



**PLANNING & ZONING
MEETING MINUTES
July 13, 2022**

I) CALL TO ORDER/ROLL CALL

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

II) HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Commissioner Little opened the floor for public comment for items not on the Agenda. Hearing none, he closed public comment.

III) APPROVAL OF MINUTES

May 11, 2022 Meeting Minutes

[P Z Minutes of 05112022.pdf](#)

MOTION: Commissioner Simpson moved to approve the May 11, 2022 Planning & Zoning Minutes as written. Commissioner Bailik seconded the motion. Minutes approved.

VOTE: Y – 5 N – 0 AB – 1 (Boysko)

IV) NEW CASES

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_07132022.pdf](#)
2. [Carmendy Station Combined History.pdf](#)
3. [07132022_Carmendy Station_Combined Amendment.pdf](#)

MOTION: Commissioner Boysko moved to take the Amendment to an Approved Development Plan (Case 2022-11AM) from the table. Commissioner Bailik seconded the motion. Motion passed.

VOTE: Y – 6 N – 0

Elise Schellin gave the Staff Report and advised the commission they should consider whether the live/work units meet the intent of the Downtown Business District regulations requiring the first floor of all structures facing a public street be occupied by a non-residential use. She stated per the Planning & Zoning Commissions request the Historic Downtown Advisory Commission (HDAC) reviewed the material, color palette, and the Landscape Plan. Staff's recommendation is for the Planning and Zoning Commission to recommend approval to City Council, approving the residential live/work use along South Liberty Street, with the following conditions:

1. The applicant submit a Photometric plan with the Zoning Certificate application for Staff review;
2. The applicant work with Staff and the Architectural Advisor to create a more cohesive color scheme between the two residential buildings;
3. The applicant work with the City to document all necessary easements and right-of-way dedication.

Ms. Schellin stated once the proposal receives recommendation from the Planning and Zoning Commission, the application will be reviewed as an ordinance by City Council with two readings.

Steve Reynolds, Architectural Advisor gave his report and thanked the applicant for continuing to improve the massing, colors and materials. He agrees with Staff's recommendations.

Brian Jones, Jones Studio, 503 City Park, Columbus, thanked the City for assisting in the process and said he would be happy to answer questions.

Vice Chairman Little opened the floor for public comment. Hearing none, he closed the public comment portion for this application and opened it up for Commission discussion.

Commissioner Simpson appreciates all of the work the applicant has done and is good with the live/work component in the back but wonders if the property were sold how it would be enforced. He likes the project and is good with it moving forward.

Yazan Ashrawi, Law Director stated from his perspective it would be a change of use to the site, which would require an administrative review by Staff and a new certificate of zoning regarding a change of use.

Commissioner Herchenroether asked for clarity of parking requirements for each unit.

Ms. Schellin stated 15 spaces would be required for all 5 residential units and 13 spaces are provided. The garages would be included in the calculation and DLC is over parked so they would allocate the 2 additional spaces there.

Commissioner Herchenroether said it looks good and he supports the project. He is concerned about possibility of the City extending Depot Street to Liberty Street in the future. He is suggesting the applicant move the access as far south as possible.

Commissioner Ahmed emphasized they continue to work with Staff and the Architectural Advisor to create a more cohesive color scheme. He to thinks they've done a good job.

Commissioner Bailik is good with the project and thanked the applicant for their wiliness to work through the process.

Commissioner Boysko asked about the issue with the color scheme and Mr. Reynolds stated there was some thought during the HDAC review for one less color. Mr. Jones stated they're amenable to the recommendation.

Commissioner Boysko said he likes the variant of the architecture. He's looking for clarification on site lighting and Mr. Jones stated they're trying to utilize some of the building lighting with photocells in order to amplify but also keep the residential feel.

Chairman Little asked for clarification regarding trash pick-up and mail distribution, for which Mr. Jones replied that the dumpster at DLC Electric, would service the two rental units and the residential units on Liberty would have conventional pick-up. Mail will be in one location for drop-off and pick-up.

Chairman Little expressed concern that with the Keep Powell Moving Plan and the City having more resources, the potential exist to extend Depot Street, which could create an issue with the driveway location for this property. He would make sure there is enough room for emergency vehicles to turnaround and looks forward to finished product.

MOTION: Commissioner Boysko moved for approval of an Amendment to a Final Development Plan (Case 2022-11AM) as represented by KAD, LLC for the property located at 233 S. Liberty Street in the Downton Business District for construction of 5 residential units in 2 condo buildings on ±1.5 acres with the following conditions:

1. The applicant submit a photometric plan with the zoning certificate application for Staff review;
2. The applicant work with Staff and the Architectural Advisor to create a more cohesive color scheme between the two residential buildings;
3. The applicant work with the City to document all necessary easements and right-of-way dedications.
4. Finalize signage with Staff.

Commissioner Simpson seconded the motion. Motion passed.

VOTE: Y – 6 N – 0

CERTIFICATE OF APPROPRIATENESS (2022-16CA)

Applicant: EQ Lily Reserve, LLC c/o Shawn Boysko
Location: 285 W. Olentangy Street
Existing Zoning: PC – Planned Commercial District
Request: Review and approval of all exterior elevation revisions to Lily Reserve Retail Center.

1. [Case 2022-16CA_Staff Report_07132022.pdf](#)
2. [Ord. 2022-07_History_LilyReserve.pdf](#)
3. [07132022_Lily Reserve_CA Submission.pdf](#)

Elise Schellin gave the Staff Report and stated the applicant has worked with the Architectural Advisor to ensure the revisions to the roof are reflected in the architectural style of the entire building to create a harmonious building design reflective of historic buildings in the City's center with flat roofs. Staff recommends the Commission, acting in their capacity as the Architectural Review Board review the four items listed under Section 1143.30(c) to determine if the revised architecture is appropriate in this location. While the style differs from surrounding newer buildings in the area, the style and detailing of the proposed building including the flat roof are not inconsistent with other buildings in the City of Powell. Staff recommends approval.

Steve Reynolds gave his report and summarized by saying he thinks it is moving in the right direction and there are other stylistic cues in downtown Powell. He would like to see more of the materials and look further at the massing as a way to break up the façade and give more of a key corner element.

Dave Jones, Equity Construction Solutions, discussed the economy and challenges in moving forward with the project as originally proposed. He would truly like to see this built and has tenants ready to move in. He feels they have come up with a solution that allows them to move forward.

Rob MacInnes, Ford Associates Architects, discussed how they had sticker shock with the final budget numbers and went through an exhaustive list of how to value engineer the project. They were unable to come up with a scenario where they needed to be. He felt they needed to look at it with a fresh set eyes and come up with a nice elevation that worked with the new budget. He mentioned the former Jeni's building as the inspiration. He's hoping to achieve something as attractive at this intersection.

Vice Chairman Little opened the floor for public comment. Hearing none, he closed the public comment portion for this application and opened it up for Commission discussion.

Commissioner Ahmed said he likes this look better and commented precedence will always come back to bite you. He has learned this from working in governance for many years. He trust Staff's judgement and if they are recommending it, he will support it.

Commissioner Bailik thanked the applicant for explaining the effect the economy has on the project. She likes the updates except for the elevations showing the garage doors, which reminds her of an oil change location and asked what those will open to.

Mr. MacInnes stated the entire west side of the building is one tenant and the doors will open to a patio.

Commissioner Bailik also wondered if there has been discussion about adding some brick detailing. She feels it will be a good addition to Powell.

Mr. Reynolds said the west elevation will have a lot in the foreground but maybe they could add a series of recessed brick detailing above each opening.

Commissioner Simpson said he liked the other design better, but understands construction cost have gone through the roof. He is somewhat concerned it doesn't mirror the project across the street, but the lot has been sitting there for 20 years and this is a fully leased project that looks esthetically pleasing and he likes the bike path.

Commissioner Herchenroether agrees this design is better. He discussed the project coming before P&Z in April with no mention of the economy. Also, he noticed the price of lumber has dropped and asked the applicant to explain the cost issue.

Mr. Jones stated the design budget was set in January, which is what the project was based on when they presented in April. In June they did a final price evaluation and found cost had increased substantially, mostly due to cost of steel. He said inflation and demand continue to drive cost up.

Commissioner Herchenroether said he would encourage the applicant to work with Staff and the Architectural Advisor to focus on the corner element since they are losing the cupola and clear window band. He feels they can do better than a few minor parapets.

Commissioner Little said he has seen the price of lumber drop to pre-pandemic levels and the price of oil is dropping. He feels from Steve Reynolds comments there is still work to be done. He views this intersection as the gateway to the City of Powell from the west. He stated, all the other corners have pitched roofs. When Armita Plaza was planned they tried to make a similar change and Planning & Zoning held them to what is similar to this project's original design. He feels there is a precedent with this intersection and the Armita building. He thinks there needs to be some kind of movement to make it more cohesive with the rest of the intersection and does not feel he can support this if it is not held to the same standard as the others in this intersection.

Max Hartings, Development Officer with Equity Construction Services, stated they had to take \$500,000 out of the project after receiving the updated budget. He said they can take into account the Commission's comments, but doesn't feel they can get to a point where they can do the gabled roof. He's concerned they do not have more time with interest rates and inflation on the rise. He's concerned about losing their four tenants, he feels the deal might not be there if they have to come back in two months.

MOTION: Commissioner Ahmed moved for an approval of a Certificate of Appropriateness (Case 2022-16CA) as represented by EQ Lily Reserve, LLC for the property located at 285 West Olentangy Street in a Planned Commercial District for exterior elevation revisions to the Lily Reserve Retail Center.

Commissioner Simpson seconded the motion. Motion passed.

VOTE: Y – 4 N – 1 (Little) Recused – Shawn Boysko

V) OTHER BUSINESS

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](#)
4. [Proposed Rules of the Planning and Zoning Commission.pdf](#)

Yazan Ashrawi, Law Director, discussed that City Council recently adopted revised rules and that he, Claudia and Elise have been looking at streamlining the Boards and Commissions, as well. In the packet tonight are potential rule updates to the Planning & Zoning Commission. It is a compilation of best practices both in terms of the Commission, public meetings and key items from the City's Codified Ordinances. The draft document is just to start the conversation as part of the City's initiative to work towards streamlining, updating and create efficiencies.

Commissioner Bailik talked about the potential of adding a disclaimer, which indicates if anything in this document happens to conflict with the Charter, then the Charter prevails. She questioned the language regarding the difference between rules and regulations and wondered if that should be updated.

Mr. Ashrawi said it would not need to be changed because the regulations are the Codified Ordinances, those are the laws that are created and this is just the rules portion of the rules and regulations, which is the distinction the Charter language makes. Regulations have the force of law and the rules are guidance and reinforcement of the regulations.

Commissioner Bailik agrees but her concern or confusion with the draft is under section B it says "shall make its own rules and regulations". How can the commission do that when the Codified Ordinance sets the regulations?

Commissioner Little agreed with her statement and said he has always believed the ordinance declares how the Commission is supposed to perform. But if you create a second document, which he admitted he did not know they had previous rules, then how do you keep the two in sync.

Mr. Ashrawi stated the best way is the disclaimer language whereas anything that is inconsistent with the Charter the Charter governs and anything inconsistent with the Codified Ordinances the Codified Ordinances govern. The rules document generally is supposed to fill in the blanks for what the Codified Ordinances don't say or do. They should give a high level of guidance on how to run an effective meeting. Examples would be tabling and withdraw, meeting conduct, things of that nature. Think of it as a cohesion between the Codified Ordinances and the Roberts Rules of Order for this body.

Commissioner Bailik just wondered if instead of calling it a rules document maybe call it a guidance document governing the Commission structures, duties and code of ethics or even a memorandum of understanding, which she used in previous employment as a means to communicate how the Commission is structured.

Mr. Ashrawi stated they could call it whatever they want so long as it governs or reinforces the structure. These particular terms are just the beginning of putting the draft together. He asked if there is anything in the current structure that gives them pause or sticks out as needing updated.

Commissioner Little asked what the driver is or what is broken or what is the intent of moving forward like this?

Mr. Ashrawi reiterated it is a Council initiative to streamline meetings, structure and efficiencies within the City's processes. There is a focus to do the same across planning and zoning from Staff, entitlements, reviews, etc.

Commissioner Boysko agrees there is some opportunities to improve what the Commission does, maybe understand the Robert's Rules of Order and how they make motions, etc., if it's moving in the right direction opposed to just changing things. He wants to make sure they are pulling good information from the right sources. His concern is they are pulling from a City Council approach. He feels Planning & Zoning meetings are not like City Council meetings, which he feels are more one sided with a lack of communication or interaction. He doesn't think Planning & Zoning should be approached the same way. He feels what makes this board great is the ability to interact with the applicant and the audience. Taking away the applicants ability to present is the wrong approach. He thinks Elise and Claudia do a great job of summarizing the application, but thinks you risk of missing information and having some level of liability. He sees this as not giving the applicant the opportunity to present anything but answer questions.

Mr. Ashrawi stated he did not put the meeting conduct section together but does not think that is the intent of this section.

Commissioner Little said the way Powell has run development has resulted in a pretty good canvas and talking with people on the other side of the conversation, Powell has historically been a tough place to do business, but it's fair and detailed. He thinks this board can't be like Council. He questioned if the goal is to make this a rubber stamped board, because that is a dangerous place to go. He said let's talk about what is broken and why it needs to be fixed. He has a sense there is a cultural shift in some of the interactions they've had in the last 6 months.

Ms. Schellin stated it was not the intent to take away any applicant presentation. She said Claudia put the draft together before she left for vacation. The intent is to take what the Commission is currently doing in practice and put it into the document because there are things in here that we are not doing in practice. She said they just need to make sure this document is reading the way the meeting is running.

She and Bill had talked about how the current rules limit Commission comment to 5 minutes each, which obviously is not something currently happening. You are allowed to speak and ask as many questions as you wish. She said it's really about updating the document to mesh more with what the Commission is doing currently at every meeting.

Commissioner Ahmed said he thinks there is a difference between public comment and the applicant presentation. He feels concerns can be easily addressed in section G where he does not see anything that says the Chairman may not ask the applicant to present the case. He suggest adding a line that says the Chairman may ask the applicant to make a presentation. On the regulation side, he does question "shall make its own rules and regulations". He doesn't think they should have that much power, so maybe removing the regulations so that it only states rules. Commissioner Bailik agrees they may want to soften the language to encourage open discussion on these projects and working as a team. She feels when you incorporate all the elements of the meeting the Commission can make a more informed decision.

Mr. Ashrawi talked about being developer friendly and people going through this process are not going to go through the Codified Ordinances. He feels they will go to the Planning & Zoning website to find the rules that outline the basic structure and processes. He further stated the reason the Commission can designate their own rules is because they are essentially memorializing what the Commission does in practice, so when someone reads the document they know what to expect. They know that the project will be introduced by Staff, then they make their presentation, then the Chairman ask for public comment and then final the Commission discussion. It's really about memorializing what you already doing along with rules similar to those in the Robert's Rules of Order. It is an education piece for the public, not on how the Commission reviews or the appointment of members, but how this meeting takes place.

Commissioner Little stressed the importance of the applicant presenting directly to the Commission. It builds a level of trust and sometimes there is leveraging that takes place in between the applicant and the Commission that creates balance. Also, having the public comment is critical to the success the Commission has had so far and it cannot be like Council.

Mr. Ashrawi stated again that the document is not intended to change those things, it is intended to memorialize them. He further stated that Council is much different because they make laws and have very different responsibilities.

Commissioner Bailik said they called that a fact sheet at the EPA. She feels it should say everyone will have time to speak, but be respectful of everyone else's time. She said when you start putting time limits on it people tend to ignore you and it is not effective for the process.

Commissioner Boysko said for the more contentious projects those time rules are critical. He also feels that for those contentious meetings the straw poll could be handled differently.

Mr. Ashrawi said those are the things they need to clean up with this document. He further suggested for the time limit rule the Commission put in this document a rule that in certain circumstances the Commission may put a time limit on each speaker so that it is in the document and enforceable.

Commissioner Simpson talked about the departure of seasoned members and new appointments. He supports updating the rules to what the Commission is doing in practice. He wonders if part of the rules should define public comment as it pertains to residents vs. non-residents.

Mr. Ashrawi stated this is good dialog and initially he was hearing the Commission did not want this done at all, but feels this can be used for positive movement forward.

Acting Chairman Little suggested having input from someone like Tom Coffey or other community members that have served or are serving on committees.

Ms. Ashrawi stated that would be an appropriate resource as well regarding the meeting rules and conduct.


VI) STAFF ITEMS

Ms. Schellin presented a video of City Council presenting a Proclamation to Don Emerick for his many years of service to the City of Powell.

VII) ADJOURNMENT

Acting Chairman Little moved to adjourn the meeting. Commissioner Boysko seconded the motion. The meeting was adjourned at 8:11 p.m.

MINUTES APPROVED: August 10, 2022



Bill Little,
Acting Chairman

8-10-22

Date



Pam Friend,
Administrative Assistant

8/10/22

Date

