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PLANNING AND ZONING COMMISSION

MEETING MINUTES

JUNE 19, 2014

AGENDA

1. Ohio University Heritage College of Osteopathic Medicine – Signs
14-025WID-DP/SP — **6775 and 6785 Bobcat Way**
West Innovation District-Development Plan
Site Plan (Approved 4 – 0)

2. Wellington Reserve-Virginia Homes - Tree Preservation, Removal & Replacement
14-011AFDP — **Brand Road**
Amended Final Development Plan (Approved 6 – 0)

3. Coffman Reserve — **7027 Coffman Road**
14-044FDP/FP
Final Development Plan (Approved 6 – 0)
Final Plat (Recommended Approval 6 – 0)

4. BSC Office District - State Bank — **West Dublin-Granville Road**
14-047BSC-SP/MSP/PP/FP
Site Plan Review (Approved 6 – 0)
Master Sign Plan (Approved 6 – 0)
Preliminary Plat/Final Plat (Recommended Approval 6 – 0)

5. Kerry Glen Subdivision - Lots 1 & 2 — **5126 and 5152 Glenaire Drive**
14-049FP
Amended Final Plat (Postponed)

Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Joe Budde, Amy Kramb, Richard Taylor, John Hardt and Victoria Newell. Amy Salay was absent. City representatives present were Gary Gunderman, Jennifer Readler, Alan Perkins, Claudia Husak, Rachel Ray, Devayani Puranik, Joanne Shelly, Aaron Stanford, Colleen Gilger, Andrew Crozier, Katie Ashbaugh, Jonathan Staker, Logan Stang, and Laurie Wright.

Administrative Business

Motion and Vote

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

Motion and Vote

Mr. Taylor moved, Ms. Kramb seconded, to accept the May 1, 2014, meeting minutes as presented. The vote was as follows: Mr. Hardt, yes; Mr. Budde, abstain; Ms. Newell, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; and Mr. Taylor, yes. (Approved 5 – 0 – 1)

Motion and Vote
Ms. Kramb moved, Mr. Taylor seconded, to accept the May 15, 2014, meeting minutes as amended. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Hardt, yes; Mr. Budde, yes; Ms. Newell, yes; Mr. Taylor, yes; and Ms. Kramb, yes. (Approved 6 – 0)

Ms. Amorose Groomes said there two cases that were eligible for the consent agenda. The Chair pulled the Coffman Reserve case off the consent agenda and determined the order for the agenda, which was as follows: 1) Ohio University (HCOM) - Development Plan/Site Plan; 2) Wellington Reserve – Amended Final Development Plan; 3) Coffman Reserve – Final Development Plan/Final Plat; and 4) State Bank – Site Plan Review/Master Sign Plan/Preliminary Plat/Final Plat. She briefly explained the rules and procedures of the Planning and Zoning Commission. [The minutes reflect the order of the published agenda.] Claudia Husak said the Kerry Glen Case was postponed, prior to the meeting.

1. Ohio University Heritage College of Osteopathic Medicine – Signs
14-025WID-DP/SP **West Innovation District**
6775 and 6785 Bobcat Way
Development Plan/Site Plan

Chair Chris Amorose Groomes introduced this application for a request for two wall signs to exceed the permitted size for existing buildings for a college campus, at the southwest corner of the intersection of Post and Eiterman Roads.

John Hardt recused himself from this case, due to a business conflict. Victoria Newell recused herself, as well.

Ms. Amorose Groomes swore in anyone intending on addressing the Commission in regards to this application. She said there will not be a presentation and the applicant is present. She invited anyone from the general public that would like to speak with respect to this application. [Hearing none.] She called for a motion with respect to case 14-025WID-DP/SP.

Motion and Vote
Mr. Taylor moved, Ms. Kramb seconded, to approve the Site Plan application for two identical wall signs for size. The vote was as follows: Mr. Budde, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; and Mr. Taylor, yes. (Approved 4 – 0)

Ms. Amorose Groomes thanked the applicant for hearing the Commission's request and responding in a positive way.

2. Wellington Reserve-Virginia Homes - Tree Preservation, Removal & Replacement
14-011AFDP **Brand Road**
Amended Final Development Plan

Ms. Amorose Groomes introduced this application for a request to modify the landscape plan for a single-family subdivision on the north side of Brand Road, 800 feet west of the intersection with Coffman Road.

Ms. Amorose Groomes swore in anyone intending on addressing the Commission in regards to this application.

Claudia Husak said the application centers around tree preservation, removal, and replacement. She presented an aerial of the site from early 2013. She cited the land surrounding the subdivision. She reported the City just opened the Brand Road bike path and is ready to be used.

Ms. Husak referred to the Final Development Plan, approved by the Commission. She said there was a lot of emphasis place on landscaping and tree replacement. She said there was a lot of concern from the adjacent neighbors and the residential neighbors to the north and east about buffering. She said the applicant had created on all of the lots except for the three to the north these tree enhancement zones that run to the rear of the lots. She said a requirement was put in place to provide a landscape buffer within the tree enhancement and tree preservation zone.

Ms. Husak presented pictures of the current conditions of the site including a view from Ballybridge, which goes into the subdivision from Wellington Place, showing the existing trees as well as the new trees planted as part of the tree enhancement zone and landscape buffer. She noted similar conditions on the other side. She pointed out the view of that area looking east that is the northern boundary.

Ms. Husak said the application is a request to change tree replacement based on changes to the tree removal per construction and development of the subdivision. She explained that the Final Development Plan showed the impacted trees as an "I" symbol on the plans that included trees that were estimated to be impacted and not known for sure. She said the approved plan had 1213 inches, which equates to 2184 replacement inches. She explained the proposal reveals which impacted trees have actually been removed (some saved). She reported that prior to the removal of the trees, an Arborist reviewed the tree survey again and confirmed the difference in numbers as part of the proposal, vs what was removed and required to be replaced, which is 595 fewer inches that equals 91 fewer trees. She said the applicant has provided an illustrative plan that shows the change they want to make in their planting plan: 1) Average size of caliper for the replacement trees; and 2) Number of replacement trees along Brand Road and some northern site boundary. She noted along the eastern & northeastern boundary, the change is intended and the applicant has provided the exact number but a different caliper of 3 inches instead of 3.5 inches. She indicated the applicant and staff have worked with neighbors to verify locations, grading, and the health of certain trees.

John Hardt asked for clarification on the numbers. Ms. Husak confirmed the replacement vs removal numbers. She said approval with two conditions is recommended:

1) That the developer remove and replace any existing trees indicated as preserved if it fails or dies within three years from the date of approval of this Amended Final Development Plan, subject to approval by Planning; and
2) That the developer work with Planning and the adjacent property owners for Lots 16, 17 and 18 to meet the intent of the development text to achieve 75 percent opacity.

The Chair invited the applicant to come forward.

Greg Chillog, with the Edge Group at 330 W. Spring Street, Columbus, Ohio 43215, said he wanted to walk the Commission through the site since past June. He said they are living up to that commitment. He explained at the Final Development Plan they made assumptions, guessing which trees would be impacted to be removed and replaced that was approved at 721 trees that represented 78 percent of the trees on the site. He said the folks on site have controlled where the grading is, removed pipes out of drip zones, they were able to impact less trees, now 543 trees, and are asking for an amendment to the planting plan for a replacement requirement. He presented the site showing small green dots that represented all of the trees, and those in poor condition were represented on the right and have no impact with the replacement numbers that equates to 241 poor condition trees or 25 percent. He noted the tree numbers that were approved. He said they reclassified trees from good/fair to poor condition but took off the table (38 trees) that Staff was not comfortable with reclassifying. He presented the relationship of approved preserved trees and the actual preservation of the trees on the site. He summarized his comments and asked if there were any questions.

Chris Amorose Groomes invited public comment.

Roger Reeves, 5149 Reddington Court, said his property was adjacent to Lot 17 at the northern boundary. He said he did not address the Commission the last time through but did address City Council during the first reading. He indicated he sent a letter that included some pictures that show site lines to Ms. Husak and asked that she share it with the Commission. He said the pictures from his property line looking toward Lot 17 taken on April 10 and from his neighbor, two doors down, from his property line out toward Lot 18 taken on June 8 demonstrate without any additional trees planted along the tree preservation zone, along the northern boundary, the requirement for 75 percent opacity is not going to be met throughout the year. He stated there is no conceivable way the applicant can meet the 75 percent opacity requirements based on the proposal tonight. He referenced the Amended and Final Development Plans and the number of trees that were supposed to be planted along the 40-foot preservation zone in Lots 18 & 17. He said a number of trees have been planted along the tree preservation zone in Lot 16 but they are primarily deciduous trees, spaced far apart, and have no possibility of creating the opacity required.

Mr. Reeves, 5149 Reddington Court, said he appreciates the second condition recommended by staff. He said based on the applicant's prior conduct, there should be a time frame limitation to complete the opacity requirement. He fears the applicant will postpone, delay, or not comply. He indicated there have been events where the applicant did not comply and provided an example where the applicant was required to protect tree #740, a large landmark Beech tree, by placing a high chain link around the perimeter of that tree so no earth would move inside the fenced area. He said on April 4, 2014, he noticed an AEP contractor trenching along the edge of the tree preservation zone, headed directly for that Beech tree and if he had gone any further he would have cut the root system. He immediately asked the contractor to stop and called Brian Martin, who reported he would look into it. He reported back to him the next day indicating a meeting was scheduled with the applicant and that mistakenly, the City Engineer's office had laid out the electrical plan to run next to the trunk of that tree, clearly a mistake on the City's part. He said the applicant did put up a fence but when the plan came through to trench, they granted an easement to AEP to allow trenching, having knowledge, Mr. Reeves believes is was deliberate to take advantage of the situation and save some money. So far, the tree is living. Mr. Reeves cited another example of how the applicant did not comply with requirements.

In summary, Mr. Reeves asked the Commission to consider: 1) the 75 percent opacity requirement with a time frame limitation; and 2) changing the text in Note D of the Final Development Plan to leave no doubt and specifically say, no fences are permitted.

Ms. Husak said she did not understand where Mr. Reeves was referring to as she noted text that stated "no fence was permitted unless decorative in nature and does not enclose an area".

Mr. Reeves said he was fine that it was in the development text but would like it on the Plat. Ms. Husak disputed what can be written for the process. Ms. Amorose Groomes confirmed that this would not be dealt with in a Plat but rather in the development text.

Ms. Amorose Groomes asked if anyone else wanted to speak with respect to this application. [Hearing none.] Ms. Husak asked to clarify the landscape buffer requirement that is sensitive to areas where there are existing trees and the language reads "to strive to achieve 75 percent opacity" and "areas of preserved trees and vegetation shall be deemed to meet opacity requirements" but "may be supplemented with other plantings". Ms. Amorose Groomes closed off the public portion to allow comments from the Commission. She reiterated that there are two conditions proposed by staff.

Richard Taylor said if this goes ahead and some of the trees have to be replaced three years from now, there will be finished houses with finished lawns and landscaping and asked how those trees are proposed to be handled and property not damaged while doing that.

Charles Ruma, owner of Virginia Homes, 10104 Brewster Lane, Powell, Ohio, 43065, said he is not sure how the warranty situation has been addressed in the past. He said maybe the text in the tree preservation code needs to be considered. He does not understand where the three-year time frame comes from and not sure how that would be applied and asked for a more reasonable warranty.

Ms. Amorose Groomes thought in 13 months those houses would be flying up.

Mr. Taylor said at which point trees need to be taken down because they died, at some point landscaping will need to be restored by someone to original condition. He believes that should be addressed.

Ms. Husak said staff has proposed that the responsibility is still with the developer within three years of approval. She said, ultimately, the maintenance of the trees within the buffer is the responsibility of the individual lot owner.

Amy Kramb asked if there was a graphic that showed where the questionable trees are where the roots might have been possibly impacted or are they just scattered throughout. Ms. Husak answered they were more scattered throughout. Ms. Kramb said the number of trees that may or may not have been impacted is a guess and there is no real proof. Ms. Husak confirmed this statement.

Mr. Chillog said they were on site with Brian Martin and he was able to visibly see the fence was up, there was not any construction within those areas, or if there was, it was on the dripline and he deemed it as that tree is fine. Ms. Husak reported that Brian was not present but she has had conversations with him that confirmed he had been out to the site and he has also seen fences being run over. She said staff does not know for sure, hence the proposed condition.

Mr. Taylor said the time frame was reasonable, but specifically, it should include not just replacing the trees fixing any damage to property that occurs during the process. He asked if there could be an amendment to that condition.

Mr. Ruma said he did not have trouble with an agreed upon time period but it will be private property at that point and not sure he would be “allowed” to have access to someone’s property. Mr. Taylor said he was not concerned with how access to the property is gained, this is about establishing responsibility.

Mr. Taylor asked if it would be the City making a decision solely on whether trees are to be replaced and would they be engaged in a policing action. Ms. Husak answered yes, Code Enforcement can impose action. Ms. Kramb asked if the homeowner has to come to the City. Ms. Husak said regular inspections are done. Ms. Kramb asked for clarification if it was private property after the homeowners have lived there for two years. Ms. Husak said the areas they are talking about are trees that are required to be there per the Final Development Plan and these trees are fulfilling a zoning requirement. John Hardt asked if the inspection was a one-time only occurrence. Ms. Husak said the regular inspections are every four years but staff requested three years, here.

Victoria Newell said she was concerned about the likelihood of those trees that they have tried to preserve, finding whether they are truly impacted will not occur over night, more likely, over a several year period of time and should they make any change at all, especially if there is not the certainty that the applicant will replace those trees. Mr. Ruma stated he had no problem coming back in and doing the right thing but the time period needs to be more of a process, part of the tree replacement plan. He asked what the expectation is when saving trees; it needs to be a clear cut agenda. He agreed that if they got too close to a tree during construction and they adversely impacted the tree, it is his responsibility to replace it as part of the Zoning Code and apologized if that was not the impression he gave.

Ms. Newell stated there currently is an agreement in place of exactly how many you are to replace and you are asking for it to come back in and change that agreement.

Mr. Ruma indicated the object is to save trees and they erred on the side of caution. He said once in the field and started performing the work, they found they were able to save 178 trees and said he is confident they will all make it but has no problem providing some sort of warranty or reasonable time period to go forward on. He believes there are some challenges with access but will do the best they can. Ms. Newell said she appreciated the willingness and effort to preserving those trees. She said her experience as an architect, and doing field work has her believing there are trees that are likely to have been impacted, even though they may appear healthy today. Mr. Ruma said the incentive should be to save as many as they can through an appropriate process.

Mr. Hardt clarified that the original tree plan presented a few months ago, effectively was worst case scenario, but now the applicant wants a new plan that allows to remove fewer trees and he agreed that a preserved tree is always preferable to a replacement tree. He said it was commendable that 178 trees were saved that 10 months ago, we did not think could be saved so he is inclined to give some respect to that. He stated a couple of caveats: 1) appropriate for time fuse given the discussion today as a tree here today may not be later and time frame should be tied to completion of construction on that lot and not on the date of our vote; and 2) does not agree or support revision of 2.5 inches for replacement trees instead of 3-inch trees.

Ms. Kramb said she is okay with approving this but did not like putting in smaller trees. She asked what standard Code size is. Ms. Husak answered 2.5 inches. Mr. Ruma said originally they went with larger caliper trees because they had nowhere else to plant trees so went with the larger caliper size. Ms. Kramb agreed that condition one should stay within 3 years at final construction rather than from the date of approval; and condition two, some type of time frame with achieving opacity.

Joe Budde complimented the applicant on their efforts. He agreed Mr. Hardt but does not have an opinion about the size of trees but is concerned with Mr. Reeves and his neighbor and the opacity so what Ms. Kramb suggested made sense. He said if the timeline were 2 years from date of occupancy permit, it would be in most cases, a few years from any disruption as major construction was probably 8 months earlier but it could still be in that range.

Ms. Amorose Groomes said the largest quantity of trees on the property is Hackberries, the second was a Cherry, and third was Beech. She asked the applicant to provide the number of trees they thought would be impacted but were not impacted, how many were Beech trees. Mr. Chillog said the northwest corner of the site was where the most Beech trees were located. He referred to the slide showing fences in that hardwood area so they stopped grading far outside that area to preserve as many of those trees as possible. He said the rest of the areas contain undergrowth trees and the tree lines along Wellington and Ballybridge lots there is a mixture.

Ms. Amorose Groomes commented that the numbering system did not seem to have a progression. She reported she visited the site today and she believes the number of trees expected to be preserved is very optimistic. She said Beech trees are sensitive due to their surface roots and is not optimistic that any of the Beech trees will survive, given what she saw today. She said she would hope for the best and expect the worst. She reported there have been a lot of trees appear damaged as a result of removing another tree; large caliper limbs (8 and 10-inch) were destroyed. She asked the applicant what the plans are for cleanup.

Mr. Chillog said a lot of those trees damaged were invested with grapevines and believes they were eradicated on-site. Ms. Amorose Groomes said she did not have a strong opinion as to how they were damaged but they need to be cleaned up. Ms. Amorose Groomes said tearing would lead to decline more than root destruction so any damage done to a tree during the construction process needs to be cleaned

up and made a condition. Mr. Chillog said some trimming or reconditioning could happen. Ms. Amorose Groomes said in terms of 2.5 inches vs 3-inch replacement trees; she would prefer to see fewer 3-inch caliper trees. She has driven that site every six weeks since the road went in and trees laid in the snow, which the deer fed on. She believes this is probably in a significant migration zone and they will rub them and likely will break a 2.5-inch tree. In summary, she would prefer less trees of greater caliper and clarified that the increase of caliper changes for each species in a given timeframe. She said fewer trees, greater caliper with some sort of protection is preferred and would like to see paperwork on the tree preservation of Beech. She said American Beech cannot be transplanted.

Ms. Amorose Groomes remarked on the criteria listed and projects being carried out in progressive stages. She sent a picture to Ms. Husak today of the site and the Cypress street trees. She reported the grade around the trees has not been established. She said they are really a park grade tree with a six-foot tree stake and supposed to be a 2.5 inch caliper tree. She said the trees that have been purchased for street tree plantings are of very poor quality. She said the American Standard Nursery stock states that for a 2.5 –inch caliper tree the standard for stock is 12 - 14 feet and a maximum of 16 feet. She said Bald Cypress are a little suspect to that this tree was maybe 6 feet tall. In terms of progressing through the stages, she said it is very difficult to plant before final grade is established. She said she was really disappointed in the quality of the installation of the material so she is not certain we are “checking the boxes” of progression at the right time.

Ms. Amorose Groomes commented on the diversity of the buffer shade trees in our matrix as 50 will be small white oaks, some scarlet oaks and she has concerns about being “oak” heavy. She wants other indigenous species like Tulip trees integrated into the plan. She questioned the caliper of the White Spire Birches listed and asked if they were a single stem. Mr. Chillog said the reason was for accounting for caliper inches and would assume they are multi-stem. Ms. Amorose Groomes emphasized Birch has to be multi- stem and wants it documented in the paperwork. She said from the neighbor’s perspective of some evergreens, the Commission did make some opacity promises, and she understands there are varying interpretations of that but believes it is reasonable to have on every buffer zone or every tree preservation zone to have some evergreens. She said it could possibly be left up to the conditions to work with the neighbors for replanting of Lots 16, 17, 18 and include into that language to include evergreens.

Ms. Husak mentioned condition 1 as far as the timeline is concerned for the re-inspection of trees that are intended to be preserved that were previously shown as impacted, tying that to the occupancy of each and every lot is not realistic as to how that could be enforced. She said if it is intended to be tied to occupancy, we could propose having it “occupancy of the last home within the subdivision” and start the clock there. Ms. Amorose Groomes asked if it is a correct assumption when they talked about this tree preservation zone, that once the utilities are installed, it is a do not disturb zone. Ms. Husak confirmed. Ms. Amorose Groomes asked if it would have the appropriate fencing installed. She said she would be inclined to say we can start the three-year clock now because the damage is already done but to protect Mr. Ruma, some temporary fencing could be put up in those do not disturb zones to keep individual builders from getting back into those zones and causing subsequent damage. Mr. Taylor said that was a concern that we may not be done “disturbing”. Mr. Budde said all the trees are in the tree preservation zone.

Mr. Hardt said there are lots out there for which construction of the home has not even started and trees will be disturbed further than it already has been disturbed.

Mr. Chillog said the tree buffer for the back lots, those were planted between the existing tree row and future homes so there is a 40-foot buffer there. Mr. Ruma said they have graded and seeded that whole area so their intention is not to go back there to do any work.

Ms. Amorose Groomes asked to see the actual vs the proposed impacted trees slides again. Mr. Chillog said most of these trees are within the five-foot property line. Ms. Amorose Groomes said many of these trees will be suspect to the construction. She said let us get these houses built and the project complete because they have sold every lot. Mr. Ruma said not all lots have been sold and not necessarily appropriate.

Ms. Kramb asked how many hardwoods are questionable. Mr. Chillog said 30 – 40 trees. Ms. Kramb suggested putting inches back on. Ms. Newell said it was a fair compromise. Mr. Hardt clarified that we "guestimate" an allowance for how many trees are likely to die still. So instead of 91 less it would be 61 less. Mr. Ruma said they have already agreed to plant 300 inches of trees that were in poor condition on the site. Ms. Amorose Groomes asked what remains to be done per the initial agreement. Mr. Ruma estimated 80 percent. Ms. Amorose Groomes asked for clarification. Mr. Chillog said they have planted 500 trees.

Ms. Amorose Groomes said there were two conditions in the Planning Report.

Mr. Hardt asked Ms. Husak what the rationale was for not accounting for change in the designation of the map. Ms. Husak said we cannot verify each and every one but know there are some that were good but now in poor condition. Mr. Chillog said the arborist reclassification was taken off the table. Mr. Hardt said Ms. Kramb made sense when she suggested they arrive at an agreeable estimate. He also said the applicant's point that there are trees that they are replacing that by Code, did not need to. Ms. Amorose Groomes said she did not necessarily disagree. Her concern is over the Beech trees, the third largest quantity of tree variety out there and is not opposed to Ms. Kramb's solution. Mr. Ruma suggested they agree to plant 30 evergreens on the north area where there are some opacity questions here tonight, and move on. Mr. Taylor said he was ok with that. Mr. Ruma wants to cover this now and not have to deal with it later. Mr. Taylor asked when some of these trees do die, who is responsible. Ms. Husak said it was the individual homeowner's responsibility.

Ms. Amorose Groomes said large trees have been removed all over the City in established neighborhoods like ash trees that were everywhere. Given the number of trees on the site and the survivability factor, she said she was more in favor of collecting a fee in lieu of to cover opacity in areas other than the buffering zone. Ms. Kramb clarified, if the applicant tries to plant those 30 extra trees but if they cannot, they can pay a fee in lieu of. Ms. Amorose Groomes said this money would allow replanting in some of these areas. Ms. Husak asked for clarification.

Various members discussed how to best change or add conditions for appropriateness. Ms. Groomes read the proposed amended conditions:

1) That the developer brought an addition of 30 trees at a minimum of 3-inch caliper deciduous or 8 – 10 foot evergreens, subject to Planning's approval;
2) That the developer work with Planning and the adjacent property owners for Lots 16, 17, & 18 to meet the intent of the development text which achieves 75 percent opacity by including evergreen trees in the installation;
3) That any damage done to preserved trees to have corrective pruning;
4) That the applicant provides Planning with a detailed inventory of species, size, and condition of trees preserved; and
5) That the applicant diversifies the tree species for the proposed canopy deciduous trees and verify the White Spire Birch trees that are multi-stem.

Ms. Amorose Groomes said it would be nice if there was diversity in the deciduous hardwood trees so not too oak heavy because when the next "bug" comes along and eats all the oaks it could completely decimate the area.

Ms. Kramb she was fine with the above list of conditions. Mr. Hardt thought he was fine but wanted to comment. He clarified that item one and two are "and", not "or". He said in other words, there is a requirement to plant all the trees per the documents and there is a requirement too for opacity; if you have to plant more trees to get achieve opacity, then so be it. Ms. Amorose Groomes said that was the intent and suggested pitching 50 trees instead of 30 trees. Mr. Ruma agreed he thought that is how it is always done per Code and will have to work with some of the residents because some of the plantings in the woods are not going to be appropriate. Ms. Newell said his comments take care of her concern.

Ms. Amorose Groomes acknowledged the resident who wanted to speak again.

Mr. Reeves said what was proposed for number one and number two should be mutually exclusive and both have to be met.

Ms. Amorose Groomes confirmed the development text will govern the opacity and this document will function in conjunction with the other documents that govern this piece of property. She asked if there were any other comments from the public. [Hearing none.] She concluded that the two conditions in the staff report were increased to five. She asked the applicant if they were in agreement with the five conditions. Mr. Ruma said the applicant agrees.

Motion and Vote
Mr. Taylor moved, Ms. Newell seconded, to recommend approval of the Amended Final Development Plan with five conditions:

1) That the developer brought an addition of 30 trees at a minimum of 3-inch caliper deciduous and 8 – 10 foot evergreens, subject to Planning's approval;
2) That the developer work with Planning and the adjacent property owners for Lots 16, 17, & 18 to meet the intent of the development text which achieves 75 percent opacity by including evergreen trees in the installation;
3) That any damage done to preserved trees to have corrective pruning;
4) That the applicant provides Planning with a detailed inventory of species, size, and condition of trees preserved; and
5) That the applicant diversifies the tree species for the proposed canopy deciduous trees and verify the White Spire Birch trees that are multi-stem.

Charles Ruma agreed to the above five conditions. The vote was as follows: Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Hardt, yes; Mr. Budde, yes; Ms. Newell, yes; and Mr. Taylor, yes. (Approved 6 – 0)

3. Coffman Reserve **7027 Coffman Road**
14-044FDP/FP **Final Development Plan/Final Plat**

Chris Amorose Groomes introduced the application for a request to plat and develop six single-family lots on 3.02 acres on the west side of Coffman Road, 200 feet north of the intersection with Roscommon Road.

Ms. Amorose Groomes swore in anyone intending on addressing the Commission in regards to this application.

Claudia Husak asked if "questions" were to be discussed or review criteria. The members stated they had just a couple of questions or comments. Ms. Amorose Groomes invited the public to speak. [There were none.]

John Hardt asked if the same approach was taken for the tree preservation plan as there are potentially impacted trees and asked if the same conversation would ensue as for the Wellington Reserve.

Greg Chillog said this is like any other state of development; there is always potential for a tree to die but they have tried to locate the tree preservation fence and appropriate locations to meet the standard.

Mr. Hardt asked if any of the trees were borderline. Mr. Chillog responded he did not think so. Ms. Amorose Groomes said drainage was not going into the naturalized areas in this application. Mr. Hardt said if the worst case scenario assumption was taken, with the thought that we might talk about it again later, thought it should be put into the record. Mr. Chillog confirmed the trees proposed to be cut down will be cut down.

Mr. Hardt had questions on the details of the signage. He said the dimensions refer to minimum dimensions, which tells him that the proposed boulder could get bigger. Ms. Husak clarified it was because who knows where they are going to find said boulder. Mr. Hardt then asked if it could be unlimited in size then. Ms. Husak said there is a Zoning Code requirement that limits the size, that she believes is six feet. Mr. Hardt said he would like to see the maximum limit. Ms. Amorose Groomes said it would be pretty easy to set the height because half of it is buried if said boulder came and it was too big.

Mr. Hardt commented on the development text for this subdivision that allowed for an entry feature and it is being proposed and he does not have a problem with it because it was discussed and agreed to when the text was put together. He said going forward, he is suspicious that a six-home cul-de-sac does not need an entry feature; it is just a street and suggested the Commission pay more attention to that. Ms. Amorose Groomes said it was funny that these six homes would have a much more significant entry feature nomenclature than others. She said she does not even know the name of Tara Hill's development. Charles Ruma said he was not so sure it was necessary. Mr. Hardt asked if the intent is to name this "Coffman Reserve", why not name the <u>street</u>, "Coffman Reserve". Ms. Amorose Groomes said if the homeowners association has to maintain that pond, it is going to be costly. Mr. Hardt clarified he was not talking about a pond but a rock. Ms. Kramb said she figured it was an economical issue.

Ms. Newell had a question from the staff report where it is noted that vinyl trim was permitted and that was one of our conditions but she thought on the Preliminary Plat that was excluded but could not find that in the text. She asked for clarification, which Ms. Husak confirmed it was not this subdivision. She said that was discussed at Celtic Crossing and they did change text prior to going to Council.

Ms. Kramb said this development text does not allow vinyl. Ms. Newell said the staff report said vinyl trim was permissible. Ms. Amorose Groomes asked if there was a conflict between the staff report and the development text. Ms. Husak said there is an error with the staff report.

Ms. Kramb said the development text said fencing shall be per Code and then number two said fencing standards and details may be presented and approved with the Final Development Plan. She reviewed the Final Development Plan and fences are indicated as existing fences but it is hard to see if it is on your property or outside. She asked if that was the intent. She said existing fences were on the plans and asked if they are remaining. Mr. Ruma said he did not think those were on his property and Ms. Husak agreed with his assessment. Ms. Kramb said it was showing up on the FDP and it is hard to tell so she wanted confirmation that they are not included. Ms. Amorose Groomes said any fencing could be a condition. Ms. Kramb referred to page four of the FDP. Jennifer Readler said they would investigate this fence to see if it is non-conforming. Ms. Kramb suggested that all the boundaries be checked.

Ms. Kramb asked if the City was maintaining the open space on this property line as stated in the Planning Report on page six at the bottom. Ms. Husak said the plat is owned by the City and maintained by the homeowners association, which should be the case.

Ms. Kramb asked if they were "paying a fee in lieu" for some trees. Ms. Husak said the fee in lieu is for open space. Ms. Amorose Groomes confirmed the applicant estimates the cost of the HOA to maintaining

the basin at approximately $350 per year and asked what that included. Mr. Ruma said the intent was the cost of $350 per year for each homeowner.

Mr. Ruma asked if it was permissible **not** to install the entry sign if the applicant deems it inappropriate. Ms. Amorose Groomes said that was desirable and the Commission precluded that from happening across the street and this would be consistent then with the area. Mr. Taylor added they were speaking directly about the stone and wanted to make sure some landscaping was installed. Ms. Amorose Groomes thought that might be unnecessary as well. Ms. Newell asked if there were other entry features within that area. Ms. Amorose Groomes clarified they were larger neighborhoods but each street did not have a a planting at the entry. Mr. Taylor said he was fine with that; he just wanted to clarify the stone. Mr. Hardt said if Code permits it and the applicant wants to install it per the presentation that is fine. He said if the applicant wants to delete it in its entirety; that is fine with him too.

Ms. Kramb said she found the tree replacement "fee in lieu" on page six, second paragraph, "the applicant is proposing to pay a fee for the additional 23 inches." Ms. Husak clarified and Ms. Kramb asked why they are not replacing all of the trees. Ms. Husak said there was not enough room on the site. Ms. Amorose Groomes confirmed it was pretty tight.

Ms. Amorose Groomes asked if there were any other comments. [Hearing none.] She asked Ms. Husak if she had an amended condition. Ms. Husak clarified that conditions four and five were added and allowed the Commissioners to read on the screen. Mr. Taylor asked if it had to be written in about the entry feature since the applicant was not obligated to build it since it does appear on the Final Development Plan. Ms. Husak said the applicant was not obligated to act on all the aspects of the Final Development Plan. Ms. Readler recommended it would be better to include it to make it clear. Ms. Amorose Groomes said the applicant was entitled to an entry feature and asked the applicant what his preference was. Mr. Ruma responded that it would be more appropriate to leave it out but would like to re-evaluate as it might be more appropriate to have it look as though it is part of Hemingway. Everyone agreed to amend the conditions.

Ms. Amorose Groomes asked the applicant if he agreed with all the five conditions as written. Mr. Ruma replied the applicant agrees.

Motion and Vote

Mr. Taylor moved, Mr. Budde seconded, to recommend approval of the Final Development Plan with five conditions:

1) That the developer should work with Planning to provide appropriate tree replacement prior to filing for a building permit for this lot 2, should construction impact trees shown to be preserved;
2) That the applicant update the landscape plan to select plant species that meet the text prior to scheduling the Final Plat for City Council review;
3) That the applicant selects a hardier ornamental shrub than Knockout roses and revise the street tree species to New Horizon Elm, subject to approval by Planning;
4) That the design and installation of the entry feature be subject to approval by Planning, but that if installed, any entry feature sign be limited to five feet in height; and
5) That any existing fences on the property, not part of adjacent lots, be removed.

The vote was as follows: Ms. Kramb, yes; Mr. Hardt, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Mr. Budde, yes; and Mr. Taylor, yes. (Approved 6 – 0)

Motion and Vote
Mr. Taylor moved, Ms. Newell seconded, to recommend approval to City Council of the Final Plat under the provisions of the Subdivision Regulations with the following four conditions:

1) That the applicant ensure that any minor technical adjustments to the plat, are made prior to City Council submittal;
2) That the plat be updated to include an easement and maintenance responsibility for the entry feature;
3) That the applicant work with Engineering to provide a chamfered intersection detail for Brennan Court with Coffman Road in compliance with City construction standards; and
4) That the applicant pay a fee in lieu of open space dedication prior to submitting for the first building permit.

Ms. Amorose Groomes asked the applicant if they agreed to the conditions as written and Mr. Ruma answered that they did agree. The vote was as follows: Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; Mr. Budde, yes; Ms. Newell, yes; and Mr. Taylor, yes. (Approved 6 – 0)

4. BSC Office District - State Bank **West Dublin-Granville Road**
14-047BSC-SP/MSP/PP/FP **Site Plan Review/Master Sign Plan**
Preliminary Plat/Final Plat

Chris Amorose Groomes introduced the application for an 11,500-square-foot Loft building for State Bank with a retail banking facility, a drive-through kiosk and all associated site improvements. She said the proposal includes a wall sign that is to be located more than 14 inches from a wall and also includes the subdividing of one 2.8-acre lot into two lots.

Ms. Amorose Groomes said this requires the Commission to vote on the requested Waivers, Master Sign Plan, Site Plan, and a recommendation vote to City Council for Preliminary and Final Plats. She swore in anyone intending on addressing the Commission in regards to this application.

Gary Gunderman presented the application, described the site and noted that this is a relatively open site at the present time but this area is developing in the Bridge Street District (BSD). He presented the Bridge Street Area Plan for this location and pointed out the block where this site is located. He showed the proposed building and mentioned that there is room for an additional building on the adjacent lot, which would help frame up more of an urban feel. He indicated several actions were needed this evening, the first being for three Waivers:

1) A request to waive the structural soil requirement in trenches along Banker Drive.

2) A request to waive the requirement to install structural soil in and around the parking lot islands.

3) A request to waive the building siting outside of the Required Building Zone (approximately 16-19 feet from the right-of-way, where 0 -15 is required).

He said the second action is for approval of a Master Sign Plan allowing the building-mounted (wall) sign on the south elevation facing SR161 to be located more than 14 inches from the nearest wall; the third action would be approval of the Site Plan as dictated by the BSD Code; and the fourth item would be a recommendation of approval to City Council of the Preliminary and Final Plats.

Mr. Gunderman said the Site Plan Review criterion is outlined in the Staff Report in terms of compliance. He said the proposed site layout is similar to what was submitted for the Basic Plan. He said that includes the drive-through location that was approved as a conditional use; the pocket plaza area is in the same

location; the dumpster location moved to be adjacent to some of the other equipment; the 11,530-square-foot building was moved back; and the HVAC units were relocated off the ground and onto the rooftop. He said the proposed elevations are more refined than what was presented in the previous meeting.

Mr. Gunderman said the Landscape Plan has been part of the discussion and the request for Waivers for structural soils is based on removing a substantial amount of soil in the area and replacing it with a higher quality top-soil mix. He said since the opportunity was here to have an improved soil base for the trees to be planted, it did not appear that structural soil was the best solution for these two locations. He presented the illustration of the pocket plaza that includes a wall.

Mr. Gunderman presented the (wall) sign that is mounted 14 inches from the wall on the south elevation facing SR161 that is the subject of the Master Sign Plan. He indicated the other two signs comply with Code. He asked the Commission how to best proceed for multiple actions required this evening.

The Chair recommended reviewing the Waivers first, followed by the remaining site issues.

Mr. Gunderman asked the Commission if there were any questions or comments with the two soil Waivers.

Ms. Amorose Groomes said the intent of structural soil is to provide a broader root zone for trees to provide increased available water and nutrients to the trees. She does not disagree that today, this looks more like a suburban application, but her hope is the sidewalk and all spaces along Banker Drive will carry foot traffic someday that would impede or compact soils along those roadways. She said this roadway grid system was shown and asked where the line would be drawn with the ART if not at this location.

Mr. Gunderman said the ART felt the typical street frontage with buildings brought up to the street into the normal required building zone would probably be the place where we would not want to consider changing the structural soil standard.

Ms. Amorose Groomes asked if the ART considered the inherent stress on the trees being in these seas of asphalt. She explained with our other more suburban models, there are large setbacks on buildings and much more green space to provide a reprieve of heat for the trees and their hope is this will be built out into a more urban setting, not suburban. She said she was not sure she was willing to start giving up those because it is partially what the trees roots system can grow into. She stated the quick uptake of water is critical for urban trees and she is not inclined to give reprieve on the structural soil but would like to hear other thoughts.

Victoria Newell admitted she did not have Ms. Amorose Groomes expertise to make a judgment call on this.

Richard Taylor agreed tentatively to those two Waivers but had not thought ahead to what happens to this site if more developed to be more urban with a lot more hardscape.

Mr. Gunderman said that was a little bit of the ART's logic. He said in our most optimistic moments, Banker Drive frontage would get rebuilt and if so, that would provide us another opportunity to deal with structural soils.

Mr. Taylor asked if that would entail the removal of the trees and Mr. Gunderman replied potentially.

Amy Kramb clarified the Waiver is not for the street but for the islands in the parking lot and the area adjacent to Banker Drive.

John Hardt said everything makes sense for the parking lot but questioned it along Banker Drive. He referred back to streetscape designs and work from Council, they are all vastly different than what exists today on Banker Drive and wonders if somewhere down the road the whole streetscape along Banker does not get rebuilt. Ms. Kramb said she was not so concerned with Banker Drive because the drive into Lowe's is a private street and not a through street.

Mr. Hardt noted it is not uncommon for big box retailers to start giving up chunks of their parking lots for out lots and allowing other retail development out in front of their stores as this is good revenue as parking lots are bigger than they need to be.

Ms. Amorose Groomes said she is not ready to give up and could make the argument that someday, this might be something different on virtually every piece of property that comes before us.

Ross Sanford, Lincoln Construction, said that staff, some being from Parks and Open Space questioned putting trees in structural soil. He said every tree around here is in regular dirt and growing great. He said it is not a cost issue, it is growing issue. He said a lot of times you have tree grates that do not allow the flow of water into these trees because of the entire sidewalk. He said here there are hundreds of feet of continuous grass that will allow the water to flow and they are proposing larger islands in their parking lot than what is required of the big box retailer and one is actually a retention pond. He indicated staff struggled with this too and the applicant talked to staff, their City Forrester, and Parks and Open Space questioned why this was even in the Code. He said he agreed structural soil is appropriate in urban conditions or on Bridge/High but does not recall anyone from the City objecting to this request for a Waiver and would be very disappointed if the Commission does not support the recommendation from the ART.

Ms. Amorose Groomes thanked the applicant for his thoughts and asked if there were other thoughts from fellow Commissioners. [There were none.]

Ms. Amorose Groomes said she has installed thousands of cubic yards of structural soil done in courtyards of buildings where there is no asphalt within 300 feet. She said if we are going to create an urban environment we need consistency and have to demand that Code be met. She said with struggling trees in parking lot islands all over, the City needs to make a concerted effort to provide in the midst of this very urban area, which we hope someday, will be what the trees require, as has been reported from all of our consultants when the Code was written.

Ms. Newell asked if she was talking about providing structural soils for all of the trees.

Ms. Amorose Groomes confirmed that she was. She said the interior islands are the most crucial. She said hopefully, the other side of Banker Drive will be a sea of hard surfaces and beautiful buildings.

Mr. Hardt said the Bridge Street Code requires structural soils in both locations and there are two different Waivers that address those issues.

Ms. Kramb confirmed it was two separate Waivers.

Ms. Newell wanted to clarify if Ms. Amorose Groomes had a different opinion between one location or the other because she would agree from her observation that there are a lot of struggling trees in parking lots.

Ms. Amorose Groomes said updating the entire Code in the Landscape area is needed.

Mr. Hardt asked if the Waivers would be discussed first and save the votes to the end. Ms. Amorose Groomes stated the Commission would work their way through them, saving the votes until the end. She

encouraged staff to consider where they are going to be twenty years from now in order to obtain the goal of mature trees in that area and the urban impacts these trees will be experiencing.

Ms. Newell asked staff why they felt so strongly that the trees would survive better without structural soils as she did not know the difference between structural soils and those for regular planting.

Mr. Gunderman responded this was a consensus amongst the staff group that they consulted with. He said he understood the point Ms. Groomes was making about how the plants tend to grow over the longer haul and that is probably a fair point generally but they felt that the amount of area they were requiring to be replaced was so much larger than what typically would be the case that it should be preferred.

Joe Budde said he supports staff's recommendation.

Mr. Gunderman said the third Waiver would be for the front building setback (RBZ). He said a suggestion was made at the Basic Plan Review to move the building back a little and normally that would have been up to about 15 feet but in this case, there is a gas utility easement that goes back 16 feet. He said the major building plane would start there and other planes that are recessed would go back to 19 feet so they felt this was a fairly easy recommendation.

Ms. Kramb said she was okay with this setback.

Mr. Hardt said if it was too far back, it changes the style of the development and Mr. Taylor agreed.

Mr. Gunderman clarified, instead of a suburban type 25-foot setback, it is a 16-foot setback.

Mr. Gunderman said in the Master Sign Plan, they are talking about the letters over the front entryway on the south elevation. He said it was decided that they will consistently label signs that do not comply with the regular standards to be the Master Sign Plan. He explained that if there are signs like in this case where two of them do meet the Code, those will not be included in the Master Sign Plan. He said this action is just for the one sign allowing the building-mounted (wall) sign on the south elevation facing SR161 to be located more than 14 inches from the nearest wall.

Ms. Kramb asked about the Master Sign Plan and thought it was done when there was a deviation but included every single sign on the site and Ms. Amorose Groomes agreed.

Claudia Husak clarified the request and the nomenclature happens to be the Master Sign Plan and should probably be cleaned up eventually and Ms. Kramb agreed because it should be a Waiver.

Mr. Gunderman said the Code deals with a specific section that includes deviation of signs. He said it happens to be titled “Master Sign Plan” but in staff’s view, that should keep them out of the Waiver discussion.

Ms. Kramb thought the intent was that all the signs be brought forward under one plan.

Ms. Husak said that was an option in the Code, which means that all the signs that come in meeting that Master Sign Plan that the Commission has approved, would not have to go through ART; they could go straight to permitting.

Mr. Hardt said he asked the applicant for patience as this is a procedural discussion to be worked through. He said he does not have a problem with what is being proposed. He thought everyone was saying the same thing but slightly different. He understood this from going through the Code evolution where there were regulations for signs and if a developer wanted to comply with those regulations but if

wanting to deviate, then a Master Sign Plan is created for an entire site and shows the Commission what they want to do and have an opportunity to get it approved. He said a sign that is wildly outside of Code might be okay if it is the only sign on the site but not okay if they have six other signs. Mr. Gunderman agreed with that philosophy and certainly has the expectation that somebody can easily include all of the signs.

Mr. Hardt said he would lobby for every sign be included in the Master Sign Plan when requesting a deviation on one or more of the signs.

Mr. Gunderman said where that relationship is defined, between big sign and small sign, they would agree with what Mr. Hardt is saying. He said he did not believe that was the case here.

Ms. Kramb asked for clarification of what was in compliance and what was deviating from Code.

Mr. Hardt said this amounts to a more creative approach to the sign. He asked how that sign is illuminated.

Mark Ford, Ford and Associates Architects, said the sign will have LED lights inside of it to be internally illuminated.

Mr. Hardt requested to see the illustrations again.

Mr. Taylor asked if they were essentially channel letters and Mr. Ford confirmed.

Mr. Hardt asked if they were mounted at the bottom of each letter and Mr. Ford confirmed.

Ms. Amorose Groomes asked if the back of the letters was metal and not a tube of plastic and Mr. Ford confirmed.

Ms. Newell asked about the color of the letters. Mr. Ford answered white.

Mr. Hardt inquired about the Administrative Departures that the ART acted on. He questioned the one about the light fixture. He said he read the dialogue from the ART Minutes about interpretation of the Bridge Street Code, lumens vs wattage, and fairly well understood the intent. He said if you take the BSD Code aside, the Administrative Departures aside, the underlying Zoning Code for the whole City requires that the bulbs be shielded and not directly in view. He referred to Code Sections 153.149 and read aloud a couple of the paragraphs where lights should be fully shielded and directed downward to prevent site glare, not limited to doorways, architectural accent, etc. shall be total cut-off type and not allow glare. He concluded this does not comply with City Code.

Mr. Gunderman said in the BSD Code, it says decorative wall lighting shall not require shielding and may be used to provide up-lighting access for buildings in all BSC districts.

Mr. Hardt said the specific cut sheet they were provided seems to indicate that fixture has an option for a cut-off shield but is not what is being proposed and asked if the applicant would consider that option.

Mr. Ford said the fixture proposed has been used before. He explained it is 27-watt fluorescent fixture for the doorway and the Code permits a fixture near a doorway such as this. He referenced some buildings where he has used this fixture before. He said they could use the shield but have not seen it installed with the shield.

Mr. Hardt agreed with Mr. Ford but said the argument begins to fray since there is no guarantee the maintenance guy who will replace this bulb at some time in the future with the right lamp and he has

seen this in carriage type lights on older looking buildings and on modern buildings where when the bulb burns out, they are replaced with whatever is on hand or seen first in the hardware store, then you have the 40 watt fluorescent tube where there used to be a 28 watt tube.

Mr. Ford said that is why the City has Code Enforcement. He said he would prefer to see the actual fixture with the shield before committing to that feature as he is not certain what kind of lighting effect it would create.

Mr. Hardt just asked that the applicant work with staff to investigate and asked staff to keep their eyes on that as details develop.

Mr. Taylor said it was stated in the ART Minutes that the Code does not address the wattage of wall fixtures but lumens are addressed specifically, and asked how the 28-watt lamp equates to lumens and does it meet the Code, which is 9.7 lumens per square foot.

Mr. Ford said he did not know the answer.

Mr. Hardt clarified that the lumens come from the lamp and not the fixture, which was not included.

Mr. Ford said they had considered an LED lamp with this fixture and it had a higher wattage.

Mr. Taylor asked staff to look at that lamp that is proposed and make sure it meets the Code requirement.

Ms. Kramb asked about another Waiver, about the façade.

Mr. Gunderman said the applicant was able to modify the building and bring those both into compliance so that dropped the number of Waivers from four to three.

Mr. Hardt asked if that modification was reflected in their packets.

Mr. Gunderman said it is not reflected in any of the drawings; it came up after the packets were delivered.

Mr. Taylor told the applicant if he wanted to leave it the way it was, it is fine. His primary concern was the street façade and making sure there was not a building 100 plus feet long that did not have a vertical break. He said it never occurred to him, in all the discussions that they would be talking about sides of buildings in this regard so he was fully prepared to grant the Waiver tonight. He said he will reference that discussion again as it relates to the relationship of this building and even with the building next door.

Mr. Hardt said he had the same conclusion but a different take. He said when the Code was put together, he expressed a lot of concern about trying to regulate architecture with text and this is a perfect example of why he was afraid of that. He said this building is thoughtfully designed and detailed with nice proportions on it, the windows are exactly where you would want them to be, and because of the Code text, we are making an issue out of eight inches. He would have been happy to grant the Waiver. He said if the applicant believes the architecture got worse by trying to get around that issue, then, feel free to put it back the way it was as he would have supported the Waiver in a heartbeat. He said it has little to do with street frontage but more with the design intent of the building and breaking up the façade to avoid blank facades and that has been accomplished with what was submitted. He said an eight-inch differential on a 40-foot façade is something that is absolutely appropriate for Waivers when the building is otherwise, very nicely done.

Mr. Ford said Steve Langworthy had asked him if making the modification would make the building worse and Mr. Ford said they could make that mathematical adjustment and they did so and the change did not make it any better or worse.

Mr. Hardt restated that Waivers are not a four-letter word.

Mr. Taylor confirmed that a well-designed building that does not meet Code is exactly what Waivers are for and has been stated in previous discussions.

Mr. Gunderman said once the Waivers and Master Sign Plan have been disposed of, they can take action on the Site Plan, itself, with four conditions:

1) That the drive-through stacking lanes are delineated, and the stacking spaces modified to measure a minimum of 20 feet;
2) That the applicant provide Sterling Silver Linden street trees 40 feet on center along Banker Drive between the site and David Road, subject to approval by the City Forester;
3) That the applicant site the ground sign in a manner that meets the required 8-foot setback from the right-of-way with a minimum of 3 feet of landscaping around the base, subject to Planning approval; and
4) That the applicant addresses the other Planning and Engineering comments contained in the Planning Report, and based on the Commission's comments on the parking lot design, subject to Planning approval.

Mr. Gunderman said once the Site Plan has been acted upon, the Preliminary and Final Plats are left for action and these comply with Code with two conditions:

1) That the applicant ensure that any minor technical adjustments and other adjustments as noted in this report are made prior to City Council submittal; and
2) That the utility easements be labeled as private on the final plat.

Mr. Taylor thanked the applicant for the revisions that included moving the HVAC units to the rooftop, moving the building back, relocating the dumpster, moving the pedestrian walkway, and dealing with the site landscaping. However, he said he was still concerned the building is located too far to the east towards Sawmill Road. He said in terms of what they are trying to accomplish in the BSD, the ideal situation would be an unbroken façade down the street. He said right now they are 33 feet from the property line, which means if the building next door were built with a zero lot line, it would cause a big gap. He said the proposed 50 feet for a gap is way beyond what they are trying to accomplish. He said the comments about the side facades are irrelevant as buildings in an urban setting should be so close together that it is an alley. He said he is not crazy about the pocket park and they are supposed to be a result of buildings that are close together. He said in a perfect world, those buildings need to be much closer together to help create urbanization. He said he could support the distance between the buildings if that were a lot between the two buildings and there might be someone coming in the future to infill that area for real urbanism.

Mr. Ford explained they cannot move the building due to the 25-foot sanitary easement on the west. He said they moved it as far west as they could.

Tom Warner, Advanced Civil Design, 422 Beecher Road, Gahanna, said he was the civil consultant on this project. He said there is a sanitary line that exists that comes across Dublin-Granville Road and heads west. He said staff engineers have stated they want to keep that line active so they are vacating all but the areas that have no sanitary lines. He said they are keeping the sanitary easement where there is an existing sanitary sewer and have to maintain that area. He referred to the Final Plat page 2 of 2 that shows 29.74 feet east of the property line.

Mr. Taylor asked how they get buildings closer together. He realizes this is separate from the application and sees the limitations.

Ms. Amorose Groomes asked if the easements in the district have been identified that will be problematic.

Mr. Gunderman concluded his presentation and was prepared for votes on all the issues.

Ms. Amorose Groomes asked if there were any outstanding issues.

Ms. Kramb asked for confirmation that all the other signs met Code.

Mr. Hardt complimented the applicant on the building, the imaginative signs, the move of the HVAC units to the roof, and the improved renderings. He stated he was in favor of the Basic Plan and supported it. He said that he did so with some regret and very specific comments about the Site Plan, this is very suburban in its character. He explained that the intent of BSC in general, singular parking areas that are shared by businesses on a block. He believes his comments on the Basic Plan were not addressed adequately where there are separate parking lots; for that reason he is not sure he can support this plan. He respectfully disagrees with staff; this Site Plan does not meet the intent of the BSD Code.

Mr. Gunderman said they are in a position to judge compliance with the Code. He said he fully understands Mr. Hardt's comments about parking and agrees with his basic philosophy but they do not have that really reflected in any very specific things in the Code and nothing that he could apply against this particular site.

Mr. Hardt said he agreed other than the fundamental principles that are in the goal statements. He said that the Plat that is proposed this evening, defines a property line, and that property line is five feet or so off the western edge of the pavement so that a green strip with trees planted in it is always going to be there regardless of what happens in the adjacent site, because of the way it is configured and dimensions proposed, there will always be two separate parking lots. He said there is a great deal of commentary and language in the Code that talks about encouraging shared parking and flexible parking arrangements.

Mr. Gunderman agreed in terms of that issue and perhaps should have reminded them during some of the discussion that we do have on the Final Plat, a connecting easement that would at least allow the parking lots to move traffic around but it does not say it is open parking for both on the site.

Mr. Hardt said that is what concerns him. He said even with the cross over connector, it is the exact model Avery Road was built with; the antithesis of what we are trying to accomplish in this area.

Ms. Amorose Groomes asked why the parking is held off five feet from the property line. Mr. Gunderman answered because of the five-foot setback.

Mr. Hardt said that setback only applies because we are choosing to divide the parcel. He said he would be supportive of a Waiver if it came to that.

Ms. Amorose Groomes asked if they could agree on the five-foot Waiver of the setback in the parking area that would remove that to make it permissible for the next guy.

Mr. Hardt said he would like to go one step further and require the next parking lot to go to the edge.

Ms. Amorose Groomes said they cannot require that until they come forward and not tonight but they could begin taking steps to unify this parking lot.

Ms. Kramb said the applicant would need to request it.

Ms. Amorose Groomes said he may have not known he could ask for that but can now, which we would approve, if that was his pleasure.

Mr. Ford said their preference would be not to change the Plat and to slide the parking five feet to the west.

Ms. Amorose Groomes thought that would accomplish their goal.

Mr. Hardt said he was concerned about the next project to come along, whatever it is, may not be an office building; it could be a restaurant with their parking. He said they could set themselves up for a development pattern that heads in a direction that the Code intended.

Ms. Amorose Groomes said they have a solution whereas when the next applicant comes in, if it is appropriate, we can accomplish those goals. She asked the applicant if that would be something he would like to entertain.

Mr. Ford asked for clarification.

Mr. Gunderman said getting the pavement over to the proposed property line would be the primary benefit. He said exactly how the dimensions are worked out is not important and could be done two or three different ways.

Mr. Hardt said ultimately when the block gets built out into whatever configuration, the result is less asphalt because there is a unified parking field that all the businesses on that block can share without unnecessary curbs and green space in between rows of parking where nothing is going to grow.

Ms. Kramb asked if five feet was being recommended just for the west side.

Mr. Taylor said the proposal would encourage parking on the block for visiting multiple businesses instead of just one business.

Mr. Hardt said this would ultimately be to the applicant's benefit. He explained, hypothetically, the next building that comes along is something that the bulk of its business is on the evenings or weekends, you have a more easily sharable parking field and that means the other building can get bigger, which from a development standpoint, is always a good thing.

Mr. Gunderman asked if there was a consensus that we would like to shift the parking to the west up to the property line.

Mr. Ford asked if the trees would go away. Ms. Newell said she could live with it either way and she was comfortable with the way the applicant initially submitted it.

Mr. Hardt said the question they need to hear, if they develop this request, are they going to lose anybody's vote. Ms. Kramb said she could go either way and Ms. Newell said the same and they would not lose her vote.

Mr. Gunderman asked if there was a preference as to where that five feet is made up and a plan was suggested by input from several members to replace the 5 feet between the drive-through and the rest of the parking lot.

Mr. Hardt said to be fair and somewhat apologetic to the applicant, one of the things that really struck him in the Planning Report – "The proposal is the first significant step towards the development of the block between Shamrock Boulevard and David Road. Given its prominent location along SR161, this new Loft office building will set the tone for future adjacent development." He could not agree with that statement, more. He said if it is not right the first time, future applicants will just build their own buildings with their own parking lots and keep going.

Mr. Ford said they were ready for a recommendation.

Ms. Amorose Groomes asked if they had gotten to the bottom of this or was there more.

Mr. Budde asked if it was a requirement or an option. The consensus was the applicant would have to ask for a Waiver and the Commission would have to approve the Waiver.

Mr. Gunderman said they are agreed that the Commission can take action on an additional Waiver this evening.

Ms. Amorose Groomes asked if this was being recommended by the ART.

Ms. Readler explained that since the Commission has the final authority on the Waiver, it is not necessary to get ART's recommendation.

Mr. Gunderman stated this will be reported back to the ART. Ms. Readler said all the Waivers will be voted on, individually, which brings it up to four.

Mr. Hardt asked if the applicant wanted to put the elevations back to the way they were, they would need the Waiver that is not currently on the screen.

Mr. Ford said they have already set sail on making that change.

Ms. Amorose Groomes said there was list of items that needed votes.

Ms. Readler confirmed that each Waiver should be separated out.

Ms. Amorose Groomes concluded there would be seven votes instead of four.

Mr. Gunderman said the first Waiver would be for structural soils in the trenches along Banker Drive.

Mr. Sanford said they have gone above and beyond what the Code requires for tree planting and agreed per the City Forrester and Parks and Open Space staff that they would be building a top soil and hummus mix of soil that is three-foot deep that is seven by seven for each street tree around Banker Drive and all the islands in the parking lots so they are not using the soil that is there, they are using a mix staff has recommended.

Ms. Amorose Groomes asked for a motion.

Ms. Readler recommended making the motions in the affirmative and then if the Commission disagrees, they vote no, to be consistent.

Motion and Vote

Mr. Taylor moved, Ms. Kramb seconded, to recommend approval of the Waiver for the structural soil requirement in trenches along Banker Drive. The vote was as follows: Ms. Amorose Groomes, no; Mr. Hardt, no; Mr. Budde, yes; Ms. Newell, no; Ms. Kramb, yes; and Mr. Taylor, yes. (Disapproved 3 – 3)

Motion and Vote
Mr. Taylor moved, Mr. Budde seconded, to recommend approval of the Waiver for the requirement to install structural soil in and around the parking lot islands. The vote was as follows: Mr. Hardt, no; Ms. Newell, no; Ms. Amorose Groomes, no; Mr. Budde, yes; Ms. Kramb, no; and Mr. Taylor, no. (Disapproved 1 – 5)

Motion and Vote
Ms. Newell moved, Ms. Kramb seconded, to recommend approval of the Waiver for the Siting the building outside of the Required Building Zone (approximately 16-19 feet from the right-of-way, where 0-15 is required). The vote was as follows: Ms. Amorose Groomes, yes; Mr. Taylor, yes; Mr. Budde, yes; Ms. Kramb, yes; Mr. Hardt, yes; and Ms. Newell, yes. (Approved 6 - 0)

Ms. Readler recommended asking the applicant if they wanted to request this waiver to have on record.

Ms. Amorose Groomes said there has been an additional Waiver proposed with respect to the parking setback. She asked the applicant if that was something they would like to pursue. Mr. Ford indicated that they would like to request such a Waiver.

Motion and Vote
Mr. Hardt moved, Mr. Budde seconded, to recommend approval of the Waiver for the elimination of the five-foot setback on the west property line. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Taylor, yes; Ms. Kramb, yes; Ms. Newell, yes; Mr. Budde, yes; and Mr. Hardt, yes. (Approved 6 – 0)

Motion and Vote
Mr. Taylor moved, Mr. Hardt seconded, to recommend approval of the Master Sign Plan allowing the building-mounted (wall) sign on the south elevation facing SR161 to be located more than 14 inches from the nearest wall. The vote was as follows: Mr. Budde, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Hardt, yes; and Mr. Taylor, yes. (Approved 6 – 0)

Motion and Vote
Mr. Taylor moved, Ms. Newell seconded, to recommend approval of the Site Plan Review with four conditions:

1) That the drive-through stacking lanes are delineated, and the stacking spaces modified to measure a minimum of 20 feet;
2) That the applicant provide Sterling Silver Linden street trees 40 feet on center along Banker Drive between the site and David Road, subject to approval by the City Forester;
3) That the applicant site the ground sign in a manner that meets the required 8-foot setback from the right-of-way with a minimum of 3 feet of landscaping around the base, subject to Planning approval; and
4) That the applicant addresses the other Planning and Engineering comments contained in the Planning Report, and based on the Commission's comments on the parking lot design, subject to Planning approval.

Ross Sanford agreed to the above four conditions as modified this evening.

The vote was as follows: Ms. Kramb, yes; Mr. Hardt, yes; Ms. Amorose Groomes, yes; Mr. Budde, yes; Ms. Newell, yes; and Mr. Taylor, yes. (Approved 6 – 0)

Motion and Vote
Mr. Taylor moved, Ms. Kramb seconded, to recommend approval of the Preliminary and Final Plats with two conditions:

1) That the applicant ensure that any minor technical adjustments and other adjustments as noted in this report are made prior to City Council submittal; and
2) That the utility easements be labeled as private on the Final Plat.

Ross Sanford agreed to the above two conditions.

The vote was as follows: Mr. Hardt, yes; Ms. Newell, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; and Mr. Taylor, yes. (Approved 6 – 0)

Ms. Amorose Groomes thanked the applicant for enduring this process with the Commission members and promises to be better next time.

Communications
Ms. Amorose Groomes asked if there were any communications to be relayed and discussed. Claudia Husak introduced the employees that recently joined the Planning Department: Joanne Shelly, Urban Designer and Landscape Architect who is from Washington DC but has lived and worked in many parts of the world; Devayani Puranik has worked for the City of Columbus and has architecture and environmental science degrees; and a Code Enforcement Officer, Newar Messina, started in June of this year. Ms. Amorose Groomes welcomed everyone to the Commission proceedings.

Commission Roundtable Discussion
Ms. Amorose Groomes asked if there were any roundtable issues to be discussed.

Mr. Taylor questioned the Ohio University signs recently decided and asked if it was determined to be a school or a business. He said “educational facilities” was the term in the Code to describe higher education and public schools, which is the definition for everything else. He asked where staff is in the thought process for classifying these. Ms. Husak said it was not so much what they would classify it, it was the West Innovation District has a table for what for what kind of signs, certain uses have and other than an industrial or any type of office use, the only other category was school. She said this being a college campus, it fit more into the school category than the office category at least from a use standpoint. Mr. Taylor agreed, that is why the sign did not meet the size but there are other categories that are worthy of. Ms. Husak said it was a lot closer. Mr. Taylor asked if there was a discussion on how to classify college campuses. Ms. Husak said the intent behind the revised Code is to include some sort of a college campus as part of the uses permitted but as accommodating that in the sign types and sign sites as we allow, the Code was written with some sort of standard number and language to somewhere else in the Code and allowed provisions where the Commission could make changes or accommodations depending on certain things. Mr. Taylor asked if there was a model staff was using. Ms. Husak did not think they were that far yet.

Ms. Amorose Groomes encouraged the Commission to make the tough decisions and hold the hard line to make things urban because none of them are going to feel urban initially and if we do not make the first ones feel really urban then we are going to fall in a rut of not making the other ones, and maybe it all does not make sense for the application before us but in the larger picture, it will all make sense. She said hopefully this will be a big parking lot with lots of traffic in it and all of those things and if we do not set a stake in the ground at some point, we will become like Jello and at what point do you then trigger it and say ok, now we are urban. She thinks they have already pulled the trigger and everything needs to feel that way. She gave her perspective for moving forward. She said as silly as it may seem in isolation, it is really trying to grab a hold of the bigger vision in staying true to setting the course.

Mr. Hardt said he had the privilege this past week to spend 10 days in Portland, where he had never been before and the place is fantastic. He reported what really struck him in downtown Portland, was that all the streets have fantastic tree canopies, which he did not expect in the city. He said some of these trees have to be 50 – 70 years old and he casted his vote that he did tonight because somebody seventy years ago had the foresight to plant those trees in a way that they were able to thrive. He said he went there with the intent to "I Spy" some of the things we have talked about such as bicycle lanes, on-street parking, etc. He said he found great examples of how they can be done but he also some bad examples because Portland was so far ahead of the curve that they were the first to try some things that were "out ahead" but they did not get done the same way they would be done today like cycle lanes between parallel parking and drive lanes and witnessed a lot of cyclists come really close to being beaned by doors. He said more importantly, as you walk around that city, as a designer and architect, he was looking at the built environment but by far their success is a function of an attitude and policies, and laws in the way they approach everything in the city. He said up until recently, all of their public transit within a certain area of downtown was free. He said bike racks replaced parking on the streets. He said pedestrians and cyclists have the right of way, everywhere you go; it is the law. He said there are policy decisions there that have much more impact on the success of that particular city than anything you could paint on the ground or material you could use. He would like to think going forward, Bridge Street Corridor will have as an entire community, the gumption to stick to our guns and do the same thing.

Ms. Amorose Groomes asked if there was anything further. [Hearing none.] The meeting was adjourned at 10:23 p.m.

As approved by the Planning and Zoning Commission on August 7, 2014.