

Planning & Zoning Commission
Donald Emerick, Chairman
Bill Little, Vice Chairman
Shawn Boysko Ed Cooper Trent Hartranft
Shaun Simpson Elizabeth Bailik

PLANNING & ZONING COMMISSION MEETING Wednesday, December 15, 2021 MEETING MINUTES

I. CALL TO ORDER/ROLL CALL

Chairman Donald Emerick brought the meeting to order at 7:00 p.m. Planning Commission members present include Donald Emerick, Elizabeth Bailik, Shawn Boysko, and Shaun Simpson. Ed Cooper, Trent Hartranft and Bill Little were absent. Also present were Claudia Husak, Planning Director; Elise Schellin, Development Planner; Yazan S. Ashrawi Esq., Law Director; Jeffrey Tyler, Community Development Director/Assistant City Manager; and Steven Reynolds, Architectural Advisor.

Chairman Donald Emerick commented that the Planning and Zoning Commission is an advisory board to City Council when Zoning Map Amendments, Preliminary and Final Development Plans and platting of property is under consideration. In such case, City Council will receive recommendations from the Commission. In other cases, the Commission has the decision-making responsibility.

II. APPROVAL OF MINUTES

Shawn Boysko moved to approve the meeting minutes of November 10, 2021. Shaun Simpson seconded. Voice vote on approval: all ayes; nays, none, absentia, none.

MOTION PASSED 4-0

III. HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Donald Emerick asked if there was any person present wanting to speak to the Commission about items that were not on the agenda. Hearing none, Chairman Donald Emerick closed that session.

IV. CASES FOR REVIEW

a) FINAL DEVELOPMENT PLAN (Case 2021-41FDP)

Applicant:

Liberty Reserve LLC

Location:

4026 Home Rd.

Existing Zoning:

PR – Planned Residence District

Request:

Review and recommendation of approval to City Council of a Final

Development Plan for a subdivision of 21 buildings containing 42

Twin-single residential units on +/-8.601 acres.

Chairman Donald Emerick asked for the applicant to come forward and make their presentation.

Aaron Underhill of 8000 Walton Parkway, New Albany, Ohio, with the law firm of Underhill and Hodge, is representing the applicant of Liberty Reserve LLC. He stated that this application has been in process for approximately one year, if not longer. It's been very well received by both this Group and City Council and the product type is very unique. Basically, we have taken the plan and refined it in a number of fronts. We have taken great efforts to move the project further away from the Church site, providing mounding, etc., and believe the Church is acceptable to the new location. The one major difference is we moved the access point on Home Road roughly 80 feet east. As a result, we had to go to the County and to the Township and get their approval of them having connection to the Liberty Grand Project to the north. They were comfortable with an emergency only access. By moving the drive over to the east, getting full movement turns, that is a benefit for everyone. As a result, they have moved some buildings around, having less buildings closer to Home Road than before. There are 21 buildings, 42 units in total, they will be a rental product intended for executives and their families. We spent quite a bit of time on the application determining the siding material.

Mr. Underhill said they are very much aware that the City of Powell does not prefer vinyl as the main material on any building facades. First thing done was the looking at Hardy Plank, which brings up two (2) problems: There is supply chain issues, and we are hearing nine (9) months to receive the product. Second problem leads to a \$784,000.00 difference in what we are proposing and what the Hardy Plank would cost based on an estimate received, roughly \$37,000.00 per building over the cost of the proposed product. They found a product, a glass reinforced polymer that is shell backed with graphite infused polystyrene. He then showed the Commission the product individually. It's intended to achieve all of the main criteria that everyone is concerned about with vinyl, it has more of a look of real wood, the maintenance is better as it does not need to be power washed all of the time, much better than Hardie Plank or cementitious siding for that requires re-painting frequently. He added that this was a great middle ground, additionally, the way it is installed, you will not see seams as you would with vinyl, for the fasteners are hidden by the product itself. While vinyl is mentioned in our approved text, we knew all along what this Commission or City Council wanted, so it was hopeful for the Commission's consideration. By the time we go to building permit, if this product is available, we would agree to install it, and the language would be worked out with staff to confirm that. If not, we would like the ability to use some sort of advanced vinyl that would be a replacement and need to be subject to staff level review, of course. Initially we had a total of 12% of the nonwindow materials in the building facades, the maximum, he believes they are closer to 10% with

that condition. Site plan remains the same, architecture remains unchanged, just that one item to consider.

Claudia Husak began stating Staff was reviewing the Final Development Plan for the Liberty Reserve Project which is a codified recommendation from the Planning and Zoning Commission to City Council, so City Council would receive the recommendation form the Commission. The details of the proposal tonight and what is presented to City Council will ultimately establish the zoning for the site for the future. That is why we are looking at the details in such detail. The site is largely surrounded by development within Liberty Township, hence, the applicant worked with Liberty Township Fire prior to get this road connection established in an emergency situation with a portion that could be torn down by the Fire Department only. It is not a public road connection, it is an emergency only, and as Mr. Underhill said the site entrance was adjusted based on recommendations by the City Engineer, to space it between the intersections on either side of that roadway, which also cause a shift of the building locations which eliminated homes backing up to Home Road that required enhanced architecture but the ones that do back toward Home Road in the plan are noted as such. There is a ten (10) foot bike path along Home Road and there work that needs to be done with the City Engineer to figure out whether that bike path would be within the right-of-way or whether it will be on the site, but the maintenance will be done by the City of Powell. Along that frontage as well, Staff noted there is a cross-buck fence proposed as an entry feature and a sign. Staff pointed out in our Staff Report that although the cross buck fence style is a Liberty Township preferred style, and Powell intends to be more of a three (3) rail fence and Staff confirmed with the Horse Power Farms development across the street, they have the three (3) rail fence in black, wooden material. Staff request feedback from the Commission as to the preferred fence type.

Ms. Husak stated that the conditions from the Preliminary Development Plan, include updates from the applicant to include additional amenities for the pond in the northeast side as well as a fountain to make sure that it is aerated and not stagnant water. The plan includes custom mailboxes and Staff requested the applicant work on finding spaces where on-street parking could be widened. As Mr. Underhill stated, the material discussion obviously is something that needs to be worked out with the Commission tonight. Something else Staff wanted to point out was that there are proposals for privacy fences between the rear of the units and the patio spaces, those are proposed to be vinyl at a six (6) foot height and in the Powell Zoning Code, that would be permitted at a six (6) foot height if it were masonry or wood. So that would be either a diversion that would be need to be included in the development text or our recommendation was in our Staff Report that it would be revised to a material that was acceptable in the Code, which again is masonry or wood, or a combination thereof. We did, in terms of material for the homes themselves, propose a condition that since vinyl is currently included in the development text as a material for the exterior elevation, if the Commission were to be in favor of the proposed composite that would be changed in the text where we would eliminate vinyl as a material and change it to the composite. Lastly, Staff had information from one of the Commissioners that the evergreen tree species proposed might be prone to diseases, our recommendation is to work with Staff to select a species not disease prone.

Ms. Husak then turned the floor over to our Architectural Advisor Steve Reynolds.

Mr. Reynolds began by stating that this project is one that he has seen several times over the past year. Some immediate thoughts would be, in his opinion, the three (3) rail fence is a typical Powell preferred fence, and if it is across the street from Horse Power Farms, so that is what he would like to see be replicated. The applicant has made significant changes to several of the elevations which is appreciated, and some of that is being done by over framing, added porches, adding dormers, etc. Specific to the siding, the authenticity of materiality, for him is very important, although he believes that the proposed product is certainly better than a vinyl product, he still struggles with wanting to see something that shows less seaming as you would with a horizontal product. Ultimately, the Commission will comment on the materiality, but he would like to find a way to look at a more authentic material for the structure. He asked if it was a greater lap than a four (4) inch. One advantage of this material is that it allows you to do larger laps, than regular vinyl. If approved, my opinion, we would want a larger lap.

Chairman Donald Emerick opened this case for public comment.

Les Wibberley of 5005 Bayhill Dr. stated that he would like to commend the developer for including the ten (10) foot wide bike trail along Home Road. He believes that the Library is scheduled to open next fall and the goal is to have the trail complete from Liberty Park and Steitz Road and the Library. This is the last piece of the trail to nail down. He again thanked the developer and stated that they look forward to having the trail access to the Library.

Scott Keller of 1856 Gallo Dr. stated that he is the Chairman of the church located next door and that he has talked to Mr. Underhill this morning about the property. He stated they appreciated the redesign and moved the buildings away from their playground area and they liked the borders that they put in between the properties. He added that their one big concern was the drainage in the front and they believe that there is some sort of buildup that is causing all of the water not to drain, to which has been building up for the last five (5) years and they would like that resolved. Another concern was the lack of maintenance over the summer, the property was not mowed and that they incurred a rodent infestation. If they could take down the house before they build, some of those issues could be resolved.

Chairman Donald Emerick asked for another other public comment. Hearing none, Chairman Donald Emerick closed this session.

Chairman Donald Emerick then turned to the Commission and began with Beth Bailik for her response. Ms. Bailik thanked the applicant for their transparency with the church and their communications and stated she preferred the three (3) rail fence, which was typical for Powell. She also agreed with the Staff that the privacy fences should be of materials that are permitted per the Zoning Code. As for the siding material itself, she said she was sympathetic to supply chain issues, although there was a sample provided, she would have liked to see how it looked overlapped, but as far as the material itself, she was not opposed to compromising on the material itself. She added that she wanted the developer to "firm up" what it meant by available, when building was to begin.

Mr. Underhill agreed with Ms. Bailik and stated that was an issue that needed to be discussed.

Todd Ferris, of Ferris Planning and Design, 4876 Cemetery Rd., stated in regards to the fencing, he didn't feel there was an issue with that. As far as the privacy fencing in the back, he believes that if they go to five (5) feet, then vinyl would be allowed. He just doesn't want to do wood at six (6) feet, due to the fact that they have never had luck with wood for it looks terrible within two (2) years.

Ms. Bailik appreciated his openness for discussion to use required materials, and that we wanted to make sure this was something they could live with for other sites.

Shawn Boysko spoke of the emergency access drive and the Fire Department wanting that to be only an emergency drive, was there a reason behind that, for he felt that we would want that to be connected to the north. Claudia Husak stated that it was not the City's prerogative to require it as it goes into a different jurisdiction and it is the other jurisdiction's preference to not allow that drive to go into the northern subdivision. It was discussed that it was Liberty Township's preference that it be done this way. Mr. Underhill stated that they had spoken to the Administrator and that the Administrator went to the Trustees and it was their decision to only allow emergency access through that drive. It was stated that it will be a paved road twenty (20) feet wide and it's going to look like a wide bike path, for that is what the Fire Department wanted.

Mr. Boysko asked if it was going to be the same on both ends. Mr. Underhill stated that this could be changed in the future. Mr. Ferris added that the Fire Department wanted to limit the traffic.

Mr. Boysko continued with discussion of the desire of the developer wanting one-way traffic, but Ms. Husak stated that the Engineer stated it allow the two-way traffic. Mr. Boysko stated that it would be his desire to have two-way traffic. He continued with a discussion of storm water and flooding, and he stated that he has confidence with this development that will ensure that it will not impact the church's property. Mr. Boysko spoke about the privacy fence and he stated that in the past, they have allowed vinyl fencing. Ms. Husak stated that vinyl is acceptable if it is not inter-woven. Mr. Boysko agreed that the vinyl fence would probably be more appropriate and that he did not care whether it was five (5) or (6) feet. He stated that with regard to siding, the proposed product as a more superior product rather than vinyl. He added that he appreciated the developer's concern of material availability, and he agreed that supply chain changes so rapidly, but he felt that if there were alternates to have some flexibility, that would be appropriate.

Shaun Simpson stated that this project has seen its evolutions so it comes down to fine tuning it a bit. He stated he preferred Hardie Plank or other cementitious siding product as well, however, in the past, concessions have been made. This product is far superior to the eight (8) inch board and since discontinued due to the waiving of the product. He stated he supported the proposed product. He also stated that he would like to see continuity with the perimeter fencing and he was fine with five (5) or (6) foot privacy fencing.

Chairman Donald Emerick asked about the history of this siding. Mr. Underhill did not know the history of this product. Chairman Emerick stated his concern about how well it will perform. He

stated he was always cautious about this. Mr. Underhill stated that this product was not a vinyl product at all. Chairman Emerick stated that he was favorable to the traditional fencing style and to the privacy fencing he was flexible with that. He spoke about only four (4) of the seven (7) members of the Planning and Zoning Commission were present, and have a quorum to have this meeting, but all four (4) of the members have to agree when it came to voting for passage. He added that in the past, if the applicant feels that they would like to have a vote at another meeting when there are more members present, the applicant can ask the Commission to table this to a later date.

Chairman Emerick spoke to the Commission and asked who was in favor and who was not in favor of the siding. Ms. Bailik stated that she was in favor of the siding only if every effort was made that the preferred material could not be supplied in a timely fashion. Mr. Boysko asked if the supply issue for the Hardy Plank siding, was a factory issue or a field issue, and Mr. Underhill stated it was the factory. Mr. Underhill also stated that the issues with the Hardy Plank siding was of course the supply chain issue, but the outrageous cost is also an issue. Mr. Boysko stated that he would be in favor of the product but he still feels there were other options to consider, but he would be in favor of the product. Ms. Husak stated that she wanted to make clear to the applicant and to the Commissioners, she didn't believe that Hardy Plank is on the table as a material for this project. Mr. Underhill affirmed and agreed with Mr. Simpson that this product was superior to the vinyl that was being used on the project to the north. Ms. Husak wanted to provide the revised conditions that she has drafted:

- 1) Revised to require the developer to revise the development text to allow for a deviation of the development text to allow for a six (6) foot vinyl privacy fence or equivalent material to divide the patio spaces, for it is not currently in the text, but would be something wanted as an approval.
- 2) Developer, upon agreement by the Commission, eliminate vinyl as a primary material, permitted for up to 12% or less from the development text, in favor of the proposed composite.

Chairman Emerick asked if all were in favor of the Motion by Staff of the revisions provided. All ayes; nays, none; absentia, none.

Chairman Emerick asked for a Motion for passage:

MOTION: Shawn Boysko moved to approve Final Development Plan as submitted by Liberty Reserve, LLC, at 4026 Home Road, for a Proposed Plan Residential Development based on the following conditions:

- 1) That the developer revise the development text to allow for a six (6) foot vinyl fence or equivalent material, to divide patio spaces.
- 2) That the developer, upon agreement by the Commission, eliminate vinyl as a primary material from the development text in favor of the proposed composite siding. Vinyl material remains permitted for up to 12% of the accent material per the development text.

- 3) That the developer coordinate the evergreen species with Staff to select a disease adverse cultivar.
- 4) That the developer select the preferred fence type based on the Commission's discussion: a three (3) rail horse fence along Home Road frontage, in wood, in black.

Shaun Simpson seconded. Chairman Donald Emerick called for a roll call for passage: Elizabeth Bailik, yes; Shawn Boysko, yes; Shaun Simpson, yes; and Donald Emerick, yes.

MOTION PASSED 4-0

Chairman Donald Emerick read the next case on the Agenda.

b) AMENDMENT TO APPROVED DEVELOPMENT PLAN APPLICATION (2021-42AM)

Applicant:

Transform Construction (Adam Wilcox)

Location:

176 W. Olentangy St.

Existing Zoning:

DB – Downtown Business District

Request:

Review and recommendation of approval to City Council of an amendment to an approved Final Development Plan to

add a permanent joint identification sign.

Adam Wilcox, of Transform Construction, 1171 Chesapeake Ave. began his presentation. He stated that they were a part owner of the building and as it was developed and approved, they did not have front signage available for the rear tenants.

Elise Schellin stated that this is an amendment to an Approved Development Plan. The Traditions Commercial Development Plan was by adopted by Council through Ordinance 2016-35, with a condition stating any plans for a monument sign and accent on the chimney shall be brought before the Planning and Zoning Commission separately at a future date prior to installation. The proposal is for a 94 inch by 72 inch monument sign with joint identification. The signage criteria is as follows:

- 1) The stone base is to match the chimney on the front of the retail space,
- 2) The tenant plaques are to be black with four (4) inch white lettering,
- 3) The double sided ground sign will have illuminated tenant names and that is to be backlit with LED lights with the wattage raging between 15 and 20 watts.

She added that the signage square footage maximum is 28 square feet in this area, because it is within the historic district which has a smaller signage allowance, and they are proposing a sign of 25 square feet, to which meets code. The sign height will also meet code, they are proposing six (6) feet, and are allowed eight (8) feet. One thing that she wanted to note is that joint notification signs are required to be set back from the public right of way by 25 feet. In both the application and Staff Report, it was incorrectly stated that the sign would be set back 10 feet from the public right of way, it is actually 10 feet from the property line. The sign location will actually be just north of the proposed right of way. There will need to be a deviation from the code. She stated that the building itself is not even set back 25 feet from the W. Olentangy right of way, which wouldn't allow much visibility for the other tenants along Traditions. There is also

a sign just to the east for another commercial building that has the same conditions where the sign is located right along that front right of way. Another concern that was brought up by our Vice Chairman, that is not present this evening, was visibility, and the City Engineer reviewed the issue, and it was found that there is adequate visibility to make a right or left turn. The next step a review and approval by City Council for two (2) readings based on the requested deviation from Code, and with the approval recommendation from City Council, the applicant will be able to move along with building permits, etc. Other than that deviation to the setback, it would meet code as proposed. Staff is recommending approval to City Council for this Amendment to Approved Development Plan Application.

Chairman Donald Emerick opened this case for public comment. Hearing none, public comment was closed.

Mr. Simpson stated that the sign looks good, but his only concern was opening a can of worms with other business signs along Olentangy Street, if we get sign after sign after sign. That was his only concern.

Mr. Boysko stated that he was in favor of this, stated that there was some landscaping that would cover some of the two (2) foot base. He stated that he was not 100% in favor of the location, as he felt that the sign would be best served at the corner, so that traffic coming toward the west, they see the sign and know where to turn in. He would be more in favor to moving the sign to the east.

Ms. Bailik voiced her concerns with visibility, and the landscaping is blended so the sign is not overcome.

Chairman Emerick stated that he had no issue with this application. He asked for a Motion.

MOTION: Shawn Boysko moved to approve the Amendment to an Approved Final Development Plan as submitted by Transform Construction, at 176 W. Olentangy St., based on the documents submitted to the Commission and to approve the zero setback from the right of way.

Elizabeth Bailik seconded. Chairman Donald Emerick called for a roll call for passage: Shawn Boysko, yes; Shaun Simpson, yes; Donald Emerick, yes; and Elizabeth Bailik, yes.

MOTION PASSED: 4-0

Chairman Emerick read the next case on the agenda.

c) SKETCH PLAN REVIEW (2021-43SP)

Applicant:

EQ Lily Reserve, LLC, c/o Eric Newland VP of

Development

Location:

285 W. Olentangy St.

Existing Zoning:

PC - Planned Commercial District

Request:

Review and feedback for a Sketch Plan of a proposed

retail center on a +/-1.5 acre site.

Mr. Boysko recused himself due to being a business partner for the applicant.

Law Director Ashrawi stated that there is no formal action with a sketch plan review, therefore the need for a quorum which is in order to take formal action is unnecessary, the sketch plan can move forward.

Eric Newland of 3795 Hampshire Ave. spoke about this sketch plan. He found a previously approved submittal a couple of years back. He stated that they wanted to activate the multipurpose trail. He said they were looking for an entertainment type venue. A men's barbershop will be included, and they were approached by a local Columbus restaurant. He also stated that they were trying to stay away from national chains.

Elise Schellin gave the Staff's Report. She began by stating that as the applicant mentioned, there was a Combined Preliminary Final Development Plan approved in 2017 for this site. It was a very similar retail center that never came to fruition and the plans have since expired. There was also some interest in an automotive service location earlier this year, they came forward with a sketch plan and those plans did not continue due to the fact that in the Murphy Park Master Plan, there is a provision that states automotive repair uses are not permitted at this location, that deterred them from the site. She stated this is a new retail center and this will compliment well with the surrounding properties. It is a little bit smaller in square footage and there is more parking proposed, than the 2017 plan. Further she stated that the City will enjoy the bike path connection for as it sits right now, it's just a vacant site leaving a gap in the trail system. It will hold a nice building frontage and be more inviting with its many porches or patios out front.

Ms. Schellin said Staff is concerned with the parking counts, being they are too specified on the uses at this point, obviously, the building uses will turn over throughout the buildings lifetime. The applicant is willing to discuss the golf cart parking, for that was a major concern with the City staff, especially the Chief of Police and Deputy Chief of Police. There is an access easement that runs along the south property line, and in agreement with the Best Friends Veterinary Hospital, there may be some concerns with parking spaces being within that easement. Ultimately the City would like to see an overlay of that easement on the site plan. Also having those parking spaces there, doesn't leave as much room for mounding or any type of screening with the residential condos to the south. One other thing to note, the City Engineer also outlined some comments, one having to do with the ingress/egress easement, which may require an amendment to that easement, if the veterinary hospital and applicant can come to an agreement with that. The buffer along the southern property line is limited with the current site layout, the labels for typical parking spaces and drive aisles dimensions need to be included with the prelim. There should be three ADA accessible spaces. At the prelim a storm water management concept including accommodations for storm water quality, a traffic warrant analysis for the south bound turn lane to the access drive and approval letter from Liberty Township Fire will also have to be included at that stage and he would also like the applicant to

explore options of lining up the drive aisles with the adjacent parking lot at Best Friends Veterinary Hospital. There are some discussion topics we would like the Commission to comment on:

- 1) Does the proposal adhere sufficiently to the Comprehensive Plan in terms of the proposed building location, site circulation and pedestrian oriented street scape elements?
- 2) Does the Commission support the proposed architectural character?

Ms. Schellin turned the floor over to Steve Reynolds for his comments on the architecture.

Mr. Reynolds stated that he applauded the applicant in their appropriate level of documentation at this point of a sketch plan. As a general overview, obviously this aligns with what is just to the west in the architectural character. In looking at the site plan, he was curious with the trash enclosure, wondering if it was the right size. Looking at the boundary to the south, is there a way to provide screening or fencing to the adjacent properties? He spoke about the golf carts, but doesn't know if this is the right location for that.

Chairman Emerick opened the floor for public comment.

Tom Richie of 230 Hopewell Ct., and also a partner in the Best Friends Veterinary Hospital. He spoke of two concerns, one being the easement of that access coming across. In this particular drawing, any customer comes in is going to have to go in between multiple parking spaces in order to get into our lot, so they object to a change to the easement. The second is that customers coming with emergencies, the thought of them having to watch people coming in and out of parking spots during an emergency is concerning.

Bernard Palchick of 52 Murphy's Oval, addressed the Commission about the concern with the 14 parking spaces on the very southern edge that would probably become employee spaces, and would be occupied later than 10:00 p.m. and their lights of their vehicles would shine into the windows of the residents of the property adjacent.

Chairman Emerick asked if there were any others that would like to comment about this sketch plan. Hearing none, he closed the public comment portion.

Chairman Emerick asked Ms. Bailik for her comments. She stated that she appreciated having as much detail at this stage of the game. Some of her concerns is the easement issue and the screening issue, and to evaluate whether the parking spaces are going to impede the traffic itself. She added that the veterinary hospital has been there for quite a while and they do have an emergency access door right up on the side of the building and she feels that they have valid concerns about having to drive past cars that may be parked there. She also stated concerns of the trash enclosure and wanted to make sure that it was properly screened. She touched on the subject of parking and wanted the developer to take a very close look at that. She encouraged them to talk to their neighbors and stated that she looks forward to the project.

Mr. Simpson said that he would like to see some re-working of the parking lot. The only thing that concerns him is the roofing on the Murphy Parkway side looks to be one big slope there,

right next to the gable. He would like to see some buffering for the lighting, for the quality of life for the condo residents. He said the connectivity is fantastic. He said he did not have a problem with the project as a whole.

Chairman Emerick spoke of his concerns of the easement and the buffering, whether it be mounding or landscaping, to help protect the condos to the south. He doesn't feel the golf cart parking is practical. He stated that he very much appreciated the detail of the sketch plan.

Claudia Husak had a couple of comments for the Commission. She stated that Mr. Cooper and Mr. Hartranft will not be on the Commission in 2022. She added that we were all thankful for their services. Next meeting is scheduled for January 12, 2022, and we can use that meeting for your organizational meeting, and electing a Chair and Vice Chair. She also reminded the Commission the meetings will begin in 2022, at 6:30 p.m.

XII. ADJOURNMENT

Chairman Emerick asked for all of those in favor of adjournment say aye: all ayes; nays, none; absentia, none.

ADJOURNED - 8:51 p.m.

Donald Emerick, Chairman

Date

ty Clark

Date