

City of Powell, Ohio
City Council

MEETING MINUTES
July 5, 2018

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Thursday, July 5, 2018 at 7:30 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Brian Lorenz, Brendan Newcomb, Melissa Riggins and Daniel Swartwout. Also present were Steve Lutz, City Manager; Eugene Hollins, Law Director; Dave Betz, Development Director; Rocky Kambo, Assistant Director of Development; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk; and interested parties.

OPEN SESSION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

Mayor Bennehoof opened the citizen participation session for items not included on the agenda. Hearing none, he closed the public comment session.

APPROVAL OF MINUTES – June 19, 2018

MOTION: Councilman Bertone moved to adopt the minutes of June 19, 2018. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the minutes were approved.

SECOND READING: ORDINANCE 2018-27: AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO CONVEY A .034 +/- ACRE TRACT OF LAND AND A .151 +/- ACRE TRACT OF LAND ON DEPOT STREET TO THE POWELL COMMUNITY IMPROVEMENT CORPORATION TO PROVIDE FOR THEIR SUBSEQUENT CONVEYANCE TO McCLURG PROPERTIES LLC PURSUANT TO THE APPROVED AMENDED DEVELOPMENT PLAN BY THE PLANNING & ZONING COMMISSION, AND DECLARING AN EMERGENCY. (EX. A)

Steve Lutz, City Manager: At the last Council meeting, we spent quite a bit of time talking about this land transfer in conjunction with a proposed development. Tonight we recommend tabling this matter in order to provide Staff an opportunity to work on a ground lease for the land that's contemplated being conveyed to the business. That would be a different means and method of allowing the business to utilize the land but also preserve the land where, if the City needs it in the future, we would have the ability to do so.

Gene Hollins, Law Director: We appreciate the input from Council on that and we will head in that direction. The CIC can structure the use of the land with Mr. McClurg as a ground lease rather than a conveyance.

MOTION: Councilman Counts moved to table Ordinance 2018-27 to a date certain of July 17, 2018. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2018-29: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH THE OHIO STATE UNIVERSITY, AND DECLARING AN EMERGENCY. (EX. A)

Mr. Lutz: The Ohio State University's Wexner Medical Center is proposing the development of a healthcare facility to be located at the northeast corner of Sawmill Parkway and Home Road. Phase 1 of this development will be an approximately 200,000 square foot ambulatory care center offering a broad range of services geared toward keeping the population in the area healthy by offering access and lower cost convenience to high quality medical services. It will include many specialty services as well as a diagnostic, procedural and

surgical services. It will have a convenient walk-in, urgent care, primary care, specialty care, and various lab testing, imaging and treatment services under one roof.

This sort of facility is anticipated to spur additional economic growth in the area. Phase 1 of this development is projected to employ 500+ physicians and staff with an estimated payroll that will exceed fifty million dollars annually once this facility is fully built out. Later phases could ultimately double the size of this facility and increase the number of employees and revenues coming out of this facility.

We put together a projected schedule for you which identifies a pre-annexation agreement tonight. We are going to recommend that you suspend the rules so we can maintain this schedule and so OSU can know if they have final approval before they have to close on their property. The P&Z Commission will review a Sketch Plan on July 11th and P&Z will begin their preliminary plan review in August with a final plan review in September, leaving October and November for City Council.

This proposed project is a win-win for the community on many levels. It provides for a significant professional medical center which will be able to be used by our residents, allowing them to avoid the inconvenience of driving across town to meet with a doctor and to have procedures done. This type of facility will be able to accommodate many of those.

The new income tax revenues that will be generated are much needed as a result of the statehouse budget cuts which have impacted Powell and all of Ohio municipalities in recent years.

This proposed facility is one of two facilities that OSU is contemplating building. They have identified one on the northeast side [of Columbus] and the Powell site and may have a few other sites in the future. What they are trying to do is save the hospital on campus for the most ill patients and use the network facilities for the other patients.

The Ohio State University medical dates back to 1834. It's been around for almost 200 years. If I were a betting man, I think it will be around for another 50, 100, or 200 years. That's something that can't be said about a lot of businesses that come into existence.

I will briefly go over the highlights of the Pre-annexation Agreement. With annexations in the City of Powell, the property remains in Liberty Township. There's a misnomer that whenever we annex land it leaves the township and that is just not the fact. Actually, if you look at your property tax bill, 8% of your property tax bill goes to Liberty Township and you live in the City, so by annexing into the City it does not reduce any sort of taxes from Liberty Township.

This proposed annexation is approximately 29 ½ acres in size and includes a few out lot parcels on the southern and western boundaries, including the bank building which is part of the proposed annexation. As with other annexations of the City, we have put together an incentive package for Ohio State. It's been structured favorably to all parties. We have a job creation incentive payment which will only kick in once the hospital has at least a \$25 million dollar payroll. To put that in perspective, we don't have any other businesses that have anywhere near that payroll. Once that mark is hit, we will share 50% of our ¼% income tax with the university for a period of 15 years. Once that expires, the incentive payment to OSU will cease. As we have done with other recent annexations such as Verona, we created a construction incentive agreement. For a period of 18 months, we will make an incentive payment to the university in the amount of a 100% for the temporary construction jobs. On all this property, there is a special assessment which was placed on the property for the construction of Sawmill Parkway. That assessment was placed on the property by the Delaware County Commissioners. It has an approximate 10 year life span left and amounts to a total of about \$220,000. We are proposing that we will work with the County Commissioners to waive that special assessment. To the extent that a waiver is not obtained, we will agree to pay 50% of the assessments, as they apply to this property, up to a maximum, or cap, of \$85,000.

I would like to introduce a couple representatives from Ohio State who are here: Keith Myers and Erin Prosser, as well as their legal counsel, Aaron Underhill.

Aaron L. Underhill, Esq., Underhill & Hodge, LLC: Thank you Steve. Thank you for the opportunity to present tonight. I would like to express our sincere gratitude to Council and Staff that have really worked tirelessly to bring this to a reality. We are here at the first step of what will be a long process that will move fast and we are excited to get started with you here. We recognize that you have gone above and beyond what you typically would in terms of incentivizing a project like this and I will say that this was a very important component to this project ultimately landing here in Powell. So we appreciate those efforts. Gene Hollins and Steve Lutz have been great at keeping in touch and providing me information quickly. It is the same with Dave Betz and Rocky Kambo who have also been very responsive. We look forward to continuing working together on this project to create a project that everyone is proud of.

Steve did a great job summarizing what this is all about. The initial phase of this is going to be an ambulatory care facility. It is intended for not only people to come here for doctor appointments, but also to have services available to them that they would otherwise have to go down to campus for – outpatient procedures, testing procedures like MRIs, bloodwork, etc. Aside from the economic component of this, it is a great thing for the community to have nearby and save people a lot of time and effort from going downtown.

We anticipate very soon, as early as tomorrow or next week, filing annexation with the county. We will be back to you shortly for a service resolution approval for a Type II annexation. We will move forward with a sketch plan for P&Z Commission on July 11th. We are still in the very early stages of planning. We feel very good about our site plan. As you can imagine with a project like this, the architecture is evolving. The programming on the inside will really have an effect on what the outside looks like. It will meet and exceed your community standards. This and the other project over at Hamilton & S.R. 161 in Columbus, are flagships for future facilities and we want them to be a model for how they should look and operate. You can rest assured that the Ohio State brand will be brought out here. I'd like to introduce Keith Myers and bring him up here to speak on behalf of the university. We are happy to answer any specific questions you have about the project at this time or the agreement, but we want to thank you again for your consideration.

Keith A. Myers, FASLA, Vice President of Planning and Real Estate, The Ohio State University: On behalf of the university and the Wexner Medical Center, I'd like to say that we are very pleased to be here tonight to talk about our facility in Powell. The Staff here has been terrific as we've worked through the incentive package and I echo what Aaron has said. It was instrumental in our decision to choose a site here and we are excited to become part of the community and move forward.

As Aaron has said, this building is a very complex building that we are putting together. We have hired an architectural team and we just had our first kick-off meeting last week on the design of both this facility and Hamilton Road. We appreciate all the consideration that you all have given and we look forward to becoming part of the community. I am happy to answer any questions.

Councilman Counts: Assuming all goes according to schedule, when do you think you might have your first patient walk in the door?

Mr. Myers: I can't say for sure. I think we will go at least a year in design. Then probably a year and a half to construct, so I would say 2 ½ years from whenever we get the green light from you and we close on the property.

Councilman Bertone: I had a few comments. I appreciate your efforts and they have not gone unnoticed. We want to thank you for bringing an opportunity such as this to the City of Powell. My compliments to Staff, all the work that you have put in – its countless hours – and it does not go unrecognized. As you said Steve, this is certainly a significant employer for the City and we are grateful for that opportunity. So while we have a long way to go with this process, we thank you for your patience to this point, and we look forward to partnering with you down the road.

Councilman Lorenz: I would just echo what Frank said. We are very fortunate to be able to partner with OSU. This is going to be a significant impact on the positive side for our community. It is something that our community needed for a very long time, so we are grateful to have this opportunity. I look forward to working with you guys.

Mayor Bennehoof: I'd like to thank those members of Council and Staff that worked on this in advance - the advance team. I think that a yeoman's job was done and it's much appreciated by Council. I think the community will really grow to understand and love this project. The service side of it is terrific and the long-term income side of it is also terrific and the things that will spider out from it will be amazing.

Are the Hamilton Road and the Sawmill Parkway developments going to be similar in design and function?

Mr. Myers: They won't be exactly mirror images because they are debating exactly how the services will be broken out between the two, but they will be very similar. The idea is to really begin to establish a style; however the sites will dictate some differences based on services offered. The buildings will be there a very long time and we want them to look good.

Councilman Swartwout: I've been involved in several meetings with the university, and as much as they have complimented Staff, I would like to compliment the university. It has been excellent working with the university so far and I think it portends only wonderful things to come. So thank you.

This is a tremendous opportunity for Powell to bring a world-class facility into our backyard. I don't think you can over-state the fact that Ohio State is a world-class facility and we will all, as a community, have access to that just a few moments away. Beyond all the wonderful economic impact for the City, which is obvious, just the idea of having that for our community to serve our residents, is truly breathtaking, and I am very excited about this.

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

Councilman Counts: In my mind, a pre-annexation agreement is a general recitation of business terms which the parties expect to come together. It doesn't really bind each party, but there is a sense that they are putting this down on paper and they are going to be working toward those things. It doesn't affect our zoning process in any way or other processes, but it is important to have this document to keep working towards this joint goal. Is that accurate Gene?

Mr. Hollins: Absolutely. It's a roadmap. As typical with our other pre-annexation agreements, they will run through our normal zoning process. If members of the public are interested, we encourage them to come and attend those meetings. It also anticipates an incentive agreement which Aaron and I will be hammering out the terms of that. We need this roadmap because there are a lot of moving pieces to annexation. They've got a purchase agreement that gives them a timeline to tell the landowner when they want to close and that plays into trying to get through what is a long process both from an annexation and zoning standpoint so they can actually meet the deadline of their purchase contract. At the end of the zoning, they have the ability to step away from the pre-annexation agreement.

Councilman Counts: So unlike other times when we suspend the rules and actually enact an ordinance, we are really honing in on that thing irrevocably; whereas, here we are just really starting a process so suspending the rules really doesn't have the same sort of effect as in other situations.

Mr. Hollins: Correct. It is an interim step in the process.

MOTION: Councilman Lorenz moved to suspend the rules regarding Ordinance 2018-29. Councilman Swartwout seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2018-29. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2018-28: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR MEWS AT ZION TO CONSTRUCT FOUR, 2-UNIT RESIDENTIAL BUILDINGS ON 1.51854 ACRES AT 10331 SAWMILL ROAD. ([EX. A](#))

Mr. Lutz: This is a proposed recommendation from the Planning & Zoning Commission. Dave and Rocky will give you an overview and representatives are here tonight to provide greater details regarding the development.

Dave Betz, Development Director: The developer would like to make a presentation first, we will give you our staff report on this, and then answer any questions you may have.

Dave Pontia, Pontia Architect: This is a four building, 8 unit small development at the corner of old Sawmill and Zion Roads. Each unit is between 2,000 and 2,300 square feet. Each unit is a 3 bedroom unit and will be targeted toward empty-nesters and retirees with a first floor master on all the units. The access for the complex is off of old Sawmill Road, which is our only opportunity to access this site. With this being geared toward empty-nesters and retirees, we thought this would bring the children count down and not have much of any impact on the schools or traffic since most of the traveling would be at nonpeak hours.

This is the building elevation [indicating] along Zion and each building was designed to be coordinated with each other, but each one is also unique in and of itself, so it is not a copycat design. The two center ones are stone, but the stone is different, and the end units are brick. Each of the finishes are Hardy-plank materials – either board-and-batten or lap siding. This is the individual elevation and coloring of each one [indicating] and this is the actual to-scale landscaping plants that will be there once fully designed and fully mature. You can also see where we spent a lot of time breaking down the side elevation so when you look at the front and back, it is not a shear wall. We broke those down so it is not in your face, but fits into the context. With that, we even did a site line study. Even though some are two-stories, 60-70% of our roofline is within 2 feet of the adjacent houses, so it's not a tall two-story. We've broken that down to help the scale. Some of the finishes and articulations on the buildings were taken out of the Downtown Powell standards. This is the rear elevations [indicating] and you can see some of the specific details. All the garages, even on the same building, are not the same, but are coordinated down the street.

Through the process, we had the opportunity to meet with the HOA behind us. They had about a dozen people show up. They even filmed the meeting and put it out on social media. I think that went fairly well. There was a representative there, they had no objection, and were very good to work with. I would also compliment your Staff as well. They have been great to work with. It truly has been a team effort through this.

Rocky Kambo, Assistant Director of Development: I will give you some context for the site. [indicates site on Google maps] Dave and I refer to these properties as our remnant or leftover pieces of property that can be difficult to work with because they are usually very small. There isn't a lot of opportunity to work with them, so kudos to the developer for having listened to P&Z comments, as well as our previous Architectural Advisor and the HOA. This has gone through multiple reiterations over about the past two years which included 4-5 meetings with P&Z Commission.

Sawmill Road is primarily commercial, you have the multi-families to the south and some single family developments to the north along an arterial road in Sawmill Road versus a small residential road. With this particular parcel, it is one of those leftover parcels that are difficult to develop. Since the 2000s, it has seen about three different proposals, both commercial and residential. The first was the Wangs in 2006, and theirs was two, 3-unit residential buildings. Later in 2009, the Berkums came forward with a commercial proposal for this site of 2 buildings, on opposing sides, with a good amount of parking in the middle. Most recently, Zion Drive. When this first came before the P&Z Commission, the current developer had proposed two, 4-unit buildings. When this came before P&Z Commission, P&Z was not so favorable in seeing something of this massing, scaling, or size. It was out of context with the area and was too big, too large. In heeding P&Z Commission's comments, they came back and provided us something similar to what you are seeing here, but it still was not quite right. It was still a little too tall and some of the material choices were a little too far off. P&Z Commission was much more pleased with the material choices that you see here tonight.

In review of our Comprehensive Plan, we typically see three main issues when it comes to development in Powell: roads, schools and [traffic]. We did a quick analysis on the density for this development and their density at this development is 5.16 dwelling units per acre. The condos to the south, The Commons, are at 3.09 dwelling units per acre. If you actually take that 3.09 unit and multiply by the acre and a half they have

available here, The Commons density on this property would allow 4.78 building units. They are asking for 5.16 which is a difference of .37 dwelling units. My point is to put it into perspective – it may sound higher, but ultimately is not much higher than what is to the south. The other thing to consider here is that not all are the same. Each site has its own unique factors. One of the things that P&Z Commission saw in looking at this particular site, was that this is a corner parcel on a major thoroughfare. In some regards it provides some screening to The Commons to the south. The other thing we looked at was our Comprehensive Plan. The Comprehensive Plan refers to a diversity of housing stock many times. With this being geared toward empty-nesters retirees, the likelihood is that you will not have children living here with less impact on road network because empty-nester, retiree homes have less trip generations than single family homes. Also there are no students being added to schools, but property taxes are still being provided to the schools. This is something that P&Z took into consideration. The other thing that P&Z Commission required in listening to the HOA to the south, who mentioned that there is this bike path along the north and west of the property. As part of the approval process, they asked Staff to make sure that if in Staff's opinion that this pathway requires upkeep, this development would help to improve that public pathway.

In the development process we always speak to our Fire Department to ensure that there's proper fire access for these buildings. In their review, they recommended a firetruck turn be placed between the third and fourth building. Staff was fine with that. With that turn, the Fire Department thinks it is sufficient.

When this development was first brought before P&Z Commission, it was proposed to be a condominium-style association. Instead, now they will go fee-simple and there will be condominium association [fees] to maintain the general ground areas around the buildings. This is something that Staff will review with Gene's help before it's put in place to ensure that there is consistency between all the buildings.

Lastly, in our Comprehensive Plan, we talk about this re-ruralization of Powell – going back to the roots of this farm aesthetic, etc., and that's why it was shifted to have more of a farm-style aesthetic and also at the same time not to be shown as two separate unit buildings, but almost look like a single family home or a blend of single family homes so that you don't necessarily know it's two units. We wanted to retain the gorgeous entrance and wanted to retain that aesthetic, we articulated the four unit buildings at different distances to the front setback so as to provide a residential feel and not lose that beautiful entryway into the development.

Councilman Swartwout: What is this currently zoned?

Mr. Kambo: Planned Residence District.

Councilman Swartwout: Can you show us where that firetruck turn-around will be?

Mr. Betz: This document is what we received from Fire Department.

Mr. Kambo: P&Z required them to put these walkways between the buildings knowing that some individuals are going to park here [indicating] and they will want to get to the front of the building. There was one was added between the 3rd and 4th building and that is where the turn-around was added.

Councilman Newcomb: Mr. Betz, could you give me more history on why we have such an odd parcel of property there? Did it have anything to do with building The Commons?

Mr. Betz: It was always a separate parcel. When The Commons came in, the Zion church owned all the property and they sold what they had for The Commons. This has always been a separate lot. It had a house on it that was torn down years ago by Mr. Wang. It happened over time.

Councilman Newcomb: The street that goes in there, is that a private or public drive?

Mr. Betz: It will be a private driveway with a shared access driveway worked out through shared access easements. They are fee simple for each individual unit, so there will be a common wall, lot line and we just have to work those out through their plat and their documents the way we always do in the end with all subdivisions we review.

Councilman Newcomb: When I read the Comprehensive Plan, it always says we should stop with the cul-de-sacs. Here we have another cul-de-sac. This is probably the third development I've seen that has cul-de-sacs.

Mr. Betz: The one issue that P&Z brought up through this whole process, going back to when the two, 3-unit buildings were done, was not to have a curb cut off of Zion Drive. There was no other way to have access.

Mr. Kambo: That was actually one of the things we tried very hard to not have happen. We specifically had the developer speak with The Common's HOA to see if they could connect so there would be flow-through. We went so far as suggesting that this development join The Commons just to see if we could square off this development, but we couldn't make it happen.

Councilman Newcomb: The sign in front says that it is three or four bedrooms, but you are saying three bedrooms.

Mr. Pontia: I misspoke. I apologize.

Councilman Newcomb: You say it's geared toward empty-nesters. There's no restriction on who can buy, so how is it geared toward empty-nesters?

Mr. Pontia: The marketing strategy having the first floor master bedroom was the gearing toward the empty-nesters, the location of it being on the old Sawmill Road corner site. However if a family wanted to buy it at this point, there is nothing to stop them.

Councilman Newcomb: I mean four bedrooms sounds like family to me. To me that's geared toward families.

Councilman Counts: I would like to go back to that fire truck turnaround. Is that going to be asphalt? Is there some other material that you can hide it? I realize that it's a fire truck and not a car....[Mr. Betz: Yeah, the Fire Department really wants the areas where they think they will have vehicles turn around be asphalt. The driveway will be. They do have a fire access through The Commons through the church site. It's more of a gravel and grass section. In this case, they are going to want to have that. The main thing is if any truck gets in, it can turn around. They will not be bringing in the big truck in there. They would fight the fire from Zion Drive. This would be more for a smaller truck.] So, to give a little history, this parcel was actually before P&Z before The Commons, if I'm correct. [Mr. Betz: I think The Commons was ahead of it.] I'm not so sure about that. I'm almost positive that they came in here and developed that and there was no thought of The Commons at that point. And then Mr. Wang tore down the house and never built this, and then The Commons came on. So, it's one of those things that you would have hoped they could have combined the two, but it just didn't happen.

The other thing is that this parcel, like so many other parcels that we have had come before P&Z, if not this, then what? Rocky talked a little bit about that. This is not going to be a parcel that someone is going to build a single family home on anymore. Obviously, it's not surrounded by residential, so that is probably the more appropriate use. It is then a question of how does it fit in with the community?

I wanted to speak to Brendan's issue about the kids thing. As we know, to have restrictions can be somewhat problematic. Most developers deal with who they would like to be in their development by how it's constructed – by the amenities that are a part of it, by the form, the function of it. As someone who will probably be an empty-nester soon and will be looking for an empty-nester home, the fact that there are four bedrooms actually looks pretty good. It's not that I want less space, but there are times when I'm going to have my entire family come and stay with me for the holidays. And yet no family is really going to look at this as being a primary option for them because there's no place for playground equipment, all the cars that teenagers will have, so just the way it is designed is going to limit who you are going to have. The question is: Do we have too much empty-nester or do we not have enough? Dave, can you give us some sense of approximate ratios between single family detached dwellings and empty-nester housing or multi-unit housing?

Mr. Betz: In a typical area, there is a mix of land use housing. The makeup of our City at this time, or Land Use Map, we are at 51% residential, of which 95% is single family residential. We do not have a big mix. We've seen

a lot come in over a period of time, are we at a max? Does eight units really count toward that superficial max number that you might want find out there as a mix? I'd be more concerned right now if we get a large development of 100 units that's all aimed toward empty-nesters or 100 units that's aimed at over 70.

Mr. Kambo: Right now we are doing a market study coming from the Comprehensive Plan to look and see what we should be targeting. Antidotally, I'd even say 98% single family residential and we have one type: primarily 3,000 - 4,000 square foot, single family residential homes. Only 4 ¼% of our land is condominiums. When the study is done, we will have definitive numbers, but I think it's safe to say, we don't have a diversity of housing stock, at this point, to make sure that as people are moving up the age tenures they can find downsized housing. I don't believe, at this time, we have sufficient numbers.

Councilman Counts: What kind of discussions was there about the entrance off of Sawmill Road and, more so, from the homeowners and their ability to exit out? Tell me what you expect to have happen there.

Mr. Kambo: That was something that P&Z was very curious about and why we discussed if we could get off Commons Drive. This discussion went so far that we were trying to work with the neighbors across Sawmill Road to see if they could share a driveway so that we could then have the driveways aligned to one another. Unfortunately, we do not have leverage to do that and we were unable to get this to happen. P&Z was very certain they didn't want the access drive coming off of Zion Drive. That was just off the table. This was the best option for this particular site and it was moved as far south as possible from Zion Drive so that you don't have too many curb cuts coming onto Sawmill Road. It was considered at length at P&Z.

Councilman Lorenz: What's the maximum density in this district?

Mr. Kambo: Nine dwellings units per acre.

Councilman Lorenz: When do performance standards kick in?

Mr. Kambo: It's seven, and then you have to do something that's clearly for the public good and then you can get up to 9 units.

Councilman Lorenz: In one of these past reiterations, we had two four-unit buildings. What did P&Z feel about four two-unit buildings?

Mr. Kambo: At the beginning of this process [Councilman Lorenz: Yes.] It was almost a non-starter. The massing in scale was way too large.

Councilman Bertone: Mr. Pontia, did you meet with the Homeowners' Association of the Lakes of Powell? They run the entrance at Zion Road and the neighborhood behind it?

Mr. Pontia: No. We met with the condo association immediately behind us.

Councilman Bertone: So no one from The Lakes of Powell HOA has given you any opinion about their fence management or anything along those lines?

Mr. Pontia: No. We have heard nothing from them.

Councilman Bertone: So, size and scale – thank you for the history. That helps me a lot to understand where we were and where we are today. I live over here. I drive through here every day and visually I'm just having a hard time seeing how you can compact all that into one spot. We have experts in the room that can speak to this much more eloquently than I. The parcel across the street, what do we have, four commercial buildings going in there as well?

Mr. Betz: Yeah. You will have the two office warehouse buildings. One's going to a sports training facility and the two back buildings are storage of RVs and such.

Councilman Bertone: So, Fire & EMS you have addressed it through this pull-off portion. [Mr. Betz: That document came from the Fire Department.] Is there any opportunity for a stop sign at Zion & Sawmill Roads?

Mr. Betz: That would require a study under the Manual of Uniform Traffic Control Devices at that location. I don't remember if the county included that as part of the whole Sawmill Road look.

Mr. Lutz: No, they are starting a comprehensive study now.

Councilman Counts: Does the state control the intersection or is it under the county?

Mr. Betz: I think this is all within the City, but it jogs in and out.

Mr. Kambo: No, it's just this small portion [indicating] right here.

Mr. Betz: The southbound movement would be right inside our jurisdiction. The stop intersection itself is within our jurisdiction.

Councilman Bertone: This is a tough parcel. Like you said, it is a remnant. You guys know where I am in terms of this whole street and in terms of my concerns about the overall safety of that entire strip. Epcon North, Epcon South, Spectrum I, Spectrum II, four commercial outbuildings, outbuilding built up to the north. There is absolutely nothing addressing speeds through there whatsoever.

Mr. Betz: Sawmill Road is being studied now. [Councilman Bertone: Oh, I understand that.] The blessing is and one thing Council may not be aware of, is the under development of Wedgewood Commerce Center, which is the southern part of Sawmill Parkway below Kroger, could have gone 4-6 stories and 3-4 times the square footage that's been built out there. So one of the things we are a little lucky about is that it was built under what the plan was originally zoned for at Wedgewood Commerce Center overall.

Councilman Bertone: It's some consolation. It's difficult to solve when you have three parties that have some controlling interest in this whole road structure. And Bainbridge Road now opening back up on the south end. I understand they are studying it, etc. My concern is also in concert with what is going across the road, Mr. Margello's parcels – that commercial outbuilding is going to be sports training enhancements. We talked about the roadway crossing there for kids getting to and from those spots, etc. I'm going to ask for us to consider a stop sign, north and south.

Mr. Kambo: When our Engineering Department looks at storm water retention, drainage, etc., we could have them look into this to see if it warrants it.

Mr. Betz: Let's look at what the whole study is doing.

Councilman Bertone: I understand and this study is important, but I'm also concerned, generally, with the safety of the overall area. We know what's going on at Presidential & Sawmill Roads. It's not something we can sustain.

Mr. Betz: It will definitely be a consideration that Council can take up.

Councilman Bertone: Okay. Mr. Pontia, can these units be rented?

Mr. Pontia: I don't think you have any provision at the moment that would stop someone from buying and then renting them.

Mayor Bennehoof: Why is it functionally unable to connect there (indicating) or is it that we don't want to do that? How hard has it been pressed to connect into that neighborhood rather than open up on Sawmill Road?

Mr. Kambo: It was pressed pretty hard. When P&Z looked at this and Tom had asked the question of where is the access possible, P&Z as well as Staff pushed very hard to see if they could meet with The Commons to get

into an agreement to try to make that connection. The Commons owns those drives and they are private drives, so they can allow or deny access.

Mayor Bennehoof: Is it worth going back to improve the opportunity here and see if it's an option that would better resolve some of the concerns that people have about this development?

Mr. Betz: We would be happy to ask them again before we come back for a second reading.

Mr. Kambo: Yes, we could ask the developer to go back to The Commons HOA and see if they would be willing to come to an agreement. I think there's no harm in trying again.

Mayor Bennehoof: Do you believe that this is structurally, functionally an opportunity?

Mr. Pontia: If you see the grid at the end that's an underground detention. I don't know off the top of my head if a road can go across that. I think it can, but it would mean a different type of system.

Mr. Betz: It's possible. It would create a different pavement type.

Mr. Pontia: We even looked at taking a sidewalk over there. The civil engineer felt we shouldn't do it if we didn't have to with the system he has designed.

Mayor Bennehoof: One of my questions was water retention because there didn't look like there was any there, but there was a significant one on the aerial.

Mr. Betz: This has been examined by the Engineering Department as a solution for this parcel without going through all the technical.

Mayor Bennehoof: I have concerns about adding a road cut off pattern with everything else that's going on. I think we need to push for that to see what happens. We don't have any control over what a private property owner does. If they hold onto that parcel and they didn't want to give it up to The Commons, it might have been developed a little bit differently if they had, etc. So we are in a position where we have an infill opportunity. I don't know that it's a tortured piece of land, but it's conflicted. And I think we need to strongly consider a decree that stop signs go there if this were to come to pass. Is that within our jurisdiction Gene?

Mr. Hollins: I can help you out with a memo on that, but there is Home Rule authority.

Councilman Swartwout: What is the proposed price for these units?

Mr. Pontia: The construction budget is underway and that will decide, but I think we are estimating the \$425,000-450,000 range as the goal.

Councilman Swartwout: Are there any examples of other projects from this developer in the area?

Mr. Pontia: No, this is his first one.

Councilman Swartwout: Have we looked at the economic impact of this proposed development on the City and what would that be?

Mr. Kambo: We have a spreadsheet formula and this came back as a net positive. Bill Lafayette, the guy that did our Comprehensive Plan financial, created a spreadsheet that we use [to calculate]. I can provide that to you. Part of P&Z Commission's approval of this development was for the developer to provide us with financial statements to ensure that they are capable of completing this project.

Mayor Bennehoof: What history does this developer have with any development? Is this the very first development with the developer?

Mr. Pontia: Yes it is.

Mayor Bennehoof: What history and background does the developer have that posits him a position to [bring this forward]?

Mr. Pontia: There was a partnership in there. The primary managing partner, who is Murthy Puchha, is here tonight. He has been in real estate in this area for a decade or longer. He is very familiar with the market and what the market trend needs within the real estate realm.

Councilwoman Riggins: These are going to be transferred in fee simple. What kind of document or what is going to be in the deed to require the owners to keep the outside of the house up or consistent with the other units to ensure that they will continue to look good?

Mr. Pontia: There's going to be a management over the organization.

Murthy Puchha, Developer: I have been living in Central Ohio now for almost 20 years. We are in the process and the document is being built right now to put a Homeowners Association in place. The HOA has specifics on how to control how the whole unit will be kept. One of the challenges and the reason we moved from a condominium to a fee simple goes back to the history of the parcel and is the cost. The reason this parcel never took off is because of the cost. It has never been a practical, feasible thing to start with six. By the time it got to the approvals, it was not feasible anymore financially, so it was dropped. So these started off as a condominium too, but the cost involved as a condominium unit was again too expensive. To keep the individual cost low, we had to go to a fee simple but still control the whole parcel as one to make sure [the property is kept up]. And we are doing that today in forming an HOA. An HOA has specifics on how the unit looks and any exterior requirements.

Councilwoman Riggins: I think that answers my question. In my house, we are in an HOA. My concern is whether there is any consistency in keeping up the quality of appearance over time. It's a little bit different than a single family house in a homeowners' association.

Mr. Hollins: There's different configurations. There are some where you just own the footprint of your house and the rest is common area. That may be what they are thinking about. I've seen duplexes where you own your side, plus half the yard. It won't be reinventing the wheel, but I hear your concern and we will need to review to make sure the things that are drafted are drafted in accordance with best practices.

Mr. Betz: And being a fee simple, there will be a plat that will have to be filed to do that that you will see. By that time, we will have all the documents.

Mr. Hollins: That's true, they will be back to you due to the nature of fee-simple and we can distribute those ahead of time.

Councilwoman Riggins: As far as the upkeep, the landscape, the cracked driveways, would that be through HOA?

Mr. Puchha: Yes.

Mr. Hollins: I think their intention, if I hear them correctly, they're going to own the footprint of the house and the rest of it will be common area which will largely be maintained, and maybe the exterior of the structure, will be maintained by the common association.

Councilman Counts: I would add that Olentangy Ridge has none of that. We have no restrictions about upkeep of the architectural control, the kinds of things that you do in your neighborhood, because yours is a newer subdivision. While you may worry that all sorts of things could happen, it doesn't happen because when an owner doesn't take care of a home, we have the City come in. There are nuisance laws that they can deal with. On the other hand, with respect to leasing. We can all rent our homes. And, in fact, people do rent single family homes. I've had some on my street. I know what happens, but it is permitted.

Councilwoman Riggins: It's a little different than being connected to somebody in the same building.

Councilman Counts: But the point is they do have agreements. You would have an agreement with your adjoining landowner. I have a friend that lives in a double and they have a common roof and there are provisions in their agreement with the other owner about when the roof gets replaced and how all of that happens. And then you also have restrictions within the entire group about if there is a failure to do what they are supposed to do on their particular building. It's a pretty common structure.

Mayor Bennehoof: So there are a number of concerns. It's a tough situation you are in. There are safety concerns and fire safety and traffic safety and all the other issues that go with it. It weighs heavily, so we will see where we go with this.

Mr. Puchha: I would like to thank Staff and appreciate their help and direction. We did try our best to incorporate everything that P&Z recommended we do.

Mayor Bennehoof opened this item to public comment.

Bob Dotson, 519 Commons Drive: I am the President of The Commons of Powell Homeowners' Association. I would like to compliment Dave and his people for doing a fantastic job of putting this together on a piece of property that's very difficult to work with. They have worked with us from the beginning, kept us informed of what was going on, and they couldn't have been any better to work with. One of the thoughts I had was already addressed here.

Let me give you a little history. A lot of these people that moved into The Commons in 2004 were empty-nesters at that time. They are no longer empty-nesters, they're now elderly and as we know, you're driving skills deteriorate as the age increases. You have five road cuts coming into Sawmill within the space between Zion and The Commons. That is an extremely difficult place for people to be driving through, especially when you are talking about people that are in their mid to upper 80s. I'm concerned that this area will become a space like we have at Presidential Parkway where there is repeated collisions – especially with the large vehicles Mr. Margello is going to have in his storage facility next door.

Terry Schimmoller, 500 Commons Drive: I am speaking for my mother, Gay Schimmoller. My mother's address is the dead end you have suggested may be entry for the new community. My mother is a new purchaser of this property as of March and we did not know about any of this before moving in. She would definitely object to that being an entryway to a new community or to extend it to cut into Zion Drive. One of the reasons it was such a favorable property for her to buy was because it is a dead-end, and there is not through traffic.

We originally came here to ask about the greenery requirements that there might be because currently there is a dense, natural strip behind her condo separating it from the new proposed community. She wants to retain it. In these pictures, there is no greenery whatsoever between the community and her condo. I understand that there is going to be a drainage tank there, but I don't know if that means there can be no greenery at all. So we would like to request that the greenery be maintained to separate the two communities and please don't make a cut-through.

Hearing nothing further, the Mayor closed the public comment session.

Councilman Swartwout: If I can make a suggestion. We have had a lot of questions and issues and things that need to be resolved. Perhaps, as we did with the Harper's Point project, because we do have 30 days to either approve or not approve, if we keep public hearing open, that would extend our deadline as well, and I think that would be a wise course of action considering all the issues that have been brought up today.

Mayor Bennehoof: I agree. Rocky, you have a record of all the issues that were brought forward. I understand the concerns, but we have two sides of that concern to address and I think we probably ought to take that under advisement, so we will continue this for a public second reading.

Mr. Hollins: We might even put that on the record, Dan, if you would like to make a motion to continue the public hearing.

MOTION: Councilman Swartwout moved to continue the public hearing on Ordinance 2018-28 to a date certain of July 17, 2018. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

Ordinance 2018-28 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: Next Meeting: August 7, 2018, 6:30 p.m.

Finance Committee: Next Meeting: August 14, 2018, 7:00 p.m.

Operations Committee: Next Meeting: July 17, 2018, 6:30 p.m.

Planning & Zoning Commission: Next Meeting: July 11, 2018, 7:00 p.m. On the agenda will be a sketch plan review, beginning discussions of the OSU Medical Center; a change of sign for Recreations Outlet; and another sketch plan on Memmer Homes.

Powell CIC: Next Meeting: Next Meeting, TBD

Powell Citizen Review Task Force: Public Forum: July 10, 2018, 6:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz: I am providing Council with an update on the construction of Seldom Seen Park. At this time, I had intended for us to conduct a tour of the site, but ever since construction began, it's been wet and muddy, so we haven't had the tour. We are still on schedule to complete the park at the end of November or early December. They are not ahead of schedule, probably a few weeks behind schedule, due to weather. The biggest impact has been on seeding the park. In the next couple weeks, we will start to see the vertical building going up by Thomas & Marker. The original schedule had seeding conducted in August. The irrigation lines will be done by then, so we could seed in August, but it's probably more likely in September. So far we have had minimal change orders. They've amounted to about \$20,000. We've run into a situation where we are ready to pave the parking lot, and we're not getting the compaction necessary. A geotechnical engineer has been out there and it's common practice for construction where you have to stabilize the soil. A couple of ways of doing that – by doing some undercutting, filling up with gravel. You can use a geomesh. We will be getting a report back shortly from the engineer with a recommendation on that.

Councilman Counts: What's been the traffic situation with Jewett and Liberty Roads being closed? Any issue with traffic?

Mr. Lutz: Generally speaking, no. We've had a lot bigger traffic issues. Ever since the improvements at Sawmill Parkway and Powell Road, it seems to have helped alleviate a lot of the zoo traffic.

OTHER COUNCIL MATTERS

Mayor Bennehoof: I said it in the past, but I really want to thank those that were involved in the OSU effort and all the Staff and leadership that has gone on here. I know it's been said, but I can't tell you just how excited I am about this opportunity for the City and I think it was terrific how it came together, so thank you.

Councilman Swartwout: I don't believe it's been mentioned tonight, but a big thank you to everyone involved with putting together Powell Fest. I think it was another fantastic event. I was there and had a great time. My family had a great time. It was just more excellent work, so thank you to all involved.

EXECUTIVE SESSION: O.R.C. SECTION 121.22(G)(1) PERSONNEL MATTERS.

MOTION: Councilman Counts moved at 8:55 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved at 9:30 p.m. to adjourn from Executive Session into Open Session. Councilman Swartwout seconded the motion.

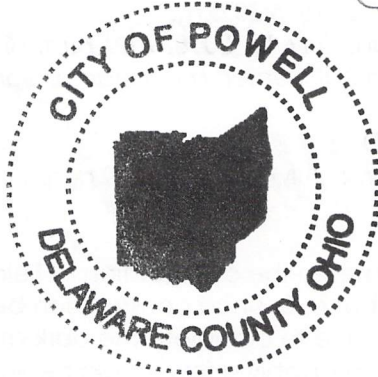
VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Bertone moved to adjourn the meeting at 9:30 p.m. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: July 17, 2018

Jon C. Bennehoof 7/27/2018 Karen J. Mitchell 7/27/2018
Jon C. Bennehoof Date Karen J. Mitchell Date
Mayor City Clerk



City Council

Jon C. Bennehoof, Mayor
Frank Bertone Tom Counts Brian Lorenz Brendan Newcomb Melissa Riggins Daniel Swartwout