



**PLANNING & ZONING COMMISSION
MEETING MINUTES
JANUARY 11, 2023**

CALL TO ORDER/ROLL CALL

Chairman Bill Little called a meeting of the Planning & Zoning Commission to order at 6:30 p.m. Commissioners present included Elizabeth Bailik, Ferzan Ahmed, Ryan Herchenroether, Bill Little, Shaun Simpson, David Lester and Stephen MacGuidwin. Staff present included Claudia Husak, Planning Director; Elise Schellin, Development Planner; Jeffrey Tyler, Assistant City Manager; and Peyton Kaman, Development Technician/Clerk.

STAFF ITEMS

Mayor Daniel Swartwout swore in new Planning & Zoning Commissioner, Stephen MacGuidwin.

Chairman Little spoke of the need to appoint a new Vice Chair to the Planning and Zoning Commission.

MOTION: Bill Little moved to appoint Elizabeth Bailik as the new Vice Chair of the Planning & Zoning Commission. Ferzan Ahmed seconded the motion.

VOTE: Y 6 N 0 (None) AB 1 (Elizabeth Bailik)

Motion passed with a vote of 6-0-0.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Little opened the floor for visitors wishing to address the Commission about items not on this evening's agenda. Seeing none, he closed this portion of the meeting.

APPROVAL OF MINUTES

Approval of December 14, 2022

[PZ Minutes 12142022.pdf](#)

MOTION: Elizabeth Bailik moved to approve the Planning & Zoning Commission Meeting Minutes of December 12, 2022. Ryan Herchenroether seconded the motion.

VOTE: Y 6 N 0 (None) AB 1 (Stephen MacGuidwin)

Minutes of December 12, 2022 passed with a vote of 6-0-1.

ITEMS FOR REVIEW

a. PRELIMINARY DEVELOPMENT PLAN REVIEW (2022-29PDP)

Applicant: Grand Communities, LLC.

Location: East Case Avenue

Zoning: DB - Downtown Business District

Request: Review and approval of a preliminary development plan for twenty single-family detached residential homes on 2.43 acres.

1. 1.11.23_Staff Report_EncorePark_PDP.pdf
2. 011123 PZ Encore Park PDP Combined Application.pdf

Elise Schellin, Development Planner, presented the Staff Report and said this site is within the Downtown Business District. The Sketch Plan Review was completed on August 10, 2022, which is the informal review. Due to the site being in the Downtown Business District, the Commission will forward this on to the Historical Downtown Advisory Commission for their review as well.

The proposal includes twenty detached residential homes having two car garages. The homes would be two-story homes having approximately 1800 – 3000 square feet. HDAC will be reviewing more of the architectural detail at their meeting next week.

Staff recommends the Commission approve the Preliminary Development Plan, with the following conditions:

- 1) The applicant continues to work with Staff and the Architectural Advisor to address any recommendations made by the Planning and Zoning Commission, and the Historic Advisory Commission prior to Final Development Plan submission.
- 2) The applicant considers Liberty Township Fire Department's request to install residential sprinklers to the units.
- 3) The applicant works with Staff to refine engineering plans. The path width to the north is increased to eight feet.
- 4) The applicant provides a development text and revised plans that address the development details and all requested deviations as well as any details discussed in this Staff report.

Chairman Little asked the applicant to come forward and make their presentation.

Hillary Laffin – 3940 Olympic Boulevard, Erlanger, KY, representing Grand Communities gave her presentation.

She advised the name of the community would be Encore Park of Powell. She advised the lots would be individually owned and maintained by the HOA. She stated that in speaking with the

existing homeowners, one of their main concerns was screening. The applicant tried to address the northern buffer and proposed a cedar fence and incorporating some more natural vegetation.

She spoke of two different floor plans for the site, the Irving and the Oakley, and gave a breakdown of the differences in their elevations.

She also stated the applicant feels this product will provide a high-quality housing alternative and support the local businesses.

Chairman Little opened the floor for public comment on this Preliminary Development Plan (2022-29PDP).

Tim Voss – 80/90 East Case, Powell – inquired as to where the parking would be located and the width of the streets.

Development Planner Schellin advised all of the visitor parking area on the western side and showed the ten parallel parking areas on the eastern portion of the public street connection at Depot Street. The street width of the alleys are twenty-feet and thirty-feet wide at the right-of-way.

Assistant City Manager/Community Development Director Tyler advised the City will be investing, through a CIP Project, the reconstruction of Depot Street and Case Street. Those streets will be potentially widened.

Doug Hopper – 57 East Case, Powell – stated currently, there are two streets that come together with two stop signs. Traffic does not impede currently. When you add another source to that intersection, that will be three stop signs and the potential to bottle-neck traffic.

Dan McClurg – 204 South Liberty Street, Powell – the whole idea of this is to make this area a walkable/bikeable area. It is being developed as a residential area rather than a commercial area which would bring in more traffic and which would be allowed under current code.

James Sisto – 69 Morris Court, Powell – addressed the Commission and thanked the applicant for speaking with the current homeowners and listening to all of their concerns. He spoke about a tree line being preserved. He spoke of the water retention system and does not want to see their back yards flood. He also agreed that traffic is of great concern.

John Gibson – 119 Morris Court, Powell – stated his concern of high density instead of low density. He also spoke of the Fire Department, and the closeness of the homes, if one home should catch fire, would the neighboring home catch fire as well. He too, spoke of buffering. He stated the idea of petitioning the City to make their neighborhood a gated community.

Joe Miracle – 59 East Case, Powell – stated he was pleased to see this property being developed as residential rather than commercial. He said he did not want this development become an Airbnb or Vrbo investment properties. He also confirmed his agreement with the Liberty Township Fire Department suggesting the sprinkler installation in the homes.

Seeing no further comments from the public, Chairman Little closed public comment for this case.

Commissioner Lester began the Commission's discussion by stating the topic of making a one-way traffic pattern in this area has come up at meetings of the Development Committee. He added the traffic does not make sense with what is being done in other parts of the City.

Commissioner Ahmed advised there is a difference in his way of thinking, between Morris Court and this community. Morris Court was separate, separate streets, separate area, and in his way of thinking, this just does not fit.

Commissioner Bailik stated that moving the homes to one side of the road was a great idea. She liked the fact of parallel parking and the bike paths additions, and especially likes the way the applicant discussed the development with the current homeowners. She believes the traffic and screening concerns are valid and should be continued to work with Staff on this topic.

Commissioner MacGuidwin said he appreciated the fact the applicant approached the current homeowners for discussion of the development. He added he looks forward to topics such as parking and discussions with the Fire Department.

Commissioner Simpson stated this is not a money grab from a developer, this is someone who wants to see the betterment of the City. He added this is very rideable/walkable area and he would like to see some sort of assurance over the one-way, widening, etc. There needs to be some significant improvement to the actual infrastructure. He also stated it was important this development in a one-phase only.

Commissioner Herchenroether spoke of the possibility of doing a PRD, Planned Residence District in the Downtown District.

Planning Director Husak advised in the Downtown Business District, residential is a permitted use. There would be no need to change zoning.

Commissioner Herchenroether further stated he sees an inconsistency between the zoning that governs the site and what the site really wants to be and should be. Further, he stated it is not so much the use, but the density should be there to support the downtown. He also mentioned he would love to see more of a townhouse layout. He also recommended sound attenuation for the western units, being next to the railroad.

Chairman Little spoke of the footprint of the proposal. He stated he sees every home is seen as a garage instead of a front elevation. There should be some architectural detail on the upper portion of the residence, as the portion of the building facing traffic is seen, should be required. He spoke of making certain there is enough parking. He would like to see the investigation of extending the parking lot on the south, to see if there can be more parking where the Case Street right-of-way is going to be vacated. He thinks density should become an issue and suggests taking Building 12 and Building 1, and eliminating them.

MOTION: Elizabeth Bailik moved to approve a Preliminary Development Plan for Case 2022-29PDP, as presented by the applicant Grand Communities, LLC for the property located on

East Case Avenue within the Downtown Business District, which proposes to construct twenty single-family detached residential homes on 2.43 acres, subject to the following conditions:

- All conditions as defined by staff and the City's Architectural Advisor
- All conditions as defined by HDAC
- The applicant continues to work with the community and the City to mitigate potential impacts from construction traffic
- Propose additional options for screening
- Confirm and educate the public on the stormwater management.

Ryan Herchenroether seconded the motion.

Chairman Little requested a roll call for passage: Elizabeth Bailik, yes; Stephen MacGuidwin, yes; Ryan Herchenroether, yes; Bill Little, yes; Shaun Simpson, yes; David Lester, no; and Ferzan Ahmed, no.

VOTE: Y 5 N 2 (Ferzan Ahmed, David Lester) AB 0 (None)

The motion passed with a vote of 5-2-0.

b. CERTIFICATE OF APPROPRIATENESS REVIEW (2023-01CA)

Applicant: City of Powell, c/o Jeffrey S. Tyler, RA, ACM / Community Development Director

Location: 35 North Liberty Street

Zoning: DB - Downtown Business District

Request: Review and approval to demolish a two story, 9,840 square foot building.

1. 1.11.23_Staff Report_Carryout Demo_2023-01CA.pdf
2. 011123 PZ Carryout Demo Combined Application.pdf

Development Planner Schellin presented the Staff Report and said the proposal for this site is a demolition to open the site for potential mixed-use redevelopment consistent with the Comprehensive Plan and the Downtown Revitalization Plan in the future.

Further, she advised this building has been determined to not be of architectural or historical significance within the downtown. Additionally, the City has received a grant from the Ohio Department of Development/Ohio Building Demolition and Site Revitalization Program Grant Fund, to demolish this building. If the building is demolished by May 1, 2023, those funds would be provided to the City for reimbursement.

Staff recommends the Commission approve the demolition of the two-story, 9,840-square-foot structure located at 35 North Liberty Street.

Assistant City Manager/Community Development Director Tyler stated this is part of a grant effort. The City was one of several recipients of the grant within Delaware County. He made himself available for any questions.

Joe Miracle – 59 East Case Street, Powell – asked if the Liberty Township Fire Department was contacted to see if they could use it for live fire testing before it comes down.

Assistant City Manager/Community Development Director Tyler advised the City could reach out to the department.

Chairman Little opened the floor for public comment on Case 2023-01CA. Seeing none, he closed public comment for this case.

Commissioner MacGuidwin was very supportive of the recommendation.

Commissioner Simpson added this building needs to come down.

Commissioner Herchenroether stated he was surprised there was not a Phase One of this property.

Assistant City Manager/Community Development Director Tyler stated there was an asbestos analysis/hazmat test performed, and there was very little asbestos.

Commissioner Lester inquired as to the bidding and the timing to get project completed.

Assistant City Manager/Community Development Director Tyler advised the bidding process begins this week and the closing is February 3, 2023.

Commissioner Ahmed had no comments.

Commissioner Bailik asked once the building comes down, will the lot be used as temporary parking?

Assistant City Manager/Community Development Director Tyler stated the demolition site itself will not be used for parking but there is a parking lot up front that could be used, and is being considered as open parking spots.

MOTION: Elizabeth Bailik moved to approve the Certificate of Appropriateness for Case 2023-01CA as presented by Jeffrey S. Tyler, Assistant City Manager/Community Development Director of the City of Powell, located at 35 North Liberty Street, in the Downtown Business District, which proposes to demolish a two story, 9,480 square foot building. The purpose of the demolishing of the building is to promote future downtown revitalization. Should the parking lot be open for temporary parking prior to a new development plan being brought forth, no new development proposals for other locations shall be allowed to allocate the temporary parking spots at 35 North Liberty Street to meet parking requirements at another location.

David Lester seconded the motion.

