

**MINUTES
PLANNING AND ZONING COMMISSION
JUNE 12, 2002**

A regular meeting of the City of Powell Planning and Zoning Commission was held on June 12, 2002, and called to order at 7:40 p.m. by Chairman Don Emerick. Other Planning and Zoning Commissioners present were Tom Counts, Roger Coville, and Kevin Futryk. Dan Wiencek, Don De Palma and Brian Murphy were absent. Also present were David Betz, Director of Development; Shawn Leininger, Development Planner; Dawn Nauman, clerk to the Planning and Zoning Commission; residents; and representatives of the press.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

There was none.

APPROVAL OF MINUTES

The minutes of May 8, 2002 were approved as printed.

Chairman Emerick noted that there are only four members of the Commission present. Unless there is a unanimous vote of the Commission, no action is taken.

ZONING TEXT AMENDMENT (Reconsideration)

Section 1147.14 Recreational Structures

David Betz, Director of Development, gave his Staff Report on this issue (Exhibit).

Commissioner Emerick opened this item to public comment. There being no public comment, the public comment portion was closed.

Commissioner Counts asked if any recommendation would go to Council. Mr. Betz said it would. Commissioner Emerick asked if it is correct that only 3 people out of the 48 notified that they were in violation of the ordinance have complained. Mr. Leininger said it is. Commissioner Counts said that his position has not changed based on the additional information provided to the Commission. Commissioner Emerick noted that two other members of the Commission have provided emails indicating that they are not in favor of changing the regulations (Exhibit).

Commissioner Coville and Commissioner Futryk agreed with Commissioner Counts.

MOTION: Commissioner Counts moved to recommend that Section 1147.14 of the Zoning Code remain as it is. Commissioner Futryk seconded the motion. The motion was approved. Yes: Counts, Emerick, Futryk, Coville.

PROPOSED ZONING CODE AMENDMENT

Amendment to Section 1147.12(b)(1), Preservation and Enhancement of Community Residential Character, of the Powell Zoning Code adding cement fiber siding for exterior walls.

David Betz, Director of Development, gave his Staff Report on this issue, and reviewed the text that has been changed to incorporate discussion from the last meeting (Exhibit).

Commissioner Emerick opened this item to public comment.

Rick Fisher, James Hardie, was present to discuss this material. He said he has been working with Hardiplank for about 4 years. He said that the top 25 builders in the City of Columbus use this material standard in place of cedar, stucco, brick, or stone. He said that this siding was used on 8 out of 12 houses in the Dublin parade of homes, where the average house price is \$750,000. He said he was present to answer any questions the Commission may have about this material.

Commissioner Counts asked how many communities in the Central Ohio area don't allow this kind of siding. Mr. Fisher said he knows of none that prohibit this material.

Commissioner Futryk noted that there are strict specifications for storage and installation for this type of material. He asked what would happen if the product was not left on a pallet and covered as instructed. Mr. Fisher said it may not paint or adhere properly. He said if the product gets wet, the instructions indicate one must wait for at least 48 hours of dry weather before painting. He said the same handling specifications apply to cedar. Commissioner Futryk asked how this product is installed. Mr. Fisher said it is blind nailed on every stud. It must be installed by a licensed, trained installer, and that his job is to insure that builders in the Columbus area are installing this correctly. Commissioner Futryk asked what would happen if the frame isn't square. Mr. Fisher said that the installer should know how to "shim it out" to keep the siding from being wavy.

Commissioner Futryk asked if the recommended installation methods should be more clearly identified. Mr. Betz said that the building inspector recommended this general language so that they can enforce a variety of installation standards. He said that there are building industry evaluation service reports that may have recommendations above and beyond those of the manufacturers. Mr. Fisher agreed. He said that some communities don't require a house wrap. While it is recommended with this product, it is not required.

Commissioner Counts asked what kind of problems Mr. Fisher has experienced in the last 4 years. Mr. Fisher said that there has been a lack of knowledge of laborers, which is why he is here full time to train them.

Commissioner Coville said that his research indicates that if this is blind-nailed incorrectly with an electronic gun, it can cause a blow out in the back. He said that he read about a large project in Virginia where, when the studs were not done exactly on center, they enhanced the product by gluing the backside. He agreed that installation and handling is critical, and there are concerns and ways to accommodate. He said he doesn't think the building inspector can be on site when siding is installed. Mr. Betz agreed. He said that the inspector would inspect the framing. Commissioner Coville said in Powell Place, where there was a siding problem, the product was installed incorrectly and left to the elements. He expressed concern about how to protect the residents and insure proper installation. Mr. Fisher said that there are four other representatives in this City that help insure proper installation. He said that installation cards are left so that someone takes responsibility for the job.

Commissioner Coville said this product is sturdy, rigid, and doesn't have the natural flexing that cedar has to respond to moisture, heat, etc. He asked about the long-term effect of this not giving with the wood studs. Mr. Fisher said that the stucco industry had to address that issue 20-30 years ago, because if it is not put up and kept square, the stucco will fall off the wall. Commissioner Futryk asked how one tells that there is a blow-out with blind nailing as described by Commissioner Coville. Mr. Fisher described that the siding can be checked to see if any layers of materials are missing from the back, and that it can be removed and repaired. Mr. Betz said that on final inspection, if the siding is pulled at several locations, one can often find installation problems. Discussion ensued.

Commissioner Counts said that he likes that the installation requirements apply to all materials. He said improper installation of any material causes problems. He said what he is hearing tonight is that installation, rather than the product, seems to be the issue. He said if the siding isn't approved, he would still like the installation language. He noted a typographical error in the language. He suggested that the language address the "residing of any residence" rather than "of any material." Mr. Betz expressed an interest in including language regarding a wrap material, because at this time, the code allows this material to be applied directly to studs.

Commissioner Emerick opened this item to public comment.

Joyce Gove, 108 Chenango, asked, if this passed, whether it would just be available for use as brick or stone or stucco is regardless of subdivision regulations. Mr. Betz said that depends on the text of the development plan. He said that each individual subdivision may have language that may preclude the use of this item.

Bob Carpenter, 772 Bovee Lane, asked if it is correct that this cement board will be limited to single boards and not large paneled sections. Commissioner Emerick said it would.

There being no further questions, the public comment was closed. Commissioner Futryk said he would like to incorporate Commissioner Counts' suggestions as well as the requirement for a wrap material. Commissioner Emerick suggested that Staff rework the wording and have the item come back when there is a full Commission. Mr. Betz said he would like to discuss the wrap issue with the building inspector, and on what materials such a wrap should be used.

MOTION: Commissioner Futryk moved to table this Zoning Code amendment until the next meeting. Commissioner Counts seconded the motion. The motion was approved. Yes: Counts, Emerick, Futryk, Coville.

FINAL DEVELOPMENT PLAN

Applicant: Newbury Homes
Location: 10331/10571/10441 Sawmill Road
Zoning: PR, Planned Residence District
Request: Approval of a Final Development Plan for 16.454 acres on the east side of Sawmill Road and west of Lakes of Powell for 15 two unit condominium buildings (30 units) on 10.4 acres and an existing church on 6.25 acres

John Connor, Board of Directors, Newbury Homes, noted that there is not enough participation tonight, and asked that this item be tabled until the next meeting.

MOTION: Commissioner Futryk moved to table the Newbury Homes Final Development Plan until the next meeting. Commissioner Counts seconded the motion. The motion was approved. Yes: Counts, Emerick, Futryk, Coville.

David Betz, Director of Development, noted that the applicant has requested the following two items be tabled until the July 10 meeting.

COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN

Applicant: Steve Moberger, Construction One, Ltd. (Goddard School)
Location: 419 West Olentangy Street (Murphy Commercial)
Zoning: PC, Planned Commercial District
Request: Approval of a Combined Preliminary and Final Development Plan for an 8,000 sq. ft. Preschool/Daycare Building on 1.23 Acres

CERTIFICATE OF APPROPRIATENESS

Applicant: William and Pouneh Alcott, Village Academy School
Location: 525 Village Park Drive
Zoning: PC, Planned Commercial District
Request: Approval of Freestanding Signs for Private Schools (Preschool and Jr. Academy)

MOTION: Commissioner Futryk moved to table the Goddard School Combined Preliminary and Final development plan until June 26 and the Village Academy Certificate of Appropriateness until the July 10 meeting.* Commissioner Counts seconded the motion. The motion was approved. Yes: Counts, Emerick, Futryk, Coville.

AMENDMENT TO APPROVED FINAL DEVELOPMENT PLAN

Applicant: Multiple Powell Place Homeowners
Location: Powell Place subdivision, Phases 1 & 2
Zoning: PR, Planned Residence District
Request: To amend the Architectural Guidelines for Powell Place Phases 1 & 2 to allow vinyl siding on the homes.

Doug Ritchey, 882 Powell Place, said that there is hardboard siding on about 60 homes in his subdivision. He said the material has been recalled by "a couple of different" manufacturers. He said the homes show damage because the hardboard takes on moisture. The material buckles, swells and warps, and the paint peels off of it. A lot of homeowners in Powell Place are having problems. He said that they are asking to change the development plan for their subdivision to allow vinyl siding. He said the existing guidelines for Sections 1-2 is that the front elevation must have brick, stone, or wood on at least 50% of that façade. He said this change would allow them to remove the recalled and defective siding and replace it with vinyl. He said that Powell Place phases 3 and 4 allow vinyl. He said that cedar is cost-prohibitive, at \$25,000. He said it would cost a quarter of that to install vinyl.

David Betz, Director of Development, reviewed a survey of the subdivision that identifies the lots with all natural materials. He gave his Staff Report on this issue (Exhibit). He said that the notices for this subdivision said this item would be heard on or after 8:30 p.m., and he suggested that the Commission break until that time as people are still arriving. Commissioner Futryk asked if those that have vinyl still have natural on the front. Mr. Betz said they have brick or stone.

The Commission took a 10 minute break and resumed at 8:30 p.m. Commissioner Emerick opened this item to public comment.

Joyce Gove, 108 Chenango, said she is an 8 year resident of Powell Place, and is secretary of the Homeowners' Association. She says she wants to raise her children in this neighborhood, and she is interested in the long-term good. She said she is opposed to the variance, and was opposed to vinyl siding in phase 3. She said the vinyl siding in phase 3 stands out. She said that part of the allure of Powell for her was the natural siding and lack of vinyl. She said that the Planning and Zoning Commission has consistently opposed vinyl siding in other developments. She said that at the March 7 homeowners meeting, Mr. Ritchey asked for vinyl siding, and there was a 5-1 vote in favor of it. However, there was no survey of the residents was completed. She said this is an issue of home maintenance, and if people are unable to maintain their homes they may reconsider owning their own. She said most of the people that want vinyl siding are trying to sell their homes, where those that are staying and investing are pursuing Hardiboard, which is more in keeping with natural materials.

Steve Harris, 922 Bovee Lane, said that he is the second owner, and he didn't know about the siding. He said they expected that "the building code would be up to snuff." He said he wasn't part of the lawsuit and got no money to replace his siding. He said they can't afford cedar, and vinyl is the best answer for him.

Doug Vogt, 142 Celler Court, said he thinks it is expensive to install natural materials, but agreed that the homes don't look very good. He suggested that Powell give low interest loans to residents to install better siding.

Sue Gaffe, Real Estate Agent, said that she is listing 852 Bovee Lane, but can't get anyone past the siding. She said there is money escrowed for vinyl but not enough for cedar. She said if something isn't done, it will affect the resale-ability of the entire project.

Steve Haddox, 902 Bovee, said he supports vinyl siding. He said that he is an original homeowner and has lived there for 7 – 8 years. He said he was part of the class action lawsuit but was not compensated adequately to install cedar. He said that vinyl is a long-life product that requires less maintenance, less painting, and it won't warp and deform like the current siding.

Tom Phipps, 44 Chenango Drive, said he is a real estate agent, and on the architectural review for Powell Place. He said that he has mixed feeling about this issue. He said that if this is changed, the fronts should comply with the current deed restrictions. He said that Hardiplank looks more like cedar. He said that some of the vinyl sidings are good, but he is concerned that someone would buy the cheapest vinyl and not install it properly causing waves or visible seams.

Tom Hastings, 64 Chenango, said he supports vinyl. He said the neighborhood will deteriorate and a pocket of people will continue to do nothing to maintain their homes if it is not permitted. He said he has seen vinyl siding in affluent communities such as New Albany. He said if this is not done, it could negatively impact all of Powell.

Fletcher Chambers, 842 Bovee, said he hasn't made up his mind, but he expressed concern about the apartments on Smokey Row, and what happens to that vinyl siding on a windy day. He asked if Powell has a property maintenance law that could make some people paint their siding.

Karen Salser, 161 Celler Court, said she is in support of vinyl because she could afford it but not cedar.

Dale Petrie, 753 Middlebury Way, said he is in favor of vinyl. He said if groups are forced to use cedar, some residents won't do anything at all. He said he has tried to maintain his hardboard siding, and that he has painted and caulked it, but it "just goes bad." He said the neighborhood is beginning to look rundown. He said that there should be some kind of stipulation that every house use a certain quality material.

Mr. Ritchey said that he doesn't want to use the lowest quality of vinyl siding. He suggested the language be similar to that used for phase 3 and 4 which requires "vinyl siding...of type, quality and color preapproved by the Planning and Zoning Commission." He said that many owners of the poor-quality siding have tried to maintain their homes to no avail. He said if an affordable option is not provided the Powell Place Homeowners, a number of homes will remain in poor condition.

Brian Turner, 119 Chenango, spoke in support of vinyl siding. He said it is clear that some residents cannot afford cedar, and that will bring down the quality of the neighborhood. He spoke in support of permitting a certain type of vinyl. He noted that vinyl requires less maintenance than other siding materials.

There being no further comment, the public hearing was closed.

Commissioner Coville asked about the cost for stucco verses vinyl. An unidentified resident said that vinyl varied anywhere from \$6 – 12,000, and stucco started at \$18,000. Commissioner Coville said he is a former resident of Powell Place, and he participated in the lawsuit. He said that his award was about 50% of the stucco replacement. Various residents offered that they received awards of \$500 - \$2,000. Commissioner Coville said that residents who bought these homes after the siding settlement were to enter an agreement that they understood about the material and were not able to re-sue. He said that his concern is that there is a fair percentage of homes in this subdivision that have more expensive materials, either originally, or since re-siding. He said it does look different than vinyl, and it is interesting to note a line of stucco isolating phases 2 and 3 from the rest of development. He said he doesn't think it's fair to mislead this group here by saying there is going to be vinyl across the street, because in general, there will be stucco across the street from the vinyl. He said many homeowners have taken the time and money and invested in their homes, and he doesn't know if the City wants to back away from that for what could be a "hodgepodge" of some vinyl and some people with the defective board, and some with cedar.

Mr. Betz maintenance said that when Staff was doing their survey today, there were a few homes that probably fit within the City property maintenance requirements for paint and repair of siding that has pulled away. Commissioner Emerick said that Powell wouldn't let a homeowner get away with doing nothing and letting their home deteriorate.

Commissioner Counts asked where Hardiplank would come in relation to vinyl and stucco. An unidentified resident said that he received an estimate of a cement-fiber material for 83 cents per linear foot, where cedar was \$1.73 a linear foot. Mr. Ritchey said his estimate for Hardiplank was \$14,000, vinyl was \$6-8,000 and cedar was \$25,000. Commissioner Emerick questioned the quality of vinyl. Discussion ensued.

Mrs. Gove asked if the quote for vinyl included removal of the original siding and rewrapping the house. Mr. Ritchey said that all of the estimates he received for vinyl included leaving the hardboard as a backing. He said he would have to remove it to apply Hardiplank. Another resident agreed that he received a recommendation to apply the vinyl onto the hardboard.

Commissioner Counts asked what materials can and cannot be used in Powell Place Phases 1 and 2. Mr. Betz said that for phase 1 and 2, the front elevations and the sides must be 50% organic materials (brick, stone, stucco, or cedar). He said that wood lap siding, vinyl siding, brick, stone, or stucco is permissible on the rest of the facade. Commissioner Counts asked if it is correct that the question is not can they use vinyl, but rather to what extent. Mr. Betz agreed that they could do the back or sides only with vinyl siding, but that would not make sense visually.

Commissioner Futryk asked, if the front of the house had OSB, could they replace it with vinyl. Mr. Betz said that they could as part of their proposal. They aren't asking that the entire front elevation be natural. Commissioner Counts asked what other subdivisions in Powell allow vinyl siding. Mr. Betz said the Lakes of Powell and the condominiums Villages at Powell allow vinyl with a certain percentage of the front being brick. Commissioner Counts asked if anything in Golf Village will be vinyl. Mr. Betz said it will not. He said there are a few houses in Olentangy Ridge and Bartholomew Run that were built prior to the restriction on vinyl that have vinyl siding. Commissioner Counts asked how many of the homes with hardboard siding have been replaced. Mr. Vogt said he thinks it is 4 have been replaced.

Commissioner Futryk said he is uncomfortable because he doesn't think there is a consensus among the homeowners as to whether there would be support for vinyl siding. He asked if the Homeowners Association would be willing to do a poll. He expressed a desire to hear Emil Slavik, the Architectural Advisor's opinion on this. He expressed concern about applying vinyl siding over deteriorating siding.

Bob Carpenter, president of Powell Place Homeowners' Association, said there are legal considerations involved in voting on vinyl siding. Mr. Betz said that there are various legal opinions as to whether Powell Place would need to change their deed restrictions, but that is not the Commission's concern. Commissioner Emerick said they are not asking them to change their deed restrictions, just survey their residents. Mr. Carpenter questioned what would be done with the survey results. Commissioner Futryk said that knowing how many people would want vinyl siding as a choice would make the decision easier to make. He said that consideration needs to be given to possibly requiring removal of the old siding and wrapping the home before installing it. He said he really would like to hear Mr. Slavik's opinion. He said he feels sorry for the plight of those residents with the poor quality siding, because it does look bad. Mr. Betz said that Staff can prepare a survey about the siding. He said that the survey could be completed and this item placed on the July agenda since the Commission has 30 days to make a decision.

Ms. Gove said that when she replaced her damaged siding with cedar, they found a lot of unseen water damage. She said she doesn't think it is a good idea to cover siding that may have a problem, even if it isn't visible. Commissioner Emerick said that as a person involved in the construction industry, he would never put another product over a bad product, which is just asking for trouble. Commissioner Counts agreed that if vinyl is allowed, there should be a stipulation that the old siding be removed. Commissioner Coville asked if those homeowners on tonight's application represent all of those who would like vinyl siding. Mr. Ritchey said that they didn't go door to door, and there may be more. Discussion ensued.

A resident of 64 Chenango Drive noted that his house is marked as all-natural material on the survey completed by Staff, and that is incorrect, as he has OSB siding.

MOTION: Commissioner Futryk moved to table this item until the July 10 meeting. Commissioner Counts seconded the motion. The motion was approved. Yes: Counts, Coville, Emerick, Futryk.

OTHER COMMISSION BUSINESS

David Betz, Director of Development, noted that the Golf Village Zoning Map Amendment will need to be addressed by the Commission in anticipation of the August annexation approval by Council. He said that while it is common that applicants submit the necessary paperwork to complete such an amendment, the Commission can also initiate such amendment, and that is what Staff recommends.

MOTION: Commissioner Futryk moved to initiate a Zoning Map Amendment for the area of the Golf Village Annexation and set the public hearing on July 10, 2002. Commissioner Counts seconded the motion. The motion was approved. Yes: Counts, Coville, Emerick, Futryk.

Discussion was held regarding needing to hold an additional meeting on June 26, 2002 due to the low attendance at this evening's meeting. Mr. Betz asked that the Goddard School Application be tabled until that meeting rather than the July meeting.

MOTION: Commissioner Futryk moved to amend his previous motion to table the Goddard School Combined Preliminary and Final Development Plan application until the June 26, 2002 meeting. Commissioner Counts seconded the motion. The motion was approved. Yes: Counts, Coville, Emerick, Futryk.


OTHER COMMISSION BUSINESS

Next Meeting: June 26.

ADJOURNMENT

The commission adjourned at 9:25 p.m.

DATE MINUTES APPROVED: June 26, 2002



Don Emerick
Chairman

7-10-02
Date