



City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Richard Fusch, Vice Chairman

Shawn Boysko

Ed Cooper

Trent Hartranft

Joe Jester

Bill Little

Chris Meyers, AIA, Architectural Advisor

MEETING MINUTES

NOVEMBER 11, 2015

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Emerick on Wednesday, November 11, 2015 at 7:00 p.m. Commissioners present included Ed Cooper, Trent Hartranft and Joe Jester. Commissioners Boysko, Fusch and Little were absent. Also present were David Betz, Development Director; Rocky Kambo, GIS/Planner; Leilani Napier, Planning & Zoning Clerk and interested parties.

STAFF ITEMS

No Staff items to report.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Emerick opened the public comment session. Hearing none, he closed the public comment session.

APPROVAL OF MINUTES

MOTION: Commissioner Jester moved to approve the minutes of October 14, 2015. Commissioner Cooper seconded the motion. By unanimous consent the minutes were approved.

ZONING MAP AMENDMENT - RECONSIDERATION

Applicant: ON MARK Communities, Inc.

Location: 185 N. Liberty Street

Existing Zoning: (R) Residence District

Proposed Zoning: (DR) Downtown Residence

Request: To review a revised zoning map amendment for a proposed single family, fee-simple subdivision consisting of 29 units on 5.37 acres, and rezoning the property from (R), Residence District to (DR) Downtown Residence.

Chairman Emerick advised the Commission there needed to be a motion to reconsider the zoning for this property since the zoning was previously approved and passed on to City Council.

Commissioner Hartranft moved to reconsider the Zoning Map Amendment for the property located at 185 N. Liberty Street.

Commissioner Jester seconded the motion.

VOTE: Y 4 N 0

Chairman Emerick informed everyone four (4) yes votes would be needed to pass the item on the agenda since only four (4) Commission members were present.

Todd Faris, Faris Planning & Design, LLC, stated he and his client, Bob Hallapy, have made minor changes to their request. The biggest modification is On Mark is now looking to build all detached units. The previous request had a mixture of 1, 2, 3 and 4 attached units. The builder has realized single, detached units sell better than attached. They have reduced the density to 29 units from 39 and are also requesting the north / south roadway connection be made a private roadway, which will be owned and maintained by the HOA. The developer will build the private roadway to public standards acceptable to the City's Engineering department. The elevations and site amenities are very similar to what was presented before.

David Betz, Development Director, said this is a reconsideration of a previous recommendation to City Council. The request would move on to City Council and be on their November 17th agenda. The proposal reduces the

number of units which makes this a minor amendment. There would have to be an increase to make this request a major amendment. The houses being proposed, the site amenities, the grading, etc. would come back before P&Z and City Council via the Preliminary and the Final Development Plan process; after the Zoning Map Amendment is approved, if approved.

Mr. Kambo reviewed the Staff Report (Exhibit 1).

Project Background

The applicant, since their last submission, has significantly revised their plan. They are no longer proposing any multi-family residences. The new site plan shows 29 single family homes, in relatively the same layout as before. Staff did an analysis of the site and is making a different recommendation.

Proposal Overview

To review a revised Zoning Map Amendment for a proposed single family, fee-simple sub-division consisting of 29 units on 5.37 acres. At this time, the applicant is considering fee-simple homes with an HOA maintaining all of the common ground, including the yards and the streets. All streets in this proposal are proposed to be private.

Changes since the Last Submission

The main differences are all buildings are now single family and the road is to be private as opposed to public. The applicant has indicated the homes can be sold fee-simple with an HOA to maintain the grounds and the streets. The design of homes will be similar, if not the same, as those previously submitted.

Staff Comments

Staff has laid out what a single family subdivision could look like, keeping the minimum required lot sizes of 50' by 100'. This layout can provide up to 25 fee-simple lots for single family homes. The streets again would have to be private. The plan shows a private street coming off of Adventure Park Drive which stubs to the south. This can then lead to a future extension to Depot Street. The developer is concerned about building a public street due to its cost under our current standards. He has asked if the City can develop some sort of "downtown connector street" standard which can be applied here. Staff is willing to consider this, however we will want some guidance by the Commission if this is something we should move forward on.

The Comprehensive Plan suggests multiple linkages in the downtown core to alleviate some of the traffic congestion at the four corners, allowing residents to avoid the four corners area. The linkages are not through streets; meaning a street going east/west or north/south specifically for individuals traveling through our community. Internal linkages are for our residents. The linkages don't need to be the size of a main road like Liberty or Olentangy. Staff is deferring to the Commission on the linkages.

Ordinance Review

The plan is generally consistent with Powell's Comprehensive Plan and zoning guidelines. If the private street coming off of Adventure Park Drive becomes a public street and is connected to Depot Street, it will provide an alternative route for residents to be able to avoid the four corners if they wish to, which is the bottom line of our Comprehensive Plan's downtown Thoroughfare Plan. This is an opportunity for a developer to build this street instead of the City building the street. This is part of the strategy to "Fix the Roads First", in a consistent yet incremental way of getting to the ultimate goal of our Thoroughfare Plan.

Mr. Kambo said it needs to be made clear why the Comprehensive Plan recommends internal linkages and how to pay for those internal linkages. The Plan has a fiscal component which helped determine how internal roads can be paid for. We know we have some traffic issues at certain times, on certain days. The traffic issues aren't 24/7. Internal linkages are meant to address some of those traffic concerns and take cars away from the main four corners, using these internal linkages. The second, most important component of building roads is funding the roads; getting the roads paid for and built. Powell currently doesn't have a capital improvements plan with funds available to make all of the internal linkages we need. One of the ways the City can fix the traffic issues is to develop our way out of it. The cost of building the internal linkages is put on the developers. It is important for the City to have these connector roads.

Staff Recommendation

In consideration of our Comprehensive Plan and zoning guidelines, Staff can only recommend approval of this revision to the submitted Zoning Map Amendment for this property.

Mr. Betz said an extension to Depot Street to the south is being proposed but there are other opportunities such as a stub to the east, tying in to Sharp Street.

Bob Hallapy, President/Owner, On Mark Communities, LLC, said he has been listening to all of the concerns. He thanked the Commission for initially approving 39 units. He has had conversations with Dave Betz regarding his development and he feels it is right to reduce his development from 39 units to 29 units. He has heard the concerns about traffic and density. He has wanted this project to be a win/win situation for everyone. He doesn't want to add to the traffic issues or be a burden on the school system.

Commissioner Cooper asked Mr. Hallapy what his feelings are on following Staff's recommendation to reduce even further from 29 units to 25 units. Mr. Betz said Staff's recommendation reduces the amount of homes to 25 but also eliminates the alleys, which are an extra cost. The roadways can be done in a public or private manner, a downtown type of street.

Commissioner Jester asked what the square footage was going to be for the homes. Mr. Hallapy said changing his proposal to fee-simple lots with single family homes, the homes will have 2,500 to 2,700 sq. feet. Commissioner Jester pointed out lots 1, 2, 5 and 6 are larger lots. Mr. Hallapy said it was Mr. Betz's idea to increase the lot size to 50' x 100'. Mr. Hallapy said the homes could have bonus rooms above garages and other home owner add-ons which could take the square footage up to 3,000. Commissioner Jester asked what the distance is between the homes. Mr. Betz said 10', with 5' minimum set-backs on each side. Mr. Hallapy said this is the first time he has seen Staff's recommendation of 25 homes. The 25 home plan looks clean and he likes it. To answer Commissioner Cooper's question, yes he likes the 25 home plan. Commissioner Jester said the drawings show 29 units but we really are talking about 25 units. Mr. Betz said the developer has applied for 29 units so we should keep it at 29 for now. If the developer likes the 25 unit plan and wants to move forward with a 25 unit plan he would need to put together a new plan for next Tuesday's Council meeting.

Chairman Emerick interrupted and said the Commission members should wait to ask questions after public input session.

Chairman Emerick opened this item to public comment.

Scott Miller, 6075 Liberty Road, said he owns property at 59 E. Case Street. Mr. Miller asked if the Zoning Map Amendment has been tied to a formal development plan and the development plan is approved with the Zoning Map Amendment or is this meeting only covering an amendment to the Zoning Code. Mr. Betz said there would be an amendment to the zoning map based on the Commission's recommendation to Council. Mr. Miller had paperwork from the last City Council meeting when the request was tabled. Mr. Betz said the paperwork Mr. Miller had would change to what the Commission recommends tonight. Mr. Miller asked if the Zoning Code Amendment will be limited to this particular project. Mr. Betz said yes it would be limited to this project. Mr. Miller questioned the need for an extension to Depot Street. He believes an extension would just become a cut-through street. He does not believe a Depot Street extension is for helping residents get downtown. Mr. Miller said extending Depot Street will take cut-through traffic near Adventure Park and the private street. Chairman Emerick asked what private street Mr. Miller was referring to. Mr. Miller said the private street being proposed in this development. Mr. Miller referred to page 140 of the Comprehensive Plan's Appendix, the Trip Generation by Land Use Type graph. He said one single family residential unit will generate 9.5 trips per work day. If you times the 9.5 trips per work day by the 29 units being proposed you will have 276 trips per day. Mr. Miller said the engineering study done a year ago for this site reports 30% of the traffic from this site will go west. The study also said 55% of the traffic would go south and east. He said this traffic will come down Depot Street if it is extended. The developer is asking for the zoning to be changed from residential, one unit per acre. The developer wants approximately 6 units per acre. Mr. Miller asked why the City would allow this property to go from residential, having one unit per acre to a development with 6 units per acre. He is very concerned with what the traffic is going to do to Case Street. The Commission needs to think about this. Does the City want the oldest residential street in the City ruined? Mr. Miller said he doesn't understand why the zoning map would be amended now when no one knows what this development will look like. Mr. Miller read from page 49 of the Comprehensive Plan, #6 Promote sensitive infill development and redevelopment; "infill and redevelopment also poses challenges due to the typically close proximity of other development, particularly when that development is an established residential neighborhood." He is concerned about the residents on Case and Depot Streets and the increased traffic. He asked the Commission what they are going to do to protect the residents on Case Street.

Tim Voss, owns properties located at 80 & 90 Case Street, said language was added to the Comprehensive Plan saying it was important to protect the Village neighborhood. He had recited a list of things from the first plan which very directly said there should not be through traffic in the Village neighborhood. This project is doing exactly that. He hopes what was written in the Comprehensive Plan weren't just words to pacify. He hopes Staff meant what they said. If Staff did, we wouldn't be considering this project. This project ignores what was said about not directing traffic through the Village area. If 55% of people are going to be traveling through Case Street, it is a

street where 2 cars can't even drive beside each other without hitting mirrors, there is a 10 mph speed limit, there is a deaf child living on the street, there is a 65 or 70 year old man who is deaf living on the street and the corners are so sharp you can't make turns in a reasonable amount of space. Case Street was built to pedestrian standards, not to the standards of heavy traffic. The Comprehensive Plan says this. Mr. Voss asked the Commission to think about the times they have sat on Powell Road waiting for traffic and then add 200 more cars a day to the traffic. He said there have been 2 elections where the residents of Powell have voted down additional downtown, high density development. It adds more traffic to a situation which is already intolerable.

Lori Marefka, 90 East Case Street, said her house is at the corner of East Case and Depot Streets. She said she was traveling from Seldom Seen south on Liberty Street. There was a police SUV pulling out of Case Street onto Liberty Street. She wasn't able to turn onto Case Street with the SUV sitting there waiting to pull out. She also couldn't stop and wait because of traffic behind her. She had to drive on into downtown. She said if the City thinks extending Depot Street is going to eliminate traffic in downtown, it isn't going to happen.

Gary Swackhamer, 76 Scioto Street, said he sat on City Council for 4 years and P&Z for 6 years, several years ago when Powell was a Village. His family has been in Powell, on Scioto Street, for 150 years. There is a lot of traffic which goes down Case and Scioto Streets. The cars move very fast and don't obey the stop signs. It is predominantly cut-through traffic coming from the north. It is a combination of residents and those who do not live in Powell. There have been 2 occasions when bike riders had to jump off their bike to avoid being hit by a car. Police reports were made but the drivers were gone. Their streets are only 16' wide. The streets were made wider years ago because they opted not to have sidewalks. It was country living at that time. We were used to walking in the streets. Mr. Swackhamer asked the Commission to not burden Case and Scioto Streets with more traffic. The area is the last piece of the original Village, still somewhat serene. Home Road, Seldom Seen Road and Rutherford Road can all handle the traffic better than Case and Scioto. He doesn't think his area should suffer because the man selling this land-locked piece of property wants to sell his land and stay in his house. Mr. Swackhamer said this man's house has no historic value. The house should be torn down and the entrance to this proposed development put on Liberty Road. The residents can't enjoy their time at home with the high-speed, cut-through traffic. They want to fix up their properties but they don't want to because they can't enjoy their homes. The City wouldn't dream of putting cut-through streets in the newer sub-divisions. Mr. Swackhamer said he is upset about the last piece of historic village being destroyed. He thinks the extension is a bad idea. The Commission doesn't want to send a project to Council which will end up in a referendum.

Mr. Voss came to the podium again. He pointed out Staff's comment in the Staff Report saying "the developer is concerned about building a public street due to its cost under our current standards." The developer asked if the City could build some sort of downtown connector street standard which could be applied to this project. Mr. Voss said he doesn't understand why the City would consider doing this, lowering our standards.

Hearing no other comments, Chairman Emerick closed the public comment session. Chairman Emerick opened the floor for comments and questions from the Commission.

Chairman Emerick asked Mr. Betz if landscaping and like items were reviewed and passed on to Council after the original application and Final Development Plan came before P&Z. Mr. Betz said it was a Preliminary Development Plan which was reviewed before. The landscaping presented originally is the same but items such as these will come back before P&Z. New Preliminary and Final Development Plans would come before and be reviewed by P&Z. Mr. Betz said the City doesn't have standards for downtown connector type of roads. The City has typical, 50', sub-division right-away streets in our regulations. The City will be developing standards by which these types of connector roadways will be built; in terms of what the cross-section will be, the width of the roads and the thickness of base and pavement. This is what the Staff Report means when it says developing the standards with the developer as they go forward with their plans. The Commission has the option to not make additional recommendations and the existing plan will move forward to Council, the Commission can make a recommendation on the number of lots in a layout such as what Staff proposed, Commission can make changes such as not recommending a stub street to the south and requesting a cul de sac instead or Commission can recommend the street to the east dead end, to be continued as a way out in the future. The other option is to leave this property under the current zoning, with a road coming off of Adventure Park, dividing the property in half with 3 lots on each side. We are comparing 5 or 6 lots to 20 or 25 lots.

Commissioner Cooper said he wasn't a member of the P&Z Commission the first time this request was heard. The request is new to him. He understands the resident's concerns about Depot Street. He wouldn't want to see the proposed private road connected to Depot Street under the current circumstances. Commissioner Cooper said he doesn't feel good personally making a decision tonight while we are missing 3 Commission members. He would prefer to table this request rather than take a vote tonight.

Commissioner Jester asked if the plan is down to 25 dwellings. Mr. Betz said the application is for 29 units. Staff only put together a layout showing how the development could be completed under a typical, single family lot, within the guidelines of the downtown resident district. The downtown resident standards, when they were designed many years ago, create lots in the 50' x 100' minimum standard. Staff drew the layout just to show the Commission how the development would look under the current downtown resident district standards. The application is for 29 units. If the Commission doesn't want to make any changes from the previous recommendations, that is how City Council will address the request next Tuesday. Mr. Hallapy said initially P&Z approved his request for 39 units. He is here tonight out of the goodness of his heart. He plans on living in one of these homes. Initially, listening to Staff, he thought the Depot Street extension was a public improvement which would help traffic. He went one step further and put the 2-1/2 acres, to include the extension, in contract. Listening to residents who live on Case Street, he is sensitive to their concerns. He wants to do what is right for Powell. He doesn't want opposition. He strategically picked this property so the people who live here can walk downtown as opposed to having to get in their cars and drive downtown. He has looked at all of the aspects and variables to make this a win/win situation for everyone. He is not opposed to putting a cul de sac in rather than an extension. He doesn't envision a Depot Street extension anymore. Mr. Hallapy said he was already approved and good to go with 39 units. He came before P&Z tonight reducing the units by 10 to 29 units. He likes the 25 unit plan so now he is reducing another 4 units for a total reduction of 14 units. He has reduced a lot considering the amount of money he has tied up in this project. Commissioner Jester said he likes 25 units. He thinks 29 is a lot. Discussions have been totally focused on the street so he has been wondering if the Commission is voting on a street or voting on a development. Commissioner Jester said the residents are worried about a street running through the development. Commissioner Jester said he would like to see clarification on the street before he votes.

Residents commented from their seats saying they are worried about high density development. Chairman Emerick interrupted the residents and explained the public session was closed.

Chairman Emerick said we aren't reviewing an extension of Depot Street. We are deciding whether to accept the change in the number of units in the development.

Commissioner Jester said he would be comfortable moving forward with 25 units.

Mr. Betz said the Commission can recommend the 25 lots and the street not be extended to the south; or recommend 25 lots and the street be extended to the south; or the Commission can recommend the street in the development plan be extended to the east; or the street not be extended to the east. Chairman Emerick said at this point there is no extension of Depot Street. Mr. Betz said no because Mr. Hallapy no longer has the land to the south. Chairman Emerick said all the Commission would be recommending would be for a stub street so an extension might happen in the future. Mr. Betz said correct.

Commissioner Hartranft thanked the developer for coming back before the Commission. He thanked the residents for coming and sharing their concerns. The Commission values the resident's feedback. The Commission wants to do the right thing for Powell. He was comfortable with 29 units but he is comfortable with 25 lots also. He would like to see a revision putting in a cul de sac or put in another lot to alleviate the fears of an extension by the residents. The stub wouldn't be there so there wouldn't be a chance of a connection, even in the future. Commissioner Hartranft asked if the square footage is going to be 2,500 – 3,000 sq. ft. Mr. Hallapy said the homes will be big, closer to 3,000 sq. ft. Commissioner Hartranft asked if houses will be in the \$300,000 range. Mr. Hallapy said \$400,000 - \$450,000. The price is going to go up because he is reducing the number of homes so much. Commissioner Hartranft said he would be open to the plan being revised to fit in 29 homes if it would block off or land lock the possible extension. He would be open to this if a revised plan could be presented to Council next Tuesday. Commissioner Hartranft asked if the materials to be used are the same as what was previously submitted. Mr. Hallapy said yes; all natural materials, high quality. He is a custom home builder. He usually builds \$500,000 to \$2,000,000 homes. He uses the best in materials. His name is on his homes. He takes pride in his homes. His homes are in the Chase and Deer Run sub-divisions.

Chairman Emerick reiterated the point that the question before the Commission tonight is, do we recommend to Council to accept this Zoning Map Amendment, with conditions, without conditions or do we let Council consider the request as originally submitted and approved. Chairman Emerick said he would entertain a motion accordingly.

Commissioner Cooper said he could approve the request with revisions; to include removing the stub street and possibly rearranging the units to better fit. He isn't as concerned about whether there is 25 or 29 units. He would definitely like to see the private road and the stub gone. If there was a dwelling in place of the stub street, the

chances Depot Street would be extended are much slimmer. He would not be opposed to a stub to the east, for a future extension.

Chairman Emerick said he would play devil's advocate. The Comprehensive Plan does mention as a traffic strategy, providing as many alternative routes for local residents as possible. The extension of Depot Street was suggested to accomplish this. If we don't do anything to extend Depot Street, traffic will still go down Case and Scioto Streets. The extension of Depot Street opens up another avenue to allow people to go down Depot Street and not use Case or Scioto Streets. Commissioner Cooper said this plan has traffic on a private roadway which may or may not be constructed to state standards for roads and this traffic will dump out onto Depot Street, which we know is totally inadequate. He understands the Comprehensive Plan but in order to extend the proposed private road onto Depot Street, Depot Street would need to be reconstructed. Chairman Emerick said this is part of the consideration, Depot Street would be reconstructed with the extension. Commissioner Cooper said he would want to hear that first. Commissioner Hartranft said he would be comfortable approving the Zoning Map Amendment with the conditions just mentioned.

Commissioner Hartranft moved to approve the revised Zoning Map Amendment for the property located at 185 N. Liberty Street, a proposed single family, fee-simple sub-division consisting of 29 units on 5.37 acres, subject to the following conditions:

1. That there shall be a reduction of units from 29 units to 25 units;
2. That the stub street to the south shall be eliminated; and
3. That there shall be a continuation of the stub street to the east.

Commissioner Jester seconded the motion.

VOTE: Y 4 N 0

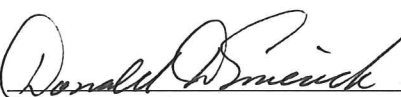
OTHER COMMISSION BUSINESS

Mr. Betz said the City has had a couple requests over the last several years for cell towers. Verizon would like to put in another tower in the area of Bennett Parkway and Powell Road and then at Bennett Parkway and Liberty Road. Putting a cell tower at Bennett Parkway and Liberty Road wasn't well received at one time. The City is looking at allowing a cell tower in Arbor Ridge Park, at Bennett Parkway and Liberty. The cell tower could resemble an old time water tower. We are looking for ways to disguise the tower. Commissioner Hartranft asked to see where the cell tower would be placed. He asked who would have the best view of the cell tower. Mr. Betz said you would see the cell tower driving down Powell Road. The idea is there is an old farm there. It could appear as if an old water tower was left from the farm. Mr. Kambo said an old water tower holds true to the City's rural roots and the City's logo can be painted on the water tower. When people drive into Powell they will see the water tower and know they are in Powell. Commissioner Hartranft asked what the distance is from the back yard of the closest home. Mr. Kambo said approximately 220' and 472'. Commissioner Hartranft asked if the tower would be placed behind the tennis courts. Mr. Kambo said yes. Commissioner Hartranft asked if the Commission was making a decision tonight. Mr. Betz said they were just getting the Commission's thoughts and feelings on the matter; whether a regular tower is preferred or a faux water tower. Staff will be having a meeting about the cell tower. Commissioner Cooper said he personally likes the look of the water tower. Commissioner Hartranft said he did too. Mr. Kambo asked where the Commission would prefer the cell tower being located. Chairman Emerick and Commissioner Hartranft said behind the tennis courts. Mr. Betz said cellular service is really bad the further you go into Falcon Ridge. Mr. Kambo said better telecommunications is needed in this area. Mr. Betz said a flag pole type of tower could be installed but only one service provider could provide service. Multiple service providers can provide service with the water tower. Mr. Kambo said there would be co-locations.

ADJOURNMENT

MOTION: Chairman Emerick moved at 8:22 p.m. to adjourn the meeting. Commissioner Hartranft seconded. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: December 9, 2015


Donald Emerick
Chairman

Date


Leilani Napier

Planning & Zoning Clerk

Date

