Mr. Betz said integral to the plan is a bike path/walkway that connects to an existing path from Murphy Park and goes through the site and connects with the sidewalks at Olentangy Street. He said the plan includes a buffer reserve of the existing tree area and the whole site is treed. He said they completed a tree survey and have a replanting plan that meets the requirements within the code. Mr. Betz said they also show heavy landscaping along the edge of the development to increase landscape buffer between the single family homes and the subdivision to the south.

Mr. Betz reviewed an elevation that shows the relationship of the proposed multi-unit housing with the buffer and existing single-family homes. He said there are a lot of details of the plan shown in the architectural plans. He said one variance is in regard to the height of the base and total size of the monument sign. He said the detail of the architecture and the site amenities should be commended. Mr. Betz reviewed a drawing that shows the relationship between the Dr. Campbell House and the retail buildings, as well as the entry and the turn lane and taper design that was proposed by the traffic engineer and reviewed by the City Engineer. He said the center green is fully landscaped, and includes bollard lighting, benches, landscape arbor, and monument sign. He said it has been designed for use as a respite where people can move off of the path into the useable space. Mr. Betz said the streetscape plan proposed improvements along the roadway to include planters, green space, curbing for stormwater drainage and increasing the streetscape viability as one travels west from the tracks. He said tying in the landscaping along the roadway will creating a nice extension of the streetscape that exists to the east. He said the Planning & Zoning Commission reviewed this at a Sketch Plan, Preliminary Development Plan and Final Development Plan; they looked at it extensively as it relates to impacts on the surrounding area, traffic impact along Olentangy Street, improvements in that area being a part of the development plan and streetscape improvements. He said they determined that 10-11 students could be generated by this apartment complex and it would have a positive financial effect based on the mixed-use nature of the proposal. Mr. Betz said they expect a two year build-out for this proposal where the residences would be built first and commercial would come after. He said the first thing done would be the roadway improvements to facilitate access during construction and after.

Mr. Betz reviewed the architecture of the building, saying it is done in a manner that is consistent with the architecture in the downtown. He said the elevations show board and batten siding, types of lighting, balcony and garage designs. He said the apartment buildings are designed in three different pods where they have two smaller buildings on the ends with a little larger building in the middle that is connected by breezeways. He said they are two stories high and meet the code height requirements and the design lessens the scale of the buildings. Mr. Betz indicated the details of the commercial buildings, showing the storefronts and exterior downlighting. He said the retail buildings fit in nicely with the downtown architecture. He said the zoning for this area is Downtown Business District which allows for and promotes a mixed-use district; the density proposed fits within the 7-9 units/acre allowed in that district. He said the Planning & Zoning Commission saw that the amenities being provided in the plan fit with the code requirements to allow a density of over 7 units/acre but not enough for 9 units/acre. Mr. Betz said the Commission studied this well and unanimously approved this plan with a 5-0 vote. He said they find it fits well into the Comprehensive Plan and Downtown Revitalization Plan.

Donald Emerick, Chairman, Planning & Zoning Commission, 306 Weatherburn Court, Powell, said they reviewed this application extensively over a period of several months and asked a lot of questions. He said they asked for a traffic study to see the impact on traffic and the bottom line was that there will be minimal additional impact on the traffic because Powell Road/SR 750 is already at capacity. Mr. Emerick said this project is not going to overly impact the traffic in any way. He said the Developer is doing some things to help alleviate traffic concerns. He said the buffer from the single family residents to the south is larger than what they typically require and the developer is trying to maintain as many trees in that area as possible. Mr. Emerick said the density was always an issue and the financial impact on schools was that they would come out ahead by over \$100k. He said he will entertain the specific questions of Council.

Richard Fusch, Planning & Zoning Commission, Vice Chairman, 299 Woodfield Court, Powell, said he went to school at the University of Oregon where the movie "Animal House" was filmed; this development is not "Animal House." He said they all grew up going to or graduating from high school and college and they lived in apartments, some of which could be characterized as student ghettos for low income housing in the inner

city. Mr. Fusch said this project, however, fits the design criteria of the City of Powell to a "T" and the architect has been great in putting this project together. He said it is a multiple use development and he believes, as a quasi-professional in Urban Geography/Urban Studies, this city should be promoting this instead of single-use developments scattered all over the landscape. Mr. Fusch said this multiple-use development is being developed on a property that enhances the walkability of the City and the greater the walkability of the downtown, the greater the economic opportunities for the businesses downtown and the greater the enhancement of the quality of life. He said this is a great development for the City of Powell; it is well designed and well put together and well thought out. He said impacts on things like property values or traffic, crime, the schools or the other concerns has expressed will be negligible if at all.

Mayor Hrivnak opened the floor to questions from Council regarding the Staff Report.

Councilman Cline asked if the pavement area near the bike/walking path is a parking area and does it connect to a roadway to the south. Mr. Betz said it is parking and drive aisles and it does not connect because there is no roadway to the south. He said there are houses and an existing pathway that it will connect to, allowing access through the site to Olentangy Street. Councilman Cline asked if page D-6 shows existing residential housing on the left and proposed residential housing on the right, and is it to scale. Mr. Betz said that is correct and it is drawn to scale. Councilman Cline asked if the streetscape shown on page D-10 is an extension of the streetscape that is currently in place on the south side of Powell Road from the tracks to the Four Corners. Mr. Betz said it is a little different as there is no on-street parking. He said there are planter areas and streetlights proposed that would match. He said the existing concrete sidewalk in front will have to be considered to see if they need to remove it or can just place brick on top. Councilman Counts asked for clarification about the proposed bio-swale. Mr. Betz said it is fairly new to them but it is a best management practice that is accepted by regulations and is becoming more common practice; it helps filter the stormwater prior to it going to the storm sewer so it is a cleaner way of handling stormwater retention. He said it will be maintained by the owner of the property and done in a manner that meets City practices. Councilman Counts asked if the bike path on the north side of this project toward Powell Road is a piece of path that does not exist. Mr. Betz said there is a concrete sidewalk along SR 750 that was done as a part of the W. Olentangy Street sidewalk improvement and will be made into a brick pathway. Councilman Counts asked for more information about the developments that have been proposed for this property over the years and why they did not go forward.

Mr. Betz said they have seen a couple of other proposals that went through Sketch Plan review or some part of the Planning & Zoning Commission but never go to the Council stage of approval. He said one was for an L-shaped commercial center and was not proposed to a downtown scale. He said at that time that much retail was not economically viable in the area. Mr. Betz said they also saw a proposal for Olla Podrida, an existing type of shopping experience in Texas. He said it was a large-scale retail mall for artisans for them to have shops and studios as well as living spaces; it was a large scale development that was not even ready for anywhere in Central Ohio. Mr. Betz said both of those went away because they were not marketable. He said the current proposal is more in line with the downtown scale. Councilman Counts said one of the reasons the prior concepts failed was because there is limited frontage and all of the land is in back and it is difficult to rent the retail in the back of the site. Mr. Betz said if they tried to come up with a plan on this site for all retail they would see the front leased out and the rear being unviable. Councilman Counts said this particular project has single family housing or industrial on the sides and those two uses makes it limiting in how this parcel may be used appropriately. Mr. Betz said it makes for an infill situation that will be hard to deal with from a standpoint of the kinds of uses on it. He said they would not want to have single family residential along Olentangy Street. He said spaces do open up in the downtown but they fill up very quickly so the retail viability of buildings up front is there. He said there is about 7 acres behind that area and if they put in single family residential it may be a good fit but they will be pushed further toward the existing subdivision with the railroad on the east and industrial on the other. Mr. Betz said that would not be a really marketable scheme to come into a residential area through a commercial site. He said this type of mixed-use development seems viable.

Councilman Bertone asked if there is a traffic signal at the end of the left turn lane into this site. He asked if there is a need for that from a volume perspective. Mr. Betz said a traffic signal is not proposed there and he imagines that a warrant for a signal would not exist based on the turning movements into the development. Councilman Bertone said they have documented the challenges heading east and the possibility of a queue cutter; is there a possibility of that same issue heading west with traffic possibly backing up at the entrance. Mr. Betz said they anticipate that the proposed turn lane will allow for enough stacking at times when the people want to go into the site and the PM peak hour has the highest affect on this property. He said that was studied and the problem they would have is if traffic backs up eastbound to where a left turn cannot be

made, and further cars stack in the through lane it could cause a backup to occur. He said by experience, when people want to make a left turn when traffic is backed up, the queuing shifts when people move up to let cars through but that will not always occur. Councilman Bertone asked for clarification about the building timeline. Mr. Betz said the engineering for this project is extensive and will take most of this year to complete. He said Staff will look at the improvements along Olentangy Street and make sure the plan for that is consistent with what they want; it needs to be implemented first. He said the apartment development will happen next from the back to the front and the retail will be the last to occur. He said they anticipate that the apartments will not be occupied until mid- to end of 2015 and the retail will be completed after that.

Councilman Bennehoof said the package presented is very thorough with the exception that the Traffic Study cover page has more detail on it than the pencil drawing that backs it up. He said there is a drawing of a road configuration and in the notes he read that the turning lane would have a queue for two and that is not that far from the terrible problem they already have on the railroad and it will exacerbate that by having queuing in both directions. He said that is a concern and he does not see it addressed in the package. Mr. Betz said the whole traffic study was not provided but he will make sure it is provided. Councilman Bennehoof said he applauds some of the traffic improvement measures incorporated but it is not enough and with retail and commercial he does not know what kind of target commercial enterprises are intended that may be high volume turnover that could further exacerbate the traffic problem. He said he is a little troubled in a variety of ways on variances; when he computes density he tries to understand the allowable density but in a mixed-use situation such as this, when the commercial is subtracted from the 8 acres (roughly 50%) then the density is way beyond what they would allow. Councilman Bennehoof said they cannot use gross acreage as a density barometer in this situation; they should be using net density but that is a matter for the master land use plan if it is written so they can use gross acreage. He said that will need to be reviewed and perhaps revised. He said the parking lot reduction is not terrible significant but it is a reduction and he is not sure he cares too much about the sign variance. He said it is double the allowable amount but he will have to see a mockup to see if it is offensive. Councilman Bennehoof said he would like to understand what commercial properties will exist and the traffic they will generate. He said those questions need to be addressed by the second reading.

Councilman Lorenz asked what assurances they have that the commercial component will be developed. He said in one instance they approved a development for Midas where the entire parcel was supposed to be developed within a certain time frame and that has not occurred. He said that is one of his concerns with this proposal. He said he does not see anything in the ordinance before them that holds this developer accountable that he will execute this plan as shown to the fullest degree.

Charlie Vince, Property Co-Owner, said they have worked with Staff and the Planning & Zoning Commission for the past six months to make sure they are within the Comprehensive and Downtown Plans. He said they have been very sensitive to the architecture of the area to keep the project in residential scale and have kept a buffer zone of dense trees; they are approximately 182' away from the houses behind the site. He said they are surrounded by residential to the south which they have buffered and industrial to the west. Mr. Vince said the landscaping design is in packets and it includes the traffic study information and the proposed infrastructure they propose such as widening Powell Road, the turn lane and the addition of streetscape. He said they do not consider this a huge development but it is fine for Downtown Powell. He said rental housing is in demand downtown or they would not consider it.

Councilman Cline asked what type of commercial use they anticipate. Mr. Vince said they anticipate segments of the center will be 20' x 70' sq. ft. units for small businesses. He said they anticipate doctor offices or real estate offices. He said they have designed this project to fit in with the downtown so think they will attract the same types of businesses as that area. Councilman Counts asked if there is any contemplation of a restaurant. Mr. Vince said they have not had interest in a restaurant tenant but he feels it would be a good use. Councilman Counts asked if the parking contemplates that possibility. Mr. Vince said it does. Councilman Counts asked for the ratio of one-bedroom to two-bedroom apartments. Mr. Vince said they propose a total of 64 apartment units and 16 of them are one-bedroom. He said the cost of the property, cost of the development and cost of the offsite improvements demand that these will be high end units. He said they are completing a development in Worthington that has wood floors, nice lighting packages, high end appliances, washer/dryer and high end carpeting. Councilman Counts asked about the likely range for monthly rental of the units. Mr. Vince said rentals run about \$1.10 - \$1.25 per sq. ft. which translates to \$900 to \$1,000 per month. He said the one bedroom units will be a little less. He said the retail will be \$18 to \$20 per sq. ft. plus the cost of the common maintenance area. Councilman Lorenz asked about the square footage of the residential units. Mr. Vince said a one-bedroom is 700 sq. ft. and the two-bedroom is roughly 1000 sq. ft. Councilman Lorenz asked if it would be fair to say that with the allotment of the commercial buildings they

could anticipate something like a Subway or quick-serve restaurant. Mr. Vince said that would be typical in this type of space. Councilman Lorenz asked if the density has changed over the course of the project. Mr. Vince said he has developed in this area for 30 years and he has never come in with a density that is so high that he then comes in and negotiates lower; he does not put things up against single family residences and then negotiate a buffer zone. He said he tries to bring in developments as what he expects and he does it up front. He said he has been at 64 units the whole time and has worked with Staff. Councilman Crites said Mr. Vince said he would not construct these apartments if there is not a demand for them; did he rely on a study for this decision. Mr. Vince said they can do studies but they will say there is a demand; he did not do a study but since this is so close and walkable to the downtown and no alternative housing is available for young professionals or older people who want to rent. He said there is a new group in the market who wants to sell their house and move into apartments so they can go to Florida in the winters. He said they are trying to create a streetscape that promotes accessibility to Downtown Powell and with that in mind they think the market of young professionals and older adults will be there because of the scarcity of this type of housing. Councilman Bennehoof asked if Mr. Vince has done a lot of these kinds of mixed-use developments over his 30 years of experience; he would like reference points regarding completed projects. Mr. Vince said he worked for Nationwide for 18 years and he did them all over the country for Nationwide. He said they annexed Golf Village to Powell and has done 14 fairly substantial developments in Southern Delaware County. He said most of his developments have been done in this area. He said he would be happy to provide a list so he can see his experience. He said he has done Scioto Reserve as well. He said Golf Village is a large mixed-use community with residential, multi-family condominiums and commercial; Scioto Reserve is only residential. Councilman Bennehoof said he wants to know if he has done an apartment complex with commercial/retail in this kind of setting. Mr. Vince said he has not done apartment complexes this small in the past ten years. He said there is a project in Worthington called Simsbury and it does not have a commercial component. He said it is within the City and they were looking for this type of housing.

Mayor Hrivnak said this is the first of two scheduled public meetings on this matter. He asked that public comment be done at the microphone at the front of the room and that the speakers state their name and address for the record, address all of their comments to the Council and limit their comments to three minutes. He said when the public comment session has closed they will reserve the remainder of the time for Council comment.

Mayor Hrivnak opened this item to public comment.

Paul Mohler, 188 Wagon Trail North, said on page D-6 there is a garage that is only 120' from the rear of the existing houses and that is kind of close. He said the last development proposed for this property talked about using some buffer in addition to the trees because a lot of the trees are dead and marked to be removed. He said he can see from his back door which ones are being removed. He said they did not discuss mounding or any other source to stem the bike/walking path traffic from that development directly through their yards. Mr. Mohler said he brings that up because of the close proximity: 250 feet is not from the end of their back yards, it is from the rear of their homes. He said the developer's traffic study says that SR 750 is already at capacity so even if they dump one more car on there it defeats what they would like to do in calming the traffic instead of adding to it. Mr. Mohler said there is also the possibility of developing the land on the north side of SR 750 across from this project and that will add more vehicles to the picture. He said it was brought up at the Zoning Commission meeting that that this project should not be held hostage just because we have not done what we needed to do ahead of time. Mr. Mohler said he does not look at it as holding them hostage; he thinks some of this stuff needs to be done before they consider this proposal; they are counting on the queue cutter and Murphy Parkway extension to lighten this traffic and if those don't work where will they be. He said they are proposing a two car turn lane and if that gets backed up they are backed up on the tracks with the queue cutter on this side of the tracks. Mr. Mohler said their neighborhood cannot have fences so they need to have a buffer between the houses and the apartments. He said he agrees with the Zoning Commission and Council that this is a well thought-out project but he is not sure this is the exact time it should be done. He said he wonders if the Zoning Commission would have felt the same way about this development if it was being put in their back yard.

Frank Vamos, 196 Wagon Trail South, said good points were discussed about the left turn lane. He said he went to the Development Committee discussion about the railroad tracks to hear the Police Chief talk about 320 cars getting stopped on the tracks in 21 days. He said that is beyond a capacity issue because they are beyond capacity. He said they came up with what they think is a good solution but no one can guarantee it as a solution from a safety standpoint. Mr. Vamos said they are now talking about creating a new issue and this is a major concern. He said they don't have an answer that there will not be a safety issue and from personal experience, he knows that traffic wanting to turn into Murphy Park at the intersection does back up

traffic occasionally at peak times. Mr. Vamos said this adds another area to possible back up traffic even more. He said his major concern is traffic and it is an issue the Council has brought up as well.

Denise Wible, 226 Beech Trail Court, said she has been a Powell resident for 19 years and she is the president of their neighborhood association. She said that gives her access to the comments of neighbors when they pushed out a notice about this and the prior Development meetings. She said comments have come in saying this is not a good thing for Powell, traffic is a big concern, zoo traffic adds to other heavy traffic and they don't think additional dwellings can be placed in that congested area without adding lanes and traffic signals. Ms. Wible said it is pretty clear that even though this development is not in their back yard, the universal concern communicated by her neighborhood is that Powell Road is already a congested parking lot. She said she is very concerned about the railroad crossing and she does not think they have a solid solution. Ms. Wible said this is a beautiful project but bringing it in when the City does not have a plan or know how they can deal with the current traffic is not very logical. She said City Council has a very tough job because they are here to do good things for Powell. Ms. Wible said that is why she voted for them and she does not think that they were elected with the idea that they would quickly do things. She said six months for a big project on Powell Road near the railroad tracks is a pretty short timeline. She encouraged them to think hard about this because most people do not know this project even exists. Ms. Wible said there have only been two articles in the paper and that is not very much coverage. She said most people do not attend Council or P & Z meetings so she encouraged them to be slow and thoughtful. She said she knows they are smart and while this project looks beautiful, there are three other projects within a short distance to the Four Corners that could add up to 1,300 cars right outside of Olentangy Ridge. Ms. Wible said Powell does not seem to have a plan right now that tells them this is the right time to build, the right project to be built, that this won't just be a disaster that adds to the current problems. She said while this is a nice project, it may never be the best thing that comes to them and maybe just waiting is a good idea.

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

Mr. Betz asked the Traffic Engineer for the project to come forward to answer questions about traffic.

Doyle Clear, Trans Associates, said he is the Traffic Engineer on this project. Mayor Hrivnak asked him to review the study, what conditions they considered and the conditions found. Mr. Clear said the report was submitted but Council did not get complete copies of the information. He said first they met with City Staff to determine the requirements for this traffic study and in this case there was a request for a site access evaluation study to determine how best to handle traffic generated by this development. Mr. Doyle said they typically look at the existing traffic volumes and search for a growth factor, and they have not had stable conditions to do traffic counts nor traffic data collected. He said the last really good traffic data came from a study that was done at the Four Corners completed by EMHT. Mr. Clear said they did traffic counts out here, looking at traffic and seeing how it moves and does not move; they fully understand that it queues up and having worked with Mr. Betz a long time; he knows how the traffic in Powell works. He said they found that because they have a roadway that is operating at capacity at peak hours, they cannot get any more traffic through the Four Corners. He said their determination was to not apply a growth factor to this type of traffic. Mr. Clear said many years ago when they did the Comprehensive and Thoroughfare Plans they tried to solve some of the traffic problems in downtown Powell with bypass roads. He said Granville, Hilliard and Dublin have tried the same solution. He said he lives in Dublin and they have the same capacity problems going through old Dublin as exist in Downtown Powell. He said in that community the planners decided to not improve the roadway and let the traffic operate at capacity and have the other traffic go around. He said Powell decided to keep the road as they have it today with two lanes so there is a capacity system.

Mr. Clear said once they determined the background traffic, they looked at the amount and type of traffic that would be generated by this development. He said the Trip Generation Manual published by the Institute of Transportation Engineers is used across the nation and it includes the volume of traffic generated by every conceivable land use during the AM/PM peak hours and during the 24 hour period. Mr. Clear said based on the size of this development with the amount of retail and residential users, they expect about 50 cars to come into this site and 50 cars to leave during the critical AM/PM peak hours. He said the PM peak hours are most important because they create the demand and they did not discount the traffic for those who are already out on the road driving by and decide to stop in to pick up something. Mr. Clear said they considered them all new trips for the purpose of evaluation and they followed the ODOT Manual that determines whether or not turn lanes are required or warranted. He said they looked at the warrants for an eastbound right turn lane and it is not warranted. He said they also looked to see if a westbound left hand turn lane is warranted and if so, how long should it be. Mr. Clear said based upon the volume of traffic, the ODOT Manual said they only need stacking for two vehicles. He said it is possible they could install more

stacking but the critical design issue with that is how they get past the railroad tracks and how they widen this road. He said if they go west of Lincoln the road is widened on the north side only so there is a possibility that all of the widening could take place on that side to match up with the road on the west side. He said they could also have the road come down and bend slightly to the south to get an equal widening on both sides. Mr. Clear said either of these would require more engineering studies and evaluations about how the roadway is married up to the roadway to the west, how they marry it up as they cross the railroad tracks, how they should bleed that into the queue cutter and its requirements, whether or not they have to build an eastbound left turn at Hall Street and where they would put the sidewalk and trees. Mr. Clear said from their estimation, the left hand turn lane mitigates the impact from this development by providing the turn lane so traffic turning left will not back up traffic continuing westbound and maintains the same level of service. He said clearly there is more traffic generated by this project than the empty lot. He said he does not disagree that there are queues that go back, potentially as far as Murphy Parkway on some days and that is the way traffic works some days in Powell. Mr. Clear said he has a gut feeling that is how it will work in Powell forever. He said as more development happens in and around Powell they will not get more traffic through the Four Corners than they can today so everyone else will need to find another route to bypass the system and it will happen. He said it happens day in and day out in most central Ohio suburbs.

Mr. Clear said the City has kept the character of the Downtown and they probably do not want to change that; if they want to maintain that the roads are at capacity and they will not get more traffic through. He said this development does add some traffic to the system but the addition of a left turn lane and the improvements on SR 750 are the most this development can accommodate to mitigate its impact.

Councilman Cline said Powell did create a bypass at Grace Drive and Seldom Seen Road and one to the south with Bennett Parkway but the last to be completed is Murphy Parkway which is in progress. Mr. Clear said it is not as robust as was initially planned. Councilman Cline said if Murphy Parkway is built and connects to the south, would that relieve some of the pressure discussed. Mr. Clear said he believes it will because it will take some of the traffic out the Four Corners area and provide an opportunity to get around that intersection. He said that is the kind of connectivity that is important to get this traffic around. Mr. Clear said he has heard the extension will be in place by the time this development is done.

Councilman Lorenz asked if they looked at weekend times as well. Mr. Clear said they are burdened with the zoo traffic on the weekends and traffic for that fluctuates. He said they did not look at that. Typically residential does not have a peak time on the weekends as they are more mid-day, staggered trips. Councilman Crites asked if SR 750 will still be at capacity after Murphy Parkway is completed. Mr. Clear said he believes it will because there are so few east-west roadways in this part of the County; only Powell road crosses all of the waterways, the railroad tracks and carries traffic in this direction in the system. He said there will always be a demand to use SR 750 and people will continue to use it, accepting some delay. He said he believes it will always fill back in to capacity. He said Dublin made a conscious decision to allow the intersection at their downtown to remain at capacity; considerations were given to widening SR 161 within downtown and improving the bridge but they decided to keep the current roadway system and built the Emerald Parkway Bridge further to the north which took the traffic out of the downtown. Mr. Betz said on the Southern Delaware County Thoroughfare Plan, Home Road is planned to be improved both west and east of SR 42 and then extend past SR 23 to a new interchange created at I71 and Walnut. He asked if this will have a positive impact on the traffic in Powell. Mr. Clear said it will help and they are working with MORPC and the County Engineer to do the travel demand modeling for the Home Road extension. He said that would provide a future east-west road to the area.

Councilman Counts asked if there are studies or anecdotal information about who uses the roadways considered to be relief valves. He said he knows the City of Powell and if the traffic is bad he knows where to go to find an alternative route but if he goes to Dublin where the traffic is at capacity, he does not know where those roads are located. He asked if those alternative routes are typically used by residents or non-residents travelling through. Mr. Clear said the infrequent traveler will stay on a designated route; the person who uses the alternatives every morning and night trying to get to and from work and home will ultimately find the path that is the least travel time.

Mayor Hrivnak opened the floor to comments from the Council.

Councilman Bertone said this is an exciting project and something the community can see has a lot of positive value; they have heard a lot of studies, analysis and detail. He said the top issue still remains to be the traffic and that is his concern. He said this is an opportunity for Council and Staff to step back and look at the Comprehensive Plan to resolve this matter. Councilman Crites agreed. He said he has received input from

concerned citizens and they have raised some interesting issues that are important for this project and for the whole of Powell going forward. He said the Comprehensive Plan is over 20 years old and they have questions so they are planning for a review of the plan to take place; they will also need to see how that plan plays out with the Downtown Revitalization Plan adopted in 2004. Councilman Crites said they may be inconsistent in some areas. He said he is concerned about the impact of this project on the situation at the railroad tracks so he wants to make sure this project does not negatively impact the crossing. He said this is a wonderful project but they owe it to the citizens to make sure what impact this will have on the crossing. He said there are a lot of questions that will need to be answered satisfactorily before they can make a decision.

Councilman Lorenz noted that he has a couple of concerns, one of which is the timing of the retail development and a guarantee that it will happen. He said he has seen this before and he would like to know how they can address that. He said he shares the traffic concerns, especially how to mitigate the potential safety issues at the railroad crossing. He said this is a tough piece of ground and this is a really unique, interesting and exciting project. Councilman Lorenz said there has been a lot of community involvement and he can tell that the developer, P & Z and Staff have put a lot of work into it; that is the way these types of projects should happen. He said he hopes they can work something out that is positive for the community. He said a variance for six parking spaces does not seem like a lot but there is a huge parking shortage downtown and he has a concern that the types of businesses this draws will cause more issues to the parking problem. Councilman Lorenz said people can park at the municipal lot but they will need to cross the tracks which is another issue. He said he also has a concern over the density and whether they are over capacity. He said there is also a variance request for a side setback on one of the retail buildings. He said that is close to the tracks and they are tight on room in that area. Councilman Lorenz said they are in a critical time for downtown development and they need to really pay attention to the decisions they are making. He said they discussed why they are seeing such an influx of apartments and with the economy recovering and having a desirable community, they have a lot of projects that will impact the community. He cautioned them to step back and consider all of the facts so they can make the best judgment moving forward.

Councilman Bennehoof said he expressed his concerns earlier. He said they need to be very cognizant of the safety issue and the traffic impact. He applauded the thoroughness of this packet with the exception of the omission of the full traffic survey. He said he applauds the mixed use and quality of the documentation and appearance of the development but the density still concerns him. Councilman Bennehoof said they need a policy on how they address the density issue (gross or net acreage) and the planned development district troubles him. He said they need the developers to be able to come to Powell and count on what the opportunity is and if it is amorphous, then it is a give and take and whatever happens, happens. He said he has heard loud and clear that the local community does not want that. Councilman Bennehoof said the developers would welcome them being able to stand up and say what the density is so there is a clear understanding. He said he looks at this as 64 units on 4 acres (roughly half of the property) and that is pretty dense.

Councilman Cline complimented the Planning & Zoning Commission and Staff for their work on this project; it is probably the most detailed plan he has ever seen in his many years on Council. He said he agrees with the comments that they need to be cognizant of and thoughtful about the traffic issue but he is not hearing any recognition of this development's contribution toward solving that traffic problem, particularly with regard to the queue cutter concept. Councilman Cline said this development would assist in that process. He said he appreciates the comments about density but Council already has a rule on how they calculate density and according to the Staff Report they applied that rule. Councilman Bennehoof said he disagrees with the rule. Councilman Cline said he looks at this parcel of land as being particularly challenging because of its geographic location and surrounding uses; when he tries to think of what land use is appropriate for this parcel, he is hard pressed to come up with a different plan. He said for that reason he thinks they need to take a hard look at this proposal and determine if this is the right proposal for this land and the community. He said he looks forward to seeing the full traffic study.

Councilman Counts said he was most concerned about how the residential units compare to other kinds of multi-family use. He said he was glad to hear that the amenities planned and price points for rental units are in line with the high end rental units throughout central Ohio. He said it is important because it maintains the quality of the units over time and reduces the number of children that are likely to burden the schools. He said they have seen several developments that were phased and some of those phases did not occur because the developer went belly up and that happens. Councilman Counts said any development plan has a life term and there is no enforceable mechanism but that is a risk they have to live with. He said the traffic issue is not for the developer to solve but for Council to solve. He said the City has had a plan for dealing with traffic for a long, long time and they have discussed the Four Corners and the Murphy Parkway

Extension for many years, but the key to all of that has been money. Councilman Counts said the City has not had the money to pay for these kinds of capital improvements and the voters approved a levy two years ago that will complete the parkway extension, possibly in 2015. He said any improvements to the Four Corners cannot be done until the Murphy Parkway extension is done and now they have a queue cutter to deal with as well. Councilman Counts said the City clearly has a plan and they would have accomplished these a long time ago but for the lack of money. He said it is incumbent upon Council to try to solve the traffic woes as best they can but they also know there is only so much they can do. He said he looks forward to future discussion and receiving feedback to the questions posed this evening. Mayor Hrivnak said he heard from the public that this is a safety issue with the railroad crossing and the Development Committee has a good plan to take to Council. He said he also heard their concerns about traffic and he agrees that Council is responsible for the traffic.

Mayor Hrivnak said some improvements are happening today and some will happen in the future. He said he also heard concerns about density and he would like to understand better from Staff how to calculate density. He said he also heard about the need for buffers from Mr. Mohler and they can discuss that further. Mayor Hrivnak asked Mr. Betz to meet with the developer and put together responses to these concerns for the next meeting. Mr. Betz said the information will be provided for their review. Mayor Hrivnak asked that interested parties sign in this evening so the City can keep them informed about future meetings. Mr. Lutz said the next Council meeting will be Tuesday, March 18th at 7:30 p.m.

Ordinance 2014-10 was taken to a second reading.

FIRST READING: ORDINANCE 2014-11: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2014.

Mr. Lutz said this is an item that has been reviewed with the Finance Committee. He said they recommend appropriating \$7,500 so they can conduct an "audit" of the Sawmill Parkway Commercial TIF. He said they did this when they established the Downtown TIF to make sure the County Auditor is capturing all of the parcels and has the established base correct so the revenue that flows into the City is the correct amount. Mr. Lutz said they learned with the Downtown TIF that there were corrections which proved to be favorable to the City. He said they want to verify the Sawmill TIF early on.

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

Councilman Cline asked if there is a service provider in mind. Mr. Lutz said they have a couple of proposals but have not have a specific provider in mind.

MOTION: Councilman Cline moved to suspend the rules in regard to Ordinance 2014-11. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2014-11. Councilman Crites seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2014-12: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR WAG PROPERTIES, LLC, DBA TRINITY ALL STARS, FOR A NEW 17,348 SQ. FT. PRIVATE RECREATION FACILITY ON 1.996 ACRES ON THE SOUTH SIDE OF SELDOM SEEN ROAD BETWEEN VILLAGE PARK DRIVE AND LIBERTY ROAD.

Mr. Betz indicated the location of the site and the surrounding uses. He said the plan calls for a private recreation facility for a business that teaches gymnastics and cheerleading. He said the access is off of Seldom Seen Road with the parking to the side and a loop area to provide for drop off and pick up for children. Mr. Betz said the detention basin is to the south, fitting into the design of Wolf Commerce Park. He said this property was annexed in the late 1980's and a zoning plan was put together for a Planned Commercial District which allows for a mixture of office, retail, and light industrial uses. Mr. Betz said this use is consistent with that plan. He said the landscape plan shows a lot of attention placed on the front of the building and site; landscaping will be used to help shield the turnaround area in the front and used in the parking lot area and around the building.

Mr. Betz said the proposed building has a mixture of brick, block and cement fiber siding with metal siding to reflect a board and batten look. He said the floor plan shows the layout of the studio and office spaces. He said the perspective drawing shows how the building will look, showing the different materials used to break up the large open span of this type of large building. Mr. Betz said they included an office area and restrooms in the front so it is broken up and articulated in a manner that follows the City's pedestrian scale

guidelines. He indicated the location of the monument sign and white fencing that was added to be consistent with that along Seldom Seen Road. Mr. Betz said the Planning & Zoning Commission looked at this and the applicant should be commended for working with Staff on the initial design of the building and their willingness to make changes to make it fit with and meet the Wolf Commerce Park standards. He said they looked at the possibility of a left turn lane off of Seldom Seen Road but a traffic survey was done and it is not warranted. Mr. Betz said in the future they can connect to the church parking lot if they can work out an agreement for shared use; they will not be open on Sundays and the church may need overflow parking. The church could use their lot and in turn they could use the church lot when they have events. He said the Commission was very happy with the plan and approved it unanimously.

Mayor Hrivnak thanked the Planning & Zoning Commission members for their attendance at this meeting; the members present had no comments on this proposal.

Councilman Lorenz asked if they are considering any type of sidewalk along Seldom Seen Road for a pedestrian connection. Mr. Betz said none was planned for the south side of Seldom Seen Road and the church did not put one in as part of their plan. He said there is one on the other side of the street. Councilman Counts asked if it would be possible to secure an easement for a bike path but not require that they install it, so they could have that option in the future. Mr. Betz said the roadway right-of-way may be wide enough to widen the road and accommodate a bike path without the need for an easement. He said Staff will take a specific look at that prior to the next meeting. Councilman Bennehoof said Seldom Seen Road is part of the bypass system around the City yet a turn lane is not warranted; he can see potential traffic issues because of the uses in that area. He said there should be an accommodation made for a future left turn lane if that is within their purview.

Mr. Lutz said the Finance Committee will have something in their packet next week regarding the intersection of Liberty and Seldom Seen; a portion is within the City's jurisdiction and a portion is in the unincorporated area within the jurisdiction of the County Engineer. He said the County Engineer would like to construct a roundabout at Liberty and Seldom Seen and later this week Staff will meet with him to talk about that possibility. He said Staff will update the Finance Committee and Council after that discussion. Councilman Bennehoof asked if there are potential developments for the property to the east of this site. Mr. Betz said Planning & Zoning reviewed and approved a development plan for a childcare facility and office building on that site but that plan has since gone away due to the market/economy decline in 2008. He said that site will have access off of Liberty, across from the Ashmoore subdivision entrance. He said no other plans for that site have come forward and the property has been in and out of a foreclosure/bankruptcy situation. He said it is a property of two, two-acre parcels and is a problem property. Councilman Bennehoof asked how many like facilities are in Powell. Mr. Betz said there are several private recreational facilities such as Locker Soccer in Powell. He said this is an existing business that rents a facility in Powell on Clairedan Drive and they have grown to a point that they want a new facility of their own. He said they would like to start construction as soon as possible.

Kelly Winbigler, 450 Village Park Drive, Owner of Trinity All-Stars, said they already own this property and look forward to getting started with the building. Mayor Hrivnak said he appreciates the work they have done with Staff to come up with this plan. Councilman Counts said they also appreciate this business staying in Powell. Ms. Winbigler said this is a very nice area and that has always been their plan. Councilman Bennehoof asked if anyone is interested in their current building. Ms. Winbigler said she heard it is someone who is looking at it for a basketball/soccer type of use.

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

Councilman Lorenz asked if they would consider waiving the second reading so they can get started as soon as possible. Mr. Betz said the public hearing is advertised for the next Council meeting so it needs to go to a second reading.

Ordinance 2014-10 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: Councilman Lorenz said they met this evening and discussed action on the CSX crossing, directing Staff to draft an ordinance for a temporary measure and then further investigate with the railroad. He said they may see something at the next meeting converting Depot Street to a right-in/right-out intersection. He said they talked with representatives of the Grandshire HOA and their purchase of a radar sign. Councilman Lorenz said they decided to put together some sort of policy on how they will deal with

these signs in the future and Operations Committee will consider this at their next meeting. He said they held a generalized discussion about apartments and why they are seeing so many apartment requests in the City. He said it was a very good dialogue and they had a good turnout of residents. Councilman Lorenz said Mr. Betz provided a lot of great information and Dr. Fusch, with his experience in Urban Studies, provided great information on demographics and trends. Councilman Counts applauded him for having this sort of educational discussion with the public. Next Meeting: Tuesday, March 4th, 6:00 p.m.

Finance Committee: Councilman Cline said they will discuss roundabouts and bike paths at their February meeting. Next Meeting: Tuesday, March 11th, 7:00 p.m.

Operations Committee: Councilman Counts said there was a meeting tonight on Community Gardens and it had a good attendance. Next Meeting: Tuesday, March 18th, 6:30 p.m.

ONE Community: No report. Next Meeting: Monday, March 10th, 7:00 p.m.

Planning & Zoning Commission: No report. Next Meeting: Wednesday, March 12th, 7:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz said the Operations Committee has been working on a sponsorship packet to distribute to businesses to gain sponsorship for community events. He congratulated Ms. Canavan for putting together a professional packet to secure funding for community events.

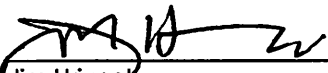
OTHER COUNCIL MATTERS

Councilman Lorenz recognized the Planning & Zoning Commission members who spent time with them this evening regarding the proposed development. He said he appreciates the information and time the Commission members spend on these applications and the tough decisions they have to make. He said it is a thankless job and they typically get the brunt of public pressure. Councilman Bennehoof recognized Ms. Canavan for her work on communication through social media.

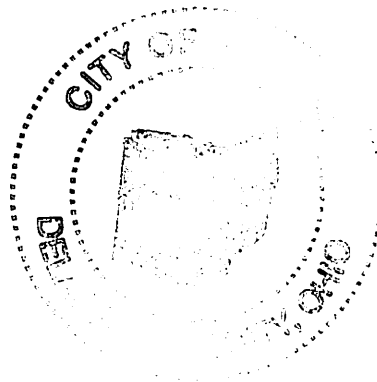
ADJOURNMENT

MOTION: Councilman Bennehoof moved at 9:32 p.m. to adjourn the meeting. Councilman Cline seconded the motion. By unanimous consent, the motion carried.

MINUTES APPROVED: March 18, 2014

 4-15-14
Jim Hrivnak
Mayor Date

 4-16-2014
Sue D. Ross
City Clerk Date



City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Richard Cline

Tom Counts

Mike Crites

Brian Lorenz