

PLANNING AND ZONING COMMISSION

MEETING MINUTES

JANUARY 22, 2015

AGENDA

1. Training

The Vice Chair, Victoria Newell, called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were, City Council Representative Amy Salay, Todd Zimmerman, Christopher Brown, Robert Miller, Deborah Mitchell, and Cathy De Rosa. City representatives present were Mayor Michael Keenan, Vice Mayor Rick Gerber, Jennifer Readler, Philip Hartmann, Steve Langworthy, Claudia Husak, Joanne Shelly, Gary Gunderman, Tammy Noble-Flading, Devayani Puranik, Dana McDaniel, Colleen Gilger, Michelle Crandall, and Laurie Wright.

Administrative Business

Vice Mayor Rick Gerber swore in two new Planning and Zoning Commission members, Cathy De Rosa and Deborah Mitchell. Mayor Michael Keenan swore in the other two new members, Christopher Brown and Robert Miller.

Mayor Keenan expressed how pleased he was to have the four new members and welcomed them to the Planning and Zoning Commission. He explained that training was planned for tonight's meeting and former Mayor Joel Campbell has been asked to say a few words as part of the new member orientation.

Vice Mayor Gerber welcomed the new members and thanked them for their willingness to serve the City of Dublin. He noted a few points from the Code of Conduct. He advised the Commission members to be patient with the learning curve, apply common sense, and rely on Staff since they work so hard and are always available. He said Staff will guide the Commission to help them reach a consensus. He said the members of the Commission may not always agree on everything, but that is part of the process. He noted that he can always be called upon to answer questions, but Council will not advise the Commission on how to vote.

Joel Campbell congratulated the new members and said their appointment is an honor and a privilege. He indicated the decisions made by the Commission will have a great impact on the community for many years to come and asked that they take their roles seriously to make changes for the better. He said serving on this Commission would be the highlight of their lives. He said, to quote Spiderman, "along with great power comes great responsibility." He said that describes the roles the members have and asked that they remember where they fit in the local government.

Mr. Campbell explained that City Council sets the policy for the City, as required by the City Charter. He indicated that authority can magnify personality issues, but he asked the members to keep in mind that those that come before the Commission to make a presentation, whether they are from the community or applicants, they come prepared. He asked the Commission members to make sure that they create an environment where all speakers and applicants feel like they have received a fair and reasonable result. He said justice is in the eye of the beholder, and they expect fair and reasoned decisions and behavior in this room.

Vice Mayor Gerber made closing remarks before turning the program over to Staff. He recommended that the members embrace the high standards set by the City. He asked that the new members rely on the seasoned members, Amy Salay, Victoria Newell, and Todd Zimmerman.

Victoria Newell thanked Mayor Keenan, Vice Mayor Gerber, and Joel Campbell for participating this evening.

Motion and Vote

Ms. Salay moved, Mr. Zimmerman seconded, to accept the documents into the record. The vote was as follows: Ms. Newell, yes; Mr. Brown, yes; Ms. De Rosa, yes; Mr. Miller, yes; Ms. Mitchell, yes; Mr. Zimmerman, yes; and Ms. Salay, yes. (Approved 7 – 0)

The Vice Chair briefly explained the rules and procedures of the Planning and Zoning Commission. She stated that tonight is a training session and no formal actions or votes will be taken.

1. Training

Steve Langworthy welcomed the new members and introduced himself as the Planning Director for the City of Dublin. He stated he is a current staff member, although he has been a representative for private clients in front of planning commissions, and served as a PZC member, in the past. He indicated that sitting as a planning commissioner was most difficult, but at the same time, most rewarding. He said Planning has prepared a series of training programs over the next couple of months. He explained the Architectural Review Board and members of the Board of Zoning Appeals will be invited to the next training sessions. He suggested the members start to compile questions to help identify other training sessions that might be helpful in the future.

Mr. Langworthy noted the American Planning Association National Conference will be held in April 2015, which the Commissioners are invited to attend. He said this year's conference is in Seattle, Washington, and all expenses will be paid. He said Staff would be attending also and could recommend programs that are more geared toward Commission members.

Mr. Langworthy stated there are a number of speakers tonight. He introduced Claudia Husak as the PZC Board Liaison. He said she has been with the City for 13 years, the first three years as a Planning Assistant/Intern. He suggested that the Commission rely on her heavily as she has a wealth of experience. He said she could be contacted with any questions, but all questions and answers will be shared with all the rest of the Commissioners as well. He said the point is to ensure that each one of the Commissioners have access to the same information.

Mr. Langworthy introduced the Planners in attendance and the Law Director's representatives who will serve as valuable resources. He said usually the City Engineer and Fire Marshal attend the Commission meetings. He pointed out Dana McDaniel, who will be the next City Manager. He introduced Michelle Crandall as the Assistant City Manager.

Michelle Crandall welcomed the new members and thanked everyone on the Commission for their service to the City of Dublin. She began her presentation with the story of how the name of Dublin was derived. She said back in the early 1800s, the land was given to Lieutenant James Holtz for his service in the revolutionary war. She said he sold 200 acres of that land to John Sells, which is the area that surrounds the river and is now known as Historic Dublin. She said the story goes that John Sells approached John Shields to survey the land in exchange for being able to name this place. She said that John Shields was from Dublin, Ireland and said the river and landscape reminded him of his home in Ireland.

Ms. Crandall jumped to the 1960s, which started to set the stage for development and quality. She said the first milestone was Jack Nicklaus' selecting Muirfield as the site for his golf course and housing

development, the second milestone was Ashland Chemical selecting Dublin for their corporate headquarters, and the third milestone was the construction of I-270. She said Muirfield set the standard for housing developments, Ashland set the standard for corporate development, and I-270 opened up opportunities for the whole region.

Ms. Crandall said in 1979, the first charter was adopted and the Council-Manager form of government was established. She said in 1987, Dublin became a city with a population of 11,000, and today, the population is in excess of 43,000 residents and 3,800 businesses. She explained that in 1996, the Charter was revised with a citizen run charter commission. She said the operating budget as of last year was \$74 million. She explained the day-to-day leadership is by the City Manager and the vision and policy guidance is provided by City Council. She added the description of roles of City Council, the Mayor, and the City Manager.

Ms. Crandall presented a slide of the City Council members, four of which represent wards that she also showed as a slide. She said they are elected by the residents of the City of Dublin. She wrapped up her presentation by presenting a graphic of the City of Dublin organizational chart.

Jennifer Readler said she was there along with Phil Hartmann to give an overview of the law director's office and explain some of the legal issues that will impact that Commission. She said they are with an outside law firm that has many different attorneys working on City issues, but they effectively operate as in-house legal counsel. She urged the Commission to contact them with any questions. She provided a quick overview of the most common issues that may arise for the Commission, including ethics and conflict of interest situations.

Philip Hartmann congratulated the new members on their appointment. He explained open meetings, conducting official business with public knowledge, along with the exceptions. He said the Commissioners' emails and other written communications involving public business are public records, unless they are purely personal notes. He cautioned the Commissioners to not discuss public business outside of these meetings.

Ms. Readler explained how this new Commission will be asked to approve minutes from meetings, which they did not attend. She said there is no legal reason they cannot vote and do not have to abstain.

Robert Miller asked about conflict of interest scenarios. Ms. Readler explained every conflict of interest situation is unique and that the analysis revolves around whether the member, a business associate or a close family member would benefit from a decision. She said the ethics prohibitions would not reach a relationship that was purely a friendship.

Amy Salay requested a sheet of paper with Staff's contact information. Mr. Langworthy said it could be placed in Dropbox as a resource.

Mr. Langworthy said Staff had intended to have a representative from Community Relations but that conversation will have to be postponed. He recommended that the Commissioners avoid saying anything that could end up on the front page of the newspapers. He said when Staff receives calls from the press that they contact Sue Burness, Public Information Officer, before responding back to the press.

Claudia Husak welcomed the new members. She said tonight she was going to provide the new members with a better understanding of the types of cases they would be reviewing. She said the February 5, 2015, meeting will be the first regular meeting with a full agenda of cases.

Ms. Husak provided an overview of the Planning Department. She explained the planning function has three main components: long range planning; design development; and current planning, all of which are very collaborative and team-oriented. She said the Community Plan is the guiding document that starts

many of the case reviews. She said the Commission will have the most interaction with the current planning team, and her role is to coordinate all the functions. She explained Planning works with developers very early on to discuss Code requirements, the Community Plan, and land use projections, etc. She said they prepare for public meetings and case submission. She said the current planning team coordinates projects throughout the City. She indicated Engineering, Economic Development, and Building Standards are housed in the same building at 5800 Shier Rings Road, along with Planning. She said Washington Township Fire Department, Parks and Open Space, and Finance are all close by for ease of coordination.

Ms. Husak said the Planning Department also supports City Council, the Architectural Review Board, the Board of Zoning Appeals, and the Administrative Review Team. She explained City Council does have actions that come from the PZC such as: Community Plan adoption (ADM); Standard District Rezoning (Z); Zoning Code text amendments (ADMC); Planned Unit Development Preliminary Development Plan (Z/PDP); and Preliminary/Final Plats (PP/FP). She said the PZC is the final authority for: Concept Plan (CP); Planned Unit Development Final Development Plan (FDP); Conditional Uses (CU); and Bridge Street District.

Ms. Husak said the PZC will see Planned Unit Development (PUD) cases the most and requires input at all stages. She presented a slide showing all of the steps in the PUD process. In the City of Dublin, she said the PUD: provides a way to get a mix of uses; it helps establish development standards with unique characteristics, which are potentially what is different from what is in the Zoning Code; it allows for a greater review of design characteristics; shows compatibility of land uses; pursues the housing and economic goals of the City; promotes efficient land use; produces the cost of infrastructure; supports community facilities; establishes objective criteria for the review so the conformity to the Community Standards is ensured; and it encourages creative planning and design, which is not always available through standard zoning. She said the City of Dublin has a Zoning Code that has required updates, although the Code really requires a major overhaul. She emphasized that each and every PUD is a unique and separate Zoning Code, in effect, with its own zoning district.

Mr. Langworthy added that there is a separate zoning ordinance for each PUD.

Ms. Husak explained that with zoning to a PUD, there is a Preliminary Development Plan that is adopted by City Council as part of the zoning to the PUD, and an amendment to the zoning map to a PUD with those unique standards.

Ms. Husak said the first step in a PUD is the Concept Plan and is always required to be reviewed at the staff level. She said PZC may not see a Concept Plan for each and every PUD that is proposed. However she said, for complex projects, for sites larger than 25 acres, for proposals not compliant with the Community Plan, the Concept Plans require review by PZC. She indicated the applicant may *want* to come to the PZC with their Concept Plan on their own terms and also get feedback from City Council. She explained that at the Concept Plan Review, the feedback is all non-binding, and nothing that is said by Commissioners or by the applicant may be used to indicate approval or disapproval in the future. She said the Staff review analysis is fairly neutral at this stage and discussion questions are provided at the end to get to the important issues and the items on which the applicant needs feedback.

Ms. Husak said the next step in a PUD is the Preliminary Development Plan, which is the rezoning, and requires review and approval by the PZC, which is a recommendation to City Council. She said this includes two major elements: 1) Development Text, which includes Code required topics that the PUD has to address; and 2) Development Plan (site plan, preliminary landscape plans, preliminary tree inventory, utility, stormwater, traffic study, and a Preliminary Plat).

Ms. Husak said the final step in a PUD is the Final Development Plan. She explained the intent is to ensure all required details of the Preliminary Development Plan, including the approved development

text, is met. She said development can occur in phases, especially in residential developments. She said if lots are created, the Final Development Plan also has to include a Final Plat, which has to be approved by City Council. She said the ordinance for a PUD has a minor modification included and can be approved administratively. Sign faces were an example she provided. She reported there are 10 criteria for a Final Development Plan:

- 1) The plan conforms in all pertinent respects to the approved Preliminary Development Plan;
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses;
- 8) Adequate provision is made for storm drainage;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completing of each stage; and
- 10) Complies with all other local, state and federal laws and regulations.

Ms. Salay asked if there was a “kick up” provision whereas this falls within criteria but want to be reviewed by PZC.

Ms. Husak said it would be noted in the Administrative approval opening statement; it will state that it “has to be of equal or better quality.”

Ms. Husak said the PZC might see Minor Text Modifications during reviews of PUDs. She said there are five criteria that must be met that will be listed in the Planning Report before these can be approved.

Ms. Husak said the PZC will frequently see Amended Final Development Plans (AFDP) and gave the MAG campus as an example where they have processed approximately 10 AFDPs.

Chris Brown asked when it is determined that something is heard as a PUD as opposed to changing a zoning designation.

Ms. Husak answered applicants will come in with the PUD in the back of their minds just because it is one of the things that has made the City very successful and very unique in their development pattern. She said there have been a couple of residential infill development projects where the project was able to fit into an existing zoning district. She said the Subdivision Regulations, which govern the subdivision of land and the provision of roads, rights-of-way, and open spaces are fairly outdated and require a lot of very large roadways, which in most cases the PUD allows to be changed. She added the Zoning Code does not address creativity and the changes we want to encourage very easily. She noted the City has a form-based Code for the Bridge Street District, which is very different from the rest of the Code.

Ms. Husak explained that Preliminary/Final Plats are an administrative action but they require a recommendation to City Council by the PZC as outlined in Chapter 152, the Subdivision Regulations. She said often the Preliminary/Final Plats will be part of a PUD.

Ms. Husak said adoption of the Community Plan goes from PZC to Council. She reported the exclusively web-based Community Plan was updated for 2012-2013, which included all kinds of amendments that were very technical in nature and provided an update on policy recommendations and implementations.

Ms. Husak said modifications to the Zoning Code go from PZC to Council. She said modifications might be proposed by Staff and usually run by Council first. She said sometimes Code Amendments are initiated by Council, such as landscaping as buffers in setbacks. She pointed out that modifications could be requested by applicants as well. She recalled a particular business recently that did not fit in any of the zoning districts anywhere in the City so the appropriate district was designated for this particular use and the Code amendment also addressed which sites found within that zoning district that were not considered to be appropriate for that use.

Ms. Husak said there are not a lot of Standard District Zoning applications. She cited an example of a piece of land north of Indian Run that fit into an R-2 residential zoning district. She noted this would be another action that would require a recommendation from PZC to Council.

Ms. Husak explained Conditional Uses are required for uses that are permitted in a zoning district, but may have special characteristics that warrant special review, such as the number of people that might arrive at a given time. She cited fitness uses often fall into that category. She added in PUDs, sometimes there are Conditional Uses outlined and they may come to the PZC for additional review. She said there are two types of Conditional Use: 1) use-related and 2) site-related. She cited drive-throughs as categorically Conditional Uses as well as any auto-oriented facility like a gas station or truck rental. She said the review criteria for this application type is whether or not it meets the policies of the community, what the impact may be to the surrounding community, which is an important one because an operation associated with a use could be louder than what you normally would expect, or it could produce many cars at one time as opposed to throughout the day, and infrastructure is needed to help this use succeed.

Ms. Husak stated a token application we receive is for an Informal Review, because it is not a process that is codified, but it is a process that allows an applicant to attain feedback from the Commission that is non-binding on all types of topics as a Staff-suggested process. She said the Informal Review provides applicants direction on whether to proceed with pursuing an application and drawing up plans, hiring consultants, and doing studies. She said the Concept Plan is the only other way to do this formally, and if an applicant does not fit into that PUD process, then a Concept Plan is not an option.

Ms. Husak reported she was in the process of compiling the review criteria from the Zoning Code to assist the new members with their application reviews. She said the review criteria are always listed in the Planning Report for each case.

Ms. Readler interjected that it is really crucial that criteria is reviewed and discussed. She said the criteria the Commission bases decisions on are the first thing considered if a case goes to court.

Ms. Salay said all this information being provided this evening must feel overwhelming, and acknowledged that the new members are not expected to remember everything so early in the process. Mr. Langworthy said after a while, this will become second nature.

Ms. Husak said the planners will take into account the newness of this Commission when preparing presentations. She said the Planners will be clear in what they will need from the Commission as far as motions and votes, etc.

Ms. Newell confirmed that the Planning Reports are very clear, thorough and well-written.

Mr. Langworthy said Staff pays a lot of attention to the discussion we have as part of the applications, as the discussions tell Staff if there are particular things that the Commissioners are interested in either as

part of what you do in your day-to-day work that would provide insight to anticipate some of your wants and needs that we could include in our presentations. He said these discussions help us as we relate back to applicants or relate to new applicants direction on how to proceed with potential applications. He said we can tell applicants what the Commission likes to see highlighted and discussed to better prepare the applicants in advance for when they come to present to the Commission, as well as getting their own messages across. He indicated these professional relationships will develop over time and this is Staff's goal. He explained Staff is here to provide information to the Commission so the best possible decisions can be made. He said decisions will not always be right or wrong, as it is all circumstantial. He said he does not want the Commission to feel obligated to vote a certain way just because Staff made a recommendation. He asks that when the Commission departs from Staff's recommendation to go back through the review standards to state how Staff felt criteria was not met but how the Commission feels differently, stating your reasoning for disagreeing with Staff. He emphasized the Commission members are the decision makers; Staff does not vote.

Todd Zimmerman said he has served on the Commission for a total of 10 years and recommended that the members take the opportunity to actually visit the sites of the cases they are being asked to review. He said the photos received in the packets received on Friday night do not provide the whole picture and only by visiting the site can all of the angles and adjoining properties be viewed in the correct context to fully understand the impact of the development may have on the surrounding areas.

Ms. Husak explained how the Commission will receive the information to review for the cases, which for the most part is electronically. She said the City has provided iPads for each of them to conduct City business and have been issued City email addresses. She said City staff will communicate via that City email address and asked the members to check it frequently. She explained that prior to the meeting on a Thursday, she will send out an email on Wednesday or Thursday morning stating which cases, if any, are eligible to be placed on the Consent Agenda. She said this is where the applicants have agreed to all of the conditions and Staff has the applicants to a point where the application could be approved without discussion. If the Commission or public has questions, she said they can request that the case be removed from the Consent Agenda so it can be heard in its entirety. She explained that when the Commission responds to her, they should be prepared to state what their questions or concerns are so that Staff can do further research or take additional photos, prior to the meeting to be better informed and prepared for the meeting.

Mr. Langworthy added that even if an application stays on the Consent Agenda, it does not preclude the Commission from asking questions at the meeting.

Ms. Husak said if there are any technological issues like being able to obtain materials or emails to please contact her first and she may be able to resolve the issue before having to contact the IT Department. She said there still will be a delivery of paper materials on the Friday before the meeting, which consists of materials the applicant has provided and City resources do not have to be used to make copies, etc. She said these materials could include plans, graphics, texts, reports, etc. She said meeting materials will be placed electronically in the designated Dropbox as well on that Friday. She presented a view of the Dropbox on the screen so the members know what to expect. She described some of the materials that will be included as the members' resources.

Ms. Husak noted the National Planning Conference (American Planning Association) and pointed out that all the members have been signed up to be members of APA, and brochures were distributed about the conference that is scheduled for April 18 – 21 in Seattle, Washington. She said a lot of Staff has not yet registered because the programs have not been listed yet. She recommended the Mobile Workshops that are incorporated into the program each year. Ms. Salay said these tours are sometimes offered to be explored via kayak or bicycle. Ms. Husak recalled a 5K run that she and another Planner participated in to tour Chicago a few years ago from a Planning point of view. Mr. Zimmerman also highly recommended the Mobile Tours.

Ms. Readler noted the Code of Conduct that City Council adopted for all Board and Commission members. Ms. Salay said one of the drivers for this was to address attendance. She emphasized the need for consistent attendance.

Ms. Salay pointed out the employee badges, which each of the members will be issued to access this municipal building through the back door. Mr. Langworthy encouraged the members to take those badges with them when on site visits in case someone questions why someone is there.

Dana McDaniel congratulated the new members and welcomed them on behalf of all of Dublin. He thanked Staff for a great job on this evening's program. He stated how qualified and dedicated Staff is and emphasized how important it is to provide a positive experience. He explained how the Economic Development Department works hand and glove with the Planning staff. He said we are in the business of democracy and we take great pride in that. He said we like to provide efficient processes and transparency. He said we will never forgo standards for speed, and Staff is here to support the Commission. More than anything he said, he wanted the Commission to enjoy their public service and to take pride in that.

Ms. Salay added how delighted City Council is to have a full Planning and Zoning Commission. She said each of the members were selected because of their perspective, experience, personality, and what they would bring to the Commission in terms of life experience and areas of interest. Ms. Salay recalled her earliest experiences with the PZC and said how it became a labor of love. She said there will be some nights where everyone disagrees, but what we strive for is disagreeing without being disagreeable. She said the key to this process is being respectful. She encouraged the new members to not to hesitate to call Council, each other, or Staff with questions and on the record so everything is transparent. She said very seldom that anything we do ends up in court.

Ms. Newell said she sat through City Council's recent meeting. She expressed her concern with some of the Waivers that had been granted.

Ms. Salay responded by saying that her sense is that as Council evolves, they would like to defer those details to the PZC.

Mr. Brown shared his concern about vinyl windows; how they tend to fade and crack subject to UV degradation where the metal is not. He said for longevity of a project, metal is superior.

Ms. Newell asked if there was anything else to discuss. [Hearing none.] The Vice Chair adjourned the meeting at 9:09 pm.

As approved by the Planning and Zoning Commission on February 5, 2015.