

From: [Karen Mitchell](#)
To: [David Betz](#); [Rocky Kambo](#)
Cc: [Leilani Napier](#)
Subject: The Retreat Amendments
Date: Tuesday, September 17, 2019 12:42:07 PM
Attachments: [image001.png](#)

I had a voice message this morning from a resident that received the postcard about the Major Amendments for The Retreat – Sally VanMeter (614.847.0351). She said she was in full support of the amendment but was not able to attend to public meeting, so wanted to let you know via this message that she is in favor of it.

Warm regards,

Karen J. Mitchell, CMC, OSBA Certified Paralegal
City Clerk
47 Hall Street, Powell, Ohio 43065
614.885.5380 | www.cityofpowell.us



Facebook | Instagram | Twitter | NextDoor

From: [David Betz](#)
To: [Megan Canavan](#); [Rocky Kambo](#); "[woskobnickrobert@gmail.com](#)"
Cc: [Don Emerick](#); "[Bill Little](#)"; [Joseph Jester](#); "[edwardcooper123@gmail.com](#)"; [Shaun Simpson](#); [Hartranft, Trent](#); "[Shawn Boysko](#)"; [Leilani Napier](#)
Subject: RE: New submission from We Want to Hear from You!
Date: Tuesday, October 01, 2019 11:02:55 AM
Attachments: [image001.png](#)

Robert,

Thanks for your concern about this part of the proposal.

I can very well see that this will be a burden to you and possibly others in the neighborhood.

We will give this to the Planning and Zoning Commission at their meeting next week. I am sure some alternate language can be developed so as not to create a problem for anyone.

Thanks.

Dave

David M. Betz, AICP
Director of Development
City of Powell
47 Hall Street
Powell OH 43065

(614) 396-3333 direct

dbetz@cityofpowell.us

www.cityofpowell.us

www.businessinpowell.org



 Please consider the environment before printing this email.

From: mcanavan@cityofpowell.us [<mailto:mcanavan@cityofpowell.us>]
Sent: Tuesday, October 1, 2019 10:50 AM
To: Megan Canavan <MCanavan@cityofpowell.us>
Subject: New submission from We Want to Hear from You!

First Name

Robert

Last Name

Woskobnick

Email

woskobnickrobert@gmail.com

Message

Dear Board members:

I was recently made aware of this The Retreat Development Text which I listed below

3.3 All vehicles parked in a driveway must be legally registered and licensed, in satisfactory highway operating condition, and moved every seven (7) days. After the seven days of inactivity, the vehicle shall be considered a nuisance and detrimental to the welfare of the neighborhood and shall be removed by the Owner.

I have lived in the Retreat peacefully as a good citizen of Powell paying my taxes on time and raising my family since August of 1991. I have a disability where I have need for a 4 wheel drive truck I use in bad weather especially in the winter that is parked in my driveway and is not always moved exactly every 7 days. I am unable to fit the truck in my garage. Reasons include having surgery where I wasn't allowed to drive from 5/16/2019 through 7/01/2019 and then from 8/01/2019 through 9/16/2019. I have limited ability to walk and stand. The truck is 2017 Chevy Silverado and is excellent condition and not a nuisance but essential to my commuting as a physician in bad weather. I anticipate more surgeries in the upcoming years for my severe arthritis which can be documented by my physician(s) if need be. Also if I am out of town for longer than 7 days why would I be penalized with this ordinance. I would like response.

Regards, Dr. Robert Woskobnick

From: [Rocky Kambo](#)
To: ["David Cerutti"](#)
Cc: davidbcerutti@gmail.com; [David Betz](#); [Leilani Napier](#)
Subject: RE: Retreat Dev Text Info Meeting
Date: Thursday, October 03, 2019 4:39:08 PM

Hi David,

Good seeing you last night and thank you for the kind words.

I do not have the attendance sheet. That was brought by the HOA board.

I'm working on the staff report as we speak. The table will be included in it. Please check www.cityofpowell.us/currentproposals by day's end to see the table (it still needs to be fleshed a little more).

Thanks for providing your concerns. I'll make sure to provide that to P&Z but I urge you to send it to the HOA board for their review as well.

Rocky

From: David Cerutti <d.cerutti@earthlink.net>
Sent: Thursday, October 03, 2019 2:01 PM
To: Rocky Kambo <RKambo@cityofpowell.us>
Cc: davidbcerutti@gmail.com
Subject: Retreat Dev Text Info Meeting

Thanks Rocky for your steady and calm demeanor during a somewhat contentious meeting, the FIRST Retreat "town meeting" discussion of the Development text. Would it be possible to get some documentation of the attendance – what addresses (or how many) in the Retreat were represented ?

You showed a spreadsheet listing the additions (zoning) and changes to our deed restrictions. This is one of the most helpful documents to make clear exactly what is being added/changed. I heard this will be available sometime but any early release would be great.

Although I think there are several issues with the text, I will focus on 4.19 for clarification. I have taken multiple photos of instances for illustration of common occurrences.

1. "Except in naturalized areas, dead limbs, dead trees, and dead plants and shrubs shall be removed in a timely manner". Can you please define naturalized area ? I have looked up definitions and it is hard to see how this would be applied. The Retreat is portrayed as park like and natural – and sections differ in this regard. Compare aerial photos of CH and Sections 3 – the two largest subdivisions. CH was a "cornfield" with some trees planted whereas Section 3 has interweaving sections of untouched forest or various degrees of modified wooded forest.

2. "No lot shall be allowed to become overgrown or unsightly" whereas current DR say unoccupied lots must have "weeds and other growth to be seasonally cut". Again looking for definitions or standards.
3. All improvements shall be kept in good condition, free of stains and or mold/mildew. Decks, walks, concrete driveways, shingles, etc. free of stains, mold ? Really ?
4. All landscape beds free of weeds and dead plant material ? Example: Ornamental grass has beautiful "dead" leaves during the fall/winter and is typically left until spring. Now it has to be removed ? No leaves (dead plant material) especially during fall ? And of course no weeds and dormant perennials in beds ?

Thanks for your help.

David

From: [William I Souder](#)
To: [Rocky Kambo](#)
Cc: [David Betz](#); [Leilani Napier](#)
Subject: Re: THANK YOU! and a request
Date: Friday, October 04, 2019 4:05:08 PM

Amazing information and thank you. I think what is hanging me up (as well as others) is the concept of boundaries.

Ultimately the zones have boundaries in some way to denote who the proposed text applies to (or im making a huge/horrible assumption) and this may be what you meant by parcel/lot?

I believe I understand that this proposed text does articulate lot numbers which appears to attempt to build a boundary within the zone of which text applies to(i surely hope i have that right)

What concerns me is the question of what boundaries exist today and werent those lots and text provided when that section was originally zoned hence my original request for that zoning application? The response felt like they are two distinct boundaries (that was my interpretation of the two distinct links). Two different plats, two different texts, but I acknowledge it is still zoned the same way. Am I misunderstanding the text and plats I was given? Again I realize anything can be zoned or rezoned if there is an application, and if P&Z approve, and if City approves... but on the books today is two different plats witj two different texts?

What I ultimately want is transparency, time, and consideration so the communities have the ability to make an informed decision in a thoughtful and meaningful way.

I just dont see that all options were presented, discussed, taken to the communities to decide and this path has created a negative environment. This is not what I thought we were getting into and it is unfortunate.

As I said before, I am grateful and thankful for your time and hope you have a great weekend!

Thank you,

Will -

On Oct 4, 2019, at 14:41, Rocky Kambo <RKambo@cityofpowell.us> wrote:

No apologies necessary. I'm glad you're at least asking for clarification.

When it comes to zoning, it is at the parcel level. Meaning every parcel in both

From: [Rocky Kambo](#)
To: ["William I Souder"](#)
Cc: [David Betz](#); [Leilani Napier](#)
Subject: RE: THANK YOU! and a request
Date: Friday, October 04, 2019 2:41:42 PM

No apologies necessary. I'm glad you're at least asking for clarification.

When it comes to zoning, it is at the parcel level. Meaning every parcel in both subdivisions is Planned Residence District. They are one and the same. What we do not have is whether they were linked by Deeds or whether they were developed together – this is how they could be seen as one entity. But from a zoning perspective, they have the same zoning.

What I meant by Cardinal Hill rezoning itself, which is still a yes, is that any entity (usually a property owner) can submit an application to the City to rezone any area to a different district or with a different zoning text. This does not guarantee a rezoning as P&Z and Council have to both approve it. But it does allow residents to rezone parts of Powell. Being able to rezone does not mean you are a separate entity it just means you are allowed to submit an application.

The question in some ways is no longer are you actually linked or not. The question is, do you want to have the proposed development text apply to you or not? If not, you will have no protections (other than the city's base zoning) unless you renew your Deeds before January 1, 2020 or you come up with your own zoning text. As for having the authority to rezone your subdivision, yes, the applicant has that right.

Rocky

From: William I Souder <williamiansouder@gmail.com>
Sent: Friday, October 04, 2019 2:03 PM
To: Rocky Kambo <RKambo@cityofpowell.us>
Cc: David Betz <DBetz@cityofpowell.us>; Leilani Napier <LNapier@cityofpowell.us>
Subject: Re: THANK YOU! and a request

My apologies, my root question was what Powell recorded them as and if there is 1 zone for cardinal hill and 1 zone for the retreat OR does Powell have them recorded as 1 zone together currently? Is this what you are saying is missing recordings with Powell?

I do know that per the deed restrictions, different developers, and amendments recorded at Delaware, the plats and by name they are split.

In your previous response you noted that Yes Cardinal Hill could file its own text for its zone which left me feeling like it was separate already according to Powell, are you saying this option is now a "no"?

I apologize for getting lost in the responses now, Im simply trying to confirm that point of what Powell has recorded. I can only assume these records exist from the mid to late 80's since that is what time frame the deeds are originating.

Thank you and apologies for getting lost on this and I appreciate the clarification.

Thank you,

Will -

On Oct 4, 2019, at 13:07, Rocky Kambo <RKambo@cityofpowell.us> wrote:

Hi Will,

I have to admit, it is not crystal clear the connection between the "two" subdivisions. The records are not available to determine that. It seems that over the past many years the two worked together as though they are indeed one subdivision. Almost like Cardinal Hill was another phase of The Retreat. I can't say definitively if they are separate. You would have to look into whether they had the same developer, similar deeds, if there was an agreement to regulate them similarly. Questions like these would need to be answered to know for certain.

Regardless, by doing one text over both would provide consistent oversight over both. As you said, it would "merge" them together or at least make the connection clearer.

I hope this helps to shed some more clarity.

Rocky

From: William I Souder <williamiansouder@gmail.com>

Sent: Friday, October 04, 2019 10:31 AM

To: Rocky Kambo <RKambo@cityofpowell.us>

Cc: David Betz <DBetz@cityofpowell.us>; Leilani Napier <LNapier@cityofpowell.us>

Subject: Re: THANK YOU! and a request

Superb Rocky and thank you for confirming that they aren't 1 residential district currently but 2 different residential districts. I don't think everyone is crystal clear that these districts are already separate and the proposal is to merge into one district under a combined text.

I appreciate your time and quick responses!

Hope you have a great rest of the day and weekend!

Will -

On Oct 4, 2019, at 10:21, Rocky Kambo

<RKambo@cityofpowell.us> wrote:

Hi Will,

Both The Retreat and Cardinal Hill are zoned the same, Planned Residence District, so each would fall back onto this zoning along if the Deeds expire.

A follow up is that we then should decide:

- renew deed restrictions for Powell - Yes, if possible by your deeds, you can renew them before they expire.

or

- make a Text for Cardinal Hill for that zoned residential district - Yes, Cardinal Hill could decide to do an entirely different text for the Cardinal Hill area.

or

- merge with The Retreat - Yes, or continue together with the text being presented.

You can see there are many options available to you all.

Rocky

From: William I Souder <williamiansouder@gmail.com>

Sent: Friday, October 04, 2019 5:41 AM

To: Rocky Kambo <RKambo@cityofpowell.us>

Cc: David Betz <DBetz@cityofpowell.us>; Leilani Napier <LNapier@cityofpowell.us>

Subject: Re: THANK YOU! and a request

Thank you Rocky!!

Just a followup and my apologies for being slow on this part.

Should I take this to mean that Cardinal Hill is 1 Zoned Residential District according to Powell, then The Retreat is an entirely different Zoned Residential District according to Powell?

A follow up is that we then should decide:

- renew deed restrictions for Powell

or

- make a Text for Cardinal Hill for that zoned residential district

or

- merge with The Retreat

Please let me know as we all really simply want to know what our options are and have the option to decide.

Thank you very much!

Will -

On Oct 3, 2019, at 16:40, Rocky Kambo
<RKambo@cityofpowell.us> wrote:

Hi Will,

I appreciate the kind words.

Here's what we have learned thus far (from the staff report): The Retreat Section1 was developed in 1974, and zoned into a straight R-2 Zoning District. Since that time, there has been several Zoning Code re-writes and area-wide zoning map amendments, most recently in 1990 when the whole Zoning Code, and Zoning Map, were revised placing the Retreat area within the PR, Planned Residence District. Our current code is based upon that change, with many amendments in between.

Here is what I have for [The Retreat](#) and [Cardinal Hill](#).

I'm still trying to locate the 1990 ordinance that changed the zoning. These documents, being so old, are harder to come by. I'll pass them along as soon as I find them.

Let me know if you have any questions.

Rocky

From: William Souder <williamiansouder@gmail.com>
Sent: Thursday, October 03, 2019 8:58 AM
To: Rocky Kambo <RKambo@cityofpowell.us>
Subject: THANK YOU! and a request

Rocky, Again I'd like to reach out and thank you again for the time you gave our communities. As I said last night, i realize these can be charged topics and you all do a great job in walking the tight rope presented to you, so thank you!

I did review Powell Code last night as it relates to Planned Districts and it appears since we currently are a

Planned District, that is recorded in some way (and if I understood the plat that it applies to).

My request is if I can get a copy of the history regarding the existing Planned District (If the application exists, any text, the plat, etc).

Thank you!

Will -

Leilani Napier

From: Rocky Kambo
Sent: Wednesday, October 09, 2019 5:03 PM
To: Jim Klebes
Cc: David Betz; Leilani Napier
Subject: Re: Retreat Major Amendment To Development Plan Text

Thanks, Jim.

Will included in planning and Tony commissions packets tonight.

Rocky

--

Rocky Kambo, AICP, GISP
Assistant Director of Development
47 Hall Street, Powell OH 43065
614.396.3374 | www.cityofpowell.us

Sent from my iPhone

On Wed, Oct 9, 2019 at 5:00 PM -0400, "Jim Klebes" <Jim@Klebes.us> wrote:

Mr. Kambo,

Per our conversation 10/8/2019 I'm submitting my concerns with the proposed Retreat **Major Amendment To Development Plan Text**. I will address the most important issue in this email which is the floodplain running thru the Retreat subdivision. The culvert under Deer Creek East was replaced at the six resident's expense in 2017 due to the culvert age and debris blocking the opening. The damaged culvert was replaced with a new culvert with full head and end walls (old culvert only had half head and end walls).

On 7/13/2017 the Retreat neighborhood had torrential rain for a day and new debris from the floodplain started floating and blocked the replacement culvert. When I checked the culvert the water was almost over the top of the pipe and starting to seep around the sides of the head wall. I was able to take a spud bar and break loose with much difficulty the debris restricting the culvert opening. If I had not cleared the debris jam, the replacement culvert would have failed and the six residents would again have no access to their properties. The video files documenting this event are too large for email attachments. You can view and download all the videos from the GoDaddy link below.

<https://files.secureserver.net/0fN81pXvGcDLuQ>

Section 4.19 in the Development Plan does not address this issue and I suggest the following minimum addition.

All dead trees and limbs need to be removed from the floodplain area.

No floatable items can be in the floodplain i.e. dead trees, firewood, swing sets etc.

The City of Powell from my understanding is the representative for the Army Core of Engineers who I believe have jurisdiction over the floodplain areas. I know Powell does inspect the culverts within the city. We really need a proactive quarterly inspection of all the critical culvert floodplain areas similar to the Deer Creek culvert that is handling the watershed from a 1,000 acre floodplain. I'm available to meet with you to provide any addition input and documentation you require.

Today has been a lot of unscheduled interruptions and I apologize for this late email concerning the **Major Amendment To Development Plan Text**. I will not be attending the public hearing tonight since the above email and video documentation is what I was going to speak about at the meeting. I will send a 2nd email addresses my three remaining concerns I have with the Retreat development plan mainly to do with enforcement of the city code and the development plan.

Jim Klebes

Leilani Napier

From: Rocky Kambo
Sent: Wednesday, October 09, 2019 2:22 PM
To: Stillisano
Cc: David Betz; Leilani Napier
Subject: Re: The Retreat

Thank you for your comment. I will forward it to P&Z.

Rocky

--

Rocky Kambo, AICP, GISP
Assistant Director of Development
47 Hall Street, Powell OH 43065
614.396.3374 | www.cityofpowell.us

Sent from my iPhone

On Wed, Oct 9, 2019 at 2:16 PM -0400, "Stillisano" <stillisano@columbus.rr.com> wrote:

I was at the meeting last Wednesday but will not be available tonight. You stated the goal of this was to maintain the beauty of the Retreat. If it's agreed that the Retreat is beautiful now, then the current fencing should be grandfathered and deemed acceptable rather than forcing everyone to take theirs down and replace it with what the zoning commission now considers beautiful and acceptable. Thank you.

Sincerely,
Dr. Patrick Stillisano
530 Quails End

Leilani Napier

From: Rocky Kambo
Sent: Wednesday, October 09, 2019 12:06 PM
To: 'David Cerutti'
Cc: David Betz; Leilani Napier
Subject: RE: Development Text

Hi Dave,

Thanks for sending. We will provide this to P&Z tonight.

Rocky

From: David Cerutti <d.cerutti@earthlink.net>
Sent: Wednesday, October 09, 2019 11:54 AM
To: Rocky Kambo <RKambo@cityofpowell.us>
Subject: Development Text

Hi Rocky,

Still not sure if I will attend, although feeling better. I would like the Commission to at least hear of my concerns, given below. I have documents that I can provide to support the comments when/if needed. To my knowledge what I state is accurate.

After all the questions at the last meeting many felt that a Final Text version would not be presented for some time and many thought that this meeting would be cancelled. So is a Final Text being presented for approval with no Retreat voting ?

Thanks,

David

=====

The Retreat Development Text Zoning Application is based on the facts that the 7 different subdivisions included all have their deed restrictions expiring on Jan 1, the deed restrictions have played a major role in maintaining the quality of the neighborhood, 100% approval is required in the deed restrictions for any changes, and all Powell residents want Powell to get in the business of deed restriction enforcement though zoning changes.

The common covenants in these 7 subdivisions with separate deed restrictions control relatively little of the quality of the neighborhood and have not been enforced. Current common deed restrictions include:

1. **Only two allowed mailbox designs.** The Retreat has at least 30 different designs and no one has made an attempt to enforce.
2. **Only single dwelling structures are allowed to be built and remain.** Yet we have a lot with only a garage that has been allowed to remain.
3. **All driveways have to be paved in concrete or asphalt** – yet we have unpaved and also paver driveways with no objections.
4. **Owners of unoccupied lots shall at all times keep and maintain their propertycausing weeds and other growth to be seasonably cut....** Not only are unoccupied lots not cut but areas of occupied lots would have the same issues.
5. **No business, trade, office ...shall be conducted or carried on upon any lot...** Homeowners have talked openly about practicing their trade at the house.
6. **The Retreat Architectural Control Committee is formed to approve of various alterations, improvements, etc.** The original two RAC committees that original existed (one was for Cardinal Hill) later combined into one and did try to enforce decisions. However after instances of neighborhood fighting and threatened lawsuits the Retreat Association hired an attorney who was an expert in HOA and deed restrictions. One of several conclusions was the RAC had no legal right to try to enforce any decision. The Retreat Association then made it clear to all residents that the RAC was only advisory. That advisory only capacity has existed for the last 14 years. And one other key conclusion of the attorney was that our deed restrictions were too vague with no standards. The development text is no better in this regard.

So what in the deed restrictions has been in place that is controlling the good quality of the neighborhood? It is voluntary compliance and the fact that most homeowners want to protect their neighborhood. The deed restrictions and existing norms serve as guidelines. Is there really a need to add a significant amount of new rules like largely no weeds in lawns or weeds and dead plant material in beds and no dead branches?

And what happens to a homeowner that violated the old and new covenants? Will Powell now force that homeowner with a gravel driveway for many years to put in a driveway when the Retreat Association took no action?

All homeowners signed a deed restriction agreement when they purchased their home. They had a choice. This zoning change effectively takes away that agreement and rights. One of the 7 subdivisions can change the terms but that has not been attempted. The other 6 require 100% agreement. But we are not the first subdivision to have expiring deed restrictions. Our neighbors in Olentangy Ridge had expiring deed restrictions in 2010 and their deed restrictions allowed them to renew them. They did that by getting 70% of lot owner signatures in all of their 7 separate deed restriction areas. (I know of no deed restrictions that can be changed without at least 50% of all lot owners in agreement). Our next door neighborhood Ashmore can also be renewed at 50% agreement but I believe it takes 75% agreement to change them. So there is precedent in our area on respecting homeowner rights. Will Powell take away those precedents by changing voting requirements?

What about the fact that some of our Subdivisions included in the Application have only 3 or 12 members. They could be in 100% disagreement but they would be forced to comply because they have been “annexed” by their neighbors. Also note that about 14% of lot owners are not members of the Retreat Association because it is not mandatory - not being a real HOA. They will not participate in electing the RAC members and are cut off of most communications.

When the Retreat Association took over the RAC they passed a motion that controlled the way the RAC was suppose to act to avoid the abuses of the past. That document is attached. The RAC was to be composed of 7-15 homeowners with at least one rep from each of the 7 subdivisions. How many are on the RAC today? One individual? This shows the apathy on the issue or failure to follow rules. The Retreat Association that allows all this has one town meeting a year to communicate to homeowners and approve of all actions in the past year. The quorum used to be a lowly 15%. It was now changed to a quorum of 1 person. Subdivision 3 has the most lots but has no member on the Board whereas Subdivision 4 has 13% of the lots but 50% of the Board. This is ok when deciding who will bring potato salad to the picnic but legal governance is not a Board responsibility. And why does the Development Text call for an RAC of 3-5 members? Since it can be 3 members that means that a majority would be 2 votes. Is that representation? And will non members be treated the same or be targeted?

As a resident of The Retreat for over 20 years, past member of the RAC, past member of the Board when the RAC was investigated and changes instituted, and the preceding President of the Retreat Association I also want the neighborhood to remain as it is today. I am not against the idea of a Development Text. But my experience tells me that homeowners are not aware of all of the facts and there are many issues that remain. While there is apathy on this issue the fear of a prospective declining neighborhood results in a knee jerk reaction to agree with the action without being informed. Nothing drastic is going to occur on Jan 1. Take all the time needed to fully inform everyone involved. That includes all of Powell since this affects everyone in Powell with the potential for lawsuits, other neighborhoods trying this out, neighborhood quarreling, and tax increases for additional services. This will become publicized and we should make every effort to get it right.

David Cerutti

Leilani Napier

From: Rocky Kambo
Sent: Tuesday, October 08, 2019 2:41 PM
To: David Betz; Leilani Napier
Cc: RE: Retreat's Development Text
Subject:

Hi Deborah,

Thank you for taking the time to offer your comments.

I will have Leilani, our Zoning Clerk, pass your items onto the P&Z Commission.

I am happy to help and please feel free to reach out to me if you have any further comments or questions.

Rocky

From:
Sent: Tuesday, October 08, 2019 1:32 PM
To: Rocky Kambo <RKambo@cityofpowell.us>;
Subject: Retreat's Development Text

Dear Rocky,

Thank you for leading the discussion that took place the evening of Oct. 2nd. I felt it was a productive meeting and want to thank you for the time and energy you are giving this matter.

During the course of the Oct. 2nd meeting, in so many words it was stated that this new proposal isn't something the city plans on adopting unless the Retreat homeowners are in support. As you could see there were some, in attendance, that were in support, but overall, the majority in attendance expressed serious concerns regarding specific content of the document, the right to enforce, the legality, etc. Your suggestion of the homeowners getting together to meet and work together to develop a document that will satisfy (and not divide) was an excellent suggestion. We need time in which to do so. Many of us had suggested that the Oct. 9 hearing be postponed so that we would have the time to arrange meetings and work together on this document.

You had also suggested we email you with changes we would like to see made with regard to the current document. Following are a few articles, from the original document, that I feel are quite unreasonable and should be removed:

Article 3.3 - The movement of a vehicle parked in a driveway needing to be moved every 7 days. Some people only have a 2 car garage and own more than 2 vehicles. Some people's vacations exceed 7 days and they want to give the appearance someone is home....same for those who winter in Florida.

Article 3.1 - Vehicles cannot be covered. Several people protect their vehicles from bird droppings, etc. by placing a cover over their vehicle.

Article 5.3 - Holiday decorations shall be removed no later than 30 days after the holiday. In this day and age it is important to be 'culturally sensitive'. I do not believe that any of us can know what holidays are being celebrated within homes and therefore no one reserves the right to tell people when to end the celebration and take down the decorations. Who is it hurting if someone chooses to leave holiday lights up, a wreath, or any other type of decoration?

Article 4.25 - Toys, lawn tools, etc. cannot be left outside garages, on driveways, porches, patios, decks, lawns etc. Who is it hurting if a child's toy is left in the sandbox, on the deck, etc.? Many homes have young children who play outside their homes, as they should. Must they be expected to hide every toy in the garage, every day, after playing?

I must contend that many of the articles have been created by a few, on the committee of 12, as a result of being personally bothered by these things. They want to be in control of how people live. From speaking with many Retreat homeowners, I have concluded that most people are not bothered by the things that few on the committee consider an 'eyesore' and consider many of the 'new, never before listed articles' to be petty and unnecessary.

Thank you, Rocky, for your patience, time and consideration.

Sincerely,

Retreat Homeowner



Leilani Napier

From: Rocky Kambo
Sent: Tuesday, October 08, 2019 2:46 PM
To: 'Timothy Schenz'
Cc: David Betz; Leilani Napier
Subject: RE: Latest Edits to The Retreat Development Text

Hi Tim,

They are online now.

www.cityofpowell.us/currentproposals

Rocky

From: Timothy Schenz <timschenz@gmail.com>
Sent: Tuesday, October 08, 2019 2:43 PM
To: Rocky Kambo <RKambo@cityofpowell.us>
Subject: RE: Latest Edits to The Retreat Development Text

Any progress on getting the website updated with latest changes to the Development Text? We'd like to send out a notice 24 hrs before tomorrow evening's meeting.

Tim

From: Rocky Kambo <RKambo@cityofpowell.us>
Sent: Tuesday, October 8, 2019 10:27 AM
To: Timothy Schenz <timschenz@gmail.com>
Cc: Dan O'Brien <daobrien@harropusa.com>; Anne Schenz <anneschenz@gmail.com>; David Betz <DBetz@cityofpowell.us>; Leilani Napier <LNapier@cityofpowell.us>
Subject: Re: Latest Edits to The Retreat Development Text

Hi Tim,

Received. We'll have the updates available for P&Z.

Rocky

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Rocky Kambo, AICP, GISP
Assistant Director of Development
47 Hall Street, Powell OH 43065
614.396.3374 | www.cityofpowell.us

Sent from my iPhone

On Tue, Oct 8, 2019 at 9:44 AM -0400, "Timothy Schenz" <timschenz@gmail.com> wrote:

Rocky,

The Board met last night to consider constructive comments from the Oct 2 Open House and other useful comments we have received.

I've attached 2 files:

- 1) A Word document with Track Changes turned on so that you can perhaps use the modified text directly, and
- 2) A PDF of the same document, with edits in red.

Let me know if you need the edits in another form.

We'll send out another email to residents notifying them of these additional edits. Hopefully, the Text posted on the website can reflect these changes soon. Will the edits be obvious to visitors to the website?

Thanks so much,

Tim Schenz

1.1 "The Retreat" includes all properties currently located in The Retreat subdivision, Powell, Ohio. Refer to the map on Exhibit B. Specific areas include:

- a. Robinson Subdivision (Lots 2240, 2241, 2242);
- b. Section 1 (Lots 237-240, 241), later subdivided into Deer Creek East/West and Fox Run;
- c. Section 2 (Lots 241-260);
- d. Section 3 (Lots 261-304);
- e. Section 4 (Lots 317-336);
- f. Section 5 (Lots 305-316);
- g. The Retreat at Cardinal Hill (Lots ~~436-479 445- 449, 454-479~~); and
- h. On the River (three parcels).

1.3 Any existing structure or legal infrastructure permitted by The Retreat Deed Restrictions prior to adoption of this Development Text and no longer permitted by adoption of this Development Text shall be considered existing, nonconforming and permitted to remain, provided it is maintained in good condition and not expanded.

1.2 c. The Architectural Review Committee shall respond to a homeowner's request for review within thirty (30) days with a statement of "support", "nonsupport", or "support with conditions". In the ~~latter later~~ case, the ARC shall include those conditions of support in its recommendation statement. The ARC's recommendation shall be by formal vote following Robert's Rules of Order. The ARC's statement will be provided to the applicant for the applicant to include with their application for a zoning certificate to the City of Powell. If no response is made within thirty days, the modification review is automatically supported by the Architectural Review Committee. Recommendation by the ARC shall be based on 1) this Development Text and 2) the opinions of immediate neighbors to the project.

1.2 e. The Retreat Architectural Review Committee shall be composed of three to five (3-5) members appointed by The Retreat's Homeowners Association Board on staggered two-year appointments. Members of the ARC must be homeowners and residents of The Retreat. The chair of the ARC will be appointed by The Retreat Association's Board of Trustees. At least one Retreat Association Board of Trustees' member shall be represented on the ARC to serve as a liaison between the ARC and the Board.

3.3 All vehicles parked in a driveway must be legally registered and licensed, and in satisfactory highway operating condition, ~~and moved every seven (7) days. After the seven days of inactivity, the vehicle shall be considered a nuisance and detrimental to the welfare of the neighborhood and shall be removed by the Owner.~~

4.2 No conspicuous holes (damage by accident, time, nature, birds, animals, insects, etc.) are permitted in building exteriors and repairs/replacements shall occur in a timely manner.

4.7 Drives and walks shall be kept clean, largely weed free, and maintained/repared in good condition.

4.18 No outside tank larger than 20 pounds empty for the storage of a combustible material shall be located on the property.

4.19 Each property shall be landscaped and maintained to enhance the beauty of its characteristics. All shrubs, trees, grass, and plantings shall be well maintained, trimmed, properly cultivated, and free of trash and other unsightly material. All landscape beds and lawns shall be maintained, largely free of weeds and dead plant material. Except in naturalized areas, dead limbs, dead trees, and dead plants and shrubs shall be removed in a timely manner leaving no debris. Each lot shall be regularly mowed (grass less than seven (7) inches tall) and trimmed. All grass clippings shall be removed from walks, driveways, and the street. No lot shall be allowed to become overgrown or unsightly. All improvements shall at all times be kept in good condition, free of stains and/or mildew/mold, repaired/replaced, painted/ stained as needed so that the property and structures are maintained in a neat and orderly manner.

4.20 After January 1, 2020, any new exterior siding on dwellings must be wood, brick, stone, stone veneer, stucco, or fiber cement (HardiePlank/Shingle/Panel/Trim or the equivalent). No aluminum or vinyl siding is permitted.

4.21 New mail boxes installed after January 1, 2020 must conform to USPS standards, except no plastic or PVC material is allowed. If the mail box is enclosed, the structure must be made of natural materials (brick, stone, or cedar). If not enclosed, the mail box and post must be a complementary ~~complimentary~~ color to the main residence or its adjacent neighbor. Mail boxes must be maintained to preserve the character and integrity of the neighborhood.

5.3 Holiday decorations shall be removed no later than ninety ~~thirty~~ days after the holiday.

Leilani Napier

From: Rocky Kambo
Sent: Monday, October 07, 2019 1:14 PM
To: 'Rachael Romain'
Cc: David Betz; Leilani Napier
Subject: RE: Retreat Development Text

Hi Rachel,

Happy to be of service to the residents.

Can you help me understand, will the zoning board not vote on this until they are sure we are presenting a "final" draft? I'm sure P&Z will take into consideration whether this is a complete copy or not. Depending on the level of work needed, they will vote to either table it or pass it to Council with the condition that changes are made. I can't and won't make an assumption of how they will vote but I'm sure they'll want a firm grasp on what the complete text will be before voting on it.

In your opinion is there any way this is voted on at the meeting this week (or absolutely not because nothing in the text is final)? As I said above, I'm not sure. I tend not to guess how P&Z votes. The best thing is to provide as much full information as possible and have them make a determination. P&Z are a reasonable group who will hear everyone out.

Will residents be notified if this issue is tabled and when it will be discussed at later meetings? Yes. We will figure out a way to get the word out again. If not by the City, I'm sure the HOA board will make sure you are all notified.

I'm glad you are providing me your comments and will share them with P&Z on October 9 at 7PM. The fortunate thing is that the City would be the overseer of the text and would bypass any individual "controlling" aspects of your home. I also agree, clarity is key to ensuring a good zoning text and this way everyone knows what to expect.

Let me know if you have any other questions.

Rocky

From: Rachael Romain <rachaelromain09@gmail.com>
Sent: Monday, October 07, 2019 11:51 AM
To: Rocky Kambo <RKambo@cityofpowell.us>
Subject: Retreat Development Text

Hi Rocky,

First of all thank you for spending your Wednesday evening last week listening to concerns and trying to explain how the city fits into all of this.

From speaking with someone on the Retreat board I understand the text has already been modified from what we viewed on Wednesday and this modification was not submitted to the city in time to change the plans on the meeting agenda this week. Can you help me understand, will the zoning board not vote on this until they are sure we are presenting a "final" draft? In your opinion is there any way this is voted on at the meeting this week

(or absolutely not because nothing in the text is final)? Will residents be notified if this issue is tabled and when it will be discussed at later meetings?

My husband and I are in opposition of some of the terms outlined in this text and sincerely wish the residents were given the opportunity to provide comments before any documents were submitted to the zoning board. The nature of being told a few members of the board want to "control" every aspect of the outside of our homes is appalling. We understand and agree some level of restrictions should be in place, but the use of vague and subjective terms (including: harmonious, attractive, not obnoxious) means homeowners never really know what is expected.

Any clarification you can provide on the process with the zoning board would be much appreciated. Thank you for your time.

Rachael Romain

From: [Rocky Kambo](#)
To: ["David Cerutti"](#)
Cc: davidbcerutti@gmail.com; [David Betz](#); [Leilani Napier](#)
Subject: RE: Retreat Dev Text Info Meeting
Date: Monday, October 07, 2019 1:06:53 PM

Hi David,

Sorry you got hit by the flu bug earlier than most!

Yes, please feel free to submit anything before the meeting and I will have Leilani, our Zoning Clerk, provide it to P&Z.

Rocky

From: David Cerutti <d.cerutti@earthlink.net>
Sent: Monday, October 07, 2019 11:40 AM
To: Rocky Kambo <RKambo@cityofpowell.us>
Cc: davidbcerutti@gmail.com
Subject: RE: Retreat Dev Text Info Meeting

Rocky,

Although I was the last Retreat Association president (2006) before Dan and originator of the website, I no longer am a member. This occurred when I was not being given essential info to be posted on the website and I thought we were going back to being not transparent, so I resigned. Non-members (15%) have no access to much info, communication, etc. and cannot provide message board input. I have been told that a member did post surprise and concerns on the message board that the Oct 9 was still scheduled after the info meeting indicated there were issues to be discussed in private. No response from the Retreat Association.

But it is Powell that would be enforcing this text so questions on how text would be interpreted are fair questions to Powell, aren't they ?

Your staff report did show differences between the text and zoning. But it did not show how the deed restriction text was difference from the current deed restrictions. This is critical since homeowners in general are not familiar with their deed restrictions. Changes should be highlighted.

Since I may not be able to attend the Oct 9 meeting (flu) – will any statement I send you via email before Oct 9 be provided to the commission ?

Thanks,

David

Leilani Napier

From: Rocky Kambo
Sent: Friday, October 04, 2019 5:04 PM
To: Timothy Schenz
Cc: Dan O'Brien; David Betz; Leilani Napier
Subject: RE: Staff Report - Retreat Application

Hi Tim,

I updated the staff report regarding your items 1 and 2. As for 3 and 4, please submit updates to the text and we will include them online or bring them to the meeting. Whichever comes first. I will leave the staff report as is on these since we don't have these changes to review.

Rocky

From: Rocky Kambo <RKambo@cityofpowell.us>
Sent: Friday, October 04, 2019 4:41 PM
To: Timothy Schenz <timschenz@gmail.com>
Cc: Dan O'Brien <daobrien@harropusa.com>
Subject: Re: Staff Report - Retreat Application

Hi Tim,

Thanks for the comments, I'll make sure to make any changes to the staff report as necessary.

Yes, the planning and zoning commission will be structured differently than the open house. The planning and zoning commission will allow each resident at least two minutes to speak and provide their comments. The open house was more informal.

I'm sorry anyone felt frustrated that they weren't able to provide their comments at the open house but please let them know that they will have the opportunity at the planning and zoning commission meeting.

Thank you again for your comments and have a great weekend!

Rocky

--
Rocky Kambo, AICP, GISP
Assistant Director of Development
47 Hall Street, Powell OH 43065
614.396.3374 | www.cityofpowell.us

Sent from my iPhone

On Fri, Oct 4, 2019 at 4:15 PM -0400, "Timothy Schenz" <timschenz@gmail.com> wrote:

Rocky,

I wanted to say "Thank you" for the staff report that was posted. I thought it was a fair and accurate presentation of the application.

I had some comments:

1. Under the section titled Proposal Overview, should not the second sentence begin with "This action is [not] technically rezoning the property,..."?
2. In your comparison chart, under Fencing, the Development Text does allow fences, but they are restricted as to material, design and placement. Should the Current column read "The City is not as specific on this item"? The way it's presented makes it look like the Text does not allow fences.
3. I believe the Board will be addressing the issues of driveway parking, holiday decorations, allowing exceptions to outbuildings if approved by RAC, and perhaps a few others. These changes will be based on the constructive comments we heard at the Open House.
4. We currently have a document for guidelines for the RAC. How would this be referenced/incorporated into the Text? I think a reference would be better, in case any changes were made.

On another note, I'm hoping the P&Z meeting can be conducted so that a few residents do not monopolize all of the time for resident comments. I spoke to several residents after the Open House and they were frustrated that they felt they could not get a comment in to support the Text.

Once again, thank you for all of your hard work for us in The Retreat. I'm hoping we can get this through the process without much further angst and trouble.

Tim Schenz, Trustee, The Retreat Association
485 Retreat Ln W, Powell, OH

Leilani Napier

From: Rocky Kambo
Sent: Monday, October 07, 2019 9:55 AM
To: 'Dan O'Brien'
Cc: 'Timothy Schenz'; David Betz; Leilani Napier
Subject: RE: October 9 P&Z Meeting

Hi Dan,

See my responses below.

Rocky

From: Dan O'Brien <daobrien@harropusa.com>
Sent: Sunday, October 06, 2019 9:39 PM
To: Rocky Kambo <RKambo@cityofpowell.us>
Cc: 'Timothy Schenz' <timschenz@gmail.com>
Subject: October 9 P&Z Meeting

Rocky,

I am attempting to get ready for our October 9 P&Z meeting.

1. Parking last Wednesday was an issue. Do we think business in downtown Powell will be less robust this coming Wednesday? Can a Powell police officer be present to assist in attendees finding a legal place to park? **I'll make the PD aware that it we are expecting a bunch of people and to be more lenient that night. I hope it's not as busy as it was!**
2. I have prepared data concerning homeowner voting regarding the Development Text:

Total Properties in The Retreat/Cardinal Hill neighborhoods	162
Total 2019 Retreat Assn. Paid Members	140
% of homeowners who are members of Assn.	86% (140 out of 162)
Total "APPROVE" votes for rezoning Development Text	66
% of "APPROVE" votes who are members of The Retreat Assn	97% (64 out of 66)
Total "DISAPPROVE" votes for rezoning Development Text	33
% of "DISAPPROVE" votes who are members of The Retreat Assn	85% (28 out of 33)
% of Assn. members who voted	71% (99 out of 140)
% of total neighborhood homeowners who voted	61% (99 out of 162)

Who and how can we get this information to P&Z and eventually to City Council? How can we get this data "certified" to be an accurate count? I personally have all of the ballots in my possession. They are either signed by the homeowner or I have received an email from the homeowner with their personal email address. **I'll have Leilani, our Zoning Clerk, print this email and have it available to P&Z on Wednesday. Feel free to go through these numbers during your presentation.**

3. Will I be expected to present anything to the P&Z Commission? **Yes. As per my last email.**
4. Should I have any background information with me the evening of the P&Z meeting? **Yes.**
5. Should Chris Hermann be present for the P&Z meeting? **Yes.**
6. The Retreat BOT meets October 7. I expect the BOT to recommend the rezoning application be presented at the October 9 P&Z meeting. **That's a good thing. Having members of the BOT at the P&Z meeting would be good too.**

7. Based on the Open House comments, I expect there will be a few revisions made to the Development Text at this BOT meeting. We will have them to you October 8. **Sounds good.**

Dan O'Brien

From: [Rocky Kambo](#)
To: ["Tracy Duzzny"](#)
Cc: [Leilani Napier](#)
Subject: RE: The retreat development text changes
Date: Friday, October 04, 2019 1:29:54 PM

Hi Tracy,

Thank you for your comments. We will pass them along to the Planning and Zoning Commission.

Rocky

From: Tracy Duzzny <tduzz@yahoo.com>
Sent: Thursday, October 03, 2019 8:12 PM
To: Rocky Kambo <RKambo@cityofpowell.us>
Subject: The retreat development text changes

Rocky

My husband and I feel that the following section should be changed to allow outbuildings.

Section 4.9

Allow outdoor storage building, review by ARC, with architecture design and materials matching the existing primary dwelling.

One could argue that this section is discriminatory against women. Men can have their man cave but women can't have their she-shed or small greenhouse.

Other supported this last night as well.

We ask that this be changed in the development text.

Thanks

Tracy

From: [David Betz](#)
To: ["David Cerutti"](#); [Rocky Kambo](#)
Cc: [davidbcerutti@gmail.com](#); [Leilani Napier](#); [Steve Lutz](#)
Subject: RE: Retreat Zoning Application
Date: Friday, September 13, 2019 10:15:56 AM
Attachments: [image001.png](#)

David,
Please see answers below.
Thanks.
Dave

David M. Betz, AICP
Director of Development
City of Powell
47 Hall Street
Powell OH 43065

(614) 396-3333 direct

dbetz@cityofpowell.us

www.cityofpowell.us

www.businessinpowell.org



 Please consider the environment before printing this email.

From: David Cerutti <d.cerutti@earthlink.net>
Sent: Friday, September 13, 2019 10:04 AM
To: David Betz <DBetz@cityofpowell.us>; Rocky Kambo <RKambo@cityofpowell.us>
Cc: davidbcerutti@gmail.com
Subject: Retreat Zoning Application

Dave and Rocky,

Thank you very much for taking the time to explain and discuss the Retreat Zoning procedure and background with me. I believe I have fixed the Earthlink.net domain issue but I have included another email address as backup. If possible please resend your previous emails.

My main goal is to inform neighbors of the facts of the process and application to get consensus, preferably outside of Powell city meetings. I believe you share this goal.

Points you made included:

1. Deed restrictions are not really affected by this application. Zoning and deed restrictions are

enforced and applied separately.

2. Any 1 person who owns or leases in the proposed area can apply for a zoning change. And apply again in the future with a new one or changes to the old one with an application/fee.
3. No definitive owner voting or voting approval targets (e.g. 50% of residents) are needed to pass the zoning commission and council.
4. This zoning application is unprecedented in Powell.

Some questions:

1. Can residents who can't attend the meeting give their 3 minutes to someone else by request in writing?

People who cannot attend are welcome to submit their comments in writing, via email preferred, to me, Rocky and to our Planning and Zoning Clerk lnapier@cityofpowell.us.

2. Same question for residents that attend but don't want to speak.
Same answer.

3. Do you have copies of the Deed Restrictions at your office that a resident can view/copy or is the courthouse the only place?

I prefer that they find them online from the County Recorder's office as they are the actual holder of the official record.

We have the proposed application materials that will be posted online today.

4. Has the meeting been changed to Oct 9?

Yes. We will be sending out new post cards to everyone either today but most likely on Monday. Megan Canavan, our Communications Director, will also be making special posts to our web site and social media pages about this change in meeting date.

Thank you again,

David