



RESOLUTION 2024-18

A RESOLUTION APPROVING THE SUBDIVISION PLAT FOR ENCORE PARK OF POWELL, AS REPRESENTED BY CEC (CIVIL & ENVIRONMENTAL CONSULTANTS), FOR THE 2.425 ACRE PROPERTY FOR 19-SINGLE-FAMILY HOMES, THE DEDICATION OF RIGHT-OF-WAY FOR THE EXTENSION OF NORTH DEPOT STREET AND 1.121-ACRE OF LAND IN RESERVES FOR A NEW NEIGHBORHOOD. THE APPLICANT IS GRAND COMMUNITIES, LLC AND THE SITE IS ZONED DB – DOWNTOWN BUSINESS DISTRICT AND LOCATED SOUTH OF THE MORRIS STATION NEIGHBORHOOD, EAST OF THE CSX LINE AND NORTH OF NOCTERRA.

WHEREAS, CEC submitted for approval a plat for the property located east of the CSX railroad tracks, south off the Morris Station development, north of the current Depot Street stub; and

WHEREAS, on April 10, 2024, the Powell Planning & Zoning Commission approved said plat for Encore Park of Powell; and

WHEREAS, City Council has determined that approval of the subdivision plat is in the best interest of the residents of the City of Powell based on the approval of the zoning ordinance 2023-14 for the final development for the subdivision.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the subdivision plat for Encore Park of Powell, located east of the CSX railroad tracks, and south of Morris Station, which is attached hereto and incorporated herein by reference as Exhibit "A", is approved by the Council for the City of Powell, subject to the following conditions:

- 1. Applicant shall pay all required development and recreation fees prior to Council review.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Resolution shall take effect on the earliest possible date permitted by law.

[Signature] 5/7/24
Tom Counts
Mayor
Date

[Signature] 5/7/24
Elaine McCloskey
City Clerk
Date

EFFECTIVE DATE: May 7, 2024

This legislation has been posted in accordance with the City Charter on this date [Signature] City Clerk





PLANNING AND ZONING COMMISSION (P&Z)  
PLAT REVIEW APPLICATION

ALL ITEMS ON THIS APPLICATION MUST BE COMPLETED.

Application Fee: \$750.00 + \$125 per sheet  
Per Fee Ordinance 2019-49

Applicant: Jeremy Van Ostran "Civil & Environmental Consultants"

Address/City/State/Zip: 250 W. Old Wilson Bridge Road, Suite 250, Worthington, Ohio 43085

Email Address: jvanostran@cecinc.com

Phone No: 614-310-0184 Cell Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Property Owner: Todd Huss "Grand Communities, LLC"

Address/City/State/Zip: 3940 Olympic Boulevard, Suite 400, Erlanger, Kentucky 41018

Email Address: thuss@fischerhomes.com

Phone No: 859-341-4709 Cell Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Property Address: Case Avenue, Powell, Ohio 43065

Lot Number/Subdivision: Lots 57-60 and part of Lot 61 of Nellie G. Case Addition to the Village of Powell

Checklist:

- Plat plan requirements set forth in Section [1109.10](#).
- Provide any other information that may be useful to the Planning and Zoning Commission or City Staff in the space below or attach additional pages.
- Attach **paper copy** of all drawings, text, any other items, and application.
- 1 digital copy** (CD, USB, Email) of the complete application packet.
- Attach the required fee - \$750 + \$125 per sheet.
- Post a public notice sign at least (10) days prior to a public hearing or public meeting, pursuant to ordinance 1107.035 Public notice sign details found [here](#).

(SEE OVER)

PLANNING AND ZONING

PLAT REVIEW

Page 1 of

2 I agree to grant the City Staff, the Commission, Board or Council considering this application access to the property that is the subject of this application for the purposes of reviewing this application and posting public notice for this application.

Signature of Applicant: 

Date: 3/18/24

Office Use

Received

Office Use

Type/Date: \_\_\_\_\_

Base Fee:           \$750.00          

Per Sheet:           \$125.00X (     ) =          

Total: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

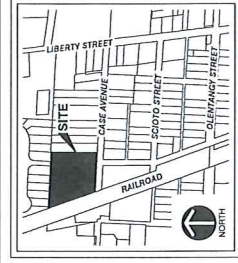
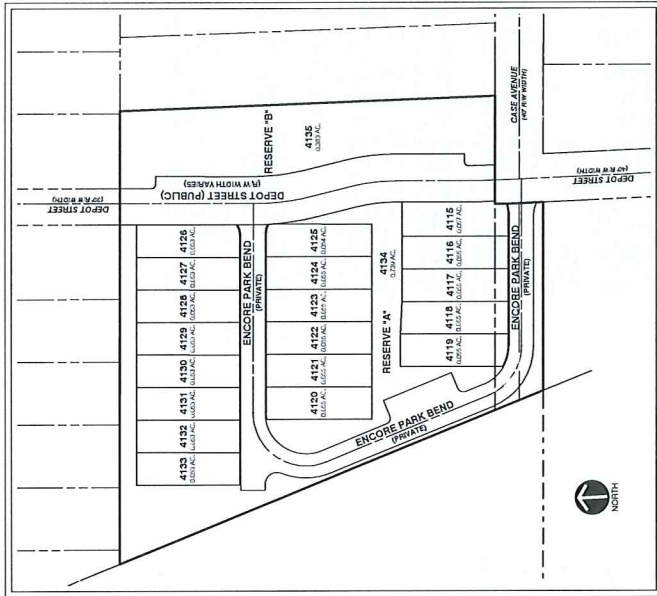
PAYOR: \_\_\_\_\_

RECIEPT # \_\_\_\_\_

City of Powell · 47 Hall Street · Powell, Ohio 43065 · (614) 885-5380 · (614) 885-5339 fax · [www.cityofpowell.us](http://www.cityofpowell.us)

# ENCORE PARK OF POWELL

STATE OF OHIO, COUNTY OF DELAWARE, CITY OF POWELL,  
FARM LOT 32, QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 19, UNITED STATES MILITARY LANDS,  
BEING LOTS 57 THROUGH 60 AND PART OF LOT 61 OF NELLIE G. CASE ADDITION TO THE VILLAGE OF POWELL,  
OF RECORD IN PLAT BOOK 3, PAGE 95.



NO.	DATE	REVISION RECORD

Civil & Environmental Consultants, Inc.  
250 W. Old Wilson Bridge Road - Suite 200 - Worthington, OH 43085  
614-540-6533 - 608-598-8808  
www.cec.com

CITY OF POWELL  
DELAWARE COUNTY, OHIO  
GRAND COMMUNITES, LLC

**SUB**  
SUBDIVISION PLAT  
DATE: APRIL 2024  
PROJECT NO: 24273  
DRAWN BY: N.A. CHECKED BY: ALV  
KAS

STATE OF OHIO, COUNTY OF DELAWARE, CITY OF POWELL, FARM LOT 32, QUARTER TOWNSHIP 4, TOWNSHIP 3, RANGE 19, UNITED STATES MILITARY LANDS, BEING LOTS 57 THROUGH 60 AND PART OF LOT 61 OF NELLIE G. CASE ADDITION TO THE VILLAGE OF POWELL, OF RECORD IN PLAT BOOK 3, PAGE 95. THIS PLAT WAS PREPARED BY THE UNDERSIGNED, GRAND COMMUNITES, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, OWNER OF THE LANDS PLATTED HEREIN, AND THE UNDERSIGNED, GRAND COMMUNITES, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, OWNER OF THE LANDS PLATTED HEREIN, HAS CAUSED THIS PLAT TO BE EXECUTED BY THIS DAY OF \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, GRAND COMMUNITES, LLC, \_\_\_\_\_ HAS CAUSED THIS PLAT TO BE EXECUTED BY THIS DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
NAME \_\_\_\_\_  
TITLE \_\_\_\_\_  
COUNTY OF OHIO: \_\_\_\_\_  
COMMUNALITY OF KENTUCKY: \_\_\_\_\_

THIS IS AN ACKNOWLEDGEMENT CLAUSE, NO GIFT OR AFFIRMATION WAS ADMINISTERED TO THE SIGNER, THE FOREGOING INSTRUMENT WAS VOLUNTARILY EXECUTED BY GRAND COMMUNITES, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, ON BEHALF OF THE COUNTY.

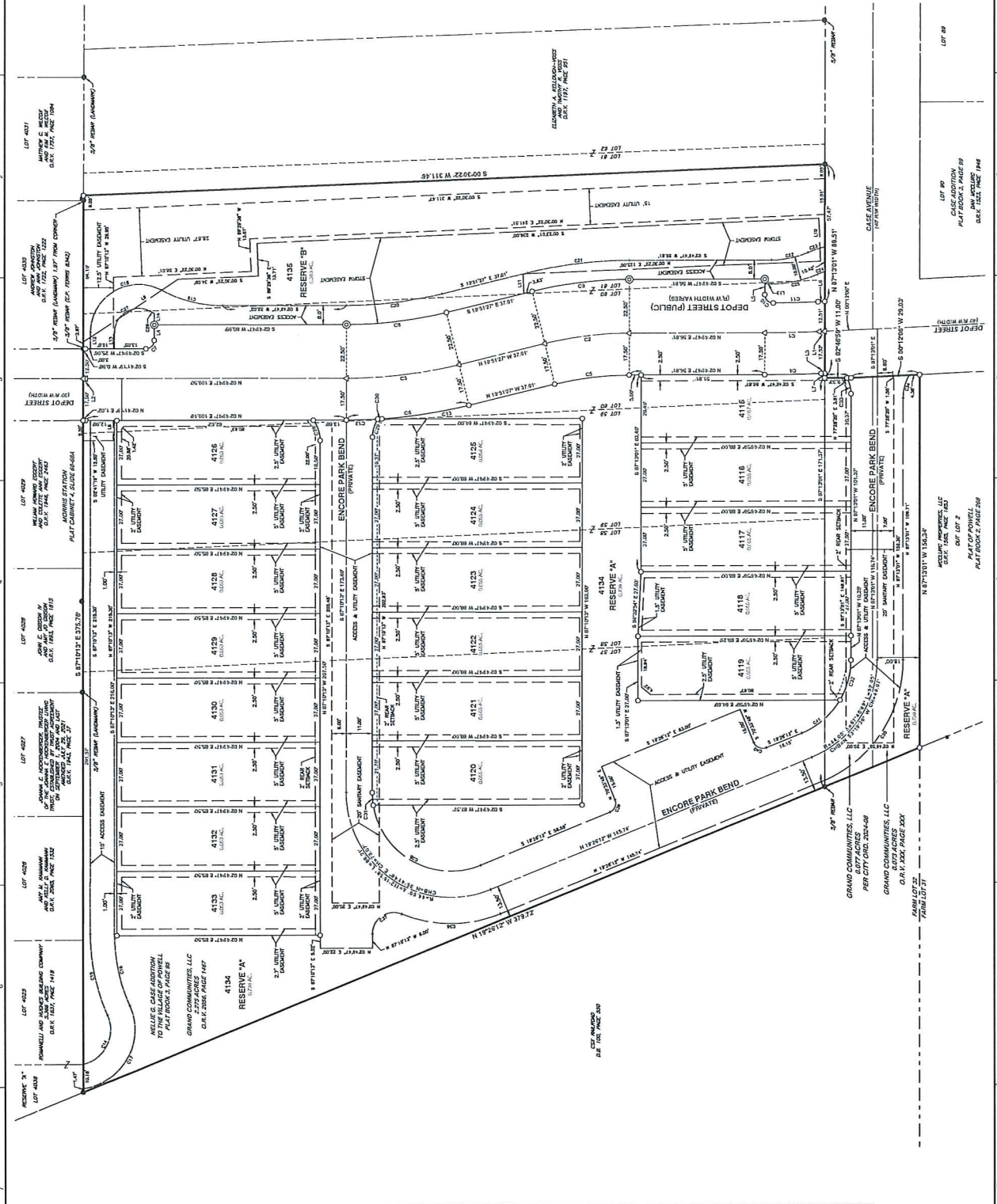
BY COMMISSIONER: \_\_\_\_\_

CERTIFICATION: I, THE UNDERSIGNED, GRAND COMMUNITES, LLC, HAVE SUBMITTED THE ATTACHED INSTRUMENT, PREPARED BY THE UNDERSIGNED, GRAND COMMUNITES, LLC, AND THAT THIS PLAT WAS PREPARED BY THE UNDERSIGNED, GRAND COMMUNITES, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, OWNER OF THE LANDS PLATTED HEREIN, AND THE UNDERSIGNED, GRAND COMMUNITES, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, OWNER OF THE LANDS PLATTED HEREIN, HAS CAUSED THIS PLAT TO BE EXECUTED BY THIS DAY OF \_\_\_\_\_, 20\_\_\_\_.

FILE NO. \_\_\_\_\_  
PLAT NUMBER \_\_\_\_\_ SUBJ. \_\_\_\_\_

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
AT \_\_\_\_\_, OHIO





NORTH

SCALE IN FEET

0 20 40

**LINE TABLE**

LINE #	DIRECTION	LENGTH
L1	S 103° 15' 00" E	3.00'
L2	S 89° 21' 00" E	3.00'
L3	S 89° 21' 00" E	3.00'
L4	S 89° 21' 00" E	3.00'
L5	S 89° 21' 00" E	3.00'
L6	S 89° 21' 00" E	3.00'
L7	S 89° 21' 00" E	3.00'
L8	S 89° 21' 00" E	3.00'
L9	S 89° 21' 00" E	3.00'
L10	S 89° 21' 00" E	3.00'
L11	S 89° 21' 00" E	3.00'
L12	S 89° 21' 00" E	3.00'
L13	S 89° 21' 00" E	3.00'
L14	S 89° 21' 00" E	3.00'
L15	S 89° 21' 00" E	3.00'

**CURVE TABLE**

CURVE #	RADIUS	DELTA	LENGTH	CHL	CHB
C1	2000.0'	27.81°	22.87'	22.87'	14.170000' E
C2	1800.0'	33.69°	28.67'	28.67'	14.170000' E
C3	1600.0'	39.57°	34.47'	34.47'	14.170000' E
C4	1400.0'	45.45°	40.27'	40.27'	14.170000' E
C5	1200.0'	51.33°	46.07'	46.07'	14.170000' E
C6	1000.0'	57.21°	51.87'	51.87'	14.170000' E
C7	800.0'	63.09°	57.67'	57.67'	14.170000' E
C8	600.0'	68.97°	63.47'	63.47'	14.170000' E
C9	400.0'	74.85°	69.27'	69.27'	14.170000' E
C10	200.0'	80.73°	75.07'	75.07'	14.170000' E
C11	150.0'	86.61°	80.87'	80.87'	14.170000' E
C12	100.0'	92.49°	86.67'	86.67'	14.170000' E
C13	50.0'	98.37°	92.47'	92.47'	14.170000' E
C14	20.0'	104.25°	98.27'	98.27'	14.170000' E
C15	10.0'	110.13°	104.07'	104.07'	14.170000' E
C16	5.0'	116.01°	109.87'	109.87'	14.170000' E
C17	2.5'	121.89°	115.67'	115.67'	14.170000' E
C18	1.25'	127.77°	121.47'	121.47'	14.170000' E
C19	0.625'	133.65°	127.27'	127.27'	14.170000' E
C20	0.3125'	139.53°	133.07'	133.07'	14.170000' E
C21	0.15625'	145.41°	138.87'	138.87'	14.170000' E
C22	0.078125'	151.29°	144.67'	144.67'	14.170000' E
C23	0.0390625'	157.17°	150.47'	150.47'	14.170000' E
C24	0.01953125'	163.05°	156.27'	156.27'	14.170000' E
C25	0.009765625'	168.93°	162.07'	162.07'	14.170000' E
C26	0.0048828125'	174.81°	167.87'	167.87'	14.170000' E
C27	0.00244140625'	180.69°	173.67'	173.67'	14.170000' E
C28	0.001220703125'	186.57°	179.47'	179.47'	14.170000' E
C29	0.0006103515625'	192.45°	185.27'	185.27'	14.170000' E
C30	0.00030517578125'	198.33°	191.07'	191.07'	14.170000' E
C31	0.000152587890625'	204.21°	196.87'	196.87'	14.170000' E
C32	0.0000762939453125'	210.09°	202.67'	202.67'	14.170000' E
C33	0.00003814697265625'	215.97°	208.47'	208.47'	14.170000' E
C34	0.000019073486328125'	221.85°	214.27'	214.27'	14.170000' E
C35	0.0000095367431640625'	227.73°	220.07'	220.07'	14.170000' E
C36	0.00000476837158203125'	233.61°	225.87'	225.87'	14.170000' E
C37	0.000002384185791015625'	239.49°	231.67'	231.67'	14.170000' E
C38	0.0000011920928955078125'	245.37°	237.47'	237.47'	14.170000' E
C39	0.00000059604644775390625'	251.25°	243.27'	243.27'	14.170000' E
C40	0.000000298023223876953125'	257.13°	249.07'	249.07'	14.170000' E
C41	0.0000001490116119384765625'	263.01°	254.87'	254.87'	14.170000' E

**LEGEND**

- ▲ 10' SETBACK
- ▲ 15' SETBACK
- ▲ 20' SETBACK
- REAR SET & CAP (SEE IRON PINS NOTES)
- ⊙ PERMANENT MARKER (1" IRON SET)





**PLANNING & ZONING COMMISSION**

Municipal Building, Council Chambers

47 Hall Street

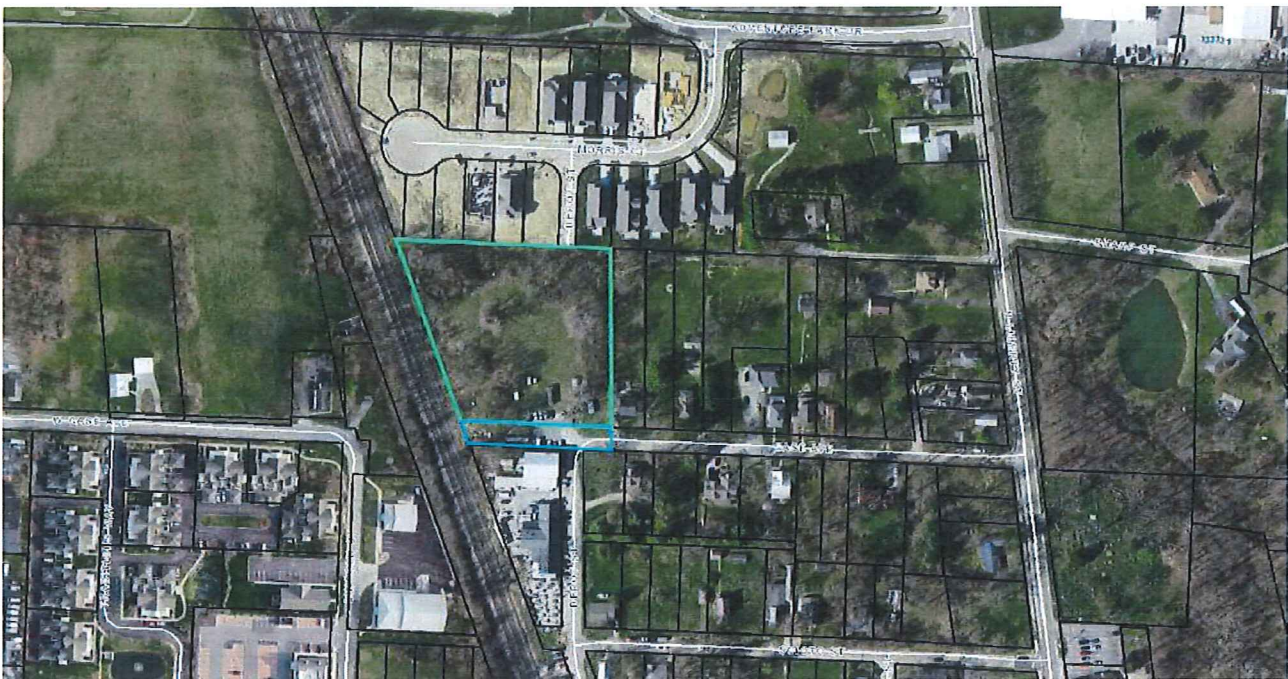
Wednesday, April 10, 2024

6:30 P.M.

**PLAT REVIEW (2024-10PR)**

This is a request for review and approval of a subdivision plat of 2.425 acres for 19-single-family homes, the dedication of right-of-way for North Dept Street and 1.121-acre of land in reserves for a new neighborhood, Encore Park of Powell. The applicant is Grand Communities, LLC and the site is zoned DB – Downtown Business District and located south of the Morris Station neighborhood, east of the CSX line and north of Nocterra.

Aerial Site Image: <https://goo.gl/maps/UNaLP4JgBcVjRqbu9>

**Project Background**

This project has been approved through the development plan process as stipulated in the Code. City Council approved the development in July of 2023 and in March of 2024 the vacation of the right-of-way for Case Avenues was also approved by Council. The plat is the mechanism utilized to file with the recorder's office and records lots, rights-of-ways and dedicated space for open space and easements.

**Approved Development Plan Synopsis**

The approved Final Development Plan consists of 19 single-family residential homes on ±2.425 acres, with a gross density of 7.8 dwelling units per acre. Reserve A, 0.738-acre and Reserve B, 0.383-acre are designated as open space and 0.274-acre is dedicated as public right-of-way for the extension of Depot Street from the current stubs at Morris Station and south at the Nocterra site.

### Ordinance Review

Section [1107.08](#) of the Powell Codified Ordinances requires a plat to be submitted and approved, and then recorded, prior to the sale of any lots and the dedication of streets for public use. In addition, Section [1109.10](#) includes all stipulations to be included within a plat submission, which are met with this proposal.

### Staff Comments

The subdivision plat is the document which establishes the dedication of public and private streets and rights- of-way, as well as private lots for sale and development of single-family homes and/or open spaces. Prior to plat acceptance by the City and the County no lots can be sold or built upon. The lots have been labeled 4115 thru 4133 based on the consecutive numbering from the Delaware County Map Room.

### Staff Recommendation

Staff recommends the Planning and Zoning Commission recommend approval of the final plat for Encore Park of Powell to City Council with the following conditions:

- 1) That the open space note be amended to include language in regard to the path located within and through the reserve being for public use and maintained by the City.



**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 aske 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.


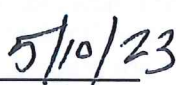


Assistant City Manager/Community Development Director Tyler thanked Chairman Little for bringing his experience, history, attention to detail and organizational skills to the Commission, as well as his dedication and passion in serving the City of Powell. It is greatly appreciated by the administration.

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**

			
Elizabeth Bailik, Vice-Chair	Date	Pam Friend, Administrative Assistant	Date





**HISTORIC DOWNTOWN ADVISORY COMMISSION  
MEETING MINUTES  
JANUARY 19, 2023**

**CALL TO ORDER/ROLL CALL**

Chairman Tom Coffey called the Historic Downtown Advisory Commission meeting to order at 6:00 p.m. Commission members in attendance were Larry Coolidge, Brad Coomes, Erin Wesson, and Steve Reynolds, Architectural Advisor. Also present were Claudia Husak, Planning Director; Elise Schellin, Development Planner and Peyton Kaman, Development Technician.

**OATH OF OFFICE FOR NEW COMMISSIONER**

Mayor Daniel Swartwout swore in Commissioner Coffey and Commissioner Coolidge. Chairman Coffey stated the next order of business is the election of the Chair and Vice Chair of the Historic Downtown Advisory Commission.

MOTION: Larry Coolidge moved to nominate Tom Coffey to remain as the Chairman of the Historic Downtown Advisory Commission. Brad Coomes seconded the motion.

Chairman Coffey requested a roll call for passage: Larry Coolidge, yes; Erin Wesson, yes; Brad Coomes, yes; and Tom Coffey, yes.

VOTE:        Y – 4            N – 0            AB – 0

Nomination of Tom Coffey to remain as the Chairman of the Historic Downtown Advisory Commission adopted with a vote of 4-0-0.

MOTION: Tom Coffey moved to nominate Larry Coolidge to be the Vice Chairman of the Historic Downtown Advisory Commission. Brad Coomes seconded the motion.

Chairman Coffey requested a roll call for passage: Erin Wesson, yes; Brad Coomes, yes; Tom Coffey, yes; and Larry Coolidge, yes.

VOTE:        Y – 4            N – 0            AB – 0

Nomination of Larry Coolidge to remain as the Vice Chairman of the Historic Downtown Advisory Commission adopted with a vote of 4-0-0.

**HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA**

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

## APPROVAL OF MINUTES

August 18, 2022 Meeting Minutes  
[08182022 HDAC Draft Minutes.pdf](#)

MOTION: Larry Coolidge moved to approve the Historic Downtown Advisory Commission meeting minutes of August 18, 2022. Brad Coomes seconded the motion.

Chairman Coffey requested a roll call for passage: Larry Coolidge, yes; Erin Wesson, yes; Brad Coomes, yes; and Tom Coffey, yes.

VOTE:            Y – 4            N – 0            AB – 0

Minutes of August 18, 2022 adopted with a vote of 4-0-0.  
ITEMS FOR REVIEW

- b.      **CERTIFICATE OF APPROPRIATENESS (2023-03CA)**  
Applicant:            Branko Stankovic – DSA Architects Inc.  
Location:             50 South Liberty Street  
Existing Zoning:     DB – Downtown Business District  
Request:              Review and approval of a Certificate of Appropriateness to replace existing windows on the northern façade with an automatic garage door.
1. [01.19.23\\_50 S Liberty\\_HDAC\\_Staff\\_Report.pdf](#)
  2. [Liberty Tavern Garage Door Combined Application.pdf](#)

Peyton Kaman, Development Technician, presented the Staff Report, which recommends the Historic Downtown Advisory Commission approve the recommendation of a Certificate of Appropriateness to the Planning & Zoning Commission.

Chairman Coffey opened the floor for public comment. Hearing none, he closed public comment.

Branko Stakovich of DSA Architects Inc., gave a presentation on the request.

Chairman Coffey inquired about the trim and was advised by Mr. Stakovich that it will be a white trim, which will match the existing trim, as well as the aluminum door.

Commissioner Wesson liked the idea of the colors being white and had no further concerns.

Commissioner Coolidge asked if the glass would be from top to bottom and wondered if it was going to be a safety glass. Mr. Stankovich affirmed.

Commissioner Coomes had no comment.

Chairman Coffey stated that it was fine it.

MOTION: Brad Coomes moved to approve a Certificate of Appropriateness (2023-03CA) for 50 South Liberty Street, Downtown Business District, as represented by the applicant Branko Stankovic – DSA Architects Inc., for a request to replace existing windows on the northern façade with an automatic garage door. Larry Coolidge seconded the motion.

Chairman Coffey requested a roll call for passage: Brad Coomes, yes; Tom Coffey, yes; Larry Coolidge, yes; and Erin Wesson, yes.

VOTE:            Y – 4            N – 0            AB – 0

Recommendation of Certificate of Appropriateness to the Planning & Zoning Commission approved with a vote of 4-0-0.

**a.      CERTIFICATE OF APPROPRIATENESS (2023-02CA)**

**Applicant:**            Grand Communities, LLC  
**Location:**            East Case Avenue  
**Existing Zoning:**    DB – Downtown Business District  
**Request:**            Review and recommendation of approval to Planning and Zoning Commission of a Certificate of Appropriateness for the architectural elements for twenty single-family detached residential homes on 2.43 acres.

1. [01.19.2023 Encore Park HDAC\\_Staff\\_Report.pdf](#)
2. [Encore Park of Powell Combined Application.pdf](#)

Elise Schellin, Development Planner, presented the Staff Report, which recommends the Historic Downtown Advisory Commission approve the recommendation of the Certificate of Appropriateness to the Planning & Zoning Commission subject to the following conditions:

1. That the proposed color palette and materials be reduced to create more consistency within the development, while adhering to the Guidelines.
2. That the applicant addresses the Commission comments regarding building massing and window proportions.
3. That the applicant provides additional information regarding the proposed foundation and gutters and downspouts.
4. That the applicant continues to work with the Architectural Advisor to address comments.

Architectural Advisor Steve Reynolds stated in general, this product type is exciting to see in Powell. As far as the site, the changes that were made are appreciated. He stated he would like to see a shake or a fish scale shake be added. The biggest thing for him is for the applicant to continue to work with him to continue to finalize materials and paint colors, as well as the side elevations.

Dan O’Connell, Director of Architecture for Fischer Homes – 7 Wilmuth Avenue, Wyoming, Ohio, gave a presentation regarding the project.

Commissioner Coolidge stated they need to stay within the guidelines and go with styles that are currently in place. He likes the idea of the homeowner to choosing a white window color rather than black.

Mr. O'Connell stated due to the homes being so close, they felt the consistency of the black window color was important.

Chairman Coffey spoke of the water table and stated you would see a stone water table in the district rather than brick. He also mentioned the down spouts and gutters. Mr. O'Connell stated the down spouts and gutters will be located on the side rather than on the front.

Commissioner Coomes spoke about the color options and how would the "narrow down" look like. Mr. O'Connell advised most likely, each of the styles would have five to six color packages being different for each home.

Commissioner Wesson spoke of the garages being on the rear and one standard garage door. She also spoke about having one light sconce on the exterior in general. Mr. O'Connell advised there would be one standard garage door, and advised coach lights and recessed lights would be made available.

Planning Director Husak asked if Public Comment could be entertained.

Chairman Coffey opened the floor for public comment.

Dan McClurg – 204 S. Liberty Street, Powell, stated he really likes the style of these homes. He wondered if the color of the brick, might not look quite as modern. He loves the look of the half-round gutters, however the ones he has put on his properties have had to be replaced with the traditional gutters, as the half-round gutters are not efficient. He likes the idea of the shake rather than the fish scale as it has more of a clean look.

Hearing no further public comment, Chairman Coffey closed public comment.

Commissioner Wesson stated she has been advocating for additional brick in the district. Further she stated it looks like a good style for the area.

Commissioner Coolidge spoke about the guideline book to which the Commission must follow, and how the "Modern European" is not a style or architecture that is in the old village. The "American Classic" fits right in. He stated that he is not against the project, but the buildings that are put in must follow the guidelines. He also mentioned the doors are important and would like to see details on those.

Commissioner Coomes stated his main concerns are the brick and the color palette being too large. Twenty-four total package colors seem a lot to him with this size of development. The foundation is another concern as consistency matters as well as choose one to go around the complete home.

Mr. O'Connell advised he agreed with Commissioner Coomes on the color packages and stated a lot of the packages will have the same stone and brick. You will not see a lot of diversity of trim color as well, and getting some of the details right from a color standpoint when the homes are that close together becomes critical. They will work with the Architectural Advisor to narrow the colors down.





**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.





**PLANNING & ZONING  
MEETING MINUTES  
AUGUST 10, 2022**

**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 include Elizabeth Bailik, Shawn Boysko, Shaun Simpson and Bill Little. Commissioners Ferzan Ahmed and Ryan Herchenroether were absent. Staff present included Claudia Husak, Planning Director; Elise Schellin, Development Planner; Chris Huber, City Engineer; Pam Friend, Administrative Assistant and Steve Reynolds, Architectural Advisor.

**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**

July 13, 2022 Meeting Minutes  
[07132022 PZ\\_Draft\\_Min.pdf](#)

MOTION: Commission Boysko moved to approve the July 13, 2022 Planning & Zoning Minutes as written. Commissioner Bailik seconded the motion. Minutes approved.

VOTE: Y – 4            N – 0

**NEW CASES**

**SKETCH PLAN REVIEW (2022-19SP)**

**Applicant:** 15 NL LLC, c/o John Wicks  
**Location:** 15 North Liberty Street  
**Existing Zoning:** DB – Downtown Business District  
**Request:** Review and feedback of a Sketch Plan to renovate an existing structure and construct a new structure for a restaurant/bar/entertainment use on a ±0.244-acre site.  
1. Case 2022-19SP\_15NL\_Staff Report.pdf  
2. 15NL LLC Sketch Plan Combined.pdf

Elise Schellin, Development Planner, presented the Staff Report and advised the Commission that according to the Zoning Code, "the Commission shall review the Sketch Plan with the owner and provide the owner with comments during the meeting, it being understood that no statement by officials of the City shall be binding upon either". This submission is informal and for the purpose of establishing communication and discussing the concept for developing the tract. No formal action will be taken on the Sketch Plan.

Staff recommends the Commission provide the applicant/owner with comments regarding the following questions and any other topics the Commission wishes to discuss:

1. Does the proposal adhere sufficiently to the Comprehensive Plan, particularly in terms of land use?
2. Does the Commission support the proposed building type and architectural character?
3. Does the Commission desire input from the Historic Downtown Architectural Commission as part of a future review step?
4. What are the Commission's comments on the proposed parking?
5. Other comments by the Commission.

John Wicks, 15 N. Liberty Street, thanked the Commission for the opportunity to present the Sketch Plan and Ms. Schellin for her thorough report. He talked about discussions with former City Zoning Staff regarding a similar plan, which had a new building in the current green space. After talking with City Staff, it was suggested he move the structure to the north due to massing. He recognizes, like other businesses in downtown, they are short on parking. He would like more information on shared parking based on uses and hours of operations. He's here to see if the project is viable and get feedback.

Commissioner Little opened public comment up and stated they received an email from Kimberly's Diamond Corner regarding their concerns with the proposal. He asked if there were others that wanted to speak about the proposal.

Ralph Renninger, Kimberly's Diamond Corner, 1 N. Liberty Street, discussed his concern regarding parking and stated his customers have no place to park or their concerned about getting out of their vehicles on Olentangy Street with traffic speeding past. His customers are also concerned about walking from his store several blocks after making a valuable purchase. He said many employees of local businesses do not use the other designated lots, they park in front of businesses all day. He suggested 1 hour parking signs limiting the time vehicles can be parked in spots until 6:00 p.m. to ensure customers can find a safe place to park. They have been in business for over 35 years and admitted his building has been land locked since 1944 with no onsite parking.

Steve Reynolds, Architectural Advisor said he is in favor of the green space for gathering. He feels from a use perspective there is a need for this, but there certainly is a concern for parking. He said the building needs a great deal more work to make sure from a historical perspective that it fits in with massing and scale on Liberty Street.

Commissioner Bailik thanked the applicant and asked about what parking options they have investigated. She feels there is a big difference between deviations from the code for an existing building and those for a new one.

She is concerned that between traffic, parking and size of the building that it's just not a good fit. She doesn't see how they can make it work and feels the City does not want to set a precedent allowing new businesses or new buildings that lack the required parking.

Mr. Wicks said they show parking along the alley and he has talked to the owner of the gravel lot behind Megan's Savvy Pet Grooming LLC about an agreement to pave, stripe, and create dedicated spaces in their lot. He hopes to talk with the City about a maintenance agreement, if lot is opened to the public after hours. He designed the circulation to keep traffic moving, especially if the alley were one-way, which he talked to carryout property owners about and they were in favor of the one-way. He said the building could be scaled back, but the proposed DORA space is land locked with no access from Liberty and not ideal for parking.

Commissioner Boysko appreciates what they are trying to do and likes the use. He said the challenge is how you fit it in. He would like them to look at historic nature of downtown and massing for the design. He gave examples of businesses that expanded in downtown and struggled to get approved due to lack of parking. He discussed allowances in the code for reduction to parking counts, but based on the proposed building and occupancy load he feels there's still a significant amount of parking needed. He suggested they investigate leasing or purchasing land for a parking lot. He talked about the Keep Powell Moving study on parking that originally showed excess parking and he wonders if it should be updated. Also, he suggested developing the existing building and utilizing the outdoor space for dining, which with a good landscape architect could be a really cool urban space. He feels the proposed building looks disconnected from the current structure on the site.

Mr. Wicks believes there is an updated parking study, which shows some underutilized spaces. He is hoping the City will work with them to help solve the problem. Unfortunately, the current building was built in the 1800's and it is not viable to utilize as a restaurant. They plan to continue to use this space for offices. He would have torn it down, but was told he is not allowed.

Commissioner Simpson thanked the applicant and asked Staff if a parking agreement would prevent someone from developing their land.

Claudia Husak, Planning Director, said ultimately it comes down to not knowing what happens in the future. She used Megan's parking lot as an example, that if they gave five spaces, what is the timing? Is it a 2 year or 5 year agreement, so not knowing what the future holds, any parking agreement is temporary.

Commissioner Simpson said from a use and income standpoint he thinks it's fantastic. He feels the front elevation needs a ton of work. Site size for a restaurant needs to be figured out to include dumpsters, etc. The building size needs to be adjusted and parking needs to be figured out. He feels the applicant has been a great partner with the City. He hopes it can all be worked out.

Commissioner Little thanked the applicant and appreciates the money they've invested in the existing building, since it is part of Powell's history. He was hoping they could incorporate it into the plan, but perhaps because of ADA and other issues it is cost prohibitive. It's in the historical district so they need to come up with a structure HDAC and P&Z are both comfortable with. The use and idea are good, but he thinks the bigger issue is the parking.

He mentioned the project at Olentangy and Grace Drive, where there could be up to 100 people at one time. He feels more work is needed on the architecture and he can't see adding more pressure to the intersection until the City has a community parking solution.

**SKETCH PLAN REVIEW (2022-20SP)**

**Applicant:** Grand Communities LLC  
**Location:** East Case Avenue, Parcel Number 31942601024000  
**Existing Zoning:** DB – Downtown Business District  
**Request:** Review and feedback of a Sketch Plan to construct 21 single-family residential homes on a ±2.275-acre site.  
1. Case 2022-20SP\_McClurg Property\_Staff Report.pdf  
2. McClurg Combined Sketch Plan.pdf

Elise Schellin, Development Planner, presented the Staff Report and advised the Commission that according to the Zoning Code, "the Commission shall review the Sketch Plan with the owner and provide the owner with comments during the meeting, it being understood that no statement by officials of the City shall be binding upon either". This submission is informal and for the purpose of establishing communication and discussing the concept for developing the tract. No formal action will be taken on the Sketch Plan.

Staff recommends the Commission provide the applicant/owner with comments regarding the following questions and any other topics the Commission wishes to discuss:

1. Does the proposal adhere sufficiently to the Comprehensive Plan, particularly in terms of land use?
2. Does the Commission support the proposed building type and architectural character?
3. Does the Commission desire input from the Historic Downtown Architectural Commission as part of a future review step?
4. What are the Commission's comments on the proposed parking?
5. Other comments by the Commission.

Steve Reynolds, Architectural Advisor, said it's a great use for the parcel since this type of housing is not currently available in Powell. He's concerned about the density and suggested a few less units might provide more breathing room around the courtyard areas or sidewalks. The next step would be to meet with Fischer Homes to look at the home options to see how they fit with the historic guidelines for downtown Powell. He would like the units to be reoriented to give a front porch view for esthetics rather than garages. He does have some concerns about the connector street going straight through. He would like the street to have a more residential feel.

Jason Wisniewski, Grand Communities LLC, gave a presentation as the land development company for Fischer Homes. He spoke about the urban portfolio, which they feel is an underserved product. The appeal of the site is the walkability to downtown Powell and all the amenities it has to offer. He pointed out these homes are fee-simple sites. The alley is a separate parcel that will be maintained by the HOA. They have rear entry attached garages. The average price point would be in the \$600,000 range and is targeted to empty nesters and young professionals.



Mr. Wisniewski talked about the constraints of the property with the railroad line. They've identified the stormwater and retention are a challenge. He talked about adding a curve to the road so that Depot Street does not go straight through to Morris Station, but they think you lose the urban pattern by doing so.

Dan McClurg, McClurg Properties, he is the owner of the property in question and talked about the development plan and determining whether the parcel is best suited for Commercial or residential. Once Morris Station went in he decided residential would be the best fit. He had three offers on the project with one more lucrative than the Fischer product, but he owns neighboring properties and has invested in several historical buildings downtown so he wanted to make sure it was the right product. He talked about being a good neighbor to the Morris Station development and that Fischer Homes checked all the boxes for the criteria he set.

Commissioner Little opened the item up for public comment. Hearing none, he closed public comment.

Commissioner Simpson thanked the applicants and asked staff about the transfer of the right-of-way. Ms. Husak, said it is ultimately part of the development deal. The City has been in negotiations with Mr. McClurg to figure out how to get the right-of-way for the Depot Street extension and then the City would vacate the right-of-way strip that would get incorporated into the parcel and will change the lot acreage slightly. Commissioner Simpson asked her if Nocterra currently has a parking agreement for the southern portion of this lot. Ms. Husak said she does not know what parking requirements were approved when Nocterra went in.

Further, Commissioner Simpson said for this size parcel he does not have a problem with the added density due to the public good of the street connection. He wonders whether zoning has to be changed. Ms. Husak said the downtown business district allows for residential and then residential zoning is applied. Also, there will be numerous deviations that will need to be approved by the Commission and ultimately Council.

Commissioner Simpson added he likes the architecture and feels it fits with the Nocterra and Morris Station. He wants to be sure the fire department is good with it. He does have concern about phasing because this has been an issue in the past. He loves the use and feels walkable housing is very much needed.

Commissioner Bailik thanked the applicants and thinks the connector is a great idea. She appreciates them working with the City to open it up. She asked that they address the four-sided architecture. She likes the walkability and hopes it includes accessibility. She agrees that HDAC should look at it and give feedback. Also, she's concerned about the density and how that will look with sidewalks or on street parking.

Mr. Wisniewski said they are having the site surveyed so they know how much room they have to work with. Hopefully they can get to a level of detail where they can show exactly how much room they have, how wide the sidewalks are and where they connect.

Commissioner Bailik added she thinks it is a great addition to downtown. She agrees more people are looking for this type of housing.

Commissioner Boysko said because the submission leaves a lot to the imagination. They would need to better define missing information such as the building setbacks, what are the deviations, what are the parking setbacks and those deviations. Mr. Wisniewski said every home has an attached two-car garage. There are seven dedicated spaces in the alley. He said they will be short of a four-cars per unit parking ratio, but that is something you would find in Olentangy Ridge or Golf Village not this type of community.

Commissioner Boysko said they need to provide information on the drawings and not rely on staff to provide it. In place of the deviations he would like to see what amenities are being offered. Also, he would like them to provide examples of other developments they have done with this type of density. He thinks the walkability is great for this area, but he does not see that in this plan. They will want to see streetscape, sidewalks, curbing, lighting and trees with the preliminary plan.

Commissioner Boysko asked Chris Huber what the right-of-way is on Depot Street. Mr. Huber said he thought it was 40 feet. Mr. Wisniewski said he thinks Morris Station is 30 feet. There was a discussion on whether 30 feet allows for on street parking.

Commissioner Boysko said he is concerned about how they will transition from the exiting Depot Street to this proposed development to Morris Station, especially with how busy Nocterra is and the lack of parking there. Further, he suggested they turn the homes 90 degrees so the front doors face Depot Street, which lends itself to a walkable community. He thinks if they have park space along the railroad tracks they could create a connection to Morris Station and Adventure Park. He does think this is a great opportunity but they've got a long way to go.

Commissioner Little thanked applicants for presenting the proposal and their past investment in the community. He talked about a previous proposal for this area with really great architectural design and suggested trying to locate the plan to take cues from it. He thinks it is a good use for the property. He said there may be some opposition due to traffic. He agrees the Depot Street connection is clearly needed, they just need to make sure it is not a speedway, so a traffic study may be needed. He has a dream to have affordable housing in Powell but at \$650,000 he doesn't think it gives people just starting out wanting to be in Powell that opportunity. He asked who is paying for the street improvements. Mr. Wisniewski said it had not been discussed in very much detail yet.

Commissioner Little said he is not overly concerned about the density, but he agrees with Shawn that if they work with the City and there's some give and take everybody can win and achieve a great addition to downtown Powell. He does think the four homes on the east side may be pushing it and agrees that maybe realigning it to create some parking there could help them hit the parking ratios. He did say the Commission can work with them on the parking numbers. He looks forward to them coming forward with the preliminary development plan and including more details that the Commission is looking to see.

Mr. Wisniewski admitted there is a whole lot of work that needs to be done to get where they need to be. He feels he accomplished what he came for by determining if this project is a good fit for Powell and he feels with the Commission's feedback that it is.

Commissioner Boysko asked about a parking agreement for Nocterra on Case Street. If that is unavailable due to the proposed development then what does that do to their parking situation.

Commissioner Little asked Mr. McClurg if he owns the pad at the end of Case Street used by Nocterra and his other tenants. Mr. McClurg said that was always meant to be temporary parking and originally the City wanted to sign it over to him. Then the City decided they would give him a longer term lease for \$1 a year rather than sign it over. He said he has space and has considered adding parking behind 94 W. Olentangy Street, off of Depot Street.

Ms. Husak said they have searched for the proposal that Commissioner Little talked about from seven years ago and have not been able to locate it. She also stated that before the proposal could move forward certain agreements would need to be worked out. Commissioner Little said ultimately what you need to do is create a parking area.

**OTHER BUSINESS**

Ms. Husak said Staff does not have any additional business to discuss.

**ADJOURNMENT**

Commissioner Little moved for adjournment. By unanimous consent the meeting adjourned at 8:10 p.m.

MINUTES APPROVED: September 14, 2022

  
\_\_\_\_\_  
Bill Little,  
Acting Chair

9-14-22  
Date

  
\_\_\_\_\_  
Pam Friend,  
Administrative Assistant

9.14.22  
Date

