



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
APRIL 13, 2022**

I) CALL TO ORDER/ROLL CALL

Acting Chairman Little called the Planning and Zoning Commission Meeting to order at 6:30 p.m. The Commissioners in attendance were Elizabeth Bailik, Shawn Boysko, Ferzan Ahmed, Ryan Herchenroether, Bill Little and Shaun Simpson. Also present were Staff members Claudia Husak, Planning Director; Elise Schellin, Development Planner, Yazan Ashrawi, Law Director; Peyton Kaman, Development Technician; and Amy Deere, City Clerk.

II) STAFF ITEMS

III) HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Acting Chairman Little opened the floor for any visitors wishing to speak to the Commission of topics not on this evening's agenda. Hearing none, he closed this public comment portion of the meeting.

IV) APPROVAL OF MINUTES

March 9, 2022 Meeting Minutes

[03092022_P&Z Meeting Minutes.pdf](#)

MOTION: Shawn Boysko moved to approve Planning and Zoning Commission Meeting Minutes of March 9, 2022. Ryan Herchenroether seconded the motion.

VOTE: Y 6 N 0 (None) AB 0 (None)

Minutes approved 6-0-0.

V) TABLED CASES

FINAL DEVELOPMENT PLAN REVIEW (2022-02FDP)

Applicant: Redwood LLC; represented by Todd Foley, POD Design
Location: 3041 Home Rd
Existing Zoning: PC - Planned Commercial District
Request: Review and recommendation of approval to City Council of a Final Development Plan for Phase 1 of a ±70-acre development for 24 buildings containing 126 residential units on ±25.70 acres.

1. [Redwood, Phase 1_FDP Staff Report.pdf](#)
2. [Redwood_FDP_Development Text.pdf](#)
3. [Redwood_Development Txt Addendum.pdf](#)
4. [Redwood Phase 1_FDP_Link.pdf](#)
5. [Redwood_History.pdf](#)

Planning Director Husak gave the Staff Report and advised the Commission Staff is recommending approval of the four requested deviations and the Final Development Plan for Redwood, LLC.

Todd Foley of POD Design, representing the applicant, gave a presentation.

A representative for Redwood, LLC spoke about vinyl siding advising they would be using a product by Norandex.

Acting Chairman Little opened the floor for public comment. Hearing none, he closed this public comment portion of the meeting.

Planning Director Husak advised this Final Development Plan Review was tabled at the last Planning and Zoning Commission meeting and stated to make things clear, based on advice from the Law Director, there should be a motion to move the Final Development Plan off the table.

Acting Chairman Little said he believed the Commission was to consider four deviations as well with this Final Development Plan, related to tree inventory, fencing material between patios, roof pitch and signage.

Shaun Simpson inquired if the motion to move the case off the table should be made now. Ms. Husak affirmed.

MOTION: Shaun Simpson moved to take the Final Development Plan of Redwood, LLC off the table for further discussion. Shawn Boysko seconded the motion.

Acting Chairman Little requested a roll call for passage: Shawn Boysko, yes; Ferzan Ahmed, yes; Ryan Herchenroether, yes; Bill Little, yes; Shaun Simpson, yes; and Elizabeth Bailik yes.

VOTE: Y 6 N 0 AB 0 (None)

Motion passed 6-0-0.

Acting Chairman Little stated the Commission has not historically removed items from table with a motion. Mr. Ashrawi understood and said doing so creates a cleaner record.

Commissioner Simpson appreciated everything addressed. He added this was one of the most in-depth Final Development Plan that has been reviewed lately. He has no problem with the vinyl and obviously the scope of this project makes it easier from a maintenance standpoint and it is not public facing at this point. He also mentioned if the Commission was going to enforce the replacement of the dead trees, this will be a difficult project. From a fencing standpoint, he

believes when it comes to rental units, the vinyl as long as it has the wood look, is a better product and one the Commission has approved this previously.

Commissioner Herchenroether thanked Mr. Foley for his thorough presentation. He said he was supportive of the deviations and appreciates the Staff Review and the history which was put together, as it was very helpful. The sidewalks are definitely an improvement but it does seem to be a bit narrow for the main drive being 22 feet. He discussed Phase 1 overlapping the lot to the north for the commercial site, as they are not aligned. He was curious why this was this way.

Planning Director Husak advised there has been discussion with the applicant with regard to the existing four lots currently which make up the 70 acres and there can be lot line adjustments through the County to align the lots.

Commissioner Herchenroether continued by saying he felt it was important to note these will be rental properties and he feels they have a good operator.

Commissioner Ahmed wanted some clarification about the height of the wedge on the sidewalks. Mr. Foley responded the primary street section, the north – south, is a 3-inch rolled curb and the curb is a foot deep. The overall width of that back of rolled curb to back of rolled curb is 24 feet with the additional 4 foot sidewalk.

Commissioner Ahmed asked how many homes were along the main path. Mr. Foley responded roughly 66-68 which was an estimate. Commissioner Ahmed asked how many homes were off the main path. Mr. Foley responded approximately 260-270 homes.

Commissioner Ahmed asked the status of the TIS. Mr. Foley advised it has been approved by the County.

Commissioner Ahmed spoke about the vinyl fencing and advised vinyl is fine with him. He added he previously raised the issue of a tree line as it was advised they have space limitation, but there is a raised sidewalk that provides separation that he wanted to see for 66 homes but the other 270 do not, yet you have the room. So from his perspective, they have not done what they were supposed to do.

Mr. Foley responded those homes on the east property line are the only homes of the project where there was a little more room behind those buildings, and they were able to slide the buildings back which allowed the sidewalk in. He also mentioned Redwood, as a design standard, wants to maintain certain depths on their driveways to ensure a) there is adequate parking space, and b) there is no interference with sidewalks. In order to achieve that standard depth of roughly 22 feet minimum and have the sidewalk, we had a bit of room to move the buildings east. As we move into the neighborhood pockets of the project, that is where things are getting a bit tighter. The stormwater requirement is on there because of the stream crossings, they present more of a challenge as we achieve what is required there and so that flexibility would come in the form of shortening driveways which is not an option for us. The other critical part to that is the FHA Accessibility Component. He added this was the solution they are hoping to get support on due to a variety of factors.

Commissioner Bailik also thanked Mr. Foley for the thorough presentation. She has no issues with the proposed deviations. She said the vinyl was fine. She appreciates the accessibility you are providing in the crosswalks and likes the color change. She likes the improvements to the crate patio, and the fencing is a fantastic addition. She appreciates Commissioner Ahmed's concerns with the sidewalks, she thinks in her position, the "spine" of the entire development, is where her concern is to which this is the place that speed would reach the highest. She said she is ok with the sidewalks as proposed. She added she feels they have come a long way to work with the Commission and it was appreciated.

Commissioner Boysko said this project has been ongoing for approximately three years now, and it is a very difficult site. The benefits the City is getting because of this project is great as Mr. Foley mentioned a TIF of about \$12 million dollars. Law Director Ashrawi advised the only document in place currently is the pre-annexation agreement which references the TIF Agreement Commissioner Boysko asked is controlled on how that is used. Law Director Ashrawi affirmed by stating the TIF Agreement will address that as a matter of law. TIF proceeds are designed to be used for infrastructure and other public improvements in the TIF area.

Commissioner Boysko asked how Redwood would address people that say you are going to add 327 units, and this will be a burden to the school system. Jake Shields, a representative of Redwood, stated for every 100 units there are 7 minors that are in their community and specifically for this project it would be roughly 23 minors. He added they received these numbers as data they collected in the past.

Commissioner Boysko spoke about the three phases and the breakdown of the delineation of those phases seem arbitrary and wanted to know the justification for the phases. Mr. Foley stated it is related to how it financed, how many units they want to bring on. Mr. Shields added that per HUD, the first phase has to be the phase with most units, second phase, having the second most units and so on. There was some discussion on the Fire Department's access as the second access for the Fire Department was not going in until Phase 2. Mr. Foley stated the Fire Department was fine with their phase design.

Commissioner Boysko said he was fine with the four deviations. He added this was a fabulous project.

Acting Chairman Little said he agreed with Staff comments and requested they continue to work with the architectural advisor and City Staff to clean up and finalize those architectural points. He thanked the Redwood team for the movement on the north-south sidewalk. In exchange for the sidewalk and trusting they will continue to work in good faith with the Architectural Advisor and Staff, he is fine with granting the four deviations. He then spoke of three different color variations, and it would be good to have Staff confirm materials and colors for each building prior to permit issuance.

Law Director Ashrawi clarified there was not a current TIF in place. It is contemplated a TIF agreement would be defined through legislation and those numbers would be generated from that information.

MOTION: Bill Little moved to approve the Final Development Plan (Case 2022-02FDP) submitted by Redwood, USA, LLC, located at 3041 Home Road for the first phase of a Planned Commercial District, for 25.7 acres of a ± 70 -acre mixed use development and requested the following conditions:

- 1) All subsequent phases for both residential and commercial use shall be required to come before the Planning and Zoning Commission for review and approval prior to moving forward with construction.
- 2) That the applicant make provisions for future agreements/easements with the Delaware County Sanitary Sewer District that shall be shown on the plan for potential future force main, to the satisfaction of the City Engineer.
- 3) That the stormwater management summary shall be updated to state that the future commercial site will be providing its own separate stormwater detention system that will be tributary to the storm system constructed with Redwood and that drainage conveyance easements will be provided between parcels to pass through any offsite drainage.
- 4) That the plans be updated to indicate offsite parking space dimension meets City Code.
- 5) A deviation to allow for relief of the tree inventory and replacement requirements shall be allowed.
- 6) A deviation allowing for the use of vinyl privacy fencing material between patios on specifically noted buildings shall be granted.
- 7) A deviation to allow for buildings to be constructed using a 5:12 roof pitch shall be allowed.
- 8) A deviation allowing for more than one free-standing sign per lot shall be allowed.
- 9) A traditional street, curb and sidewalk construction shall be required for the main artery of the development which begins with the entryway at Home Road and continues south through this phase and subsequent phases including sub-area 2. City Staff shall approve final engineering details prior to construction.
- 10) Secondary streets shall incorporate the Redwood integrated sidewalk design. The sidewalk portion will be a clearly differentiable color than the color of the street portion. The color shall be integrated into the concrete mix prior to pour rather than a post applied stain. City Staff shall approve the final colors.
- 11) The applicant shall ensure that the vinyl siding products proposed (Woodsman Select) shall be stored on site and shall be installed according to the exacting manufacturer's specifications. Substitutions of designated materials shall not be allowed unless approved by City Staff.
- 12) City Staff shall approve final exterior material and color palette selections for each building prior to issuance of a building permit to ensure appropriate architectural variation throughout the development.
- 13) That the applicant shall continue in good faith to work with Staff and the Architectural Advisor to address ongoing concerns regarding architectural detailing. City Staff shall determine when this expectation has been satisfied.
- 14) All other requirements of the City Engineer shall be met prior to construction.
- 15) Continue to work with the City to finalize the TIF.

Law Director Ashrawi stated he did not catch all of the conditions, but there were four listed in the conditions that reference the deviations and he does not feel it is appropriate to have deviations as a condition of the approval. Those deviations are simply being approved and permitted as part of it. He would, at a minimum, remove those four and they should not be considered as conditions.

Acting Chairman Little said he would strike to remove items 5, 6, 7, and 8, which reference the deviations.

Planning Director Husak said it would be beneficial to state as part of the Motion that the Commission recommends the Final Development Plan with the four requested deviations as outlined in the report. Law Director Ashrawi added, this way they would still be addressed.

MOTION: Bill Little moved to recommend approval to City Council of the Final Development Plan (Case 2022-02FDP) submitted by Redwood, USA, LLC, located at 3041 Home Road for the first phase of a Planned Commercial District, for 25.7 acres of a ± 70 -acre mixed use development including the four deviations as outlined in the Staff Report, subject to the following conditions:

- 1) All subsequent phases for both residential and commercial use shall be required to come before the Planning and Zoning Commission for review and approval prior to moving forward with construction.
- 2) That the applicant make provisions for future agreements/easements with the Delaware County Sanitary Sewer District that shall be shown on the plan for potential future force main, to the satisfaction of the City Engineer.
- 3) That the stormwater management summary shall be updated to state that the future commercial site will be providing its own separate stormwater detention system that will be tributary to the storm system constructed with Redwood and that drainage conveyance easements will be provided between parcels to pass through any offsite drainage.
- 4) That the plans be updated to indicate offsite parking space dimension meet City Code.
- 5) A traditional street, curb and sidewalk construction shall be required for the main artery of the development which begins with the entryway at Home Road and continues south through this phase and subsequent phases including Subarea 2. City Staff shall approve final engineering details prior to construction.
- 6) Secondary streets shall incorporate the Redwood integrated sidewalk design. The sidewalk portion will be a clearly differentiable color than the color of the street portion. The color shall be integrated into the concrete mix prior to pour rather than a post applied stain. City Staff shall approve the final colors.
- 7) The applicant shall ensure that the vinyl siding products proposed (Woodsman Select) shall be stored on site and shall be installed according to the exact manufacturer's specifications. Substitutions of designated materials shall not be allowed unless approved by City Staff.
- 8) City Staff shall approve final exterior material and color palette selections for each building prior to issuance of a building permit to ensure appropriate architectural variation throughout the development.
- 9) That the applicant shall continue in good faith to work with Staff and the Architectural Advisor to address ongoing concerns regarding architectural detailing. City Staff shall determine when this expectation has been satisfied.
- 10) All other requirements of the City Engineer shall be met prior to construction.
- 11) Continue to work with the City to finalize the TIF.

Shawn Boysko seconded the motion.

Acting Chairman Little requested a roll call for passage: Ferzan Ahmed, no; Ryan Herchenroether, yes; Bill Little, yes; Shaun Simpson, yes; Elizabeth Bailik, yes; and Shawn Boysko, yes.

VOTE: Y 5 N 1 (Ferzan Ahmed) AB 0 (None)

Motion passed 5-1-0.

VI) NEW CASES

COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN REVIEW (2022-07PDP/FDP)

Applicant: William Waddell

Location: 60 Case Ave

Existing Zoning: DR - Downtown Residence District

Request: Review and recommendation of approval to City Council of a Combined Preliminary and Final Development Plan for a proposed lot split and ±5,650-square-foot single-family detached residence.

1. [Waddell PDP-FDP Staff Report.pdf](#)
2. [Memo_SHYFT Collective_Waddell.pdf](#)
3. [Waddell Combined Prelim-Final-Development Set Revised.pdf](#)
4. [11.18.2021_hdac.draftmn.pdf](#)

Development Planner Schellin gave the Staff Report and advised the Commission Staff was recommending approval of the Combined Preliminary and Final Development Plan Review of Applicant William Waddell, 60 Case Ave.

Brian Marzich, the architect of record for this project advised they have made some material changes and have provided a graphics board to the City Staff. He advised the owner, Mrs. Waddell was present.

Acting Chairman Little opened the floor for public comment. Hearing none, he closed this public comment portion of the meeting.

Commissioner Ahmed had no questions.

Commissioner Bailik said for the exception of the minor details they were talking about for consistency purposes, she had no objections to the proposed design.

Commissioner Boysko stated he assumed Brian Marzich has seen the Architectural Advisor's comments and is in agreement with those. Brian Marzich affirmed.

Commissioner Simpson concurred with the other Commissioners.

Commissioner Herchenroether had no comment.

MOTION: Bill Little moved to recommend approval of the Combined Preliminary and Final Development Plan (Case 2021-07PDP/FDP) as submitted by William Waddell for the property located at 60 E. Case Ave. for a proposed ±5,650-square-foot single-family detached residence subject to the following conditions:

- 1) Prior to review at City Council, the applicant must revise the drawing set to accurately reflect sheet numbers, scales, and other technical aspects.
- 2) The applicant shall continue to work in good faith with City Staff and the Architectural Advisor and take into consideration all architectural and material selection comments made by the Architectural Advisor, Staff and the Commission. City Staff shall issue the final approval of these items.
- 3) With approval, a property split shall be required whereas the northern portion of the parcel ending in the last four digits of 5000, shall be transferred to parcel ending in the last four digits of 6000 to allow for the construction of a 5,650 square foot private residence on that parcel.

Shawn Boysko seconded the motion.

Acting Chairman Little requested a role call for passage: Ryan Herchenroether, no; Bill Little, yes; Shaun Simpson, yes; Elizabeth Bailik, yes; Shawn Boysko, yes; and Ferzan Ahmed, yes.

VOTE: Y 5 N 1 (Ryan Herchenroether) AB 0 (None)

Motion passed 5-1-0.

VII) OTHER BUSINESS

Commissioner Boysko spoke about parliamentary procedure and said in the past when motions were brought forward, included deviations, and it was his understanding what gets approved is what is submitted, the documents, the plans and the motion that goes to City Council. Unless City Council sees Staff's comments, there is no other way to capture those deviations or conditions. Law Director Ashrawi responded the motion would be an approval of the Final Development with the deviations. Planning Director Husak advised Staff provides a cover memo to City Council as part of an Ordinance, which is a condensed version of the Planning Report the Planning and Zoning Commission is receiving as part of their review. City Council, as part of the History Document, also receives a copy of the Staff Report that was provided to the Commission, and the deviations are explained in the Staff Report more clearly than in the Cover Memo. Also, the Cover Memo says the deviations are explained in the attached Staff Report. The applicant, using Redwood for example, did their development text and then forwarded the consideration of the Final Development Plan, and included an addendum to the development text that has the deviations pointed out. Ms. Husak said all three of these items reference the deviations as part of the ordinance to be reviewed by Council and therefore provide for a detailed record.

Acting Chairman Little said we started including them in our motions so they were clearly spelled out and we could have a tenuous issue. A Commissioner may be on the fence at that point, you

have a formal registration the group from a total standpoint, approved it. Planning Director Husak added the applicant requested four deviations and if the Commission were to agree one of the four deviations was not an appropriate deviation, than in the motion would be able to state the Commission was accepting all deviations except for number four, for example, for vinyl fencing or something like that.

Commissioner Bailik mentioned her concern with the word "shall". Using that word, the Commission is basically telling City Council and Staff, they "shall" do something when the Council is the ultimate decision maker. She believes "shall" and "should" have two completely different meanings. Mr. Ashrawi agreed that in law "should" and "shall" have different meanings and cannot be used interchangeably.

Planning Director Husak stated she felt it would be cleaner if deviations and the approval of the plan with conditions was separated into two motions.

Law Director Ashrawi spoke more on conditions and advised the Commission it would be appropriate to break the conditions away from the approval.

VIII) ADJOURNMENT

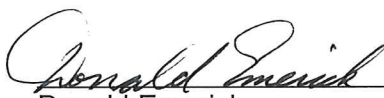
MOTION: Bill Little moved to adjourn. Ferzan Ahmed seconded the motion.


VOTE: Y 6 N 0 AB 0 (None)

Motion passed by consensus.

Meeting adjourned at 8:09 p.m.

MINUTES APPROVED: MAY 11, 2022

 5/11/2022
Donald Emerick, Date
Chair

 5/11/2022
Amy Deere, Date
City Clerk

