



**PLANNING & ZONING COMMISSION
MEETING MINUTES
May 11, 2022**

I) CALL TO ORDER/ROLL CALL

Chairman Emerick called a meeting of the Planning & Zoning Commission to order at 6:30 p.m. Commissioners in attendance included Ferzan Ahmed, Elizabeth Bailik, Bill Little, Shaun Simpson and Donald Emerick. Commissioners absent were Shawn Boysko and Ryan Herchenroether. Staff members present were Claudia Husak, Planning Director; Elise Schellin, Development Planner; Pam Friend, Administrative Assistant; and Steve Reynolds; Architectural Advisor.

II) APPROVAL OF MINUTES

April 13, 2022 Meeting Minutes
[PZ Minutes of April 13 2022.pdf](#)

MOTION: Bill Little moved to approve the April 13, 2022 Planning & Zoning Commission Meeting Minutes. Shaun Simpson seconded the motion.

VOTE: Y – 4 N – 0 (None) AB – 1 (Emerick)

Minutes approved 4-0-1.

III) HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Aurora Avancena, 60 E. Cast Street, Powell wanted to express that she and her husband, Bill Waddell wanted to thank the Planning & Zoning Commission for all the hard work they do. They have long been supporters of the City of Powell and want to see the City continue to grow in a positive way. With the construction of their new home, they, along with their family, plan to reside in downtown Powell indefinitely.

IV) NEW CASES

a. SUBDIVISION WITHOUT PLAT REVIEW (2022-10SR)

Applicant: CV Real Properties, LCC – Attn: Chris Vince
Location: Parcel #319230010003000, NW corner of Steitz Rd & Home Rd
Existing Zoning: PC – Planned Commercial District
Request: Review and approval of a lot split to subdivide a ±7.14-acre site between subareas, creating a ±4.87-acre residential parcel, and a ±2.27-acre retail parcel.

1. Case 2022-12SR_Staff Report.pdf
2. Middlebury Crossing Lot Split Application.pdf

Elise Schellin, Development Planner, gave the Staff Report and advised the Commission that approval of the Subdivision Without Plat will allow the applicant to split the parcel, making it possible to sell the apartment and/or retail portion of the property to separate individuals. The proposed subdivision will not change the approved Middlebury Crossing layout or any of the previous approvals. Staff is recommending approval of the Subdivision Without Plat.

Chris Vince, the applicant gave a brief presentation of his request.

Chairman Emerick opened the floor for public comment. Hearing none, he closed the public comment portion for this application.

Commissioner Simpson stated he has no issues with it and he can see different buyers having priorities over the multi-family and retail, as well.

Commissioner Little stated he is good with the proposal but would want to make sure they work with the City Engineering Department for any changes as a result of the lot split.

Commissioners Ahmed, Bailik and Emerick all stated they had no comments.

MOTION: Commissioner Little moved to approve a Subdivision Without Plat (Case 2022-10SR) as submitted by CV Real Properties, LLC for parcel #319230010003000, located at the NW corner of Steitz Road and Home Road for the purpose of a lot split to subdivide a ± 7.14 acre site between subareas, creating a ± 4.87 acre residential parcel, and a ± 2.27 acre retail parcel subject to the following conditions:

- 1) Confirm with the City Engineer that all engineering requirements are met, included but not limited to those impacted by the lot split.

Commissioner Simpson seconded the motion.

Chairman Emerick requested a role call for passage: Elizabeth Bailik, yes; Bill Little, yes; Shaun Simpson, yes; Donald Emerick, yes; and Ferzan Ahmed, yes.

VOTE: Y – 5 N – 0 (None) AB – 0 (None)

Motion passed 5-0-0.

b. AMENDMENT TO AN APPROVED DEVELOPMENT PLAN (2022-11AM)

Applicant: KAD, LLC
Location: 233 S. Liberty St.
Existing Zoning: DB – Downtown Business District
Request: Review and recommendation of approval to City Council of
an Amendment to an Approved Development Plan to
construct five residential units in two condo buildings on ± 1.5
acres.

1. Case 2022-11AM_Staff Report.pdf
2. Case 2022-11AM_Architectural Advisor Comments.pdf

[3. 233 S Liberty Street_Minor Amendment Submittal.pdf](#)

[4. Case 2022-11AM_History.pdf](#)

Elise Schellin, Development Planner, gave the Staff Report and advised the Commission Staff recommends the Planning & Zoning Commission refer the proposal to the Historic Downtown Advisory Commission (HDAC) for a review of a Certificate of Appropriateness with written comments and recommendations to the Planning & Zoning Commission for consideration, with the following conditions:

- 1) The applicant include building height dimensions, a material and color pallet, and Landscape Plan in the Certificate of Appropriateness application to HDAC.
- 2) The applicant update the site plan to meet all building setbacks.
- 3) The applicant work with staff and the architectural advisor to make corrections to the drawing set.

After the proposal receives a recommendation from HDAC, the application will be reviewed again by the Planning & Zoning Commission for a formal recommendation prior to review by City Council.

Steve Reynolds, Architectural Advisor, presented his review. He stated without the landscape plan it is hard to decipher the intent. The conversation around the color pallet has given him some idea of what the materiality's are but he would like to understand how the colors will be applied given the front building specifically is fronting Liberty and has several different massing's. It would be helpful to understand how that will all work so it doesn't appear Disneyesque.

There is only lighting on two elevations of the building and he is wondering why there is no lighting on the Liberty façade. Also, he would like confirmation on the column details as it appears to be round but he would prefer to see a square column. The roof geometry seems pretty complex and he wonders how that will all come together. The windows looking over some of the roofs will probably be called out because of the potential for snow to build up.

On the west elevation he is trying to understand how those roof rakes and eaves all come together. The inset of the cupola on the rear elevation calls for a brick veneer inset that seems like a heavy element. Also, he would like more information on the common space in the two-unit building only accessed from the exterior of the units.

Chairman Emerick invited the applicant to provide their presentation.

Brian Jones, the architect representing the applicant gave a presentation regarding the project. He discussed the proposal being similar to the previous submission and the exterior colors are tracking in a similar fashion. The objective is to keep the characteristic of the assemblage of this to feel like the three buildings were connected over time.

The intent is to make the space behind the buildings almost parklike. They have a new site coordinator and will come back with a more descriptive landscape component. He discussed that the remnant notes of the brick veneer on the lantern on the back is really just an interpretation.

Previously, they brought forth the notion you could have offices that support the live/work concept. Esthetically, on the exterior, they have tried to retain the old-style store fronts with color and materiality. Larry Coolidge, a Powell Realtor, has been counseling the applicant, Dave Carmendy on the live/work rental concept and they are finding people have reservations about renting these with direct doors to the offices. The goal is to achieve the intent without having direct doors to those rooms. They do not anticipate heavy foot traffic to make those spaces functional by adding doors.

Chairman Emerick asked the Commission for their comments.

Commissioner Ahmed asked staff if the code in the downtown district calls for the first floor to be office space or a store front. He also asked about other residential properties near the subject property and if there is on street parking.

Ms. Schellin said the code reads that within the downtown business district it is required that the first floor of all structures facing a public street must be occupied by a non-residential use unless specifically authorized in an approved development plan. She stated there are two residential properties to the east and that there is no on street parking.

Commissioner Bailik asked about moving the building to achieve the setback. She also asked if the 2-unit is also going to be a live/work, and if there enough parking. She recommends the parking be well defined on the site plan. She feels they should reach out to the engineering department to make sure there are no issues.

Mr. Jones feels they could take staff's recommendation and move the building to achieve the setback. They feel it is better to have more soft scape and landscape than pavement, plus there is existing parking for the business in the back that is underutilized. They do not envision the 2-unit as a live/work space. The Liberty Street frontage is what is envisioned to be the live/work units. He said it is important for him to represent that constructing these as live/work units is not the objective but to accommodate it in the intent.

Commissioner Simpson stated he feels the use is good but feels it should go through HDAC. He asked for confirmation on the sidewalks because it appears we are losing the walkability in front.

Ms. Schellin responded that within the right-of-way there is a pedestrian easement and Mr. Jones concurred that there is about 20 feet of turf between the buildings and the sidewalk.

Commissioner Little discussed how he is on the fence regarding commercial use on frontage of South Liberty, but does feel the proposed live/work concept can get him to agree but we need to figure out how to enforce it. He too is in favor of it going before HDAC.

He feels they should be thinking about how future plans could impact the property and he discussed that the City has a list of Capital Improvement plans one of which is to extend South Depot Street to South Liberty.

He would like to see them work with the City Architectural Advisor regarding the northern and eastern sides of the buildings because they could have the potential for frontage on two significant streets.

He thinks the applicant may want to think about shifting the buildings to the north and it may free them up to add other units and help them meet the parking requirements. He can envision that if the intersection is in place they will have a prime piece of real estate.

Chairman Emerick agrees with the others comments regarding it going through HDAC for their comments. He then asked the Commission for a motion.

Commissioner Little moved to table an amendment to a Final Development Plan Review (Case 2022-11AM) represented by KAD, LLC for the property located at 233 South Liberty Street based on the proposed Amendment to an Approved Development Plan to construct five residential units in two condo buildings on ±1.5 acres subject to the following conditions:

1. The applicant should consider the recommendations of Staff, the Architectural Advisor and the Planning & Zoning Commission.
2. The applicant should go before HDAC to seek their input on the proposal.
3. The applicant should return with additional details such as building height, landscaping, lighting, mail and trash plans.
4. The applicant should return to the Planning & Zoning Commission upon completing the previous 3 steps with an updated proposal for consideration.

Ferzan Ahmed seconded the motion.

Chairman Emerick requested a role call for passage: Elizabeth Bailik, yes; Bill Little, yes; Shaun Simpson, yes; Donald Emerick, yes; and Ferzan Ahmed, yes.

VOTE: Y – 5 N – 0 (None) AB – 0 (None)

Motion passed 5-0-0.

V)

STAFF ITEMS

Planning & Zoning Commission Rules & Regulations

1. [Rules & Regulations Memo.pdf](#)
2. [Current P&Z Meeting Rules.pdf](#)
3. [Adopted Rules of City Council 4.19.2022.pdf](#)

Claudia Husak discussed that since Council approved their rules and regulations at the April meeting and the Development Committee is working on updating their rules, Staff felt it would be good to keep the momentum going with the Planning & Zoning Commission. Currently what the Commission has, which is provided in your packet tonight, is really only the rules for the meeting. She stated that they pulled from the Charter and Zoning Code items that are already in place, but that having one document with all of the items in place seems like a better way to move forward. She is hoping to have a discussion at the next meeting with the Law Director and have more of a dialog of what might be missing or what is unclear.

Not everything in the document is out of the Charter and Zoning Code. It includes the meeting rules and research that was done on other communities for conduct and best practices.

Ms. Husak also discussed the last time there was a Subdivision Without Plat that Commissioner Boysko had asked if there was a need for the Commission to review or could staff review and approve. The Code is a little unclear and she in the past there may have been Subdivisions Without Plat that went straight to the Zoning Administrator that were reviewed with the Law Director and engineering and if it met all the requirements it would be stamped as approved.

The Code says if the Commission acting through its properly designated representative is satisfied that the proposed division is not contrary to applicable platting, subdividing or zoning regulations it shall within 7 working days after submission approve such division. The 7 working days does not coincide with the application requirements so staff is asking the Commission whether or not the Zoning Administrator is the designated representative and then we would not have to bring those subdivisions before the Commission. As long as they meet the code or go through the BZA to get their Variance.

Commissioner Bailik stated what she has seen in other organizations is the designated official is defined with the caveat that if that person is not available they can designate someone to act on their behalf.

Chairman Emerick asked the Commission if anyone else had thoughts on this and they were all amicable to it.

VI) OTHER BUSINESS

Ms. Husak informed the Commission that the City had a planning student from the University of Cincinnati earlier this year they were mentoring. He did a great job consolidating all the work that has been done over the past 10 years on the downtown parking and put it into a document that has been shared with the Development Committee and they want to share it with the Commission as well.

She also informed the Commission that Staff has been conducting a downtown businesses roundtable on the 3rd Thursday of each month and the one on May 19th at 8:30 a.m. at Nocterra will deal with the parking, circulation and traffic downtown. If anyone is interested in attending, please let Staff know and they will add you to the invite.

Commissioner Little stated that he will be out of town and asked if there are minutes done for these meetings.

Ms. Husak stated that typically there are no minutes. It is more of a casual meeting for business owners to interact with Staff specifically since much of our staff are fairly new to the City. It is more of a meet and greet with idea sharing.

Ms. Husak also informed the Commission that City Council is slated to take a look at two first readings of Ordinances. One is a right-of-way Ordinance, which the City of Powell does not have currently, so allowing us to review work in the right-of-way in more detail.

The other Ordinance is for the installation of small cells, which also deals with the right-of-way. We have been working with the Law Director to put the telecommunications portion of the Zoning Code in with that Ordinance so it is in the utility section of the Code. It gives the City an application and a review process as much as it is allowed for small cells. There are a lot of Federal Regulations that do not give us a lot of say but we will have guidelines in place.

Commissioner Ahmed asked if they are talking about small cells for 5G.

Ms. Husak stated they have been working with Verizon throughout the last year. They have identified 5 locations around town, again our ordinance is not quite catching up, but they have been really good to work with and have taken our considerations and locations into account and working to get faster data to our community.

Commissioner Little mentioned there are areas in his neighborhood with only one signal bar and asked if this will allow us to get around the Arbor Ridge cell tower debate and the solution is small cells.

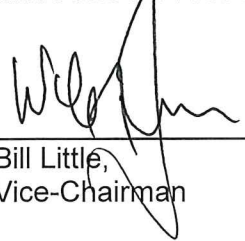
Ms. Husak said that is the intent since Verizon, through a consultant was looking to fill those gaps with a tower and understanding that is not an option.

There was a discussion on how cell towers are now being designed to look like a tree.

VII) ADJOURNMENT

Chairman Emerick called for adjournment at 7:34 p.m.

MINUTES APPROVED: June 22, 2022



Bill Little,
Vice-Chairman

7.13.22

Date



Pam Friend,
Planning & Zoning Clerk

7.13.22

Date