



City of Powell, Ohio
City Council

MEETING MINUTES
AUGUST 18, 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 18, 2015 at 7:40 p.m. City Council members present included Frank Bertone, Richard Cline, Tom Counts, Jon Bennehoof, Jim Hrivnak, Brian Lorenz, and Mike Crites. Also present were David Betz, Development Director; Rocky Kambo, Development/GIS/IT; Chris Huber, City Engineer; Megan Canavan, Communications Director; Eugene Hollins, Law Director; Steve Lutz, City Manager, 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. Hearing none, he closed the public comment session.

CONSENT AGENDA

Item

- Departmental Reports – July 2015

Action Requested

Receipt of Electronic Report

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

APPROVAL OF MINUTES – August 4, 2015

One correction was noted in the minutes.

MOTION: Councilman Counts moved to adopt the minutes of August 4, 2015, as amended. Councilman Bennehoof seconded the motion. Councilman Crites abstained from voting. By unanimous consent of the remaining members of Council, the minutes were approved, as amended.

PRESENTATION – COMPREHENSIVE PLAN UPDATE: Rocky Kambo, Development/GIS Planner

I will give a brief overview of the comprehensive plan that we have been updating. Today is just an introduction to the plan and just a broad overview of the components of the plan. Key dates are: Council will see the plan for the first time on September 15, 2015. Prior to that, P&Z will see the plan first on August 26, 2015 and September 9, 2015 for the second time.

- Why? Directive from Council, current plan is from 1995, things have changed, include new topics of interest, develop new look.
- Work to Date: Began work in March 2014 with Executive Committee, Steering Committee, consultants, public input, and multiple revisions of the plan. The draft will be put online for the residents to provide comments.
- Key Topics: Traffic, annexation, downtown development, taxes/funding sustainability, economic development, future development, community character, sewer capacity and outside border.
- Plan components: Introduction, land use plan, transportation plan, fiscal analysis and implementation.

Councilman Cline: Who and how do residents direct any comments they want to make about the plan?

Mr. Kambo: The plan is written based on residents' opinions and we try to include all those comments into the plan. Residents can reach us by phone, fax, email, or Twitter. Our business cards are available in the lobby. We also have planpowell.mindmixer.com, which is similar to a Facebook page, for our comprehensive plan. You can actually make comments online.

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*

August 4, 2015 meeting.

Mr. Lutz: This is a continuation of a discussion regarding the use of temporary signs throughout the city. This is an item that was brought to the P&Z Commission for them to take a look at. City Council has been discussing this in both committee and City Council for a couple of meetings now. At the last meeting, Council did request the Development Director to take a look at another alternative and he will briefly recap the discussions that we have had to date regarding temporary signs.

Mr. Betz: The proposal before you, that is part of your Ordinance now, does still allow for the use of temporary signs by a permit basis. The permit allows a business to use temporary signs for up to 42 days per year. One of the components of the Ordinance is to allow for larger wall signs and larger monument signs so that businesses may make themselves more apparent to the traveling public on a permanent sign basis. What we did after the first Council meeting was to come up with several options for Council to consider. Option 1 completely banned temporary signs. Option 2 was a limited version where signs could be used within 10 feet of their business entrance. Option 3 allowed for temporary signs within 10 feet of the right of way.

Council asked for another option that allowed even less time on the permits. So we came up with Option 4 to includes an ability to utilize temporary signs for no longer than seven (7) consecutive days, four (4) times per year and at least thirty (30) days in between the permitted periods, and then the sign can only be displayed while the business is open. Also, as part of that, it allows for the larger permanent signs as previously discussed. That gives a little more ability for businesses to utilize signs. We think that is an easier way for enforcing it. We can do a free permit as we do now, and keep track of it by using Outlook and Excel. That does take a little bit more effort than just a total denial of use. Once we make the educational outreach towards the businesses and they know they are not supposed to use them, then it gets down to a point of removing the signs if they are used.

Mayor Hrivnak opened this item to public comment.

Bill Eddy, 140 W Olentangy Street, Powell, OH. Some of the things Dave just read off [Option 4] sounds a lot more appealing. I do not want Council to take away the ability for a business to have a [temporary] sign, especially the sandwich board/A-frame sign. There are challenges out there for the city because there are more [signs] out there than A-frame signs. If the city is willing to increase the [permanent] signs themselves, that would be beneficial and I'd be more than willing to take my A-frame sign down. I will say this, I am the biggest violator. My sign sits on a stretch that is about an eighth of an acre across and there is only one sign there. I know some of the things that are disturbing the community are some of these strip mall areas where there are multiple [temporary] signs that are piled up. If you take away some of my ability to have a [temporary] sign out, then give me something else to where I can attract more customers in to my business. Thank you.

Karen Kappa, 32 E. Olentangy Street, Powell, OH. Resident of Powell and owner of Rue De Lily. I have to say those sandwich boards drive me crazy and I think it is awful in our city. I think there should be some regulations against them. As a business owner, I believe you must get people in your store. I use a flag that says 'Open' and then when I close, it goes in. But to have sandwich boards lined up and down Powell Road is awful. I am totally against it. Next door to me this big building has 10 signs of each business that's in the building. As a resident and owner, I think there are other ways to resolve this matter, such as a larger sign in front of the stores. Perhaps some of the landlords could invest a little more money in signage that is attached to the building and make it favorable to the city. Even the political signs, up and down, you can't even read them and it just clutters everything and ruins the landscape. Let's get rid of those signs. I'm in favor of it as a business owner and a resident.

Mr. Lutz: Just one point of clarification regarding the political signs. The U.S. Supreme Court has ruled there is a freedom of speech issue regarding those which ruled that those can stay out 365 days a year. So the city cannot regulate them.

Andy Musilli, 60 E. Olentangy Street, Powell, OH. I think these A-frame, temporary signs make our city look trashy. I have a couple of Exhibits if you would care to look at them (Exhibit 1). These were taken today and are of the area that Ms. Kappa just spoke of. It makes our city look like trash.

Mr. Betz: The new Code that I wrote for the packets included only one sign per lot at any one time.

Carole Smith, 4280 Scenic View, Powell, OH. My daughter and I have a business at 38 W Olentangy St. I drove up and down Liberty and up and down Olentangy Street and counted over 60 signs. I was going the speed limit, had to slow down, and couldn't read half of them. I have one in my front yard and I could not even read my own, if that tells you something. It doesn't look right. Thank you.

Chip Vance, resident of Powell and Auto Assets at 356 W. Olentangy Street, Powell. I reiterate that I counted 60 signs between Sawmill Parkway, Sycamore Ridge on the east, the tracks on the south, and Seldom Seen on the north. It's overwhelming. We live in one of the top 10 wealthiest communities in the state and the signs that are on the side of the road don't make us look like we are in that community. I think they are a real detractor. Legislating rules to say 42 days is still too much. I'm encouraged by a four times a year for seven days. I think that this gets someone's attention and that is the whole idea of a sign. The signs that are out there now are out there forever. They are not temporary, so we should stop calling them temporary. We need to get rid of the temporary signs, permit four times a year for a week. I think that would be a huge improvement. I think you need to address the business owners in the community and say if you want to be in this community, you need to invest in proper signage. A little plastic teepee saying I'm over here doing something isn't it. They are a distraction. Also, consider that the way people find businesses today is not by a little sign on the side of the road, but through our devices on the internet. Thanks for listening.

Chris Shear, 8262 Wildflower Dr., Powell, OH. 3843 Attucks. I own Benefits One Consulting. I concur with some of the sentiments made earlier. I think a lot of it too is that people don't clean up their signs. They are blown all over the street and in the bushes. I think there should be some restriction on how long they are kept out. People do find businesses on the internet now, so they don't rely on signage. Many days, in our complex, there are signs blowing over into the bushes and in the parking lot.

Paula Williams, business owner of Blackberry Patch Antiques, 71 W. Olentangy, Powell, OH. What is considered a temporary sign? If I put a little plack that says 'Open' out on my porch, is that temporary and do I have to get a permit for that and only do it four times a year, seven days at a time?

Mr. Betz: In the Code, there is a provision for incidental signs that are under 2 square feet. For example, open signs, signs related to employment, etc. Those are incidental signs that don't require permits. We don't regulate signs by what they say, because we can't, but have provisions for those type of signs that people can utilize in either their business window or door, or on their building.

Terry Hoppmann, 37 S. Liberty, Powell, OH. It's a tough thing. We've got to find a balance. We want businesses to grow their revenue and be able to create a tax base for us. And we have an aesthetic that we want to have in our city. I have to agree that these A-frame signs, in most cases, are not temporary signs. They are cheap signs and I believe they don't have a place in our city. On the other hand, our businesses need to be able to be found. If we have side street businesses, off the main track, I've seen communities where they have had permanent signage that allow you to list those side street businesses. I believe we have to look at moving away from these A-frames and have businesses invest in proper signage. I do like the idea of a temporary sign for 7 days that allows for a major event that we can say 'hey, something's going on.' A limited number of permits that way may be an option. But, overwhelmingly, we need to help businesses be able to have proper signage, not cheap signage. Thank you.

Bill Eddy, Midwest Technical Associates. I do represent the chambers, but not here. We were talking about event signs – the Farmers Market signs and stuff like that, would those be considered an event sign, like the one that's in front of my property?

Mr. Betz: There's an allowance for event signs by nonprofit organizations and are allowed to be placed out around town, so that is not changing.

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

Councilman Cline: Could we start with a recap of the major components of Options 1- 4?

Mr. Betz:

- Option 1 was no temporary signs at all.
- Option 2 is a limited amount of use with 10 feet from the business entrance for the time period of open business. No restriction of number of days or how many per lot. Similar to Liberty Township.
- Option 3 allows for the signs to be 10 feet of the right of way only during the time the business is open.
- Option 4 allowing for display for 7 consecutive days, 4 times per year, 30 days between displays, and one sign per lot only.
- Common to all options are expanded permanent signs. Those increases would be 33% higher. Free standing signs are twice as big as now.

Councilman Cline: I am strongly in favor of Option 1. There is a consensus that there is an aesthetic issue. These inexpensive and not professionally prepared 'temporary' signs don't match that aesthetic. Which community more emulates the look we want? Looking at similar communities, none of those communities allow these kinds of signs. I am strongly in favor of Option 1 and when the debate is over, I intend to motion to add Option 1.

Councilman Counts: I was wavering on where we should go on this. I was surprised by the business owners' voices. I appreciate the comments. The one thing I have noticed as I drive along is that the information provided on the signs was not temporary in nature. I am now convinced to completely restrict temporary signs.

Councilman Lorenz: I think the signs have proliferated from our original intention at the time it was made. I have one for my business and have a permit for it. It is there as an identifier. While I am not going to vote on this, I do think it is my obligation to make comments. I agree with Councilmen Counts and Cline. I believe Option 4 is a good compromise. I think it is better for staff from an enforcement point of view because it allows them to remove the sign if someone is not in compliance. The aesthetic is important. I would say one other thing, if we elect any other option other than Option 1, we need to allow more time for Dave to give him the tools to do his job better.

Councilman Bennehoof: I am pro-business but I am also pro-community. No signs is probably the best. I can see an event sign being permitted. It's poor aesthetic to have so many signs. I have done my due diligence on this. I have taken the time to observe it. I do not find the signs to be of a temporary nature. I would also say that there are a variety of signs that are not within the Code. I don't think Option 4 solves our problem. I'm leaning toward Option 1.

Councilman Crites: I feel strongly for Option 1. I agree with Rich and Tom. I think some of the citizens and businesses have articulated it pretty well. It's trashy. It's unsightly. I intend to support Option 1.

Councilman Bertone: As I have stated from the very beginning, I strongly support Option 1. I agree with the sentiments set forth by Rich and Tom. As some of the citizens and businesses have articulated, this has gotten out of control. It is unsightly. I think enforcement has been an issue. I applaud Dave and staff for Option 4, but I have concerns. I would vote for Option 1.

Mayor Hrivnak: I would agree that the number of signs are out of control. Permanent A-frame signs come out in the morning and sometimes not put away. Let's talk about what a temporary sign is. It is for a temporary event – farmer's market, city event. I feel that Option 4 has merit. I like the idea of a certain limited amount of time per year. A fall special, something like that. We can control the number of permits. 60, 80, 90 signs now. They will be out 28 days per year at the most. I think nonprofits have a right to advertise. That's why I think Option 4 will clean up streets. I am in favor of Option 4.

MOTION: Councilman Cline moved to amend Ordinance 2015-29, to append thereto Option A-1, as amended. Councilman Crites seconded the motion.

VOTE: Y 5 N 1 (Hrivnak) AB 1 (Lorenz)

MOTION: Councilman Cline moved to adopt Ordinance 2015-29, as amended. Councilman Crites

seconded the motion.

VOTE: Y 5 N 1 (Hrivnak) AB 1 (Lorenz)

SECOND 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: As we discussed at the first reading, this is the advertised public hearing. [Indicating] This property is on the west side of Sawmill Road. The proposal is for an assisted living and memory care facility. The building faces Sawmill Road with Attucks to the south, and backs up to the retail facing Sawmill Parkway. The access is off Attucks and off of Liberty Crossing Drive. P&Z's main concern with this was the parking for special occasions that draw larger amounts of visitors, such as Mother's Day. There is parking allowed on the street at Liberty Crossing. The developer worked very well with our architectural advisor. It is a 2 story building, similar in design to their first building. We feel it is a very appropriate use of this site and will draw people to the commercial businesses that are already there.

Mayor Hrivnak: Last time we talked about the 8 conditions. How many are met at this time?

Mr. Betz: About half of them are met so far. Some of the conditions will be addressed when we get into the engineering plan review.

Mayor Hrivnak: Any concerns about the remaining outstanding conditions?

Mr. Betz: No.

Councilman Bennehoof: You mentioned that there was parking available on Liberty Crossing Drive. Is it designated?

Mr. Betz: No, but it is not prohibited.

Glen Dugger, Esq., Smith and Hale: There was an issue raised at planning as to whether there was adequate parking. Mike Longfellow [Spectrum Retirement] said that there are only a few days a year where there would be a significant number of guests visiting where there would not be adequate parking, such as Mother's Day. We took a look at it and determined that there is a daycare center that is closed on Sunday which would be available for parking. On Liberty Crossing Drive, street parking is not restricted, and could park 35-40 more cars. With these additional options on those few days a year that parking may be an issue, we thought there was more than adequate additional parking options for visitors. So do you build for 365 days a year for a few days that there are many visitors or for 362 days a year that parking shouldn't be an issue?

Councilman Bennehoof: I recall that conversation. Are the cross-parking arrangements being worked on with the other businesses? Is there designated parking along Liberty Crossing Drive?

Mr. Dugger: I don't know. They haven't had problems in the past with other locations. Liberty Crossing is a private street, subject to the owners' association. We have worked with the owners' association successfully in the past on several issues.

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

MOTION: Councilman Lorenz moved to adopt Ordinance 2015-37. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2015-04: AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 5.37 ACRES AT 185 N. LIBERTY STREET FROM CITY OF POWELL R, RESIDENCE DISTRICT TO CITY OF POWELL DR, DOWNTOWN RESIDENCE DISTRICT. Tabled from the February 3, 2015 meeting.

Steve Lutz: At the last council meeting, this was removed from the table for discussion tonight. The property is located south of Adventure Park, east of the railroad tracks and the present use of this property is residential. The proposed rezoning would permit condominiums on the site.

Mr. Betz: [indicating] The property is located behind 185 S. Liberty Street. It is the back portion of the lot that has been owned by the Morris family prior to the incorporation of the municipality. The back half that they are selling to the applicant, as well as the properties to the front, are zoned R Residence District and does allow for one acre lots. The proposal is to rezone the property from R District to DR Downtown Residence District which allows for multiple type uses. You can have single family, two family - up to multiple family type buildings. Your density could be up to seven (7) dwellings per acre. With some physical improvements to streetscape, it could go up to nine (9) dwellings per acre. They are proposing 39 units on 5.37 acres, so that's about seven and a quarter (7 ¼) per acre. An issue that came up at P&Z and Council the last time you saw this was is there an ability to have Depot Street extended to Village Park Drive. It's been on our Downtown Revitalization study as well as a connection in our current comprehensive plan update. Since this was tabled, the applicant has acquired rights by having a contract purchasing the property, and would propose to build, single family homes on that property with the extension of Depot Street being in the first phase, and the development you're seeing tonight, the zoning map amendment, be the second phase. What he is asking for at this point is a rezoning to the downtown district so that the applicant knows with some surety that by buying the property to the south, they will be able to develop the property to the north. The P&Z Commission did recommend approval of this zoning map amendment and preliminary development plan.

Councilman Cline: The parcel immediately to the south, what is it zoned?

Mr. Betz: DB Downtown Business District.

Councilman Cline: The 2014 charter amendment mentioned one of those districts, which one?

Mr. Betz: The Downtown Business District.

Councilman Bennehoof: You said along the Depot extension there would be single family homes?

Mr. Betz: Yes. You will see on the site plan right now that there are single family homes [indicating] and they could put three (3) single family units instead of two (2). That was what P&Z recommended. The preliminary plan is to remove the two (2), two-family units, replace it with three (3) single family units, so all the units along Depot Street would be single family.

Councilman Bennehoof: Would all of these be part of the condominium association?

Mr. Betz: Yes.

Councilman Counts: I want to understand the time line of the north parcel and the south parcel. The north parcel still has to go through final development. [Mr. Betz: Yes]. The south parcel - is that still going to have to go through sketch and preliminary development plan?

Mr. Betz: Yes.

Councilman Counts: So are we going to see these final development plans for these parcels at the same time or will we see them separately?

Mr. Betz: We can make it so that we can see them both at the same time.

Bob Hallapy, President of OnMark Communities: At the risk of sounding redundant, I want to have a thorough way on Depot Street. The only way to do that was to acquire the property to the south. My mission statement is to offer a quality product at an affordable price, address the need for Baby Boomers for an adult community, so as to not add to the schools; and the solution to divert the traffic from the Four Corners to help alleviate the traffic problem. That was my ulterior motive to untable it for a second reading.

Councilman Lorenz: Why not contemplate commercial development here instead of continuation of residential?

Mr. Hallapy: I'm not in that business, per se.

Mr. Betz: When the pieces were zoned at the time back in the early 1990s, they were under single ownership, including an antique store. When the owners retired, they sold the property to one owner. And now that owner wants to sell the parcel to the north. Historically, that was zoned Old Powell Commercial for the possibility of future expansion of that commercial area. However, times do change. There are single family developments all within sight at Case Avenue that happened at the turn of the century, and what Mr. Hallapy is thinking is that it would be best to have single family here. I don't know how viable commercial development there is now.

Mr. Hallapy: I would be remiss if I didn't say I was very strategic and methodical as far as the location of this property. We're backing up to the railroad tracks. We're not impeding a back of a subdivision. I feel that because this property is tough all by itself – it doesn't have a lot of houses around it – I thought it was ideal for the project I am proposing. I was blessed to be able to find the land and be able to put it in contract to purchase it. But then to have the southern piece in contract so that I can extend Depot Street is a win-win for the city. It is also walkable to all the businesses downtown which would help reduce traffic.

Mr. Betz described the zoning of the surrounding properties.

Mayor Hrivnak opened this item to public comment.

Liz Kellough, 90 East Case St., Powell, OH. What's the density for the downtown residence district?

Mr. Betz: You're allowed 50 foot lots with density up to 7 units per acre – it can go up to 9, if it were to include streetscape improvements and other public amenities. You are still downtown residence, and yours would not be changing. Morris' would be changing to the same as yours.

Ms. Kellough: So Depot Street would connect to Adventure Park Drive?

Mr. Betz: Yes.

Tim Voss, 90 East Case Street, Powell, OH. I think in a vacuum what is being proposed sounds great. However if you're listening to comments about the comprehensive plan and the desire for safety, aesthetics, and traffic being the key issues, I think we've missed the traffic issue this creates. If you are familiar with Depot Street and where that comes off the railroad tracks, you're not allowed to turn on to Depot Street. People will be going down to the next corner to turn and wig-wagging through the neighborhood. Or they come down Case Street which is a narrow street. I think this would make a tremendous bottleneck for traffic. I condone extending Depot Street and putting up houses on one acre lots like the other houses in the area, I think you've done something smart. But to put as many houses as they're talking about, you're talking about adding 75-100 cars to that area, and I don't think that makes any sense at all.

Tom Happensack, 127 Kellys Court, Powell, OH. We've been down this road a lot. I don't think you hear me anymore. The proposal here is against the will of the people. The people have voted about a charter amendment and the intent was to not have this type of housing to jam our downtown with high density housing. We didn't want high density housing. If you change the zoning, you have now approved the building of the 190th unit to be built downtown. We're going to hear another proposal tonight for which I actually do support – about another 308 units on Sawmill and Seldom Seen. That will bring this up to 500 units that the builders will say don't add to traffic in the area. It's a real stretch. People talk, we vote, we put petitions together, but nobody listens. I don't know where it ends. If you rezone this property for high density housing, like you did last time, you are going against the will of the people. We collected enough signatures then that it is going to the ballot barring a Supreme Court change. I'm not opposed to doing it again because I don't think this is the right thing for our downtown community.

Finally, I find it interesting that this wasn't on the last agenda to be untabled, so the public wasn't made aware that this was going to happen. And now we come in and this is a second reading. So in one week you will have passed something that hasn't been in front of the public in months. I would like the city to advise for the record when and where this was noticed for a public hearing. Today I talked to the Delaware Gazette, which is the official place where you have to put notice. They have no record of any published notice of this issue in July or August. This is the second time I've called you out on this.

Brian Ebersole, 215 Squires Court, Powell, OH. It's going on 2 years now where you've had citizens coming in complaining about traffic issues. Traffic is jammed all the time at the Four Corners. Not only is that an inconvenience, it is a public safety issue.

I'd also like to address the issue about completing Depot Street. As that relates to the traffic, right now we can cut into Case Street to get to Depot and then come down Depot to the railroad tracks. But nobody does that because it comes right out on Olentangy Street right at the railroad tracks. It's a challenge to get out there. This completion is to encourage people to go down Depot Street. This would add to the already dangerous railroad issue we have there.

We passed a charter amendment in the downtown business district [not] adding high density housing. It was very clear that the residents of Powell don't want high density housing in the downtown area. We circulated that petition on Harpers Point and it will be certified by the Board of Elections to go on the ballot in November. You are trying to sneak in high density housing right on the edge of where you were told not to put in high density housing. If you approve this Ordinance, you're doing it because that's what you think, not because it's what the citizens want. It seems to be a joke that you would even be considering putting in high density housing at this point.

Liz Kellough, 90 East Case Street, Powell, OH. I'm at the corner of Depot Street and Case Street. I have lived here for 30 years and have seen lots of things come and go and change. Some things are getting out of hand – densities, traffic, safety issues for people that are walking. I'm all for making money. I think there will be an issue with density and traffic. It's difficult to make a turnout of the neighborhood due to the traffic. We have so many children that are walking, riding and playing. I don't think this will fix anything. It will impact the area in a negative way. Many people move to Powell for the rural atmosphere. We are one of the top 10 wealthiest cities in the state but we have one of the worst traffic problems. We tried really hard to keep the village aesthetically pleasing from a design point of view. It frightens me because it seems that as we go along, we continue to annex and build. It was not what the original plans of what Powell was supposed to be. It's about green space, not about creating an urban space. I ask that you respect the fact that higher density housing is not really bringing anything to the community. It should take a lot to make revisions or make things change. You don't want things to change too much. These big neighborhoods are going up, but it's to the point where our green space is being compromised.

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

Mr. Hollins: We discussed the notice issue in the last Council meeting. The original public notice was sent before the second reading which was originally scheduled on February 3, 2015. The matter was then tabled indefinitely at the February 3rd meeting after it was opened to public comment. We met the Code requirement in February when the second reading was first scheduled.

Councilman Cline: Gene in February of this year, did we conduct a public hearing on that day? Can we can pull the minutes and see. Eventually it was tabled indefinitely. If it's not properly noticed, we ought not vote on it tonight. I agree with Mr. Happensack that if we did not give proper notice, we ought not be voting on it. But I reject the notion that because the voters rejected high density on one area that it should apply everywhere. We have before us tonight a zoning map amendment proposal. It does change the level (increases) of density that is permitted currently. So for that reason, I am prepared to vote on this, only after I'm convinced that we've held the public hearing.

Mr. Hollins: I have reviewed the February 3, 2015 minutes and can confirm that notice was given and public comment was open. Messrs. Happensack and Ebersole both spoke on this issue at that time during the public comments portion.

Mr. Betz: As well as the January meeting.

Mayor Hrivnak: Has this changed in any way since then?

Mr. Hollins: No. Even the attachments are the same.

Mr. Betz: No. Nothing's changed since February.

Councilman Lorenz: I know we look at these on a case-by-case basis. To me this is a tough one because we need to have those downtown residences. I hear it from both perspectives [from residents]. On this particular

zoning request, I have a problem with the density. I think it's a little too much. Another concern is the connection issue. I know that path is traveled so much, especially in the summer, with kids going to the pool, and we already have that connection to get through (Case Street to Depot Street). So I'm a little hesitant on this. I think we're going to have issues from a safety standpoint because of the density and proximity to Adventure Park.

Councilman Bennehoof: Although it is a rezoning, it is rezoning to be compliant with other adjacent neighborhoods – downtown residential district. It isn't as dense as it would be allowed to be. I share Brian's concern about Adventure Park. I think it might be our most used park. There are a lot of kids. I love the idea of the connection and I hate it. I think the traffic from that neighborhood would dump out where there are a high percentage of kids on bikes. I brought up the issue last time of the railroad tracks. I like the appearance of the throwback neighborhood. I like that you've been compliant with P&Z. I think you could reduce it [density] more. You can't please everybody all the time. A city that refuses to grow or change will die. Atrophy. Growth is a part of natural evolution. We are on the cusp of having a comprehensive plan. This was tabled before. I'm not comfortable voting on it tonight because there is a concern about the notice. I'm conflicted about all these issues. I would lobby to not do anything about it until we get the comprehensive plan completed. If it were voted on tonight it would be to change it [density] so that it would be exactly like the neighborhood that it touches.

Councilman Counts: I'm prepared to vote for it now, but I have no problem noticing it for our next meeting too. I think what we forget about is that even if we did no development for the next 10 years we would still have a traffic problem in Powell due to many factors outside of Powell. Powell, and Route 750, is a thoroughfare as we learned in the traffic study. There are other complicating factors like the railroad tracks. There is no magic bullet to solve our traffic problem. More importantly, we would never have any ability to fix any of it without growth because if we don't grow, we are going in the opposite direction. Without growth, it will be the residents that will have to pay for everything that the city is trying to do. What this proposal does is it builds one of the connecting roads downtown. So on that basis, I think it is worth moving this forward to see how it plays out. This is not the final development plan. This connection is part of that downtown plan. I think it's best for the city to have this built.

Councilman Crites: I'm not comfortable voting on this tonight. It also has been since February since this was last on the table. I have no problem delaying the vote until next time we meet. I have issues with respect to the density because of this location adjacent to Adventure Park. As Tom mentioned, this is not a final development plan. All we are doing is just moving this forward if we vote in favor of this, whenever that vote takes place.

Councilman Bertone: I'm not comfortable voting on this tonight. I think we should take the extra step of issuing a public notice first. I agree with Jon and Tom – if we're not growing there are bigger problems on the horizon. I do believe that Depot Street is part of the comprehensive plan that we did twenty years ago and may well become part of the next draft. I have serious concerns about the density. We currently have no back up for traffic heading west. I'm concerned about this right in and right out issue as well.

Mayor Hrivnak: What we are voting on this evening is the zoning map amendment. This is not the final development plan. I think the matter of density really comes down to the preliminary and final development plans. I don't mind giving this some more thought and giving it some public input. I would be in favor of that. I think there are some arguments to be made about density. Because we changed the zoning, doesn't mean he [Mr. Hallapy] gets to have that. There has to be a final development plan that has to be approved in the future. If we are not happy about density, that is the time to talk about that. I just want to keep in focus about what's in front of us today and possibly at the next meeting.

Councilman Bennehoof: I understand we are not voting on the final development plan. Even though it's a rezoning to the same that it touches, and with the comprehensive plan is so close, I think we should take a reprieve for further notice to the residents. I don't know what that does to your schedule, Mr. Hallapy. Given all that, I move that we table this to a date certain of September 1st.

Councilman Cline: I would also instruct staff to re-notice this hearing in an abundance of caution.

Mr. Hollins: It may not be a 10 day notice due to time constraints, but might only be a week.

Councilman Cline: Let me ask the applicant. If council voted on this on the 1st or 15th of September, would either of these dates cause you to pull the plug because we are taking up too much of your time?

Mr. Hallapy: September 1st, as opposed to the 15th, would be better.

MOTION: Councilman Bennehoof moved to table Ordinance 2015-04 to a date certain of September 1, 2015 with a re-notice of the public hearing. Councilman Cline seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2015-38: AN ORDINANCE ACCEPTING THE ANNEXATION OF A 43.88 ACRE TRACT, MORE OR LESS, TO THE CITY OF POWELL.

Mr. Lutz: This matter relates to a proposed 308 unit active adult resort community located at the southeast corner of Sawmill Parkway and Seldom Seen Road. The current development is moving through Planning & Zoning at the current time. Both this ordinance and next ordinance are related and we recommend be taken to a second reading.

Mr. Betz: The preliminary plan [indicating] is showing the outline of that which is being annexed into the city. Currently the CVS and gym are within the city, as well as Sawmill Drive and Bunker Lane. What's being annexed is the rest of the property that is outlined by this development plan into the City of Powell, including the remainder of the right of way of Seldom Seen Road that's not in the city right now.

Councilman Bennehoof: The perimeter, including the commercial districts is the 43.88 acres?

Mr. Betz: Yes.

Councilman Bennehoof: Do I understand that there is a development across the street in the township?

Mr. Betz: Yes, there is an assisted living facility of over 100 units being proposed there.

Mr. Lutz: This proposed annexation and the development plan are part of a pre-annexation agreement and we're just going through the steps now. Once the development plan is approved by P&Z, we will line up the proposed development plan and annexation the same evening for adoption.

Councilman Bennehoof: As we had before, there are no guarantees that the development plan gets approved and I would assume that the annexation we would probably want to be taken off. I forget how that's worded – be detached.

Mr. Lutz: You would detach if the land is annexed already.

[multiple speakers]

Mr. Hollins: If you are running out of time to accept the annexation. There is option in the pre-annexation that says go ahead and accept it, and we can detach.

Vince Margello, Margello Development and Brian Schottenstein, Schottenstein Real Estate Group. We would like to show you a video we've done on the village. We would also like to mention that we really appreciate all the work that staff and the Zoning Committee has put in on this.

[VIDEO PRESENTATION PLAYED]

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

Ordinance 2015-38 was taken to a second reading.

FIRST READING: ORDINANCE 2015-39: AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 43.88 ACRES AT THE SOUTHEAST CORNER OF SELDOM SEEN ROAD AND SAWMILL PARKWAY.

Mr. Betz: The property is at the south side of Seldom Seen Road and the railroad tracks [indicating]. It is a large tract. What's being proposed here is an active adult resort community, as well as two parcels of commercial. The total number of units is 308 units, divided up into three (3) different types of buildings. Building A is one and two bedroom suites with garages on the first level and living quarters on the second and third levels. There are four of those buildings. Building B are pinwheel-style with four units and are single story.

They are typical to what you see near the Big Bear Farms development. Building C are eight (8) units of attached townhomes and are two story. They are laid out in a grid pattern.

There are other buildings which include a clubhouse with a pool, a centralized trash compactor, an open space for use by the residents, including a ping pong court, putting green, and a garden and dog park to the north and east. A central green area in the middle area, and the retention pond in the southeast corner. This whole property drains to the south.

We've reviewed this extensively and gone through several different layouts with the buildings to accommodate the pathways, including one to the Seldom Seen Road Park. There is a tunnel that would be done at some point in time so that we have an uninterrupted pathway to the park.

We have examined an extensive traffic study and it was also examined by the Delaware County engineer. Within that traffic study there were several suggested improvements to help the flow of traffic along Sawmill Parkway.

P&Z has approved the preliminary development plan.

Mayor Hrivnak: Dave, we are amending the zoning map from Liberty Township Planned Commercial and Planned Industrial to the City of Powell?

Mr. Betz: Yes. The existing zoning for this is Liberty Township, PC Planned Commercial District and PI Planned Industrial. Originally, there was an interest in storage units being built on this site. This Ordinance would rezone it to PC Planned Commercial District, being a mixed use of commercial and residential. These proposed units will be rental units.

Councilman Cline: Can you outline the area that will be annexed and where it touches the city?

Mr. Betz: [indicating]

Mr. Lutz: We will attach a map for the second reading.

Councilman Cline: To the west of the northern two commercials, what will go there?

Mr. Betz: If you look at Exhibit C1, that is planned commercial zoning. The land is vacant right now.

Mr. Bennehoof: Is there a cell tower on that property being annexed?

Mr. Betz: Yes. That area is not going to expand. There is a gravel access road along this area.

Mr. Margello: I've been in the adult building business since 1983. I am very familiar with these types of villages. Our community up here [Powell] is different. We are a community that has \$700K homes. What we've found out from talking to people is that residents in the half million dollar plus homes feel trapped in their homes if they want to stay in this community when they contemplate downsizing in retirement. Some have suggested to them that they could move to downtown [Columbus] and come back here [Powell] to visit. The alternative if I sell my house here is to move into an apartment. This proposal is an alternative to those that want to move out of their home but stay in their community. Powell is a unique community because people come here and want to stay here. We think the market is there for this type of development, and people like empty nesters will gladly move into this community.

Mr. Schottenstein: Staff has been great to work with. They've had a lot of great input on this development, as well as the city's architect. This plan has come a long way. When we were here before, Council wanted to see more detail in amenities to keep people in Powell. We've brought that tonight - to keep people at home in Powell where they can age in place. We believe this development is something all citizens can be proud of.

Thomas L. Hart, Esq., attorney for Margello Development Company and Schottenstein Real Estate Group. We have a substantial team of professionals here with us and have gone through a substantial process. All those professionals are here tonight to answer any questions you may have.

Councilman Bennehoof: Is this a gated community?

Mr. Schottenstein: Yes.

Mr. Betz: There's three ways into this community [indicating].

Councilman Bennehoof: Is the tunnel underneath gated?

Mr. Betz: No. that is a pedestrian pathway.

Councilman Bennehoof: You have two commercials. What do you intend to put on that property?

Mr. Margello: We don't know what we will put on those two parcels. We envision a facility that would enhance our facility.

Councilman Bennehoof: Originally you had a higher density targeted for this and you reduced it. There are a couple of three story buildings proposed. We have a 2 story limit in the city.

Councilman Bennehoof: So you will need a variance for the three stories?

Mr. Betz: Yes. There's a variance to the height. If you look Exhibit A4 – Four buildings are three stories, but they are similar in height to the surrounding buildings where LA Fitness is.

Councilman Bennehoof: My last question is for staff. I always want to know what the business justification is. What are the adjoining densities of the immediate adjacent properties?

Mr. Betz: We'll get you an exhibit.

Councilman Crites: In the event the approvals are forthcoming, what is your timeline?

Mr. Schottenstein: 18 months to 2 years.

Mayor Hrivnak opened this item to public comment.

Terry Hoppmann, 375 Liberty, Powell, OH. I feel like it's Groundhog Day. We've had discussion amongst the community about large, three story rentals in this location. The community is not in favor of this. One of my main concerns about such a large rental community is a change of the community. I hope the council will look at this closely. What I've seen from our sister communities are that these type of buildings are on the outside of the community. My main concern is the three stories. Once you start to do three stories, it's harder to stop them. Remember that when someone owns a condo or home they have to maintain it because they may need to sell it someday. The only people that will be worried about selling this property are the business owners. Tartan Fields had a wonderful facility that they spent 30 million on its development and it went bankrupt. With corporations, their focus is profit and loss. Our community focus should be what we want to live in. There's no guarantee that this adult resort community will continue to be that in 10-15 years from now - things may change if it doesn't continue to be a profit-making thing.

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

Ordinance 2015-39 was taken to a second reading.

FIRST READING: ORDINANCE 2015-40: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2015.

Mr. Lutz: The city is beginning to take a close look at our traffic studies to address different ways to address the traffic concerns at the Four Corners. This appropriation is to allow us to hire a traffic engineer to assist the Operations Committee to help guide us.

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

MOTION: Mayor Hrivnak moved to suspend the rules in regard to Ordinance 2015-40. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2015-40. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: Tuesday, September 1st, 6:30 p.m. We will continue the downtown traffic discussion in partnership with the Operations Committee.

Finance Committee: Next Meeting: Tuesday, September 8th, 7:00 p.m. There are two major projects underway (1) Annual Budget process; and (2) the city's reaction to the recent amendment to the municipal income tax Code. Mr. Lutz also mentioned the proposed TIF for the Powell Grand development and using some of the TIF funds for the regional improvements that were mentioned tonight and having funds for Seldom Seen Park. Councilman Bennehoof asked what exactly are we TIFing for Powell Grand regional improvements? Mr. Hollins: We will get you the materials.

Operations Committee: Next Meeting: Tuesday, August 18th, 6:00 p.m.

ONE Community: Next Meeting: Monday, September 14th, 7:00 p.m. We previously met on the 10th and it was productive. We discussed the beautification project, monies for the testing simulators, and the OPAL Bike Path grant.

Planning & Zoning Commission: Next Meeting: Wednesday, August 26th, 7:00 p.m. The agenda will be the comprehensive plan.

Comprehensive plan Steering Committee: Next Meeting: Tuesday, August 25th, 6:30 p.m.

Powell Community Improvement Corporation: Next Meeting: Wednesday, August 26th, 6:00 p.m.

CITY MANAGER'S REPORT

Steve Lutz, City Manager, I have two items for a thumbs-up or thumbs-down:

1. Economic Development Item. A new restaurant is moving into Liberty Plaza at the site of the former Hickory House. No liquor permits were available, so they are using the state's TREX transfer which we have done before. They are requesting a letter from City Manager requesting the TREX.

By unanimous consent, approval was granted.

2. Delaware General Health District has presented the application of Rosemarie Voegele for consideration of the Board of Health appointee for the city. Ms. Voegele is a registered nurse and resident of Powell. Would you like to interview her or grant the blessing to have her appointed to the board?

By unanimous consent, approval was granted to City Manager for appointment.

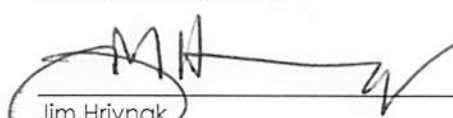



OTHER COUNCIL MATTERS

ADJOURNMENT

MOTION: Councilman Counts moved at 10:39 p.m. to adjourn the meeting. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MINUTES APPROVED:

  9-17-2015
Jim Hrivnak, Mayor Karen J. Mitchell, City Clerk
 

Jon Bennehoof

Frank Bertone

Tom Counts

Mike Crites

Richard Cline

Brian Lorenz