



**PLANNING & ZONING
MEETING MINUTES
SEPTEMBER 14, 2022**

CALL TO ORDER/ROLL CALL

Bill Little, interim Chairman, called a meeting of the Planning & Zoning Commission to order at 6:30 p.m. Commissioners present included Frezan Ahmed, Ryan Herchenroether, Shawn Boysko, Shaun Simpson, Elizabeth Bailik and Bill Little. Staff present included Claudia Husak, Planning Director and Pam Friend, Administrative Assistant.

STAFF ITEMS

None

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.

APPROVAL OF MINUTES

August 10, 2022 Meeting Minutes

[08102022 PZ Draft Minutes.pdf](#)

MOTION: Commissioner Boysko moved to approve the August 10, 2022 Planning & Zoning Minutes as written. Commissioner Bailik seconded the motion. Minutes approved.

VOTE: Y – 6 N – 0

NEW CASES

AMENDMENT TO A FINAL DEVELOPMENT PLAN (2022-2AM)

Applicant:	Middlebury Crossing c/o Delaware County District Library
Location:	7468 Steitz Rd
Existing Zoning:	PC – Planned Commercial District
Request:	Review and recommendation of approval to City Council of an amendment to an Approved Development Plan for updates including a signage plan, a new dumpster enclosure, and bike path revisions.

[1. Case 2022-22AM_Staff Report.pdf](#)

[2. Middlebury-DCDL Amendment Application.pdf](#)

Claudia Husak, Planning Director, presented the Staff Report and stated the Planned District, Final Development Plan, and Signage Code requirements are met with this proposal. Further, she said the updates will increase functionality and circulation on the site, without removing any necessary site components.

In addition, the Olentangy Powell and Liberty (OPAL) organization has expressed support of the updated bike circulation and path widening. Therefore, Staff recommends the Planning and Zoning Commission recommend approval of the Amendment to City Council, as submitted.

Jeffrey Sackenheim, Vice President, Director of Architecture, SHP – 312 Plum Street, Suite 700, Cincinnati, OH 45202, Applicant, gave a brief overview of the requested updates.

Commissioner Little opened public comment up for anyone wishing to speak about this application.

Les Wibberley, 5005 Bayhill Drive, Powell, Chairman of the OPAL Trails Committee expressed appreciation for accommodations in terms of the trail request. The goal is to make the library accessible to pedestrians and cyclist. He is concerned with the Horsepower Farms trail on the south side of Home Road, which does not come all the way to Steitz Road. The section ends and then there is a ditch, so it does not connect to Steitz Road. In order to have a safe pedestrian crossing over Home Road for access to the library, the trail needs to be connected to Steitz. Middlebury Crossing agreed to make the trail connection and he would like to make sure it's part of the agreement moving forward.

Ms. Husak stated it is not part of the current application, because the site being reviewed is on the north side. She agreed that was the understanding from a meeting with the Horsepower Farms developer, Middlebury Crossing developer and Delaware County, but there are some outstanding items that have not been resolved in terms of jurisdiction. Further discussion is needed in terms of landings for the crossing.

Mr. Wibberley wanted to clarify the crossing gives access to the library and also provides a connection between the east and west sections of the Home Road Trail. The crossing is part of the trail corridor and needs to be made appropriate for pedestrians and cyclist and in order to do that the gap needs to be filled.

Commissioner Little asked for clarification on the location of the gap being at the southwest corner of the intersection. Mr. Wibberley stated it is the southwest corner of Home and Steitz. Further, he said when Horsepower Farms built the trail it did not go all the way, creating a gap.

Commissioner Boysko asked Ms. Husak if it is a question of who is responsible or how the connection is made. Ms. Husak said it is really the design and Middlebury Crossing as well as Mr. Vance with Horsepower Farms all agree it needs to be done. She said it is a matter of who will design it, and how it will land across Steitz.

John Wicks, 15 N. Liberty Street, Powell, representing Middlebury Crossing said a commitment was made to connect the path from the north side of Home Road to the Horsepower Farms path on the south side of Home Road. They had offered to extend it to the east to Steitz Road on the south side, however the County Engineer had a safety concern, because you can't have a ramp on one side of the road without having a receiving ramp on the opposite side of the road.

Mr. Wibberley feels the safety issue is not having trail ramps for pedestrians and cyclist. He said the Delaware County Engineer designed, approved and built a section of the trail at Home Road and 315 that dead ends into Perry Road, which is exactly like this section.

They are proposing a future trail be built coming up Steitz Road connecting Carpenter's Mill to the library, which will need a ramp on the other side. He feels building a trail ramp on both sides now would not be wasted.

Commissioner Ahmed asked Ms. Husak if there is a proposed second crossing where it is shaded green on the plans. Ms. Husak said the green section is to indicate where access to the commercial piece would be and no crossing is planned for there.

Commissioner Ahmed asked if this is Delaware County's jurisdiction and Mr. Wicks stated that part of Home Road was annexed into Powell.

Commissioner Bailik said she understands things will need to be worked out and is fine with the proposal as stated.

Commissioner Boysko agrees with proposal, but asked Mr. Wicks why change the path between the ponds. Mr. Wicks believes there were safety concerns with people walking between the two ponds. In lieu of that path the library has agreed to widen their path from 8 feet to 10 feet. Further, he stated a crossing of Home Road had never been contemplated by either their site or Horsepower Farms. After some discussion, Middlebury Crossing agreed to complete the path and connect it on the south side to the Horsepower Farms path. Again, Middlebury is willing to build the ramp at Steitz Road, but with no receiving ramp on the other side of the road, it will need to be approved, because they are concerned about liability if someone were to get hurt. Also, Ms. Husak agreed that Staff will have discussions with Delaware County regarding the crossing.

Commissioner Simpson said the wider path is more desirable than the path between the ponds, so he is good with it.

Commissioner Herchenroether said while he appreciates the commitment, the timing is not great if they have to wait on the retail piece. The library is almost open and there is a pretty significant ditch between it and the southwest access point. Mr. Wicks said they could commit to having the path built in advance of the retail center, maybe even this fall. Commissioner Herchenroether thanked Mr. Wicks and said that would be a big help.

Commissioner Little agrees the building looks good and it is a great asset to the community. He asked Staff if by passing this are they agreeing to vacate bike path in front of the commercial area. Ms. Husak said they do have already in existence an easement there. With this action the applicant would no longer be required to build it west of the L-shaped piece. Commissioner Little asked if selling off the residential area will bring them back to Planning & Zoning, Ms. Husak stated those plans have already been approved.

Mr. Sackenheim said as a point of clarification, their submission only pertains to their site. They do not have anything in their application about further extension along Home Road.

Commissioner Little said he understand about eliminating the path related to the library, but why are we talking about eliminating the bike path for the retail or commercial area tonight. We could make that decision down the road since they are two separate entities.

Ms. Husak stated because of the elimination of the library path between the two ponds they are agreeing to the extra 2 feet on the other path from 8 to 10 feet and then adding the crossing. She admitted it is slightly awkward because it was approved as one site when zoning was approved. The crossing piece on the library site is what is related to the elimination of the path to the west.

Mr. Wicks stated this is all one development plan, the library is coming in and amending the Middlebury Crossing Development Plan, so it is part of this application. He said there are notes about the crossings being put in in exchange for not building the path along the north side of Home Road.

Commissioner Bailik feels it makes complete sense because the concern is access to the retail site, which will be provided once it is developed.

Commissioner Little said he understands, but what it takes away what was an approved section of the path system, which is part of what was originally approved.

Mr. Wicks stated there was never a plan to have a bike path along the north side of Home Road. Since then Horsepower Farms built it on the south side of the road, so that is where the network is going to be and there is no plan to extend it along the north side.

Commissioner Little asked if we still have an easement and Ms. Husak said they would. Further, Commissioner Little said he feels having the bike path connections are important, especially where there is library use with children coming and going. He thinks it is important to get a resolution of that connection. He thinks it is appropriate to ask Staff to coordinate a resolution of the path connection with the Horsepower Farms property and all the different entities that need to be involved.

MOTION: Commissioner Boysko moved for the approval of an Amendment to a Final Development Plan, Case 2022-22AM, as represented by Middlebury Crossing c/o Delaware County District Library for the property located at 7468 Steitz Road allowing for updates, including a signage plan, a new dumpster enclosure, and bike path revisions subject to the following condition:

Staff will continue to work with the various entities to resolve the path connection on the southwest corner of Steitz and Home Road.

Commissioner Bailik seconded the motion. Motion passed.

VOTE: Yes – 6 No – 0 Abstain – 0

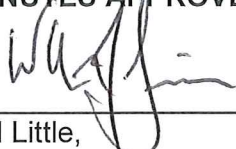
OTHER BUSINESS

Commissioner Simpson asked Staff if there is a timeline on a replacement for the open seat and Ms. Husak said they are awaiting the Operations Committee recommendations for open seats on various Boards and Commissions.

ADJOURNMENT

Commissioner Little moved for adjournment. By unanimous consent the meeting was adjourned at 7:10 p.m.

MINUTES APPROVED: October 12, 2022



Bill Little,
Interim Chair

10-12-22

Date



Pam Friend,
Administrative Assistant

10-12-22

Date

