



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

Shawn Boysko

Ed Cooper

Shaun Simpson

Elizabeth Bailik

MEETING MINUTES November 10, 2021

Chairman Don Emerick called a meeting of the Powell Planning & Zoning Commission to order on Wednesday, November 10, 2021 at 7:00 p.m. Commissioners present included Don Emerick, Bill Little, Shawn Boysko, Elizabeth Bailik, Ed Cooper, Trent Hartranft and Shaun Simpson. Also present were Claudia Husak, Planning Director; Elise Schellin, Development Planner; Peyton Kaman, Development Technician; Jason Nahvi, Human Resource Business Partner and interested parties.

OATH OF OFFICE

Chairman Emerick gave the Oath of Office to Elizabeth Bailik.

APPROVAL OF MINUTES

MOTION: Commissioner Little moved to approve the minutes of September 15, 2021 as submitted. Commissioner Simpson seconded the motion.

VOTE: Y – 7 N – 0

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Emerick opened up for public comments for items not on the agenda. Hearing none, Chairman Emerick closed public comment.

Claudia Husak introduced new staff members, Peyton Kaman, Development Technician and Jason Nahvi, Human Resource Business Partner.

SKETCH PLAN REVIEW (Case 2021-36-SP 60 E Case Avenue)

Applicant: Dr. William Waddell
Location: 60 E. Case Avenue
Zoning: DR – Downtown Residence District
Request: Review and feedback of a Sketch Plan for a proposed 5,650 square foot single-family detached residence, including a lot split.

Dr. William Waddell, 60 E. Case Avenue, Powell – Applicant discussed plans to build a new home in downtown Powell.

Elise Schellin, Development Planner

Presented the Staff Report ([Exhibit 1](#)). Staff recommends the Commission provide the applicant with comments regarding the following questions and any other topics the Commission wishes to discuss:

- 1) Does the Commission support the proposed building location given there appears to be adequate space to meet the Code requirements?
- 2) Does the Commission support the combination of the preliminary and final development plans after the architectural review by HDAC?
- 3) Other comments by the Commission.

Chairman Emerick opened the matter up for public comments.

Joe Miracle, 59 E. Case Street – His property is directly across from the Waddell's and he supports the project.

Hearing no other public comments, Chairman Emerick closed the public comments.

Commissioner Cooper – Discussed concern for size of home and not fitting with the flavor of the neighborhood. He would like to get opinion from Historic Downtown Advisory Commission. Agrees with staffs comments on moving the building to meet the setback requirements. Does not have a problem with combining the lots.

Commissioner Bailik – Thinks it looks like a beautiful home and hopes it comes together the way they hope. If they do pursue the pool she would like them to utilize the proper fencing and other code requirements.

Commissioner Boysko – Asked Dr. Waddell if he is ok with moving the setbacks.

Dr. Waddell – He stated there is enough room to move the house to accommodate the required setbacks. Feels that based on the design not much of the home can be seen from the road. Mentioned that when he purchased the property there was an open field behind him and now there are 24 new homes in Morris Station Subdivision.

Commissioner Boysko – He believes the perception is that it's going to be a large building, but in reality it's not that large and should not be an issue. Would like to see it moved to accommodate the required setbacks. He does not see a problem with combining the preliminary and final development plans. Asked Dr. Waddell if the reason for the lot split is because he's planning to sell the home in front.

Dr. Waddell – He is not planning to sell the home in front.

Commissioner Simpson – Publically thanked Dr. Waddell for supporting the community and working with a number of the downtown businesses regarding parking issues. He feels it is perfect use of the land and does not have any issues with the Sketch Plan or the lot split. He is fine with combining the Preliminary & Final Development Plan.

Commissioner Hartranft – Thanked Dr. Waddell for his community support. He likes the proposed building and would be in favor of combining the plans.

Commissioner Little – Thanked Dr. Waddell for improving the area and supporting the community. Agrees it should go to HDAC. He had questions about the size for the Historic District, but considering what is built on S. Liberty he feels it is less of a concern. Glad to see neighbors are aware of the plans and support the project. He's not concerned about the setbacks if the pool is eliminated but would be receptive of a variance, if needed. He is good with a combined preliminary and final development plan.

Chairman Emerick – Thanked Dr. Waddell for his community support. He agrees with what others have said about the project. He does not have an issue with combining the Preliminary and Final Development Plan review.

Commissioner Little – Stated that the Commission members are all in agreement that the Preliminary Development Plan and the Final Development Plan could be combined.

Chairman Emerick – Recused himself from proceedings because he is a patient at EyeCare Professionals of Powell.

SUBDIVISION REIVEW (Case 2021-38_SR EyeCare Professionals of Powell)

Applicant: EyeCare Professionals of Powell c/o Craig Moncrief
Location: 265 N. Liberty Street
Zoning: PC – Planned Commercial District
Request: Review and approval of a Subdivision without Plat to split a parcel into two separate lots.

Craig Moncrief, Plank Law Firm, LPA, 411 East Town Street, Columbus, OH – Applicant discussed the project and the reason his clients want to split the property back into two separate parcels.

Elise Schellin, Development Planner – Presented the Staff Report ([Exhibit 1](#)).

Staff recommends approval of the Subdivision without Plat, with the following conditions:

- 1) The applicant obtain approval of variances from the Board of Zoning Appeals, prior to recording the subdivision, for:
 - a. A decrease in the minimum required street frontage from 160' to 107'
 - b. A decrease in the minimum required side yard setback from 25' to 19'-5"
- 2) The property owner create and record a cross access agreement between the two newly created parcels.

Commissioner Little opened the matter up for public comment, hearing none, closed the public comments.

Commissioner Simpson – He feels the connection between the two parking lots is a good thing and has no objection.

Commissioner Hartranft – He is not in favor of the split.

Commissioner Cooper – He agrees with staff recommendations and since it will be going to the Board of Zoning Appeals he does not have a problem with it.

Commissioner Bailik – Glad they are keeping the connector and will leave it up to the Board of Zoning Appeals as well.

Commissioner Boysko – Questioned why the lot split now and wonders if this had been submitted with the original development plan if they would have approved it. He asked for clarification on what the Planning & Zoning Commission is voting on.

Mr. Moncrief – He was not part of the original plan and cannot speak to why it was not done at that time.

Ms. Husak – Informed the Commission that they are voting to approve whether a lot split can go to the Board of Zoning Appeals. The applicant will have to prove to the BZA that there is a hardship for the variance.

Commissioner Boysko – If we disagree with the lot split then we are disagreeing with the variance?

Ms. Husak – Technically it is not the job of the Planning & Zoning Commission to disagree with the variance because that is the job of the Board of Zoning Appeals.

Commissioner Little – He recalled that part of the reason the approval went through was because the properties were combined allowing for additional parking. Discussed concern for the loss of parking with splitting the parcels.

Ms. Schellin – They were required to have 24 spaces with the plan that was approved. They meet that requirement on the south parcel. Believes they originally thought they could utilize the north parcel as overflow, but they did not need it to meet the requirement.

MOTION: Commissioner Little moved for approval of a Subdivision without Plat for the property located at 265 N. Liberty Street, known as EyeCare Professionals of Powell to allow the splitting of the parcel into two separate lots, subject to the following conditions:

1. The applicant shall obtain approval of variance from the Board of Zoning Appeals, prior to recording of the subdivision, for:
 - a. A decrease in the minimum required street frontage from 160' to 107', and
 - b. A decrease in the minimum required side yard setback from 25' to 19'-5"
2. The property owner create and record a cross access agreement between the two newly created parcels.

Commissioner Cooper seconded the motion.

VOTE: Y – 5 N – 1 (Yes – Boysko, Cooper, Little, Simpson, Bailik) (No – Hartranft) (Recuse – Emerick)

Commissioner Little – Ask if we don't file a motion and vote on it how are you going to make a formal determination on whether the Board will allow it to be combined.

Ms. Husak – The stance in general would be that we received your comments as an endorsement of having it heard together.

Commissioner Little – Asked Claudia about her comment that the Commission does not have the ability to approve variances.

Ms. Husak – That is correct.

Commissioner Little – Talked about how historically the Board has had some give and take with proposals.

Ms. Husak – The Planning & Zoning Commission certainly can allow variations or a word often used by this Commission would be divergent, however that word does not show up in the zoning code. She stated that if you look at planned districts and you are approving developments that are within the planned district there are words in the Code like variations or deviations, which is something the Planning & Zoning Commission is absolutely authorized to do as they are looking at a planned district. The word variance is located within the Board of Zoning Appeals authority in a different section of the zoning code with certain criteria for practical difficulty or hardship as it has been established in the Charter and the Zoning Code.

OTHER BUSINESS
Adoption of 2022 Meeting Calendar

Ms. Husak presented the 2022 asking that the first meeting date of each month would be advertised and that the Commission agree to move the meetings to 6:30 P.M.

MOTION: Commissioner Little moved to approve the 2022 Planning & Zoning Commission meeting schedule and shall agree to begin those meeting at 6:30 P.M. Commissioner Cooper seconded the motion.


VOTE: Y – 6 N – 0 Commissioner Hartranft – Abstained

The next regular meeting is scheduled for December 15, 2021.


ADJOURNMENT

By unanimous consent of all the Commissioners, the meeting adjourned at 8:00 p.m.

DATE MINUTES APPROVED

 12/15/2021

Donald Emerick DATE
Chairman

 12/15/21

Andrew White DATE
City Manager