



CODE ENFORCEMENT REPORT

April 2021 – Nothing to Report.

Board of Zoning Appeals

April 8, 2021 – Draft Minutes Attached

APPLICATION FOR VARIANCE (Case 2021-15 V Rutherford Estates Pool Encroachment)

Applicant: Michael Joseph, Property Owner
Location: 8652 Rutherford Estates Court
Existing Zoning: (PR) Planned Residence District
Request: Review and approval of a variance to reduce the setback for the water surface of a swimming pool from a drainage easement from 12 feet to 2 feet in the rear of an existing property.

*Request Approved as Submitted

PLANNING & ZONING COMMISSION

April 14, 2021 – Draft Minutes Attached

PLAT REVIEW (Case 2021-16 FP and Case 2021-17 FP)

Applicant: John Crawford of CT Consultants, Inc., on behalf of Len Pivar of Arlington Homes
Location: Barrington Place
Existing Zoning: (DR) Downtown Residence District
Request: Review and recommendation of approval to City Council of 2 revised Final Plat Phases for Harper's Pointe.

*Requests Approved

MINOR AMENDMENT TO AN APPROVED DEVELOPMENT PLAN (Case 2021-18 AM)

Applicant: Sadie Webb, SHYFT Collective
Location: 41 Depot Street
Existing Zoning: (DB) Downtown Business District
Request: Review and approval to permit an accessory structure to be located within the front building setback.

*Request Approved w/Conditions

REZONING & PRELIMINARY DEVELOPMENT PLAN (Case 2021-05 Z/PDP)

Applicant: Redwood USA, LLC
Location: 3041 Home Road
Existing Zoning: (PI) Planned Industrial District, City of Powell and (I) Liberty Township Industrial District.
Proposed Zoning: (PC) Planned Commercial District, City of Powell
Request: Review and recommendation of approval to City Council of a Zoning Map Amendment with Preliminary Development Plan from Liberty Township Industrial District & City of Powell Planned Industrial District to Planned Commercial District, City of Powell, for a mixed-use development on ± 70 acres.

*Request Tabled

CERTIFICATE OF APPROPRIATENESS (Case 2021-11 CA)

Applicant: GB 8 N Liberty Street c/o Michael Hessenaur
Location: 8 N Liberty Street
Existing Zoning: (DB) Downtown Business District
Request: Review and recommendation of approval to City Council for a new parking agreement.

*Request Approved w/Conditions

HISTORIC DOWNTOWN ADVISORY COMMITTEE

April 15, 2021 – Draft Minutes Attached.

CERTIFICATE OF APPROPRIATENESS (Case 2021-19 CA)

Applicant: Buckeye State Bank
Location: 22 S Liberty Street
Zoning: (DB) Downtown Business District
Request: Review and approval of an ATM and sign installation at the Espresso 22 property.

*Request Approved w/Condition

CERTIFICATE OF APPROPRIATENESS (Case 2021-20 CA)

Applicant: Sara Mackert, SJM studio LLC
Location: 80 E Olentangy Street
Zoning: (DB) Downtown Business District
Request: Review of a plan for a proposed addition to an existing building for a private social Club.

*Provide Comments Only

CERTIFICATE OF APPROPRIATENESS (Case 2021-21 CA)

Applicant: 3 Pillar Homes
Location: 67 Grace Drive S
Zoning: (DB) Downtown Business District
Request: Review and approval of a proposed single-family residence.

*Request Tabled



Board of Zoning Appeals
Jim Hrivnak Randy Duncan Janice Hitzeman Greg Short Ryan Brickner

MEETING MINUTES April 8, 2021

Chairman Jim Hrivnak called a Zoom (virtual) meeting of the Board of Zoning Appeals to order on Thursday, April 8, 2021 at 6:30 p.m. Members present included Jim Hrivnak, Randy Duncan, Janice Hitzeman; Gregory Short; and Ryan Brickner. Also, present were Claudia Husak, Planning Director; Elise Schellin, Development Planner; Karen J. Mitchell, City Clerk; Sandra D. Kin, Certified Senior Digital Reporter, US Court Support and interested parties.

OATH OF OFFICE FOR RE-APPOINTED & NEWLY APPOINTED MEMBERS

Karen J. Mitchell, City Clerk, administered the Oath of Office to re-appointed Board Member Greg Short.

STAFF ITEMS

There was none.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES

MOTION: Board Member Duncan moved to approve the minutes of March 18, 2021. Board Member Brickner seconded the motion.

VOTE: Y-5 N-0

APPLICATION FOR VARIANCE (Case 2021-07V)

Applicant: Michael & Aileen Joseph, Property Owners
Location: 8652 Rutherford Estates Court
Existing Zoning: (PR) Planned Residential District
Request: Review and approval of a variance to reduce the setback for the water surface of a swimming pool from a drainage easement from 12 feet to 2 feet in the rear of an existing property.

Claudia Husak, Planning Director confirmed that this meeting and the notice required are being held in accordance to the Charter.

Chairman Hrivnak administered the oath to Michael Joseph and Aileen Joseph.

Mr. Husak reviewed the Staff Report. ([Exhibit 1 - Staff Report](#))

Variance Standards:

1. **Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property.** This proposal will yield a reasonable return and a benefit to the property particularly given that existing trees will not be removed with this proposed location.
2. **Whether the variance is substantial.** The location of the home and the shape of the lot limit the area for exterior amenities as sought by the homeowners.

3. **Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance.** Staff is not aware what the purpose of the 12-foot setback requirement is for pools from easements. Other outdoor amenities are permitted within 12 feet of easements. A visit to the site confirmed that the easement exists to allow for runoff from neighboring properties across the rear yard. Locating the pool within 2 feet from the easement will not interfere with accommodating the runoff.
4. **Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage).** There will be no disruption to these services.
5. **Whether the property owner purchased the property with knowledge of the zoning restriction.** The homeowners were not aware of the limitation for the proposed pool.
6. **Whether the property owner's predicament feasibly can be obviated through some method other than a variance.** While a pool is permitted in the neighborhood, this particular lot does not have adequate rear yard space for such an amenity without impacting existing trees or the existing patio. The applicant has received permission from the Homeowners Association for this proposal.
7. **Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.** The spirit and intent of the zoning requirement would be observed. The pool will not interfere with the drainage for this site or adjacent lots.

Mr. Joseph: We do not have any additional information to add. We believe Ms. Husak has done an excellent in presenting our case and agree with everything she said.

Chairman Hrivnak opened this item up to public comments. Hearing none, he closed the public comments portion.

Board Member Short: Will the easement be disturbed during construction, and if so, will it be repaired during the construction? Will the pool just go all the way up to that 2-foot easement or are you going to have a paver patio around it?

Mr. Joseph: We cannot put paver or anything in the easement, so that will just be grass. The patio will be on three sides of the pool with grass on the easement side.

Board Member Short: During construction will they be mindful of the easement in case of a large rainfall or something like that? The last thing we would want is a backup into your new pool and ruin your new pool because there is equipment in the easement and it is not able to drain.

Mr. Joseph: We are only 2 inches from the high point in the neighborhood, and it is only 20 feet into our neighbor's property so there is very little flow through that. However, it will not be a problem to maintain that space and not be disturbed during construction. All debris will be hauled out. Nothing should touch the easement through the construction process.

Chairman Hrivnak: The City Code requires a fence around the pool. I do not see that on the drawing. Where will it be? I am curious where it is relative to the drainage easement.

Mr. Joseph: The fence is going to be a removable pool fence that will be around the pool. We talked with Kevin Moran, your Senior Inspector, and he said it was an acceptable plan. I do not have the paperwork in front of me, but it is in the plan that we submitted to the Building Department. I did not submit fence drawing here because we were not asking for a variance for the fence. It surrounds the pool with a mesh liner that is code compliant.

Chairman Hrivnak: So it almost at the edge of the pool?

Mr. Joseph: That is correct.

Mrs. Joseph: We will surround the pool completely at the desired height.

Chairman Hrivnak: So it is within the footprint that we show on the drawing here?

Mr. Joseph: Yes. If we allow the drainage easement to be the south side, it follow the south side of the pool,

then goes north toward our house very close to the pool, and then across the backside of our house within 1 to 2 feet of the pool. I need to be able to secure the fence into concrete to withstand a 150lb person falling into it.

Chairman Hrivnak: Is there any landscaping plan on the drainage easement side of the pool?

Mr. Joseph: It will be grass only. There are existing trees there already, but we will not be adding anything additional to it.

Ms. Husak: The Joseph family has been very responsive to our requests and very good to work with so we appreciate applicants who help us out in doing our job well.

Mrs. Joseph: We appreciate you too Claudia. You have been amazing to work with.

Mr. Joseph: Claudia is a wonderful asset for the City of Powell. She has been wonderful.

MOTION: Board Member Short made a motion to approve the variance as submitted. Board Member Hitzeman seconded the motion.

VOTE: Y-5 N-0

OTHER COMMISSION BUSINESS

Ms. Husak asked the Committee to consider having a standing meeting date for future BZA meetings and recommended the first Thursday of the month. The Committee gave thumbs up to a standing meeting date on the first Thursday of each month on an as-needed basis.

ADJOURNMENT

MOTION: Board Member Duncan moved to adjourn the meeting at 6:58 p.m. Board Member Brickner seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned. The next meeting will be June 3.

DATE MINUTES APPROVED:

Jim Hrivnak
Chairman

Date

Karen J. Mitchell
City Clerk

Date



Planning & Zoning Commission
Donald Emerick, Chairman
Bill Little, Vice Chairman

Shawn Boysko

Ed Cooper

Trent Hartranft

Shaun Simpson

Elizabeth Bailik

MEETING MINUTES **April 14, 2021**

Chairman Don Emerick called a meeting of the Powell Planning & Zoning Commission to order on Wednesday, April 14, 2021 at 7:03 p.m. via Zoom. Commissioners present included Bill Little, Elizabeth Bailik, Shawn Boysko, Ed Cooper, Trent Hartranft, Shaun Simpson and Don Emerick. Also present were Andrew White, City Manager (late); Jeffrey Tyler, Community Development Director; Claudia Husak, Planning Director; Elise Schellin, Development Planner; Yazan Ashrawi, Law Director; Karen J. Mitchell, City Clerk; and interested parties.

MOTION: Commissioner Simpson moved to accept all the documents into the record. Commissioner Cooper seconded the motion. By unanimous consent of the remaining Commission members present, the documents were accepted.

APPROVAL OF MINUTES – March 24, 2021. The draft minutes were not completed and approval will be deferred to the next meeting.

PLAT REVIEW (Case 2021-16_FP and Case 2021-17_FP)

Applicant: John Crawford of CT Consultants, Inc., on behalf of Len Pivar of Arlington Homes
Location: Barrington Place
Zoning: DR - Downtown Residence District
Request: Review and recommendation of approval to City Council of 2 revised final plat phases for Harper's Pointe.

Chairman Emerick advised that there was a clerical error on the originals and the front setback measurements. It does not affect anything out in the field. This is just a note on the plans that needs to be corrected. There will need to be two motions, one for each phase.

John Crawford, CT Consultants, 7965 N. High St., Columbus: We had a typo on the face of the plat where the front setback was listed at 10 feet from the right-of-way where it should have been 10 feet from the back of curb. We changed that text to read 8.5 feet from the right-of-way. The intent does not change on either plat. It is still the same distance from the centerline of the road for the buildings so nothing there changed, just how we are describing it.

Claudia Husak, Planning Director: We agree with Applicant that it is a clerical error that has no bearing as to how the building will be located in the field. Elise and I looked through the Ordinance and, unfortunately, we found no other way to correct this other than to re-plat this through the process with the Commission as well as City Council. We are recommending approval of both of those re-plats, which will then go on to Council at their next meeting on April 20th. We have no conditions.

Chairman Emerick stated that there were no comments from the architectural advisor.

Chairman Emerick opened the matter up for public comments. Hearing none, Chairman Emerick closed the public comment session and opened the floor for comments and questions from the Commission.

There were no comments from the Commission.

MOTION: Commissioner Little moved to approve a revised the plat plan for Phase 1 for the property known as Harper's

Pointe, as represented by John Crawford of CT Consultants, Inc. on behalf of Len Pivar of Arlington Homes. Commissioner Cooper seconded the motion.

VOTE: Y-7 N-0

MOTION: Commissioner Little moved to approve a revised the plat plan for Phase 2 for the property known as Harper's Pointe, as represented by John Crawford of CT Consultants, Inc. on behalf of Len Pivar of Arlington Homes. Commissioner Boysko seconded the motion.

VOTE: Y-7 N-0

MINOR AMENDMENT TO AN APPROVED DEVELOPMENT PLAN (Case 2021-18_AM)

Applicant: Sadie Webb, SHYFT Collective
Location: 41 Depot Street
Existing Zoning: DB – Downtown Business District
Request: Review and approval to permit an accessory structure to be located within the front building setback.

Sadie Webb, Shyft Collective, 152 E. Gay St., Suite 2A, Columbus, Applicant: Last month we came before you for a Certificate of Appropriateness for the outdoor pour station for Nocterra and that was approved. Today we are here for the minor amendment to the development plan.

The project scope is really for DORA and is meant to serve the DORA customers outside of Nocterra to alleviate any congestion inside of the physical space as well as to provide an extra area to order beer outside. People will be able to order beer in the beer garden and not go inside the building.

The DORA map was provided to you as a reference and it shows the location of Nocterra and the ideal location for the pour station. The proposed site plan for the outdoor pour station was provided in your packet.

Some of the things we heard last time were ideas about queuing for the patrons that are outside of the beer garden so people are not congesting Depot Street. There was also a concern about being near the fire pits, so we moved it away from the fire pits on the other side within the fence line and allowed for a marked off DORA zone that would then allow for queuing while the pour station is open. The DORA zone would be a no park zone and a way to alleviate any congestion in the street. Placing this along the fence line does two things: It is closer for the DORA patrons; and it still allows the maximum amount of space in the beer garden. It alleviates any congestion around the fence gate for people that are exiting.

Elise Schellin, Development Planner: This is a minor amendment for the approved development plan of Nocterra at 41 Depot St. This is zoned as Downtown Business District. Any new additions of commercial structures in this district requires you to approve of the structure.

As mentioned, this is a pour station for DORA. You saw this in March as a certificate of appropriateness to review the design of the structure. They are coming back today because the location has changed a little bit. Liberty Township Fire requires at least 15 feet between the gas line of the fire pit and the structure, so that has been moved a bit to the south to accommodate that. They will also need your approval of the 3-foot divergence of that front setback line.

Staff recommends approval of the amendment to an approved development plan to permit an accessory structure to be located within the front building setback and forward of the principal structure.

Chairman Emerick opened the matter up for public comments. Hearing none, Chairman Emerick closed the public comment session and opened the floor for comments and questions from the Commission.

Commissioner Cooper: One of the reasons you moved this pouring station was because of a gas line for the fire pit?

Ms. Webb: Yes. The structure needed to be outside of the 15 foot radius of the fire pit.

Commissioner Cooper: Could it be moved to the left rather than going out and into the setback line or is this the only place you could put it?

Ms. Webb: Ideally we are hoping for ease of access for the Nocterra staff. We want to keep it as close to the main structure as possible because staff will be going back and forth to the main building, but we also wanted to keep it out of proximity of the fire pit. We felt this was the best location for that.

Commissioner Simpson: I know the previous one was encroaching on the setback line anyway, so I don't have too

much of a problem as long as it is also not effecting the parking. I actually think this works pretty well at the proposed location. I have no issues with it.

Commissioner Boysko: I know we had some discussion on this issue before. I am still concerned with Depot St. The width of the right-of-way at Depot St. to the width of the paving at Depot St. is only 20 feet. The right-of-way is 40 feet. That edge of the right-of-way, or the property line, goes right up to the building, right up to the fence line. So the idea behind this is really just to satisfy the DORA and to make it easier for them to serve beer during the DORA, is that correct?

Ms. Webb: Yes.

Commissioner Boysko: So what happens when there is no DORA? How is that area treated?

Ms. Webb: It is for DORA, and it also helps alleviate any congestion inside of Nocterra. Outside of DORA, patrons could then use it during normal business hours at the beer garden.

Commissioner Boysko: So the side that faces the fence would be closed down or shut off in some way?

Ms. Webb: Yes. You wouldn't be able to order from there outside of DORA. All other times when this establishment is open, you would be able use it from the beer garden side.

Commissioner Boysko: Does Staff have any concerns about the future development of Depot Street and how the placement of this structure would impact the expansion and development of Depot Street?

Ms. Schellin: No, we do not feel this structure is substantial enough to really change any future plans we would have.

Commissioner Boysko: I still have reservations about the location and placement of this. The fact is that during DORA you will be eliminating 4-5 parking spaces just to accommodate the DORA and the staging of the patrons lining up to be served. That is a concern because of possible backing up into the street. It is nice to say that you are going to have staff there to try to manage that, but that is not always the best solution.

Chairman Emerick: Elise, correct me if I am wrong, but did I hear that even though we are looking at this as a permanent structure, it could still be portable enough that it could be moved, if necessary?

Ms. Schellin: I believe so. It is small enough that it does not need a building permit, so we are really just looking at the zoning here. I am not sure what Nocterra's plans are for moving this thing around, but I do not think it has a really substantial foundation that it could not be moved if needed to.

Commissioner Hartranft: I think the new location actually works out pretty well. It has changed the way the queuing is and I think it is a good change. I was concerned about the fire pits before, but I am glad you got some clarification from Liberty Township Fire, so that is good.

I have been in Nocterra and congestion is something that I think this will definitely help with. I have been in there when the line has been all the way through the bar and out the back door onto the yard with patrons trying to order beverages from the bar. I can see where this would be beneficial for that purpose. I think it will be great during DORA, so I am in favor of this proposal. Good job.

Commissioner Bailik: I also like the location a little bit better. It provides less congestion at the gate opening as well. I have no concerns.

Commissioner Little: I think this is a more appealing approach. They are already operating, there is no foundation so it could be moved if necessary. Given their immense popularity and the addition of DORA, it is something that needs to be done.

One of the things that might have contributed to this is that I don't think we had really good documented surveying data for the downtown area and we might be just talking about a line that got drawn in the sand. Along those lines, we should probably clean all that up when we extend or improve Depot Street in the future. But I am good with it.

Chairman Emerick: I am fine with application as well. I have no concerns.

MOTION: Commissioner Little moved to approve the Minor Amendment to an Approved Development Plan for the property located at 41 S. Depot Street, known as Nocterra Brewing Company, as represented by Sadie Webb of SHYFT

Collective, for the purpose of adding an accessory structure to facilitate outdoor service, subject to the following condition:

1. The Applicant shall work with Staff to gain approval for any signage associated with the new structure.

Commissioner Cooper seconded the motion.

VOTE: Y-6 N-1 (Boysko)

REZONING & PRELIMINARY DEVELOPMENT PLAN (Case 2021-05Z/PDP)

Applicant: Redwood USA, LLC
Location: 3041 Home Road.
Existing Zoning: PI – Planned Industrial, City of Powell, and I – Liberty Township Industrial District
Proposed Zoning: PC – Planned Commercial District, City of Powell
Request: Review and recommendation of approval to City Council of a Zoning Map Amendment with Preliminary Development Plan from Liberty Township Industrial District & City of Powell Industrial District to Planned Commercial District for a mixed-use development on +/- 70 acres.

Stephen Martin, Esq, 50 N. Sandusky St., Delaware, Attorney for Applicant: We have been working on this for the last 2 ½ years and met with various committees. The site plan been in front of Development Committee and P&Z Commission twice and before City Council with the pre-annexation agreement. Currently on annexation, 35 acres of this project is already in the City of Powell. The north 35 acres is not. It is in Liberty Township. On the northern parcel, there are some dilapidated structures that will have to be razed. It has been zoned Industrial since beginning of Liberty Township zoning and is the only thing that has been on the site.

The southern 35 acres were exchanged with the City of Powell a number of years ago after it got that ground and the 12 acre preserve to the south from M/I Homes for the Woods of Powell development. On these parcels are wetlands areas, and at one time, a pull-off site for northbound railroad cars which resulted in a polluted site that had to be remediated. These 35 acres was zoned by the City in 2005 as Planned Industrial. That specific zoning provided the secondary access would not be needed and took no consideration of the stream crossings or the wetlands, both of which are necessary today.

This is probably one of the most difficult large site, 70 total acres, to access any place in the county because the railroad sits to the west, to the south there is the 12-acre wooded preserve with wetlands, to the east are the public entities, and to the north is Home Road with the overpass. The overpass relocated the drive from this parcel from Home Road to the far eastern boundary of the property. On the far eastern boundary, the level of Home Road is approximately 10 feet above the level of the rest of the ground. In the northwest corner, it is about 30 feet because of the overpass. The overpass creates very limited sight conditions.

The county engineer has indicated that there will not be a traffic light there under any circumstances. So this is the access issue. Under today's fire code, a secondary access is required. We spent a ton of time exploring options, starting with Liberty Township, to get an access through the park. That was not successful. I was also told by your former Development Director a few years ago that there was no way I could get access through the preserve on the south side. We also spoke with CSX about possibly utilizing the old maintenance road, but they would not allow it. Fortunately we are able to negotiate and have an agreement and easement, which I am holding in escrow, for a secondary access paved road with bollards that runs from the middle-school parking lot to the tract of land to provide that necessary access. Maintaining that road and the parking lot is in the pre-annexation agreement so that the Fire Department and any other emergency vehicles can get in there when needed.

This is the second annexation petition we filed. We filed an annexation petition 2 years ago and the time was just not working. We had a number of things we still needed to work out, so we withdrew that annexation. In January of this year, we worked out a pre-annexation agreement and refiled the annexation petition. We worked long and hard with the City on a map for what could be at this site. If this goes through, you will now have a corridor to annexation to the north. The pre-annexation agreement has provisions for a TIF that will yield about \$14 million dollars to the City, \$1.2 million for off-site improvements for Redwood, \$12.8 million for the City to use elsewhere. It is a 75%, 10-year TIF. Although the apartments are residential, under the TIF statutes, rentals are considered commercial.

We are not annexing all the way to Home Road, so Home Road will still be the county's responsibility. The sewer extension is just to the site. It is to the east and has to come under Home Road. These estimates were provided by Bill Lafayette's economic study who used this site plan and was also the economist used on the City's Comprehensive Plan.

Todd Foley, POD Design, 100 Northwoods Blvd., Ste. A, Columbus: We are the planning consultant and landscape architect for the project. We highlighted that we have been at this for quite some time. We have had multiple meetings

with Staff, we have been before this body with a Sketch Plan. Right now we are at this stage to request a Zoning Map Amendment and Preliminary Development Plan approval through the Commission with the hopes of getting a recommendation to move on to City Council. From there, assuming we are approved at City Council, it would allow us to come back to you with a final development plan.

This is a multi-phase, multi-mixed use project with commercial components along with a multi-family neighborhood component as well. Redwood is going to be developing Subarea B. Subarea A, as presented in our application, we have Foundations Health Systems with us, and then there is a third parcel not spoken for at this point.

Subarea A is an 11-acre commercial component. Throughout the process and past discussions, the idea behind this was what kind of user - commercial, industrial, or office - what is this site really going to attract? It hasn't been successful in attracting anything for an extended period of time. We have been fortunate through this evolution process to provide an appropriate amount of commercial ground to create a new tax base, securing a future growth pattern for the City, and with the multi-family component preserving some of the natural space.

We are proposing 327 units. The density is 5 ½ units per acre. We tried to break the project down into smaller neighborhoods. Our phase lines are located around the existing stream areas that go east-west, respecting the corridor-protected zone that was required and providing appropriate buffers to protect those corridors. Things like architecture, landscape, street layout, open space and sidewalk locations will allow us to create some modest but effective details and help break the scale down and keep it a more aesthetically pleasing community. While we are required to have 20% open space, we are providing close to 43% open space.

Coming back to subarea A, right now there is a shared private street that will come through the project. That street will provide access to the commercial area. Right now that commercial area is comprised of a skilled nursing facility (approximately 80 rooms) and an assisted living facility (approximately 54 rooms) with a memory support building. There will be another shared drive that comes back through to the remaining commercial parcel in the back. We believe these proposed commercial uses are a great use for the site by providing an appropriate level of visibility from a marketing perspective, these uses complement each other, and there is a long term synergy with the type of residents that tend to live in Redwood communities. These buildings will be appropriately landscaped, have quality architecture that is in harmony with what Redwood provides. We think it is a great opportunity to have all that on one parcel.

Right now we will have a public drive that comes through this project. It will be landscaped. There will be a sidewalk connection all the way out to Home Road. There will be a variety of planted trees, but will be focused on a maple species. There are four different building types constructed by Redwood. The architectural intent is to not build the same building over and over again for 327 units. For example, some of the buildings will have front porches centered around a green open space area with path connections. Another building, along the south and railroad, will have screened in porches. There will be very specific tree and landscape pallets to signify that you are crossing over into another neighborhood. Our emergency access will connect at the southeast part of the site. Our retention basin will have a walking trail around it.

Our streets are concrete and are proposed at 26 feet wide. Redwood provides a 22 foot wide drive aisle. There is a four-foot on street sidewalk connection. The streets are all concrete and do not have curbs. The on street sidewalk is poured separately but it is an integral cross section with the street and is stained a contrasting color so that it stands out as a dedicated walking path.

On the Subarea B portion, it is all single-story, market rate apartments. There are no 2-story units. These are all units that are owned and maintained by Redwood who is a vertically integrated company that own and maintain their portfolios. Right now that portfolio is upwards of 13,000 units across many states and there is a wait list on them. Redwood is entrenched in the central Ohio area so there are plenty of opportunities to visit some of their other sites.

Every unit is a 2 bedroom, 2 bath, with a 2 car attached garage. Some end units have a four season room attached and there are at least four different open-floor layouts within each of the four building types. They are all FHA and ADA compliant. There is no on-street parking for the entire project. There will be parking areas spaced out throughout the site. These predominantly attract empty nesters over age 50 who tend to be long-term residents. There will be young professionals as well. Monthly rental rates are expected to be about \$1,650 to \$2,200 per month. Applicants are required to have a credit and background check.

Shawn Goodwin, Engineer, American Structurepoint, 2550 Corporate Exchange Drive, Columbus: I manage our Ohio civil group in Columbus. As previously mentioned, we have been working on this for 2 ½ years. We have had numerous conversations with the county engineer, the City, as well as the Fire Department.

We coordinated with the Fire Department in a couple of meetings and they recently provided a letter of service. They are accepting of the way we have staged access to the site. We have full curb cut on the road and, in the southeast corner, we have the secondary emergency access to the middle school. The Fire Department is okay with the layout and density. The only thing that remains is that we need to provide water demand calculations and some additional fire truck movement exhibits which we can do. They are good with everything we have provided so far.

With respect to traffic, the Home Road overpass creates a challenge for larger trucks. We provided a traffic impact study, which was formally submitted to the City and county for the second time yesterday. We have shown that with semi traffic the sight distance as you look west is problematic as you get blocked up by the overpass. If you are predominantly vehicular traffic like we expect here, we had solid sight distance from the proposed curb cut location. This is one of the reasons why Delaware County made it clear to us that a traffic signal would not be supported here. They do not want to have another traffic signal along their Home Road corridor. As a result, we do not want to put a lot of slow moving traffic at that curb cut on Home Road. Fortunately, Delaware County has a large CIP project in the works for Home Road, they are in stage 3, and will be going out to bid shortly. They take care and mitigate for every improvement that we may be responsible for along Home Road. The only thing required as part of our project in addition to what they are going to be providing is a right turn lane into the site. We have a westbound left turn lane into the sight, but that will be handled by Delaware County's project, and a potential extension of an eastbound right turn lane at the Liberty Road intersection. In early conversations with the county, they indicated that they would not want us to extend that turn lane any further than they already have it designed. One of the reasons they stopped it short was to avoid impact to an existing driveway that is on the south side of Home Road, so we may or may not need that improvement.

Storm water management stream corridor protection zones. We submitted our stream water report to the City Engineer as stream corridor protection zone calculations. We had a conversation with them a few weeks ago, made some edits, and resubmitted that back and met all stream corridor protection zone and storm water management requirements for the City of Powell.

The last thing I will mention is the utilities. We have been talking to Delaware County Regional Sewer District as well as DELCO Water. Both have the ability to service this site and we have letters of serviceability from both of them. Gravity sewer will be coming from the north of Home Road and can service the entire site with gravity. Water would also be coming from the north of Home Road.

Mr. Foley: Let's now talk about the architectural proposals. The front building is a two story building. The third outparcel, which there is not a user for at this time, is in the back and we are not providing any detail for it now. The variety of architecture features give it a very residential feel. The commercial buildings complement each other and the proportions are great. The predominant accent element is stone on the building and, along with accent pieces on the roof, window configurations, etc., create some variety and different styles to those two uses.

With the Redwood product, there are four different building types. This site will have configurations ranging from 4 units to 8 units. Each of the 327 units are nicely sized with a unique architectural pallet within the four building types. There are 7 design upgrades to help build the variety of architectural styles. These are the standard elevations, so there is a stone water table, horizontal siding and we utilize Shake siding for the peaks of the roof. It is all a high quality vinyl product with different color palettes to help with variety and the combined upgraded elements to dilute the impact. The square footage ranges from 1,294 to 1,381. Those units that have a sun room have square footage around 1,600. We are at a preliminary development stage and so are not final with our elevations so there is further opportunity to discuss options, but I wanted to make the point that we have tools in our tool belt to create an aesthetically pleasing design package and support this neighborhood concept that we have.

Through the interior part of the site, there will be granite countertops, upgraded cabinetry, luxury vinyl tile flooring, and everything is energy efficient with 2x6 exterior walls and R19 insulation. Redwood is a very green company. This is a top of the line feel as you come into the units. Every building will have extensive landscaping. There will not be any ribbon parking lots so every unit is going to have a 2 car garage and each driveway will be large enough to have an additional 2 parking spots.

We are not required at this stage to have a detailed landscape plan but we thought it was important that we highlighted that we are already thinking about landscaping. It is going to be a big part of this project. There is a lot of acreage and natural features to celebrate. We are envisioning a landscape buffer that would separate the commercial uses from the Redwood community. We want an entry with street trees and up lighting. We will be required to do a tree survey at the final development plan stage, but we thought it was important to highlight that as a design element.

We have already taken a look and feel it is important that this mixed use PUD has a common element for things like signage and lighting, etc. We have traditional pedestrian sidewalks that are going to exist in the commercial area.

There are more walking elements to provide an extensive network throughout the entire community with an opportunity to connect with the park next door. We still have to do some more homework on that issue, but it would be a huge benefit.

There are several big picture benefits for the community. Some are more land based. The idea of this rezoning and annexation will allow the back acreage to come into Powell, allow for growth opportunity that the City doesn't currently have because the parcel lives in Liberty Township, and allow for continued connection to the north to help support economic growth. We believe this mixed-use project will bring viable users to the table. This site has been dormant for a long time because it was not marketable. This project will provide real economic benefits, the TIF, the income tax and jobs that are created, and a housing stock that is not readily available currently but would allow those that grew up in Powell and want to stay in Powell after downsizing to do so.

Ms. Husak reviewed the Staff Report. Mr. Reynolds, due to some technical difficulty, was unable to stay on the call. However, his comments are incorporated into the architectural paragraph of the Staff Report. Staff recommendations are contained in Staff Report.

Staff is not comfortable recommending approval at this time and recommended the Commission table this request to a future meeting, including the Zoning Map Amendment request as well as the approval of the Preliminary Development Plan to City Council with those eleven items outlined.

Chairman Emerick opened the matter up for public comments. Hearing none, Chairman Emerick closed the public comment session and opened the floor for comments and questions from the Commission.

Commissioner Simpson: That was quite an in-depth presentation and I appreciate that. I know we have gone through the use of this before a couple of years ago. Originally I had a problem with the frontage with it being commercial. From a use standpoint, I now think this is about as good a use as we can get for this site with it being commercial up front and residential in the back. I am not sure there is any other use for that in the back. I think we can all agree that having some commercial in there is a benefit from an income tax/business stand point. It is also going to feed well into some of the other sites, whether it is the future Kroger site, the Ohio State Hospital and their outbuildings, and the potential commercial sites the Township is looking at right now.

Density at 5.5% is strong. I do have concerns with the entering and exiting of that space, but the current plan with the county helps to alleviate a lot of those as well. The one thing I want to make sure is that there are occupancy limits of some sort in these units as it seems like the target is to have young professionals and older residents who would not have a very strong impact on our schools, which we are sensitive to right now. There are many little things that I know we can see later that are supposed to be on the final development plan, so I can wait on those. I was a little concerned, since this was an active site, on the connectivity to other parts of the City, so I would like to see those addressed. Outside of that, I appreciate all the time with this. It is very comprehensive and about as a highest and best use as is out there for us.

Commissioner Bailik: I agree with Shaun regarding connectivity with the bike/walking paths. My biggest concern is the lack of access. You call it an emergency access, but is that just for emergency vehicles? I would have concerns not just for access emergency vehicles, but access for the people living there. It seems like there is a lot of little dead ends and I can imagine traffic jams coming out of that location. From a safety standpoint it is not just emergency vehicles, but providing the residents two means of egress from that development as a preference.

I would also have concerns with any unresolved issues with the Fire Department. If they have additional recommendations or concerns those should also be addressed. I would agree that it is a very difficult site to develop, but based on the proposed occupants, older individuals, young professionals, and people that need care, I do think it needs to have two access points to serve that type of community. I think that sums up where I am at.

Commissioner Cooper: I really don't know that I can add a thing, or ask anything, that hasn't already been asked. I would actually agree, for a change, with Staff's recommendation that we table this matter until we get some more information and move forward. I think this is a great start though.

Commissioner Boysko: I think Stave Martin, Todd Foley, and Shawn Goodwin did a fabulous job presenting the project. We have seen this for a long time. We have seen this grow and develop into what it is now. This is a very difficult site with all the obstacles and challenges they have with the site. Between the wetlands, the brown lands, the mediation that had to be done, the railroad along the western border, the Home Road overpass; you name it, this project has every little bit of all these challenges.

Initially I did agree with Beth when this project first came on about two means of egress, or access points. But this sight

is landlocked. It is landlocked on Home Road, along the railroad tracks, and for this to be a viable site, there really is only one access point available. I am very surprised that Steve Martin was able to get an easement through the schools and that is a feat in itself to get that access through their property. I think that goes a long way. I don't know if one of you can address the two means of egress and the feasibility of having that be a public access.

Mr. Martin: The school was absolutely adamant that they did not want public use for that. There will be bollards on it at both ends and basically it will only be used by emergency vehicles on a need basis. The school has the option, should they change their mind, to that put back to the ball diamonds. Their present plan is not to, but I could honestly see them using that for maintenance vehicles. We have assumed that it is an excellent walking path since it is large enough to handle a fire truck to connect to the trails that run from the south up to Home Road and through the park.

We would love to have two access points. There is only one feasible public road access point and that is due south through the 12 acre Liberty Preserve. One could build a road through the 5 acres of wooded wetlands and then the 12 acres the City has, but in the initial conversation I had with Staff in the fall of 2018, I was told that this was an absolute no, not even for a trail connecting through there. You are familiar with the situation between Liberty Township and Powell in certain instances. We could not even get emergency access through Liberty Park. Fortunately we were able to work out something with the school. It is pretty much a landlocked island. We can revise the plan if the City would let us put a road through and connect to the street in Woods of Powell, but I think you would have some problems with some of the residents there.

Commissioner Boysko: Steve, the other point Beth made that I think is valid and was brought up before is the volume that these types of developments create. There was a traffic study done and effect that this has on that connection to Home Road. I don't know if that traffic impact study speaks to the volume of traffic that is coming in and out of that development.

Mr. Goodwin: It does and we submitted that to the City and the county. It has a queuing analysis in there so you can see that the queuing potential is in the a.m. and p.m. peak. There are no issues with queuing on our northbound entrance on Home Road. We do not impact Home Road at all. They have right of access, so we have to wait for that to clear, but it is not showing any issues with stacking.

Commissioner Boysko: You mentioned off-site improvements of a right turn lane going east on Home Road onto your property?

Mr. Goodwin: Yes. So there is a right-turn lane eastbound at the main entrance and then a westbound left-turn lane at the main entrance.

Commissioner Boysko: And the westbound is going to be done as part of the Home Road improvements that Delaware County's doing?

Mr. Goodwin: Yes and it is actually already a two-way left turn lane there. With Delaware's improvements they are going to maintain it.

Commissioner Boysko: Someone mentioned connectivity and I agree that there is an opportunity for connectivity. I understand Jim Frye's developments and how they are independent of anything else. I know you have a connection through the roadway easement through the school property. I think there is a real opportunity as you get past the 11 acre commercial development that it could connect and there's a good opportunity to connect a stronger pedestrian connection to Liberty Park right where one of the pavilions are. I know that the overpass is oversized and it also has an addition 10-12 feet on the other side of the stripe for bikes. Is there an opportunity to connect some type of trail along Home Road to make some hike-bike connection to Liberty Park?

Mr. Goodwin: We agree. That was actually where we initially wanted to have a secondary emergency access. Any help with Liberty Township to get that done would be fantastic. I don't see any reason why we couldn't.

Mr. Martin: There is an OPALS trails master plan that is on Liberty Township's website and prepared by Liberty and Preservation Parks. They are going to have the trail on the north side of Home Road. If you look at the trails within Liberty Park as they go to Home Road, there are two points where they hit Home Road, and one is at the traffic light at Liberty and one at the traffic light at the park. I think under no circumstances would we want to put a trail to Home Road when the trail is going to be on the north side of Home Road and we do not have a traffic light. We will try to connect to the trail within the park.

Commissioner Boysko: Normally I may take exception to the density but because you are really isolated by the railroad tracks and Home Road, Liberty Park, etc., I really don't have an issue with the density or the type of housing that is

being proposed. The one story developments, the ADA/FHA types of units I do think lend themselves more toward senior level people, so that would minimize the traffic impact and the impact on the schools. They will see a large impact already with all the POD development to the north.

I do have a few other questions about the commercial development. You showed some footprints and elevations of the skilled nursing and assisted living. Is there an operator identified for them yet or is this still conceptual?

Mr. Martin: Redwood is in contract with Foundation Health. Foundation Health has appeared before the Development Committee a few times. They own about 57 facilities and are the largest operator in the state. That is where the payroll numbers came from that are in Bill Lafayette's report.

Commissioner Boysko: Steve, do you see the phasing happening as it is shown where it progresses from north to south and the commercial development happens first?

Mr. Martin: The phasing is on the map. There are three phases. My guess is Foundations might start after Redwood. Redwood is here and ready to go.

Mr. Foley: We are at a point now where we are presenting the cumulative vision for the sight. The Foundation Group and that commercial entity will have their own Final Development path. The Redwood would mostly likely be the first thing in the ground. The trick with the site is the ability to development it because there is no second access point, but right now the plan is north to south and you would see Phase 1 for Redwood first and the Foundation folks would be on their own timeline but in that same neighborhood.

Commissioner Boysko: I know Jim Frey has a great development to the north in Delaware. I am curious to see how that is progressing. That has been open for some years I think.

Mr. Foley: The one behind Kohl's? [Commissioner Boysko: Yes.] I am glad you brought that up. That is a project that has a lot of parallels to what we are discussing here tonight. At the time it was the largest one they had in Central Ohio, a three phase project, and it is under construction now. They have developed through an evolution of their product on that site so from their Phase 1 compared to their Phase 3 product you can see their growth and commitment to redesigning and proving their product. That is a booming area and they have a wait-list on that project.

Commissioner Boysko: I knew it was large, but is there a risk of over-saturating the market with these two developments so close together?

Mr. Foley: I do a tremendous amount of work with Redwood and they are surgical with their market research. They are in tune with the demographics and saturation of the area. They have been targeting this area for a long time, so we would not have an application in front of you if there was a concern with that.

Commissioner Boysko: With regards to Staff's comments on storm water management, do you see any concerns with meeting any of those requirements?

Mr. Goodwin: No concerns. Everything is sized for the storm water. We made a couple of adjustments based on some comments from the City Engineer and resubmitted that back [audio issues] and we are able to accommodate all the setback requirements.

Commissioner Boysko: How do we spend that \$12.8 million dollars? Does this Board get to determine how or where that is utilized? Can you explain some of the restrictions on how that TIF money and where that TIF money is applied?

Jeffrey Tyler, Community Development Director: We are entering into some discussions on a five-year CIP plan. That plan will be developed over the next few months. This discussion will be a part of the development of that plan. Once that plan comes out, then I think we will be able to report back more intelligently on how we are going to spend these funds.

Commissioner Boysko: I think this is fabulous. I have seen this evolve over the past few years and am glad to see this finally get some momentum to get this started. I am a big proponent of this. For this entire 70 acre development, if our only concerns are some connectivity and pathways, materials and finishes, then I think you have done a great job getting us to this point and I am comfortable moving on to the next phase of a final development plan.

Andrew White, City Manager: I think that is a good question, Shawn, about the income. The dollars that we have available right now that will come in, if the structure is successfully adopted, will definitely be invested back into that infrastructure. I think it is key to work it out and to have it on the record that Council has already addressed that this is

what they would like to do with a portion of these proceeds.

Commissioner Boysko: We too have talked in previous applications about the development at the intersection of Liberty Road and across from the middle school and the potential roundabout there because of all the development that is happening, the traffic concerns that this creates, it would be great if some of the TIF funding could go toward that roundabout development.

Mr. White: Absolutely, I 100% agree.

Commissioner Hartranft: I want to thank the Redwood team and everyone that came back. We have been through this for quite a while now and appreciate the details you have put forward to us tonight. You have been hard at work during the time off since you were last in front of us.

I think one thing that really stood out to me is that Redwood still has ownership in their communities. I think that is a big deal. We approved a huge development off of Sawmill Parkway and Seldom Seen Road, and now a few years later, it has been sold to another company and things are not as smooth after that happened. I appreciate a company that comes in and wants to stay in communities they develop and wants to partner with the community they build in.

Secondly, the variance in the buildings cannot be understated. We appreciate that. You have a lot of different buildings, a lot of different variances. I appreciate the architect's input. I think the more variety on the dormers or the shed dormers makes a difference to the community, so I would support those variances as well and those changes in the buildings.

With regards to walkability and connection, I actually think that the way it is set up now with that connection into the middle school, if you have ever walked that path, that path actually connects all the way to the downtown from the middle school path.

As to the traffic study, I understand that that is a problem or an area that will be seen as someplace that probably was not designed the best when that overpass was put in. They really extended that overpass to a point where that property is very much at a deficient compared to the properties that are around it. It is not anything you had anything to do with, but I think it was the county and the way it was designed. Regardless of where it is at now, you guys are making the best of that area. For people that have not been involved in this as long as others, that property has been sitting empty, vacant, and for sale for about 10 to 15 years. No one has been able to go into that property, it has just been sitting there becoming dilapidated and overgrown. If there would have been something that could have been viable in that area over those past 10-15 years, I think it would have already gone in. Now that the overpass is in there, I think it is at a greater disadvantage. So having a company come in that has this plan and can bring this tax base to our community and has this reputation and wherewithal to do what they want to do, I think it is a great alternative for that property.

The thing we also need to keep in mind as a Commission is that if we drag our feet, they can go to Liberty Township and annex the entire section into the Township and that cuts us off from any kind of annexation going north. That has already happened catty-corner off of Home Road. That developer came in front of us, didn't like what we had to say, and went to the Township. As you can tell, they have a huge development of apartments in there now. At this point, it looks like it is our only avenue to go north of Home Road if we want this to work.

The eleven items that Staff brought up are well pointed out, but I don't think they would be something that couldn't be worked out prior to a final development. I do not see any reason why we would need to delay this at this point. These eleven items are things that are sometimes already asked of an Applicant and required to be presented at a final development plan, so I think they are onboard with this. I wouldn't see the need to table this motion and I think I would approve Redwood to move forward and be comfortable with it.

Commissioner Little: Thanks for coming back. I agree with Staff's comments. As I stated before, I have mixed emotions about rezoning this property because it is one of the few industrial zoned properties that we have in the City. In our Comprehensive Plan we wanted to keep it that way and add further industrial properties and/or commercial development along the railroad. That, in turn, would help us with our financial base, improve our overall revenue flows to the City. But then the Township nixed that with the POD. The Home Road overpass, as already mentioned, makes it a difficult property to promote. So regardless, I believe it is in the best interest of the City to annex the northern most property that is in this proposal to give us that further link going north. I am open to changing the use of the property from the current zoning.

Coming into the City of Powell, I would like to see Redwood put forth a proposal that meets our typical architectural expectations in the City of Powell. I think working with Staff and the Architectural Advisor, you can choose to get there.

Regarding Claudia's comment about the third sub-lot, or whatever you chose to call that, I think when you come forward, it would be to give us some sort of rendering of what you would envision going on at that spot so that we can, in turn, improve the overall spirit of the development, if that is what the Commission chooses. That way you would come back later with the specificity of what you want to put on that particular parcel, but I think it is important that we understand the guidelines of what you are envisioning going there. Given the size of this and a lot of the open issues, I personally believe that tabling at this point seems to make sense.

One comment about bollards. There is a development, a condo association in the middle of Scioto Reserve that decided that bollards could be good to stop cut-through traffic. They have experienced that high school kids and bollards don't play well together, so what you propose to put there should be something that is substantial that may require some effort to remove it. Eventually we need to understand things like mail, trash, all the materials the City would expect in the development, along with the landscaping.

I think it is important to connect to the pathways within the park. It really is unfortunate that the Township won't give you access to the park and/or the traffic light at Home Road. I think any bicycle and/or pedestrian traffic should be encouraged to go through the park where you have the light available to cross over Home Road. From a traffic study standpoint, I don't know if you looked at projections of where Home Road is going to be going. Once Home Road becomes a 5 lane major connector, I don't know if your traffic studies have taken that into account.

Mr. Goodwin: The County Engineer made us do a 20-year projection so it includes our traffic and projected traffic from the area. They made us analyze the existing condition as the current plan that they are getting ready to build. So not only did we take into account what they are going to build, but we took into account a 20-year projection beyond just us, so everything in the area along Home Road.

Commissioner Little: Ok, so we can look at those numbers. With the whole relationship between the City and the Township, I would encourage you to plan as if you may eventually be able to get that access to the park along Home Road with a sub-road that would, in turn, allow a second access point at the traffic light at the park. I think once Home Road moves to 5-lanes, once everybody understands the situation and hopefully relationships get better, at least plan in your engineering that you can make that connection in the future.

Given the size and all the details that are involved, I think some more work addressing the issues that have been brought up by Staff, we table it and come back.

Chairman Emerick: I don't have new questions that haven't already been asked. My comments pretty much align with what Bill has just said.

Commissioner Simpson: If we table this tonight, I'm assuming we would come back in two weeks, correct?

Ms. Husak: It will have to be a month because we have to have time to meet the notification deadlines.

Chairman Emerick: The next scheduled meeting would be May 12, 2021.

Ms. Husak: Yes, that is correct and the submission deadline for that meeting would be Friday, April 23 which gives the Applicant about a week and a half to work with us to potentially maybe also simplify some of the submission materials.

MOTION: Commissioner Little moved to table a proposal for a Zoning Map Amendment for the property located at 3041 Home Road, as represented by Redwood USA, LLC, until concerns are addressed that are identified at the time of the initial Preliminary Development Plan submittal. Commissioner Cooper seconded the motion.

VOTE: Y-4 N-3 (Boysko, Hartranft, Simpson)

MOTION: Commissioner Little moved to table a proposal for a Preliminary Development Plan for the property located at 3041 Home Road, as represented by Redwood USA, LLC, until concerns are addressed that are identified by Staff at the time of the initial Preliminary Development Plan submittal. Those concerns include:

1. That the Applicant work with the Liberty Township Fire Department to address concerns regarding the geometry of the private drives and gain assurance the site can be sufficiently served in case of an emergency;
2. That a phasing plan be provided that aligns with the subarea boundaries, including identifying the proposed offsite improvements and the schedule/phasing of construction and implementation.
3. That the Applicant provide a sketch/concept plan to indicate how a commercial component would be laid out on Lot 3;
4. That a storm water feasibility study demonstrating proper storm water availability is provided as part of the final development plan;

5. That the Applicant agree, as part of the final development plan, to submit a revised Traffic Impact Study in coordination Delaware County;
6. That the Applicant work with Staff and Liberty Township to provide a dedicated public pathway system connecting the eastern property boundary to the Woods of Powell neighborhood;
7. That the Applicant demonstrate the proposed private roadway and sidewalk combination has been implemented in other projects;
8. That the Applicant provide, at the Final Development Plan step, adequate information to demonstrate a one year pre-developed storm will be detained for the 100 year post-developed event;
9. That the Applicant work with Staff to identify opportunities for a shared-use path along the east side of the development;
10. That the Applicant investigate potentially paving a short section of gravel path in the Township to make a path connection;
11. That the Applicant satisfactorily address all comments within the staff report in regard to the proposed development text, particularly pertaining to divergences, lot coverage, building materials and architecture.

Commissioner Cooper seconded the motion.

VOTE: Y-5 N-2 (Boysko, Hartranft)

CERTIFICATE OF APPROPRIATENESS (Case 2021-11_CA)

Applicant: GB 8 N. Liberty St., c/o Michael Hessenauer
 Location: 8 N. Liberty Street
 Existing Zoning: DB – Downtown Business District
 Request: Review and recommendation of approval to City Council of a new parking agreement.

Commissioner Simpson recused himself.

Michael Hessenauer, Hessenauer Corporation, Dublin, OH, Applicant: I, along with your group a few months back, ran through some of the details but we didn't have a lot of the information in front of us at that time. We have owned this building since 2014. At the time we got it, Jeni's Splendid Ice Cream was there as well as Cutler Real Estate. There was an empty space that was later rented to First Impressions who train dental hygienists. Jeni's went out of the business at this location during the pandemic. We came across the Applicant, Xueqong Chen, who is the owner of the restaurant that will replace Jeni's. We had a presentation last month, he was not here, and we did not have all the details about his operation. He is here tonight and can answer those questions. We have ordered a parking study to see the impact of this restaurant on parking for the immediate area. That was completed by Williams-Shepherd Architects. We have a representative from their office, Dan O'Connor, here tonight as well to answer questions.

We had a 10 year lease on this property that went through 2020. It expired in December 2020 and we are asking for renewal – we had hoped to get a 10 year renewal – but after going through this, we understand that Powell is going through a transition because we started this under Dave Betz [retired Development Director] originally, and so we are working with a whole new Staff, so they want to limit this to a two-year lease. That is fine for us. We know that it is going to work out and we just want to get it started and we will be able to show you after two years that everything is working out. We will maintain the lot over there, and seal and stripe it this Spring.

The old agreement gave us 12 spaces. We only used 4 of them for Jeni's. Now that we have a full service restaurant coming in and we plan to use all 12 spaces. I don't want to talk too long since you have been here so long. What a great public service you do by working so late like this. It is amazing.

Xueqong Chen, Restaurant Owner: I am the founder for Poke Bros. We have 40 some locations throughout the United States. I also have a few restaurants in downtown Delaware City. My partner is a sushi chef of Typhoon Asian Fusion Bistro in Delaware City. He came to me, said he wanted to do a sushi restaurant, and we decided to partner to look for a location within the Powell downtown. We drove through downtown to see that Jeni's went out of business and we thought this was a very nice area to put our restaurant. We thought this was something the downtown didn't have and offered a healthy alternative.

At the last meeting, I did not know I should have been here so I am here now to answer any questions you might have.

Daniel O'Connor, Williams-Shepherd Architects, 1500 W. 3rd Ave., Columbus, Architect: We did a parking study at 8 N. Liberty Street. I can answer any questions on the parking there and go into as much detail as you would like. But I can say that this restaurant will have less of a parking impact than Jeni's Splendid Ice Cream.

Mr. Tyler reviewed the Staff Report.

Chairman Emerick opened the matter up for public comments.

Vincent Margello, 1900 W. Powell Road: I have been a resident up here for 43 years. I have expressed myself to Staff, to Councilmembers, and certain zoning members. This property had a term agreement for over 12 years and during that time, you would have thought the landowner would have somehow tried to secure property to facilitate this property. We have had several problems when Jeni's Ice Cream was there with people parking in the parking lot across the street that I own. The 12 spaces granted at that time has expired and has been expired since December 31st. There must have been a reason for that expiration otherwise at that time they would have given them a 99 year lease. There was a reason because they probably figured the landowner would try to acquire more parking spaces for that building.

I have several commercial properties in this town that are zoned for many things. It was my decision when I put these businesses in not to put a burden on other people's properties. I have one business down there where Oxford Automotive is that I could put a soil and peat moss plant in if I wanted to because it is zoned for that. But that would cause unbelievable harm to the community.

What I am asking tonight is to table this until Staff looks into this more because we definitely have a parking problem in the downtown. To put a high use business in this space is somewhat ridiculous because all you are doing is putting a hardship on the property across the street, Local Roots. It will cost the tenants a hardship of parking space that is taken, almost \$100 to \$200 a space when that parking space is being utilized by another business. We had numerous problems with the previous tenant and the owner wants to put a high density place in there. In the 1980s, I invested over \$2 million dollars on that property across the street. I made sure that the property had ample parking for that building and I did not encumber any other businesses in the area.

In the downtown right now, and Staff can't even answer these questions for me, they have no idea what the seatings for Kraft House is, which does not even have a paved parking lot. And they are apparently allowed to use the commercial parking. Now we have Prohibition that nobody knows what the seating is because of the outside patio, who just recently just blocked their parking lot so they have not even one parking space on premise. The other thing is that a lot of these properties downtown that you have given parking spaces to are not even paying the proper taxes because they are under land contracts. If the City would investigate into it, they would find out they are not even paying the proper price on their taxes. I pay over three quarter million dollars a year in Delaware County real estate taxes for commercial properties I own in the Powell and Liberty Township area. This is ridiculous you putting this burden on the Local Roots, Work and Nail, and Cigar Shop parking lot. I can guarantee you with a usage of a high volume restaurant going in there, we will have problems with their customers parking on our lot.

I have been a good steward of this community. I started your Chamber of Commerce. I gave you property for Tyler Run School and I have tried to be a good business/landowner by never burdening other people's properties. All I am asking you is this space can be utilized for other purposes. I am a landlord and can understand what he is trying to do which is get the best bang for his buck. This property could be used as a money marketing area or as an insurance agency, but it doesn't need to be used for a high volume business with zero parking. What I am asking for is some type of tabling on this until Staff can come back and say this is what we got downtown in the amount of seating and this is how many parking spaces we have so that my parking lot is not being abused that I put a lot of money into over the years to make sure that I did not burden other businesses downtown.

Ralph/Kim Renninger, Kimberly's Diamond, 1 N. Liberty Street: We owned building at 1 N. Liberty Street for 31 years and this building is directly across from 8 N. Liberty Street. We have seen many changes. I would almost ditto everything that Vince said. Seven or so years ago when this building went in and they put in 7,000 square feet and 3-4 parking spaces, at that time they did it with the idea that it was low use. I don't know if I agree with Dan's comment that it will not be bring in any more traffic than what Jeni's did, but it is definitely going to be a problem. That sort of high use for a building that was approved for low use is not a good idea. I don't think you understand the parking causes because you are not there every day, day in and day out. Go into the 25-30 buildings along Powell and Liberty Roads and ask them about that and try to get some up-front comments.

The owner mentioned there was only going to be seven tables in the business. To me that seems too low and I also wonder about the seating at the sushi bar, which usually there are 5-7 tables there and they stay for an hour. I also don't know if we have addressed outside patio seating, but that needs to be asked and will add into the amount of the people that are in there.

We talk about people or businesses that have spaces dedicated to them because they are landlocked. My building, which has been there since 1946, has been landlocked and I have work with it. Now if I want to do what is being proposed here, I would like to come before zoning and ask for 2 spots on North Liberty Street and also 2 spots dedicated to our building on Powell Road. This is basically what is taking place and if you set a precedent like that, then

you give a person like myself and other businesses the right to dedicate and put a sign up for me also to say 'these two spaces are saved for Kimberly's.'

I would love to see the sushi restaurant go in there. I think it is fantastic. I would love to see it but not unless there is about 50 new parking spaces added. I'm not against the sushi restaurant itself, but I don't believe there is adequate parking. I also believe it should be tabled until this is addressed.

Jessi Iams, Local Roots, 15 E. Olentangy Street: I agree with everything Ralph and Vince said. One thing Ralph said that triggered me to raise my hand was the simple fact you don't see what I see every single day with people parking in my parking lot and walking to a different business. Every single time that happens, it's \$100 to \$200 dollars that I lose in sales that goes somewhere else. I feel like the City has always put the burden on the businesses and me because I have the parking. I don't think it is appropriate at this time. I don't mind the sushi restaurant, but with just 2 ½ parking spots, it is not a good call. If you are going to say they have 10 parking spots already designated to them, aren't those already being used by the dental hygienist and at the realtor's office? I don't think it is a smart choice at all and I think it should be tabled until the City has a good plan in place.

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

Commissioner Hartranft: I think we are faced with a parking situation that we are all aware of. I think coming into a building, knowing the business that you are getting into, knowing the capacity of the business, and knowing what is going to work for your business is on the person that is taking on the rent and the landlord and what they are able to make work for whatever business is coming in as a renter. The landlord and the tenant need to understand what restrictions are within the City, what restrictions are in that building and surrounding area, and be cognizant of the impact they may have not only on their business and that building, but the surrounding businesses and the area they will be located in. Right now I don't even think we have any information that says what the traffic is in this business and if we can find that out tonight, that would be great. I think the last time we heard, it was maybe 8 four-top tables, which is 32 patrons, and about 8 cars. I agree that 8 for that particular restaurant, when you have other businesses that are operating at that same time, it becomes a mathematics calculation and we need to look at and evaluate it. To get started tonight, since we do have the owner and person running the restaurant here, can you tell us what you are expecting as the number of patrons coming in on a regular basis during your hours of operations, is there a flow that you expect? Is there a number of tables that you need to make your business viable? We understand that not only do you have patrons coming in, but there is a certain amount of patrons you need coming in to make things work as a business. If the business owner can help us out with that information, I think that would go a long way.

Mr. Chen: We have 9 tables and 6 seats at the sushi bar. I do know how busy the downtown parking gets, but to me this is not a high demand use because it is only a 2,000 square foot restaurant after I take the kitchen out, it is only half of that room to have 9 tables maximum. I do not expect my restaurant to be super busy because I pay more attention to how much customers spend in my restaurant. I make everything high quality with higher prices, so, unlike a fast food restaurant, I do not need high volume traffic. I only need to have one rush to make the restaurant survive. I am not expecting to do much in lunch sales and that is when the neighboring businesses are using the parking spaces. Most of my sales come in at dinner time. That is when those other businesses are closed. That is how I come up with 12 parking spots over there.

Commissioner Hartranft: So you will have a lunch hour operation?

Mr. Chen: Yes. I will have a lunch hour operation, but that's a time I also have my kitchen staff in there to prepare for the dinner hour. My bigger operation will be in the evening.

Commissioner Hartranft: In the evening, you mentioned one seating. Is that normal or are you thinking 2-3 seatings coming in?

Mr. Chen: I think the peak time is 6:30 p.m. to 7:30 p.m. I don't expect to be busy at 5:00 p.m. or after 7:30 p.m. or 8:00 p.m., when it will start dying down.

Mr. White: I want to be careful here. The development text that exists right now requires the building to have 10 spaces for parking. That is the limitation I want to have you focus on. All these other iterations of concern are legitimate, but the Planning Commission is required to consider what exists in regulation and they are required to have 10 spots.

Commissioner Hartranft: Isn't the number of spots being dictated by the number of patrons they have coming into the building?

Mr. White: No. We have talked about this at Staff level. If we could get in a time machine and go back to 2008, we would write a different code, but no, 10 spaces.

Yaz Ashrawi, Law Director: To put a finer point on that, the development text, the zoning for the site, under the parking and loading section for this building, states that irrespective of the use, the property owner shall have 10 spots. So it is not determined by use, patronage, or peak hours, it is irrespective of the use. There needs to be 10 spots for the zoning.

Chairman Emerick: This goes back to what Jeff was mentioning earlier.

Commissioner Boysko: I strongly disagree with that interpretation. That was true in 2007 when that was approved for 10 spaces. The use has changed. This is an amendment to that development agreement. Because it is an amendment, I think we have the ability to apply current code to that building.

Mr. Tyler: I respectfully disagree. At this point you are not reviewing an amendment to a final development plan. The language in the Ordinance basically states that what you are to review per the Ordinance is a parking plan. Again, if you go back to the text, the text says that irrespective of use. So this is not a change of use. Even if it was a change of use, it says irrespective of use, 10 spaces. So while I understand the direction you are taking on this, from strictly a legal standpoint, this building has the right to use 10 spaces.

Mr. Ashrawi: The question before the Commission is not an amendment to a final development plan. It is a certificate of appropriateness based on Item 1 under Section 1 of the Ordinance which requires approval from the Commission for a parking plan. If there is a separate amendment to a development plan, I don't think that is what is before the Commission here tonight.

Commissioner Bailik: I agree that this is not up to us to determine how many parking spaces they need. We all may not agree with that, and the outline of the allocation of spaces might be outdated, but to hinder a viable business that could come downtown, I don't think we have anything to support that. If you are going to start telling businesses they can't come downtown, you have to have a really good reason. In this case, if that is the way the Code is written, we don't have a choice. I don't think moving from Jeni's to sushi is a big jump.

Although I think Powell does have a parking issue, I do think we need to step back and let the City manage that parking. I don't think that falls to us. We need to give the City an opportunity [to address that] and at the same time not tell a business they can't come downtown when the last business in there was very similar, in my opinion. At this point, I think we do not have any reason to tell them that it is not appropriate. Based on what I have heard, it is an appropriate use and they need 10 spaces.

Commissioner Cooper: I am not anti-business, but I do not know where 10 places are going to come from. As we talked about last time, there are only 18 spaces in that parking lot between 44 N. Liberty and the cemetery. You are saying 10 people, but also saying 9 tables with a bar to hold another 6-7 more seats so with a potential of over 40 people. In my book, that's at least 20 cars. I am not opposed to the business, but just don't know where the parking is going to come from. As we discussed before, there are other businesses there too. I think I read in the Staff Report that the training place is an evening type business which will complicate things even more. I don't know the solution and I don't know if the tenant can wait until Powell figures it out as big of a priority as it is right now, but I can't go with it.

Commissioner Boysko: I find myself in the unique position that I actually agree with Vince, Ralph and Jesse on this issue. I think they have been bearing the burden of parking in the downtown area. I disagree with how to achieve that or solving this. I would definitely support this business and landowner and their ability to fill that space with whatever tenant they think is appropriate – if that is a sushi restaurant or any other type of restaurant. I think that is great for the downtown. But the means that they achieve that approval, I think, is within Planning & Zoning's responsibility. Approving of a parking plan, I think, is within Planning & Zoning's responsibility. I understand the parking agreement falls to City Council, but I still believe the approvable is based on those uses. We can talk about whether those are high volume uses or not, whether they are used during or lunch or dinnertime, and the time of day. I think there could be some creative means to determining what the appropriate number of parking spaces is. In my opinion, it is not 10 spaces for that building. I think we are handcuffed by a poorly written final development plan back in 2007 that says irrespective of the use. I understand the interpretation and I have concerns about any type of certificate of appropriateness if it is tied to 10 parking spaces. I don't think that is appropriate. I think this can be achieved if we can determine what the correct number of parking spaces are and allow for the adequate number of offsite parking spaces to accommodate those three uses, the dental school, the real estate space and the restaurant. In my opinion, common sense says 10 spaces is not adequate for those three uses.

But I understand today we are here just to approve a certificate of appropriateness and a parking plan.

Commissioner Little: I frequent Mr. Chen's restaurant in Delaware quite often and I can speak highly of the product, so I don't have a problem with that. I actually believe what is proposed can work if it is done right. But I am not sure we are there. In fact I know we are not. I know the quandary we are in, but there is a little bit of history that probably matters. Right, wrong or indifferent, the City calculated that given the businesses in this particular building, that we would normally expect there to be 52 parking spaces needed to support that.

So if we go back in history, we worked with Matt Sameroff and what he did for us is he tore down an existing structure that was loaded with asbestos and, in turn, he also gave us additional right-of-way on both Olentangy and Liberty Streets which puts us in a position should we want to do something to that intersection that we are now able to do that. The way the property was originally sitting, we didn't have that option. So there was a lot of give and take. At the time, we were very sensitive to the use because, from a parking standpoint, there's basically none. We were all very clear in our intentions. You can pull the minutes and see that if there was a change to a restaurant, specifically, we all agreed that it would demand more parking and we wanted that to come back to the Commission. At the same time, many of the downtown business owners were very much in tune with what we did in that situation.

Since the last meeting, it has come to my understanding that probably because of a few words that got stuck in the development plan that shouldn't have been there, my understanding from listening to what has been said, it's really out of the hands of the Planning & Zoning Commission and it is really up to Council. Regardless of that, I'm going to make my point: I don't believe there is an adequate plan in place to address the parking requirements for this proposed use. I don't believe it is in the interest of the spirit of the Keep Powell Moving Plan to allow valet parking at this property given potential stacking issues that will impede the traffic at the Four Corners. I do believe if it is approved, the tenant must have very clear signage that dictates where patrons can park and protects the business owners that are in the area. I believe it is the burden of the City to determine if valet parking on this site is feasible and, if so, it's the burden of the City to monitor whether the valet parking is working and/or whether or not we have a parking problem. I strongly believe the owner and/or tenant should continue to pursue shared parking agreements, and support the volume of parking demand generated by the current proposed uses of the building.

We are in this place where I am basically being told I can't do the right thing, which is a real important thing for me to be able to do. Because of some words that somebody screwed up, we find ourselves in this situation. Now what I did hear is today we are being asked to review a parking plan. I haven't seen one because the last one expired. So I am not sure whether we really have a plan to review and maybe we should table the motion.

Chairman Emerick: Jeff, would it be fair to say that the parking plan is the parking agreement that you are proposing to City Council?

Mr. Tyler: I will answer that in a couple of ways, so bear with me. I believe the parking plan is based on the 10 spaces. But I also believe that Council has the ability to enter into an agreement with this particular individual for whatever number that they need and it says in the agreement that there is 12 spaces. So in one sense, yes, but I believe that the way that the language is set up, it is P&Z's review of those 10 spaces that becomes the parking plan and that Council has the ability to say yay or nay as to whether they are going to agree to the shared parking agreement.

Chairman Emerick: I would agree with the comments that have been made. I think we all feel a sense of frustration here in that our hands are basically tied by old language that is not very helpful. I am not sure that tabling this will solve anything at this point because, as we all know, there is no quick, short term solution as Jeff has already mentioned. This is going to take a longer period of time to study what needs to be done and how to do that than what tabling this would give us. I think that we are at a point where Staff is working hard and diligently on this problem, more so than I think we have ever done before which makes me optimistic that we will come up with solutions that will help us in the long term. I am relying on the fact that we are going to work very hard on solving this problem and that, as far as this application goes, I would support it.

Commissioner Little: I can provide you with a proposed motion. I move for approve of a Certificate of Appropriateness for the property located at 8 N. Liberty Street, as represented by Hessenauer Corporation, subject to the following conditions:

1. City Council shall renew a two-year parking agreement for twelve (12) reserved parking spots at 44 N. Liberty for the use of 8 N. Liberty Street patrons prior to the issuing of the zoning permit.

Mr. White: No.

Commissioner Little: No?

Ms. Husak: It is not part of your responsibility to direct Council as to what their action ought to be. I think we want to be really...[Commissioner Little: We clearly, historically have made it very clear that Council has to take action in many cases for something to occur. Maybe we are changing how the direction of the City has operated, but that's historically quite frankly been quite often.] Historically, we are also now in this position that we are in because of decisions that were made. But it is not part of the request for the Planning Commission to direct Council. Council does not have to approve this [audio distortion] from my understanding.

Mr. Ashrawi: That is correct. The parking plan approval is here. The parking agreement that includes various terms outside of the parking plan itself is within Council's purview. To be clear, there was a word used, renew, and I think the agreement that was in the packet is a renewal of what was previously there. It may contain similar provisions, but it is a different agreement.

Commissioner Emerick: So what you are saying is that our motion needs to basically just say that we are recommending to Council that approval.

Mr. Tyler: That is correct.

Mr. White: Mr. Chairman I want to interject that the considerations that are being talked about are serious and we need to consider them, but Staff, City Council, and Planning Commission are bound by a decision that was made 13 years ago. We have to be very careful about that. The parking element, as I see it, is very relative to City Council oversight.

Commissioner Little: So if we don't have a valid parking plan in place now, where are the 10 spots?

Mr. White: Great question and on April 20th, the Applicant is responsible to come before Council and present where those spots are - if they are at 44 N. Liberty, across the street, where. That is not our call. The Applicant has to provide for the City the accommodation, but the accommodation is 10 spaces. That is why I want to be very careful to point that out. It is not 9 or 11, it's 10. That is documented.

Mr. Tyler: I would like to clarify my previous statement. This is not a recommendation to Council. It is an approval of a certificate of appropriateness.

Commissioner Little: Okay, so what do you want to do here. Do you want to make it real simple and simply move for approval of a certificate of appropriateness to the property located at 8 N. Liberty Street as represented by the Hessenauer Corporation?

Commissioner Bailik: I think that is what they are saying. What they are saying is that our only job at this point in time is to say, based on what's written in Code, we will approve a certificate of appropriateness along with 10 spaces. Then it is up to the Applicant to come to City Council and tell them where those 10 spaces are. We don't have any wiggle room based on what was written in the past. I think the point here is we either approve the certificate of appropriateness or we don't based on the 10 space requirement, which is irrespective of use.

MOTION: Commissioner Little moved to approve the Certificate of Appropriateness for the property located at 8 N. Liberty Street, as represented by Hessenauer Corporation, Commissioner Bailik seconded the motion.

VOTE: Y-3 N-3 (Boysko, Cooper, Little) (Simpson recused)

Ms. Husak: That motion failed again.

Chairman Emerick: Do we want to try another motion?

Commissioner Little: From my standpoint and the quandary we are in, I was okay with moving it to Council, but Council needs to be accountable for cleaning up the number of parking spots that are, in theory, required to be there based on some bad wording in a previous Ordinance.

Chairman Emerick: And how to we accomplish that?

Commissioner Bailik: I think what we do is we decide whether or not to approve the certificate of appropriateness with the 10 spaces and we put our faith in City management and Council to work through these issues. I don't think, based on the language that we are tied to, that we can dictate a differential number of spaces, nor can we dictate to City Council what they need to do. I think what is in front of us ends up being very simple. Do we approve or not approve a restaurant going into that location with a parking plan of 10 spaces.

Chairman Emerick: One point that has not been brought up tonight that I think Yaz can advise us on, is whether or not

this is a change of use?

Mr. Ashrawi: Our analysis says it is not a change of use. It is a restaurant use just like Jeni's was. Land uses aren't delineated with specificity as to the type of food place. It is a restaurant use period.

To clarify again what this Commission is doing or not doing and why the agreement with Council is something separate from what is being done here: The Applicant has come in with a parking plan. That parking plan being that our building is going to have 10 parking spaces before we operate and, based on the language that was, whether inadvertently or incorrectly included in the development text, that is the minimum requirement for parking spaces there. That Applicant after this process, can go to City Council and get a blessing or agreement to meet that 10 space requirement or that Applicant can, between now and before the operation begins, find 10 spaces anywhere else that would meet that parking plan requirement. That is why this decision making process here is not expressly tied to the agreement. The proposed agreement is proposed to go before Council. I think it was included in the packet as additional background as to what Staff has been doing to work with this landowner in an effort to provide options to meet this parking plan and the minimum parking requirements of 10 spots. In the past, that parking plan has been met with a similar agreement and so that option is on the table. But there are other options as well. The plan here requires 10 spots. The Applicant has indicated that is their plan to have 10 spots. Without 10 spots they cannot operate and it is incumbent upon them to secure those after receiving the certificate, if they receive it. I hope that clarifies a few things for you Mr. Chairman.

Mr. Tyler: My question is what is the correct procedure in moving forward at this point?

Mr. Ashrawi: There can be a reconsideration of the motion and there can be a new motion, but the first motion failed, so there was no certificate of appropriateness or approval of the parking plan granted as of right now. Based on the local rules, the motion can be reconsidered or a new motion can be put on the table.

Commissioner Boysko: In the absence of a new motion, I am not sure if that is going to solve our problem. I think Yaz already mentioned that the certificate of appropriateness is not tied to the parking plan. Is that correct?

[Multiple speakers]

Mr. Ashrawi: Correct.

Commissioner Boysko: So there's nothing stopping the Applicant from going to City Council with a parking plan or a different parking agreement, so they don't necessarily need our certificate of appropriateness to do that?

Mr. Ashrawi: No, and forgive me if I said that. The Ordinance that was provided in 2007 included a condition. That condition being that this Commission had to approve a parking plan. The parking plan is different and separate than the parking agreement. The parking agreement is memorializing a certain lease agreement that will help the Applicant achieve their parking plan of having those 10 minimum spots. Based on that condition, this Commission has the role to approve a parking plan before this can move forward.

Commissioner Little: So what is that plan?

Mr. Ashrawi: That plan is to have 12 spots as I believe the Applicants mentioned.

Mr. Tyler: Actually, that is 10 spots.

Mr. Ashrawi: Excuse me. 10 spots.

Commissioner Little: It was 12.

Mr. Tyler: Well, no. 12...[Chairman Emerick: In the proposed agreement.] That is correct. Again, we have to keep those two separate.

Chairman Emerick: It is 12 spots based on the development text from years ago.

Mr. Tyler: That is correct.

Commissioner Little: So let me ask an even broader question. So then why are we even discussing this certificate of appropriateness?

Mr. Tyler: That is a very good question. Again, the Ordinance required that this come back to you through the

Ordinance language. If that language had not have been there, we would not even be here today [audio issues] it would have just been an agreement with City Council. It was the Ordinance that required it to come back to you.

Commissioner Little: Which in effect, we have no action to take because there cannot be a simpler motion than the second one I proposed.

Mr. Ashrawi: Right, which did not pass.

Chairman Emerick: So we either try it again and see if the vote comes out the same or figure out something else.

Commissioner Boysko: The motion failed. Unless you are going to propose a different motion we can't propose the same thing again.

Mr. Ashrawi: There is certainly a process to call it for reconsideration, but reading between the lines, it doesn't seem like the outcome will change.

Chairman Emerick: Among the Commission members. Has our discussion from the last few minutes had any impact upon any Commission member's thinking?

Commissioner Cooper: No.

Commissioner Boysko: No.

Commissioner Bailik: I think it depends on what Bill is proposing.

Ms. Husak: In addition, I think the cleanest thing to do would be to actually have a vote on a motion for reconsideration.

Commissioner Little: How about if I give you another one and you can decide that it is not okay as well?

Mr. Ashrawi: Are you proposing a new and different motion?

Commissioner Little: Yes.

Ms. Husak: With all due respect, it is not like I don't like your motion, we just want to make sure the City is protected and is on the right path.

Commissioner Little: Trust me, I don't take things personally. Let's try this and see where we are:

MOTION: Commissioner Little moved to approve the Certificate of Appropriateness for the property located at 8 N. Liberty Street, as represented by Hessenauer Corporation, subject to the following conditions:

1. The owner/tenant shall present a plan for at least 10 (ten) parking spots for the approval of City Council;
2. The tenant shall provide clear signage at their entrance showing that patron parking is limited to either onsite, at a third party parking location, or in other City-owned locations;
3. The tenant shall work with Staff to ensure that if valet parking is implemented this process will not impede traffic in the area. Staff must approve and monitor that valet process;
4. Staff shall report back to the Planning & Zoning Commission ninety (90) days after Certificate of Occupancy to report on the effectiveness of the parking and valet service; and
5. The owner/tenant shall work in good faith with Staff to identify third party parking solutions to satisfy the parking demand generated by the uses of the tenants at 8 N. Liberty St.

Mr. Tyler: I am curious to know why the Applicant would have to report back within 90 days? What is the purpose of that statement?

Commissioner Little: Do we have a parking problem? Are things working out? Are we towing people? If we did valet, why is the Four Corners backed up? How are things working?

Mr. Tyler: Should that not be the responsibility of Staff to ensure that those things are taken care of?

Commissioner Little: That is what I said in the motion.

Commissioner Cooper: Staff is to report back.

Mr. Tyler: Ok. I understand.

Mr. White: I understand the mechanisms that we are talking about. What if the Applicant secures 35 spots somewhere other than City property?

Commissioner Little: That's fine. That would be a wonderful thing. That's what the intent of the last part of that motion is, but we have already been told in no uncertain terms that they only have to have 10 spaces.

Mr. White: I agree with that, but if they got 10, 11 or 12 that weren't tied to City property, then how does City Council have any vested interest other than going through this process?

Commissioner Little: Well, what I said was that owner/tenant shall present a plan for 10 parking spots for Council approval. Doesn't Council at least have to...who in this case is going to confirm that they have 10 spots?

Mr. White: That's a good question. If they have 10 spots, in my selfish interest, and we had nothing to do with this, that would be great. If there were 10 spots over there and 5 over there and they were all private, then we are out.

Commissioner Little: Sure. What if Council says no?

Mr. White: That's where I think the decision rests.

Mr. Tyler: Absolutely.

Commissioner Little: So do you want me to read that again for clarification or a second or let it die?

Chairman Emerick: Why don't you read it again Bill:

MOTION: Commissioner Little moved to approve the Certificate of Appropriateness for the property located at 8 N. Liberty Street, as represented by Hessenauer Corporation, subject to the following conditions:

1. The owner/tenant shall present a plan for at least ten (10) parking spots for the approval of City Council;
2. The tenant shall provide clear signage at their entrance showing that patron parking is limited to either onsite, at a third party parking location, or in other City-owned locations;
3. The tenant shall work with Staff to ensure that if valet parking is implemented this process will not impede traffic in the area. Staff must approve and monitor that valet process;
4. Staff shall report back to the Planning & Zoning Commission ninety (90) days after Certificate of Occupancy to report on the effectiveness of the parking and valet service; and
5. The owner/tenant shall work in good faith with Staff to identify third party parking solutions to satisfy the parking demand generated by the uses of the tenants at 8 N. Liberty St.

Commissioner Cooper seconded the motion.

VOTE: Y-5 N-1 (Cooper) (Simpson recused)

Commissioner Bailik: I have one addition and I think it will cover the City's points. Instead of saying for 10 spots, the motion should say for at least 10 spots. At that point, if they come to Council with more spots, they have not violated what we just asked them to do and it would give them the ability to ask for more.

Commissioner Little: Okay. I will change that but it kind of goes against the spirit of they just have to have 10 spots. So I would amend the first condition to read, "The owner/tenant shall present a plan for at least 10 parking spots for approval by City Council."

OTHER BUSINESS

Ms. Husak: We are not sure what we are doing with the optional April meeting. We have a little bit of internal discussion to do before that agenda would be published on Friday.

ADJOURNMENT

By unanimous consent of all the Commissioners, the meeting adjourned at 10:35 p.m.

Commissioner Little: I received a notification during the meeting that Joe Jester passed away. Keep Joe and his family in your thoughts. If you met Joe's younger son, you know he is a reincarnation of Joe, so Joe will still be around via his son, Brad.

DATE MINUTES APPROVED:

Donald Emerick DATE
Chairman

Karen J. Mitchell DATE
City Clerk

DRAFT



Historical Downtown Advisory Commission
Tom Coffey, Chairman
Larry Coolidge, Vice Chairman
Brad Coomes Deb Howell Erin Wesson

MEETING MINUTES
April 15, 2021

CALL TO ORDER/ROLL CALL

Chairman Tom Coffey called a meeting of the Historic Downtown Advisory Commission to order on Thursday, April 15, 2021 at 6:34 p.m. via Zoom. Commissioners present included Tom Coffey, Erin Wesson, Brad Coomes, and Deb Howell. Larry Coolidge was absent. Also, present were Claudia Husak, Director of Planning; Elise Schellin, Development Planner; Karen J. Mitchell, City Clerk; Steve Reynolds, Shyft Collective and interested parties.

APPROVAL OF MINUTES

MOTION: Commissioner Coomes moved to approve the minutes of February 18, 2021. Commissioner Wesson seconded the motion. Commissioner Howell abstained. By unanimous consent of the remaining Commission members present, the minutes were approved as written.

CERTIFICATE OF APPROPRIATENESS (Case 2021-19_CA) COMMENTS

Applicant: Buckeye State Bank
Location: 22 S. Liberty St.
Existing Zoning: (DB) Downtown Business District
Request: Review and approval of an ATM and sign installation at the Espresso 22 property.

Shawn Keller, President and Co-Founder of Buckeye State Bank, Applicant: We were founded in 1885 and are the state's oldest chartered bank. A group of local investors got together and purchased the bank back in 2014, changing the name to Buckeye State Bank. In our search for a headquarters, we chose Powell. You will find us right in front of Wedgewood Country Club and we have enjoyed it.

We are excited about the ATM. When we bought the bank, the bank was \$29 million in assets in 2014. Thanks to Powell and its residents, the bank today has \$250 million in assets. We were the largest bank in providing PPP loans, as far as a percentage of our size, than any other bank in Ohio and we were 8th in the country. We are very proud of that and that we were able to assist a lot of small businesses.

The ATM is going to replace the one that was there from Huntington. We are excited because we get to put a local ATM there. Community banking means a lot to us. It is about keeping money local, lending money back out locally as we did with the PPP, so this is exciting for us.

On the call with me tonight is Jeff Christensen, Chief Information Officer; Holly Orr, Marketing Officer; and Aaron Crider, Compliance & Facilities Officer. We will answer the questions you may have as best we can.

Claudia Husak, Planning Director, reviewed the Staff Report. Staff recommends approval of the ATM sign and installation. (Exhibit 1)

Chairman Coffey opened the floor for public comment. Hearing no public comments, Chairman Coffey closed the public comment session.

Steve Reynolds, Shyft Collective, Architectural Advisor: For the overall monument sign that is out in front of the facility, I believe this is an improved sign and also now falls within the current sign guidelines. I do applaud the

Applicant for making those changes prior to tonight because it was going to be beyond what was allowed by the Zoning Code.

As far as the ATM itself, I know that this is underneath the overhang, so there is some limitations to visibility. I do like the logo and even when you think about the side that would face the road, I think it is a tasteful size for the logo and text. The "Bank Local" that is on the back of the sign does seem to be really large. I do not know what the size of those letters are, but I am indifferent in the fact that this is underneath of that large overhang and would be blocked from passing traffic.

Chairman Coffey opened it up for Commission comments.

Commissioner Wesson: It is good to hear that the monument sign is within the sign scope and zoning scope. That works for me. I think it looks good. My initial thoughts with the proposed ATM were also what Steve said about the rear elevation and those letters being a bit large. The letters and size are really my only concern.

Mr. Keller: That side faces the drive-through window for the coffee shop. The only time you might see it is if you are in line at the coffee shop.

Commissioner Wesson: I know I have seen other things when I was on Planning & Zoning about it being a certain scale to the size of the area. I think this takes on that whole space, but I am not worried about it if that is the view. It does not look bad; I am just thinking how it would be in line with other sign protocol.

Commissioner Howell: I am fine with everything. This ATM has gone before us before and we have approved it with Huntington Bank. I was also concerned about the bank logo, but as long as it is facing just the drive-through area, then I am fine with it.

Commissioner Coomes: I am good with the ATM itself and the signage. I did have some questions about the monument sign out front though. I do not know what the original sign was that was changed, but this particular design that has the Espresso 22 sign built like it is, then with the monument sign sticking out and hanging, I am not aware of anything else in Powell that uses this combination of both. There is plenty of monument-style signs that are hanging out on a flagpole and there are also the wood structure signs, but I have not seen any combinations. Just south of Espresso 22, on the other side of the street, there is a similar sign that is a dual sign with Edward Jones on the bottom and I do not remember who is on top. I was wondering if that would look better aesthetically. Even the old Huntington sign did not stick out like this. It was attached from what I remember. This looks mismatched.

Ms. Husak: The original proposal had a rectangular sign for Buckeye State Bank placed on top of the Espresso 22 sign. Staff's concern for that proposal was that the supporting elements on either side of that Espresso 22 sign were shorter than the Buckeye State Bank sign, so our recommendation would have been to increase the pole height a little bit so that it is more integrated and does not look like it is just plopped on top. The other issue with that design was that it exceeded the Code in terms of size, so this was the compromise that the Applicant has come up with based on those comments from Staff.

Commissioner Coomes: So would underneath the Espresso 22 sign be an option with it being broken up with the ATM and arrow off to the right and the Buckeye State Bank section off to the left? I do not see any other combo signage like this throughout town.

Ms. Husak: From a Staff perspective, we would agree that the integration is not necessarily ideal. It would be difficult to see for a passerby if it was placed underneath the Espresso 22 sign.

Commissioner Howell: Now that you bring this up. The thing that bothers me is the bright red color. It is my personal feeling about it. The Espresso 22 sign is somewhat mild and the red seems like it smacks you in the face or something.

Chairman Coffey: You have to understand the graphics. It is a picture [of the Buckeye State Bank logo], so the sign is going to stand out. I personally think it is fine because we are all used to seeing the Huntington sign just like the Buckeye sign. I think it would get lost underneath [the Espresso 22 sign]. I think that is where it needs to be because it is a smaller sign and Espresso 22 is the main vendor.

Commissioner Coomes: Wasn't the Huntington sign rectangular and actually directly attached to the post instead of hanging? I think it was also a narrower sign instead of this square shape like this one is.

Ms. Husak: It was attached to the pole and was more vertical in nature, so the Huntington typeface was going up and down as opposed to horizontal. It was not hanging off a bracket, it was attached. The height was probably similar, but it was, in our estimate, a third of the width of the Buckeye sign.

Chairman Coffey: I have done a lot of signage in my time. The logo and the Buckeye State Bank Local is all part of their logo. You cannot really turn that upside down and make it horizontal. Their logo is rectangular and landscape as it is shown.

Mr. Reynolds: The Buckeye State Bank and Bank Local is all part of their brand. Those colors are specific brand standards. Maybe if that ATM arrow were black it would make it stick out just a little bit less than the red would mildly allow it to blend it with the Espresso 22 sign and help with the reaction you are having to the red color.

Ms. Husak: It would be easier for Staff to make that determination if we have an agreement from the majority of the members here tonight.

Mr. Keller: Your comment about it being a digital picture on an actual photo is correct. It causes it to stick out more. My initial thought when I heard the comment about the red was maybe we just change the arrow to black.

Chairman Coffey: Let's let Staff look at the red versus the black issue. We do want people to know that it is an ATM with a coffee shop.

Some of my other comments were more on the ATM itself. There is no height given. How big is this thing compared to what was there before?

Mr. Crider: This is probably going to be identical because it is a standard ATM casing, which is 7 foot by 3.5 feet wide and approximately 3 feet deep.

Chairman Coffey: The only other thing was that this is 24 hours. The owner of the building cannot put a chain up out there, block off the parking and keeping people from using the ATM.

Mr. Keller: That would be correct. We have been assured that this will not happen.

MOTION: Commissioner Howell moved to approve the Certificate of Appropriateness for Buckeye State Bank with the following conditions:

1. That the ATM arrow will be changed from red to black.

Commissioner Wesson seconded the motion.

VOTE: Y - 3 N – 1 (Coomes) (Coolidge absent)

CERTIFICATE OF APPROPRIATENESS (Case 2021-20_CA)

Applicant: Sarah Mackert, SJM Studio, LLC
Location: 80 E. Olentangy St.
Existing Zoning: (DB) Downtown Business District
Request: Review of a plan for a proposed addition to an existing building for a private social club.

Sarah Mackert, Architect, SJM Studio, LLC, 1254 Eastwood Ave., Columbus, OH 43203: I believe this property was before you a while back and it is located at the corner of E. Olentangy Street and Grace Drive. This existing .42-acre residential property sits on a ravine and was built in 1908. There was an historic addition of the front porch that we think was built in 1920. This project proposes to convert the use of the house, restore and maintain that as a structure, but convert it to commercial use as a private social club. We are also proposing to do an addition on the north side, which would give us some additional space for the project.

I have a 3-D model and I will fly you through this virtual model. We are proposing to paint the historic porch, currently a white/pink to a charcoal gray. It will be almost black. There are some architectural details that we will accent with a gold color. You will note that there is a slight difference between the house's asphalt shingle roof. Right now, based on the project costs, we are proposing to keep the house's asphalt shingle roofing, which is green, and we will do a new charcoal gray roof on the addition. At some point in the not too distant future, the idea is to actually replace the asphalt shingle on the house with the charcoal gray. We think this will be an aesthetic improvement because the green does not work well with the burgundy of the masonry.

There are full landscape details in this model as well as all of the trees that we are proposing to keep. You can see the architectural exterior lighting. The real light fixture has an opal sphere, or globe, that has a milky white lens, not clear as is shown in the model.

Regarding the architecture, we were challenged on this site with a number of constraints. [audio distortions]...to maintain the ravine and structurally avoid encroaching into the slope on the north end of the site too much, we ended up with a footprint that is elongated slightly in the east to west direction. What we wanted to do with that footprint was to mimic the original roofline of the house, which is a fully hipped roof with some dormers that are gables, with a hipped roof with one gable, which is on the prominent elevation facing east. We actually separated that new addition from the original house with a flat roof section, which allows us to deal with storm water drainage under the original soffit of the house. It is the best detail in my opinion to maintain some difference between that roofline and mirror, but not mimic, across that glass fulcrum. The new and primary entry to the project will be through the door on the east side. The idea with that is to have a good amount of glass in order to reveal the historic material at the back of the house and accentuate the separation between old and new.

We have also done some landscaping in the front. One of our other challenges was that we literally ran out of site and wanted to do the best job we could in terms of a refuse enclosure. Our refuse enclosure is intended to be plaid with bi-pass sliding gates made from the same siding material as the addition. We are planning to do a planter bed, like a sedum tray, and green roof on that refuse enclosure because it is our front door and we want to be careful to ensure that it is aesthetically pleasing. The awning is here to help give some relief and depth, as well as covering to pedestrians as they come into the building here.

We have a glazed terra cotta block. I believe there might be one other building in Powell that has this material. At the bottom, we have a matte finish terra cotta block, which is a similar match, but we actually have some movement in foundation and there is going to be some tuck-pointing and restoration to be done to that foundation. The idea is to paint that a darker black, the darkest black we have in our material pallet, Sherwin Williams Inkwel. The idea is to pull some of the warmth in the darker color out of the terra cotta and ground the building.

On the fiber cement clapboard siding, we have a larger profile that we are proposing – 8 inches – and that is because the masonry of the house is an 8-inch block. We want to have the same horizontal scale to relate it together. We are proposing a mix of colors between accents and the primary wall color of these other two Sherwin Williams, Dark Night and Mount Aetna.

We talked about the asphalt roof shingle, and this would be a little bit of decking that we have on the north facade at the decks you saw along with some of these cable rails. We have some dark bronze to our front aluminum mixed in as well. It is a mix between the neutral gray and black. There is a little bit of a blue-green in this Dark Night and we also have the earth tones, the browns of the deck, as well.

The proposed architectural wall scones is an opal lens. We have some garden path lighting. The fixture inside the vestibule is different in the model, but we are still working through our specifications on the interior. However, we are looking at something similar.

Gretchen Bonasera, Owner, 80 E. Olentangy Street: One of the reasons I was drawn to this site was the trees and natural ravine. There has been a lot of confusion as we have been presenting this as to what exactly we are doing. It is a new concept and there are not private social clubs in every town. We have been looking to do this for about 3 years now. I live about 10 minutes away in Dublin and Dublin is the only other place I know where there is a private social club located in the central Ohio area. We expanded our search from there and fell in love with Powell because of its hometown feel and the concern with preserving the historic district. We are excited to be here, with this house, and this lot.

The showcase brick on this house is the upper brick. You can tell that is where the effort was put into the design when the house was originally done. It has a great sheen to it, the warbled finish, and the brick we are proposing to paint is a just the coarser standard foundation brick which has multiple spots of damage.

As far as the front porch, we are not changing it, just painting it. The windows are staying. We are just going to do our best to restore it to be a 3-season room. The front door is staying the same. We are going to maintain the natural wood that it is.

Ms. Mackert: I think there was a question about this other door on the east. Gretchen and I are both looking hard to find a very special door. The reason we cannot give you cut sheets is because our goal is to find a salvaged, historic piece – something unique. We would potentially be painting that, but the idea is a three quarter light but with some

solid wood so that it is not a store front door, and has that warmth, character, and texture to give us a little something special at this entry as well.

Ms. Bonasera: As mentioned, the roof really comes down to budget. It is not there. We are already double the budget we thought we needed to bring this house back to life. The existing gutters are also staying there. We have to find a way to get rid of that one that is vertical down the side of the wall, but the gutters will stay as well as all the original soffit work.

Ms. Mackert: I thought of one other thing to mention, the design of the windows. We recognize that these are not double hung windows and proportionately they are square. We were actually pulling from the shape of the casements. In terms of the material, in the original building, there are double hung windows on the main level of the house but only on the masonry portion. The front porch actually is a series of historic casements even though a few on the front were replaced with fixed windows. There are several original casement windows there. Again, those are proportionately a vertical rectangle. The dormer windows, however, which are truly clapboard siding and most similar in materiality to the addition, we were playing with that as being the connection and the tie in to the square windows on this façade. We really needed to do that proportionally and it just fit the building really well. We have a mezzanine level that the edge of our floor is actually right above these windows. There is a goal as well with this façade to bring daylight into the building but we do not want it to be too transparent and have a residential, double hung right next to the refuse. There were constraints, so there was a lot of thought and rational behind this. We looked at double hungs for a while but this compositionally and functionally was the best solution we came up with.

Chairman Coffey opened the floor for public comment.

Paul Kirkham, 53 Sharp St: I have lived in Powell all my life. My great grandfather, Julian Sharp, built this house in 1907. The block you spoke about were manufactured in a foundry just south of Powell owned by a distant relative. I lived in the house in the 1970s and 1980s, and can give you much of the history on this house. I can also provide you photos if you are interested in them.

Hearing nothing further, Chairman Coffey closed the public comment session.

Mr. Reynolds: I am excited to see a business like this come to downtown Powell and to visit the social club. I applaud the efforts going in to this. This is certainly a unique structure and site. It looks like you have a few different eras of architectural detailing happening, so I know there is a large task in making this all work together.

I also appreciate the new addition component differentiating itself from the current structure and materiality, yet taking cues off some of the lines and forms and massing to pay homage to the original building, but still allow the new structure to be its own thing. I think that works really well. I also appreciate the clarity about how you are applying materials to the upfront, original portion. I believe, as you had described, painting that base block a dark brown in color is going to help a lot. Your mason and how you repair that block is going to be very important so that it does go away, but I think that will definitely help in grounding the building and making that portion go away.

A small thing, but I feel like that front porch feels a little bit like it is Craftsman but the exterior lights, at least the cut-sheet for it, looks a little Mid-Century. It faces the side where we are not too concerned about it. The guidelines are a little more Avant-garde when it comes to some of the exterior light fixtures, but...[Ms. Bonasera: The interior design that we are doing is more Art Nouveau.]

Mr. Reynolds continues: Art Nouveau definitely. I appreciate it, I like it, and I would agree that I could see that Art Nouveau working well with the idea of this club and even seeing how the interiors are laying out. In my mind, I am already picturing how this is going to look, even without going through the building in InScape and I am really excited about it. As we go through the light cut sheets, just try to be sensitive to how it all blends together. I am acknowledging the fact that it is very difficult because there are many different things happening here.

The connector, to me, still feels just a little bit unresolved. It has more to do with the roofline where you have the hip roof coming down into that window. I am in a position where I get to sit here and talk about it, but I do not get to help you resolve it. I am not sure if maybe the opaque portion of your flat roof area maybe comes down a little bit to come in line with that gutter, but the way it sits right now over the entry, I wish there were a different way to work out the roof line so that it did not interrupt that window. I think it is difficult to combine those two buildings without trying to put them together to make that connection with that glaze...[Ms. Bonasera: That line has to be as high as it is because that is the interior access to get into the house. We really cannot lower that anymore and we are locked into this grading onsite as it is.]

Mr. Reynolds continues: Sure. I am thinking maybe, exterior-wise, you are not changing the actual ceiling height in there; it is just the material itself. I am sure you have looked at this 120 times, but maybe there just needs to be 121 times. Because I would...[Ms. Bonasera: So I see, so that is just a façade, Sarah, in front of the roof?]

[Multiple speakers.]

Ms. Mackert: Yes, I am hiding a roof. There is almost zero parapet. The house currently has that rear porch which is actually structurally compromised. It is already separating from the house. If you were inside this porch, you would see we are reusing the porch access into the back of the house, keeping the bones of the original building as much intact as possible, but the first floor of the house, to access that, is our issue. You can see how tight the porch roof is to the original soffit. We are going to have a very similar condition. I do not disagree with you; it is an architectural detail that I wish we could just resolve. With the square footage and tightness of the site, the accessible access, the regrading, etc., putting the puzzle together and finding the best solution. This issue is the biggest design challenge on the project.

Mr. Reynolds, continues: With the connectors, all your flashing and roof valley details – because that is how we will get the water out of there – is always going to be a challenge. The glazing connector to help differentiate the two styles and materiality is perfect. That is the majority of the architectural comments. I think I talked a bit about just making sure I understand storm water runoff and permeable surface changes, how involved the Engineering Department is going to be with that, but those are a conversation for another time.

Ms. Schellin reviewed the Staff Report (Exhibit 2). This proposal is making its way through the entitlement process in the Planning & Zoning. They reviewed it as a Sketch Plan on November 11, 2020 and as a Preliminary Development Plan on March 21, 2021. They requested this proposal come to you for architectural review so that you could provide comments back to Planning & Zoning as well as the Applicant so they could take these comments into consideration before they submit a Final Development Plan. Staff recommends that you provide your comments and the Applicant should incorporate the Commission, Staff and Architectural Advisor's comments into the Final Development Plan proposal before returning to the Planning & Zoning Commission. You have no authority to vote to approve or deny this application, it is just for comments.

Chairman Coffey opened it up for Commission comments.

Chairman Coffey remarks: I will go first because I have a long list of both good and bad.

- The window grids on the front porch are fantastic. I think we need to carry those window grids like these double hungs at the top on the side elevation facing Grace Dr. There needs to be window grids in those dormers. You cannot have just blank double-hung windows. I am not saying you need to go as much grid, but particularly along the east side – those two double hung windows and dormers – I feel need to have grids in them. Those windows need to be 4 over 1 or something to tie it in a little bit with the existing.

Ms. Bonasera: I would point out that the window grids are not authentic or historic. When we have the funds, we will fix them to resemble the historic architecture of what would have been there.

- That sidewalk back out to E. Olentangy Street needs to stay with those steps because there is some history with that.
- Half round gutters. This Commission is not a fan of Ogee gutters even though they are existing. You are doing enough remodeling and color change with them going from white to bronze, they need to be half round. Ogee gutters are not historic or downtown-worthy. They should not have been put on there and probably were not original.

Ms. Bonasera: We were planning on painting the gutters and following the guidelines that say that the new addition needs to match what is there, which is Ogee gutters.

Mr. Reynolds: I do not recall the matching component in our guidelines. We just had to do half round on Buckeye.

- The entry porch. How is it being held? Are there cables?

Ms. Mackert: It is cantilever bracket system. It is an awning that is manufactured in Cincinnati. It is not cables and it is completely hidden.

- As Steve mentioned, I also have an issue with the roofline and how it ties in at the transition.
- With respect to the existing brick under the back porch that you are taking out, are you saving that glaze tile? Any of that which you can save should be saved and be reused, if possible.

Ms. Bonasera: I would love to, but it depends on how demolition goes. We do not know the current state of it right now. I would love to incorporate it if I can.

- One of the things I really like is the trash enclosure and how you are hiding that and putting the landscape on top of it.

Commissioner Howell remarks: I agree with Tom's suggestions. I drive by that house at least four times a day, if not more, and I always look at that house and think what a nice looking house that needs to be fixed up. A few years ago, someone came before us to put in a Bed and Breakfast in there. I think we approved the Certificate of Appropriateness for that. I agree with renovating this property and I love the fact that you people are saving all the historical value of it.

- Like Tom, I am concerned with the connection between the two buildings.
- I also have some concerns about the parking, which is right off of Grace Drive. There is not a lot of area to address that, but I am concerned with people getting in and out of Grace Drive and being able to pull into the parking lot.

Ms. Bonasera: Yeah, there are only 12 spaces onsite. The rest of the parking will be coordinating with the neighbors to accommodate our guests. We are following the same development plan as the previous B&B that was approved by P&Z to move the driveway as far north as possible to pull it back from that stop light. In our current design, there will be enough for 3.5 cars before someone having to turn into that driveway. We are working with P&Z to resolve this issue.

Ms. Schellin: I would add that this is something that has been worked through with P&Z. Gretchen and Sarah have also met with our City Engineer, Chris Huber, and they are trying to come up with the best solution there. The site conditions are very hard with that intersection right there, the light, as well as the topography.

Commissioner Wesson remarks: I think this looks great. Like Deb, I am driving by it regularly and I keep thinking this building could really use some love and I think this is a great plan. I love this paint aspect. I will take Steve & Tom's guidance on the architectural aspects every time, so I would support those as well. I have a little bit of history with this project because I was on P&Z when we approved the B&B. Again, I am anxious to see this come around.

- My only concern was parking and it looks like that is being addressed through P&Z as well.
- Other than trying to pull this all together, I do not have any other questions, but voice my support for the project.

Commissioner Coomes remarks: I had a couple of questions. Some of them relate back to Staff comments that were on the plan:

- The driveway being 24 feet wide...[Ms. Bonasera: I forgot to mention that we have a newer site plan now and it is 22 feet wide. We did talk to the City Engineer about this. Because of the turning radius, as you approach and have traffic coming down and turning right as they come out of the parking lot, our engineer was not really comfortable with bringing it down much further than that.] So it is going to be aproned drastically off to the right to pre-turn out of there? Is that part of what that 22 feet is or is it 22 feet, the main part of the driveway and then the apron is going to be wider?

Ms. Mackert: It is 22 feet to base of curb, so the apron is in that 22 feet.

- I had a question on the white fence on Grace Drive. How much of that is coming out? Is it going to be turned or dead-ended? What is the plan with that fence? Is it to take back to new drive access?

Ms. Mackert: It will be dead-end. We will take it back to the new drive access, but there is going to be a new, block-style retaining wall that we hope to mimic the masonry of the existing building as much as possible. It is a unilock system and we would match color and scale, but getting the glazed block to look the exact same may not be possible. It will be invisible from the public realm; it is really just that we have to create some new slope on the site to get the driveway access up into the parking lot.

- I had a question on the light fixtures, especially the one that hangs inside with the connector, are these windows going to be tinted or clear? Depending on how bright that light is inside compared to the tint on those windows, I am trying to figure out that this is going to look like.

Ms. Mackert: It is not going to be bright when you walk into that vestibule because that goes against the overall feel that we are trying to create. The windows will not be tinted.

- The sign.

[Multiple speakers.]

Ms. Bonasera: We got rid of the sign and there will be no sign.

- The door you are looking for, I am trying to figure out how it will tie in. Are you thinking a 6-panel door on the front of the house currently?

Ms. Mackert: We are not looking for a 6-panel door. The historic rear access door is a half panel door. Inside the house, you actually have 5-panel doors. We have a mix of styles. Ultimately, we are open to whatever we find that is a good salvage, but the idea of that three quarter light just seemed to be a good fit for this.

Ms. Bonasera: To have a glass door there improves safety of people entering and so forth. It will be three quarter glass as shown.

Chairman Coffey mentioned that in the future on Certificate of Appropriateness hearings, he would prefer to have more detail, sketches, etc., to be able to issue a Certificate of Appropriateness.

[Deb Howell left the meeting at 8:12 p.m.]

CERTIFICATE OF APPROPRIATENESS (Case 2021-21_CA)

Applicant: 3 Pillar Homes
Location: 67 Grace Dr. S.
Existing Zoning: (DB) Downtown Business District
Request: Review and approval of a proposed single-family residence.

Zenios Michael Zenios, 3 Pillar Homes, 2360 Koester Trace, Lewis Center, Applicant, introduced himself.

Adam Rainwater, 3 Pillar Homes, 2360 Koester Trace, Lewis Center, Applicant: We are here to present a home on behalf of the Kirkham family. They are very excited to be a part of Powell. Their family has served the City for many generations as the Sharps and Canfields. We are excited about this home. I am mainly in architectural design for 3 Pillar Homes. We received the preliminary Staff report and wanted to address that tonight with you.

It is in the wooded area off Grace Drive, across from this commercial center. The north boundary of this property aligns with East Case, but it is on Grace Drive and extends probably roughly half way between Grace Drive and North Liberty.

I will start by reviewing the building and zooming out if we need to for the site comments. The main items that I saw in Staff comments were the proportions of some of the windows, articulating the four facades more similarly instead of just the window grids in the front windows, as well as some comments about the materials and certain things that were approved had questions about them. We are here asking for the Certificate of Appropriateness based on that. What it seemed to be coming from was there was some verbiage about the proportions of the openings in the spine and they were pretty vague about the windows over the garage and window over the front door.

It was the recommendation from the comments to work with Staff to determine the appropriate sizes of openings. My interpretation of that was to make any openings that were too wide and not tall enough, to narrow those up. For example, such as possibly removing the windows from either side of the window above the garage; making the window above the front door narrower than it is now. Along the back, I propose to narrow up the windows; and change the proportion of the windows on the second story as most of the other windows are more proportioned taller than they are wide. On the sides, we were talking about continuing the board and batten around the side elevation instead of the widened tall transoms to do full-sized windows to make sure every window is better historically proportioned. We would continue the board and batten around this side of the garage for additional interest to the side elevations. We would have window grids in all the windows to match the front.

So tonight, I was wondering if I am allowed to ask questions for clarification.

Chairman Coffey: You can ask questions; however, I do not see enough here for us to give you a Certificate of Appropriateness. I think we can only give you comments tonight because you do not have enough detail here and it appears that you are making changes that will require you to come back to us anyway.

Ms. Schellin: I think what is happening here is our Applicant is responding to the Staff report right now, which we have not had a chance to present yet. I think that if I go through my presentation, it may help to put it all together. What the Applicant submitted is more detailed than just this one elevation. I would like to add that tonight you are voting on this for a Certificate of Appropriateness rather than just providing comments back to Planning & Zoning.

Ms. Schellin reviewed the Staff report (Exhibit 3). Staff recommended approval of the Certificate of Appropriateness with the following conditions:

1. The home is located to meet all setback requirements of that zoning district;
2. That all Commissions, Staff and the Architectural Advisor comments are addressed.

Chairman Coffey opened the floor for public comment.

Paul Kirkham, 52 Sharp Street: This property was part of the original property that my great grandfather bought, which the house in front was the house. My dad subdivided this back part where Sharp Street is in 1959 and built the first house here. We want to keep this property in the family and we want our son to be able to build a home here. However, we cannot live with a 25-foot setback from the street. In addition, for residents, I do not think that should be mandated. If it was a business, like we have down on S. Liberty Street and those homes that have been turned into businesses, I can see where it is appropriate to have them on the street. However, for a resident, it is not appropriate. We ought to have some kind of modification on this front setback. The side setbacks are fine, but the front setback at 25 feet does not work for a home.

Ms. Schellin: Unfortunately, the Historic Downtown Advisory Commission cannot give a variance, so if you want to move the home further back, you are going to have to go to the Board of Zoning Appeals to request a variance to that front yard setback. Paul, we can discuss the variance after this meeting if you want to focus now on the building architecture tonight and I will follow up with the Applicant about the setbacks.

Hearing nothing further, Chairman Coffey closed the public comment session.

Mr. Reynolds: To be quite candid, what Elise provided in her Staff report included many of my architectural comments, and which Adam has already acknowledged. Many of my comments were around four-sided architecture. I had mentioned if there was an understanding that there is always a crossed offset. I love the board and batten. Would there be a way to wrap it to the sides that you would see as you traveled up or down Grace Drive? I also commented about the foot elevations being fantastic. Would there be a way to take those divided light windows and be able to have those on the rear? I was on that south elevation and the north elevation requesting additional detailing or windows that would allow a little bit more of detail or aesthetic interest on those two elevations.

In addition, you pointed out the windows that were over the garage, I just wanted to see just that single window in the middle and have the two side ones removed. I do agree with being in the Historic District, those paint colors are pretty specific and it is called out that they are to be dark and/or muted. The material documentation was essentially a list. It would be great to see an actual board, even if it were a digital board, showing what those materials were and the approximate colors and/or paint colors.

An overall comment was that the structure appears to align with the Historic District in terms of scale, redoing the massing, and even the attempted material usage, I thought all that fit very well. I thought that a lot of the detailing and effort that was put into that front elevation, the biggest overarching comment was just seeing that wrap around the other sides and even into the rear of the building.

I am trying to double check on the materiality call out. There are comments in the Historic Guidelines around vinyl and aluminum siding. I am trying to understand exactly where fiber cement board fits into the Historic Guidelines because it does not seem to be explicitly called out.

Ms. Schellin: I think the Historic Guidelines were created before many of these new materials became common so we currently struggle with it.

Chairman Coffey: It is allowed. It is on all those newer buildings on S. Liberty.

Mr. Reynolds, continued: We would certainly love to see the Hardi plank, board and batten versus some sort of metal, faux material. It sounds like we are being asked to look at the architectural integrity of the building, make suggestions on it. If those suggestions would happened to be integrated into this final set, it could be approved at 25 feet; however, it sounds like there would be another step that if we were to approve the Certificate of Appropriateness, they would still need to go to the Board of Zoning Appeals to get the setback that they are requiring. From

architectural comments, we can provide them back to Adam and 3 Pillar and be able to get them set with contingencies that they could move forward with.

Mr. Zenios: Thank you for your comments. I am confident that after we huddle with the client we will be able to work through many of the architectural elements to promote the verticality of the windows that you are looking for, the continuation of the materials on four sides, sidewalks, side and rear setbacks. In addition, the materials we will be using will be an engineered product such as Hardi plank.

The piece I want to understand is the front setback. In the Code you mentioned earlier, I understood the rear and sides being a required [audio distortions] to the residential to the north. I did not understand two things: the requirement of the not to exceed the 25 feet building setback and then zoning down from a commercial to a residential. Can you elaborate on those few things?

Ms. Schellin: Yes. The Downtown Business District Code, which is where you are located and you are on the boundary. North of Sharp Street where the Kirkham family is, is zoned as Residence District and this property is zoned as Downtown Business. In the Zoning Code, Downtown Business District has a maximum setback of 25 feet with a minimum setback of 20 feet. Therefore, it is pretty strict. There is really only 5 feet wiggle room there, but it does specifically call the maximum setback. Since this is a little bit of a different case, I think you may have a successful argument for a variance. You are on Grace Drive, which is more of a connector street, and it is a little bit removed from downtown. I think the City had always planned that this would be more for businesses and not a single-family residence so if you want to sway from that 20-25 foot front setback at all, you will need to get a variance.

Single family residential is a permitted use in the Downtown Business District. There are a couple of other homes in that area. For example, the proposal that you just saw earlier tonight, the Venerly, it currently is a single family existing residential structure being converted into commercial, but it conforms the way it sits existing as a single family residence in the Downtown Business District.

Ms. Husak: If this is approved tonight with all the conditions as outlined, the Applicant can make all of those architectural revisions and potentially even apply for the building permit knowing it gets disapproved for the setback because the next BZA meeting that the Applicant would be eligible for is not until June 6.

Mr. Zenios: Just a consideration for the Committee as you are going through your comments, with the exception of the front setback issue which we have to seek a variance for, we would be willing to get all your comments, work with the Architectural Advisor, and be subject to his approval based on comments we receive, so we can work through those issues.

Ms. Husak: Are we okay with the process?

Chairman Coffey: I am not okay with the process. I think it is too premature for a Certificate of Appropriateness from us.

Commissioner Coomes: I am not comfortable with this at all, if this setback is in limbo, the sidewalk situation, and the work that has been done across the street on Grace Drive with the trees out front.

Ms. Husak: I did not necessarily mean that. I meant more the BZA portion of the proposal, not about the comfort level you have about the information you have received. BZA has to deal with the setback and you are charged with dealing with the remainder of the items.

Commissioner Coomes: I think they are one in the same. I understand it is not our charge to figure out the setback or to approve a variance. I get that. However, I feel like if it is 80 feet, I will be looking for different things than if it is 25 feet. Is there an emergency or can you declare it an emergency after it goes to Zoning to where we meet? That would be my recommendation. I realize that it may not be protocol, but I think it should go before BZA first, and then have us meet after immediately to resolve the other issues. We could hold a special meeting so that we do not hold this up any longer than we have to.

Ms. Husak: I will have to check with the rules to see if we are permitted to do it that way. However, I think our biggest challenge is to find a night to meet. This is our third night meeting this week that Elise and I are attending so our docket is pretty jammed packed. I was looking at the clerk's calendar today when I was in her office and she has 9 night meetings in the month of April. We can look at it, communicate it to you all, and go from there. I would also say that you will meet next before the next BZA meeting because your next meeting is May 20.

Chairman Coffey: We could do that. We could give a Certificate of Appropriateness with revised plans based on comments that you have heard tonight.

Mr. Reynolds: I get the impression from Paul and the Kirkham family that if this house were to be held at 25 feet from the curb, that this might not be built. I do not know how strongly Paul feels about that, but I am just trying to think if we should be considering this house at 25 feet or considering it at 80 feet? If I heard him right, I do not know that we can consider it at 25 feet. I do not know that the house is built at 25 feet.

Mr. Kirkham: This is my son's house, but he could not be here tonight. His comment to me was that if he had to go to 25 feet from the street....[audio issues].

Chairman Coffey: I am going to ask for this to be tabled. It is ten minutes to 9:00 p.m. and I know Staff wants to go home. We have never gone this long before.

Ms. Schellin: I know that it is late, but we also do have Applicants here and they have waited a long time [tonight to present their case]. I think that they deserve to hear your comments. If you want to table it, at least make some comments so that they can move forward with this project so that when they come back to you, they have at least been able to make some changes to make it more consistent to what you are all looking for.

Chairman Coffey opened it up for Commission comments.

Commissioner Coomes: Many of my concerns are the same as those items brought up by Staff. The sidewalk brings up a lot of stuff with connectors on that street, but I feel like the sidewalk needs to be there in the plan, the trees out front, and the landscaping plan. It would be nice to see all of that. There is a lot that goes into that Downtown District when something is being built, and we do not have a plan for that yet. The color schemes, the bright white that will not fit in. I realize that it is so close to the residential area that is beside it, but technically this land is still part of the Downtown District, so that needs to be addressed on the building. The windows, while I understand where you are coming from an aesthetics point of view, but if the Architectural Advisor thinks it needs changed, it needs changed.

Commissioner Wesson: As Brad mentioned, we would really like to see more and have some resolution on the sidewalk and trees. I would support the setback being further back, but if that is not part of what we are charged with, I understand that. To this team's point, we would maybe look at things a bit differently, usually we are looking at those materials and colors a little bit more up-close and they are not really ready today, so it is difficult to vote on. There just is not much here and I am struggling with that. However, if all the other comments go back and can be resolved over time, I think that is fair.

Chairman Coffey: I just want to address the building. I feel it needs to be a four-sided building as far as finishes, windows, etc., with board and batten. I think the windows need to be looked at for proportion and consistency. The front façade looks okay.

Some of the minor details I will mention are half round gutters, colors and trim colors to the guidelines. It would be nice to see a sample board instead of a list. I do not think a double door is appropriate. I would like to see cut sheets on the light fixtures at the front door. The shingles need to be more earth tone to our guidelines.

I do not believe we should be voting on this tonight, but we can if you would like us to.

Ms. Schellin: After listening to your remarks, I would now recommend that we table this tonight.

Ms. Husak: If you were to deny the application, the Applicant will have to file a new application and pay a new fee.

Mr. Zenios: What I think we should do with everything except the front setback issue is for us to get with our client, reach out to Elise and Steve, so that we can come back better prepared to make the most of the next meeting for everyone's sake if that is okay.

MOTION: Commissioner Coomes moved to table the Certificate of Appropriateness for 3 Pillar Homes as presented by Adam Rainwater. Chairman Coffey seconded the motion.

VOTE: Y - 3 N - 0 (Coolidge and Howell absent)

STAFF ITEMS

Ms. Husak explained that it was within the Commission's purview to change the rules & regulations. One of the requests by Staff would be to allow Staff to do the presentation first before the Applicant. If this is acceptable, a

motion could be made at the next meeting to suspend that rule and allow Staff present before the Applicant. Staff feels that this would help the flow of the meeting.

Chairman Coffey felt it might be beneficial for Staff and the Committee to meet to go over some of the meeting rules since there are new Commission members, as well as familiarizing themselves with and updating the guidelines.

ADJOURNMENT

Chairman Coffey moved to adjourn the meeting. With unanimous consent, the meeting adjourned at 9:07 p.m.

DATE MINUTES APPROVED:

Tom Coffey
Chairman

Date

Karen J. Mitchell
City Clerk

Date

DRAFT