



City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Richard Fusch, Vice Chairman

Joe Jester

Chris Meyers, AIA, Architectural Advisor

Shawn Boysko

Trent Hartranft

Bill Little

Erin Wesson

MEETING MINUTES

JULY 23, 2014

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Donald Emerick on Wednesday, July 23, 2014 at 7:00 p.m. Commissioners present included Shawn Boysko, Trent Hartranft, Joe Jester, Bill Little and Erin Wesson. Richard Fusch was absent. Also present were David Betz, Development Director; Rocky Kambo, GIS/Planner; Chris Meyers, Architectural Advisor; Susie Ross, City Clerk; and interested parties.

STAFF ITEMS

There were none.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES

A correction was noted on page 7.

MOTION: Commissioner Little moved to approve the minutes of June 11, 2014 as amended. Commissioner Hartranft seconded the motion. By unanimous consent, the minutes were approved.

SUBDIVISION WITHOUT PLAT

Applicant: Scott and Heidi Garverick
 Location: 481 Welwyn Drive
 Existing Zoning: Liberty Township Farm Residence
 Request: To review subdivision without plat plan application.

David Gordon, Attorney, representative for the applicant, introduced Mr. & Mrs. Garverick. He said they own an 11-acre tract and the eastern side of the property (tracts 3 & 4) is in the process of being annexed into the City (Exhibit A). All of tracts 1 & 2 are in the City right now. Mr. & Mrs. Garverick own the existing home on tract 2 and it is in contract to be sold. His client plans to build another house on tract 3 and the buyer of tract 2 wants the option to purchase tract 1. They are requesting a lot split of the 11 acres into four tracts as shown as well as a common area which is a shared responsibility of all of the owners. There is a brick paver drive from the current house to the existing City street and they plan to extend the pavers over the common space. The buyer of the existing house has been told that he will be responsible to put in the rest of the pavers and after that the property owners will share responsibility and any costs. The common area has a separate description for the easement and has a separate plat and declaration.

David Betz, Development Director, presented the Staff Report for this item (Exhibit 1). He said Mr. & Mrs. Garverick own the entire tract at this time and the portion of the property where they built their home is already in Powell. Now they wish to annex the rest of the property, sell their house and build a new one on tract 3. This application is for a subdivision without plat and City subdivision regulations allow for a lot split for five or less lots. The split needs to be approved by the Planning & Zoning Commission and the owner will file all of the subsequent deeds and legal descriptions for each lot. The common access area includes a common access drive for each lot, assuming each lot has a house on it. At this time the proposal is for one new house on tract 3. The setbacks have been set up on this application as shown by the dash lines and it meets all requirements of the Liberty Township Farm Residence District for which it has been zoned as it has been annexed into Powell. No rezoning is required because the tracts are proposed to be more than one acre each in size. It is expected that any house built on these tracts will be similar in value to the existing house on tract 2. The areas shown are the build areas so the houses will be built outside of the flood plain. The application meets all zoning requirements and the declarations have been submitted. Staff would like the City Law Director to review

everything before it is filed. Staff recommends approval subject to the review of the Law Director and the approval of the proposed annexation by City Council.

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

Commissioner Wesson said the proposal seems very clear with no zoning adjustments required so she is fine with approval. Commissioner Jester had no questions or comments. Commissioner Boysko and Commissioner Hartranft agreed with the previous comments. Commissioner Little said there is a shared driveway off of his street and it has caused some neighborly problems throughout the years. He asked if it is inappropriate for the City Law Director to look into this to make sure the tract owners are aware of the declarations. Mr. Betz said they all will be future owners and a good title search would show the restrictions of the common space. The declaration will be recorded with each lot and would come up in a title search. Commissioner Little said it is not an extremely large shared area. Mr. Betz said they plan to have it all paved with brick pavers so it will not require high maintenance. Commissioner Little stated he is fine with approval. Chairman Emerick said he sees no problems and his questions have been answered.

MOTION: Commissioner Little moved for approval of the subdivision without a plat for the property currently located at 481 Welwyn Drive, as represented by Scott & Heidi Garverick, subject to the following conditions:

1. That the proposed declarations shall be subject to the review and approval of the City Law Director to ensure all necessary protections for the City are in place for maintenance of the common areas; and
2. That the proposal annexation is approved by City Council.

Commissioner Boysko seconded the motion.

VOTE: Y 6 N 0

SKETCH PLAN REVIEW

Applicant: The Day Dream Inn, LLC
Location: 80 E. Olentangy Street
Existing Zoning: Downtown Business District
Request: To review a sketch plan for a proposed Bed and Breakfast on a 0.464 acre site.

Gene Rodriguez, property owner, said he has lived at this property for over three years. He read written remarks regarding the application (Exhibit B). He reviewed the details within the application (Exhibit B1). He said the current building was built in 1908 on one-half acre at the corner of Powell Road and Grace Drive. He said the house will be renovated and an addition of two floors of 2,500 sq. ft. is proposed. They plan to maintain as much of the current façade and existing large trees as possible. He is proposing a first class establishment which he will personally manage.

Rocky Kambo, GIS/Planner, presented the Staff Report for this item (Exhibit 1). An aerial photo of the site was shown (Exhibit 2). He noted the location of the existing building with additions to the back and parking spaces on the east side. The entrance is off of Grace Drive. This is a conditionally permitted use in the Downtown Business District and they looked at it closely because it is a little more intense use. Staff thinks it is generally in line with the zoning code and in concert with the neighboring uses. This particular use as a new type of use in the Downtown, is a benefit since the core thrives on diverse uses. This type of use does not currently exist in Powell and the nearest hotel is five miles away.

Staff does have some reservations:

- The parking area encroaches within public right-of-way so the parking spaces on that side and the landscaping on the southeast side of the site will need to be moved back.
- Parking spaces 5, 6, & 7 as proposed are too close to the east lot line and will obstruct sight lines for motorists coming off of Grace Drive.
- During the site visit they noted that the topography of the site does not lend itself to the intensity proposed. When using GIS layered over the top of the map they could see that there is quite a dip on the northern side of the site. Staff suggests reducing the number of units and parking spaces. This would allow for better use of the site and help reduce congestion and other issues.

Mr. Kambo said Staff thinks this is a great use and perfectly in line with what they have in Powell but the intensity proposed on the site may be more than the site can handle and impacts areas outside of the site. They recommend:

- The applicant should revise the Sketch Plan to include less units and parking spaces.
- The access to the site is not the best at 35' from the intersection but it is the best place for this site layout.
- The applicant should have a land surveyor provide the topography of the site.

David Betz, Development Director, said the Traffic Engineer noted in the submittal that putting the access point as far back as possible on Grace Drive is appropriate. He said moving the stop bar on Grace Drive forward to the sight line is also appropriate; no one really stops at the stop bar because of sight distance issues. When the Grace Drive extension

is done and a future traffic signal is installed, the crosswalk and stop bars will be moved. The signal is warranted and eventually the City will have to put it in at the intersection. The intensity of use leads it to have a lot of parking in the area, especially pushing it into the right-of-way; the landscaping proposed is nice but it also needs to be out of the right-of-way. Staff feels the intensity of use should be a little less with fewer rooms and parking spaces so it fits the site better.

Chairman Emerick opened this issue to public comment.

Vince Margello, 1900 W. Powell Road, said he has discussed this with Mr. Rodriguez many times and he thinks it is a fantastic idea for the downtown area. If the developer is asking for ten rooms that is what he needs to make the project work. It is an engineering feat to design the site with the elevation fall in the back of the property. This is a fabulous addition to the downtown and it would add to the downtown flavor, drawing newlyweds and people visiting the Zoo. Mr. Margello said he and Ms. Iams have discussed the potential for a wedding barn on the back two acres of his property. This proposal would work very well with his venture. He said they have all kinds of parking spaces downtown; they put 100-seat restaurants in with only five parking spaces. It is not a problem with this. Mr. Rodriguez may be able to talk to the owner of the property next door and rent a couple of parking spaces from him. Mr. Betz said that is an option.

Hearing no further comments, Chairman Emerick closed the public comment session.

Mr. Betz said he did not receive comments from Chris Meyers on this proposal because it is a Sketch Plan. He said from an architecture standpoint he will want to comment on scale and the compatibility of materials. This is an unusual house that is made out of glazed block made here in Powell. There are not many structures made out of this material.

Commissioner Hartranft said this is exactly what Powell needs and he has found that B & B's are fantastic. It is a great way to get to know where you are visiting and experience it in a different way. This is a very interesting use of the land. Scale will be dealt with in the future to make the plan work. He asked the applicant if there is a set number of rooms needed to make this work. Mr. Rodriguez said he needs the ten rooms, as proposed. Commissioner Hartranft said Staff has discussed their concerns about the parking and landscaping in the right-of-way and the applicant may be able to make changes to make that work. Parking will have to be out of the sight line. He asked Staff if a traffic signal will be installed in the future and how will that change with this proposal. Mr. Betz said the right-of-way is there and the concern will be the stacking when there is a red light for traffic on Grace Drive. It will only be a problem when cars are stacked at the light and block traffic that wants to turn left into this site; it could back up traffic on Olentangy Street. The access on the plan is really the only place for access. They would want them to strive for having the driveway as far north as possible; the topo drops off quickly to the north and they are concerned how the parking spaces will fit in that area. Mr. Kambo said if the light goes in it would not be a significant issue; even at maximum capacity there are not that many vehicles. Commissioner Hartranft said he likes this plan and they can probably work with Staff to get this where it needs to be.

Commissioner Little said this is an exciting use of the land downtown and very much worthy of exploring. The existing building is an understated jewel and he is in favor of exposing it better to the community. He asked about the setback requirement on the west side. Mr. Betz said there is only a 5' setback on that side so they could shift everything over; that would change the whole scale and balance of the building. Commissioner Little said they might consider a way to slide it over and allow space on the east side to accommodate some of the parking changes that might have to be made. He asked if the owner will live on this property. Mr. Rodriguez said he will. Commissioner Little said they will have to figure out where he and his staff will park if this is a thriving business. Mr. Rodriguez said at 50% occupancy, which he considers successful, they would only have five cars parked there. He can also rent some spaces from the neighbor. Commissioner Little said they will want to understand any agreements that are in place. He said they could consider access from the west side. Mr. Rodriguez said he wants to maintain the current atmosphere and the trees that are on the site. Commissioner Little said he may want to work with the Architectural Advisor before the next submittal to make sure they make the existing structure blend in well with the addition. He looks forward to seeing those plans in the future.

Commissioner Boysko said this can be a great addition but it will be a challenge to fit this use into this small site. He asked if the existing curb cut is further to the south and if they are proposing a new curb cut. Mr. Betz indicated the location of the current driveway and the proposed drive that is back about 35' feet from the current location. That will be pushed to the edge of the slope in that area. Commissioner Boysko said it looks like the proposal is very close to the flood plain and cannot be improved very much. Mr. Rodriguez said there is a deep ravine for Bartholomew Run and it provides a great view. He has driven in and out of that driveway for 3.5 years and it is not much of a problem. The current crosswalk is a hazard to pedestrians. Commissioner Boysko said a recommendation was to design a right-in, right-out option; is that something that is feasible? A right-in-right out will not solve the queuing. Mr. Betz said it would

keep traffic from backing up to Olentangy Street. They would have to circle the site to gain access but with the lack of volume it may not be a problem. Commissioner Boysko asked about the parking ratio in this area. Mr. Betz said the applicant is trying to provide one parking space per room and if he has 50% occupancy it is doing well economically. Commissioner Boysko said if they move the parking spaces and landscaping out of the right-of-way they may lose all of the eastern parking spaces; they could consider the use of valet parking. Mr. Betz said Staff can work with them to see how it lays out. Valet parking will not work with this type of use. This is a great use that would allow people to walk around town and not have to use their car. Bicycles could even be a part of the room rental. Commissioner Boysko agreed. He asked if the ravine is wooded or overgrown shrubs. Mr. Betz said it is a mixed bag of mature and less mature trees. He said they will have to lose some for the addition but the applicant wants to preserve as many as he can. Commissioner Boysko said he understands the need for five units per level. The sizes of the suites will dictate the volume of the building. In thinking about the massing, it may be more appropriate to have two separate structures that are connected in some way so it does not appear to be one large mass.

Mr. Rodriguez said the perspective drawings are off a little; the addition will not be any higher than the existing house. The back of the house has a pretty steep grade so the first floor of the existing house connects to second floor of the addition.

Commissioner Jester said the concept is excellent and it is nice to hear that Mr. Margello, as a fellow businessman, endorses this project. He asked how the applicant feels about all of the suggestions mentioned tonight. Mr. Rodriguez said he will try to bring back what they want. Commissioner Jester said he is excited to see the next submittal.

Commissioner Wesson said she is a supporter of the concept and use. It will be a great addition to the area and she is looking forward to further planning and development to address the concerns expressed tonight.

Chairman Emerick said this is a very intriguing project. His number one concern is the sight line from Grace Drive onto Olentangy Street. He is also concerned about the right-of-way infringement and would like to see that avoided. It will be challenging to make a project this intense work on this piece of property. He asked if there are any variances required. Mr. Betz said they will need a variance for the parking setback for parking spaces but the building is fine. Chairman Emerick asked if there is a timeline for a traffic signal at this intersection. Mr. Betz said they do not.

FINAL DEVELOPMENT PLAN

Applicant:	Santer Communities, Ltd.
Location:	110 South Liberty Street
Zoning:	DB, Downtown Business District within the Downtown Historic District
Request:	To review a Final Development Plan for a proposed for sale townhome development of 22 units and commercial building on 3.688 acres.

Chip Santer, Santer Communities, said they made several changes to the plan and brought further details. They are below the minimum density allowed, a story below the height maximum, have provided setbacks on the east that are far beyond the requirement, they have added double the tree count and they have tried to listen to the concerns and they hope they can gain approval of the plan.

Mr. Kambo said most of his comments will come from the Addendum (Exhibit 2) to the Staff Report that was sent to the members. Since that time Staff has received additional and updated/revised documents and he will include further comments in his presentation. The documents are before the Commission tonight. He reviewed the changes to the Preliminary Plan that was received on May 14th:

1. The site plan for the commercial building at the front of the site has more detail.
2. The green space between the seven units, in the middle of the site, has two new features.
3. Architectural detail has been added to the unit type elevations.
4. Rear and side elevations have been colorized.
5. Landscaping is added to the retail building's front and side elevations.
6. Grading and utility plan now shows the site in relation to the neighboring properties.
7. Planting details have been added to the landscape plan.
8. Tree preservation plan not included. It is assumed that it did not change from the April 25, 2014 submission.
9. Conceptual aerial view of the site not included. It is assumed that it did not change from the May 14, 2014 submission.

Mr. Kambo said at the May 14th meeting the Commission passed a motion for approval of the Preliminary Development Plan with several conditions. He reviewed the applicant's response to those conditions:

1. The applicant shall use deed restrictions and signage to communicate the possible future connection of a public road to the private road running north-south through the site;
Applicant Response: To be included in the final development agreement with the City.
2. As part of the Final Development Plan, the permanent easement for the future potential north-south road shall be drafted and shall require the review and approval of the City Law Director;
Applicant Response: Provided a draft letter of agreement.
3. The Final Development Plan submittal shall include information defining the rules that will control the elevation variation so there is limited repeatability on all four sides and include the detailed landscape plan with special emphasis being placed on the eastern and southwestern property borders;
Applicant Response: The plat clearly shows variation between the buildings.
4. The comments of the Architectural Advisor and the Commission members shall be incorporated into the Final Development Plan;
Applicant Response: Applicant has made the changes as requested.
5. The applicant shall identify at the Final Development Plan how the design of the commercial buildings extends the downtown to the south and ties the architectural transition into the area of "new/old" residential-like structures to the south.
Applicant Response: The applicant provided detail about the western part of the site. It shows how the building will connects so it blends into the district.
6. The applicant shall work with the homeowner association to the east and the property owners adjacent on the south and the north to communicate and work together in good faith;
Applicant Response: The applicant provided Staff with letters they sent to the neighboring owners, trying to work with them.
7. The applicant shall re-examine and provide the merits of an alternate engineering to the currently proposed detention basin.
Applicant Response: The applicant did a good job doing that; in the back portion, detention basin, they added vegetation. They reoriented some of the trees on the west side of the basin as well to make it more aesthetically pleasing. Adding the vegetation and back-screening will help block light intrusion.

Mr. Kambo said he is not going to go through the Ordinance Review within the Staff Report. He reviewed the Staff Comments regarding the application; they should keep in mind that when this was written Staff did not have most of the new information from the applicant. Staff has the following comment/questions for the applicants.

- The side elevations of the eastern most houses have not changed as per the Architectural Advisor's recommendations. This is needed, since these elevations are visible from the street.
The applicant says this is a "ghosted" building at this time but when the new commercial building is completed there will not be visibility of the facades. The sight line is reduced and vegetation will hide it.
- A letter is needed from the Fire Department to determine the adequacy of the road system on the site.
In the site plan there is indication from the Fire Department that the roads are adequate.
- The landscaping design for the common lawn needs more detail.
The two features have been added and more vegetation has been added to the east side of the plan.
- The location of mechanical units, condensing units and electrical panels needs to be specified.
The plan provides the location of those items.
- What types of lights will be used on site?
The architect for the applicant will provide details.
- Will the east side of the site have a wall, landscaping, mounding, or a fence to limit light trespass from cars onto neighboring properties?
They now have added a lot more vegetation on the east side and reoriented the west side; that should mitigate light trespass onto the neighbors.
- Detention basin landscaping detail is needed.
Those details are provided on the plan.
- An agreement/process needs to be in place to ensure home designs and colors are not duplicated on site. This could also be a condition imposed on the applicant before a building permit is granted.
The plan shows variation from unit to unit.
- Is the dumpster at the front of the site going to be screened? If so, how?
The applicant provided enclosure details that include stone cap and veneer. The enclosure will be covered in vegetation, per the landscape plan.
- Will there be more than one location for site residents to drop off their garbage?
There will be trash pick-up at each of the homes in the garage areas. Rumpke may alter the pick-up to the east side; it is up to them to determine pick-up sites.
- The density note at the top of the conceptual site plan is still incorrect.
This note has been corrected.

Mr. Kambo said all of the conditions and comments from the last meeting have been met. Staff recommends approval of the Final Development Plan, subject to the following conditions:

1. That the landscape plan change out pear trees to another ornamental tree, and that any white pine be changed to spruce. They spoke to the landscape architect and he has no objections.
2. That the Law Director review and approve the final condominium association-related documents and condominium language related to public use of streets and walkways so it meets Comprehensive Plan and Downtown Revitalization Plan recommendations. This ensures the interior walkways are available to the public.
3. That the final engineering recommendations of the City Engineer be adhered to during the engineering review process.

John Eymann, Project Architect, provided material and color sample boards to the Commission. Both the commercial and residential buildings are proposed as varying siding colors with white trim. The alternate light fixtures and stone type were also shown. They paired up the elevations with the colors to create diversity in architecture and color. The light fixtures are all within the same family. The site lighting proposed in the common area is similar to the lights on the residential buildings; they propose a 8-10' pole that brings the scale of the area down and controls the light for pedestrian use as opposed to illuminating the roadway.

Chris Meyers, Architectural Advisor, provided comments about the application:

- Rather than just a single, linear detention basin with a few trees at the end, they may want to consider a way to pinch the detention to make two deeper basins so there is more of a really dense landscape peninsula. There is a home and patio positioned near that area and fluctuation in the area could further block any headlights or visibility from the adjacent property. The whole area is currently wet and poorly contoured and there is a concern that a development like this would cover itself and even correct some of those issues. They need to make sure they are not allowing water off of their site.
The requirements require that they detain a lot of water but they can compromise and add a bit of a peninsula in there to allow for additional vegetation or plantings. When they do the final calculations they will optimize it to reduce the size as much as they can. The current runoff of water will be better. With a 100-year event, the water would only stand in the basin for 4-5 hours.
- Since this is a dry basin that fills up and drains, they should consider the basin as a part of their landscape design. Plant selection should be based on something suitable for a water event but they should also plan for the 90% of the time when it is dry. A landscape component can be added to it to have it serve as a landscape area as well.
They have worked with Staff on specifying cypress trees in that area because they are tolerant to water.
- The variation of facades was noted on the plans. How does the process to define the variation formula work in terms of their development strategies.
They come in pairs so they can flip the elevations. There are four elevation types that are paired into two buildings types that are reversible. The rhythm depends upon where they start. The inner elevations are intended to be interchangeable parts.
- Is the plan for the units consistent all the way through the site?
The façade, front porches, front wall treatment will change. There is a slight change in the interior square footage. The face of the building has a wall line that stays the same in all of the units; the projection out from there creates the diversity within the elevation. It is the only thing that changes in the footprint of the buildings.
- What is the exterior material made of? What materials will they use for the railings and columns?
It is cement-fiber siding on the trim and siding. They would like to have options to price out the railing and column materials; it could be PVC products, Hardi-Plank, Hardi-Board or custom made cement-fiber trims. The choice will be dependent somewhat on cost. They intend for it to match all of the other trim.
- The Commission usually recommends considering aluminum rail systems because they maintain durability, color and consistency. They should avoid PVC types and a lot of the constructed wood systems because of the maintenance.
They will look at 2-3 options and make a choice based on constructability, maintenance and price. The windows will be vinyl and a supplier has not been identified.
- He disagrees that the visibility of the westernmost facades will not be viewed from the road. Vision tends to go further than the actual distance. He suggests that on Building 11, they supplement the landscaping in the green area. Building 1 has a lot of prominence because it is on a vantage point for those driving into the development. That elevation deserves an alternate front façade awareness or component.
They did change that unit to a two-color scheme on the end wall. They could also do that on Building 11.
- He is not sure he would suggest that but they could put in a window bump-out or some detail. This is the first view of the residential part of the development and they could add signage to brand the area. That elevation will get a lot of visibility and as proposed they will see a blank wall. The one shown on the left is the level of character he is seeking.
They can add windows or make the one window a bay or box with a small shed on it to give it more articulation.

- In projects like this he is always concerned about the visibility of a bank of garages. The inward-facing component of these homes results in garages that are facing out. He sees a very consistent garage detail across the street, with variations in color and details. Could the consistency of all of the garages in a row lend itself to variations in the garages such as shed roof or variations in the style of the doors? He is not suggesting they change footprints. It is a challenging condition.
They took a more simple approach because in normal urban architectural design it is common to put all of the money and details into the front façade rather than the other sides. Things are simplified in an area of garages in an alley situation. They can look at every one of the four elevations and make a subtle variation. Architectural style can be used in the types of doors. They attempted to vary the rooflines, colors and details.
- In listening to this explanation, he said the simple approach is correct because it could get messy. He said the beauty of this development will be in how all of the details are worked out; it will express the quality and character. The crafted details, especially on the front facades, will be so much more significant.

Commissioner Little said where they are making a transition from single-family to a multi-family situation on the eastern side, is there any merit to having a common, muted color on that side of the structures. Mr. Meyers said these are duplexes and in the transitions in the facades where they have a trim line, it is the same plane. The duplexes are roughly the size of one of the single-family homes that surround them. He wonders if it would work to have a single color variation per building instead of per unit. This would elevate the scale of the buildings rather than the units. He asked if that helps with the identity of the units or the scale overall.

Mr. Eymann said it would help simplify the look of the back side and reduce the scale. He said he would not suggest a different color on the back than on the front. Mr. Meyers said he is suggesting that the entire building be in variations of one color. They could use color as a way to create unity of the units. Mr. Eymann said part of the original concept was of a Victorian nature; the duplex style of those houses had narrow, tall facades that were different in color and material. Mr. Meyers said one single building could be in four different hues of the same color palette. They would still have a lean toward the Victorian façade, using color to accentuate the style without changing palates. Mr. Eymann said that is an acceptable approach they could use. They narrowed the menu a little in elevation types and added color variations to create diversity. Mr. Meyers said the one rendering looks like twice as many units because of the coloring but it is very easy to perceive that with just variations on the porches, roof lines and details. Mr. Eymann said it is easy to change the colors and they can do some studies to look at the back in a perspective form. Mr. Meyers said the color palette and selections are perfect and very fitting to the style of architecture. It will be very attractive with the crisp white trim. He said this is not a mandate but it could tie things together into the scale of the adjacent residential community.

Commissioner Wesson said with the lighting, it looks like it varies by color. To Mr. Meyers' point with the unifying of the one unit, there could be benefit to that with the lighting. If the color of the fixtures matches on the building it also ties the units together.

Chairman Emerick opened this issue to public comment.

Tom Happensack, 127 Kelly's Court, said he is not in agreement with this development but he commends the developer for the changes he has made to try to work within the rules they have. It is funny that the City is more concerned about how this looks from the street than how it looks from his back yard because no matter how they do it, the neighbors will look at rows of garages. Trees only grow so tall and they may cover the garages but they may not. It is not across the street in front of his home like most garages. He would like to see more work on the buffer zone.

Commissioner Little asked for Mr. Happensack's opinion on the colors of the buildings. Mr. Happensack said he has mixed feelings on whether it should be one color or mixed. It would make the two back buildings look more like homes if they are one color but most homes don't have four garages. He does not have a problem with the color variations on the front and he thinks it makes it look nicer, but it is tough to think that anything will look great to see from their back yards. Single colors would make them look more like houses instead of two independent units.

Mr. Happensack said he has some concerns about the retention area. Safety is a concern because they have a lot of two-year-olds in the neighborhood. If this is where the water drains to and it stays there for 4-5 hours it will be a safety issues because nothing will stop children from walking from their back yard to play in the water. He does not know how that will work or why underground pipes would not work better. He said he would rather see a mounding of that area with trees on top to provide a higher buffer for the residents. Mr. Happensack asked about the size of the trees proposed; if they put in a 4' tree that will not provide buffering for 10-15 years. From the back of their houses there is a high canopy of big trees but most are just one line of trees. The leaves are all up high so there is no buffering to keep them from looking at the ditch area. If they have to go there, he would like to work with the developer to see the options. He suggested that because that area is so small, they could consider providing a fund so the neighboring

residents could purchase trees to plant on their side. In the end they would all benefit from it and now they are at the mercy of what the developer plans. Mr. Happensack asked who will build the commercial building and the house. Mr. Santer said the final plan is not nailed down yet. They plan on selling all of the residential units. Mr. Happensack said he noticed on the plans that the City is having the developer put in all of this nice connection with sidewalks but the property to the north does not have sidewalks. They can build what they want but unless there is connectivity, people will have to walk across yards. He would love to see the City put them in to make that connection.

Commissioner Boysko asked about the sidewalk extension. Mr. Betz said the developer is extending the sidewalk. Commissioner Boysko said Mr. Happensack has said they have mature trees in their back yards that provide a high canopy so they will see the lower half of the buildings. Mr. Happensack said they may or may not. In the summer they will look right at them. The leaves will obscure some but the trees are pretty tall. Commissioner Boysko said the developer will supplement that with lower screening to provide a pretty good buffer. Mr. Eymann said there is a complete hedgerow of pines with three deciduous trees and where those are located they have added pine trees along the property line. He said the pines are specified as 5' tall trees so within 3-4 years they will be 8-10' tall. He said they originally looked at tanks for underground storage of the stormwater but they would have to artificially raise the site in order to make the drainage work. This would have been extremely cost prohibitive.

Dave Hartline, 150 Glen Abbey Court, said he lives right next to the project. He said he has not heard anyone here that is against development; the problem is just how they do the developments. He said he has a couple of young kids and they are just now able to let their youngest roam in the cul-de-sac. He said even though they are close to the center of Powell they can let their children out and feel safe. Aesthetics-wise he is sure the developers will do their best because it is their profession. When he sees this sort of thing he wonders about the character of Powell, how it is changing and what the role is of this Commission and City Council. Mr. Hartline said he has heard this Commission say this type of development is needed by this community but he also sees that this community is rated as one of the most livable places in the nation. They have to consider if they are changing the character of Powell with these projects; if someone wanted to put family friendly housing in the Arena District, the people in that area would be upset. They had an idea of what they wanted their community to be just like they did. Mr. Hartline said people get a little frustrated that the Commission is worried about frontal aesthetics but do not consider the existing homeowners. They feel like they are "second fiddle." They want to feel like they are being listened to. City Council needs to determine what is the character of Powell and how are these developments changing that. They cannot pretend that Powell is like other areas because it is a totally different entity. He asked that they listen to the comments from the residents that live in back of this development.

Janet Wartman, 130 S. Liberty Street, said there are no measurements on the information she has for this development. Mr. Eymann identified the side yard setbacks and the location of the buildings and parking lots. Ms. Wartman said she lives next door and she has seen the water on this site; it flows to the back toward and into her pond and it is not going into the ground. She has seen it twice this year in the winter and spring. The water on the site flows like a river and she has a fire pit that is often submerged because of the high water table. She said she has flag lots back there for a reason because she has always intended to build two houses back there. This road is a thorn in her side. She asked if she still has rights; if they can build within five feet can she still build a barn that is 10 feet from the property line off the road. Mr. Betz said she can. He said if this develops other than what she has, they would look at the road plan as they have it. The other option would be for the City to talk to her about purchasing the land but he knows she is not interested in that. She has every right to build her house and her barn 10' from the line.

Ms. Wartman said the sidewalk invites people to trespass and she can see people walking on the sidewalk and thinking they can continue on. She can also see people standing at the end of the sidewalk and allowing their dogs to use her yard. She said she still feels the answer is a fence, not bushes. They are making a big mistake by considering a road extension here rather than on the north side of the development. It would make another block in town. She thinks a big curb on the parking lots would keep the water on their side. Mr. Eymann said zoning standards do not allow them to transfer water from their property to another. This should improve the situation. Mr. Betz said the drainage for the pavement goes to the inlets shown and then to the retention basin. It will flow to the storm sewer built when Bartholomew Run was developed. Dry basins are one of the best water management practices for quality. Mr. Eymann said he would be very surprised if this property has a high water table. The ground did get saturated this year and most of this area is clay, which holds water. Ms. Wartman asked about the phasing of the building. Mr. Santer said they do not know the exact order until the underground work is nailed down. It will be built from west to east and the back would be last.

Hearing no further comments, Chairman Emerick closed the public comment session.

Commissioner Hartranft asked if they had received any responses or feedback from the letters sent to nearby neighbors and Homeowner Associations. Mr. Santer said he has only heard the feedback provided tonight. Commissioner

Hartranft asked about the materials they will use on the common path throughout the development. Mr. Eymann said it is concrete because it is easier to maintain. Commissioner Hartranft asked how far up the stone goes on the garages. Mr. Eymann said it is not too high, like the basement area exposed on a house at the foundation.

Commissioner Little said if they look at the site plan dimensionally, when they started out they wanted a higher level of density and were a lot closer to the lot line than where they are now. He asked them to indicate where the buildings are in relationship to the adjoining properties. Mr. Betz indicated one house that is 92' from the property line. Another was noted to be 93'. Commissioner Little said they initially saw much smaller setbacks and they have seen movement on that issue. He asked if they could have 9 units/acre on this property if it was residential. Mr. Betz said under their code that is allowed. Commissioner Little said this development has some "givebacks" and a density of less than 6 units/acre. He said he takes this job quite seriously and does quite a bit of research, and it seems that higher density in a residential downtown can be a critical element in the success of the overall downtown. He knows that a lot of residents talk about how they want Downtown Powell to keep its character but they also hear feedback wanting nicer character than they have. They have to have a neighborhood in the downtown who is willing to walk and shop there to support it and those who don't live too far away and still drive downtown to enjoy the area. Mr. Betz said if they look at downtowns across America they will see the most intense development happening in the downtown areas. They are not trying to change the character of Powell; most people say that the character is the downtown area and the neighborhoods. Over time Powell has grown considerably with a lot of single-family residential neighborhoods that grew because that is what could be marketed at that time in this area. It was what could be handled by the utilities in the developments. All of those utilities have grown as well and been provided in a better manner. Other areas of the downtown that are undeveloped or underdeveloped land areas are now seeing a new market and that is the same all over central Ohio. A lot of people now want to live in the downtown so they can walk to amenities. Every community is seeing that and they are not alone. When 50 S. Liberty was developed there was concern that it would change the character of the area and since it was built he has not heard one thing about that property being out of character. It actually enhanced it. Mr. Betz said when the old building at the Four Corners was torn down and 8 N. Liberty was built it enhanced the character of the area. It is different than what was there and what was seen before but it enhanced the character. The downtown core needs this type of intensity to help the businesses downtown. This development is very desirable because it is close to the Village Green Park and has a private school close by. The City's Downtown is desirable because they have architectural guidelines that guide them to make plans work.

Commissioner Little said they have a Comprehensive Plan that is 20 years old and a Comprehensive Plan should have a relatively long life; if they are changing the plan every 3-5 years they will be in a mess. They have started an initiative to update that plan. In this case they are trying to leave the availability so if they decide to add connector streets in the community they can do that. In the Comprehensive Plan it says that this community will have a problem with pass-through traffic and now they have it coming from the Zoo and the Polaris area and the homes just north of them. GPS will push pass-through traffic on the major streets and the local residents can migrate their way through the community on connector streets. In this case they talk a lot about traffic but this is a step toward helping them address traffic issues. The developer would rather build more units than give the City the easement for a connector road. They have worked well with the Commission in that manner. Commissioner Little said during this process they have tried hard to listen to the residents and respect the landowner that owns this piece of land, to try to find something that that is manageable. He said he would like to know if they are requiring the continuation of the streetscape to 50 S. Liberty. Mr. Betz said that is correct.

Commissioner Little asked if the Commission would be in favor of the trash pick-up for the easternmost buildings to be required to be picked up in front of the side of those buildings. Mr. Santer said he does not think Rumpke will go back there. Mr. Eymann said they cannot commit to that because it is up to Rumpke. Commissioner Little said this is a private property situation so they may be able to control that. He agrees that they should not use white pines but 4-5' trees, including the tree ball, are not very tall. It would help appease the neighbors if they strengthen the height of the trees and stay away from white pines. Norway spruce trees seem to work well in this community. He said they are seeing throughout the country that the Millennials are waiting longer to buy a permanent home and empty nesters in big mansions do not want the maintenance of a larger home. They are looking for alternative housing because they do not want to leave Powell. These different types of uses help sustain our community and keep them in the front so they do not see a type of housing that is predominant that is just the choice of the time. They need a good mix to bring young professionals into the community where they will see it is a good place to live and buy a permanent home.

Commissioner Boysko said he appreciates all of their efforts to work with the Commission, Architectural Advisor, and the neighbors. It speaks to their perseverance and patience. He said they had a sketch plan meeting for this development back in December and there has been a lot of discussion over the past seven months. In December they had a 25' setback and 5' paving setback and the back of the development was 12' off of the property line; they have come a long way. The development has gone from 13 to 11 units and there have been a lot of compromises on all sides to make this a good, successful addition to the community. He said he supports this type of project because it will

be a great enhancement to the downtown and the community. The developer has satisfied all of the requirements and they have come a long way. He is happy with what they have done to date and expresses his support.

Commissioner Jester said he would like to discuss the commercial building. He said he is unsure of the use and how it fits into the area. He said they have a Historic Downtown Advisory Commission that is in place to ensure the design plans are in compliance. He asked why they did not hear input from that Commission because it may have saved him a little agony on the building. Mr. Betz said the Planning & Zoning Commission has the authority to review multi-use developments such as this. Mr. Meyers is the advisor on that Commission and Mr. Fusch is a member as well. He said they did not weigh in because it is under the authority of this Commission.

Mr. Betz said the commercial building is a two-story "box" building and it is designed that way so it is flexible space for the potential users. This allows the building to be split up easier into rental spaces. It could be used for commercial, retail or even small restaurant tenants. He said the design shown follows all of the architectural guidelines. Mr. Meyers said when it first came in it was reviewed per historic guidelines. It is mostly a shell building and when tenants come in with variations it will receive that same level of review. He and Mr. Eymann talked about the significance of the Historic District guidelines and the proposed concept fits those nicely. Mr. Eymann said they purposely designed the portico to enhance the streetscape and are seeking to create something like the porch area on Krafthouse 5. Commissioner Jester said this is an outstanding proposal and he is more comfortable with approval that when it was first proposed.

Commissioner Wesson said this has been a strong partnership and she appreciates the input from the residents. They have come to a plan that is agreeable and all of the outstanding concerns can be addressed by Staff. She said she is ready to move forward with this plan.

Chairman Emerick thanked the developer and architect for working with Staff and the Architectural Advisor and taking into account the comments of the Commission and the residents. He said this project has come a long way since it was first proposed.

Commissioner Little said they talked about the peninsula and the retention basin to stop light intrusion. He said they could consider adding a low monument wall/structure with the landscaping. The combination would help buffer the light. Mr. Eymann said they considered that and took the natural route instead. They felt the addition of a wall would cause maintenance and aging issues.

MOTION: Commissioner Little moved for approval of the Final Development Plan for the property located at 110 S. Liberty Street, represented by Santer Communities, subject to the following conditions:

1. That the easement for the potential future north/south road shall be finalized prior to submittal to City Council and finalization shall be determined by City Law Director;
2. That an agreement or guidelines shall be in place prior to issuance of the building permit to ensure home designs such as elevations and colors are not excessively duplicated on the site;
3. That the applicant shall work with the City Engineer to either develop a peninsula at the eastern drive splitting the four buildings to allow denser vegetation to eliminate light infusion or as an alternative, consider building a monument wall combined with vegetation to address that issue;
4. That the applicant shall work with City Staff to add appropriate plant material, where feasible, within the eastern detention pond;
5. That the applicant shall work with City Staff for approval of the final materials for the railing systems;
6. That the applicant shall supplement the landscaping on the west side of Building #11 and work with City Staff for approval;
7. That the applicant shall work with the Architectural Advisor to add additional architectural features for Building #1, given the visibility from Liberty Street;
8. That the applicant shall work with the Architectural Advisor to choose the final color palate and the appropriate use of that palate as discussed this evening;
9. That the applicant shall work with City Staff to unify the exterior lighting selection on a per-structure basis rather than a per-unit basis so each structure's exterior lighting shall be consistent;
10. That small signage shall be placed at the north and south sidewalk stubs, identifying the end of the property and subsequent private property that extends beyond that area;
11. That garbage pickup for the buildings east of the easement shall be at the front of those buildings;
12. That the applicant shall work with City Staff to finalize the plant material and landscape plan; at a minimum the pear trees shall be changed out with another ornamental tree and all designated white pine trees shall be replaced with spruce varieties. City Staff shall determine the appropriate size of those plant materials;

Commissioner Little proposed condition #13: "That the applicant shall reach out to the Bartholomew Run HOA and to the owner at 130 South Liberty to find reasonable solutions to remaining issues, and that City Staff shall mediate those meetings."

Mr. Santer said he does not know what more he can possibly do. Mr. Little said he should be a good neighbor and find reasonable solutions to the remaining issues such as the movement of trees to provide screening. City Staff should mediate those meetings. Mr. Eymann said he does not think that is an acceptable condition. He said they have addressed all of the issues and Mr. Santer has written letters personally to all of the property owners, asking them to schedule a meeting. He said he wanted to have this dialogue and they have not responded other than at these meetings. They have addressed every concern they have raised at these meetings. Leaving this door open will just cause problems and if there is a resolution it needs to be done today. Commissioner Little asked if the residents from Bartholomew Run know why the HOA has not responded. Mr. Santer said he reached out to Mr. Happensack previously and set up a meeting with the group a couple of months ago. Mr. Happensack said he responded with an email on their company website saying that they could not make it but there was no response. Mr. Santer said he did not receive that message. Mr. Happensack said he believes Mr. Santer's intention was to meet with them. Mr. Santer said he feels they have bent over backwards on this development and they are either moving forward or not. Mr. Betz said Staff would like the wording tied down because it is hard to interpret the motion to determine what the Commission wants. Commissioner Boysko said what they have proposed is adequate. Mr. Betz said there is already a condition about landscaping, placement and sizing and that is enough; Staff understands the concerns of the residents and will analyze that. Commissioner Wesson said the review of Staff in the previous condition will do. Mr. Eymann said the first priority of the drainage area is that it function properly and every time they add plant material or create multiple detentions instead of one, they run the risk of performance; the guiding principles of the stormwater must be taken into account as the priority.

Commissioner Little withdrew the previously stated Condition #13 and continued with the conditions for approval.

13. Any signage on the site, including that for the commercial building or other monument signage, shall require that the applicant return to the Commission for approval of a signage plan for the property;
14. That the final condominium association-related documents and condominium language related to public use of streets and walkways shall be subject to the review and approval by the City Law Director to ensure they meet the Comprehensive Plan and the Downtown Revitalization Plan recommendations; and
15. That the final engineering recommendations of the City Engineer shall be adhered to during the engineering review process.

Commissioner Boysko seconded the motion.

VOTE: Y 6 N 0

OTHER COMMISSION BUSINESS

There was none. Next Meeting: August 13, 2014.

ADJOURNMENT

MOTION: Chairman Emerick moved at 9:35 p.m. to adjourn the meeting. Commissioner Hartranft seconded the motion. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED: August 13, 2014

 10/8/14
Donald Emerick Date
Chairman

 10/8/2014
Sue D. Ross Date
City Clerk

