



**City of Powell, Ohio**  
City Council

**MEETING MINUTES**  
**SEPTEMBER 2, 2014**

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, September 2, 2014 at 7:30 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Tom Counts, Mike Crites and Brian Lorenz. Richard Cline was absent. Also present were Steve Lutz, City Manager; David Betz, Development Director; Debra Miller, Finance Director; Megan Canavan, Communications Director; Gene Hollins, Law Director; Susie Ross, City Clerk; interested parties and members of the Press.

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

Mayor Hrivnak opened the meeting to Citizen Participation for items not on the agenda.

State Representative Andrew Brenner, was present to provide an update to City Council about Statehouse activities for the last year. He said last year they had a Capital Budget for the first time in 6-7 years and he put in requests from various entities. They were able to get \$1 million for the Columbus Zoo for infrastructure and about \$500k for capital improvements for the trail coming along SR 315 out of Franklin County into Delaware County. There may be additional dollars available down the road and he wants to make sure City Council has an opportunity to put in a request for those finances if they come forward. If they have grant requests he is happy to sign letters of support. He agreed to help out with the Orange Road Bridge over RT 23 and was in regular communications with ODOT District 6 about the traffic issues related to Sawmill Parkway and SR 750. He will work to see if they can get more funding and bring more dollars back to Delaware County.

Representative Brenner said the Ohio House has been working on House Bill 5, the Municipal Tax Reform Bill, and it passed out of the House 6-8 months ago. It has been sitting in the Senate and he does not anticipate action as they are out of session until after the November election. Committees are still working but he does not think this bill will not move forward in the Lame Duck Session. House Bill 228 was introduced and it can impact Powell and the Olentangy Local School District as it sets a floor on school funding allocations back to local school districts. There is a chance they can get this in next year's budget and if they were to do that they would tie it into what the Charter Schools would receive as a minimal amount of \$1,089/student. Olentangy Schools receive about \$150/student in State funding so this would be an increase of about \$20-\$25 million per year for the system. That would help keep taxes down related to the schools so it may free up some opportunities for the City to put something on the ballot for infrastructure needs.

Janet Wartman, 130 S. Liberty Street, said she would like to talk about TIFs. If she was a State legislator the one thing she would do would be to repeal TIFs. The Development in Powell is being pushed by the City having a TIF and them earning money for their coffers by developing Powell. The TIF is causing them to overdevelop this area of Powell, specifically in regard to the overpopulated developments that have been in the newspaper in recent weeks. She said she spoke about the TIF at the time they initiated it. She said they said they were going to fix the Four Corners and in ten years no one has done anything to fix the intersection. There are lots of things that can be done in Powell and she is worried that less of the money will go into Old Powell and it will be going toward the new infrastructures. Ms. Wartman said when they have a TIF it takes the money away that she voted to go to MRDD and the Library. Those people are not going to get the dollars she voted for them and the City will have huge developments populated by people who will require services that are no longer getting tax dollars from the TIF area. She feels like her vote has been cheated because they are not getting the money and the City is. The TIFs push the development for money and push the development for people and then their taxes will be raised because the MRDD and Library and the others cannot keep up with the additional services required by all of the additional people in the next twenty years.

Hearing no other comments, Mayor Hrivnak closed the Citizen Participation session.

## **APPROVAL OF MINUTES**

Councilman Bennehoof noted several errors within the minutes. The errors were corrected.

MOTION: Councilman Counts moved to adopt the minutes of August 19, 2014 as corrected. Councilman Crites seconded the motion. By unanimous consent, the minutes were approved.

## **PROCLAMATIONS**

### Good Ol' Days Event

Mayor Hrivnak read a proclamation in support of this event in Powell. Mr. Tim Steitz was present to receive this recognition. Mr. Steitz said they do the Walking Tour annually and they will hold their second Good Ol' Days Event on this Saturday. He welcomed all to attend the many events offered throughout the day.

### Hunger Action Month

Mayor Hrivnak read a proclamation in support of Hunger Action Month in the City of Powell. Ms. Tammy Tucker of the Mid-Ohio Food Bank was present to receive this recognition. Ms. Tucker said in 2014 they distributed more than 120k meals and more than 54.6 million pounds of food. They have 650 partners and appreciate that the City will promote Hunger Month this September.

## **RESOLUTION 2014-18: A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.**

Steve Lutz, City Manager, said this resolution is part of the annual budget process.

Debra Miller, Finance Director, said this is the third and last step for property tax revenue. In June Council passed a temporary budget for 2015 based on their projections, showing what interest and principle payments they have for debt in 2015. They also provided their annual request of 1.2 mills for the General Fund. They send that to the County Budget Commission and they set the millage amount needed to fund the principle and interest payment for next year. The Commission sends that back to her and she presents it to Council to approve so the County can assess that on the property tax bills beginning in about a month. Ms. Miller said the same millage that was assessed last year is being assessed this year and that amount is 3.88 mills.

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

MOTION: Councilman Counts moved to adopt Resolution 2014-18. Councilman Crites seconded the motion. By unanimous consent, the resolution was adopted.

## **SECOND READING: ORDINANCE 2014-46: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR GANZHORN REAL ESTATE OF POWELL, LLC FOR A 64 SUITE ALZHEIMER'S/DEMENTIA CARE FACILITY ON PROPERTY BEING ANNEXED INTO THE CITY OF POWELL, BEING ON 5.147 ACRES ON THE WEST SIDE OF SAWMILL PARKWAY AT PRESIDENTIAL PARKWAY, AND TO CHANGE THE ZONING MAP TO REFLECT THIS PROPERTY TO BE PC, PLANNED COMMERCIAL DISTRICT.**

### *Public Hearing*

Mr. Lutz said this proposed development was discussed at the last meeting and another review will be conducted tonight. The representatives are present to answer questions.

David Betz, Development Director, indicated the location of the property and the surrounding businesses and residential areas. The boundaries that allow the annexation of the property were identified. The property owner wishes to annex into Powell and develop a 64-unit Memory Care facility. Mr. Betz reviewed the site plan and elevation drawings (Exhibit A). The access drive is off of a private drive that is shared with condo offices to the north. This property was planned to be something similar to that but the property ownership has changed a couple of times and now they are coming forward with this plan. The elevations are now provided and they show a one story building with brick and stone all around and four sided architecture. A lot of thought went into the design of the exterior to make it compatible with the commercial on Sawmill Parkway and still keep it compatible with residential area in Wedgewood behind the site. Mr. Betz provided an elevation showing the signage. A short video (Exhibit 1) was shown that indicated access, architecture all around, utility locations, and the tranquility gardens.

Mr. Betz said there are a few variances as shown on page 15. The building size is about 4,400 sq. ft. over the 20% maximum guidelines. The setback for one property line is proposed at zero so they can get a drive around the building. There is an existing detention basin in that area and it is already sized for this site so it will not need any changes. The Planning & Zoning Commission felt that was a small variance. They are also asking for 8' fencing surrounding the common outdoor areas; the maximum in Powell is 6' for screening purposes. This is requested to provide security to keep people from getting into the site and residents from getting out. There is

a slight lack of sewer capacity but that will be solved with the sewer project with Spectrum Communities. The Planning & Zoning Commission reviewed this and it has been reviewed by the Township Fire Department; all are happy with the final proposal. The Planning & Zoning Commission gave a unanimous recommendation for approval.

Councilman Lorenz asked Mr. Betz to elaborate on Condition 10 in the ordinance that says that future parking models shall be approved by the Commission. Mr. Betz said the plan has an initial parking lot (indicated) and in the future there is a possibility of adding parking areas if necessary. The Commission will have to review that request if it comes forward. He said it would affect the neighborhood to the west so they want to look at it in more detail. He said no timeline was set as it will be driven by need. Councilman Bennehoof asked about the material for the fencing. Mr. Betz said it is heavy duty wood privacy fence that is specifically designed as shown in the elevations.

Councilman Crites asked if any of the neighbors attended meetings to register any objections through the process. Mr. Betz said they had two couples attend and they brought forward one issue in relation to where headlights will be shining. The solution will be for Staff to work with the applicant on a final landscaping plan to keep lights from shining through. This is an existing problem the residents want to solve. Councilman Bennehoof asked if this is a change in zoning. Mr. Betz said all of the areas along this corridor in this area are zoned Planned Commercial. This is not a change but brings this area from Township Planned Commercial into City Planned Commercial. Councilman Bennehoof asked if the bikepath is extended along this property. Mr. Betz indicated where the bikepath will be located along the frontage of the site and where the connections will be made. They are also looking at upgrading the crosswalk at Sawmill Parkway at the signal at Presidential Pointe if necessary. Councilman Bennehoof said he does not think this development presents a concern regarding density. He said he is not concerned about density for this type of use. It would be different if it was apartments or something else.

Tom Hart, 2 Miranova Place, Representative for Ganzhorn Suites, said Staff provided a good overview and Mr. Akbar made a presentation about the Ganzhorn Suites at the last meeting. He introduced Mr. Akbar and Ms. Alvarez.

Eleanor Alvarez, 192 E. Beck Street, Columbus, CFO of Ganzhorn Suites, thanked Council for the warm welcome they have received in Powell. She has been in the field of aging since she was 25. She said they have seen this need coming and the number of people turning older and experiencing Alzheimer's and other forms of dementia is growing rapidly. In their market study they found there was only one available bed for this type of care in the northwest quadrant of Columbus. They also know there is a much better way to care for people who are suffering from this type of disease and they are doing three things that are significantly different:

- Building an environment for people with memory care issues; smaller neighborhoods where people can find their way to their room, the kitchen and community area. They get to know their staff members better.
- On their Staff everyone will be dementia care certified and they will have much higher staffing levels than those typically found in a memory care facility. It is all about the people.
- They are using advances in technology to monitor patients, read their vital signs better, and anticipate things before they happen.

Ms. Alvarez said they are proud to be a part of Powell. The name "Ganzhorn" came from her grandmother who was the first person she knew and loved who had Alzheimer's. She wants to make her proud too.

Councilman Counts asked when they anticipate opening. Ms. Alvarez said it should be about ten months from start to finish. This is the first facility they are opening as Ganzhorn Suites but she has worked for other companies where she has opened facilities. They hope to be able to build another facility such as this in Columbus or in Cleveland. Councilman Bennehoof asked for the rationale for a solid wood fence. Ms. Alvarez said they really want to create a contained, lush courtyard and they also want to make sure people are safe and secure. They want a surface that they cannot climb.

Councilman Bertone thanked Ms. Alvarez for bringing forward this proposal. He said this will help provide a solution to a growing need in their community. He asked how many people they will employ if they are running three shifts. Ms. Alvarez said they should have about 60 people on staff throughout the day. Their largest is the day shift from 7-3 and that is followed by the 3-11 shift. Both of those shifts potentially have 20-25 employees each. The number goes down during the overnight shift.

Barmi Akbar, CFO of Ganzhorn Suites, said the first shift will include the administrative staff so there will be 8-10 more than the second shift.

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

MOTION: Councilman Counts moved to adopt Ordinance 2014-46. Councilman Bennehoof seconded the motion.

VOTE: Y 6 N 0

**SECOND READING: ORDINANCE 2014-47: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 5.147-ACRE TRACT, MORE OR LESS, TO THE CITY OF POWELL.**

Mr. Lutz said as they discussed in the previous ordinance, this ordinance accomplishes annexing the property into the City.

Ms. Alvarez said the process here in Powell has been unbelievably wonderful. They appreciate all of the support and help they have received.

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

MOTION: Councilman Counts moved to adopt Ordinance 2014-47. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

**FIRST READING: ORDINANCE 2014-49: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR SANTER COMMUNITIES FOR A PROPOSED FOR SALE TOWNHOME DEVELOPMENT OF 22 UNITS AND A COMMERCIAL BUILDING ON 3.688 ACRES AT 110 SOUTH LIBERTY STREET.**

Mr. Lutz said tonight is the first reading of the ordinance for this proposed development. The advertised public hearing has been set for the next Council meeting on September 16<sup>th</sup>.

Mr. Betz said the Planning & Zoning Commission has been working on this plan for quite some time. The proposed development is located on the west side of S. Liberty Street and includes two properties at 94 and 110 S. Liberty. The property goes from S. Liberty back to the common property line at the Bartholomew Run subdivision to the east. To the north there is a house with some vacant land, office condominiums and the 50 S. Liberty retail area. On the west there are individual commercial properties. To the south there is a residence approved for business use as well as a large piece of property and single family homes. This proposal (Exhibit B) calls for a two-story commercial building built to the south and the balance of the development is proposed for 22 units in 11 two-unit single family for sale condominiums. The developer anticipates each unit will sell in the high \$200k to low \$300k price range. The two story condominiums are located off a drive that comes back into the site from S. Liberty Street.

Mr. Betz said the Planning & Zoning Commission looked closely at the building details. Architecturally, the two-unit buildings differ from unit to unit. There is a green space in the middle between the fronts of the buildings. One thing coming out of the Planning & Zoning Commission is that they do not want to tie down each unit right now so the owners can come in and ask for different variations on siding materials and railing details and that will be considered as each building develops. Each unit has a two car garage that goes in underneath from the back. There are different schemes for different units as seen on the floor plans. These are proposed to be three bedroom units. The same architectural consideration was done for the commercial building out front. As of right now the entire first floor is an open area to be divided up into individual units.

The applicant went through the site planning process and reduced the number of units down from the original proposal. They have looked at a specific landscape plan for the site taking into account how the drainage pattern goes from west to east. There is an existing storm sewer inlet that was built with Bartholomew Run anticipating the development of the property to the west to handle that drainage. The stormwater retention area for this proposal is at the back. The site plan shows the location of the existing houses; the site plan was changed several times to move the units far away from the existing homes and still keep the ability to place a roadway north and south as shown. In the Comprehensive Plan and Downtown Revitalization Study (Exhibit 2) called out for dual system roadways to come into this general area to provide linkages from Liberty Street to Olentangy Street. The Downtown Study also set forth higher density housing. The Planning and Zoning Commission wanted to make sure this plan held steadfast to the plans they had for this area, creating a north-south roadway that will eventually be extended out to Liberty and Olentangy Streets. This also provides the ability for this development to have more than one way to get in and out and it could provide a small bypass of the Four Corners. The Planning & Zoning Commission reviewed this proposal many times over many meetings



and recommends this to Council with the conditions as shown on the face of the ordinance. With Mr. Hollins' help, Staff has put together the enclosed Memorandum of Understanding. The condominium association documents still need to be completed and they will need to determine how the north-south roadway can be dedicated to the City at some point in time.

Councilman Bennehoof asked what kind of facilities are in the area between the groups of buildings. Mr. Betz said that is a common area with benches and landscape areas. He noted that on the top of the plan it shows 5.7 units/acre and the Downtown Business District allows up to 7 du/acre without streetscape improvements and up to 9 du/acre with streetscape improvements. The developer will do some streetscape improvements along S. Liberty Street to extend walkway to the 50 South Liberty Street development. Councilman Bennehoof asked about the ownership of the property to the north and south of this particular parcel. Mr. Betz said the area from the property line to the north is owned by Vince Margello and the property to the south is owned by Janet Wartman. Councilman Bennehoof asked if the density of 5.7 du/acre was based with or without the existing house. He said he came up with a different density number than the one shown. Mr. Betz said they are basing it on the 22 units and with this development the existing house will likely be converted to commercial or office use. The density shown is based on gross acreage but Staff can provide a calculation without the commercial at the next meeting. Councilman Bennehoof asked for more details on the choices in details for the homeowners. Mr. Betz said the choices are among what they see in the details. The Planning & Zoning Commission is very particular about the monotony of duplication among buildings and the choices were made available so that will not happen and it allows the buyer an opportunity to choose within the range. The color palate is shown in the packets.

Mayor Hrivnak asked for more information on Condition 3. Mr. Betz said they will pinch down one area of the stormwater basin so that they end up with two areas connected by a pipe. It allows more area for increased landscape density in consideration of the neighbors and the possibility of headlight intrusion. The stormwater control is a dry basin that fills up when it rains and then drain off so it is dry.

Councilman Crites asked how many condos were originally proposed for this site. Mr. Betz said it was originally 30 units.

Councilman Bertone asked about the distance from the back of the eastern units to the existing homes. Mr. Betz said it is approximately 125'.

Councilman Lorenz asked if the Planning & Zoning Commission talked about the possible road connection being one way to the north. Mr. Betz said they did not and although that possibility exists, the plan calls for a two-lane road. Councilman Lorenz said it could be a good opportunity to divert traffic and provide a bypass with pedestrian linkage if the area develops to the north.

Councilman Counts asked if the commercial building was discussed as a restaurant or was it prohibited from being used as a restaurant. Mr. Betz said right now the uses are open to the permitted commercial uses in the code. If the whole downstairs was considered for a restaurant the square footage and seating would have been analyzed to determine how large of a restaurant could go in. Councilman Counts asked if the public road would be a normal two-way street in size. Mr. Betz said it would be more like the downtown streets such as Hall, Scioto or Case streets but it would be built to a public standard. Councilman Counts asked him to put the 5.7 du/acre density into perspective with other single family detached dwellings in Powell. Mr. Betz said the current development of single family condos by Epcon is about the same. To the east in Bartholomew Run is somewhere around 2.8 du/acre. Councilman Counts asked if there are significantly higher densities in the City than 5.7 du/acre. Mr. Betz said the density is approximately the same as the Village of Powell condos at Seldom Seen. The only higher density would be the 40 unit, age-restricted apartments off of N. Liberty. Councilman Counts asked if a traffic study was done. Mr. Betz said a study was not done with this proposal but the idea is to keep S. Liberty as a two lane road; a turn lane would not be desirable. This proposal will be a lot less traffic volume than Village Academy just south of this site and they have not seen problems with turning movements at peak times at that site. Councilman Counts asked what, if anything, has the Olentangy School District said about the number of students this property might generate. Mr. Betz said they have not commented. This would be similar to single family homes with three bedrooms.

Councilman Counts asked what uses could be on this property under the current zoning. Mr. Betz said the Downtown Business District is a mixed use district that was designed after they completed the Downtown Revitalization Study and was adopted after a year-long study to update the zoning code to create and revise the downtown districts. The reason for mixed-use developments is to create a more vital downtown area where people can walk and be active in the area. This would allow the expansion of the business district with another

commercial building along the frontage. The vibrancy of the downtown will continue as they see additional developments such as this come in. There is not that much other vacant land within the downtown area of the City. Councilman Counts asked if this development on this property, as currently zoned, permits residential and commercial mixed development under the proposed density. He asked if there is any density bonus. Mr. Betz said there is no density bonus. He said the setbacks and building spacing are met for this district and there are very few if any variances. The parking for the commercial building could require a variance if a commercial use is proposed; he will provide an analysis at the next meeting.

Councilman Bennehoof said he found the discrepancy in the math. The ordinance calls for 3.688 acres and that comes to 5.9 du/acre density. The map on page 2 shows the site area as 3.88 acres so one of those needs to be corrected. Mr. Hollins said he will speak with the developer because there is a .2 piece of right-of-way that needs to be evaluated. That will be clarified before the next meeting. Councilman Bennehoof said he has continued to ask for business/value propositions for any development or annexation and he would like to see a declaration from the schools, fire and police. The schools are overcrowded so there may be an issue there. Mr. Betz said they have reviewed this with the Fire Department and the turning radius is adequate. Councilman Bennehoof said the site plans show screening landscape along the east side of the property and as he looks at the aerial photo the current vegetation on the neighboring properties is probably not sufficient to provide screening for lights from vehicles on the road or parking. He hopes the proposed vegetation provides screening for those neighbors. Councilman Bennehoof said he did not see any depiction of signage other than the top of the commercial building. Mr. Betz said there is no signage proposed at this time; it would come back for review by the Planning & Zoning Commission.

Councilman Bertone asked about the square footage for the various schemes.

Chip Santer, Santer Communities, said the units will range in the low 1,800 sq. ft. They have been working with Staff and the Planning & Zoning Commission for the last nine months. This has been a great process and the Commission recommended this for approval. He said the Development Staff has been quite helpful.

Councilman Counts asked for some background about their company. Mr. Santer said he started doing urban infill development in 2000. This is his fifth or sixth development; he is working in Franklinton currently and has worked in Grandview, Victorian Village and the City of Columbus. He develops quality niche' projects where he does them right and works with the community. There are no variances with this proposal and they have greater setbacks than the code requires. They will hear from neighbors that wanted this to remain undeveloped forever and he appreciates that but it is not parkland. Mr. Santer said the setback at the eastern border is about 60' from the property line. They have gone above and beyond to change the plan to have less density and from a developer standpoint that is a bad thing. They have provided pedestrian access and feel this will be a quality, collaborative development.

Councilman Counts asked about the phasing of the project. Mr. Santer said the units will be built as they sell and that is the economic model. As they finalize the plan and work with the engineers and builder the phasing will become a dynamic process. They want to allow the buyer to have choices but they will want to find an efficient way to build out. They expect the demand will be pretty dramatic and people of all ages like this type of walkable "urban" environment.

Councilman Bennehoof asked Mr. Santer to address the issues he mentioned earlier. Mr. Santer said they have been working with Staff to add density of vegetation in the area to the east to prevent light intrusion. They do intend to name the community but they will not actually do a sign. Councilman Bennehoof asked if they have any designs north or south of this property. Mr. Santer said he knows Ms. Wartman is opposed to having a road and he is not clear about the view of Mr. Margello. They have done their part to accommodate that potential eventuality if it were to occur. Councilman Crites asked about the expected average fair market value. Mr. Santer said he thinks they will be in the low \$300k's but they have not finalized their architectural drawings or construction numbers.

Mayor Hrivnak opened this item to public comment.

Janet Wartman, said she did not get notice to come to this meeting and just happened to check the agenda to find out about it. She said they are supposed to send letters and she is curious what happened. She would like to get three readings on this and not shorten it, especially since the cards did not go out for the first reading. Mr. Lutz said the advertised public hearing has been scheduled for September 16<sup>th</sup> so notifications will go out to all who live within the area. Notice is not required for this reading but Council is giving the public the opportunity to speak tonight. The hearing requiring notice will be held on September 16<sup>th</sup>. Ms. Wartman said it

is not her job to provide a good way out for this development in the way of a road; it is their job as the developer to get their people, the trash trucks and school buses in and out. To make a big road through her place to get those people in and out is not right. She came and talked to Council two meetings ago about an alternative road that could be on the north side of this where they are planning a commercial building. They could make the road bigger there and they could also tear down the house next to her so the road goes clear around the development. There are lots of things they could do instead of making it easier for those people; once they move in she can see them coming to Council and saying they don't have a good way in and out. Ms. Wartman said she doesn't want it to be her problem but they are going to make it her problem. She cannot see a school bus going in there to pick up kids and there is no way it can turn around. No one talked about trash and in the beginning they were just going to pick up at two places on the site. She would not want to pay all of this money and have to drag her trash out. The neighbors are also concerned with the trash and they already have a problem with the varmints in the area; they will have more animals because the woods will be taken down. She said having the trash in two locations is not good.

Mr. Betz said the trash will be picked up at each individual unit. The school buses will pick up on Liberty Street and will not come into the development if there are any children. This is a private road and the north/south road area will eventually be public road. Ms. Wartman asked if there will be a sign that says this is a private road. Mr. Betz said they have not seen any plans for that. Ms. Wartman said she is also concerned about light pollution and water runoff, especially during the building process. Water is already a problem in this area. A sidewalk ending on her property gives people the idea that they can keep walking on the grass and she wants it to end where the last road is located so they don't come on her property. There are lots of ways the City can handle traffic better if they want to. They can extend Depot Street across the railroad all the way to Murphy Parkway and a lot of things can be done besides crossing her property. Ms. Wartman said if they are going to do this the road should be as far west and as far north as possible because if they take her house she could build a house on the back of her property. She does not want and no one has asked her how she would like this done if they have to do it. Ms. Wartman she does not want this road through her property at all but if they are going to do it that would be the way that would make her happiest. She asked that they not make her totally unhappy by going through the middle of her property and destroying everything.

Tom Happensack, 127 Kelly's Court, indicated where he lives to the east and north of this site. He said he has been really involved in this process. They have to remember that the canopy of trees is very high so there is no shield from the ground level and they look right through. The area is not densely wooded and a lot of trees have died. It is an oxymoron to call this "Liberty Green" when they are tearing out all of the green to put it in. The Comprehensive Plan calls for a "rural" feel and all he hears now is about they want to have this "urban" feel. Mr. Happensack said they need to go back to the Comprehensive Plan to see what it talks about: it talks about developments but it also talks about keeping the road system the same and keeping a rural feel. Now those things are being thrown to the side in their discussion. It also calls for traffic to not be diverted through the neighborhoods which is exactly the opposite of what he is hearing them say. They don't have a solution for the main roads but they want to keep developing and increasing the traffic. This is not news to this Council. Mr. Happensack said there are numerous petitions showing large numbers of Powell residents that are against high density housing developments such as this. He found it interesting that if you went to the website yesterday, on the Development page, they still had the information from the June 17<sup>th</sup> meeting. Today, all of a sudden, it has been updated, but not in time for people to see it. The City has done a really poor job of keeping the community updated as to what is going on. It always happens around the meetings so something tells him it is purposeful. Mr. Happensack said in the ordinance the third "Whereas" states that the development plan is "in the best interest of the residents of the City of Powell" and he wonders how they got to that statement. That would mean the residents would be in favor of it and he does not see that. They do not see too many people here tonight because they did not know this was happening.

Mr. Happensack said in regard to Section 1, Item 4 of the ordinance, the original list included in the proposal by the Planning & Zoning Commission asked the developer work with the residents on the planting placements in the back so they would align with windows and decks and things. The two houses right behind there have 25' to the property line and they will look right into this from their decks. He said they will see the garages from about 100' but that isn't that long when it is in your back yard. Mr. Happensack said the developer objected to that notion to have them work with the residents and Mr. Betz jumped in and said that would not be fair to the developer and he would work for them. He said frankly he has not seen Mr. Betz work for their benefit yet so he doubts that will happen. He is not sure who does the Development part of the website but in all due respect to him that particular part of the website is really poor. He does not have a lot of comfort in him deciding for him where things will go. Mr. Happensack said the plan has a dangerous stormwater system and if they look at the picture it is 6' deep at certain points and feeds from the entire property so when it rains it will fill up and take 3-4 hours to drain. Within feet of the property lines of these houses that have young children there will be

a swimming pool. He said if he put a swimming pool in his back yard he would have to have a fence around it but if they dig a hole in the ground they don't have to. There are ponds but they are natural ponds; this is a little different and is right over the property line. Mr. Happensack said they requested that something be done with that in the form of a fence or something but the Commission decided that was not necessary. It is deep and no one has questioned the impact of digging a 6' hole on the existing tree line. If they destroy the entire back half of the root system of the trees he cannot imagine that it will not damage the trees and make them weaker. The developer claims that these three-bedroom units will be for retirees and professionals but he does not know why they would need a three bedroom condominium if that is the intent. He believes there will be families in them and therefore there will be students and lots of traffic going in and out.

Mr. Happensack said there has been no talk about the use of this commercial building, whether upstairs or downstairs. He hopes that can't be turned into apartments but he doesn't see anything that would preclude them from doing that down the line. None of the pictures show the old house along with the new building and frankly, he thinks it looks dumb. They have this old nice house with porches around it and next to it is this big commercial building just a few feet away. There has been no interest in the road appeal from the beginning. The road plan just screams that they are going to take Ms. Wartman's property by eminent domain. That is patently unfair to her. Mr. Happensack said there are so many questions with this development at this point about things that were not asked and he wonders if it is a really good plan. He understands they have the plans but nothing else has been set and in the end, no matter what the developers says, he is going to build them, sell them, and walk away. Only the community and the people in the community will deal with what is left behind. He said he does not doubt that Mr. Santer will build a quality place but he does not know if he can sell a 1,800 sq. ft. place for \$325k. His house is a lot bigger than that square footage and has about that same value.

Dave Hartline, 150 Glen Abbey Court, indicated the location of his home. He said as he mentioned before he is a teacher and he appreciates all of the time Council has put into this. He said he has been coming to these meetings and he knows that they do their job out of a sense of duty and gratitude, listening and trying to take in all of the comments. He hopes they are listening because what they are hearing is frustration. He has no doubt that Mr. Santer does an excellent job in the areas where he develops, which are high density areas. He has no doubt the aesthetics will be perfect because he has a lot of money invested in this. Mr. Hartline said if they look at this map they can see why they have this problem. The developer has to get a lot of stuff into a small amount of land in order to make money. They are all entrepreneurs at heart and there is nothing wrong with that but he and the other residents are on the back side of this. There is green space in other areas but it comes right against their properties. Someone a few houses down from him put their house up for sale earlier in the year and they had five offers the first day. The people found out about this plan and it nixed all of the offers. Eventually they sold their home to someone from out of state and they claim they did not know about this development and now that is a big mess. Mr. Hartline said this is already having a big effect on them. They keep hearing they need this but it has been published that Powell is the most desirable place to live and yet they want to change it. He said no one else would want this type of change to their neighborhood. He understands there has to be change but it seems they are not being consulted. They have distributed petitions and have all of this momentum and have done it in a very short period of time with very little opposition. The Planning Commission voted them down 8 to 0 and it seems like people are not really listening. City Council needs to understand that they are changing the makeup of Powell and how it affects all of them. Mr. Hartline said he generally walks to these meetings because the traffic they have to deal with is so bad. He said he hopes Council understands they are not against development; they are against this tract they are developing. When they are developing in places like Grandview it is different than developing in Powell. Mr. Hartline asked City Council to take all of this into consideration and hear their concerns.

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

Mayor Hrivnak said there are quite a few conditions for approval and they are more than they normally see. He asked that at the next reading, Staff or the applicant speak to any of those that may be worked out already. Ordinance 2014-49 was taken to a second reading.

#### **FIRST READING: ORDINANCE 2014-50: AN ORDINANCE CREATING THE COMPREHENSIVE PLAN UPDATE STEERING COMMITTEE AND COMPREHENSIVE PLAN UPDATE EXECUTIVE COMMITTEE.**

Mr. Lutz said in February City Council conducted a Goal Setting Session and one of the goals established was to undertake an update of the City's Comprehensive Plan. A steering committee composed of residents and business owners from throughout the community who can bring a variety of thoughts and opinions into the planning process representative of the entire community was created. An executive committee was also formed. The committees have been tasked with conducting public meetings in order to review and update



the Comprehensive Plan. Mr. Lutz said the meetings are being held on a monthly basis and this ordinance identifies the composition of both committees.

Mayor Hrivnak opened Ordinance 2014-50 to public comment.

Tom Happensack said he is one of the petitioners for the Charter Amendment initiative. He said this ordinance is what they were hoping would happen so as they see this they want to understand it. He asked several questions:

- How does the Steering Committee interact with the Executive Committee?
- How will ideas and thoughts come out of the Steering Committee into the Executive Committee?
- Why are the Executive Committee members also on the Steering Committee?
- How was the Steering Committee formed; what is the make-up of the citizens versus business members?
- How will Executive Committee members interact within the Steering Committee; if there are to vote or just brainstorming?

Mr. Happensack said he is concerned that when looking at the names on the Executive Committee, everyone has made public comments in favor of high density; it does not seem like there is balance from that standpoint so how can they convince the citizens this is not just a look "behind the curtain." It looks like nothing will change because that is how the public believes. He said one Councilman made at least an initial comment at the June 17<sup>th</sup> vote but that did not refer to whether he is for or against high density. Mr. Happensack said he has not heard anyone on the Executive Committee have any ideas on traffic and that is critical to the whole Comprehensive Plan. He said he is not opposed to this but these questions need to be answered. There is a little bit of public distrust right now. They went for a long time, ten years, without a Comprehensive Plan. In February they had a meeting and six months later they just now have an organization. That is an awful long period of time to be planning just the organization of something.

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

Councilman Counts suggested that Mr. Crites respond to the questions. Councilman Crites said he was the one that raised the issue at the Goal Setting Session about revising the Comprehensive Plan. It was not tied to anything in the pipeline; he had talked to others in the community who raised their concerns about the fact that it had been almost 20 years since the Comprehensive Plan had been updated. Based upon that, he set forth a recommendation that one of their priorities over the next two years be to put a Comprehensive Plan Committee in place to do a complete review and to bring that back through the Planning & Zoning Commission to the Council for approval. That plan was agreed to at that meeting and he met with members of Staff in March. The Executive Committee was put together because when they have a committee they don't want to deal every day with a 17 person committee yet they would need to keep it moving along. Councilman Crites said he was told it would take as long as 18 months to finish and that is not how he likes to do things because he likes to push them along to conclusion. When he chaired the Charter Committee in 2013 it took about 3-4 months. Their objective is not to sit on it in any way, it is to move it along and do it the right way. The Executive Committee is comprised of people who could meet on a regular basis of maybe two or three times per month. They are tasked with identifying people who can be consultants and they met with them, acquired cost estimates and put together recommendations to Council about the potential budget. Councilman Crites said they meet monthly with the Steering Committee. They took plenty of time to allow people to express interest about serving on the Steering Committee. Some expressed interest and others were asked to participate because of their background; they did not turn anyone away. The objective of the Executive Committee is to keep pushing things along so when they have a meeting of the Steering Committee they can get something accomplished. At the last meeting they decided to engage three consultants that will provide insight and to conduct public hearings to try to fashion any revisions/changes/modifications to the Comprehensive Plan. That will be done over the next 12 months because his objective is to get this done as quickly as they can and he has been told that the Fall 2015 time frame is about as well as they can do. Councilman Crites said there will be a number of meetings where the Steering and Executive Committees will be present and the community will be invited to participate in public hearings conducted by professional consultants that do these kinds of things to learn the interests of the community. The Executive Committee is there to make the day-to-day decisions and recommendations. Mr. Lutz said the Steering Committee meets the fourth Tuesday of each month at 6:30 p.m. and have had three meetings so far. Councilman Crites said the Executive Committee has met 8-9 times since March. He apologized if there has been any indication or suggestion that they just sat back until a couple of months ago and then began to move on it. They will maximize the amount of meetings they have and the public involvement on this project; this is not a charade. Their recommendations will go to the Planning & Zoning Commission for review and will ultimately come to City Council after all of the public hearings. The Commission and Council will hold more public hearings and if the

community does not like what they see they will have an opportunity to be heard. Modifications can be made if necessary. Councilman Crites said the objective is to come up with a Comprehensive Plan that they as a community can live with and will be the guiding document for them for at least the next ten years. Based upon that, they will look at zoning ordinances and things of that nature and allow the plan to drive any revisions or updates if necessary to the codified ordinances.

Mr. Happensack said he knows he has been tough on everyone and he respects everyone in the room. He knows they are trying and he is just trying to look at public perception. Councilman Crites said he is not offended in any way. He asked that he call him if he has any questions.

Councilman Bennehoof said Councilman Crites has done a good job moving this initiative forward. It does take time and on more than two occasions they have mentioned that these meetings are taking place and are public meetings; he has personally invited the public during the last two Council meetings. Councilman Crites said they also allow the public to be heard at the end of each Steering Committee meeting. Councilman Lorenz said he is an Urban Planner so he does this as a living like Mr. Betz does and the plan is not just zoning. They are meeting to address things such as public safety, utilities, etc. and how they wrap into zoning-related issues. Once they are done with that they will have to compare the plan to the zoning code and zoning map; it is a fluid process and this is a rather aggressive timeline. It is great that a certain number of people continue to come in and have dialogue with Council and hold them accountable. Getting that feedback is important.

Councilman Bertone said he understands the comments about "perception is reality" and they all hear them loud and clear. He started to work with this body at the beginning of the year and he has all of the faith and confidence in Mr. Crites leading this group and all who are involved in this process. His comments as they relate to density have been made in public and he feels very comfortable and confident that this body is going to address those comments as they move forward. He knows as they complete this process it will be the right thing for this community. He keeps hearing at every meeting that the public should continue to come to the meetings and stay engaged. They should read the minutes and Committee reports. No one here is trying to hide anything; everything is very transparent.

MOTION: Councilman Bennehoof moved to suspend the rules in regard to Ordinance 2014-50. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Lorenz moved to adopt Ordinance 2014-50. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

## COMMITTEE REPORTS

**Development Committee:** Councilman Lorenz said they met earlier this evening and had a good discussion on the possibility of enacting a moratorium. The group discussed what aspect the moratorium would surround and gave Staff a list of items to report on for the next meeting. Based on those reports the Committee will determine if they want to move this idea forward to City Council. *Next Meeting: Tuesday, September 2<sup>nd</sup>, 6:30 p.m.*

**Finance Committee:** No report. *Next Meeting: Tuesday, September 9<sup>th</sup>, 7:00 p.m.*

**Operations Committee:** Councilman Counts said they met last week and spent quite a bit of time on the Community Attitude Survey and how they can take the results and try to reflect on potential changes to policy. This was an initial discussion and they will spend more time on that. They heard a proposal for energy saving software that would work and watch usage of gas, electric, water for potential savings. They also heard an update on the website revisions. *Next Meeting: Tuesday, September 30<sup>th</sup>, 6:30 p.m.*

**ONE Community:** Councilman Bennehoof said he met with the Chair of the Liberty Township Board of Trustees and discussed some annexation opportunities. He also met with the leads for the First Responder Committee; that group will meet again. *Next Meeting: Monday, September 8<sup>th</sup>, 7:00 p.m.*

**Planning & Zoning Commission:** Mr. Betz said the agenda will include a Preliminary Plan for a Bed & Breakfast at the corner of Grace Drive and Olentangy Street and a Sketch Plan for the second site for Spectrum Retirement Communities for a Memory Care center on property proposed for annexation in future. *Next Meeting: Wednesday, September 10<sup>th</sup>, 7:00 p.m.*

**Comprehensive Plan Committee:** Councilman Crites said they met on August 26 and finished the review of the current 1995 Comprehensive Plan. They discussed and received updates on consultants and are working on finalization of the contracts with the consultants for Municipal Finance, Transportation and Land Use. *Next Meeting: Tuesday, September 23<sup>rd</sup>, 6:30 p.m.*

**Powell Community Improvement Corporation:** Mayor Hrivnak said at the next meeting they will work on the agreements for The 44. *Next Meeting: September 18<sup>th</sup>, 6:00 p.m.*

## CITY MANAGER'S REPORT

Mr. Lutz said at the Operations Committee last week Staff notified them that they intend to go out to bid for the refuse contract for the City. They have a one year contract with up to four one-year extensions. They have done three extensions and think it will be advantageous to go out to bid. Staff will work with the Committee on the bid specs. Mr. Lutz said CSX Railroad has notified the City that they will be replacing and repairing the timber crossings at the Olentangy Street crossing this fall. They will close the crossing for about a week. Once Staff is notified about that work they will provide proper notification. Mr. Lutz said tonight he provided Council with an update on the ODOT work along Powell Road and SR 315. The memo circulated shows photos and plans they have to shore up the bluff in that area.

## OTHER COUNCIL MATTERS

Councilman Bennehoof said he has heard quite a bit of input about the number of and adherence to the rules for tent signs that seem to be proliferating along Olentangy Street. On his last count there were approximately 30 signs and they seem to be within the easement between the sidewalk and the road. He said they should run that through proper channels. Mayor Hrivnak asked if they should discuss this in Development Committee. Councilman Counts said this has been discussed in the past and he thought it was on the Committee's agenda. Councilman Lorenz said he has not been formally asked to put it on the agenda but he certainly can. He received an email about the signage concerns from Councilman Cline some time ago but it was not placed before their Committee. The Planning & Zoning Commission investigated it several years ago and came up with a Temporary Sign Ordinance. He said the Committee is happy to examine it and then kick it back to Planning & Zoning. Mayor Hrivnak asked that they start the discussion and see where it goes from there.

## EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G) (3), PENDING LITIGATION.

MOTION: Councilman Counts moved at 9:45 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (3), Potential Litigation. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved at 9:55 p.m. to adjourn from Executive Session. Councilman Crites seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Counts moved at 9:55 p.m. to reconvene in Regular Open Session. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Bennehoof moved to adjourn from Open Session. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

**MINUTES APPROVED: September 16, 2014**

  
\_\_\_\_\_  
Jim Hrivnak  
Mayor

10/7/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Sue D. Ross  
City Clerk

10/7/2014  
\_\_\_\_\_  
Date



## City Council

Jim Hrivnak, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz