



City of Powell, Ohio
City Council

MEETING MINUTES
AUGUST 4, 2015

CALL TO ORDER/ROLL CALL

A regular meeting of the Powell City Council was called to order by Mayor Jim Hrivnak on Tuesday, August 4, 2015 at 7:40 p.m. City Council members present included Frank Bertone, Richard Cline, Tom Counts, Jon Bennehoof and Brian Lorenz. Mike Crites was absent. Also present were David Betz, Development Director; Debra Miller, Finance Director; Eugene Hollins, Law Director; Karen J. Mitchell, City Clerk; and interested parties.

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Hrivnak opened the citizen participation session for items not on the agenda.

Bob Hallapy, President of OnMark Communities. I am here tonight to untable or put back on the table The Reserve at Morris Place. The reasons for this request relate to the approximately 5 ½ acres that we would like to develop. I just acquired the property to the south, or put in contract, so that the new revelation is that we would be able to extend Depot Street all the way through. That is why I am here in front of you tonight to see if that is feasible or not to do to try to give a solution to the traffic problems here in Powell. With Depot Street being able to continue now all the way through from Kay Street to the Park, I believe that would help with the traffic problems. It was a great expense that I did not plan on incurring, but I felt that instead of waiting, I was looking at solutions to the problem and I feel this is a definite benefit to the city and also to the constituents of Powell.

Mayor Hrivnak: What would your intentions be with the 2 ½ acres that you obtain now?

Mr. Hallapy: My intentions, besides running the road through, would be to build detached homes on zero lot lines to try to get as much density as I possibly can. I believe right now my land planner, Todd Ferris, put up there about approximately 17 detached homes on almost 2 ½ acres of property.

Mayor Hrivnak: Would they be single family homes?

Mr. Hallapy: I would call them homes. I think you would call them patio homes. They are detached so there is no common wall. I think they would be denoted as zero lot lines, but we would have to present that due to the cost of the land to make it feasible. The cost of the road, a public improvement, is very expensive to put that road through there. My preliminary estimates have been up to almost 1 million dollars to run that road all the way through both pieces of property. Right now we are calling it 'Depot Street extension.'

Mayor Hrivnak:— So if I understand you correctly, you are here this evening to request that it be pulled off the table and put on to an upcoming agenda? Do you have a preference as to when that might be?

Mr. Hallapy: Yes, sir. I would like to have a vote for the zoning change of the approximately 5 ½ acres for The Reserve at Morris Place at the next council meeting on August 18th, if that would be acceptable.

Mayor Hrivnak: Based on the new information of the adjoining property?

Mr. Hallapy: Yes, that is correct – to offer an absolute solution to help alleviate the traffic problems. Initially we were going to stub out the road to the back of that property on our initial layout, but then that property came available and I bought it.

Mayor Hrvnak: What I would suggest is we put this on the Agenda under Item 9, Other Council Matters, and then we can ask questions of Mr. Hallapy and then discuss this further if that is in agreement with everyone.

Janice Hitzeman, 307 Winter Hill Place, Powell, Communications Director for the Liberty Music Boosters Association: She has been a resident of Powell for about 18 years and has been before the Council once or twice before. She is an attorney practicing in Ohio, but is here today not to ask for anything and not to complain about anything, but to offer an opportunity to Council. She is the new Communications Director for the Liberty Music Boosters Association. They support about 235 families within the Olentangy Liberty School District who have students who are in choir, band, orchestra, pep band, jazz band – all of the music programs. What they do is raise money to help promote band and music programs here locally. The band has been invited, or they will be invited, to participate in the London New Year's Day parade in 2017. This is a great honor because only a handful of bands in the United States get the invite and participation is by invitation only. The process is a formal invitation ceremony. The formal offer will be extended on September 14, 2015. A press release will be issued and they would like to get as many Council members as possible out there to support the kids and band program.

Councilman Counts: I would just note that this is the second time that they have been invited. They made a trip three or four years ago.

Ms. Hitzeman: Yes. It is my understanding the band got a standing offer to return right after their performance, which is rare. The band director wants to be sure that all the kids get a chance to go, so he spaces them one about every four years.

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

APPROVAL OF MINUTES – July 21, 2015

MOTION: Councilman Brian Lorenz moved to adopt the minutes of July 21, 2015. Councilman Frank Bertone seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

PROCLAMATION: Mayor Hrivnak read a Proclamation proclaiming August 11, 2015 National 8-1-1 Day in the City of Powell and called this observance to the attention of the citizens.

SECOND READING: ORDINANCE 2015-29: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL REVISING CHAPTER 1151, REGARDING GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS. *Tabled from the July 21, 2015 meeting.*

Dave Betz, Development Director, states that he has provided Council three options for consideration with regard to the use of portable signs. We looked at several ways to re-write the Code for (1) no allowance for temporary portable signs at all; (2) some slight allowance; and (3) a little more allowance.

Option 1: Has no allowance for temporary portable signs at all. The Code allows for removal of signs not in compliance. It will take some education of businesses on this as well as compliance afterwards to make sure that none of the signs are used.

Option 2: Allow for temporary portable signs on walls and buildings. Portable signs within 10 feet of main business entrance. All temporary and portable signs can only be out during business hours. This option does give benefit to downtown businesses rather than other strip centers in the community because the buildings are closer to the street. This requires a little extra work for the zoning official requiring after hours visits for enforcement.

Option 3: Allows for temporary and portable signs on walls and buildings, no closer than 10 feet from the right of way. This puts allowance for portable signs to be closer to the street than 10 feet from the building frontage from where the entrance is, but puts it anywhere on the lot within 10 feet of the right of way. This will require additional work for the zoning official in after hour visits for enforcement. No permits would be required. They would just have that as an ability to do so.

The Code also shows increase in permanent signs, the sizes for main sign, and wall signs. One of the issues that we ran into in the first Code change that we brought forth to you was that businesses seemed like they needed more size to get the word out that they are there on signs that might have more than one user on them. So we made the ability for those signs to be a little bigger, in hopes that less portable signs would be needed.

We also did a review of cities that allow/don't allow portable signs. They have different requirements. Some don't allow them, such as Dublin, Grandview, Upper Arlington, Whitehall, and Worthington. You can see that

on the attached map. Development Committee reviewed this. I think there is some options that the Committee members want to speak to the whole Council about.

Mayor Hrivnak: Let me call on Brian [Lorenz] and he can summarize what was discussed in the Development Committee and then we will call on questions and comments from Council.

Councilman Lorenz: We discussed that at length tonight and I think the bottom line was that the Committee has a philosophy of either (i) we need to get to a point where we are going to totally ban these portable signs completely or (ii) we're going to allow them in some form. The consensus of the Committee was to allow them in some way. Our biggest concern was how to have Staff enforce sign restrictions. So what's going to be the path of least resistance for Dave and his staff? And considering time and cost to the enforcement of these. The Development Committee is looking to have some dialogue with the rest of you this evening. I don't anticipate us calling on a vote for this this evening. I think what we want to do is get some feedback and have some of the businesses come back in and have that dialogue with us and then make a verdict on it at our next meeting in August.

Councilman Bennehoof: I do have a request of Staff. The graphic that articulates what municipalities provide for or prohibit temporary signs, I'd like to know what the surrounding subdivisions, municipality do, townships – Orange, Liberty, etc. do or not do?

Councilman Cline: I am firmly convinced that Option 1 is the only practical option, but I completely agree with the Committee's concept that we ought not to make a decision tonight. I think in fairness to the businesses, if we're considering Option 1, we need to let that be known, give them an opportunity to come in and be heard. If there are residents that agree with me that Option 1 is the right choice, we need to give them an opportunity to say that as well. Although I would be happy to see us to adopt Option 1 tonight.

Councilmen Counts: Dave, enforcement is a problem right now, obviously. But with Option 1 or 2, why do you think we would be able to enforce those when we can't enforce it now?

Mr. Betz: We have a lot of different provisions right now, and some of those provisions give some businesses a little more benefit than others, and that has been a problem. What we've heard from businesses is that they want to be evenly treated through the Code. It makes it difficult to explain to businesses why we would go after one and not others for the same violation. So, this way, if all are treated equal and in the same manner, then there is no problem there. From a time stand point, the way the Code is now, it takes up a lot a time and the zoning inspector has more to do than run after signs. I think we've worked on over 60 different cases of non-signs so far this year. Since the zoning inspector position is a part-time position, and with us going through a Comprehensive Plan amendment, it is a matter of time. With a strict no signs at all, it makes it easier to enforce. If we do it by permit for a very short time each time, it is a matter of scheduling on an Outlook calendar. If we had a minimum amount of time for each business and they have to take the signs in at night or take them in when the business is not open, that is something, if it is even handed for all businesses, then we can certainly enforce that easily, put a schedule together for the permits and have that be a certain number of times per year. Then, would this only be for the portable signs, stick signs and A-frames out on the ground or do banners or anything like that harm the aesthetic as well - where they can have those [banners] for a certain amount of time during the year? If that's the case, then we definitely need permits for that because there is building code requirements for anything that is placed on a building.

Councilmen Counts – Between Option 2 and Option 3, which option takes more staff time?

Mr. Betz: Option 3 because there are more places they could put signs.

Councilmen Bertone: I agree with Tom. I think all here has indicated in some fashion that enforcement is our primary concern. I think that has been my primary point of view. A couple of weeks ago we discussed this matter. I agree in engaging the businesses one last time. I just think that what is out there today is blight. It is overuse. It's overkill. We've all seen it. It's everywhere you turn. These signs are pervasive. I'd like to come back and meet with the businesses and find a middle ground, but how do you get there without hindering Staff?

Mayor Hrivnak: I just have a couple of comments.

1. I agree that there is a plethora of signs. If enforcement were strictly by the book today, I think the number of signs out there would be drastically reduced. So I think that enforcement is something we need to consider

– maybe we don't have enough enforcement time or enough enforcement effort.

2. Another thing I want the group to think about is we are trying to define what a temporary sign is. A temporary sign to me is not one that is out every day. It is one that is out temporarily – Spring sale, open house this weekend, etc. – just a few periods throughout the year for a special or unique event. I don't think a temporary sign is one that you trot out every day and trot back in every night. That is almost a permanent sign in my mind.

3. Finally, and I do agree with the consensus of the group, is that we did have a good session a few weeks ago with the citizenry. We talked about temporary signs and time limits and all that. The things we are considering this evening are somewhat far from what we talked about with them last time. So I would suggest that we consider this at a future date and allow the citizens to react to the three Options we are considering before we make any decisions.

Councilman Counts: It seems to me what the businesses are looking for is more permanent signage.

Councilman Lorenz: I think the Code change is trying to accommodate that by increasing the overall wall square footage. So I think whatever happens, that is going to be rectified.

Councilmen Counts: I just want to make sure that as we consider this, we make that distinction. The problem that we have are businesses that want permanent signs and then using temporary signs to accomplish that. It may not be that temporary signs are necessarily bad in and of themselves.

Councilman Lorenz: We discussed the history of the temporary signs in some detail. The history of those being brought forward were done at a time when there was a lot of economic hardship and was an attempt to build revenue for businesses. Whatever we end up doing with these, I think one thing is to control them more so that we can control the blight. I think everyone is in agreement with that. Then, as Jim mentioned, make these messages tangible so that they are truly temporary in nature, and not as permanent as what you are suggesting Tom.

Councilmen Cline: First of all, Brian and Tom, I agree with you that the difficulty has been that a practice has developed to create a permanent temporary sign, and I'm using temporary to mean not affixed to the ground as opposed to a fixture. When I did my little cruise, out of the 96 or so signs I saw, realistically, there were probably a ½ dozen that were genuinely temporary signs the way the Mayor described them. An overwhelming majority were permanent signs that were used to address a perception that our permanent signage requirements are insufficient. My view is that we fix that problem with the language that you already have to address the permanent signage. I am strongly in favor of Option 1. Gene, my question to you is, if Council were to say we want to give the business owners 60 days to come to grips with this change in the law, at our next council meeting, could we adopt the Ordinance, but make an effective date of November 1, for example?

Eugene Hollins, Law Director: Yes. It is always an option for Council to set forth the specific effective date in the Ordinance.

Councilman Cline: The reason I am suggesting that this might be appropriate is the sheer number of businesses that have taken advantage of our existing situation suggests to me that Dave and his staff will have an education task ahead of them. It would be appropriate to use a Sunrise provision to say that effective on a date certain, we will remove the signs. The other comment I wanted to make is to piggyback on Tom and Frank's comments about enforcement. Enforcement has been the issue. The problem I see with Options 2 and 3 is our zoning inspector is already trying to put 15lbs in a 10lb bag. They can't complete the tasks that they have to do for other things as timely as they would like to, and siphoning off more time to enforce a sign ordinance, is a bad use of resources.

Councilmen Bennehoof: In our Development meeting, we discussed that each of the options allowed for alternatives for increased permanent signage and I think you might miss that in the nuances if you didn't read it closely. I think that allowing for different permanent sign alternatives that would exacerbate the need for temporaries would be appropriate. The other comment I would have is that we do some thorough communication not only to the businesses, but to the residents, because it's the residents that are banging my ear wanting to know what we are doing about the signs. A vast majority of them have said the signs are terrible. The second thing they say is that the traffic is bad. So, it's odd that they are complaining about the signs more than the traffic.

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

Councilman Bennehoof moved to table Ordinance 2015-29 to a date certain being no sooner than the next meeting to allow time for notification to the residents of an issue they may want to speak out on. But I can be talked into the next meeting.

Mayor Hrivnak: I have a procedural question for council. As we go forward, what we are tabling right now is the Ordinance with the original exhibit, and what we have now is three new exhibits.

Mr. Hollins: If you wanted specific public comment on one of the Options, one option tonight would be to amend the ordinance simply to attach a new exhibit, which would be the one you might consider at your next meeting, but you want public comment on it. If that is Council's desire. Before tabling it, you may want to think about amending it to attach a new exhibit.

Mayor Hrivnak: I don't know if there is a consensus as to which exhibit to push forward with. We have a motion at the moment, do we have a second?

Councilmen Cline: I will second Jon's motion if it is to table Ordinance 2015-29 and all of the Options provided by Staff to our August 18, 2015 meeting.

Mayor Hrivnak: Staff, would you have time to advertise in time?

Mr. Betz: Yes.

Councilmen Cline: Before we leave this, Gene is it legally proper to put all three Options as Ordinances on the next agenda?

Mr. Hollins: Technically what's on the agenda for the next meeting would be the original exhibit and the ordinance until we do any motion to amend. If there was any instructions to Staff as to further research. I was waiting until maybe one option filtered to the top to do the last, final review from a legal standpoint. But if there is not a real consensus moving forward, we can continue to monitor that.

Councilmen Counts: The only Options I would consider are 1 and 2. And if we can eliminate Option 3, then maybe that makes it easier for Staff and the Law Director to advise.

Mayor Hrivnak: I was hoping we would consider a 3rd Option. I may be in the minority there.

Councilman Cline: I think that once the ordinances are before us in a couple weeks, we can amend to anything, but I will tell you that unless I hear something really compelling, I will not vote for anything other than Option 1.

MOTION: Councilman Bennehoof moved to table Ordinance 2015-29 to a date certain being no sooner than the next regularly scheduled meeting on August 18, 2015. Councilman Cline seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2015-37: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR SPECTRUM II, AN ASSISTED LIVING AND MEMORY CARE FACILITY ON SAWMILL ROAD AT ATTUCKS DRIVE.

Mr. Betz: This is the property located north as to the right on this diagram [pointing]. This is Sawmill Road. Attucks is here [pointing]. The site contains a large pond. That's the storm water retention pond for all the commercial area that's to the west and to the north. Spectrum is here with their final development plans. You recently approved the annexation and zoning change to planned commercial district. It's an assisted living community. 84 total units. There will be some memory care in there as well. Two stories in height. The building faces Sawmill Road with the back facing the backs of the commercial area that faces Sawmill Parkway. The drive entrance that comes off of Attucks Drive and goes over to Liberty Crossing. There is parking in the front and a little bit to the side. This type of facility doesn't get many residents that drive. The site is well landscaped. There is existing landscaping around the pond that will be enhanced as well. The applicant has worked hard on their elevation drawings. We did change them on the website so that the directions are correct for the east side. They have taken into consideration comments and suggestions from our architectural advisor. Went

through P&Z Commission with a unanimous vote for approval, and the representative from Spectrum is here tonight. This will need to go to second reading. That will be our advertised public hearing for this.

Mike Longfellow at Spectrum Retirement. I have been here several times for our previous project and for this one as well. I am not going to make very many comments other than to say that we are very excited to be here and to have this proposal in front of you. We felt very strongly about Powell with the project we now have under construction on Sawmill Parkway and this is going to be a great supplement to that to really have a continuum of care. I am here to answer any questions you have about this.

Councilmen Bennehoof: You have patios on the west side of the building. Talk about the buffering between those patios and the street.

Mr. Longfellow: On the west side, there is a fair amount of landscaping. As far as the plaza that we have on the west side and the main plaza, that is outside of our main dining room, private dining room and library. There is landscaping outboard of those patio areas. We want to screen the backs of the retail buildings, but we don't want to create a wall. We want to soften the view, but not a wall of arborvitaes all the way along there. We are comfortable with this. Originally when we submitted this application to the Planning Commission, we were facing the opposite direction (west). The architectural consultant suggested that we flip the building and face it east toward old Sawmill Road. We think that it helps Sawmill Road a lot to have a somewhat significant project fronting on Sawmill Road. Also what that does as far as the retention pond because with just a little bit of development of that, this could be a nice feature at our front door.

Councilman Bennehoof: Thank you for answering my next question about whether you were going to be amending the pond a little bit with some landscape.

Mr. Longfellow: Yes. We do have a little paved patio area with a gazebo out there that's overlooking the pond. We are going to develop that pond with some additional landscaping. This was our way of getting comfortable with turning the dining patio away from the pond. So in flipping the building, we really wanted to have a place for our residents to go out and sit and enjoy the pond.

Councilman Bennehoof: What is the distance from the roadway edge to the back of the building?

Mr. Longfellow: The shortest distance would be at the dining room and that's probably the average width of the building going north to south is about 60 feet. The dining wall to the road is about 60 to 70 feet. On average, it is probably closer to 90 to 100 feet. We do have sidewalk all around inside of the roadway.

Councilman Bertone: In terms of staffing, what do you feel for the total number of staffing and their salary structure?

Mr. Longfellow: Our total number of jobs is in the 60 – 65 range. Our annual salary for the building is going to be 2 million to 2.2 million. The maximum number of staff at any given time is going to be approximately 25. One of the reasons this is such a low traffic generator is because we have three shifts and others, such as food service, that stagger throughout the day.

Councilman Lorenz: I had a question for Dave. Item 7 discusses the signage plan. Just curious at what they are looking at doing. Are they going to do a bunch of temporary signs?

Mr. Betz: No. They have a sign at Liberty Crossing Drive and Attucks Drive. That is the only one they are using.

Mayor Hrivnak: I have a couple of questions for Staff before the next reading. Contingent upon the following 8 conditions. Some of them are confusing to me. For one, the applicant shall calculate the height of the City's [indecipherable] using the midpoint between the eave and the ridge. So does that mean that the building may be too high at this point?

Mr. Betz: No. That wasn't on the final plans that were submitted to P&Z. They just wanted to make sure that this was clarified.

Mayor Hrivnak: I think my general comment is that many of the 8 conditions may be handled already. And I would be interested to know that. Items 5 and 6 begs some explanation – maybe you can tell us about that next time. But the city engineer's comments/concerns are addressed. I'm not sure what that means.

Mr. Betz: These are general conditions that the P&Z Commission puts on. They are approvals of final

development plans so that our engineer has the ability to make zone decisions on engineering stuff that I presented here, but make changes later.

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

There was no further discussion by Council and Ordinance 2015-37 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: Next Meeting: August 4, 6:30 p.m. As you are aware, we had a lengthy discussion on signage. We also gave Staff direction to apply for a relocation of the pedestrian crossing on the Murphy Parkway extension. There is a limited area that CSX will allow that crossing to happen in and we were just outside of it. We gave Staff the thumbs up to submit the new proposal which will tie in with the existing grade crossing. It will connect nicely to the other path and so Staff will have to go back and resubmit that and make sure that CSX will sign off on it.

Finance Committee: Next Meeting: Tuesday, August 11th, 7:00 p.m.

Operations Committee: Next Meeting: Tuesday, August 18th, 6:00 p.m. The early start is to talk about the traffic plan and I will make sure we have that report in advance so that we can come prepared to discuss that. I would remind the committee members that we talked about personally inviting some community business members.

ONE Community: Next Meeting: Monday, August 10th, 7:00 p.m. Jon will be attending via telephone.

Planning & Zoning Commission: Next Meeting: Wednesday, August 26th, 7:00 p.m. That will be solely to work on the Comprehensive Plan update. This will be the first public hearing on that that.

Comprehensive Plan Steering Committee: Next Meeting: Tuesday, August 25th, 6:30 p.m. A draft is on the website and we are continuing to massage that through Committee and P&Z. On pace to get to Council in late September or October.

Powell Community Improvement Corporation: Next Meeting: TBA

CITY MANAGER'S REPORT

Debra Miller: The City Manager doesn't have a report. The Finance Committee is going over the tax code.

OTHER COUNCIL MATTERS

Mayor Hrivnak: We do have one item that is laid over. Mr. Hallapy, can you step back up and we do recall your request to move this item from the table and I would take a motion, a second and a vote from council.

Mr. Hallapy: Yes, it would be a motion to remove Ordinance 2015-04 from the table.

[Multiple parties speaking at the same time]

Mayor Hrivnak: Mr. Hallapy has informed us that based on his acquisition of the 2.5 acres and the offer to extend the street that it may be worth our attention again. There might have been some questions before during the citizen participation time that we put off until now. I'll offer those questions at this point.

Councilman Cline: I have a question/comment. The comment is that it looks to me as though you have a very well defined development plan for the north area and that's what Ordinance 2015-04 addresses. And what I'm also hearing you say is that you now have the capacity to extend that road to the south [Mr. Hallapy - YES] which was a sticking point in our discussion of 2015-04. But I think I'm also hearing you say that the capacity and the financial viability are not the same thing. For example, if you were to receive a zoning change on the lower, southern segment and it said you could build single family homes on 3 acre lots, you would probably come back to us and say that is economically not viable - I can't build the road [Mr. Hallapy - YES] with that restriction [Mr. Hallapy - Economically not feasible, that is correct]. With that preface, my question to you is: Do you want us to consider 2015-04 in isolation? Because I anticipate there will be pressure to demand that you connect the road all the way through with no guarantee as what the development rights will be on the lower half. Or would you prefer to present all of that as a combined package?

Mr. Hallapy: I made a business decision that it is best to treat these two properties as two separate entities. And the reason is that the 2 ½ acres is already zoned. It will not demand or need a zoning change because the zoning is already in effect. It's zoned 9 units to an acre. One more thing I'd point out, on this particular piece to the south of 2 ½ acres, I wanted to do attached units so they would coincide with the property to the

north. Due to the charter amendment that is in the judge's hand, I cannot build attached units - they have to be detached. From a business standpoint, it hurts my bottom line by building the detached as opposed to attached. But for me to get started, I made a decision that we could go ahead and start the piece to the south with detached and then once the zoning is approved on the parcel to the back - the north parcel - that I can go ahead and continue the road all the way through, which I call the thorough way. I already have the blessing of P&Z for 39 units and I believe about 50-60 percent of that total complex is attached and the other portion would be detached. Both parcels will be alley loaded. Our demographics show that we are not going to add to the traffic situation because we will be selling to empty nesters. We are not going to be adding any children to the school district. It is a walkable community life-style to all the downtown businesses. I think it is a benefit to the entire city of Powell.

Councilman Bennehoof: I think I recall you live in the City of Powell? (Hallapy: YES). You currently have rights to both of these properties or you own both of these properties? (Hallapy: I have rights to them). Do you have any concerns with your proximity to the railroad? There is a good degree of traffic on that railroad. You are building pretty close to the railroad. I don't know how you feel about the viability of those units being so close to the railroad.

Mr. Hallapy: I do have some concerns and I addressed that last time I stood in front of you. It is risky. I also know that we are going to lose approximately 40 percent of our potential buyers. The tracks and train are part of the charm, but with proper landscaping, buffering and planning, I feel we can offer an architectural barrier and sound proof materials which will add to the cost of the units. I do not want any of these homes to rattle or shake.

Mr. Betz: FYI on railroad and times - Each crossing must be filed with the ORDC on the number of trains per day going over each crossing and it averages about 15 per day at this point in time.

Councilman Counts: Question for Staff - The only reason I might vote to allow this to come to a vote before the date that we had earlier said is because it creates this thoroughfare. My question to either Gene or Dave, is by dealing with these separately, how do we know that that second piece of the road will get built?

Mr. Hollins: I was pulling up the minutes from February to see what 2015-4 actually covered. It may have been the initial ordinance to take this from R residence district to DR downtown residence district. I don't know that we were passing on any particular final development plan at that point in time.

Mr. Betz: No it was just a zoning map amendment with this plan in mind.

Mr. Hollins: So to answer your question, when we actually look at the plan - for if it was rezoned to downtown residence, we'd then look at the plan...

[Multiple speakers talking]

Mr. Betz: This is the preliminary development plan and this is part of the attachment for the zoning map amendment. We'd have to do a final development plan and whether that considers this by itself...probably what we'd want to do is consider this with this and he can phase it either way.

Mr. Hollins: But to answer your question, we'd have to condition approval of the plan artfully so that it would require building of the complete road with respect, I guess, the first of the two phases to go forward.

Councilman Counts: I'm going to comment about this whole thing right now. In the Operations Committee, we are going to be discussing the downtown traffic plan over a period of weeks/months. It is my desire, as part of that, to come up with a comprehensive plan for traffic in the downtown area that will include multiple thoroughfares within the downtown area, including the piece that you are talking about right here. I feel a little bit disingenuous to go ahead and approve yours without having to understand that all of this works together. If we had gone through the processing, gotten to the point where I would like to be where there is this comprehensive downtown plan, your piece and what you're intending to do fits right into that - which is what we want. So to me that is the logical step and the kind of thing that would make this a win-win for everybody. So I'm feeling uncomfortable about doing this at our next meeting.

Councilman Cline: I have the same concern but from a different perspective. We could vote on the 18th to approve the zoning map amendment and that gives you the right to make application to Planning & Zoning for a final development plan. P&Z, at some point, report that final development plan out and it would come

to Council. If I am still on Council at the time this P&Z report comes, I am going to demand that we have an assurance that the entire road comes in as part of whatever the first phase is. What Tom is talking about is separating the zoning decision from the final development decision. We do not want to mislead you into thinking that if we vote to approve the zoning change on the 18th, that the rest of it is a slam dunk. I anticipate that you will encounter resistance on the southern portion to the detached homes because of the density within that.

Mr. Hallapy: Resistance to the 2 ½ acres? It is already zoned for high density.

Councilman Bennehoof: On the northern portion, what is the density on that?

Mr. Betz: That was reduced to 39 on 5 ½ acres. Before it was 7 ½ and they reduced that to 39.

Councilman Bennehoof: What is the rationale from going from DR to DRT?

Mr. Betz: The zoning is R residence district which allows 1 unit per acre. A minimum lot size. Really not congruent with a downtown type of housing development when you have just to the south of there single family lots on 50 foot lots that were built around the early 1900s.

Councilman Bennehoof: So it's actually coming into conformity with...

[Multiple speakers]

Mr. Hallapy: We are conforming it to what the downtown business district is demanding. We would have a 40s, 50s style or look, garages in back and it's alley-loaded, which adds to the cost of the project. But I think it is necessary for it to blend in and benefit Powell. And, hopefully, have less resistance.

Mayor Hrivnak: We will be reviewing that before the next council meeting in some detail, so we'll have a chance to look at it then. Let's keep in mind what Mr. Hallapy is asking us this evening. He is asking us to bring Ordinance 2015-04 back on the table for discussion at the next meeting, and that ordinance concerns only the zoning of the property....[multiple speakers]....final development plan and doesn't include any else. So that is what he's asking. Are you committing to put that road all the way through there? [Mr. Hallapy: YES] at the first segment of your...[multiple speakers]...

Mr. Hallapy: I will be totally blunt here. Because of the cost of that small 2 ½ acres, the only way I can purchase that is if I can get the zoning change for the northern piece in the back – the 5 ½ acres. If not, then there is no reason for me to buy this piece – the 2 ½ acres. When I looked at it initially, that was the first thing that I thought – this could help alleviate the traffic problems and offer a solution by running this thorough way all the way through both pieces of property. Because of the cost of infrastructure, we have to develop it in phases. I would propose that I would start with the southern piece (2 ½ acres) as Phase 1 and then the northern piece in the back (5 ½ acres) as two Phases there. We would be able to run the road all the way through. We would be able to run the road all the way through, but as far as building, it would have to be cut up in phases.

Mayor Hrivnak: Again, just so I'm clear, you've indicated that there are three phases of building. Which phase completes the road?

Mr. Betz: The easy answer is Phase 2. Mr. Hallapy: Yeah, Phase 2.

Mr. Hallapy: I had a conversation with the City Manager that the thorough way to the northern piece, for I had two quotes, one was \$650 – 700K for a public improvement that I have to pay. That number has to go into my infrastructure costs. I need a certain amount of density to make the numbers work.

Councilman Lorenz: Gene – we've advertised the public hearing for this previously, so those have been satisfied.

Mr. Hollins: Right. We've had the public hearing and it's been closed.

MOTION: Councilman Cline moved to remove Ordinance 2015-04 to a date certain of August 18, 2015 for a second reading. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

Councilman Bennehoof: I wondered if there was any outlook for the incubator to come back into incubation.

Mayor Hrivnak: Right now it's been converted to more of a voluntary rental. Based on the occupants that are in there. We've changed it from incubator status to an income property where rent has been adjusted to more market rent because this business is not being incubated. And then at such time when they decide to make it out of there, we will go back to incubator. They have options on the property of first rights, but I haven't heard anything about them leaving. We also have our ear to the ground for people that are looking for spaces.

Councilman Bennehoof: As of now, do you have anyone that's incubate or ...

Mr. Betz: those are generally more start-up companies. We haven't had any inquiries. There are some spaces available that are quite inexpensive.

Mayor Hrivnak: Jon, to answer your question, if someone would come up that would like to be considered for an incubator, there's nothing that would prevent the CIC from working with a local landlord to make that agreement. We could be a third party to that agreement.

Councilman Bennehoof: I am just more interested in our ability to handle the capacity should it come. I think we need to present ourselves as an attractive place for that. Without a space, I think we're short and we need to figure out what we are doing with that space.

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

MOTION: Councilman Cline moved at 9:08 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G) (3), Threatened or Pending Litigation. Councilman Lorenz seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved at 9:21 p.m. to adjourn from Executive Session. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

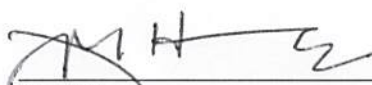
MOTION: Councilman Cline moved at 9:21 p.m. to reconvene in Regular Open Session. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Cline moved at 9:22 p.m. to adjourn from Regular Open Session. Councilman Counts seconded the motion.

VOTE: Y 6 N 0

MINUTES APPROVED:


Jim Hrivnak
Mayor

8-31-15

Date


Valerie Mitchell
City Clerk

9-1-2015

Date



Jon Bennehoof

Frank Bertone

Tom Courts

Mike Crites

Richard Cline

Brian Lorenz