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**PLANNING AND ZONING COMMISSION**

**MEETING MINUTES**

**AUGUST 11, 2016**

**AGENDA**

- 1. BSD SCN – Goodwill, Toys R Us, Big Lots 16-041MSP 6525, 6547, and 6569 Sawmill Road Master Sign Plan**
  
- 2. Avondale Woods 16-034FDP/FP Avery Road Final Development Plan/Final Plat**
  
- 3. Public Nuisance Regulations – Code Amendment 16-036ADM Administrative Request**

The Vice Chair, Chris Brown, called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were: Bob Miller, Stephen Stidhem, and Deborah Mitchell. Victoria Newell and Cathy De Rosa were absent. Amy Salay arrived late. City representatives present were: Lori Burchett, Vince Papsidero, Logan Stang, Nichole Martin, Nick Badman, Cameron Roberts, Phil Hartmann, Alan Perkins, Greg Jones, and Flora Rogers.

**Administrative Business**

**Motion and Vote**

Mr. Stidhem moved, Ms. Mitchell seconded, to accept the documents into the record. The vote was as follows: Mr. Miller, yes; Ms. Mitchell, yes; Mr. Brown, yes; and Mr. Stidhem, yes. (Approved 4 - 0)

**Motion and Vote**

Ms. Mitchell moved, Mr. Stidhem seconded, to approve the May 19, 2016, June 9, 2016, and July 7, 2016 meeting minutes into the record. The vote was as follows: Mr. Miller, yes; Mr. Brown, yes; Mr. Stidhem, yes; and Ms. Mitchell, yes. (Approved 4 - 0)

The Vice Chair briefly explained the rules and procedures of the Planning and Zoning Commission. He said certain cases on tonight’s agenda may be approved by consent. He said two cases were eligible for the consent agenda tonight – Avondale Woods and Public Nuisance Regulations – Code Amendment. He said the cases would be pulled from the consent agenda at the request of the members. He determined to take the cases in the following order: 2, 3, and 1. (The cases are recorded in the minutes as they were published on the agenda)

- 1. BSD SCN – Goodwill, Toys R Us, Big Lots 16-041MSP 6525, 6547, and 6569 Sawmill Road Master Sign Plan**

The Vice Chair, Chris Brown, said the following application is a proposal for a comprehensive sign plan for an existing retail center at the intersection of Banker Drive and Dublin Center Drive, on the west side of Sawmill Road. She said this is a request for a review and approval of a Master Sign Plan under the provisions of Zoning Code §153.065(H)(2)(e) and §153.066.

The Vice Chair swore in anyone intending to address the Commission.

Nichole Martin said the proposal has been prompted by tenant turnover in this multi-tenant building. She explained the Goodwill tenant is intended for the former Billiard's Plus space and Toys R Us and Big Lots would remain. She said the MSP has been reviewed against the BSD Sign Guidelines as well as the Code, which outlines four specific items of intent. She reported the ART has made a recommendation of approval to the Commission with two conditions. She said upon approval by the PZC, this MSP would be administered by City staff.

Ms. Martin presented an aerial view of the site and explained there are three separate parcels within a typical suburban layout with an approximately 425-foot setback from Sawmill Road and 200 feet from Banker Drive as well as Village Parkway. She presented the existing conditions of the site and pointed out the three anchor tenants all have individually mounted and internally illuminated channel letter signs along the east elevation facing Sawmill Road.

Ms. Martin reported that in 1988, Toys R Us was granted a variance to permit a sign on the rear of their building and Quilt Beginnings has a sign on the north elevation facing Village Parkway. She referenced the overview of the complex sign history as included in the Commission's packets. She pointed out that in 1988, the entire site was granted a variance for signs to be permitted at heights of up to 18 feet. At that time, she said it was noted that signs should be individually mounted and affixed to the façade of the building and second signs were also granted for Toys R Us and Glick furniture. She said Glick's is no longer there but was the previous tenant at the 6569 address.

Ms. Martin said in 2008, the PZC reviewed a CDD request, which was in place prior to the establishment of the Bridge Street District that permitted a sign for Billiard's Plus at a height of 21 feet, 1 inch.

Ms. Martin said in 2001, the BZA approved a variance for a sign at 20 feet tall for the existing Big Lots tenant at 6569. She said the request for a second sign was tabled and never brought back to the BZA.

Ms. Martin said in 1996, the BZA approved a variance to permit a second sign for Circuit City and also an increase in height of a sign but disapproved a third wall sign and a ground sign, as well as any increase in size of the signs.

Ms. Martin said in 1993, the BZA disapproved a third sign for Glick's and in 1988 the second sign for Glick's was approved.

Ms. Martin said the Commission received a MSP text as well as regulatory graphics for the ground signs. In detail, she said the wall signs are proposed at a maximum of 80 square feet, which would have been permitted for these tenants prior to rezoning to the BSD. She said the size of these signs proposed to be allowed at one-square-foot per linear foot of frontage. She said the number of signs proposed is a maximum of two per tenant space for tenants that have frontage on either a private parking lot or public street. She said the proposed height is to preserve the variances and CDD allowances at 22 feet, 3 inches. She said the colors are limited to three, which is consistent with both the BSD and the standard sign Code, although a corporate logo would be permitted to count as one of those colors. She explained that logos as written in the MSP text today are limited to 20% of the permitted sign area or a maximum of 16 square feet and the design proposed is individually mounted letters.

Ms. Martin presented the three ground signs as proposed that are regulatory to be consistent with the BSD Sign Guidelines that will be placed on three different public rights-of-way. She said additional sign types proposed are not requiring a permit and reference the standard sign Code including temporary window displays, directional signs, and informational signs. She said the applicant worked with ART as well as Staff to develop this design as it is a departure from what they were originally proposing. She described the sign as charcoal gray and metallic silver with pin-mounted letters that are halo illuminated

from behind to provide a three-dimensional effect. She said the masonry base will match the existing brick structures. She said one ground sign is proposed for Banker Drive, one off the common access on Sawmill Road, and the last is on Village Parkway.

Ms. Martin said the applicant has been working with staff to make updates and modifications to their plan over the past three months based on feedback from the ART. She said the MSP holistically integrates the signs with the site, which is not part of this application but was approved through a Minor Project Review and a Minor Modification permitted under the BSD Code. She reported the one outstanding recommendation the ART had is that the applicant limit the 'mixing and matching' of Code provisions and layering of allowances.

Ms. Martin said the applicant has requested the PZC further consider the second wall sign, secondary logo and image provision as well as the option to substitute a BSD sign for a second wall sign. She said the ART was not supportive of this request because of the 'mixing and matching' of regulations and it did not seem like a BSD sign would be appropriate for a development where they were requesting signs that were more of an auto-oriented nature. She indicated the ART acknowledged it is a challenge to meet the needs of existing development in the district in the interim.

Ms. Martin reiterated the BSD Guidelines emphasized the need to have one-of-a-kind, context-sensitive, memorable, and forward thinking signs. She said the ART has worked with the applicant with respect to the ground signs. She read the MSP criteria as outlined in the Code:

- 1) To allow a greater degree of flexibility and creativity in sign design and display;
- 2) Intended for multiple signs for a single building or group of related buildings to ensure the requested signs work in a coordinated fashion;
- 3) Not intended to simply permit larger signs or more visible signs, or additional signs without any consideration for unique sign design and display; and
- 4) To maintain the purpose and the intent of the sign and graphics standards for the applicable BSD Zoning District.

Ms. Martin said approval is recommended by the ART with two conditions:

- 1) That the provision permitting a second wall sign for future tenants be eliminated; and
- 2) That the Secondary Image/Logo provisions meet the Standard Sign Code §153.158(C)(2).

Chris Brown asked Ms. Martin to expand on what is meant by 'mixing and matching'.

Ms. Martin said the challenge with existing auto-oriented sites in the BSD is that the BSD Code is written for a pedestrian scale and this site is not pedestrian-oriented. She explained the applicant has proposed a MSP to begin to address that in a holistic manner. She reported the ART has recommended that the applicant either stick to what is permitted under their current zoning (which would be reviewed typically as a MPR) or pursue a MSP and seek signs that are of appropriate nature to an auto-oriented development. She said that is where mixing larger wall signs with more pedestrian-scale alternatives that would be blade, awning, or window signs.

Mr. Brown clarified the second wall sign requested is for a second elevation of the building. Ms. Martin said the way the MSP is proposed today, a second wall sign would be permitted for tenants that have multiple elevations facing a public road or a public parking lot. She said in this case, any tenant in this building would be permitted a second wall sign.

Amy Salay asked if the PZC is being asked to approve three more ground signs in addition to what the applicant has all over the building now to which Ms. Martin answered affirmatively. She clarified the MSP is primarily oriented toward the anchor tenants.

Kevin McCauley, 6839 Dublin Center Drive, Dublin, Ohio, confirmed Quilt Beginnings only has the one sign. Ms. Martin clarified Quilt Beginnings has a sign on the side and would not be entitled to a second sign if the MSP was approved as presented this evening because Big Lots signs are on the front and back elevations.

Ms. Salay said she was struggling with Staff's recommendation for approval because it seems like there is a lot of work to be done to alleviate 'mix and match' requirements.

Ms. Martin said this is an extremely complicated site. She said the ART and the Stavroff team have become distinctly aware of the complexities. She reiterated the site contains one multi-tenant building on three separate parcels and as such the applicant would be eligible to come forward to request signs in the BSD all separately for each tenant, even though it is one structure. She stated for the MSP to encompass the signs holistically is really the best way to approach the site for consistency today. Overall, she said the MSP likely constrains the number of signs permitted for this site.

Ms. Martin explained the way the BSD Code distinguishes itself from the standard Code is BSD permits more signs with more variety at smaller sizes. She said the standard Code permits less variety at larger sizes so ART's recommendation was to come in with a holistic package and balance that as much as possible and limit the mixing and matching of requirements, realizing this is the context they are now zoned under.

Steve Stidhem said if the Commission follows the BSD Code the Big Lots and Toys R Us signs are probably too large. Ms. Martin said they are existing signs so the applicant would not be expected to take them down.

Deborah Mitchell indicated that every retailer she knows, would like to have more signs no matter what.

Mr. McCauley said a big point he would like to make that did not come across in Ms. Martin's presentation was everything being done on the site. He restated there are three parcels and three property owners and the site is not being maintained and in deplorable conditions that include dead trees, potholes, vegetation overgrowth, and facades deteriorating. He explained they recently purchased just the Billiard's Plus parcel and are now one of the three owners. He said the owners have come together for a holistic approach; the new landscape plan covers all three parcels. He said the Stavroffs are enhancing the landscape for the entire center, repaving and painting parking lots, updating the parking lot lighting, adding a new roof, and painting the building to bring integration to the signs, matching signs and colors to the building. He said this multi-tenant building will be brought up to the Dublin standard. He pointed out that each owner could have come forward for a request for signs; following the BSD Code would have only meant going through the ART for approval and there would not have been anything unique or interesting about the signs. He indicated that after working with Staff the applicant has created a unique ground sign. He concluded that requesting the signs permitted by the BSD Code is not appropriate given they are 425 feet from Sawmill Road and 200 feet from the other roads. He said he wants the opportunity for these tenants to succeed.

Ms. Salay said for a business to succeed, it needs to have a product mix that people want and if that is the case, the people will come. She said none of these businesses thrive or die based on signs. She said since the applicant is requesting 10 signs, there is no reason why people would not find them.

Mr. Stidhem remarked the applicant is also asking for signs that are larger. Mr. McCauley said the applicant is requesting an 80-square-foot sign like what is permitted out there today and that a 50-square-foot sign would not look appropriate on that size of a space.

Ms. Salay said she liked the pin-mounted letters with the back lighting for the ground signs.

Mr. McCauley said they are asking to retain the 80-square-foot wall signs but in return have created ground signs that go beyond what is necessary; they have created something at least twice or three times better based on feedback received from the ART and Staff.

Ms. Mitchell stated that retail does not depend on signage; if these big box stores are not doing well, it is not because of signage. She indicated she would like to see the research and data on how people navigate areas because everyone on this Commission at some point or another have said signs are not playing the same role that they have in the last 50 years. She said we all have GPS to figure out where we are going so that is an important context for this whole conversation.

The Vice Chair asked for comments specifically on the three ground signs - location, quantity, size, and design, etc.

Ms. Salay stated she did not have any issues with the ground signs as she assumed the bases will be landscaped. She said she likes the lack of corporate colors. She said she understands location but two would be plenty. She said she is struggling to get past the 80-square-foot signs because Mr. McCauley had some valid points. She said she would like the disgusting nature of those buildings to be cleaned up but that should happen whether the MSP is approved or not. She said there is an awful lot of potential in that center and she would prefer to support less on the walls.

Mr. McCauley said there were Code Enforcement issues addressed. He asked why the amount on the walls is an issue when that is what is there and they are 400 feet back from the street.

Ms. Salay said the goal for the BSD is to encourage redevelopment and those signs are out of character for what was envisioned long term. She said the applicant has the opportunity with the property they own to push things in the right directions in terms of Bridge Street.

Mr. McCauley said these buildings are going to be here for 30 years; they are not going to be redeveloped. He said they are in an interim condition where the BSD Code does not work.

Ms. Salay said there is an interim condition where 10 signs does not work, either. She said there is work to be done with the BSD Code.

Mr. McCauley suggested we look at the interim conditions and consider the businesses that are on Sawmill Road and are struggling; whether it be signs, visibility or whatever else.

Mr. Brown referred back to Staff's recommendation for the three ground signs and no secondary sign. Ms. Martin confirmed the ART's recommendation.

Mr. Brown verified what landscaping was proposed.

Mr. Brown confirmed the applicant is asking for a secondary wall sign.

Matt Stavroff, 6689 Dublin Center Drive, said he understands the Commission's comments and agrees with some of them and sees the frustration of the Commission having to work with a Code that took so long to compile and want to apply it and we are coming in asking for it not to be applied uniformly. He stated they have owned the Dublin Village Center since 2009 and the only reason they are buying additional property is to move tenants around so they can redevelop the Dublin Village Center. He said he would like to see an intersection at Snouffer Road and Sawmill Road. He asked the Commission to consider the bigger picture; John Shields Parkway is being developed. He said when this center was purchased in 2009, it was zoned community/commercial. He said then they were told it was going to be rezoned along with all of their properties. He recalled the City Council meeting where Ms. Salay said that until the property is redeveloped the BSD Code would not apply; that has gone by the wayside.

Ms. Salay said that was said by her colleagues, not her. Mr. Stavroff said he is not saying that is what Ms. Salay thinks but that is the consensus on Council as he knows and meets with them all. He said they wrote a provision where the size of their buildings could be increased up to 150% and that did not constitute a redevelopment. He said Dublin Village Center is in a vehicular corridor, whether signs are important or not is does not matter what he thinks, it matters what his tenants think. He said the Commission and I may agree that signs are overrated but all things being equal it is nicer to have a bigger sign.

Ms. Salay answered it is not nicer to have a bigger sign in Dublin.

Mr. Stavroff said it is nicer in the world as a retailer and a consumer. He suggested consulting with the experts about the importance of signage. More importantly, he said he is pleading for perspective. He indicated that the enforcement of the Code is lacking as far as property maintenance. He reiterated that Stavroff's are paying for the landscaping improvements for Big Lots and Toys R Us so they can move tenants around to get the intersection they desire. He said Dublin Village Center encompasses ±400,000 feet and there are 50 signs out there; his point is there can be a lot more signs. He said we could divide our tenants and have two or three signs or five or six signs depending on how many public roads they face. He said the question he has today for the Commission is what is best for Dublin. He said it is important for it to look great and for its tenants to succeed, otherwise, why have a retail area. He said they are not pedestrian oriented currently. He said when they can demolish the site and rebuild closer to the road, smaller signs and blade signs like at Easton would make more sense. He restated this is a vehicular oriented area. He said the ground signs are great.

The Vice Chair clarified that the applicant is asking for 50-square-foot secondary signs. Mr. Stavroff answered there could be some flexibility there.

The Vice Chair indicated the applicant is trying to mix the old Code with the new and he said that is what the Commission is trying to avoid. Mr. McCauley said they are trying to preserve what is there today so yes there is some intermingling.

Chris Brown said he understands this is a vehicular driven particular piece of property; it is not pedestrian. As he looks at the street grid development and landscape requirements of Dublin, he said he is surprised the applicant is not trying to address all four roads with a ground sign as opposed to the big signs on the back.

Mr. Stavroff indicated the Toys R Us sign to the rear is inappropriate but what really looks bad are the stains running down the side of the building, the weeds in the beds, and the dead trees in the parking islands. He told the Commission they will be impressed with how clean this site is going to be in 12 months compared to what it is today because the Stavroff's plan to make it look terrific.

Mr. Stidhem said he has also noticed the dilapidation of the property and applauds the effort of the applicant to make it look nice. He said we are looking at two different things; he said one from a business standpoint of making this more appealing to be more enjoyable aesthetically and the other that is a completely different item that is the signs. He said it seems like the applicant is trying to merge the two and the Commission is separating the two. He said he likes the ground signs for the most part; they look nice and are comparable to what is found in Hilton Head, NC. He said it is harder to find things in Hilton Head but you do find them. He said businesses that offer a quality product and service receive repeat business. He said he is not a huge fan of big multiple signs; the three ground signs will work.

Ms. Mitchell agreed it is fantastic the applicant is cleaning up the site and making it look good but the two things should be separated. She said the neighbors are who they are and she does not see giving them more signs would improve the situation.

Mr. Stavroff said Big Lots and Toys R Us have 80-square-foot signs and Toys R Us has a sign on the back. He asked for a compromise. He said he is fine with 50-square-foot signs as long as they can identify themselves on more than one public road. He said this is a unique situation and they have four public roads.

Ms. Mitchell asked if research has been done regarding people not being able to find these stores.

Mr. Stavroff offered to bring up the experts.

The Vice Chair said the three ground signs are not the debate, it is mixing the old Code with the new.

Mr. Stavroff said they do not want a sign in the back. He indicated the other tenants would not agree to smaller wall signs. He said he is trying to serve his client and if Goodwill does not get what they are proposing, they are not going to do this deal. He said there is no bluffing here. He said Goodwill may have a change of heart. He said we are asking for either a 47-square-foot sign that can identify them on the south on that tower or an 80-square-foot sign at a lower height.

Mr. McCauley said they could place a sign on the slightly higher elevation on the architectural feature at 63 square feet. He said the Code was not written for a 50-square-foot sign on the front, 400 feet from the right-of-way. He encouraged the Commission to look at the Code and allow this as it is not what they had.

Ms. Salay said there is way too much going on here. She said we are talking about landscaping, beautification of this building in deplorable condition, and the Commission is here to talk about signs. She said the BSD Sign Code and some existing variances we can make up our mind if we would have approved them or not. She said she is not prepared to negotiate. She said she is hearing a less than enthusiastic recommendation from Staff.

Mr. Stavroff indicated the reason for less than enthusiasm from Staff is because they are tired of being abused by the Commission and do not know what the Commission wants. He indicated Staff said the proposal made sense to them but it does not conform to the Code they have to apply.

The Vice Chair said Staff is here to serve the Commission's needs and the applicant is to address the Commission. He said we are trying to meet the needs of everyone; there are certain Codes in place and they have changed, but agrees with Staff it is tough to mix and match the regulations.

Mr. Stavroff asked the Commission what they would like the applicant to do.

Mr. Brown said he is familiar with the degraded conditions of the center. He added it is in the middle of everything, is four-sided, and a long way from Sawmill Road. He said he understands the request for the ground signs; he does not get the need for a second sign on the rear.

Mr. McCauley agreed a second sign on the rear is not advantageous. He said they are asking for the 80-square-foot sign on the front for Goodwill and a second sign on the side. He said he has photos to prove the signs are not visible today.

Mr. Brown indicated he did not see the Commission permitting more than the front sign and the three ground signs. He said if Bridge Street is successful there will be a whole lot more traffic driving by these areas and they will read the ground signs. He said they do not have to broadcast to Sawmill to get freeway traffic, etc. He said Bridge Street changes the whole dynamic of the area.

Mr. Stavroff asked if the Commission had a recommendation.

Mr. Brown said he tends to be in agreement with the ART's recommendation.

Mr. Stavroff asked if a representative from Goodwill could address the Commission.

James Meehan, Chief Operating Officer, 1331 Edgehill, Columbus, Ohio, said he appreciates the tenacity and the diligence brought to the site because it brings nothing but a consistent experience. He said the brand is 75 years young, founded by Charles Graham in trying to help people, working on used goods from upscale homes and trying to get people to retool or resell them. He said they are a \$45 million organization, of which they overspend and have to raise the rest of the money on their own. He said it all goes back into helping individuals we serve over 600 people, each and every day, service over 11 million square feet of real estate in cleaning and security by custodial staff, and 75% of them have disabilities or barriers. He said they got out of the retail business in 1977 in Columbus, Ohio and came back to it in the early 2000s. He said as they started to develop their new store operations they did extensive traffic patterning.

Mr. Meehan said he understands branding and offering products the market wants. He said one thing that is distinctively different about Goodwill is they are about their donors and their donors want convenience and to know locations. He said their current store is undersized, they are receiving too much volume and there is a balance to make sure they do not have any safety hazards and they have the best customer experience possible given the restrictions put upon them in that building. He said they experimented into the north Sawmill Corridor just outside the outerbelt where the Sunflower Restaurant is located. He said they went into that location with one sign, one sign on the road, where 40,000 vehicles passed it every day and they are working with the landlord after eight months of operation to close that facility because people cannot find it. He said even with GPS and all of those things, we are a brand about convenience. He said it is being about as close to your house as you can and if it is not always Goodwill, there are other folks that are doing a great job out there – Salvation Army, VOA, St. Vincent's and others that exist but it is closest to one's home. He said after that it is ease of access and then signage. As they look at this great opportunity to work with the City of Dublin and work with the Stavroffs, he said it is a win win for everybody as they start to redevelop this. He said the store is a little larger than they would like and he has had to present it three times to their Board of Directors and they are all reluctant given how far this building sits back from Sawmill Road and the lack of signs. He said their deal with Stavroffs is based on getting this sign package. He said they love the three ground signs, the design is great and unique but they need something on that long wall that faces Banker Drive and that is all that they are asking for. He said they do not want anything that is large or gregarious, or noisy; they are very simple, easy about what they do and passionate about helping people.

Mr. Brown said looking at the south edge toward Banker Drive, it appears there is a canopy going in for drop off service. Mr. Meehan confirmed the canopy will just state "donation area". He said there is also an A-frame sign facing Sawmill Road with text "donation area."

Mr. Brown inquired about the intent for the Banker Drive elevation. Mr. Meehan said it would be to get people to drop things off; they are built for the donor, not the purchaser. Mr. Brown agreed the other location was a tough find and this is a much easier find. He said it is upscale people looking to drop off goods. He said all the electronic tools available will lead people to the location.

Ms. Salay said it has nothing to do with Goodwill, it is just the hodgepodge, and way too much. She said we have work to do with their Code and she cannot support this tonight. She said she does not know what she is voting on, what it is going to look like, she does not know if they have the alternative of what would be approvable. She said she feels like she is at a complete disadvantage to the information she has received.

Mr. McCauley asked Staff if they provided certain items to which Staff answered affirmatively.

Ms. Martin said to provide context, when Goodwill initially came in, they were requesting specific signs as part of their MSP so in some cases, MSPs have been approved holistically for a center. She recalled Dublin Plaza that came in with a set of criteria for their entire center and then there have been MSPs that the ARB reviewed, Sisters Sweet Shoppe, which is just a single tenant that was requesting multiple signs. She said initially they were requesting these specific signs but through discussions with the ART, they were encouraged to look at it in terms of the center and they have provided elevations that were not included because they would not be regulatory. She said Staff can show them if that is what the Commission would like to see.

Ms. Salay restated it is way too much and that she does not know how to get to something that is reasonable.

Mr. Meehan said one of the things that attracted Goodwill to working with Mr. Stavroff on this is because the opportunity was the synergy of the sign package moving forward. He said they did not want the mishmash as described.

Ms. Salay again stated she cannot support the sign package for the whole center. She said all we have now is the BSD Code. She said she hears the other tenants not willing to work with the Stavroffs.

Mr. Stidhem asked if it would be advantageous to have a ground sign specific to Goodwill at the Dublin Village entrance to encourage the drop off of goods.

Ms. Salay said she appreciated the suggestion; it might be a great one. She said she has learned it is never a good idea to redesign a project from the dais; they can say what they like and do not like and the applicant can work with Staff. She said she needs more information on what the BSD Code allows. She said she needs more information and that being provided this evening will not enable her to make a decision now as it is just not working for her.

Mr. Brown and Ms. Mitchell agreed. All three agreed it was confusing because the applicant was making their requests based on two different Codes.

Mr. McCauley said we can start with what the BSD Code allows. He said there is one slight difference; an 80-square-foot sign versus the 50-square-foot sign permitted on the front of a building. He said the second difference is a second wall sign, not a second sign that is a blade, awning, or window sign. He said two signs are permitted, they are just asking for the second sign to be a wall sign. He said the 80-square-foot signs were permitted since the center was built. He stated the BSD Code permits a second sign but it has to be a different type of sign and instead they are requesting a second sign of the same type. He said he thought they could all agree that a window, awning, or blade sign do not make sense for a building set 200 feet back. He said the fundamental argument this evening is those signs are not appropriate for this setting.

Mr. Brown asked if the applicant wants to grandfather in the 80-square-foot sign or if they want to apply the BSD Code.

Mr. McCauley asked what Code applies to a 400-foot setback. He said the BSD Code allows for only a 50-square-foot sign and the Commission just approved a 325-square-foot sign for the front and two 50-square-foot signs on the side for Big Sandy Superstore.

Mr. Brown clarified that was approved for that particular location.

Mr. McCauley said it was approved for a building set far back from the road, was experiencing trouble with leasing, and the site was in disrepair; it sounds very similar. He said we are not asking for 325 square feet, we are asking for what exists there today, 80 square feet.

The Vice Chair asked the applicant what exactly they want.

Mr. McCauley said they would like approval of three ground signs as proposed, an 80-square-foot wall sign for the front/Sawmill Road, and Goodwill being permitted a second sign on a second façade at 63 square feet but would not be permitted for any tenant that would come later.

Mr. Miller asked if Goodwill not getting the second sign would be a deal killer.

Mr. Meehan said Goodwill not getting a second sign would be a deal killer. He said he was interested in the sign proposed for Dublin Village Parkway on the back that could be unique to Goodwill. He said that would be acceptable to direct people to get into the center as opposed to the second wall sign if there is that much concern with what would happen to the image of Dublin or trying to set precedence. He said they prefer the first but would accept the latter.

Mr. McCauley said if the second wall sign could not be approved, his request would be for that fourth ground sign, posted on Dublin Village Drive, with text "Goodwill".

Ms. Salay said if the tenants switch out, she would like the center fully conforming to the BSD Code.

Mr. McCauley said he does not have the authority from the other two owners to approve that provision.

Vince Papsidero said the height could be grandfathered in but not the size.

Ms. Martin said the approvals for the Toys R Us signs are extremely unclear; that was the variance from 1988.

Mr. McCauley said the BSD Code states a number of 50 square feet permitted for a wall sign but it also states the sign must be architecturally appropriate for the building. He said these buildings are 100 feet long and there is a sign band in a different color of brick, which is integrated into the design and that cannot be changed.

Mr. Stidhem said he would not approve this application as written today with the extra signs. He said he would be fine with the 80-square-foot sign on the front but nothing on the side. He said he would approve a fourth, very specific ground sign for Goodwill at that location; given their mission, it makes sense. He said he would need to see the design of that fourth ground sign – at least some renderings.

Ms. Mitchell agreed she would need to see detail.

Mr. McCauley asked the Assistant Law Director if this body makes a motion and votes, what the appeal process would be. He asked if they would have the right to go to City Council to appeal the ruling if this body makes a recommendation and votes.

Phil Hartmann said the applicant's options are to request Council's review and they have the discretion whether to or not. He said if Council decides not to, then the applicant would have 2506 Appeal Rights to the Court of Common Pleas.

Mr. McCauley said the applicant requests the Commission make a motion to vote on the 80-square-foot wall sign on the front, remove a second sign as recommended with a condition that they request a fourth sign at an appropriate size, limited to one tenant only and it will be in similar fashion to finalize with Staff or the ART.

Ms. Salay said if the applicant is going to bring back something different, the case should be tabled.

Mr. McCauley asked then that the Commission vote on what has been presented. Mr. Stavroff said they would like to take time but they do not have a lot of time. He said this is a simple request, the suggestion for a fourth sign was good and these people are professionals, we work with them all the time. He said we are going to do the same exact sign but smaller.

The Vice Chair said the Commission is requesting to table this. He asked Mr. Papsidero if the Commission were to vote and approve a fourth sign, if Staff could work with the applicant to come up with an appropriate sign or does it need to come back to the Commission.

Mr. Papsidero said if the Commission were to condition their MSP, defining the square footage, height, number of colors, text, then they just apply for a sign permit. He clarified it needs to be defined dimensionally within the text of the MSP. He said if aesthetic details would be desired then the applicant would have to present something to the Commission to review.

Mr. McCauley asked Ms. Martin for the details of the existing ground sign. He said he thought it was eight feet tall, 24 square feet in size and so they would commit to a sign half that size.

Ms. Salay noted that would be a typical directional sign.

Ms. Martin said the directional signs permitted in the MSP are the same as found in the standard City Code.

Mr. Brown said his desire would be to match the style of the other signs but on a smaller scale to which Mr. McCauley agreed.

Ms. Salay said she was not comfortable approving it.

The Vice Chair asked Mr. Papsidero and Mr. Hartmann that if the case was tabled, how quickly it could be brought back. Ms. Burchett said the agenda was already set for the next meeting and they would not meet the notice requirements. Ms. Martin said it would need to be the second meeting in September as today was the deadline for submission.

Ms. Salay inquired about the existing ground sign. She said if the Commission is going to approve a sign, the dimensions need to be clarified.

Mr. Papsidero recommended using terminology such as "not to exceed".

The Vice Chair said he knows this goes against the normal concept of what they have done historically in Dublin but it is not that era anymore; they have allowed latitude. He said we have this center that is sitting there and are trying to adapt to come up with a solution and this is a good compromise. Mr. Stidhem and Mr. Miller agreed.

Ms. Martin proposed the third condition for approval as follows:

- 3) Permit one additional ground sign for the 6525 tenant only to be located at the entrance on Dublin Center Drive and designed to match the design and proportions of the approved ground signs as detailed in the MSP, not to exceed a 10SF sign panel in graphic area, and not to exceed overall sign size of 6 feet in height and not to exceed five feet, eight inches in width; to be submitted to Staff for approval prior to sign permitting.

Mr. Brown said he wants to ensure the sign is proportionate for a good design. Ms. Salay said it is going to be an odd ball size and not blend well.

Ms. Mitchell asked why such a large sign was needed and said she thought it was a lot of real estate for one brand. Mr. Stidhem said the intent was so that the sign looked similar to the others. Mr. Brown clarified the sign should look like the others but be proportional for one tenant and not three.

Mr. Brown asked if this process of adding a sign from the dais was appropriate. Mr. Papsidero said this should not be an on-going practice with applications and that this is a unique situation.

Mr. Brown restated that there are grandfathered signs in a district that has been rezoned and re-specified what signs are permitted. He said instead of having multiple 50-square-foot signs on multiple elevations plus multiple ground signs we are defining a master sign plan for what is permitted on this particular site, which does appeal to Sawmill Road, which will become part of an urban grid surrounded on all four sides to dissipate traffic over multiple paths. He said he thinks the process tonight is serving the client, the taxpayer, and the developer. He asked the applicant if he is in agreement with all of the provisions.

Mr. McCauley said he agreed.

The Vice Chair asked both Planning and the Assistant Law Director if they were fine with the proposal as revised and they both responded affirmatively.

Ms. Salay asked that if the tenant changes if the requirements revert back to BSD Code. Mr. McCauley said he could not agree to that or they would never be able to lease that space again. Mr. Brown said the Commission would not want it to revert back to BSD Code for this site because this master sign plan is limiting the number of signs.

#### **Motion and Vote**

Mr. Stidhem moved, Mr. Miller seconded, to approve the Master Sign Plan with the three conditions:

- 1) That the provision permitting a second wall sign for future tenants be eliminated;
- 2) That the Secondary Image/Logo provisions meet the Standard Sign Code §153.158(C)(2); and
- 3) That one additional ground sign be permitted for the 6525 tenant only to be located at the entrance on Dublin Center Drive and designed to match the design and proportions of the approved ground signs as detailed in the MSP, not to exceed a 10-square-foot sign panel in the graphic area, and not to exceed overall sign size of 6 feet in height and not to exceed 5 feet, 8 inches in width; to be submitted to staff for approval prior to sign permitting.

The vote was as follows: Ms. Mitchell, no; Mr. Miller, yes; Mr. Brown, yes; Ms. Salay, no; and Mr. Stidhem, yes. (Approved 3 – 2)

## **2. Avondale Woods 16-034FDP/FP**

## **Avery Road Final Development Plan/Final Plat**

Logan Stang said the following application is a request to develop a residential subdivision containing: 48 condominium units in 24 buildings within Subarea A; 24 single-family lots within Subarea C; stormwater management and an entry feature in portions of Subarea E; and associated parks and open space within the Avondale Woods Planned Unit Development on the west side of Avery Road, approximately 1,000 feet south of Rings Road. He said this is a request for a review and approval of a Final Development Plan and a review and recommendation of approval to City Council for a Final Plat under the provisions of the Subdivision Regulations (Chapter 152 of the Dublin Code of Ordinances).

Mr. Stang presented the history of approvals for this Planned Unit Development. He presented an aerial view of the site at the southern edge of Dublin and the site plan that is the preliminary layout for the

entire development as approved at the rezoning. He explained Phase 1, the focus of this application, consists of three subareas: Subarea A, which is 48 condominium units with a private drive and a 1-acre private open space; Subarea C - Section 1, which is 24 single-family lots, right-of-ways for 4 public streets, and a 2.25-acre public open space; and Subarea E, which contains a stormwater management pond, a subdivision entry feature, and a clubhouse that will be approved with a future application.

Mr. Stang presented a close-up view of the site and explained the proposed layout in more detail. He said a few text modifications are proposed with this application, one of which is in regards to the names of the reserves along with their ownership and maintenance responsibilities to be presented at the Final Development Plan stage to ensure a proper record is kept and to identify how the reserve names have changed from the Preliminary Development Plan.

Mr. Stang presented the drive elevation and the main elevation of the proposed condominium buildings in Subarea A that are required by the development text to be approved by the PZC. He explained the architecture is required to have a craftsman appearance with additional architectural details such as: carriage style garage doors; front porches with accent columns and railings; and minimum roof slopes to create unique massing. He presented the left and right elevations of the condominiums and described the appearance consisting of: lap siding painted dark grey with board and batten siding on the upper levels; white trim throughout; and a limestone accent primarily for the water table and chimney. He added dimensional asphalt shingles are proposed for the main roof with a metal roof proposed for the porches.

Mr. Stang said the applicant has brought samples of all the materials and colors proposed for the buildings. He stated there are two landscape options proposed for the buildings that will alternate between adjacent buildings and provide vacant areas for plantings by the owner.

Mr. Stang noted another text modification proposed to outline the details for fences, patios, and decks. He said each unit has a patio with a maximum size limit to allow for expansion and a privacy fence is permitted only along the patios with a maximum length of 8 feet and maximum height of 6 feet. He noted a related text modification proposed to permit structures covering porches, stoops, and patios to encroach into the building setback by 6 feet that only applies to buildings located along the edge of the subarea.

With regard to tree preservation, Mr. Stang said the site was used for agriculture and is mostly clear of trees with the exception of a large wooded area in the northwest portion of the site. He said a smaller wooded area exists near Avondale Woods Boulevard and the applicant has confirmed that this area will not be impacted by construction on the site and has provided tree protection fencing along the west and north edges of the woods.

Mr. Stang presented the proposed landscaping in a number of areas on the site, the first being on the western edge of Subarea A. He said the development text requires that a landscape buffer be present between the condominium buildings and adjacent single-family lots. He said the applicant has provided a sufficient buffer that will minimize the visual impacts of the private drive and condominium buildings. He noted the condominium buildings, being multi-family, are also required to provide landscaping for building coverage to which the applicant has completed throughout Subarea A. In addition to the plantings around the site, he said the applicant is proposing a text modification that will allow one-third of the building coverage landscaping to be planted in Subarea E to improve the natural environment around the pond. Lastly, he said there are three entry features proposed with this phase, the first being a feature for the entire development located at the corner of Avery Road and Avondale Woods Boulevard. The other two he said are proposed at the ends of Estuary Lane; the private drive that services Subarea A and will contain signs for the Lakeside at Avondale Woods community.

Mr. Stang presented the water meter building plan located within the southern entry feature for Lakeside at Avondale Woods. He said a setback modification will be required just for this building, which is

appropriate given how it has been incorporated into the entry feature with additional landscaping and the architecture will reflect the materials and colors used throughout the development.

Mr. Stang said that a sign is proposed in correlation with each entry feature. He explained the development text does not have specific sign regulations except that the signs will be permitted as approved at the Final Development Plan stage. He noted the main entrance sign off of Avery Road and Avondale Woods Boulevard will be approximately 20 square feet in size and illuminated from the ground with two floodlights. He said the other two signs are for the Lakeside at Avondale Woods and that the post mounted sign located at the southern entrance in front of the water meter building and the pier sign will be located at the northern entrance. These signs, he said will be identical at a size of approximately 7.5 square feet. He noted all proposed signs will have a dark gray background with white trim and lettering.

Mr. Stang presented the Final Plat for Lakeside at Avondale Woods, which also contains the stormwater pond. He stated there are three conditions with the plats. The first he said was that the applicant will need to show the location of the shared access easement for the private drive but after discussing this condition with the applicant, Staff is proposing to revise the condition to determine the appropriate method for documenting the private drive prior to City Council submittal, subject to approval by the City Engineer. He explained this revision is more technical and still addresses the City's concern but does not place the applicant into a legal bind. He said the second condition applies to both plats and that is to add a note outlining the intent to vacate existing easements through separate agreements. He explained this is due to a number of existing large easements that are shown on these plats, which if remained, would impact the development of these proposals. He said the third condition is that the applicant ensure any minor technical adjustments are made prior to submitting for City Council.

Mr. Stang summarized there are three motions to be made this evening and the first is for the six proposed text modifications as follows:

- 1) To outline that reserve ownership and maintenance will be indicated with each Final Development Plan and that reserve names may change from the Preliminary Development Plan;
- 2) To permit a 10-foot setback from Avondale Woods Boulevard for the water meter building in Subarea A;
- 3) To permit structures covering stoops, porches, and patios to encroach up to 6 feet into a building setback for buildings 15-24 located in Subarea A;
- 4) To include landscaping requirements for the condominium units and permit one third of those plantings in Subarea E and two thirds in Subarea A;
- 5) To include regulations regarding patios, decks, and fences for Subarea A; and
- 6) To outline project phasing timelines based on the current application.

Mr. Stang said approval is recommended for the six text modifications as written.

Mr. Stang stated the second motion is for the Final Development Plan to which Staff is recommending approval with no conditions.

Mr. Stang concluded the third motion is for approval of the Final Plat to which Staff is recommending approval with three conditions:

- 1) That a note be added to both plats indicating the intent to vacate existing easements through separate amendments, prior to submitting for City Council;
- 2) That the applicant ensures any minor technical adjustments to the plat are made prior to City Council submittal; and
- 3) That the appropriate method for documenting the private drive for the Lakeside at Avondale Woods be determined prior to City Council submittal, subject to approval by the City Engineer.

The Vice Chair swore in the applicant.

Chris Cline, attorney, 300 W. Wilson Bridge Road, Worthington, Ohio, said they do not have a presentation but would entertain any questions. He said the Preliminary Development Plan was incredibly detailed.

Amy Salay said there is a lot to like here and personally likes that style of architecture. She inquired about the elevation views.

Linda Menerey, EMH&T, 5500 New Albany Road, noted the elevations without a garage are all located on internal private drives.

Ms. Salay asked where the proposed six-foot privacy fences will be located. Mr. Stang pointed the one out on the drive elevation and the other for the patio space on the main elevation. Ms. Menerey noted the private driveway on the private drive that loops around.

Ms. Salay indicated the individual post lamps do not look like the craftsman style and suggested the lamps match the architecture. Ms. Menerey said she would be happy to work with staff on a different light fixture.

Ms. Salay asked the applicant to use stone panels for the signs rather than wood poles with hanging signs as they could become a maintenance issue. Ms. Menerey answered the hanging sign was proposed as pressure treated and asked the Commission to consider a vinyl or different product. She explained the water meter building serves as the entry feature as it matches the craftsman element and is hesitant to add another stone element there.

Chris Brown agreed that the wood post would not last over time.

Ms. Menerey offered several options.

Ms. Menerey presented the material samples for the water meter building. Bob Miller inquired about other options and the maintenance of the structure. Ms. Menerey explained that the meter has to be elevated and it is proposed to be in the building on a concrete floor. She said the HOA is responsible for the maintenance.

Mr. Miller indicated he could not get past this building not looking like a storage shed. Ms. Menerey said they intended to have a simpler building, incorporating some of the craftsman elements.

Mr. Miller asked for the feedback from Staff's discussions about the water meter building. Mr. Stang said Staff did not struggle with this because it was incorporated into the entry feature with landscaping. He said the applicant is proposing windows on the sides to eliminate blank walls.

Mr. Cline noted the building along Post Road for the Village of Coffman Park and indicated it is a positive feature for the entry. Steve Stidhem said there is a similar building in Tartan Fields.

Mr. Stang clarified the building will sit 10 feet back from the right-of-way.

Mr. Brown said he thought the building might be acceptable since it appears to be well landscaped.

Mr. Miller asked if stone would dress up the building. Ms. Menerey said she would rather not have the building than to add stone to it.

Mr. Stidhem inquired about the traffic congestion in that area.

Mr. Stang said a traffic study was completed at the rezoning process. In addition, he said there is an infrastructure agreement with the developers whereas they are limited to 126 units total before they would have to address some of those traffic concerns. He added if they were to exceed that number of units, they would be required to install a light at the intersection of Avery Road and Avondale. He said other portions of the agreement include investment in the Tuttle Crossing Boulevard extension as well as they are limited to 186 units for the entire development before either Tuttle Crossing is extended to Avery Road or Hayden Run extension on the south.

Mr. Cline indicated the tricky part with the traffic signal is a traffic warrant needs to be satisfied by the City of Columbus before a signal can be installed.

Ms. Salay noted there are a lot of growing pains in this area from an infrastructure standpoint. From a traffic standpoint, she said she believes this development will be the least impactful to the area.

Ms. Menerey pointed out the connectivity in the area.

Mr. Cline said the roadways Ms. Salay is referencing are under construction now and the City of Dublin is moving forward with the Tuttle Crossing extension.

Mr. Miller stated the whole property transitions really nicely from National Church Residence and applauded their efforts.

Mr. Stidhem asked if a path is planned for the pond. Ms. Menerey answered there is no path going around the perimeter of the pond. Mr. Stidhem asked if one could be installed. Ms. Menerey said she was concerned that if the path was not of a hard material there could be issues with ADA.

Mr. Stang clarified the City will maintain and own the central open space in the single-family section and the HOA will own the pond but the City will maintain it and everything else in Subarea A will be owned by either the master HOA or a subarea HOA in the case of Subarea A.

Mr. Miller inquired about the six-foot setbacks. Ms. Menerey explained the stoop elements along Scarlett and Avondale Woods Boulevard; the porch type structure comes a little bit closer and is covered by that stoop.

Ms. Salay asked if there would be enough room for a chair. Ms. Menerey confirmed there is six feet. She said the one façade that is pushed back does not need that articulation in front of the building.

Mr. Miller asked how many lots the six foot setback is specific to. Ms. Menerey clarified it is in the condominium area and offered to update that in the text.

Mr. Stidhem inquired about private drives. Mr. Cline said there really is not an option. He said in order for it to be a public road, they would have to meet municipal street standards, which they cannot do to maintain this type of close community.

Ms. Menerey said the details on the plans show the composition from top to bottom is similar to public streets, same width, utilities, and setbacks.

Mr. Cline recalled Council's concern for the level of burden being placed on the future 48 condominium owners and he listed the costs and said it was reasonable, similar to projects across the City.

Ms. Salay said she did not have a concern.

Mr. Stidhem restated he would like to see a pathway around the pond as it is a great amenity and he was not concerned with anything else.

Mr. Cline said he was not going to be able to consent to that this evening. He offered to revisit the topic before going to Council.

Ms. Salay inquired about the ADA requirements for a path in a private development. Mr. Papsidero answered it has to do with the slope and the width and not as much about the material used. He said he would need to consult with Engineering.

Mr. Brown said he did not know how a path would be accessible without invading private backyards.

Ms. Menerey explained the size of the pond will be enlarged and include two fountains; one phase to handle the entire development. She said the clubhouse would come later.

Mr. Miller asked about the possibility of removing the water meter building. Ms. Menerey said the water meter would still need to go in an elevated area of three feet so it can be drained out. She said they are also trying to avoid the existing trees.

Mr. Miller asked if it is cost effective to dress the building up better than proposed.

Mr. Cline referred back to the example of the water meter building at the Village of Coffman Park. He said there is a three-foot water table that is stone that goes around the base.

Ms. Salay asked if it would be noticeable since it will be heavily landscaped.

The Vice Chair asked the rest of the Commission if the water table building was a concern. [Hearing none.] He invited anyone else that wished to speak regarding the project. [Hearing none.]

Mr. Stang said he revised the third text modification that talks about the six-foot encroachment of structures and added the specific buildings that would apply to, buildings #15 – 24. Ms. Menerey said the applicant was in agreement with all the changes.

#### **Motion and Vote**

Ms. Mitchell moved, Ms. Salay seconded, to accept the Minor Text Modifications. The vote was as follows: Mr. Miller, yes; Mr. Brown, yes; Mr. Stidhem, yes; Ms. Salay, yes; and Ms. Mitchell, yes. (Approved 5 – 0)

#### **Motion and Vote**

Ms. Salay moved, Mr. Miller seconded, to approve the Final Development Plan with three conditions:

- 1) That the applicant work with Staff to determine an appropriate light fixture that matches the style of the condominium buildings;
- 2) That the applicant replace the post mounted sign at the southern entrance of the Lakeside at Avondale Woods with the pier mounted sign; and
- 3) That the high density urethane signs be replaced with etched natural stone, subject to Staff approval.

Ms. Menerey agreed to the above conditions.

The vote was as follows: Mr. Brown, yes; Ms. Mitchell, yes; Mr. Stidhem, yes; Mr. Miller, yes; and Ms. Salay, yes. (Approved 5 – 0)

### **Motion and Vote**

Mr. Stidhem moved, Mr. Brown seconded, to recommend approval to City Council for a Final Plat with three conditions:

- 1) That a note be added to both plats indicating the intent to vacate existing easements through separate amendments, prior to submitting for City Council;
- 2) That the applicant ensures any minor technical adjustments to the plat are made prior to City Council submittal; and
- 3) That the appropriate method for documenting the private drive for the Lakeside at Avondale Woods be determined prior to City Council submittal and subject to approval by the City Engineer.

Ms. Menerey agreed to the above three conditions.

The vote was as follows: Ms. Salay, yes; Mr. Brown, yes; Mr. Miller, yes; Ms. Mitchell, yes; and Mr. Stidhem, yes. (Recommended for Approval 5 – 0)

### **3. Public Nuisance Regulations – Code Amendment 16-036ADM**

#### **Administrative Request**

The Vice Chair, Chris Brown, said the following application is a request for an amendment to the Zoning Code to amend the International Property Maintenance Code and relocate the Nuisance and Health/Safety Related Sections of the Code to §153.076, Public Nuisance Regulations. He said this is a request for a review and recommendation of approval to City Council for proposed amendments to the Codified Ordinances under the provisions of Zoning Code §153.232 and §153.234.

Steve Stidhem said he just had one question so a complete presentation may not be necessary. He referenced in the Planning Report...*the elimination of the appeal process from Subsection E as it is no longer applicable*. He asked why the appeals process was being eliminated.

Logan Stang indicated an appeals process was set up for that Code section in reference to weeds and basically stated if a property owner did not want to comply or would not comply with the weed regulations they could appeal to City Council. He said it seemed like an odd appeals process that Council would then be in charge of reviewing someone not taking care of weeds on their property so it did not seem applicable. Instead, in all the relocations, Staff added a penalty section that talks about the degrees of misdemeanors for repeat offenders. He said the outlining of the violations will also provide an appeals process that is separate from City Council review.

Mr. Stidhem asked if anyone had ever filed an appeal on that. Greg Jones answered we have never had an appeals to the mowing requirements.

Amy Salay said she was trying to understand what the Code states and does not state. She inquired about vans or trucks for businesses parked in front of homes or in driveways. She cited an example of someone parking their heating and air-conditioning business van in front of their house. She asked if that was permitted.

Mr. Jones said the vehicle is not to be stored on private property so if it was in the driveway, it would be a violation Code Enforcement would deal with. He said with the vehicle parked on the street, it is the police department's responsibility.

Ms. Salay clarified that the truck moves every day because the homeowner drives it to work every day.

Mr. Jones said “storing it” means keeping it on the property and if he is parking it in his driveway and driving it to work every day, it is probably there in between times so Code Enforcement would address that. He said anything else would fall under the 72-hour continuous parking regulation.

Ms. Salay inquired about the Home Occupations list as it is quite antiquated and suggested the language be updated. She said we have so many people that work from home now that go beyond this list. She asked if this was pulled from some uniform code.

Steve Stidhem agreed with the out-of-date terms.

Phil Hartmann said Staff can work to revise this code section.

Ms. Salay requested that smoke on property be prohibited or at least regulated. She referenced the Code and asked that it be updated.

Mr. Hartmann indicated it was a fairly old provision and can look into updating it.

Ms. Salay inquired about the maintenance of vacant lots. She asked if that can be enforced through our Code.

Mr. Jones said what has been the policy is that any lot that is one acre or larger, we require that it be mowed around the perimeter.

Ms. Salay referenced a property that is probably two acres in size. Mr. Jones said there is a 25-50 foot buffer around the perimeter. Ms. Salay clarified it is mowed around the perimeter and that he is permitted to have a weed patch in the middle. She said she does not need to see vacant lots manicured every week but there is three feet worth of weeds and crops. She indicated it is a large enough area to get around the Code but it is a small enough area and surrounded by development.

Bob Miller agreed it is not an isolated area.

Mr. Stidhem said he thought there was verbiage in the Code that addressed weeds going to seed but suggested having an area mowed before it reached that point.

Vince Papsidero suggested a requirement where under a certain acreage lot size, the entire lot to be required to be mowed. Mr. Jones said, like so much of the Code, it is antiquated. He said primarily it was put into place so the farmer would not have to mow his hayfield. He suggested a five-acre minimum and have everything mowed up to five acres. He said that would take care of any lot in the City.

The Vice Chair asked if this amendment should be tabled so the Code can be amended further. Everyone agreed this would give legal an opportunity to speak with Mr. Jones and cover any other issues raised. Mr. Papsidero indicated the Code Amendments could come back in September.

Mr. Stidhem said he thought 300 square feet permitted for a Home Occupation seemed really small. Deborah Mitchell said the IRS has standards for people to be able to write off a certain portion of their taxes for a business at home.

### **Motion and Vote**

Ms. Mitchell moved, Mr. Stidhem seconded, to table the Code Amendment. The vote was as follows: Ms. Salay, yes; Mr. Brown, yes; Mr. Miller, yes; Mr. Stidhem, yes; and Ms. Mitchell, yes. (Approved 5 – 0)

### **Planning Items**

Vince Papsidero invited the Commission to attend a meeting on August 24, 2016, at 11 am in the Clarion to discuss signs in the BSD Code.

Bob Miller said he wanted to make sure the Commission heard the applicant this evening expressing his perspective that Staff is confused with what this Commission wants. He said he has heard this in multiple conversations and asked that be addressed if that is truly factual. He said if the Commission is not communicating clearly, it puts Staff in a bad position. He indicated that if Staff is using the Commission to stiff-arm developers then that is a problem.

Mr. Papsidero said Staff tries to anticipate what they believe the Commission will view favorably in all the dealings with applicants. He said applicants try to pressure Staff to circumvent that and become an advocate for their goals. He indicated that often Staff is put in a bind between those and try to work through it. Generally speaking, he said Staff tries to anticipate what they believe is appropriate from a Commission perspective and are conservative with how the Code is interpreted. He indicated that as you move up the ladder, there is discretion at this level and even more at the Council level so staff shows the least discretion.

Chris Brown said there has been a big changeover of personnel in the Commission and with that different perceptions and perspectives prevail. Personally, he said his opinions, perceptions, impressions, and perspectives change all the time the more cases he hears and interacts.

Mr. Papsidero said Staff is tied because those that are AICP certified are tied to a set of Ethics that they have to stay true to and often this is in conflict with our employer. He said they need to be consistent to be true to the profession.

Amy Salay said her expectations of Staff are to be professionals. She indicated the applicant is going to bring what they think they can get away with in a lot of cases.

Mr. Miller said they should be labeled as an independent commission so Staff can say they cannot anticipate how the PZC is going to rule if it is being used as a defense mechanism. He said there is an issue when the applicant gets the sense the Commission is the problem and Staff is off the hook and that is what he would like to avoid.

Mr. Papsidero said hopefully that is not the case. He indicated Staff would probably use the Commission as a tool to force someone to comply with what the Commission's expectations are but they would never throw the Commission under the bus on an issue or shirk our responsibilities. He said the Commission would have never supported what was originally submitted. He said that is Staff's role to whittle things down what they believe the Commission's expectations are.

### **Communications**

Bob Miller said he would not be able to attend the meeting on August 18<sup>th</sup>.

Lori Burchett noted that Nichole Martin did a tremendous job working with the applicant through numerous phone calls and meetings as well as conducting the needed research to provide the history.

The Vice Chair adjourned the meeting at 10:22 p.m.

As approved by the Planning and Zoning Commission on September 15, 2016.