



153.050. This is also a request for review and approval of a Final Development Plan, she said, under the provisions of Zoning Code Section 153.050.

The Chair swore in anyone intending to address the Commission in regard to this case.

Nichole Martin said the PZC reviewed this application at the meeting on May 18<sup>th</sup>. She said she will present the highlights of the updates to this application, based on the Commission's comments.

Ms. Martin presented an aerial view of the site that includes three parcels as well as a vacated City of Dublin right-of-way. She noted that parcels to the south are remnants from the construction of the roundabout at Avery Road and Tuswell Drive. As part of an Ordinance 67-06, she reported the City agreed to vacate the right-of-way just north of those parcels and combined the parcels as well as the vacated right-of-way with the 1.63 acres to the north that is currently zoned as part of the Kendall Ridge Office and Condominium Planned Unit Development; therefore, the total site area is 2.33 acres. As part of the rezoning application, she said Planning reviews the application against the Community Plan and Future Land Use recommendations. She said the daycare use is consistent with the neighborhood Office and Institutional recommendation for density as found in the Community Plan. She explained that rezoning is required for an existing PUD when either general development standards for a geographic area or use and density are unable to be met. She said in this instance, the rezoning portion and Preliminary Development Plan portion is required to incorporate the additional area into a new Planned District as well as to permit a density increase from 7,500 square feet to 10,000 square feet for the daycare facility on the 2.33 acres.

Ms. Martin said the Final Development Plan portion of this request remains the same as the Commission previously reviewed it as follows:

- 10,000-square-foot daycare;
- 40-space parking lot;
- Three fenced play areas with play structures;
- Dumpster enclosure;
- Sidewalk to the public right-of-way;
- Sign; and
- Additional landscaping.

Ms. Martin noted that the Commission had concerns at the May meeting with the architecture and treatment along the Avery Road frontage; site layout and access; and some of the operations of the daycare play areas. In response to that, she reported, the applicant has updated their plans to eliminate the fence along the Avery and Tuswell elevations. She said they have also clarified that the fence height is proposed to be five feet around the outer most exterior and the fence will be four feet in the internal divided areas. She reported that a height of five feet is consistent with what was previously permitted in the PUD text from the Kendall Ridge Daycare Office and Condominiums. She said the applicant has revised the architecture along Avery Road and they have extended the stone wall feature to provide more enclosure along the northern edge. She noted the applicant has updated the landscape plan to be consistent with the landscape inspector's requests, which were outlined in the previous Planning Report.

Ms. Martin said the applicant is also proposing a pre-school garden area along the northern edge that was not previously proposed; this bumps the proposed fence into the building setback area, therefore, a condition of approval is that the fence be moved within the buildable area of the lot, which will likely prohibit the use of that area as a pre-school garden.

Ms. Martin presented the proposed elevations; the architectural character remains the same – traditional single-story building, primarily clad in the limestone veneer with an ivory Stucco finish with residential

window features. Along Avery Road, she stated the applicant has added a double door entrance as well as a decorative door on the maintenance room.

Ms. Martin said staff recommends approval to City Council for the Rezoning with a Preliminary Development Plan with the following condition:

- 1) That the development text be updated to require a wrought-iron style decorative fence.

Ms. Martin said approval is recommended for the Final Development Plan with 5 conditions:

- 1) That the landscape wall design along Avery Road be revised to a stacked limestone wall design consistent with the Dublin character throughout the City;
- 2) That the fence location be updated along the north elevation to be within the building setback;
- 3) That the proposed fencing detail be updated to confirm the fence will be of a wrought-iron style;
- 4) That all mechanicals be painted to match the structure; and
- 5) That the sign be revised to meet all Code requirements to be verified at sign permitting.

Chris Brown requested a definition of the 'wrought-iron style' fence requested. Ms. Martin said that language is commonly used in the texts for Dublin's daycare centers and it is typically an aluminum fence painted black in that style.

Mr. Brown asked if the language be changed to a durable metal fence.

Amy Salay asked if the rubble wall was the same as stacked stone. Ms. Martin said Staff's intention with this condition is that it be a Dublin-style stacked stone wall with bookends and the wall would be held together with mortar.

The Chair invited the applicant to come forward.

Andrew Gardner, 3500 Snouffer Road, Columbus, Ohio, said he was with Bird + Bull Engineers and Surveyors and the civil engineer for the Stonehenge Company representing this project. He stated he is in support of the condition about the wall detail. He indicated the applicant revised the elevation by adding the double door on the east elevation, by adding landscaping on that elevation, and eliminating the fence on the south and east elevations. He concluded the intent was to address all of the Commission's concerns heard from the May meeting.

Mr. Brown inquired about the internally illuminated sign dimensions. Mr. Gardner said he understands they need to revise the size of the sign but believes the letters are illuminated.

Chris Commarota, Kiddie Academy Franchise, 3415 Box Hill Corporate Center, Abingdon, MD, 21009, clarified the sign is an aluminum face with acrylic letters that are punched through the aluminum so it almost looks like a halo sign; the face of the letters are opaque and the light comes through clear acrylic around the shape of the letter.

Cathy De Rosa inquired about the design style of the fence the applicant intends to use. Mr. Gardner indicated the intent will most likely be an aluminum fence painted black to simulate a wrought iron type fence.

Mr. Commarota clarified the picket fence has panels  $\pm 8$  feet apart, space between the  $\pm 5/8^{\text{th}}$  of an inch by  $\pm 5/8^{\text{th}}$  of an inch, size of pickets is  $\pm 3.5$  inches, and they come prefinished in black. He said the posts are  $\pm 2.5$  inches square and there is a bottom rail and two top rails that are separated by about  $\pm 6$  inches.

The Chair said if there were no more questions, she would invite the public to speak.

Dale Bruggeman, 6105 Tuswell Drive, said he understood Staff to say the proposal generally consists with the vision of the special area plan and that is the Avery Road Community Plan. He asked if there were discussions with Engineering, specific to the parcels north of this property because the Planning Report does not state what happens north. He said in 2012, it was decided that there would not be any left in/left outs in between Tuswell Drive and Shier Rings Road.

Mr. Bruggeman said he recalls this was intended to be a daycare center back in 2008 and does not believe anyone in the development disagrees with that use but increasing the size to 10,000 square feet and eliminating the road, the connector into the parcels that are north of this, blows the Community Plan.

Mr. Bruggeman said there are no adjacent uses now but the northern parcels are going to be impacted on how they access Avery Road and if that left in/left out is eliminated, the residents on those northern parcels are going to have limited access.

Mr. Bruggeman concluded by asking if Kiddie Academy is planning on accepting Title 20 as part of their enrollment process.

After finding there was no one else from the public that wanted to speak, the Chair closed the public portion of the meeting.

Mr. Commarota said the franchisee has not decided yet whether they will accept Title 20 as they are still in the early stages of planning but will decide prior to opening.

The Chair asked Engineering to address the traffic concerns.

Aaron Stanford said the roundabout has been installed since the original plan so the parcels off to the north very likely would have some form of restricted access. But one of the benefits of the roundabout is that turns can be made in a very short distance and provide mobility to head back north. He offered to continue the discussion with Mr. Bruggeman outside of this meeting.

Mr. Brown asked what kind of screening is planned for the north side of the building. Mr. Gardner answered there is an existing tree line on that side so no additional landscape screening is planned. He noted the previous iteration of this proposal had a fence adjacent to the sidewalk but after hearing that should be eliminated, that prompted the idea for using that area for gardening projects.

Mr. Commarota indicated there will be little units placed out in the garden area above grade for the children that are 3-foot by 3-foot or 3-foot by 4-foot in size, elevated to waist level so a lot of room is not needed and the raised beds will be assigned to different classes.

Steve Stidhem asked if the applicant had conversations with the neighborhood association as that is usually a good thing to do. Mr. Gardner stated that the developer is not in attendance this evening but he is here to represent them and he reported they have not had any direct conversations with the association. He said they tried to reach out today to the three residents that spoke at the May meeting; they reached one but left voice mails for the other two residents.

Mr. Stidhem recalled that the public input received at the May meeting was not all positive. He stated he is a big fan of working with the neighborhood and addressing their concerns to make sure they are on board with a project like this. This has been planned to be a daycare center for a long time, which he said he understands, but more effort should have been made to work with the neighborhood as he can see their point of view, which mainly involves traffic. Overall, he told the applicant he appreciated that they addressed a lot of concerns the Commission had. He said he understands Engineering's explanation of the restriction for where the entrance can be placed but there might be some other alternatives to block that light pollution that will occur there. He inquired more about the access for the northern parcels because there is no way to have a pass-through over to Tuswell Drive; they would go off that service road just to the north.

Mr. Stanford reiterated that there is likely to be some restrictions to movement in the short term if that were to develop tomorrow. Long term, to the north of this area, he said could be an area that is likely to have a roundabout at Avery and Shier Rings Roads, which would create more mobility. He emphasized that every single site that is developed in Dublin does not have full access to every movement; they just do not. He indicated there are some areas that need to take the compromises for safety because of volume. He said Engineering does not guarantee full movements at every drive-way. Roundabouts give more mobility they have found, and increases the directions those people from drive-ways can move.

Mr. Stidhem said he was not super concerned about traffic as he feels it is something that will take care of itself; he was just voicing the concerns of the residents since the applicant did not take the time to work with the residents on this.

Cathy De Rosa said she appreciated that the applicant listened to what the residents had to say at the last meeting and made adjustments in response to the Commission's concerns. She said the removal of the fence along Avery Road is a big improvement along with the wrought-iron style fence and additional landscaping proposed. She stated the five-foot-tall fence makes sense. She said she was surprised and disappointed that there was not a bigger effort made to reach out to the residents given all the input voiced at the May meeting.

Ms. Salay said the general practice is to encourage applicants to reach out to residents in adjacent properties. Ms. Martin said that happened in the pre-submittal phase by meeting with Stonehenge. Ms. Salay said Kendall Ridge has its own neighborhood association.

Mr. Brown said he looks at the overall impact of the property and the use of it and the applicant addressed the Commission's concerns. He said it is on a busy road and traffic continues to be a contentious issue but this will have a fairly low impact on traffic with this use.

Bob Miller said he agrees with Mr. Brown in how the applicant has addressed the Commission's comments. He indicated he knows Title 9 pretty well but inquired about Title 20 as it pertains to enrollment.

Ms. Salay explained that Title 20 is for low income families that make a certain amount of money and they can receive funds to assist them for finding childcare because childcare can be so unaffordable. She indicated it can be difficult to find a good center that accepts Title 20 participants.

Mr. Miller said headlights coming into the windows of homes was discussed at length at the May meeting. He asked if Engineering had the opportunity to find ways to turn that driveway or move it. Mr. Stanford answered additional information was provided in the packet. He said the general location of that driveway is set in that agreement; it was put in place because Engineering did not want the site to access Avery Road and with the roundabout being added, Engineering had to place this as far away from that intersection as possible so that is why there is a push to the west. He suggested fine tweaking the alignment as it intersects to the road but he cannot be certain that would have a major impact for

preventing headlights into the windows of the residence. Mr. Miller suggested turning that driveway to the southeast just a little bit.

Mr. Stanford added Engineering is considering what becomes left of the property on the south side of Tuswell Drive; they want to align driveways of that future development, if anything were to happen there too. He reiterated they want to keep it as far west as they possibly can or at some point it becomes too close to the roundabout.

Victoria Newell asked why access onto Avery Road is inappropriate. Mr. Stanford explained that any parcel that requires a means of ingress/egress, other than a major arterial that has much higher volumes and speeds, Engineering is always going to encourage a second means of access for safety, capacity, and function of the roadway. As Engineering took the roundabout into consideration they determined access off Tuswell Drive would work really well.

Deborah Mitchell reiterated the comments made by the Commission about the importance of reaching out to adjacent property owners.

Ms. Newell thanked the applicant for incorporating a number of the Commission's concerns from the last meeting and that she appreciated Staff reviewing traffic issues. She agreed this is the best location for the drive and stated she is comfortable with the application. She concluded she always appreciates when a developer reaches out to the residents.

Ms. Martin posted the condition for the Rezoning with a Preliminary Development Plan:

- 1) That the development text be updated to require a wrought-iron style decorative fence.

The Chair asked the applicant if they were in agreement with that condition, to which Mr. Gardner answered affirmatively.

### **Motion and Vote**

Mr. Brown moved, Ms. Mitchell seconded, to recommend approval to City Council for the Rezoning with a Preliminary Development Plan. The vote was as follows: Ms. Salay, yes; Ms. De Rosa, yes; Mr. Miller, yes; Mr. Stidhem, yes; Ms. Newell, yes; Ms. Mitchell, yes; and Mr. Brown, yes. (Approved 7 – 0)

Ms. Martin again posted the five conditions related to the Final Development Plan:

- 1) That the landscape wall design along Avery Road be revised to a stacked limestone wall design to be verified at Building Permitting;
- 2) That the fence location be updated along the north elevation to comply with the development standards and be located in the buildable area of the lot;
- 3) That the proposed fencing detail be updated to confirm the fence will be of a wrought-iron style;
- 4) That all mechanicals be painted to match the structure; and
- 5) That the sign be revised to meet all Code requirements to be verified at sign permitting.

The Chair asked the applicant if he was in agreement with the five conditions, to which Mr. Gardner answered affirmatively.

Mr. Miller asked if a condition could be added to state that Engineering would work on the re-alignment of that drive. Ms. Martin affirmed that if we want to monitor the location, a condition should be added because the Commission would be approving a Site Plan with this Final Development Plan.

Mr. Gardner clarified the Commission is requesting to modify the angle that the driveway is intersecting with Tuswell Drive and not necessarily the location.

The sixth condition was added as follows:

- 6) That the applicant work with the City Engineer to modify the angle of the access drive off Tuswell Drive.

The Chair asked the applicant if he was in agreement with the sixth condition to which he answered affirmatively.

### **Motion and Vote**

Mr. Brown moved, Mr. Miller seconded to approve the Final Development Plan with six conditions. The vote was as follows: Mr. Stidhem, yes; Ms. Mitchell, yes; Ms. Newell, yes; Ms. Salay, yes; Ms. De Rosa, yes; Mr. Miller, yes; and Mr. Brown, yes. (Approved 7 – 0)

Steve Stidhem noted this would have been an awesome opportunity to have required the applicant provide renewable energy for this new building. He said he understands the City does not have everything in place to do that but he is going to keep saying it. When the City approves a new building there is an opportunity for renewable energy versus trying to retrofit an existing building. Vince Papsidero added there is a zoning side to that which requires Code updates and then there is a Building Code side, which we have nothing to do with as it is outside our purview. Mr. Stidhem emphasized that the Zoning Code is within our purview and we could start with that. Chris Brown asked if that would require a directive from City Council. Mr. Stidhem said we will not have change unless we start somewhere. Mr. Papsidero indicated that EcoDublin is getting re-started and the Zoning Code is part of that larger scope of work that involves our Staff. He said that could come up as well as a lot of other similar issues.

### **PLANNING ITEMS**

Vince Papsidero said this is a fairly long list Planning is working through. He presented the 2017 Project Schedule for the Planning Division and noted the following:

#### Bridge Street District

- Code
- Design Guidelines
- Historic District Amendment, (to create a new sub district), which is currently at the ARB with their review tentatively scheduled for July to be reviewed by the PZC in August.
- Sign Code Amendment, which was adopted by Council

Cathy De Rosa inquired about the new district within the Historic District and asked if the names could be more distinctive to minimize confusion. Mr. Papsidero said he understood because there are also numerous districts that overlay those districts. Ms. De Rosa said the clarity would help as people are excited and concerned with the new developments. She suggested as this moves forward that information be placed on the website as these districts and the various Codes can get confusing.

Victoria Newell said she has noticed a lot of cut-through traffic occurring since the roundabout has been in place and traffic backs up at the light at SR 161. She asked if that was going to be investigated. Mr. Papsidero explained by limiting the scale of new development as it pertains to this scope of work, it will have a positive impact on traffic. In terms of cut-through traffic, he said, other than trying to minimize the density of an area that is being impacted, there is little that the Zoning Code can do specifically in terms of the road network in that regard. He indicated it comes down to managing traffic flow at intersections. He said this intersection could be discussed with Engineering. Ms. Newell said she feels for some of the residents that live in that area because she witnesses the cut-through traffic all the time.

Mr. Papsidero said the BSD Code and Design Guidelines (companion book) will be shown to the Commission later in the year. He continued with the Planning Project List:

Cultural and Historic Inventory - Mr. Papsidero reported that just wrapped up and will be shared with the ARB at their next meeting. He said it will be posted on the City's website and well-worth reviewing. He said the documentation is extensive; there are over 800 properties that were surveyed; and the appendix alone is 1000 pages. He said this information is noted on the GIS data as well. For example, he said there is a GIS layer just for stone walls. He indicated there were 20 or 30 key items found. Every structure that is 40 years or older, he said, has a page in this document.

Downtown Dublin Parking Management Study – Mr. Papsidero indicated parking signs will start appearing along Riverside Drive and Bridge Park Avenue, etc. He said there are short-term and long-term strategies.

Steve Stidhem suggested that pick-up/drop-off areas be considered in the future.

Historic Dublin

- ARB Code (separate from BSD)
- Refined Demolition Code
- Updating and Completing the Design Guidelines

Metro-Blazer

- Plan
- Code + Rezoning
- Design Guidelines

Mobility Study – focusing on bicycle & vehicle sharing, better bike facilities, circulators, and mini mobility hubs.

Temporary Signs – This gets back to a Supreme Court Ruling (2015) that temporary signs cannot be regulated based on content.

Tree Protection Policy

Landscape Code Update

W. Bridge Street

- Framework Plan
- Traffic Modeling (assisting Engineering)

West Innovation District

- Plan Update
- Code Update
- Design Guidelines

Mr. Papsidero concluded the above work schedules can be modified whereas the Development side of Planning has to be dealt with according to the Zoning Code requirements. He indicated there are 15 new projects in the works, some of them quite large and they all may or may not be moving forward.

Ms. De Rosa brought up the case this evening in terms of getting residential input. She asked why that is not a more formal part of the plan to date. She asked if this is a legal requirement or if it is an optional request. She asked why there is not a section on the Planning Report that states the surrounding communities and the communication that the applicant has undertaken. Mr. Papsidero explained the



burden is on the developer to engage the neighborhood; Staff is not always privy to that communication. If the developer is responsible, he indicated, they will do a very good job and that may not be heard through testimony from residents but we do not directly monitor their communication, which may not be appropriate or legal. He explained there needs to be some distance between what the developer does and what Staff does as the legal authority of the City. Ms. De Rosa said it is not so much about the communication discussed but that the communication occurred. She asked if that could be made into a step for the process. Mr. Papsidero said there are things we can recommend but our Code does not demand it.

Chris Brown said there is not a lack of awareness as signs are posted and notices are sent out.

Ms. De Rosa asked how we make sure this expectation of the developer is fully understood. From a Staff perspective, Ms. Martin reported this is emphasized as much as possible in the pre-submittal meeting with the developer because at the time of submittal is really when the residents should be contacted for input. She added there are Code requirements as far as public notification, based on application type, certain radius of adjacent property owners to include, certain applications that require Council approval require a greater area of notification and all notifications are sent out with every single agenda that is sent out publically. She added Planning Staff has a practice of actually posting a sign on site. Mr. Papsidero said even before an application is submitted, the developers are encouraged to reach out to residents if the application may become highly controversial to hear their input and take that into account before ever filing.

Mr. Stidhem said the HOA needs to take some responsibility as well.

Thaddeus Boggs said from a legal perspective, the standards are tied to what is in the Zoning Code. If Council were to enact an ordinance that developers must have a certain number of meetings would be one thing but in the absence of that sort of requirement in the Code, it is more of a 'staff encouraged' request but the lack of that should not be the basis for a decision because ultimately that could be appealed, too, and reversible on those grounds if it meets the other standards in the Code.

Ms. Newell asked if the agendas could be posted on Next Door, to which Staff agreed could be possible. She added people pay so much attention to their phones and may not pay attention to a physical sign that they have driven by 20 times.

Mr. Stidhem asked if there is a listing of the new businesses going into Bridge Park. Mr. Papsidero said whatever is on their website is what has been publically announced.

The Chair asked if there were any additional comments. [Hearing none.] She adjourned the meeting at 7:53 pm.

As approved by the Planning and Zoning Commission on August 10, 2017.