



City of Dublin

Land Use and Long  
Range Planning

5800 Shier Rings Road  
Dublin, Ohio 43016-1236

phone 614.410.4600

fax 614.410.4747

[www.dublinohiousa.gov](http://www.dublinohiousa.gov)

## PLANNING AND ZONING COMMISSION

### MEETING MINUTES

JANUARY 24, 2012

#### AGENDA

**1. Bridge Street Corridor – Code Modification  
11-020ADM**

**Administrative Request**

Chair Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Richard Taylor, Amy Kramb, Todd Zimmerman, Joe Budde, and John Hardt. Warren Fishman was absent. City representatives were Jennifer Readler, Steve Langworthy, Claudia Husak, Jennifer Rauch, Rachel Ray, Eugenia Martin, Justin Goodwin, Gary Gunderman, Jeannie Willis, Eagan Foster, Tina Wawszkiewicz and Flora Rogers.

#### Motion and Vote

Richard Taylor made a motion to accept the documents into the record as presented. Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Hardt, yes; Mr. Budde, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 6 – 0.)

#### Administrative Business

Rachel Ray reminded the Commissioners that the American Planning Association National Conference is scheduled April 14<sup>th</sup> through April 17<sup>th</sup>, and if any of the Commission members planned to attend, they should contact Flora Rogers before the February 16<sup>th</sup> early bird registration deadline.

Steve Langworthy stated that the Planning Commissioner Journal that the Commissioners receive in their packets recently announced that they are going to cease publication.

Ms. Amorose Groomes noted that she had heard discussion at the previous City Council meeting about a possible update to the sign regulations of the Zoning Code. She asked Mr. Langworthy what was planned with regard to this modification.

Mr. Langworthy reported that at the previous Council meeting, Planning was asked to prepare a memo with information about how to treat sign colors and secondary images. He said that Planning had drafted a memo describing how signs are regulated in the innovation districts (EAZ), what is proposed for Bridge Street, and what exists in the remainder of the Zoning Code, in addition to requirements for the various PUDs with separate sign provisions throughout the city. He reported that Council had instructed staff to put forward a proposal that is similar to the first part of the sign regulations proposed for Bridge Street with respect to the logo areas counting as one color with two additional colors, as long as the logo is less than 20 percent of the sign area. He stated that the modification would be brought forward to the Commission at the February 16 meeting.

Ms. Amorose Groomes explained the rules and procedures of the Planning and Zoning Commission. She announced that there is only one case on the agenda and public comment would be taken following each section reviewing landscape, signs, and process.

**1. Bridge Street Corridor – Code Modification  
11-020ADM**

**Administrative Request**

Chair Chris Amorose Groomes introduced this administrative request for review and recommendation to City Council for a proposed amendment to the Zoning Code to establish a number of new zoning districts and regulations for the Bridge Street Corridor (BSC). Ms. Amorose Groomes stated that the Commission would begin their review with Code Section 153.065, Site Development Standards.

### **153.065 Site Development Standards; (B) Parking and Loading**

John Hardt asked if a shared parking agreement were to end, would the property be required to be brought into compliance, and if so, if there should be a time limit within which compliance should be required.

Steve Langworthy said that the compliance would not be treated as a strict enforcement issue, but the property owner would be contacted and they would be given a reasonable time to comply.

Rachel Ray pointed out that the Code allows various provisions for reducing the overall required parking, whether it occurs through a parking plan, shared parking arrangement, or transportation demand management, and the owner would have the opportunity to pursue a reduction in their overall parking need before they would have to provide more parking.

Amy Kramb suggested adding "within a reasonable time as determined by the Director."

Mr. Langworthy agreed to the modification.

Mr. Hardt noted that the bulk of page 80 deals with parking reduction, with the exception of transportation demand management activities, "off peak work scheduling." He asked what effect, if any, transportation demand management and off peak work scheduling has on parking.

Mr. Langworthy said that it is one of the most effective measures, because if an employer can manage their shifts, it will lower demand at any given time. He commented that it probably works better in office environments.

Richard Taylor referred to the parking reduction due to transit proximity, and said that he understood the idea about the transit stop and the reduction of off street parking spaces, but transit could include several different modes, including COTA, and he knew that their transit stops could be moved. He wondered if the last line was appropriate, because the odds of the stop location changing were probably pretty good. He recalled that they had previously discussed deferred parking arrangement allowing for smaller parking areas as long as the original site plan allows space to provide the full parking arrangement, even if it was not constructed initially. He was concerned that if the transit stop went away, there may be no way to increase the parking. He asked if something similar should be contemplated here.

Justin Goodwin said that could be an option, but it could be a draw back if they approach densities at some point in the future that suggests that they could depend on a transit line, and saving space for deferred parking may unnecessarily limit density, but he noted that if that is the case, they could change the Code in the future as well.

Mr. Hardt asked if it would be reasonable to allow the parking reduction as long as the site is located along a transit line.

Mr. Taylor pointed out that a transit line could move.

Mr. Goodwin noted that the intent was to avoid penalizing someone for something that is out of their control, such as if the transit stop moved, but it was intended to be based on current conditions at the

time of development, and the idea was that there would be a reasonable expectation that there would be transit and although the line may shift, given the size of the area, the impact of the transit line moving would be minimal.

Mr. Taylor requested that the language be reviewed to ensure a property owner could still fulfill parking requirements if the conditions changed.

Mr. Goodwin said Planning would look at the language originally drafted for deferred parking.

Todd Zimmerman confirmed with Mr. Hardt that the requirements for bicycle racks allowing for U-locks had been adequately addressed in the Code.

Ms. Kramb pointed out that the width of the entrance for parking structures can only have a single entrance lane in certain districts, but the limitation is not required in other districts. She asked why it would not be desirable in the other districts as well.

Mr. Goodwin said that there had originally been a variety of provisions that were specific to the neighborhood districts, but many of them have been generalized to all of the districts, and perhaps this is one that should be generalized as well.

Mr. Taylor commented that on page 85, he would like to add a restriction that loading docks could not face any residential districts.

### **153.065 Site Development Standards; (D) Landscaping and Tree Preservation**

Ms. Amorose Groomes referred to the landscape requirements on page 86 and asked why only 50 percent of the landscape beds were required to be covered within 4 years, and why a higher requirement was not required.

Jeannie Martin said there are some cases where there are rain gardens that are not entirely covered by plant material, and there will be mulch to help the water percolate into the ground. She noted that there are other areas where rock may be used, and that is why the requirement is 50 percent at a minimum.

Ms. Amorose Groomes suggested that the Code should then call out the areas where lower coverage would be appropriate, and requiring higher coverage elsewhere.

Ms. Amorose Groomes asked regarding Table 153.065-D, if there is an existing survey of street trees in the Bridge Street Corridor of the spacing of street trees and if the table is consistent with that.

Ms. Martin said that Planning worked with the City Forester to develop these requirements.

Ms. Amorose Groomes referred to the requirement on page 88 stating, *no persons shall by any type of construction reduce the size of a tree lawn or streetscape planting zone without prior written approval to the City Engineer.* She suggested adding a requirement limiting wire or light attachments for more than 4 months at a time.

Ms. Amorose Groomes referred to the requirement on page 89 stating *one tree and five evergreen or deciduous shrubs shall be provided for every 25 lineal feet of boundary lot line.* She said that they had previously discussed how the Commission did not want shrubs and plant material to be spaced evenly, but that they should be clustered instead.

Ms. Martin said that Planning had tried to capture that intent on page 88 in the intent section.

Ms. Amorose Groomes asked that additional language be provided to state that the landscaping be appropriate to the design.

Ms. Martin agreed to elaborate on the intent statement.

Ms. Amorose Groomes pointed out that at least a five-foot wide landscape buffer with a two and half overhang is required for the perimeter buffering.

Ms. Martin said that requirement specifically relates to perimeter landscape buffering, and vehicle overhang area is the edge of the parking area, where the intent is to allow for car bumper overhang.

Ms. Amorose Groomes said where there is overhang, the landscape bed should then be larger with a five foot clear plant bed, exclusive of the overhang area.

Ms. Amorose Groomes asked why the large deciduous trees with a seven foot clear height would be eliminated from Table 153.065-B, because she thought in the parking areas and buffering the canopy provides a lot of buffering.

Ms. Martin said they were trying to soften the look of walls and fences but could add or deciduous trees and eliminate ornamental trees.

Ms. Amorose Groomes stated that all parking lot islands and peninsulas should be required to provide structural soil, and a requirement about the soil specifications should be provided in the applicant guide.

Ms. Amorose Groomes asked why turf was not a permitted material to be used in landscape islands.

Ms. Martin said that Planning was concerned with maintenance issues resulting from larger mower decks jumping the curb and scalping the turf, and that was why it was only recommended for larger landscape areas.

Ms. Amorose Groomes noted that on page 92 the Code is still using the timber term of *diameter at breast height* rather than *caliper* and she was not sure why they would want to use a logging term in the landscape section.

Ms. Martin said that diameter breast height is defined in the existing Zoning Code and the city utilizes for existing trees to determine tree replacement.

Ms. Amorose Groomes said that anyone in the industry would have less clarity with diameter at breast height because it is not a term used in the landscape industry.

Ms. Martin suggested changing to the six inch caliper as measured at the diameter breast height.

Mr. Langworthy said Planning would talk with the City Forester about the wording.

Ms. Amorose Groomes referred to page 93 and asked if they had fixed the hole in the Code that would potentially allow a property owner to clear their property before submitting an application for development.

Jennifer Readler said that it would be difficult to prevent someone from clearing a site before there is a development application to trigger tree preservation and replacement, due to private property rights.

### **153.065 Site Development Standards; (E) Fencing Walls and Screening**

Ms. Amorose Groomes referred to the prohibited materials for fences or walls and suggested that they be limited to materials used for fencing, and not materials not otherwise intended to be used for a fence to clarify the issue with the recycled materials.

Mr. Hardt said it appears that the Code would prohibit the use of chain link fencing during construction, but they would need to be able to secure a site against theft.

Ms. Amorose Groomes suggested that retaining walls should be measured from the *elevated* side.

Ms. Amorose Groomes agreed that stacked stone street walls with the book shelf top should be encouraged throughout the Corridor, but required in the BSC Historic Core District.

Mr. Taylor pointed out that on page 94, unfinished CMU is listed for dumpster enclosures, and stated that it should be changed to allow decorative CMU.

Ms. Amorose Groomes referred to the solid hedge and post street wall, and stated that for a solid hedge, she would like to strike vines, because that will not get them the desired result. She said the ground on the street side of the hedge wall shall be landscaped with ground cover exclusive with grass only if it is less than 18 inches wide, if it is more it could be a combination of ground cover or turf.

Ms. Amorose Groomes said on page 95, utility box doors should be oriented to open towards buildings or the least visible side.

Mr. Hardt referred to the off street loading area requirements on page 95 and suggested that the language be changed to *the same primary materials, finish and level of detail as the principal structure* and that access doors should be required to be self-closing.

### **153.065 Site Development Standards; (F) Exterior Lighting**

Mr. Hardt asked if there are any types of lighting that should be prohibited, such as sodium vapor, and if there is anything they want to encourage, such as LED.

Ms. Ray said Planning would check the rest of the Zoning Code for consistency with the types of lighting, and noted that they have changed how they calculate light levels from watts to lumens, which is heading that direction in terms of LED.

Ms. Amorose Groomes said they were finished with the landscaping section and asked if there was any public comment. [There was none.]

### **153.065 Site Development Standards; (H) Signs**

Mr. Taylor said he had forwarded material to Planning regarding the sign requirements, but much of it had to do with encouraging more creativity in signs and looking at making sure that they are seeing signs in the Bridge Street Corridor as something very unique and different. He said there is a lot of restriction on size, number spacing, color, but not much to encourage quality and creativity. He had suggested to staff to make stronger statements about the expectations in terms of character and quality. He said there were a lot of examples of good sign plans that he had found, and that he had forwarded the requirements for Crocker Park to incorporate language to regulate quality and would like the reviewing bodies to have a sign standard that is high with a wide open door for sign opportunity.

Mr. Taylor said he would like added to Intent and General Purpose section, "*ensure that signage used by individual businesses will contribute to the vitality interest and uniqueness of the Bridge Street Corridor, ensure that signage encourages pedestrian activity and recognizes the critical importance of signage at*

*multiple scales to enhance that activity, ensure that signs adhere to a high level of design and construction quality”.*

Mr. Taylor said under the General Provisions section, under Master Sign Plans, that Master Sign Plans should be required for all projects with multiple tenants, for all projects with two or more signs, and for all projects required to submit a Development Plan or a Site Plan. He said that the Planning and Zoning Commission should be the reviewing body for all the master sign plans.

Mr. Taylor said under section 4, Site Design and Lighting, he is concerned about internally illuminated signs and that the requirement should be changed to read, “*Internally illuminated pan channel signs individual letters may be allowed only if the applicant demonstrates a commitment to the maximum of creativity and the highest quality of materials and fabrication*”, which gives them a lot of flexibility to judge that sign for quality.

Mr. Langworthy said if a master sign plan is required for all projects with multiple tenants that would mean two tenants would have to have a master sign plan.

Mr. Taylor said it wouldn’t be much of one, but a plan would be needed to ensure compatibility of the individual signs.

Mr. Langworthy said the suggested language would require all projects or every building to have a master sign plan.

Mr. Taylor said the point is to show the importance of the signs in this area.

Mr. Hardt said they are talking about the initial development of the building, not every time a sign is changed out. Mr. Taylor agreed and said the changing of the signs would be incorporated into the procedures for the process.

Mr. Langworthy suggested building the sign plan into the Basic Plan Review so an applicant would not have to come back to the Commission just for a sign plan.

Mr. Taylor said his intent is that an applicant would establish an overall plan to establish sign locations and quality in the beginning, and that would apply for all future signs as tenants switch out.

Ms. Amorose Groomes asked if there was any public comment with respect to the sign requirements. [There was none.]

### **153.06 Review and Approval Procedures and Criteria**

Ms. Amorose Groomes asked if there was any public comment before the Commission began their review of the Review and Approval Procedures and Criteria.

Kevin McCauley, Stavroff Interests, 565 Metro Place South, Suite 480, said that his comments for the procedures are related to Dublin Village Center specifically, which is within the BSC Sawmill Center Neighborhood District. He explained that they have a reciprocal easement on their property that prohibits them from doing certain things at this time, although they are working to eliminate this easement with the adjacent property owner of the former BJ’s property. He stated that in the agreement that is on the title and on record prohibits both properties from developing in certain ways, such as multi-family and it even has very specific locations for buildings and they cannot be situated where buildings have their backs to other buildings. He said they are stuck with this agreement and they have to work with it. He stated that if the Bridge Street Corridor zoning is placed on their property, they will have extremely limited options since they would not be able to adhere to the Code because they are locked out by the

reciprocal easement. He said they have been stripped of their property rights and asked for an alternative means of approval through the PUD process.

Mr. McCauley said he can see how limiting this Code is and if he owned the Oakland Nursery property, under the new Code he stated that all new development would be required to be up on the street with two stories, and he would not be able to do that on the Dublin Village Center property because of the limitations on the development. He said that, as a result, they would have to continue making small improvements but would not be able to redevelop. He stated that everyone should have an alternative means of development if they do not want to or cannot adhere to the Code requirements, or if the market will not accept that type of development, or if they want to do something different. He said that the market driven projects are likely going to include things we could not think of today. He said that a few years ago, everyone wanted a Barnes and Noble or a Border's in their stores or malls, and that is a thing of the past today, because now with the internet, you do not know if an anchor will succeed because things are changing so fast.

Mr. McCauley pointed out that two new malls were built in Columbus in 20 years and no one thought that would happen. He said that this is a 40 year plan, or longer, and this zoning is too limited because there are no avenues to pursue other opportunities. He said he does not know where the market is going and he is busting it every day and doesn't know how a consultant or staff can say, but this is what is it with this economy. He said that the City says they want to be market driven, but there is so much detail in the Code for them as a developer to try to follow that there will definitely be things they are not aware of today or know what they are doing because things change and the sites are different. He said that although there are waivers and minor modifications in there today, that is not enough. He said they will not be able to react to what they need to and the Code is cumbersome and difficult to read and hard to follow and there is a lot of going back and re-reading chapters and flipping around. He said he understands the current Zoning Code and he can go to a site and know what he can do with layout and development. He said that with this Code he would not be able to do that, he would need to sit down with architects and attorneys and make sure he can do his development or building.

Mr. McCauley said that he would love to do all of it if they could, and in fact they have a plan that shows how the phasing could occur that they are going to share, that he believes is responsive to the market and is in fact a greener plan because they can reuse some of the buildings. He said he did not believe that the Bridge Street Corridor Code would not allow them to do this phasing plan. He said there are certain things in the Code that require certain things such as a parking garage for any building over certain sizes. He said his concern is that the density is not there.

Mr. McCauley commented that they need alternatives to the Bridge Street Code that would include a process similar to the PUD. He said they have an example of the phasing plan, but he said that he is aware that they have a lot of work to do on their site yet. He said they have not had the opportunity to go through the Code in detail, and he wondered if anyone has tried to design a building under the new code to see if it can be designed to work on a price per square foot basis.

Ms. Amorose Groomes said that she appreciated Mr. McCauley's concerns and she wondered if they should start by reverse engineering from what can be afforded, and then see what the project looks like, or if they should start with what they would like a project to look like and see if they can afford it in the end. She said that the Commission's charge is to come up with an outstanding urban code, and they have not been asked at this point to think about whether someone could afford to do it, but it is an important point and a decision that needs to be made.

Kerry Reeds, MSI, stated that he had drafted a plan very quickly that was not intended to be *the* plan, but just an example of a potential plan for Dublin Village Center. He said they took a step back and noted that there are a lot of buildings and infrastructure that have a serviceable life still, and it is unlikely that someone will come in and scrape a 60-acre site clean and start from scratch in one fell swoop. He said

the property has tenants that have an interest and this is simply an approach to look at how this site can evolve over time. He thought this plan is closer to the Code, but does not meet the Code. He said there has been some interest in developing multi-family on this site which is illustrated in the north west corner of the site presented on the screen.

Mr. Reeds presented a plan showing a proposal to straightening the roadway from Tuller Road south of the BJs site, because there is interest in a three to four story office building approximately 150,000 square feet in area, with surface parking lot located to the north. He said there is an existing building that could be re-purposed into a school, and the theater/family entertainment would be relocated to the BJs site with the existing surface parking lot and potentially outlot restaurants. He said that would be all for the first phase. He said the balance of the site stays as it is, with the existing commercial center, surface parking lot, bank, existing tenant buildings along Sawmill and the existing Applebee's.

Mr. Reeds stated that the second phase focuses on the southeastern corner of the center, because they have interest in convenience retail on this portion of the site. He said there is a potential need for a drive-through for a potential drug store with at least short term surface parking. Mr. Reeds stated that the third phase would focus on the center with new retail, multi-story retail/office or multi-family built around the core with an existing drive adjacent to the building that would continue through to the office with a possible parking deck along the west, with a new retail tenant and possible refacing of the existing retail.

Mr. Reeds said that the fourth phase would be to add an additional parking garage with the old drive to get new buildings adjacent to it and the potential for additional office space with an additional parking deck that can service the office as well as the theater. He said there is a need to extend Snouffer Road through this site, which is really important to this development.

Mr. McCauley said the extension of Snouffer Road is something that potential tenants have indicated would make a difference to this site if they had that connection to Sawmill Road, and they would love to be able to do that on day one.

Mr. Reeds said that in all likelihood, this plan, even though it is conceptual, it does adhere to the grid street network and ultimately the streets need to be laid out on a very simplistic format that is very understandable.

Mr. McCauley said with not knowing what the future holds, they are asking for an avenue to allow them to go through a process such as the PUD that will not unnecessarily limit them.

Ms. Amorose Groomes said that Mr. McCauley and Mr. Reeds have provided the Commissioners with quite a bit to think about, and although they had hoped that they would have had a chance to consider this a few months ago, late is better than never. She thanked Mr. McCauley and Mr. Reeds and asked if there is anyone else that would like to speak with respect to the Code.

Ben Hale Jr., Smith and Hale, said that the arrangement that Mr. McCauley described was not unusual for a shopping center, because in fact, in most shopping centers, the major tenants own their own buildings such as Sears, Lazarus, and Macy's, so the easement he is talking about is very common in malls and large shopping centers. Mr. Hale agreed that there is a need for some sort of outlet or exception procedure that would allow applications to come before the Planning Commission. He said they need a way to accommodate the creativity of architects and developers, who are very inventive people that will need a mechanism to allow for those exceptions. He said in Westerville for example, the Planning Commission can give a minor exception, while major exceptions go to their City Council. He thought that waivers and exceptions should not be taken lightly and that developers should need to demonstrate why it is necessary, and ensure that it will not undermine the overall vision.

Mr. Hale said that Westerville rezoned all of their vacant land to PUD without any plans, and when developers come in they need to determine if changes are major or minor, and then they go through the review process. He thought that a similar process could apply here.

Mr. Langworthy said that Waivers do have to follow the Code, because they have to comply with the spirit and intent of the Vision Report, and they need to demonstrate that the request is caused by unique site conditions or conditions of surrounding properties, but they cannot allow any use, building type, or open space that is not otherwise permitted in the district.

Mr. Hale said if you cannot change the building type, than there has to be a mechanism to change anything, when he reads that language.

Mr. Langworthy said perhaps if they loosen the waiver language it would solve Mr. Hale's concern. He said that it should be flexible enough that a discretionary reviewing body such as the Planning Commission would have the opportunity to make those alterations. Mr. Hale agreed.

Melanie Wollenberg, Equity, owner of the Bridge Pointe Shopping Center, 445 Hutchinson Avenue, Columbus, Ohio, said she is all for a predictable, timely, reasonable, and responsible process and thought that the Commission achieved that this past summer when they reviewed the architectural modifications to the Bridge Pointe shopping center. She said she was very pleased with the timeliness and the fact that the Commission was not overreaching. She thought it was a reasonable exchange, that they did some things that they did not want to do, but the Commission had a right to ask for them. She said she likes the current process that is in place because the Commissioners are in the marketplace every day and understand the practicality of the request.

Ms. Wollenberg said this is an onerous code that infringes on property rights, and she agreed with many of Mr. McCauley's comments regarding the market and the difficulty of the Code. She said this Code dictates use, and she did not think that anyone could predict use. She said that there was a time in Dublin that it was not a reasonable or predictable process, and if they go back there again, then maybe there is a need for an overhaul. She said this goes to the other extreme, and if she had her choice, she would keep things such as the existing zoning and parking requirements and densities and the current approval process.

Ms. Amorose Groomes confirmed that her opinion is that the current process is relatively predictable, efficient in terms of time, and that it is friendly to the development community.

Ms. Wollenberg agreed and said that her circumstances are probably different from other developers, but she was pleased with staff with helping her through the process and pleased with the Commission. She said they were asked to do things and go further than she would have liked to, but she never felt they were overreaching or making up requirements as they went along or were asking for unreasonable things within a reasonable time frame and she thought she got that with predictable answers.

Mr. Taylor asked Ms. Wollenberg her thoughts on a middle ground.

Ms. Wollenberg said she thought that taking the Commission out of the process is a mistake because they gave real time marketplace perspective, and experienced input was needed. She said that as she looks at the Code and what they would be imposed upon with BSC Commercial or Office, it would be much worse if they were BSC Office, but the construction cost will prohibit them from building market rate buildings, so they would be in the situation Mr. McCauley is talking about, where they couldn't do anything because they would be prohibited by the Code to build the building the market would be willing to pay for, and would be required to build the building that they couldn't lease at market rates because they could not build it at a market cost. She stated that there is a direct connection to cost and rent and

this Code disconnects those two and she doesn't think they can predict years the costs associated with the architectural form they are trying to achieve.

Mr. McCauley said he has had different experiences through the PUD process and the pains he had during that review and it speaks volumes for him to still say he prefers that process as an option, and it would be his choice to do it.

Ms. Amorose Groomes recalled Mr. McCauley's recent experience with the skilled nursing facility in the Shamrock Crossing PUD, and asked if that last application was the highest quality of all his applications and did it work out better in the end than it maybe would have in the beginning had it not gone through the Commission's review.

Mr. McCauley agreed but thought the applicant was caught in the middle with the Bridge Street Corridor coming down the path and they were trying to do one thing but once they understood the direction that it really was the qualities of the BSC that the Commission was looking for then they were able to adhere to it 95 percent and then it went through real quick, but it took them a long time to get there because it was not clear up to that point. He said that the concept plan allowed them to go through that process, but this last review involved a disconnect, but once they got on the same page at the end they got a better product because of the process.

Ms. Amorose Groomes asked if there was anyone else that would like to speak with respect to this application. [There was no one.]

Mr. Langworthy requested a five minute break at 9:09 p.m.

Ms. Amorose Groomes resumed the meeting at 9:15 p.m.

Ms. Amorose Groomes announced that the Commission would continue their review with Code Section 153.066, Review and Approval Procedures and Criteria.

Mr. Hardt commented that the discussion this evening has been very interesting. He said his concerns are global in nature and are not new. He said that he still maintains a level of discomfort with this portion of the Code. He stated that this Code is radically different from anything else that has ever existed in Dublin before, with the densities and parking requirements and building heights, and so on. He said that going through the exercise of reviewing the 117 pages of Code has made it clear to him that different people read this Code differently and make different interpretations of the requirements. He said that because of the different interpretations and the fact that it is such a significant departure, he has always maintained that the approval procedures that have been in place all these years ought to remain in place to some degree until we know what the outcome will be. He said the market is going to change and evolve, and the Code is untested and is written to be very prescriptive in nature, so he struggles with looking for a way to provide a level of comfort that the Planning and Zoning Commission and the public can keep their eyes on the process and make sure they are getting the results that they want while keeping in mind the desire to shorten the process or expedite the process where it is appropriate to do so.

Mr. Hardt suggested an option where there is a Basic Plan Review, where developers come in and present a conceptual level of detail to this Commission, and then it goes through the ART. He said in many cases, that will be fine, but in others, that will not work. He said that there are going to be projects that are big and messy and do not fit neatly within all of the boxes and maybe ought to stay on a PUD-like track, where a developer can come to the Commission and negotiate. He said that he would like to see a process written into the Code where a Basic Plan Review occurs, and at that review, the Commission discusses the proposal with the applicant and everyone including the public and staff will look at the project and determine whether it is simple and straight forward or if it is more complex and

should come back to the Commission for final approval. He said that would give the developer the opportunity to choose the review.

Mr. Hardt said he believed that there is a happy medium in there that if all the interested parties can engage in that dialog very early in a project to have the opportunity to go through one track or another and make that determination early on. He said a similar option could be available in the Bridge Street Corridor to make a determination that a given project is appropriate for the ART track or the Planning and Zoning track with the developer being an active participant in that dialog. He said the Code is as good as it can be and he is proud of the work that has been put into it by everybody involved, but until the development community tries to design a building, they will not know what is going to happen and he is not comfortable with not reviewing some of these projects.

Mr. Taylor said he couldn't improve on Mr. Hardt's comments, and he agreed that much of what Mr. Hardt suggested makes a lot of sense. He said the suggestion allows for things they have not thought of yet and it allows the developer to choose to make the process simple and quick or they could propose to risk it and go for something more complex or different and go before the Commission to make their case and allow the public to have input in the process. He said that this would allow the City to promote the new development in the Bridge Street Corridor, and promote the process as being predictable and speedy and allow developers to explore new ideas that may or may not fit the Code.

Ms. Amorose Grooms said she was also intrigued by what she had heard from the public. She agreed with Mr. Hardt's and Mr. Taylor's concerns with the projects that big and complicated, and she did not feel that at the Basic Plan Review, the City could not have enough information for the public, residents, and corporate citizens to really evaluate what a project will mean for them and their community. She said that the projects that are more difficult should allow the community the opportunity to participate in a longer period of the review process, and she thought that the Planning and Zoning Commission provides that opportunity. She said that she is not yet ready to see if this will work yet, because there is too much at stake. She commented that even though the Bridge Street Corridor is a very small percentage of the city's land area, it is a very important part of the city and the impacts are tremendous. She said that there needs to be a safety valve, and to claim that they have nothing left to learn and that they have figured everything out is a mistake. She said this has been an enormous process and the hours that staff has put into it shows and they have done a fantastic job. She said that the Code is very good, and she is proud of the body of work that went into it, but she is fearful of what she does not know or has not yet considered. She said they have to stay engaged for the Code to remain relevant, so they can along the way see the pitfalls and be in a position to fix them along the way.

Ms. Amorose Grooms said Mr. Hardt's suggestion of the Basic Plan coming before the Commission to determine the process is a great idea.

Mr. Hardt said it would not be that drastic of a fix, it would be changing the diagram of the process, and he suggested switching the track at the Basic Plan Review which would result in the project working with staff to finalize the details before filing a Development Plan application and then coming to the Commission for approval instead of the ART and then following the permit process.

Mr. Taylor said this could be a waiver-*like* review process.

Mr. Hardt said page 107 describes the criteria for which the ART can elect to forward a Development Plan to the Planning and Zoning Commission if the application raises complex issues, and the same criteria could be what the Planning and Zoning Commission uses to keep the project or send it on an ART track.

Mr. Zimmerman said this is a working document and feels that until this is up and running they don't know how it will work and the document will constantly change, and they should anticipate changes.

Mr. Hardt said he agrees and suggests that they put something in the Code that gives applicants options to allow them to review applications the way they do now or on a case by case basis.

Mr. Zimmerman said if the developer wants to go through ART all the way through, then they should be able to that as long as it follows the criteria.

Joe Budde said if a developer wants to comply with the Code they could go on through the ART process, and thought that is what the developers have said they would like in place, but if it does not comply with everything, then the review stays with the Commission.

Mr. Hardt said he heard that the development community might want to request the Commission review if there is some aspect of the Code they can't meet.

Mr. Budde said he heard from the consultant, Don Elliott, that this document will continually evolve and he agreed that the Commission will have the opportunity to provide input.

Ms. Amorose Groomes said the only problem is if staff came back and said they have experienced a problem with a Code requirement, her concern is that if she had not experienced the concern, she would not be in the best position to know best to address the concern.

Mr. Hardt said if the Code is implemented, and issues are discovered at the ART stage, and the Commission does not have an active role in the review of those projects, then when they get a report back from staff saying that the Code did not work right, they would not have the first hand knowledge of understanding of the issues.

Mr. Budde said he thought staff would be able to share insight on the issues very well as they have in previous presentations, and the Commission will have an opportunity to learn about the issues.

Mr. Taylor said he always appreciates Mr. Fishman's background on projects, because he always seems to remember what happened years ago, and that intimate knowledge of projects will have a lot of value in the future.

Ms. Amorose Groomes suggested that the Commissioners finish their review on the rest of this section now that they had provided their general concerns with this section.

Mr. Hardt said he thought of a Waiver as a small deviation from the Code, but if the Code requires a parking garage and the development community says the market doesn't support a parking garage, that no longer seemed like a waiver to him. He said that there needed to be an alternative route to deal with that issue.

Mr. Langworthy said the name may be wrong, but the effect is the same. He said either way, it allows the Planning Commission to change an element of the Code by not changing the language of the Code itself, but only as it applies to that particular property.

Mr. Hardt said on page 107 under review procedures should be changed to *any* reviewing body, depending on which way an application goes.

Mr. Hardt pointed out that on page 110, under Minor Projects, multiple buildings that are eight units or less does not seem like a minor project to him.

Mr. Langworthy said he would clarify the language to state eight units *in a single building*.

Mr. Hardt said that redesigning fences does not seem like it would be a minor modification that should be approved administratively.

Ms. Ray stated that the language could be modified to not allow the change to apply to street walls, but if it is just a fence on a property in the rear yard of a residential lot, it is probably not something that should come before the Commission every time, as long as it was within the buildable portion of the lot and met Code in terms of height, material, etc.

Mr. Hardt asked if there had been any progress made with respect to identifying the submission requirements for the various types of applications.

Mr. Langworthy said they will have that before the applicant guide is finished, and they are already working on it, but it would be similar to what is submitted now and would certainly not be less.

Ms. Ray said they were working on a check list and would likely require the applicant to provide information up front demonstrating that all requirements had been met, such as transparency, building materials, etc.

Mr. Langworthy said their goal is once they go through our process, they only have to go to building permit, and at that point, the only things they need to review are the Building Code elements and all the other issues will have been resolved by the ART.

Ms. Amorose Grooms asked Mr. Langworthy about the next steps, now that they had concluded their review of the Code, and asked if the Commissioners should expect a complete, revised Code by Friday.

Mr. Langworthy agreed to provide the Commissioners with a revised draft by Friday.

Claudia Husak said that the Clerk's office has advertised that the ordinance for the area rezoning and the Code will be introduced at City Council on February 13<sup>th</sup> and they are getting ready to send out over 500 notices to the property owners for that meeting, so a vote on the code and area rezoning should be scheduled for the meeting next Thursday, February 2<sup>nd</sup>.

Ms. Amorose Grooms suggested that Mr. Langworthy email the revised Review and Approval Procedures and Sign requirements as soon as they are ready to allow the Commissioners as much time as possible to review those sections before the meeting on the 2<sup>nd</sup>.

Ms. Amorose Grooms adjourned the meeting at 10:16 p.m.

As approved by the Planning and Zoning Commission.