



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

DECEMBER 9, 2015

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Emerick on Wednesday, December 9, 2015 at 7:01 p.m. Commissioners present included Ed Cooper, Richard Fusch, Joe Jester and Bill Little. Commissioners Boysko and Hartranft were absent. Also present were David Betz, Development Director; Chris Meyers, Architectural Advisor; 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 November 11, 2015. Commissioner Cooper seconded the motion. By unanimous consent the minutes were approved.

SKETCH PLAN REVIEW

Applicant:	Pulte Homes
Location:	8213 Steitz Road
Existing Zoning:	(FR-1) Farm Residential District, Liberty Township
Proposed Zoning:	(PR) Planned Residential District, City of Powell
Request:	To review a Sketch Plan for a proposed sub-division consisting of approximately 128 units on roughly 70 acres.

Thomas Hart, Attorney, Two Miranova Place, Suite 700, Columbus, said he is the lawyer for Pulte Homes. A Sketch Plan hearing is an introduction of our proposal to the Commission and the community. Matt Callahan with Pulte Homes will walk through a brief overview of the company, the basics of the site plan, what they are trying to accomplish on the site, the mix of home styles being proposed, the targeted market, price points and information on other Pulte developments in central Ohio. Pulte Homes is relatively new to central Ohio. The property is currently located in Liberty Township, being annexed into the City of Powell. The process will take many public hearings before P&Z and Council. We are at the beginning of the process for zoning and annexation. We will file a formal application after tonight. During the formal process, we will touch upon all of the normal requirements such as traffic, land use, school impact and community impact. Tonight we would like to get general feedback and a sense of direction from the Commission. The landowner's family has farmed the land for many years.

Matthew Callahan, Pulte Homes, 4900 Tuttle Crossing, Dublin, said Pulte Homes came to this area in the summer of 2014 by way of an acquisition. Pulte Homes is the 3rd largest home builder in the nation. The company operates under Centex Homes; Del Webb retirement communities in the southeast and southwest; DiVosta, a major developer in the Florida area; and Pulte Homes. The site is a 70 acre site on the east side of Steitz Road, south of Home Road and north of Rutherford Road. The entire eastern border of the site is adjacent to the Golf Village sub-division. Golf Village also borders the site on the north. The northwest corner of the site is adjacent to the Windsong sub-division. The site has a lot of natural features; several tree rows, a small woodland in the northeast portion and a wetland area in the southeast portion. The site lays itself out, using the existing tree rows, letting the natural features define and help determine how to develop the site. The tree rows divide the site into sub-areas which can have their own unique identity and privacy. Two different home styles are being proposed for

the site; the north and most of the eastern portion of the site will have conventional, single family homes, very similar to the homes adjacent to the site in Golf Village and Windsong. The lot sizes would be a minimum of 80'. The small woodland area in the northeast portion of the site will be maintained to respect the existing homes. The wetland area will be preserved. There is a low area which will be maintained as an open space area. The site has a unique opportunity to have a multi-use trail connection. The plan is to connect the multi-use trail to the small open space being maintained by the Golf Village HOA, linking neighborhoods by the multi-use trail. Conversations have taken place with Mr. Betz to someday connect to the Reserve at Scioto Glen sub-division being developed now. The home styles planned for the smaller lots are ranch style/condominium style homes, targeted for empty nesters and the active adults segment of the market. These ranch style/condominium homes would range from 1,600 sq. ft. to 1,900 sq. ft. It is a unique opportunity to offer a different style of home for different segments of the market. The lots in the north and east portion of the site would be for more conventional, single family homes. These homes would range from 2,800 sq. ft. to 3,600 sq. ft. Pulte Homes brings unique and different housing choices to the Powell market. All floor plans are consumer inspired. Pulte Homes spends a lot of time with our buyers to understand what people want in a home. Commissioner Little asked if the ranch style/condominium homes are actually stand-alone homes and not condos. Mr. Callahan said they are detached type of homes. Commissioner Little asked if the community would be condo style. Mr. Callahan said yes, this portion of the development would be low maintenance with lawn care and exterior maintenance. Some unique features are the Pulte Planning Center which is a pocket office feature off the kitchens, where children can do homework or adults can get on a computer to pay bills; owner's entries which are areas where you enter the house and you are able to hang coats, drop your keys, kick your shoes off; the homes are designed the way people live their lives. Mr. Callahan said there are model homes in Celtic Crossing in Dublin and in the Jerome Village community in Jerome Township. Single family homes will be priced in the low to upper \$400,000s to the low \$600,000s. The ranch style/condo homes would be priced \$250,000 to \$350,000. Pulte Homes is excited to be able to build in Powell and they look forward to moving ahead with their plans.

Mr. Betz summarized the Staff Report (Exhibit 1).

David Betz, Development Director, reminded the Commission the request being reviewed is a Sketch Plan, the first part of the development review process. The property is currently in Liberty Township and is planned to be annexed into the City of Powell. The development would fall under City of Powell regulations. The Commission is reviewing what has been proposed to this point, giving general comments and suggestions to the developer, introducing the project to the community for feedback and if approved, a Preliminary Development Plan would be submitted showing more details such as dimension requirements, utility issues, etc. A Final Development Plan would then be submitted; all while the annexation process moves forward. The process will take up to 4 months. The property is on the east side of Steitz Road. Golf Village is to the east and north. There is some vacant land to the west side of Steitz Road. There is large lot development off of both Rutherford and Steitz Roads. The property drops in elevation from east to west, with water draining to the west. Sanitary sewer provision will be through Scioto Reserve sewer plant and go to the west. The applicant is working with the Delaware County Sanitary Engineer's office and Scioto Reserve to obtain sewer approval. The corner of Steitz and Home Roads is scheduled for improvements next year by the County Engineer. The County Engineer will be reviewing the traffic plan for this property as the Steitz Road right-of-way (ROW) will not be a part of the annexation. The City does have the authority to approve this plan but the City will work with the County Engineer in regards to what is required for improvements. There may be a need for additional help to the County for the Rutherford and Steitz Roads intersection. The County Engineer will conduct a traffic study. The Reserve at Scioto Glen is to the north and west of the proposed site. There is a small public park in the Reserve at Scioto Glen's plans, with a pathway system throughout the sub-division leading to Hunter's Bend. Staff is excited this proposal will provide the ability to connect neighborhoods together with a pathway plan which will go into Golf Village. Staff would like to see the pathway along Steitz Road brought all the way up and connect to the sub-division to the west of Steitz Road. There will be two entrances off of Steitz Road, one to the single family sub-division and one to the ranch style/condo homes. The two areas will be connected so travel flows. The plan has a couple cul de sacs. Staff looked at trying to make good routes for school buses, trash trucks, etc. The least amount of cul de sacs a development has the better it is for good routes. Staff looked at making a cul de sac a loop street but it adds street length and it disconnects a continuous open space. After studying the site, Staff is OK with the layout as shown. There will be a connection into a small, sliver of space owned by the HOA in Golf Village. Golf Village was laid out prior to annexing into Powell. Mr. Betz said he doesn't know if the sliver of space was left for the purpose of being able to provide access to the west if it was ever developed. Allowing residents to be able to traverse between the two sub-divisions will be a good thing. The developer is proposing approximately 1.8 units per acre overall gross density for the site; 1.5 units per acre if you analyze just the single family home portion of the site. This is similar to Golf Village. The ranch style/condo portion is just over 3 units per acre. Staff believes keeping the tree line to the northeast and creating an open space area to the front leads to keeping the rural feel in the area. Powell is a suburban community. The developer has planned out very well by keeping the fence

line and rural atmosphere. The retention area is probably oversized for the area but is located in the appropriate area. Staff believes it might be better to keep lots 83, 84 and 85 as open space as opposed to building on them. The connection of the bike path is critical and creates a good way for residents to be neighbors and friends. The development will connect to a current stub street to the north in Liberty Township. It is always good to have numerous ways to get in and out of a sub-division. There is a stub street to the farm land to the south which could provide an access point if development occurs there in the future. For City budget purposes, Staff performed a cursory fiscal analysis with the home values being proposed and found the home values to be well over the minimum needed to have a positive effect on the City's fiscal situation. The Comprehensive Plan shows this area a possible residential area, with the possibility of annexation. Staff feels this is a strategic plan which would allow connection between neighborhoods. The Zoning Code as it currently stands does allow for up to 1.7 dwelling units per acre if open spaces and bike paths are included. Staff feels the lot sizes and home values are consistent with adjoining sub-divisions.

Chris Meyers, Architectural Advisor, said the traffic should be addressed up front and early in the process. The two entrance points on Steitz Road are ideal due to the nature of the road. Mr. Meyers encouraged the applicant to study the Hunters Bend outlet and the eleven home owners in Hunters Bend. The applicant should discuss different ways traffic can be controlled, shifting the traffic more onto Steitz Road rather than the outlet to the north, preventing the outlet to the north from becoming the quick route to get to Home Road. Mr. Meyers thinks it is great the applicant is saving the tree lines. It will be nice to see how the applicant plans on incorporating these tree lines into their landscaping strategy. The tree lines shouldn't be the only component of the landscaping plan. The pond location makes perfect sense because it is in the low point of the site. Making the pond look like a natural pond rather than a detention area is a good idea. Mr. Meyers said it might be nice if an existing building could be re-purposed to become a community building or a gathering point. The applicant should look into whether the old barn or farm house has any merit to them; could they become a sales office, a leasing office or a pavilion to be used by the community. If there is the opportunity to use these items for their nostalgia, it would be a nice touch to maintain some of the heritage of the farm. The path connection to Golf Village is a nice idea but Mr. Meyers would like to know more of the detail on how the path would connect and whether the paths are going to be pedestrian and bicycle only or will golf carts be allowed. Mr. Meyers said there is more and more golf cart activity around Kinsale and it is becoming problematic. The applicant should make sure the path plans aren't adding to a vehicular condition which should be intended to be a pedestrian and/or bicycle condition. The wetlands could be a great opportunity to enhance the landscape design. Wetlands can tend to look like a swamp if they aren't developed properly. Mr. Meyers said he is very familiar with Pulte Homes. They build very nice homes. His expectation is the Commission will see great elevations, great materials and quality products due to the homes costing \$400,000 to \$600,000. The next phases of the review process should give an accurate depiction of the portfolio of homes, the different options available, material samples, color pallets and the products to be used. The developer is utilizing the site conditions to their best advantage. The development should be successful.

Chairman Emerick opened this item to public comment.

Jay Sefring, 4507 Hunters Bend, Liberty Village, said his sub-division is to the northwest of this development. Mr. Sefring commended Pulte Homes for recognizing there are other sub-divisions already in place around the site who will be impacted. Past developers didn't acknowledge the current sub-divisions. This development won't be a direct impact on him and his family because his home is on the other side but they have friends everywhere in the communities which will be affected. There will be two home owners in Golf Village who will have an access path through their back yard and/or side yard. The City thinks paths are a good feature but these 2 families aren't going to feel that way. The Windsong residents to the north are going to have more traffic through their sub-division and this isn't something they want. The Windsong residents don't want access to the south. Mr. Sefring asked the developer and the P&Z Commission to think about how this development will impact the community, the impact to Steitz Road and the Rutherford Road intersection. He has been driving out of his sub-division for 9 years now and both the Steitz and Rutherford Road intersections are getting significantly more dangerous. The speed limit on Steitz Road also needs to be addressed and needs to be a discussion point. Mr. Sefring said he would like to hear about the plans for the west side of Steitz Road, the Shelly property. This area would directly affect Liberty Village and the HOA of Liberty Village. The Shelly property will eventually be acquired by a developer and developed. He asked what P&Z's long term plan is for the property to the west; how will it align; how will it match up to what Pulte Homes is proposing now. Mr. Sefring said both the Smith and Shelly properties need to be looked at together from a planning standpoint and not just what Pulte is presenting today. Both will be developed and it will be a significant impact on our community.

Gary Mittendorf, 276 Park Wood Lane, The Woods at Big Bear Farms, said he lived in Texas for 30 years and Pulte Homes has a great reputation in Texas. They build a fine home.

Margo Belkofer, 8290 Wildflower Drive, said she lives south of Smith Farms. Her property backs up to the field below Smith Farms. She doesn't know who owns the property her home backs up to but she is happy it isn't being developed at this time. She asked if the land owner of the property her home backs up to was contacted to be developed. An unknown person in the audience said they have no plans to develop at this time. Ms. Belkofer said great and thanked the person who spoke.

Mike Pechinak, 8038 Wildflower Drive, said he will be directly impacted by the "sliver of space" the path is supposed to go through. His house is adjacent to the "sliver". They paid a premium price for their lot because it was adjacent to the wooded area. They were told the area would be a permanent green space. He is concerned about the bike path which will go through the permanent green space and through his back and side yard. He is concerned about lost privacy and an increased amount of traffic; whether foot, bike or golf cart traffic. He has two young children and he worries about their safety. Commissioner Fusch asked Mr. Pechinak who told him the space would be a permanent green space. Mr. Pechinak said Virginia Homes. Commissioner Fusch said Virginia Homes doesn't own the property. Mr. Pechinak said the easement which runs along his yard is 8' wide and there is a pretty good slant to it, which runs to a storm drain in the back corner of his yard. He isn't sure what the bike path would look like since there is a significant elevation change. Chairman Emerick pointed out Mr. Pechinak keeps saying traffic through his back yard but the path traffic won't really go through his back yard. Mr. Pechinak said traffic will go through his side yard. Chairman Emerick said technically, traffic won't really go through his yard at all, the traffic will be going through the right-of-way alongside his yard. Mr. Pechinak said fair enough, but he will have people walking along the side of his home. Commissioner Jester asked if the path will connect up with the sidewalk. Mr. Betz said yes. Commissioner Fusch asked Mr. Betz if the "sliver" of land is controlled and/or owned by the POA. Mr. Betz said yes. Commissioner Fusch said the POA would have to give up their rights to the area. Mr. Betz said the POA would have to provide a public, pedestrian easement there and this hasn't been obtained as of this time. The path is just an idea at this point.

Nelson Penn, 4224 Village Club Drive, said there is a very distressed fence which runs through the tree line on the north and east sides of the proposed site. He asked what the plan is for the fence; will it be replaced or maintained. He asked who would maintain the fence if it is going to be maintained. He asked if the fence line and property will be a part of Golf Village and who will maintain the open space which is being planned with the pathway. Chairman Emerick said this would have to be researched and looked at. Mr. Betz said generally the open spaces are owned and maintained by the HOA. The pathway, if dedicated for public use, will be maintained by the City of Powell, under a separate easement. Commissioner Little asked if the fence in question is on the Smith property. Mr. Betz said the fence in question should be on the Smith property. Mr. Betz said a lot of the old farm fences are a common line or on one side or the other of the property. It depends on which farmer built the fence at the time. The City would have to investigate and decide what should happen. If the fence is an old barb wire fence it would probably be best to remove it and not put anything back up. Commissioner Little said if we get to a Final Development Plan we need to make sure we look at the fence and address the issue. Mr. Betz said yes.

Chris Watson, 4234 Hunters Bend, said his property is just north of the proposed development site. He said his neighborhood doesn't have sidewalks. Their community has talked and one of their major concerns is the traffic 129 homes will generate, passing through an existing sub-division of eleven homes, with no thoroughfare for their children. This is a major safety concern for them. The concerns Mr. Meyers brought up about the traffic and the quickest route being through their neighborhood is a valid concern. The tree line to the south of the lots is more of a brush line; it isn't much of a tree line and there isn't a lot of privacy created by this brush line. He encouraged the developer to look at this area and think about creating a boundary area between the existing sub-divisions. The proposal has two entrances on Steitz Road. Mr. Watson asked if there really is a need for a third. The existing sub-divisions don't wish to be connected due to safety reasons. Could the City consider not connecting the sub-divisions? Mr. Watson said they have concerns about the ranch style/condo homes matching up to the feel of the community. The homes are much smaller.

Cory Tharkoff, 7902 Steitz Road, said his property doesn't adjoin any of the proposed properties. He drives Steitz Road. He is very familiar with the cut-thru traffic and the rate of speed drivers travel. He said Steitz Road is a drag strip for kids. This development will add more traffic to an already existing issue. He isn't a fan of the two entrances. There are a lot of curb cuts in this area, especially existing residential curb cuts. He agrees with the comments residents have made about the density. He is in favor of development but he isn't in favor of the annexation. He thinks it is a land grab on Powell's part. To say the City is trying to aggressively annex land for connectivity of paths is a weak statement. People using the multi-use paths will end up on City sidewalks. Putting in these pathways changes existing easements on lot owners.

Brian Jennings, 4320 Village Club Drive, said he lives north of the big patch of trees on the northwest corner of the property. The back yard of his house and the two houses near him flood every spring when there is a lot of rain.

He is wondering if this will be looked at during the development. He doesn't want the flooding to get worse. Commissioner Little said we already heard how the property drains and asked how bad the yards flood and if it becomes a tradeoff of fixing the flooding or losing trees, which is more important. Mr. Jennings said the amount of flooding depends on how much rain they get. Mr. Jennings said if he had to pick between fixing the flooding or the trees, he would keep the trees. Mr. Jennings said he just doesn't want the flooding to get worse. Commissioner Fusch asked if the drainage is to the southwest. Mr. Betz said overall the property does drain to the southwest, there could be a low spot at the yard's location.

Mike Bambeck, 4410 Village Club Drive, said his property is north of where the proposed path comes out onto Wildflower Drive. He wanted to make sure the traffic pattern at Wildflower and Village Club is being addressed. The path will end and flow onto the sidewalks in our community, which is fine in theory, but kids flying down the path right into the road needs to be considered. The traffic is very heavy at the intersection. It is important to conduct some sort of study to see what the traffic pattern is and how kids would go out onto the road. Mr. Bambeck said he won't see the bike path so he won't see or feel the impact as much as his neighbor Mike Pechinak. He doesn't think it is a good idea to have a path stop on such a busy intersection.

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

Commissioner Fusch said he likes the basic design, preserving the tree lines and the idea of walking paths around the retention pond. He hopes the applicant has listened to the public comments and concerns carefully. Many comments and concerns need to be seriously considered. He supports the idea of removing the 3 lots; 83, 84 and 85. He is not a great fan of cul de sacs; they hinder movement and community interaction. Studies show cul de sacs cut neighbors off from one another. He would like to see the cul de sacs go away. Commissioner Fusch said he is concerned about the traffic which would be created on Hunters Bend and the bike path extension into Golf Village. He believes communities should be connected but he is sympathetic to the resident's concern of people cutting through their back yard.

Commissioner Little said the City just completed a new Comprehensive Plan and it should be used as a guide. This request is in line with the Comprehensive Plan. We need to be particularly careful the numbers work in regards to annexation. The City doesn't want to create a problem for itself. He would like to see a more detailed financial summary showing the impact to the City and schools in the next meeting. Density is a popular topic to talk about. He always tries to look at the impact on adjoining properties. The number of lots on the east side of the proposed property compared to the number of lots on Wildflower is actually less, which is good. Property values of homes on Wildflower compared to the proposed homes are commensurate. The proposed homes won't be a detraction from the homes on Wildflower. From an overall density standpoint, the proposed development is probably a little high. Staff's recommendation to get rid of the 3 lots (83, 84 and 85) is appropriate. He would like to see the development get closer to 120 units overall. He would like to see a better alignment of the northwest corner near Hunters Bend. The idea of cul de sacs sounds good but it really doesn't work out so well anymore. Communities are moving away from having cul de sacs. He would like to see the cul de sacs be removed. This would also help with density. Commissioner Little said he agrees with Staff regarding the multi-use paths. He would like to look at where the proposed connection to Golf Village is supposed to be. Residents have identified the need to look at Steitz Road. There are some road improvements which will be required. Commissioner Little encouraged the developer to work with the HOAs. He would like to see evidence from the developer at the next meeting, maybe in the form of deed restrictions, to ensure the ranch style/condo style homes won't be built next to Wildflower. The developer should explore the use of existing buildings, to keep the history.

Commissioner Jester asked the developer if they have agreed to remove lots 83, 84 and 85. Mr. Hart said they will look at the suggestion. They didn't come into the meeting with this idea in their mind. Commissioner Jester said he thinks the density is a bit high. Commissioner Jester asked Mr. Betz what #2 in the Staff Report meant in regards to the open space area. Mr. Betz said Staff is recommending adding more pathways. The red lines are the paths Staff is recommending. Commissioner Jester asked the applicant how they felt about this suggestion. Mr. Hart said they will look at everything suggested tonight and evaluate the suggestions. Commissioner Jester said the residents have a concern about where the path ends up coming out on the street and this needs to be looked at. Commissioner Jester said he would like to see more information on what the annexation means to the City from a financial standpoint. Mr. Betz said the City has hired Bill Lafayette, a PHD Economist who helped with the Comprehensive Plan. Mr. Lafayette is preparing a product for the City to use to analyze whether the annexation will be a positive or a negative impact on the City. So far, the model is showing a positive impact. The model will be ready by the next meeting. Commissioner Jester said removing the cul de sacs is critical. He asked the applicant how they feel about removing the cul de sacs. Mr. Hart said the Staff Report points out

removing the cul de sacs will impact the green space and some mature trees. The cul de sacs were chosen because of this. The developer will have to look at everything again. They don't want to push into the trees. There will be an ameba effect. If the cul de sacs are removed, there will be a totally different result. Mr. Hart said they understand the cul de sac issue and agree somewhat from a circulation standpoint but there is a consequence to removing the cul de sacs. Commissioner Jester said it is important to listen to what the residents are saying.

Commissioner Cooper said overall the proposed development fits into the City's Comprehensive Plan. He would like to see the cul de sacs removed; maybe the developer could give up a few lots (51 & 61), which would help with density too. He would like to see more information on the path to the northeast corner. Commissioner Cooper said he hopes the developer listens to the public comments presented and takes what was said into consideration as the Preliminary Development Plan is put together.

Chairman Emerick said he appreciates the developer's willingness to work with Staff, listen to residents and maintain the tree lines. The Commission will look at whether there needs to be additional landscaping to provide adequate buffers.

Commissioner Little thanked all of the residents for attending. The Commission would like to see this kind of turn out at all of the meetings.

Commissioner Cooper had to leave for the rest of the meeting.

ADMINISTRATIVE REVIEW

Applicant:	Twisted Metal Collision
Location:	212 N. Liberty Street
Zoning:	(PC) Planned Commercial District
Request:	To amend a previously approved sign plan.

Johnny Chaffins, Twisted Metal Collision, said he is requesting a primary sign. Originally, the building had two shared driveways and the entrance to his business is only possible from the south entrance now. His customers have a hard time finding his business. Customers pull into the wrong side of the building and then they have to turn around and go back out because that access to his business is blocked off now. He is requesting a sign for where his entrance is now. The sign would be his business's primary sign and Goodwill's secondary sign.

Mr. Betz summarized the Staff Report (Exhibit 1).

Mr. Betz said in 2010, the P&Z Commission reviewed and approved a sign plan for this site, to include directional signs for the multiple businesses in this location. The new, proposed sign is a little bigger, going from 28" x 54" to 44" x 54". Since P&Z approved the previous sign, the applicant had to come back before P&Z for the change. A new car dealer has moved into the north side and parked cars are blocking the current sign. The City is working with this car dealer on some zoning enforcement issues. Staff is meeting with the car dealership next week to resolve the car parking issues in the front, which will open up the area so the sign for Twisted Metal can be seen. Staff recommends approval of the new sign. Mr. Betz said Staff is working with the property owner to resolve outstanding landscaping issues.

Chris Meyers, Architectural Advisor, said he thinks the proposed sign is an appropriate solution to help the applicant's business. Mr. Meyers recommended approval of the sign as a temporary solution while Mr. Chaffins tries to find a creative sign which exemplifies the business; projects the quality of work the business performs in a creative sign.

Chairman Emerick opened this item to public comment.

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

Commissioner Fusch said he has no problem with the sign. Commissioner Fusch asked if Mr. Chaffins is connected in any way to the used car business. Mr. Chaffins said absolutely not. Commissioner Little said the property owner is connected to the used car business. Mr. Betz said yes he is. The City is working with the property owner to resolve some issues. Commissioner Fusch said it has been a number of years but the Commission passed a Resolution relative to the sign on this property. Commissioner Little said the sign was originally approved in 2008. The Resolution included a condition that there will be a maximum of 3 cars on the lot for sale at any one time.

Commissioner Fusch said he goes by the business and it looks like a car lot on 270. Mr. Betz said the property is zoned Planned Commercial District. The used car lot is a permitted use. Parking within the area outside the setbacks is OK. There are issues the City is dealing with the owner to have fixed. Chairman Emerick asked if this is the first time the property owner has been notified of the violations. Mr. Betz said it is the first time the property owner has been notified. It is not the first time the business owner has been notified. The business owner is not cooperating but the property owner is. Commissioner Fusch said the sign request is OK.

Commissioner Little welcomed Mr. Chaffins to Powell. In 2008, the City had problems with the property and in 2010 the City had an opportunity to have the property cleaned up. The City worked in good faith with the property owner. The Commission was lenient and tried to get the problems resolved. Unfortunately, the problems weren't solved. In 2010, Commissioner Fusch asked what would happen if the property owner fails to comply with the conditions. P&Z decided in the 2010 meeting if the property owner failed to comply, the request would revert back to the original plan and the car sales business would go away. When a person drives by the car business it looks like a demolition derby. There were monument sign requirements which weren't honored. Landscaping requirements weren't honored. Commissioner Little said if he looks at the words integrity, honor and trust, the property owner has complete disregard and has been completely disrespectful of the expectations of this community. Commissioner Little said it is his opinion the City should issue a formal non-compliance notification and begin whatever process needs to be started to resolve these issues. In fairness to Mr. Chaffins, Commissioner Little said he is willing to grant temporary approval for a sign so his business isn't affected. Commissioner Little told Mr. Chaffins he has no more tolerance for the property owner/landlord. The property owner has had a complete disregard for the laws and rules of this community. Commissioner Little told Mr. Chaffins to make sure he shares this opinion with his landlord. Commissioner Little said he was sorry Mr. Chaffins was put in this situation. Commissioner Little told Mr. Betz when the property owner comes back with the next plan to address issues, Commissioner Little wants a detailed schedule, corrections made in the shortest period of time possible and penalties imposed if the property owner fails to comply again.

Commissioner Jester said we are looking at your sign request tonight and apologized to Mr. Chaffins for having to go through the issues the property owner has created. It is very critical and important the property owner resolves these issues. The area looks like a disaster area driving up and down Liberty Road. Commissioner Jester said he supports the sign. Mr. Chaffins said he intends to buy the building in 3 years and the car lot will be gone when he buys the building. Commissioner Jester said he agrees with his colleagues regarding the need for the property owner to correct all issues.

Chairman Emerick said he agrees also. The Commission has tried to work with the property owner and give him the opportunity and he has slapped the Commission in the face. The property owner made promises and didn't keep his word and it doesn't sit well with the Commission. Chairman Emerick told Mr. Betz a definite plan of action is needed at this point. Commissioner Little said the property owner asked for delays the last time due to weather. The Commission worked with the property owner and it never happened. Mr. Betz said landscaping did happen but it has been removed within the last 6 months.

Commissioner Little told Mr. Chaffins the Commission wants his business to thrive and looks forward to Mr. Chaffins owning the property and complying with the minimum requirements of the community.

Commissioner Fusch said he doesn't want to hurt the applicant's opportunity to improve his business. Mr. Chaffins is caught in the middle.

Chairman Emerick said the property owner needs to understand he risks losing tenants if he doesn't comply.

Commissioner Little moved to grant a temporary approval for the presented signage by Twisted Metal Collision, subject to the following conditions:

1. That the temporary approval shall expire six (6) months from December 9, 2015; and
2. That the temporary sign shall be removed if the property owner does not bring the current property up to previously approved specifications, specifically as stated February 24, 2010; and
3. That the property owner shall submit a detailed plan and schedule of meeting condition #2 above to City Staff within ten (10) days of December 9, 2015, or it is the expectation of the Planning & Zoning Commission for City Staff to begin the formal processing of an official complaint for non-compliance of the City Zoning Code.

Commissioner Fusch seconded the motion.

VOTE: Y 4 N 0

PLAT REVIEW

Applicant: Verona LLC
Location: 4419 W. Olentangy Street
Zoning: (PR) Planned Residential District
Request: To review the phase 1 sub-division plat, which consists of 79 single family lots and 4 open space lots.

Mr. Betz summarized the Staff Report (Exhibit 1).

Mr. Betz said the Verona sub-division was annexed into Powell under an agreement with the developer, Liberty Township and the City of Powell, under a Type 1 annexation. The City and the Township are sharing the tax income being generated by the development of this site. Once completed, the owners will pay their taxes to the City only. The agreement allowed for the acceptance of the approved zoning by Liberty Township. The preliminary plat was approved by the Delaware County Regional Planning Commission. The final sub-division plat has not been approved yet. This plat is for the 1st Phase, a portion of the single family, smaller lots in the front and the next phase will extend out to Seldom Seen Road. Mr. Betz said the Parade of Homes is slated to be at this site in 2016. The streets and underground sewers have already been started. This plat allows the City to get the request filed and recorded so the developer can start selling lots to builders. There is already activity in the 1st and 2nd phases.

Kevin Kershner, Stantec Consulting Services, 1500 Lake Shore Drive, Columbus, said he is representing Verona LLC. He thanked the Commission for their time. He told Mr. Betz he has looked at Staff comments. The developer will take care of comments #1, #2 and #3. Mr. Kershner asked why the City is requesting #4, the ROW dedicated on Seldom Seen at this time. Typically, this is done when the lots are platted to the roadway. He doesn't have a major issue either way other than the time it will take him to change the plat. Mr. Kershner said they have a choice to either do a separate easement description or include it on the plat. They chose to put it on the plat to make sure everyone knew the easement was there. Separate easement descriptions sometimes get lost in the research. Commissioner Fusch asked if the developer plans to sub-divide the rest later. Mr. Kershner and Mr. Betz said yes, the rest would be sub-divided later. Commissioner Fusch asked what the problem is with dedicating the ROW now. Mr. Kershner said he didn't have a major issue except the plat is not actually connecting to Seldom Seen Road at this time. They are platting a piece on the south half now. They would be jumping ahead 1,000 feet and platting a little strip at the ROW. This isn't common. You usually plat the ROW when you connect to the road. Mr. Betz said it doesn't matter to Staff if they are going to plat the ROW later when connecting to the street. The City doesn't need the ROW right now except there will be a temporary access drive off of Seldom Seen Road during the Parade of Homes for parking. The County Engineer will review this with the City.

Commissioner Little moved to approve the phase 1 sub-division plat submitted by Verona LLC, located at 4419 W. Olentangy Street, subject to the following conditions:

1. That the City Engineer shall approve all easements and all other engineering related items; and
2. That all Staff items shall be addressed in a revised plat before signing; and
3. That the Seldom Seen easements shall be addressed in plat 1 or in the next plat.

Commissioner Fusch seconded the motion.

VOTE: Y 4 N 0

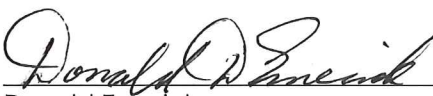
OTHER COMMISSION BUSINESS

No other Commission business.

ADJOURNMENT

MOTION: Chairman Emerick moved at 8:43 p.m. to adjourn the meeting. Commissioner Fusch seconded. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: January 13, 2016


Donald Emerick
Chairman

Date


Leilani Napier
Planning & Zoning Clerk

Date