

**MINUTES  
PLANNING AND ZONING COMMISSION  
JULY 10, 2002**

A regular meeting of the City of Powell Planning and Zoning Commission was held on July 10, 2002, and called to order at 7:30 p.m. by Chairman Don Emerick. Other Planning and Zoning Commissioners present were Kevin Futryk, Dan Wiencek, Don De Palma, Brian Murphy, Roger Coville and Tom Counts. Also present were 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 June 26, 2002 were approved as printed.

**PROPOSED ZONING CODE AMENDMENTS**

**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.**

Shawn Leininger, Development Planner, said that this amendment has arisen from Planning and Zoning Commission comments and numerous requests of builders and residents to use cement-fiber siding on homes in Powell. He said that the last time this was discussed, there were questions regarding the installation requirements and backing requirements for such a material. The building department reviewed this issue, and determined that a double wall should be required for *all* lap siding. He said that they also recommended that the installation and storage be completed per the manufacturer's specification as well as those of national evaluation services. He said that this issue has been getting a lot of publicity, and a representative of Crane Performance Siding would like to be heard about their product.

Marlin Lawrence and Mark Axelrod, Crane Performance Siding, were present to give a presentation on their siding product. Mr. Lawrence said that their siding is an exciting product that is a great alternative to cedar, and is a product that replaces traditional vinyl siding. He reviewed the history of Crane Plastics and their development of vinyl siding. He said in the last few years, they have built a new manufacturing plant and developed a new type of vinyl siding that is an alternative to cedar and fiber-cement. He reviewed that this siding doesn't have the tendency to bow and curve and gap at the lap joints. Mr. Axelrod said that while traditional vinyl siding is a good maintenance-free product, it needs to have bends in it to make it strong and rigid and smaller exposures than wood. By putting a solid core backing on this product, they have added strength and created a look that is much more like cedar. Mr. Lawrence identified two sidings, one cedar and one vinyl, and said from the sidewalk, you can't tell the difference. He reviewed that this Crane Board is a 6" profile which is typical of cedar. He said this has a "true mill" graining and straight face that simulates cedar siding. He said that this product is a solid core. The vinyl and foam are laminated and fused together to become a composite. He reviewed that this is a very strong product, and the backing increases the impact protection by 300%. This product can span larger sections of wall and make a straighter wall.

Commissioner Wiencek asked what happens if a builder makes their own ends. Mr. Lawrence said that the builders are instructed to use the factory ends and factory joints.

Mr. Lawrence said that this siding is energy saving. He said that this product won't weather the way that cedar does, and it won't split, bow, or rot. He said that it quiets the inside of the house. Mr. Lawrence noted that this siding was used in Upper Arlington. Mr. Axelrod said that at the National Builder's Show in Atlanta, Crane Board was picked as one of the six most revolutionary new products on the CBS Early Show. It also received an award from a building products magazine, and was featured in an article in This Old House magazine. He said that the industry is seeking an alternative to vinyl, fiber-cement, and cedar. He said that homeowners are looking for four things: the look of wood, feel of wood, energy savings, and maintenance freedom. He said this is the first product that does all of those things.

Commissioner Emerick opened this item to public comment.

Nick Wagner said that he is the president of a siding company, and this product looks straight on the wall, and the Commission should see the board-like look this product has. He said that vinyl siding has the reputation of being wavy, and this is not.

Rick Fisher, James Hardie Building Products, said that he doesn't have a problem with new products, but he hopes considering new products doesn't affect this approval. He said that there are homeowners that would like to put this product on their homes, and it was tabled the last time.

Commissioner Wiencek asked if there is a problem with the Craneboard foam backing with over nailing causing tucks. He asked how puckering is prevented. Mr. Axelrod said that this is no more a problem than other vinyl siding. Mr. Lawrence said that a gap is required. When it is laminated together, there is less expansion, and it will expand and contract. He said it shouldn't be nailed too tight, but it is very forgiving. Commissioner Wiencek asked what is the cost compared to a traditional vinyl. Mr. Lawrence said it is half the price of cedar, which is what it emulates. He said it is very close to a premium grade vinyl siding with a good underlay. It is twice the cost of the cheapest siding. Commissioner Wiencek noted that this Zoning Code amendment would require underlayment for any siding material. Mr. Wagner questioned whether underlayment would be needed. Commissioner Wiencek asked for the cost of just the material. Mr. Axelrod said it is about \$100 per square foot. Commissioner Wiencek asked about regular vinyl. Mr. Axelrod estimated about \$50 – 60. Commissioner Wiencek asked about Hardiplank. Mr. Fisher said it is \$100 per square foot. Mr. Axelrod said the cost of installation and finishing often varies dramatically.

Commissioner Futryk asked if a backing board is required, could Craneboard still be installed. Mr. Axelrod said that is possible, but one of the significant advantages of this product is that it will straighten the wall both vertically and horizontally. Mr. Leininger said that this amendment would also require removal of existing materials. Commissioner Wiencek asked if it is the intent to require house wrap, such as Tyvek. Mr. Leininger said that the building department recommended double wall construction. Mr. Wagner questioned whether that would be needed for vinyl siding.

Commissioner Coville asked where this has been approved. Commissioner Wiencek said it was approved after installation on two houses in Ashmoore and another in Falcon Ridge. Generally speaking, it has not been allowed on single family residences. It has been permitted on one set of condominiums in the Murphy Park development, and on the condominium development Newbury Homes just submitted. Commissioner Emerick said it has been used in the Historic District. Commissioner Coville said that it was approved as a "test material" at that point, and it doesn't have a track record in this community. He said that the architectural advisor previously expressed concern about that track record. He said he would like everything to conform to manufacturer's specifications, but he would like to remove cement-fiber siding from the text until it is proven.

Commissioner Murphy said that this material is going to be permitted in Golf Village, a significant portion of the community. He expressed concern about living by "two sets of rules." Commissioner Wiencek said that the City doesn't have a lot of choice in that matter.

Commissioner De Palma asked if cement-fiber siding was approved for the Newbury condominiums because it was assumed it would be approved through this amendment. Mr. Leininger said that approving that material for Newbury was not presumptive of approving this amendment, but rather was part of the development plan. Regarding Golf Village, he said that cement-fiber siding is a permitted material on the single family residential portion. Commissioner Coville said that he knows the City can't "tinker" with the CEDA agreement, but he questioned if it can't be made better since the Township's concern was that Powell would relax the requirements. Commissioner Wiencek said the agreement is with the developer as well, and it can't be changed.

Commissioner De Palma said that one of the reasons that cement-fiber was approved for Newbury Homes was because it is a transition piece. The more he has thought about this, the less convinced he is that it should be approved for Powell. He suggested discontinuing looking at this on a case by case basis.

Commissioner Counts said he also hates making legislation on a case by case basis and that the Commission should determine whether it is something they want. Commissioner Wiencek agreed with Commissioner De Palma. He said that the Commission was convinced that the vinyl in the Lakes of Powell was superior and it has been determined that it has a tendency to "oil can." That vinyl is no longer being manufactured, and when it runs out, there will be a problem replacing it or matching it. He said that cedar, brick, or stucco can always be replaced. He expressed concern about the "six pages of instructions" for installation and the warranty "if installed to the manufacturer's specifications." He said he doesn't think there is enough experience within the City to base

a long-term decision on this material. He said that unless there are other annexations, he doesn't see the need to make this decision again "real soon." Commissioner De Palma said he can't support adding this to the approved materials.

Commissioner Futryk disagreed. He said if the building standards are followed and the requirements are reviewed and the recommendations for backing and installation instructions are followed, then he thinks people are being given a choice for an alternative to natural materials. He said he supports adding it to the zoning requirements.

Commissioner Emerick asked, on a typical installation crew, how many are certified as installers. Mr. Fisher said the crew chief would be certified. Mr. Wagner said he has 4 crew chief certified out of 24 crews.

Commissioner Wiencek said that one of the issues with Hardiplank is blow outs. He asked how one knows if there is a blow out short of pulling off the siding and seeing it. Mr. Fisher said that if it is a blow out, the installer knows it when he does it. It is also possible to tell by pulling slightly on the siding.

Commissioner Futryk said that the Commissioners are focusing on installation, and that installation problems could be found on cedar siding throughout Powell. He suggested that the Commission focus on the product itself and ensure through the building department or through making the code clear that the installation is to be done accordingly. He said he thinks there is a difference between the product itself and making sure the installation standards are met. Commissioner Emerick said that sounds good, but the reality is that no matter how good the intentions are, if the installation is not up to the manufacturer's requirements, then the homeowner has no warranty. Commissioner Futryk said he will not disagree with that, but that improper installation is an issue with stucco, or cedar siding, or other materials. He said his understanding of this amendment is to allow another product to be included for consideration as opposed to installation. He said the Commission can discuss improper installation of any products all night. He said there was a problem in Ashmoore with roofing materials that were high-nailed so that the shingles blew off. He said that is not a material problem, but an installation problem. Commissioner Emerick said that this is a product where installation has to be followed "to a T," and other products are "not that critical." Commissioner Futryk disagreed, and said that he has seen three year old homes in his subdivision with improperly installed cedar that is resulting in warping boards.

Commissioner Wiencek said that it is not just a matter of installation, but also aesthetics. He said that Hardiplank, in particular is not as thick as cedar. Therefore, it tends to follow the run of the 2x4's. He said that the manufacturer says to shim it out so it is straight, but that is just one more step the builder has to do. He said that waviness is one of his primary concerns with vinyl. This isn't as wavy as vinyl but not as straight as cedar.

Commissioner Counts asked if double wall construction is required for a brand new house following standard building practice. Mr. Leininger said that he is not sure about standard building practice, but that the Zoning Code doesn't require the double wall. Commissioner Counts said he is not sure that he understands the full implication of the double wall construction for all types of lap siding. Mr. Leininger said the concern at the last meeting was the waviness, and the theory is that this would help with that problem.

Commissioner Counts echoed Commissioner Futryk's comments regarding installation. He said that cement fiber siding has the ability for painting and his concern for vinyl is that once it is installed, it is the color that it is, and if it needs to be replaced, it is never quite the same color. He said that cement fiber doesn't have that. He said the house in Ashmoore has had cement-fiber siding for about two years, so there is some history of the use of that siding. He said he would be in favor of adding cement fiber siding.

Commissioner Emerick said he doesn't feel that the Commission has enough information about the Craneboard to approve it tonight. He said he would like to see installation instructions. Commissioner Murphy said he is unclear about the double-wall construction. If it is not currently required for cedar siding, including it to address the concerns with Hardiplank might be adding to the cost of construction of all homes where that isn't such a concern. Mr. Leininger said that the building department believed the underlayment was necessary for all of that siding to address concerns with installation and waviness. He said that a condition could be made of approval that that issue be addressed further by the building department.

Commissioner De Palma said that he doesn't think Crane should be considered as it is not a natural material, and this amendment is about natural materials. Commissioner Counts said that he thinks that the use of the word "natural" should be discarded from this language, because the list of exterior materials, brick, artificial stone, and stucco, don't apply. Commissioner Emerick said that it doesn't say natural materials, but rather "natural wood

siding" plus other materials. Mr. Axelrod touted the benefits of Craneboard, and noted that they don't consider it to be "vinyl siding." He encouraged the Commission to look at that material. Discussion ensued.

**MOTION: Commissioner Futryk moved to approve to amend the Zoning Code section 1147 to include the addition of cement-fiber siding for exterior walls with the following conditions:**

- 1. That the requirement for double wall siding shall be reviewed with Building Department prior to submission to Council.**
- 2. That the requirement for weather resistant barrier be reviewed with the Building Department prior to submission to council.**

**Commissioner Counts seconded the motion. The motion failed. Yes: Futryk, Murphy, Counts No: De Palma, Emerick, Wiencek, and Coville.**

Commissioner Futryk asked for clarification as to whether the Newbury Homes development has been approved to use Hardiplank. He said the minutes say that the materials will come back before Staff. Mr. Leininger said that the development plan identified Hardiplank as an approved material. Commissioner Futryk said that now, it is not an approved material. He asked if Staff can still approve it. Mr. Leininger said that Staff cannot approve it without a change in the Zoning Code. Commissioner Emerick commented that this material will still come back to the Commission on a case by case basis. Commissioner Wiencek asked that the Newbury representatives be notified of this issue, and that it be on the next agenda.

#### **CERTIFICATE OF APPROPRIATENESS**

**Applicant: Goodwill Industries**  
**Location: 210 North Liberty Street**  
**Zoning: PC, Planned Commercial District**  
**Request: Approval of Sign Package for New Training and Drop-off Center**

Paul Carrol, Hanover Signs, and Bob Jordan, Goodwill Industries, were present to discuss this application. Mr. Carroll said that upon review of the Zoning Code requirements for signage, they determined that a monument sign would fit all requirements. He said that the existing sign has been grandfathered in and needs to be taken down. He said they are also asking for a wall sign at the back of the property to separate the workforce development area from the drop off area. He said they also want a small placard sign directing those dropping off items from walking into the training areas.

Shawn Leininger, Development Planner, gave his Staff Report on this issue (Exhibit 1). He thanked the applicant for including additional landscaping around the base of the sign.

Commissioner Emerick opened this item to public comment. Hearing none, he closed the public comment session.

Commissioner Counts asked for clarification on the three foot variance with this sign. Mr. Leininger said that at the 15-foot setback, only a 15 sq. ft. sign would be permitted. To get the 25 sq. ft. maximum, the sign must be setback by 18 feet. He said that given the hedge, and the obvious visibility issues, Staff supports the variance. Commissioner Counts suggested moving the hedge rather than moving the sign. Mr. Leininger said that removing the hedge will expose the parking. Commissioner Wiencek suggested taking the hedge out and putting the sign in the location where the hedge is removed.

Commissioner Wiencek asked if the sign would be lit. He asked if the white portion of the sign will glow. He asked if the other signs in the area aren't ground lit. Mr. Leininger said that Liberty and Grace Plazas signs are interior lit green signs. Commissioner Wiencek said that the agency across the street is ground lit. He asked about the Historic District. Mr. Leininger said that ground-lit signs are the only ones allowed in the Historic District. Commissioner Wiencek said he would like to ask for a ground-lit sign. He said that he thinks the HER building was required to have a ground-lit sign. Mr. Carroll asked if that sign is in the same zoning district. Mr. Leininger said it is not. Mr. Carroll said this sign is going to be very similar to the Liberty Township YMCA sign.

Commissioner Counts asked about the second sign at Liberty Plaza. Mr. Leininger said it was grandfathered. It is a legal nonconforming structure. Commissioner Wiencek asked what the Zoning Code allows for lighting. Mr. Leininger read Section 1151.04 (a) (3) (Exhibit 2). Commissioner Futryk asked if the color proposed is the color scheme for Goodwill. Mr. Carroll said it is. He said that the white background is only there to contrast the colors

of the Goodwill logo and the other text. At night, the white will not show up. It will turn black. Mr. Leininger said if the background lit, it would be in violation of the Zoning Code and Staff could make them change it.

Commissioner De Palma asked if it is possible to remove the hedge from a building they are leasing. Mr. Jordan said he doesn't think that will be a problem. Commissioner Murphy said that he doesn't think removal of the hedge needs to be a requirement, but rather just make the requirement that the sign be moved to 18 feet. After more discussion, Mr. Leininger estimated that 12-feet of hedge would need to be removed to make room for the sign. It would probably expose 1-2 parking spaces, where the sign would hide one.

Commissioner Murphy said that if the Commission is going to make them put the sign back three feet and require them to take out the hedge, then he thinks the better option is to leave the sign at 15 feet and leave the hedge where it is, because it will probably do a better job of maintaining more of the current natural setting. He said he thinks it is aesthetically better to give the three foot variance and keep the hedge. Mr. Carroll asked if they could remove the hedge, and put in some lower landscaping. Mr. Jordan said that they would like to keep the sign close to the existing conduit.

Commissioner Coville noted that the drawing doesn't seem to be to scale. Mr. Carroll said they just sketched that drawing in the limited time they had to prepare. Commissioner Emerick said that he would be happy with what the applicant is proposing. He said he'd rather see some nice flowers and landscaping versus the hedge. Commissioner Wiencek said that he would rather have the sign at the required 18 foot setback. He doesn't want it closer to the road. Commissioner Counts agreed that he wouldn't want the sign moved forward without any reason. Discussion ensued. Commissioner Wiencek recommended removing 15-18 feet of hedge, putting the sign at the appropriate setback, and installing lower landscaping from the sign to the right of way. Mr. Carroll said that they would need to put the hedge back an additional 3-4 feet to make the sign sit and not create "a wall." Mr. Jordan said they will need some flexibility to make sure it is okay with the property owner. Commissioner Wiencek said that the Commission could approve it subject to that and allow Staff the flexibility to determine an alternative location as submitted, but 18 feet from the right of way.

**MOTION:** Commissioner Wiencek moved to approve the Certificate of Appropriateness with a change in the location of the sign to reside in line with the existing hedgerow with the sign to be placed at the Zoning Code required setback, and that the hedge removed between the right of way and the western most portion of the sign be relandscaped with such landscaping to be approved by staff. If the owner of the property will not allow removal of the hedge, then the sign will be located at the appropriate setback at a site to be approved by Staff. Commissioner Counts seconded the motion. The motion was approved. Yes: Emerick, Futryk, Murphy, Wiencek, Counts, Coville, De Palma.

#### **CERTIFICATE OF APPROPRIATENESS**

**Applicant:** William and Pouneh Alcott, Village Academy School  
**Location:** 525 Village Park Drive  
**Zoning:** PC, Planned Commercial District  
**Request:** Approval of Free-standing Signs for Private Schools (Preschool and Jr. Academy)  
Shawn Leininger, Development Planner, gave his Staff Report on this issue (Exhibit 1)

**MOTION:** Commissioner Wiencek moved to table the Certificate of Appropriateness for the Village Academy. Commissioner Counts seconded the motion. The motion was approved. Yes: Emerick, Futryk, Murphy, Wiencek, Counts, Coville, De Palma.

#### **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.

Shawn Leininger, Development Planner, reviewed his Staff Report on the survey completed at the request of the Commission (Exhibit 1). Commissioner Coville said the number of residents in favor of vinyl siding is consistent to the number of residents with the inferior siding that needs to be replaced.

Doug Ritchey, 882 Bovee Lane, said that he can understand some of the reservations of the Commission with approving a new material across board for all of Powell. He said they are not here to ask for that, but rather for a

change in the development plan. He said there are about 60 homes covered with "hardboard" siding that has been recalled by the manufacturer because it absorbs moisture and can warp, buckle, and crack. Although some of the homes have installation issues, the biggest problem is that the material is faulty. Mr. Ritchey said that they are asking that the section that reads: "no less than 50% of opaque exterior walls be constructed of organic materials" be stricken from their development plan. Currently, vinyl siding is allowed on 50% of the home. Mr. Ritchey said they would like vinyl siding because it costs less than cedar and Hardiplank siding. He said they are asking to use an aesthetically pleasing product, and they would not object if the Commission defined that more clearly. He said that their intention is to make the neighborhood look better.

Mr. Leininger said that the homes surveyed included phases 1 and 2 and those residents of Powell Place within 250 feet of phases 1 and 2. He said that Staff would like to rely on the comments of the architectural advisor, Emil Slavik, regarding this application (Exhibit 3). He said that the City has received a petition for annexation of a property north of this, so that this will not be the edge of Powell anymore. He said that Mr. Slavik has suggested a compromise for this application, in cement-fiber siding, or for vinyl on the side and rear with the front being all natural materials. Mr. Leininger presented the Commission with the phase 3 deed restrictions and covenants, which require all natural materials on the front elevations. He said that Staff would like the following conditions if this material is approved:

1. That the existing material be removed before installation of new material.
2. That underlayment be added to the double wall.
3. That the front be all natural materials.

Mr. Ritchey said that the residents who have submitted this application would be fine with the requirement for 100% natural fronts. He said they would commit to the deed restrictions in section 3.

Commissioner Emerick opened this item to public comment.

Tom Fitz, 44 Chenango Drive, said he is also on the architectural review board for this subdivision. He said he is somewhat disappointed by the earlier vote today, which would have been a nice way to correct some of the issues in Powell Place. The problems in the subdivision are a combination of a bad product and poor installation. He said the cards were misleading in that they were worded to allow more than 50% of the home could have vinyl siding. Some people would see that and think that 100% vinyl siding would be permissible. He said that he would like the natural materials on the front of the homes with the alternative of cement or vinyl on the side of those homes. He said that care should be given in the installation of any new siding, and backing should be included. He said he is concerned about a cheap grade of vinyl siding being permitted so that people can sell their homes only so that the next owner has problems.

Joyce Gove, 108 Chenango, said that she is opposed to approval of vinyl siding because it would be "jumping out of the frying pan into the fire." She said that there were comments made earlier about problems with siding in the Lakes of Powell. She said that it doesn't require maintenance, but it is hard to replace when something falls off. She said that she was hoping that the Commission would approve the cement fiber, which to her would have been a more viable option. She said it was a hardship for her and her husband to replace their problem siding with cedar. She said she is concerned about there being no requirement for double-wall construction with siding, as there is no way she would have ever installed her cedar siding directly onto studs. She said doing that would make it look as bad as the hardboard.

Steve Haddox, 902 Bovee, said that he is in favor of allowing vinyl siding. He said he is the original owner of his Powell Place home, and he has seen the siding really deteriorate over the years. He said that he has had 3-4 estimates for various sidings, and he concurs with Mr. Ritchey on the siding. He said that regarding Crane Board, he got a quote on a product called Charter Oak, and that is what he would use. It is 20% premium to the no-back, but he would use that because of the durability. He said he would want a quality siding. He said that he would be in favor of requiring that the front of the house have wood or natural siding. He said that vinyl siding is permitted in Powell Place, so this would not be introducing a new product.

Commissioner Emerick closed the public comment section.

Commissioner De Palma said that he would like to see this issue resolved for the homeowners who have been dealing with this issue for a long time. He said that he has heard people say there is no objection to natural materials on the fronts, and there seems to be disappointment that Hardiplank was not approved. He asked if the residents would have preferred Hardiplank rather than vinyl. Mr. Fitz said that he thinks people have wanted both materials as alternatives. He expressed concern that if vinyl isn't permitted, the residents will have to come back

for another lengthy process to get cement board approved. He said that many people won't be able to get their house re-sided this year, resulting in the siding problem getting worse.

Commissioner De Palma said that the Commission is in the position to approve cement fiber siding on a case by case basis. He said this may be an opportunity for the Commission to satisfy the desires of some of the residents to put this issue to rest and at the same time, while he doesn't like the term test case, use cement-fiber siding as a test case in this neighborhood. He said the installation can be monitored and performance monitored. He said that may provide enough information to make a decision on this product for the whole City.

Commissioner Futryk asked Mr. Ritchey if his \$6-8,000 estimate for vinyl siding included removal of the existing material. Mr. Ritchey said that it would cost about \$8-10,000 to remove the old and install the new. Commissioner Futryk said that he agrees with Mr. Slavik. He is not comfortable allowing vinyl siding. He said that Powell Place is going to be a new entry point into the City or a focal point, with the Golf Village Development. He disagreed with Commissioner De Palma that cement fiber should be allowed. While he supported amending the Zoning Code to allow the cement fiber board throughout the City, he doesn't approve a hodgepodge approach to approving cement fiber siding. He said he is opposed to "testing" that material. He said the City has tried to maintain a standard, and while he empathizes and sympathizes with the residents' concerns, he is not comfortable with approving vinyl siding.

Commissioner Wiencek asked what is and is not allowed in Powell Place. Mr. Leininger said that vinyl siding is allowed on three sides anywhere in Powell Place phase 3. Commissioner Wiencek said that vinyl is also permitted in phases 1 and 2, but not to exceed 50%. He questioned how that would be accomplished. Mr. Leininger said it is very difficult. Commissioner Wiencek asked if there are any houses in phase 1 or 2 that have vinyl siding. Mr. Leininger said there are not. Commissioner Wiencek asked if the houses with the pressed board siding are evenly distributed throughout the neighborhood. Mr. Leininger said they are all in phase 1 and 2.

Commissioner Wiencek asked if the Commission has the right to approve this material, or whether there needs to be subsequent approval of the homeowners association. Mr. Leininger said they will have to work it out themselves. Mr. Ritchey said that it is their opinion that no change to the deeds and covenants is required.

Commissioner Wiencek asked if the Commission can allow cement fiber siding rather than the vinyl that is requested. He said he is not in favor of vinyl, but he would approve Hardiplank for this subdivision. Mr. Ritchey said that they would prefer vinyl for maintenance and cost, but would accept Hardiplank as an acceptable alternative. Mr. Leininger said that the Commission can change this application if the applicant is willing.

Commissioner Counts expressed concern about making bad policy. He said he was in favor of Hardiplank as an overall basis not case by case. He said that furthermore, those that were against Hardiplank were concerned about use of the material, and here are homes that had material that wasn't up to snuff. So now, the Commission wants to make them test case for this new material. He said that is absolutely horrible. Further, Commissioner Counts said the current standards allow vinyl on 50% of the homes already. If vinyl is removed from the front façade, homeowners can already side two sides in vinyl, so the Commission is really only talking about the third side. He said as much as he does not like vinyl, he would prefer to see it permitted on three sides with the front of natural materials with the requirement that the vinyl be of a premium quality. He said he is very concerned that the Commission is "cutting and slicing" these policy decisions, and it doesn't make any sense.

Commissioner Coville said he tends to abstain due to a conflict of interest. But he noted that a fair amount, approximately 50% of the homeowners in the subdivision already have premium siding and have lived up to the rules and regulations. He said that reducing those standards and enforcing the standards home by home will further cut the standards.

Commissioner Murphy said that the deed restrictions and covenants indicate that materials must be 50% organic. He asked what Hardiplank is made of. Commissioner Murphy said he may be a lawyer looking for a loophole, but he would see if Hardiplank could be determined 50% organic material so that people could use it for their entire home. Commissioner Emerick said that there was discussion of this issue before because there was debate as to whether the original siding was organic or not. Commissioner Murphy said he was in favor of the Zoning Code amendment for cement-fiber siding, but he is not going to penalize these residents for it being voted down. If the code can't be reviewed to see if cement-fiber could be considered organic, it is a reasonable compromise and a more cost-effective solution to the resident's problems. Mr. Leininger reviewed that cement fiber is made of cement, sand, fiber, and water. Commissioner Wiencek pointed to another section of the deed restrictions that specifically list the type of siding that would be approved. He said that cement fiber is not one of them.

Commissioner Emerick agreed with Commissioner Counts that this is really an issue of allowing a third side of vinyl. He said that in light of circumstances these residents have been through, he wouldn't have problems with that as long as the front is cedar, brick, or stone, as discussed. Commissioner Wiencek polled the Commission on whether vinyl is desirable, and did not find a majority.

Commissioner Wiencek asked the applicants if they would support a substitution of vinyl siding with cement fiber. The Commission discussed that they don't have the ability to prohibit vinyl siding from this subdivision since it is an approved material. Commissioner Wiencek said that in his opinion, with the 50% requirement, he doesn't see vinyl siding being used very much. Commissioner Futryk said that the Commission is now asking the applicant to allow a material for which the Commission could not determine proper installation standards earlier this evening. Commissioner Wiencek said that the standards for installation proposed earlier could be referenced. Commissioner Futryk questioned the backing, the sheeting, and all the other questions that could not be resolved earlier. Mr. Leininger said that the Commission could reference the manufacturer's specifications and the national evaluation specifications.

Commissioner Futryk asked if the applicant needs to amend their application. Dawn Nauman, Clerk, said that such amendments by the Planning and Zoning Commission are made by motion with a note in the minutes that the applicant is agreeing to the amendment. Discussion ensued. Mr. Leininger said that the questions about the double-wall installation as well as weather resistant sheathing can be reviewed with the Building Department prior to any residents using it. Ms. Nauman suggested that rather than trying to amend the current request, the Commission make their own amendment for clarity. Commissioner Counts said that once the application has been made, the Commission can amend it accordingly. Ms. Nauman agreed, and noted that her request was to simplify the motion process and provide a clear motion.

**MOTION: Commissioner Wiencek moved to deny the application. Commissioner De Palma seconded the motion. Yes: Emerick, Futryk, Murphy, Wiencek, Counts, Coville, De Palma.**

**MOTION: Commissioner Wiencek moved to amend the architectural guidelines for Powell Place Phases 1 and 2 to add cement fiber siding as an approved material. If cement fiber siding is used, the installation shall be done utilizing the best available construction methods. Manufacturer specifications for storage and installation of materials shall be followed as well as the recommendations in recognized building industry evaluation service reports. The use of double wall construction and the requirement for weather resistant sheathing shall be reviewed by the Building Department prior to approval. The re-siding of any existing material with new material shall require the removal of the existing material and installation of the new material per the requirements stated above. Commissioner De Palma seconded the motion.**

Commissioner Wiencek asked Mr. Ritchey as representative of the homeowners whether this amendment is acceptable to them. Mr. Ritchey said it is.

**The motion was approved. Yes: Wiencek, De Palma, Emerick, Murphy. No: Counts, Futryk. Abstain: Coville.**

#### **AMENDMENT TO APPROVED FINAL DEVELOPMENT PLAN**

**Applicant: Rockford Homes**  
**Location: Murphy Park Subdivision**  
**Zoning: PR, Planned Residence District**  
**Request: Approve Amendment to Approved Development Plan text to include cement-fiber siding as a natural material.**

Matt Callahan, Rockford Homes, said that they are requesting approval of the use of cement-fiber siding in the Murphy Park subdivision. He said that they are confident in cement-fiber siding, in its reliability and durability. They have done a great deal of research on this product. He said that they wish to offer this product as an upgrade of traditional cedar. He said it is more reliable, requires less maintenance and resists moisture. He said it can be painted, although if it is primed properly, it will only need repainting every 20-25 years. With proper installation, cedar will only last 7 – 10 years without re-staining. Mr. Callahan said that they will take the responsibility for any product they install to make sure it is installed properly. He said that it is his understanding that the Hardiplank manufacturer's recommendations do not call for a double-wall construction. He said it is his understanding that that extra step was recommended by the Building Department as an additional safeguard against moisture. He said if that is enacted, they would abide by it, as other municipalities have such

requirements. He said such a requirement would represent an additional cost for the residents as an upgrade. Mr. Callahan said that they have customers requesting this product, and they would like to be able to offer it.

Shawn Leininger, Development Planner, gave his Staff Report on this issue (Exhibit 1). He agreed that Hardiplank doesn't require double-wall construction, but it is shown as an option. He noted that the Casto condominium development for which Hardiplank is an approved material will be adjacent to this development.

Commissioner Emerick opened this item to public comment. Hearing none, he closed the public comment session.

Mr. De Palma said that he has been hearing that Hardiplank is less expensive than cedar, and now he is questioning why this applicant says it costs more. Mr. Callahan said he is unsure the exact cost, but knows they plan to offer it as an upgrade. He commented that he was surprised to hear that this material was less expensive, because in his office, it has been quoted as more expensive. He said that different grades of materials and installation procedures could all come into play.

Commissioner Futryk said that while he supported the Zoning Code amendment for cement fiber, he can't support this. He questioned the Commission saying this is not an acceptable material, yet approving it as an option for Powell Place, for Murphy Crossing, and for Newbury Homes. He said he thinks it is a good product and he hopes to reconsider amending the Zoning Code, but he can't support this request.

Commissioner Wiencek said his recollection of this development process was that homes bordering the existing Grandshire subdivision would have equivalent architectural guidelines to Grandshire. Mr. Callahan said that the whole single-family development will meet those development standards. At the time Grandshire was developed, they required all natural materials, and cement fiber board was not on the market. What they have now is a better alternative and an upgrade to cedar. Commissioner Wiencek said that the Commission has a commitment to uphold the standards of Grandshire. In addition, he was against the Zoning Code amendment, so that is two strikes against this request. Commissioner Emerick agreed, and said that there was a lot of discussion with Grandshire residents that those standards would be met.

Commissioner Counts said he was also in favor of Hardiplank, but he finds himself voting against this approach. Commissioner Coville said he is against the "piecemeal approach" to approving this material.

Commissioner Murphy said he is also against such an approach, but he is also against different rules for different folks. He said that he will say yes to this and any other applicant that comes forth asking for Hardiplank since a substantial portion of the community (Golf Village) will be able to use it.

**MOTION: Commissioner Wiencek moved to deny this application. Commissioner Coville seconded it. The motion was approved. Yes: Coville, Emerick, Futryk, Wiencek, Counts. No: Murphy. Abstain: De Palma.**

Commissioner Futryk said that this issue has been discussed regarding two subdivisions in Powell, and Newbury will be coming back to discuss the use of this material. He asked what is the process for reconsidering allowing cement-fiber siding. He expressed a desire to review more information. He said the Commission is going to continue to deal with this issue. He said it will either be discussed on a case by case basis, or the City needs to make a determination.

Commissioner Emerick said that the Commission will deal with it more and more because the manufacturer is doing a really good marketing job and builders want to use it. In addition, despite what was heard tonight, it is cheaper. He agreed more information is needed. He noted information he pulled off the internet about this material (Exhibit 4). He said there are problems cropping up. Commissioner Wiencek said it can be reviewed any time, but it shouldn't be reviewed without more information. He said he is unlikely to be convinced until he hears "neutral, factual based information." He said in the same night he heard it is more expensive and less expensive. He said he reads that there are blow outs, and the manufacturer tells him there aren't any. Commissioner Futryk asked for information from independent testing companies. Mr. Leininger said that that has been provided in previous packets, but they can be reviewed again. Commissioner Wiencek asked Staff to go to Home Depot and get a raw material cost for vinyl, cement fiber, and cedar. He said the Commission then can review different information about installation.

Commissioner Futryk said that he thinks this issue needs to be addressed again, or if not, each application that requests the material should be turned down since it is not an approved material. Commissioner Wiencek said he thinks the Commission has been consistent in denying applications unless there was a specific reason for that approval. He reviewed that in one instance, the material was put on before it was approved. Commissioner Emerick noted that in Falcon Ridge, it was approved because the homeowners' association in turn got vinyl removed as an approved siding in that subdivision. Commissioner Wiencek continued that in condominium developments, cement-fiber siding has been determined a more suitable material than vinyl. He said in Powell Place, there is a financial hardship, and it was removed there. He said there has been consistency in approvals and denials.

Commissioner Futryk said that the Commission said earlier that there are all these concerns with reliability and installation, but yet it is an okay product in Powell Place, Murphy Crossing, and maybe Newbury Homes. Commissioner Counts added that it is already approved in Golf Village.

Commissioner Futryk said he would like Staff to continue to provide the Commission with information on this product. Commissioner Emerick expressed a desire to review installation issues with the Building Department. He said that the gentlemen tonight that said he has four crews installing this material, of which only 4 members are certified. He said he knows what happens is that other people are going to be installing the material, they aren't going to be certified, and that supervisor is not going to be checking every piece of siding that is going on. It would be very easy to get something installed improperly. Mr. Leininger said that it was discussed at the last meeting that the Building Department could address some of that. Commissioner Coville said that much of the problems of installation in Powell Place were caused because the approved product was not the installed product. He said that the building inspectors didn't do a good job, especially after a variance was granted to allow that specific product. He said that he doesn't think the inspectors will ever check installation.

**ZONING MAP AMENDMENT**

**Applicant:** City of Powell Initiated Amendment Pursuant to Section 1131.03(a) Codified Ordinances of Powell  
**Location:** 935.92 acres located north of Seldom Seen Road, west of the CSX Railroad, south of Home Road and east of Steitz Road  
**Current Zoning:** Liberty Township PC, Planned Commercial and Office District, PR, Planned Residence District and I, Industrial District  
**Proposed Zoning:** City of Powell PC, Planned Commercial District; PR, Planned Residence District; and PI, Planned Industrial District  
**Request:** Approval of a Zoning Map Amendment for newly annexed territory containing 935.92 acres, subject to the requirements of the Cooperative Economic Development Agreement and Pre-Annexation Agreement previously approved by City Council

Shawn Leininger, Development Planner, gave his Staff Report on this item (Exhibit 1). He said that this will make sure that all of the Zoning requirements made by the Liberty Township Trustees will continue as this development is annexed into Powell. It will give Powell Staff the ability to enforce those zoning requirements. He reviewed the general zoning areas of the map.

**MOTION:** Commissioner Counts moved to approve the Zoning Map Amendment. Commissioner Futryk seconded the motion. The motion was approved. Yes: Emerick, Futryk, Murphy, Wiencek, Counts, Coville, De Palma.

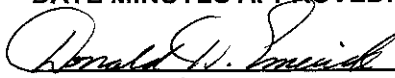
**OTHER COMMISSION BUSINESS**

Commissioner Wiencek noted that a service resolution was approved by Council last night for a 108 acre parcel north of Powell Place.

**ADJOURNMENT**

The Commission adjourned at 10:25.

**DATE MINUTES APPROVED:** August 14, 2002

 10-23-02  
 Don Emerick Date  
 Chairman