



**PLANNING & ZONING
MEETING MINUTES
APRIL 12, 2023**

CALL TO ORDER/ROLL CALL

Chairman Bill Little called the April 12, 2023 Planning & Zoning Meeting to order at 6:30 p.m. Commission Members present included Ferzan Ahmed, Elizabeth Bailik, Stephan MacGuidwin and Bill Little. Commission Members Ryan Herchenroether and David Lester were absent. Staff in attendance included Jeffrey Tyler, Assistant City Manager/Community Development Director; Claudia Husak, Planning Director; Elise Schellin, Development Planner; and Pam Friend, Administrative Assistant.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Little opened the floor for visitors to address the Commission for items not on this evening's agenda. Hearing none, Chairman Little closed the public comment.

STAFF ITEMS

Planning Director Husak introduced the new City Engineer, Aaron Stanford, to the Planning & Zoning Commission.

APPROVAL OF MINUTES

March 8, 2023 Meeting Minutes
[03.08.23_pz_draft minutes.pdf](#)

MOTION: Commissioner Bailik moved to approve the February 8, 2023 Planning & Zoning Minutes as written. Commissioner MacGuidwin seconded the motion.

Chairman Little requested a roll call for passage: Commissioner Ahmed, yes; Commissioner Bailik, yes; Commissioner MacGuidwin, yes; Chairman Little, yes; and Commissioner Simpson, yes.

VOTE: Y – 5 N – 0 AB – 0

ITEMS FOR REVIEW

AMENDMENT TO A FINAL DEVELOPMENT PLAN (2023-12AM)

Applicant: Kontogiannis & Associates
Location: 10726 Sawmill Parkway
Existing Zoning: PC – Liberty Township Planned Commercial District
Request: Review and approval of an amendment to an Approved Final Development Plan to reorient a portion of the previously approved building expansion to the southern portion of the site and a revised parking lot layout.

1. Target Staff Report.pdf
2. Target Expansion Combined Application.pdf

Planning Director Husak reviewed the Staff Report, which recommends the Commission approve the request for an amendment to the Final Development Plan to allow a layout change to the shopping center and additional parking and with one condition:

1. That the applicant work with Staff to make adequate accommodations for an ADA accessible parking space in the new parking area.

Randall Woodings, Kontogiannis & Associates, applicant, gave a presentation on the request for the amendment to an Approved Development Plan for the property located at 10726 Sawmill Parkway.

Planning Director Husak informed the Commission that her office received correspondence from the Wedgewood Limited Partnership and they are in support of the application.

Chairman Little opened up public comment. Hearing none, he closed public comment.

Commissioner Ahmed stated he had no questions or comments for this application.

Commissioner Bailik thanked the applicant and said she had no questions or comments.

Commissioner Simpson stated he did not have any questions or comments.

Commissioner MacGuidwin stated he had not questions or comments.

Chairman Little said anything they can do to be consistent with what is there is appreciated.

MOTION: Commission Member Bailik moved to approve an amendment to a Final Development Plan for Case 2023-12AM as presented by the applicant, Kontogiannis & Associates, for the property located at 10726 Sawmill Parkway within the Liberty Township Planned Commercial District to reorient a portion of the previously approved building expansion to the southern portion of the site and a revised parking lot layout. Commission Member Ahmed seconded the motion.

Chairman Little requested a roll call for passage: Commissioner Bailik, yes; Commissioner MacGuidwin, yes; Chairman Little, yes, Commissioner Simpson, yes; and Commissioner Ahmed, yes.

VOTE: Y – 5 N – 0 AB - 0

FINAL DEVELOPMENT PLAN REVIEW (2023-09FDP)

Applicant: **Grand Communities, LLC.**

Location: **East Case Avenue**

Zoning: **DB - Downtown Business District**

Request: **Review and recommendation of approval to City Council of a Final Development Plan for nineteen single-family detached residential homes on 2.43 acres and associated site improvements, including a new public street segment.**

1. [Encore Park FDP Staff Report_04122023.pdf](#)
2. [Encore Park of Powell FDP Submittal_20230407.pdf](#)
3. [HDAC Meeting Minutes 01192023.pdf](#)

Development Planner Schellin presented the Staff Report, which recommends the Planning & Zoning Commission recommend approval to City Council of this Final Development Plan with the following conditions:

1. Implementation of this Final Development Plan is conditional on City Council's approval to vacate the proposed 0.15-acre Case Avenue right-of-way to facilitate this layout.
2. The applicant add a 10-foot wide pedestrian easement centered over the proposed bike path.
3. The applicant work with Staff to determine lighting standards and locations for the Depot Street Connection.
4. The applicant include additional signage details as requested.

Hillary Laffin, 3940 Olympic Blvd., Erlanger, KY 41018, representing the applicant, Grand Communities, LLC gave a presentation on the Final Development Plan for the property at East Case Avenue.

Chairman Little opened up public comment for the application.

James Sisto, 69 Morris Court, asked to go on record with his concern for construction traffic coming through their neighborhood even though a posted sign says *No Thru Traffic*. He questioned why Scioto Street is in the capital improvement budget and but not Case.

Garry Swackhamer, 76 Scioto Street, said even without construction traffic they have major ruts from people driving through. He asked if the extension of Depot Street will go in before the housing construction. Ms. Laffin responded they would do all development first and then construct the buildings. Mr. Swackhamer would like to see the City mandate that all construction traffic comes off Powell Road and goes down Depot Street. He and his neighbors are concerned about mud and tearing up of their streets from heavy trucks. He does feel the design of the project is appropriate for the area.

Dan McClurg, 204 S. Liberty Street, owner of the subject property said when he recently met with Fischer Homes and City officials, he suggested what Mr. Swackhamer is suggesting with regards to taking out the pork-chop at Powell Road and Depot Street for construction traffic use. Also, he felt restricting traffic on Depot Street to thru traffic, until homes are in, makes sense. He feels it is a great use and it will flow well with Morris Station. Traffic was the number one factor when developing the site and looking for the least impact use.

Chairman Little closed public comment and moved to Commission discussion.

Commissioner Simpson feels this is a great use for the site with downtown housing rather than a commercial use with a heavy load. Using this project to improve the current infrastructure is a great opportunity as well. He understands the concerns about the connection, however this was always the plan with Keep Powell Moving. He is very sensitive to Case Avenue and would like to accommodate the residents without infringing on the rights of this property owner.

His only concerns are with the side elevations and he wants them to pay attention to the four-sided architecture, but feels it is a great addition to the community.

Commissioner MacGuidwin appreciates the hard work between the developer, community and staff. He is pleased that questions from the Commission, community and staff have been addressed and is very excited about the project.

Commissioner Ahmed talked about his reasons for not supporting the project at previous meetings. In reviewing this submission, he likes the changes that have been made in regards to the elevations. He talked about the central business district and how the code is not up-to-date with it. With regards to the neighbor's concerns, he suggested to the City Engineer that it is very important to meet with the neighbor's and developer to make sure everybody understands what the neighbors needs are in terms of traffic and safety. Those notes should be in the plans so that the construction contractors are aware of them and then the City needs to make sure the construction contractors adhere to them. He feels it is time for the City to step up and have a plan for the infrastructure in this area. He does believe this project will be good for the City.

Commissioner Bailik thanked residents and stated if the public did not take an interest in these types of projects the final outcome would not be what they have with this project. She thanked the applicant for working diligently with the public, staff and the fire department to make this project a win-win for everyone.

Chairman Little thanked the applicant for listening to the Commission feedback with regards to changes in layout of the property, vacating the Case easement, changing the architecture and finding a viable parking solution. He thanked the community for showing interest in what is happening in Powell and talked about the Comprehensive Plan, which the downtown housing is consistent with and said it will help insure a vital downtown. He agreed that the plan has always been to make the Depot Street connection. He agrees this type of solution will produce much less traffic than a commercial property. He did ask the developer if there should be some type of elevation and/or color rules, so that to like structures are not side by side.

Ms. Laffin stated they do not allow color packages next to each other, but she is not sure they can restrict the elevation. They could flip the front elevations left to right but she would need to check with the architecture department.

Further, Chairman Little said they need to pay special attention to the high impact elevations, as well as units 5 and 6 and it is important for the developer to incorporate the comments received from Historic Downtown Advisory Commission (HDAC). He encouraged the developer to try and improve the garage elevations. He also asked that they continue to work with the neighbors and encouraged them to provide construction updates to them. He suggested they consider prohibiting short-term rentals because this is becoming an issue. He agreed establishing a construction route and rules that must be followed will assist in making this a smooth process with the neighborhood. He looks forward to seeing the finished product and welcomed them to the City of Powell.

Commissioner Simpson asked if architecture diversity would be needed in the development text or motion or could staff do that from an approval standpoint.

Planning Director Husak said it would behoove staff, as well as the Commission, to add a condition to any motion to have the applicant work with staff on a diversity matrix.

MOTION: Commissioner Bailik moved to approve the Final Development Plan for Case 2023-09 FDP as presented by the applicant Grand Communities LLC, located at East Case Avenue located in the Downtown Business District, which proposes to construct 19 single-family detached residential homes on 2.43 acres and associated site improvements, including new public street segment. The motion is subject to the following conditions.

1. All conditions as defined by Staff, the City Architectural Advisor and HDAC;
2. The applicant continues to work with the local community and City to mitigate construction traffic, add adequate construction signage, provide adequate screening and maintain storm water;
3. The applicant provide Staff and Architectural Advisor a diversity matrix for the proposed color pallets, as well as high impact elevations.

Commissioner Ahmed seconded the motion.

Chairman Little requested a roll call for passage: Chairman Little, yes; Commissioner Simpson, yes; Commissioner Ahmed, yes, Commissioner Bailik, yes; and Commissioner MacGuidwin, yes.

VOTE: Y – 5 N – 0 AB – 0

Chairman Little announced the Final Development Plan is approved by the Planning & Zoning Commission and will now move to City Council for approval.

2023-14ADM

Applicant: **City of Powell**

Request: **Review and approval of rules and regulations for the Planning and Zoning Commission.**

1. Proposed Rules of the Planning and Zoning Commission (2)_2023Edits.pdf

Planning Director Husak gave a brief review of the proposed rules for the Planning & Zoning Commission. She discussed incorporating comments received by the Commission to the final draft for approval.

Chairman Little asked the Commission if there were any question for staff before a motion is made to approve the rules.

Commissioner MacGuidwin asked about quorum and how many members are needed to approve an item. He wondered if that conflicts with the City Code. He feels it needs to be clearer if a quorum of four is needed. If only four members are present, would all four need to vote in favor of passing or would it be the majority of the four. Planning Director Husak said she had talked with Law Director Ashrawi and she can certainly make that paragraph clearer.

MOTION: Commissioner Bailik moved to approve administrative Case 2023-14ADM as presented by the City of Powell, which purposes rules and regulations for the Planning & Zoning Commission. Commissioner Simpson seconded the motion.

Chairman Little requested a roll call for passage: Chairman Little, yes; Commissioner Simpson, yes; Commissioner Ahmed, yes, Commissioner Bailik, yes; and Commissioner MacGuidwin, yes.

VOTE: Y – 5 N – 0 AB – 0

OTHER BUSINESS

Code Updates

Planning Director Husak discussed that staff has been working with Development Committee to improve processes and updates to the Code. These updates will be coming before the Planning & Zoning Commission for approval.

Bill Little – Planning & Zoning Commission Resignation

Planning Director Husak thanked Chairman Little for his mentorship in the time she has been with the City and for his many years of service to the City of Powell and that he will be missed.

Chairman Little said after 35 years in Powell, he will no longer be calling it home, as he is moving to South Carolina. He is very confident in the current Planning & Zoning Commission. He encouraged them to continue to make Powell unique. He said it has been fun and he has met some really outstanding people. He talked about the significant change in staff and feels the City of Powell is in good hands moving forward.

Commissioner Bailik recognized Chairman Little for his 17 years on the Planning & Zoning Commission and presented him with a certificate of service.

Assistant City Manager/Community Development Director Tyler thanked Chairman Little for bringing his experience, history, attention to detail and organizational skills to the Commission, as well as his dedication and passion in serving the City of Powell. It is greatly appreciated by the administration.

Commissioner Ahmed talked about Chairman Little's dedication and said it has been a pleasure serving with him on the Planning & Zoning Commission.

ADJOURNMENT

Meeting adjourned by consensus at 7:45 p.m.

MINUTES APPROVED: May 10, 2023

 5/10/23
Elizabeth Barlik, Date
Vice-Chair

Pam Friend 5/10/23
Pam Friend, Date
Administrative Assistant