



MEETING MINUTES

Planning & Zoning Commission

Thursday, August 10, 2017

AGENDA

- 1. Thomas Kohler, Subarea A – United Healthcare Signs** **5900 Parkwood Place**
17-073AFDP **Amended Final Development Plan (Approved 4 – 0)**
- 2. St. John’s Lutheran Church – Bell Tower** **6135 Rings Road**
17-066CU **Conditional Use (Tabled 4 – 0)**
- 3. PUD – Autumn Rose Woods** **7150 & 7270 Hyland-Croy Road**
17-062FDP/FP **Final Development Plan (Approved 4 – 0)**
Final Plat (Recommended for Approval 4 – 0)
- 4. BSD-P – Columbus Metropolitan Library, Dublin Branch** **75 North High Street**
17-069Z **Rezoning (Recommended for Approval 4 – 0)**
- 5. Historic Dublin – BSD Code Amendment** **Historic Dublin**
17-052ADMC **Administrative Request – Code (Recommended for Approval 4 – 0)**
- 6. Historic Dublin – Zoning Map Amendment** **Historic Dublin**
17-074Z **Rezoning (Recommended for Approval 4 – 0)**

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: Cathy De Rosa, Amy Salay, and Bob Miller. Victoria Newell, Deborah Mitchell, and Stephen Stidhem were absent. City representatives present were: Vince Papsidero, Thaddeus Boggs, Lori Burchett, Nichole Martin, Cameron Roberts, Aaron Stanford, Michael Hendershot, Doug McCollough, and Flora Rogers.

Administrative Business

Motion and Vote

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

Motion and Vote

Mr. Brown moved, Mr. Miller seconded, to accept the meeting minutes from June 8, 2017. The vote was as follows: Mr. Brown, yes Ms. De Rosa, yes; Ms. Salay, yes and Mr. Miller, yes. (Approved 4 - 0)



Motion and Vote

Mr. Brown moved, Ms. Salay seconded, to accept the meeting minutes from June 22, 2017. The vote was as follows: Ms. De Rosa, yes; Mr. Miller, yes. Ms. Salay, yes; and Mr. Brown, yes. (Approved 4 - 0)

The Vice Chair briefly explained the rules and procedures of the Planning and Zoning Commission. He stated the following cases are eligible for the Consent Agenda this evening: United Health Care signs and Columbus Metropolitan Library, Dublin Branch.

The Vice Chair said the cases would be heard in the following order: 1, 4, 2, 5, 6, and 3 but would be recorded in the minutes in the order they were presented on the Agenda.

1. Thomas Kohler, Subarea A – United Healthcare Signs 5900 Parkwood Place 17-073AFDP Amended Final Development Plan

The Vice Chair, Chris Brown, said the following application is for a 90-square-foot wall sign and a 49-square-foot ground sign for a corporate office within an existing building. He said the site is on the east side of Parkwood Place, approximately 950 feet north of the intersection with Woerner-Temple Road. He said this is a request for a review and approval of an Amended Final Development Plan under the provisions of Zoning Code Section 153.050.

The Vice Chair asked his fellow Commissioners if they wanted to hear the case, even though it was on the Consent Agenda. [Hearing none.] He asked if anyone from the public wished to speak on this case. [Hearing none.]

The Vice Chair said there was one condition with the Amended Final Development Plan and asked the applicant if they agreed to the condition as presented:

- 1) That the applicant revise the proposed wall sign to be a single color to meet the requirements of the Corporate Office Signs provision.

Steve Moore, Moore Signs, said he was representing United Health Care, and resided at 6060 Westerville Road, Westerville, Ohio. He said he was asked to explain to the Commission why the colors were chosen and if only a single color was permitted, he would then agree to the condition.

The Vice Chair called for a brief presentation by Staff, first.

Cameron Roberts said the condition is related to their proposed corporate office wall sign and proposed to be located on the building's east façade on the top left corner, which faces I-270. He said the sign is 89.7 square feet while the maximum permitted would be 300 square feet. The proposed sign will be illuminated and consists of two colors, blue channel lettering with a white metal retainer outlining the letters. The corporate office sign provision limits wall signs to a maximum of one color. Due to this provision staff has proposed a condition that the applicant revise the wall sign to be a single color.

The Vice Chair confirmed the color is a dark blue and there is a second proposed ground sign. Mr. Roberts said the sign would be on the site's northern access point facing Parkwood Place. The sign has an overall size of 48.9 SF and a height of 4 feet 8 inches. Code permits a maximum size of 50 SF with a maximum height of 15 feet, so the sign meets all code requirements in terms of size. The sign consists of blue copy with an aluminum finished background All of the sign will be made out of an aluminum plate material. In terms of size and design, everything appears to meet code and all landscaping surrounding the sign will remain the same.

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

Mr. Moore described the wall sign as having illuminated channel letters, illuminated from within. The channel letter has a very thin trim that holds the face to the can or the edge of the letters because this is such a high-rise sign. He said they were worried about the wind load on those letters and spaces so they added a metal trim around it to beef up the attachment of the spaces to the edges of the letters. He explained that created a bit of an issue with the stroke of the font and the appearance matching with United Health Care's font is when you paint that white border which is the trim that holds the letter face on, it increases the font stroke of United Health Care's font. That is why they wanted to use the white for the trim and explain the purpose of the width of the trim was. He said if it was a normal channel letter it would not be an issue, it would be all blue, and they would not be increasing the stroke of the letter.

The Vice Chair asked staff if the design with the white around the letters was now being proposed as two colors, to which Ms. Burchett answered affirmatively because both the blue and the white are present.

Amy Salay said we want to give our corporate residents recognition but we also want to keep the color down. She asked how other buildings do to still have one color and have things fastened on. She said there are a lot of signs that have that wind load and still maintain the one color.

Ms. Burchett said staff's concern was the illumination and being able to see the white and so that is why they determined it would be part of the colors.

Mr. Moore said the dual color would only be visible during the day and at night it would appear as one color. He said from I-270 one would struggle to see the white because it is on a white background.

Mr. Brown asked if the background was white to which Ms. Burchett agreed. He said this would still be an issue should other cases arise.

Cathy De Rosa suggested the applicant look into some different lighting.

Mr. Brown said there are just four Commissioners present and asked the applicant if he wanted to table this and consider other options or whether he wanted to accept the condition of one color.

Mr. Moore said he explained himself so he would accept the condition to get a vote and carry on as this building is due to open in two to three weeks.

Motion and Vote

Ms. Salay moved, Mr. Miller seconded, to approve the Amended Final Development Plan with the following condition:

- 1) That the applicant revise the proposed wall sign to be a single color to meet the requirements of the Corporate Office Signs provision.

The vote was as follows: Ms. De Rosa, yes; Mr. Brown, yes; Mr. Miller, yes; and Ms. Salay, yes. (Approved 4 – 0)

2. St. John's Lutheran Church – Bell Tower 17-066CU

6135 Rings Road Conditional Use

The Vice Chair, Chris Brown, said the following application is for a new Wireless Communication Facility within a 104-foot-tall stealth structure on a 10-acre site zoned R-2, Restricted Suburban Residential District. He said the site is on the south side of Rings Road approximately 400 feet southeast of the

intersection with Avery Road. He said this is a request for a review and approval of a Conditional Use for a Wireless Communication Facility under the provisions of Chapter 99 of the Dublin Code of Ordinances and Zoning Code Section 153.236.

The Vice Chair swore in anyone interested in addressing the Commission with regard to this case.

Nichole Martin presented an aerial view of the site and said the northern portion of the site is predominantly vacant, a portion of the church's parking lot is present on the northwest portion as well as a community garden. She explained the site is bisected by Cramer's Ditch running east/west. The southern portion of the site she noted includes a baseball diamond. She noted the site is not under the purview of the ARB, however, the adjacent church is within the ARB's purview.

Ms. Martin explained most Wireless Facility cases are administrative by nature and approved by the Administrative Review Team. She said wireless structures in residential districts are required to be alternative structures and one type is a stealth structure, which is what is being proposed this evening. All wireless structures in residential zoning districts require review and approval of a Conditional Use by the Planning and Zoning Commission.

Ms. Martin stated the City of Dublin and Verizon Wireless have been working together, dating back to 2009, to identify areas of the City that are under served. She said together they have identified areas for these wireless structures that must be architecturally integrated with elements already present on the site or natural features.

Ms. Martin presented a zoomed-in aerial view of the site and noted the affected area of the site/the proposed location for the wireless facility where the wireless carrier will be leasing land from the church; no other portion of the site is proposed to be modified. She said the reason the facility is located at the end of the drive aisle is because of floodway and flood plain that exists on the site. She explained no structures can be built within the flood plain or floodway dependent on the percent chance of flooding, therefore, the structure is located to best meet the zoning requirements. She noted the property line and explained wireless towers are required to be set back 100 feet from all adjacent property lines. She noted the western line exists because of the school boundary, and the applicant is unable to meet the 100-foot-setback; the structure is proposed at 93 feet because lots cannot be combined due to the two different school districts. She reported Staff is supportive of the proposed deviation.

Ms. Martin presented the proposed tower at 104 feet tall. The tower is clad with fiberglass panels in a faux brick texture - color matched to the church with faux windows details. She added there is also a steeple design feature to match the church. In previous proposals, she noted the steeple was not part of the proposal mainly because the wireless Code requirement only permits a tower height of 80 feet. She reported that staff is supportive of the steeple structure at a 104 feet tall because it is a better integrated design with the church.

Ms. Martin presented the proposed screening and landscaping required at the base of the tower.

Fence to enclose the entire perimeter of the structure

- Required: 1 ft. taller than equipment being screened
- Proposed: 6 ft. wooden fence with matching gate

Landscaping to soften the visual obtrusiveness of the fence and structure at ground level

- Provided around south, east, and north portions of the tower
- Details to be provided with the building permit

Ms. Martin explained this Conditional Use application is being reviewed under two sections of the City of Dublin Code, the standard Conditional Use criteria in Chapter 153 and all of these are met - some with conditions. The second is the Conditional Use criteria as listed in Chapter 99 and these are specific to wireless facilities.

Ms. Martin said Planning is recommending approval with four conditions:

- 1) That the applicant submit a Special Flood Hazard Area Development Permit Application (SFHADPA) for any work proposed within the floodplain;
- 2) That the applicant submit additional calculations with the feasibility assessment to demonstrate compliance with Chapter 53 of the Dublin Code of Ordinances, subject to approval by the City Engineer;
- 3) That the applicant submit a Fire Resistance Study for the building material demonstrating compliance with all applicable regulations to the satisfaction of the Fire Marshal; and
- 4) That the applicant revise the landscape plan to provide a natural buffer along the perimeter of the fence enclosure with the building permit, subject to staff approval.

Thaddeus Boggs said this body does not often hear this sort of wireless tower proposals so he was asked to orient the Commission to an additional legal element that will affect the Commission's review of this proposal. He said the Federal Government in 1996 enacted a Telecommunications Act, which generally preserves local ability to determine the location within respect to wireless towers, however, it does pose some specific limitations upon that local authority:

1. Requires any decision to deny an application must be in writing and must provide substantial evidence to support the decision to deny; and
2. The local authority is limited in considering certain reasons for denial– The Commission cannot base a denial of a request on the environmental effects of radio frequency emissions provided those emissions are within the boundaries established by the FCC.

As the Commission considers this application and hears public comment tonight, Mr. Boggs recommended the Commission keep the additional federal legislation he just noted in mind.

The Vice Chair said the Commission received a letter from a resident that addressed potential health issues. He clarified that if their standards and their measure of radiation or microwave fall within the federal guidelines - that is not a reason for the Commission to deny a proposal, to which Mr. Boggs agreed.

Bob Miller asked, as it pertains to the stealth structure, material choices, the structure itself, height, are all within the Commission's purview, to which Mr. Boggs answered affirmatively.

Mr. Boggs further explained that standard zoning criteria should be used as long as the application does not have the effect of denying wireless service in the area generally, or discriminating among providers. Straight application of zoning criteria is permissible.

Cathy De Rosa asked what the minimum height would be that would make this tower effective. She also asked why these material choices were made. Ms. Martin said she would direct these types of questions to the applicant as they are best suited to answer.

Amy Salay questioned if there would be more than one tower. Ms. Martin answered only one tower is proposed; however, the single tower is able to accommodate multiple carriers, which provides a wider variety of service options to a residential area.

The Vice Chair invited the applicant to present their case.

Robert Ferguson, United Acquisition Services, 246 Lansing Street, Columbus, Ohio 43206, said they have been working with the City since 2007. At that time, he said the reason for the need was a coverage issue. He explained underserved areas are a part of any wireless buildout and when a telecom carrier begins that buildout, most of them target a downtown and an airport and do the connectors in between. Therefore, they cover the highway and then they begin to cover the commercial and industrial areas.

In this particular case, he said, as time moved on, they moved through design considerations with the City. He said the advent of the iPhone and smart phones began to impact the telecom carriers and with that came a need for data, which is texting, internet surfing, video streaming, email communications, apps, which introduced a different equation to the challenge that the wireless carriers have. He said it is no longer just a coverage issue, it is also a capacity issue. As this site was released in 2007, he explained those needs have compounded now ten years later.

Mr. Ferguson pointed out that in their effort to work with the City of Dublin and do their best to meet the Zoning Code, they really began to target the areas that have larger land mass and a larger buffer to the residential areas. He explained this tower has gone through several iterations of redesign; in 2013/2014, it was a 140-foot tower with a non-solid surface to it. He said they have built a tower to handle multiple carriers to cut down the proliferation of towers in the community. He said they have to get over the trees in order to have the umbrella effect of the coverage make a difference, which took them to 104 feet.

Mr. Ferguson said they could have selected a co-location on a roof but in this particular case, the highest points to work with was 67 feet at the top of the cupola on the church so there was no good way to take advantage of that. He said they even looked at other sites.

In order to be aesthetically pleasing, Mr. Ferguson noted they focused in on the bell tower outside the historic sanctuary at this church. He said they knew it was going to be expensive. He said they modeled this bell tower to look exactly like the shorter version of the actual tower that is there. He noted the 80-foot alternate version meets the criteria both on the conditional side and on wireless facility side. He explained the additional 24 feet gives it a pitched roof with a spire on top of it that includes a grounding mechanism, which is an extra safety feature whereas the lopped off roof looks incomplete.

Mr. Ferguson said the equipment pads outlined on the plans behind the structure are there for future use by other carriers. He said they are not sure when someone may or may not co-locate but per the Code, that option is there from a structural standpoint. He said the two pads behind will be fenced in and all coax cable will run up inside the tower so no equipment will be visible. He said this tower is a one-of-a-kind in terms of proposal here in Central Ohio. He explained it is a four-leg tower and built to withstand the building Code criteria.

Mr. Ferguson said the materials are fiberglass. He said the tower is made of a patented fiberglass material that allows the frequency to pass in and pass out so the tower can function just like if it was a regular steel tower. He said they can provide paperwork showing they have ASTM Standards for the Code's fire requirement. He presented a color match sample to the brick on the actual church that includes some shading and coloration. He said Stealth stands behind their product in terms of fade and discoloration and cracking and they can submit those materials as well with the building permit.

Chris Brown asked about the roof structure, itself. Mr. Ferguson said the entire structure is made of fiberglass.

Ms. De Rosa referred to his earlier comment about the structure's height needing to get past trees. She asked what the minimum height could be on that property. Mr. Ferguson said he was not sure but the Zoning Code permits 80 feet so that is what they designed to in terms of having that structure function.

Ms. Salay confirmed that Mr. Ferguson did not know the height needed for effectiveness. He said the RF Engineer determined the lower heights available (52 – 67 feet) would not work but 80 feet would.

Ms. Salay asked if they get complaints from customers in the area that they cannot get what they need from their Verizon phones.

Dan Noble, 7575 Commerce Court, Lewis Center, Ohio, said he is the real estate project manager for the Central Ohio area. He explained that when they have customer complaints, it comes in a couple different forms: drop call data, mean RF engineers get complaints through drop call logs or from customers talking to store representatives. In order to meet the Code for a co-location, and to allow other carriers to come in, they have to go 80 feet so the service would not be lost in the trees. He said they have a tool that shows current coverage and then if this tower goes in, what the future coverage would be.

Ms. De Rosa inquired about capacity more than coverage. She said drop calls is one thing, but what other common uses on the phone are they seeing in the community. Mr. Noble said that information goes to a different type of data and that is the download times. She asked what data they are seeing in this community. Mr. Noble said he did not have that data with him. He said the RF engineers are the ones who give them the direction of the search range.

Mr. Noble said this is not only for Verizon customers but it handles 911 calls, handles City of Dublin's Police calls, and a lot of different things go into that calculation of download speeds or police investigations of license plate numbers from a cruiser.

Mr. Ferguson said in regard to the question about materials, he said there is some steel in this application such as in the corners of the tower and ladders, and a minimal amount for clips and binders.

Mr. Brown referred to the plans. He said it could be the shading of the rendering, but these panels have just an unfinished end and something that seals that so it will always look like continuous brick. Mr. Ferguson said there will be reveals, dental work, and there will not be an unfinished portion of that panel. He said they come in a 4 X 8 foot panel and they will be custom fit.

Ms. De Rosa asked in addition to the bell tower what other forms were considered. Mr. Ferguson answered they considered the Parks Drilling Site but it was determined to not be an option. He said they considered further south on Washington Township's property trying to combine a use there with the tornado siren and they did not gain consensus there.

The Vice Chair said he was prepared to invite the public to speak and explained they were limited to five minutes.

John Kormanik, 5527 Cara Court, clarified it is a cell tower, not a bell tower. He said he lives within 300 feet of that location, there are a lot of issues. He noted the flood plain and it is one of the lowest areas per the topography map. He said if the tower were to be built it would be better placed at the front at Rings Road to be at one of the highest points. He said he does not know how many cell towers Verizon has but he has Verizon service and he gets very good service. He said he has never had a dropped call or any problem or issue.

Mr. Kormanik pointed out that the church runs a day care center for children during the school months and children are there – 4, 5, 6, years old and they are going to be exposed. He said it was noted earlier in the meeting that the FCC states the Commission cannot disqualify because of the RF factor. He said everyone knows and everyone can sense that there are health issues regarding cell phone towers. He said they are everywhere and there is litigation everywhere. He said the FCC is very vague, they more or less push it out to the towns and the little municipalities to do your due diligence to help the residents so we have a good community. He said the tower that is going to be there but, could be in other locations to serve better. He said there are approximately 40 towers and there are about 85,000 people in town. He said one cell tower could cover 3400 acres. He understands cell towers are necessary but the location proposed is not the right location for this cell tower. He said it is going to be a big structure, other than the health concerns, increased cancer, leukemia, all that. He said many other countries have learned and have lowered their RFID radiation. He asked what the RFID radiation level is going to be.

The Vice Chair answered it will follow the government guidelines and the Commission is not permitted to take that into consideration.

Mr. Kormanik said someone needs to state what the RFID radiation is going to be and confirm it will not exceed a certain amount. He said besides the daycare, on the other side there is an assisted-living facility with four elderly people and all have health-related issues. He said that it is a known fact that cellular towers do cause health issues.

Mr. Kormanik said the structure would be placed in a heavily trafficked area that is coming through the park and that is right where everybody crosses. He said there will be a lot of children crossing right by that structure, it will be right on the beaten path. He said there will be a significant property devaluation. He asked the Commission to consider what is in the best interest of the people of the City of Dublin.

Edmond L. Krohn, 5508 Cara Court, said he has been a resident of Dublin for 41 years and he opposes the proposed stealth cell bell tower. He said the Code permits 80 feet in height and this proposal is for 104 feet, the setback is 100 feet and they are requesting 93 feet. He concluded he does not like those numbers nor does he like the health hazards this tower presents.

Larry Kincaid, 5509 Cara Court, said he is opposed to the tower. He recalled that four years ago they annexed themselves and gave Dublin a lot of property because they thought Dublin would be the best place to protect them. He said he has been there for 40 years, he was a school teacher, and the only real value he has is his property and he is counting on that for his retirement. He said he put a lot of time and money in his house so his biggest concern is property values along with health concerns. He said he lost his wife to Alzheimer's four years ago and she was only 60 years old.

Chris Freeman, 5545 Cara Court, said he has been living there for five years. He said they chose Dublin because they thought Dublin would be receptive to any issues that might come up. He said he opposes this proposal as well. He recalled Mr. Boggs said we cannot state health benefits as a reason for disqualifying this tower but it is still something that should be put out there. He said it is pumping out radio frequencies. What the exact implications are of that he is not sure but not something he wants to find out. He said this is the Cara court neighborhood at least and it is turning over, he is a new family and they have a new family across the street. He said with new people coming in, he is not sure what a benefit it would be. He said people are going to look at that tower and people will second guess their decision to live there no matter if the FCC says it is safe or not. He restated that there are going to be children inside the church that will be exposed to this, all day long, his daughter being one of them.

Mr. Freeman said faux structures will look great the first day they are erected but he has not heard what the plan is going forward – five years, ten years, and what happens when some of this material ages. He asked if there is a service plan. He asked if Dublin is going to hold the company responsible if this thing starts to fade away. He said that is something to consider as well, purely from an aesthetics point of

view. He said it is going to look "off". He said a "bell tower" is pretty ingenious but it is a bell tower that is ±100 feet away from the church. Therefore, he asked what bell tower is that far away from a church, whatever the distance is. He concluded the faux bell tower will look pretty strange.

Tom Cartwright, 5923 Hathaway Avenue, said he represents the Ballgriffin Homeowner's Association and he is also on the Architectural Review Board of their HOA. He reported they are unanimously opposed to the tower and would love it if an alternative location was considered. He said most of the good points have been brought up and others will be brought up later. He said they do not want a cell tower called a bell tower in their backyards.

Donna Krohn, 5508 Cara Court, said they have been residents there since 1976 so they were also part of the annexation and spearheaded the annexation to bring ourselves to Dublin. She said she is so shocked and disappointed that anyone would even consider putting a cell tower in their neighborhood. She said there is property all along I-270, there is lots of commercial property, and this tower could be placed away from family homes. She urged the Commission to consider that when they are making their decision.

Deborah Kincaid, 5509 Cara Court, said she is opposed to the cell tower for the various reasons already stated. She said she is a Verizon customer and she gets great service.

Adam Skuratowicz, 5982 Rings Road, said he is opposed to the tower; he is very concerned that it will be an eyesore. He said the tower will be almost twice as tall as the church. He concluded he hopes that it does not get built.

Metin Gurcan, 6016 Rings Road, across the street from this proposed tower. He said he has an undergraduate, a Masters, and Ph.D in electrical engineering. He said in this discussion some presenters came from an emotional aspect and he wants to see the decision based on data. Unfortunately, neither the City of Dublin nor the presenter's provided relevant data. He said we do not know how many towers there are or the drop call rate and all of these questions went unanswered. As an electrical engineer, he said he is appalled by the way Dublin is handling this search to the degree.

Mr. Gurcan indicated that typically you would get the locations of these towers and then you would get the signal strength and in areas where there seems to be signal strength then you try to locate these towers. He restated all of this data is missing. He urged the Commission to really look at the data first before making a decision. He questions whether a tower is really needed in this location.

Mr. Gurcan said he already sent a letter to the Commission but unfortunately, only one part of it is presented so he asked to present it in its entirety. He said previously it was said that the FCC prohibits this Commission to make its decision only based on the health hazards but unfortunately, we have not seen any data presenting how much signal we are going to get at the daycare in the church enclosed by houses and other things so that the Commission would be able to make an informed decision. He said if someone had suggested to build a pig farm over there, he is certain the Commission would be concerned about outside effects and how it would look and they would be asking really detailed questions about the environmental effects. He said this is a cell tower and as such, he thinks some important questions should be asked.

Mr. Gurcan read the questions in his email letter:

1. All the discussion all the sub light information on the web page is about the cosmetic and constructional aspects. But no other data is presented. He said even the height information is very vague when you ask how tall this tower should be. He said the response was the RF engineer is stating 80 feet. He said we should see this data and where it is coming from. He

asked if it is a made up number or is there field analysis behind it. The Commission should see these, and as neighbors we should see this, or is it just convenient for Verizon.

2. Have health effects of cell towers been studied? He said there is a daycare in the church. Do we know if Verizon or church has any proof that this tower will not have any negative side effects? Can Verizon or the Church provide this information and give the formal verification that this tower will not have any negative health effects on the children in close proximity and they are willing to assume any health risks. He said there have been some studies showing diverse effects including headaches, skin rashes, depression, decreased libido, increase rates of suicide. He said there are more details in his email.
3. No information is provided on webpage and is not certain if the Commission has this information on the field strength of this high frequency electromagnetic field. This information should be supplied. He asked if Verizon or the Church can provide justification and proof that the total HFEMF value exposure related to mobile telecommunications are going to be far below recommended levels. He said we do not know what this cell tower is going to provide.
4. Another important consideration – how will this tower, when fully functional, affect the electronic equipment in our homes (computers, tablets, cell phones, pacemakers) is there any justification for this.
5. Other factors – how much power is this tower going to draw? And how is this going to affect the nearby houses and what type of protection against lightening if there are kids around.

Mr. Gurcan concluded we need hard data before making a decision.

Tom Holton, 5957 Roundstone Place, said he is the president of the Dublin Historical Society and on three separate occasions, the Historical Society has been contacted by cell tower companies regarding the impact of siting a cell tower in a certain location in advance of a placement of a cell tower and asking them for impact of the placing the cell tower in a particular spot relative to historic site, or historic building. Example: If we put the cell tower here, can you see it from the church? Or from another historic site. We tell them yes/no you can see it from any particular site and they would recommend they not put the cell tower at this site because it would disturb the sight line. He said they did not get a notice in this case, possibly because of location. He said when he heard about this one he wanted to comment because he is concerned about this particular one and the Commission should be concerned as well for several reasons:

If commission wants to consider this, and he is not a proponent at all,

1. Materials – have these materials been used in other places? Do they work and how well? How will they hold up in weather and over time? Is there any evidence of that? This is in a very exposed location. It will get a beating from the weather.
2. Height – very high compared to church. Detrimental to sight lines.
3. Ask for another drawing – three windows is not complementary to the appearance of the church. Ask for alternative design.
4. Charlie Brown tree cell tower is still fairly well disguised even for a 20-year old tree. It has been added to over time. Still a little odd looking but other trees have grown up around it and held up fairly well. He said this design is like a Charlie Brown bell tower.
5. Preference is to ask for another location.

Mathew Garrido, 5965 Rings Road, said he is a property owner and a civil engineering by trade. He said he has consulted and implemented a variety of wireless communication systems throughout the country both in the private sector and for the Department of Defense. So he said he is uniquely qualified to talk about this. Being a property owner, he said he has a vested interest as well. He noted there has been a lot of talk about the ridiculousness of this - like a 104-foot tower for a 75 or 80-foot tall antenna. Materials that are essentially plastic, he said would not be permitted basically on any of our homes anywhere in the City of Dublin. He emphasized this is a bell tower without a bell. He said he had health concerns. He stated property value implications are pretty obvious.

Mr. Garrido said we see in the evolution of cellular communications there are all these small cells, smaller towers that are affixed to a light pole or other existing elements street lights, etc. He indicated the industry is certainly moving in that direction – that will be an absolute requirement. He predicts that these macro, larger towers, will be by the wayside in the next 5 – 10 years in urban and suburban environments. The reason is he explained, as all of us, cell phone consumers, continue to require more bandwidth and have more cellular connected devices. He said towers designed to serve a large area cannot serve the number of users and support the amount of data. As a result, he said the cellular industry is evolving to the small towers to not only fill up dead zones but to facilitate more data. He said professionally, if he would ever approve of a macro tower in 2017, he would say no, under no circumstances because he thinks they are going away.

Mr. Garrido encouraged anyone to pull up the Verizon coverage map that is published on Verizon's website for the area, which is 100% covered by Verizon's own data.

Mr. Garrido said the plans call for mounting points for the antennas at 75 feet and additional ones at 65 and 55 feet. The misinformation is that the applicants have indicated that 52 feet attached to the building or 67 feet attached to the clear story/cupola would not be high enough to serve their use but yet they are claiming that the two other mounting points on this proposed tower at 65 feet and 55 feet would somehow be high enough.

Mr. Garrido said he has worked with police department's first responders to deploy wireless communications that are cellular based. He explained the way the systems work is there are special antennas on the outside of the police car that allow for aptly propagated two to three times the level it would for one's cell phone and the reason is because it is not being held against someone's head. He said not only are we hearing from residents that state their cell phones work perfectly; if that is the case, then the police cruisers have a much stronger signal; therefore, their systems are working as well. He said the City's CIO might know if there were any connectivity problems.

Bill Yoder, 5661 Wilcox Road, said he has been a resident for 40 years and helped the City on many zoning issues and helped build a great neighborhood. He said he retired seven years ago, with three heart attacks, some of them generated from his activity in the neighborhood. He explained he has a pace maker.

Mr. Yoder produced a petition with over 75 signatures of people in the neighborhood that could not attend this evening and are very much opposed of which he found almost 100% negative responses to this proposal. He emphasized there is a large public reaction to this. He had prepared a thorough presentation.

Mr. Yoder said we as residents thought a bell tower would be a fine addition to our neighborhood - a beautifully designed structure integrated and related to the existing church building. He indicated they imagined shiny church bells ringing and birds flying in and out of a belfry, expecting a bell tower design which is visually and functionally related to the building and the site. Adversely, he said the tower sits alone in a field and away from the church. He presented graphics that served as representations of the tower as proposed, which is massive and not like a regular tower plunked down in a residential area. He said the project name was misleading - it actually is a 104-foot high behemoth cell tower and less than 100 feet from the neighbor's backyards with two neighbors within 93 feet. He pointed out that those living on Cara Court would be impacted the most.

Mr. Yoder said the tower is proposed to be wrapped in a veil of red painted fiberglass and foam ticky-tacky panels, which perhaps could burn. He said he asked the City about it being a fire hazard and they replied they were going to check on it. He was told the material does not burn and hopes that is the case. He emphasized the tower is not made of the familiar materials of brick, mortar, and stone and not built to the same neighborhood standards and scale that would blend with their neighborhood surroundings. He stated this is not just a cell tower, it is a huge building and questioned why it is not being thought of as a huge building that it actually is.

As a neighborhood, they feel disappointed and gasped he said; they do not understand how such a negative project could be proposed and recommended for final approval by the same city that encouraged the neighbors to work with them to create their beautiful neighborhood. He said they worked to calm and remove the traffic from their streets to make them safe, to keep the huge AEP power poles away, to build parks and bike paths and maintain a quality and value of their properties. He said Dublin has done a great job; what happened? He restated that the Commission should reject this proposal. He said the neighbors understand cell towers need to be around somewhere.

Mr. Yoder said the report states that the city staff has been working with Verizon for a number of years to identify tower sites in Dublin and this is an appropriate tower site. The City stated they encouraged the applicant to meet with the neighborhoods; the applicant told him yesterday that the City should have done this; but nobody reached out and it has been in the works since 2007. He said the postcard notice was the first they had heard about it and the proposal was represented as a bell tower but fine print said it was a cell tower. He reported the applicant contacted him yesterday about a third-party inquiry. He said he asked them to table this so the neighbors could get with the City and figure this out between all of the parties involved, but the applicant said he wanted to go forward with this proposal.

Mr. Yoder said they do not agree with the variance for a 93-foot setback on a 10-acre site; it should be 100 per code. He restated the tower design should blend with the surroundings. He added this massive structure would dwarf the church, if it were next to it. As 200 feet away from the church, he said, it becomes aesthetically, a separate entity. No matter what design details they use, the tower at its current location is closer to the residential properties to the south than it is to the church.

Mr. Yoder noted a wood fence adds to the unusual look. He asked why the tower needs a dumpster enclosure style fence around its base as it makes it look less like a bell tower and more like some type of utility installation, which it is.

Mr. Yoder stated the Conditional Use is supposed to be harmonious with the Code. He brought attention to the intent clause of the wireless Code, which requires the applicant to locate the tower in the least intrusive location manner possible using all pertinent technology. He said there is all kinds of commercial property on Tuttle that could be a good alternative location and it is within a quarter of a mile. He said he cannot believe that this site, located amidst of an established residential area, with a tower so highly visible that this is the least obtrusive location. A 104-foot red painted fiberglass foam board structure hardly qualifies as a non-intrusive installation he said. The effect of this project is to hide a smaller objectionable object inside a larger more objectionable object.

Mr. Yoder said Staff states the proposal meets the height and setback requirements but this is only if a variance is granted but on what basis should a variance be granted. He said it is an out of scale enormous red box and asked who will fix the installation when the panels warp and fade whereas brick lasts forever. He said the big red tower will not ever be screened with trees. He added the tower would be detrimental to the economic welfare of the community.

Mr. Yoder presented a map of the existing coverage poles that was submitted to the Commission to show what holes they were trying to patch. He noted the mobile home park is the only location that needs service along with a little bit of the neighborhood north of that. He noted which towers were designated specifically to Verizon and two of them are within 2 miles of this proposed location, which is next to a historic church.

Mr. Yoder restated the applicant should have supplied information to the City. He said they were supposed to study where all these tower sites were and determine where they should go. He said there is an available site just a quarter of a mile from this site. He asked why this has to go into a neighborhood that they have been working on for 20 years; it makes no sense.

The Vice Chair emphasized the Commission considers all of these things before making a decision. He said the City always analyzes the infrastructure, water, electric, power, and are always assessing sites and then they need to go through this public process. He said this is not a done deal until the City says it is a done deal and that is part of the public purview. He thanked the public for their comments.

Doug McCollough, Chief Information Officer for the City of Dublin, offered himself for questions. He said they have done a lot of work that the Planning Department may not have been privy to as much as he has with regard to the technology and why things need to be the way that they have been proposed. He said the applicant needs to stand on their own; we do not speak for the applicant.

Mr. Gurcan said if the City has done all the work, he asked if they can share the data with the residents because the only information they see is the cosmetic construction information and any data questions he asked earlier is not provided.

The Vice Chair qualified that, as a Commission, they do not necessarily evaluate specific engineering; there are groups, participants, and staff that does that for them.

Mr. McCollough emphasized the applicant does the work and the City is here to assist an applicant in presenting a good application and supporting their needs. He said we are working with this applicant; it is their application, not the City's and the City does not take responsibility for the applicant's data.

Mr. Yoder said he hears what Mr. McCollough said about what staff does, but in this case he found so much information and so many shortcomings in the staff report that were just glossed over and said that supportive criteria leads the Commission to think that everything is good. He suggested a more thorough review of the Code and staff's response before they state all these things are taken care of.

Bob Miller asked Mr. McCollough from his professional perspective, how critical the site location is to the issue that the cell organization is facing in terms of coverage. He asked how far this tower can be moved and still resolve the problem. Mr. McCollough answered multiple locations were considered over the last several years so this location is not the first and not the last. He said the keyword in the cell tower is cell. You cannot make this technology work without forming certain distances from other things. Today's consideration of coverage is one important consideration, but another one is tomorrow's coverage. He said as a community, we need to consider and what cellular service companies have to consider is what do the next five years look like. He said the City is not necessarily recommending this location, but they are attempting to keep the City out of other trouble in the future with carriers that may come to town, and not have to go through this process and may not work with the City on a stealth design. He said this location and design is so that if three more carriers show up they are in a good position to force more of them into this location as opposed to them deciding that they would prefer a different one.

Mr. Brown asked what kind of latitude a cell company has in placing a tower without purview by the City.

Mr. McCollough said he would prefer to defer to legal counsel on that. He said his reading of the Telecommunications Act is that carriers have wide latitude in their ability to come to a community. Typically, he indicated they would not attempt such a thing with Dublin because of a history of being willing to go to court. And the City of Dublin has shown its willingness to fight very hard on some of these matters and the carriers that he has been dealing with appear to express a willingness to rather work together than to go to court. He said it is his interpretation of the law that the cell carriers have certain capabilities that would be difficult for us to defend ourselves in and the City has taken the stance of attempting to negotiate with carriers rather than litigate with them.

Cathy De Rosa said earlier there was a conversation about big towers versus microcells of the residents provided testimony to that effect. Mr. McCollough said macrotowers or large towers are an aid and possibly a necessary stepping stone to the microtower or microcell technology. He said he also thinks that anyone that says they know what is going to happen five years out, he would not necessarily believe. He said his reading of the industry and the technology going out, is that a macrotower design of this type is a necessary for some of the microtowers to work properly. He said these cells need to operate within a geometric location and you cannot just build a 200-foot tower out on I-270 and blast a lot of signaling it has to be built within a certain engineering specification. He said the comments made where this can work or that can work, a lot of that is true, but it is very sophisticated engineering and he would be careful about doing it without the level of engineering that some of the telecommunications companies are bringing to the table. He said he does not buy everything that has been told to the City, but he has not heard anything from the carriers that appears to be an illegitimate reading of the future of the industry.

Ms. De Rosa asked about data needs and coverage needs and what she heard was the applicant collects data but that was not presented.

Jason Woodward, the tower developer, 5000 Valleystone Drive, Carey, NC, said the full data has been provided in the sense of drop call situations directly from Verizon. He said when they look at the project and the overall plan and the whole reason they are trying to develop this site is there is truly a need there. He said this project is probably going to be one of the most expensive cell towers in the entire state of Ohio. He said Verizon is a publically traded company and if they went around just building tower assets that they did not need at this cost, they would probably not be in business. He said this is a very complex project.

Mr. Woodward said Dublin uses Verizon LTE for data dump and two-way communications. First Net is another program just implemented in the country he said, but Ohio has not approved it just yet. He explained that First Net will go over Band 14, which is a spectrum band that is going to go through AT&T and additional wireless coverage, if they apply for it. He said that is going to provide a network emergency priority service that was implemented after 9/11 and Katrina. So when the systems went down, they needed a data load for their own self standing network and the Federal Government has passed that. He reported AT&T was the winner of that process and now the states are in the process of buying it. He said there are 15 states that have signed up and Ohio is currently at the table. He explained this system also provides information wirelessly to doctors from pace makers. Additionally, he reported there is an automated pill system that informs people when to take their pills; everything is integrated through these new GPS systems.

When we say we need a cell site, Mr. Woodward explained we try to implement it into that place as tightly as possible without cross interference. When there is high volume and high need the carriers depend also on small cells (Band-aids in the network). He indicated this community has not been heavily developed for cell towers because of the difficult zoning requirements and it is difficult for carriers to grow here. He said this area is already seeing data capacity issues. He stated the Dublin Irish Festival is one of the biggest data loads that Dublin will ever have and they know that the vendors there truly struggle in order to even get a signal off for basic things such as swiping a credit card on a square program. This much activity and data, he said, can literally shut down a cell site within minutes.

Mr. Woodward explained they are trying to attack those problem areas and the growth in this community and Dublin needs to look towards the future. He said we are trying to do it effectively with a Stealth solution. He said they have worked very hard with Dublin to come to a consensus on this design. He said they are open to changes for this tower, but there are limitations to what they can and cannot do with the design. He noted that Stealth is a company that has been in business for 20-plus years and they have designed this fiberglass structure and have patents. He explained the company uses UV protected ink and dyes in their materials and the color is injected to a depth of $\frac{3}{4}$ inch so if this material ever chips, one would still see the color bands.

Mr. Brown asked if the Commission has to add on the degradation of that particular unit. He said he does a lot of exterior building systems and one of the projects he was involved with where the fiberglass rounded a portion underneath the metal panels had aged. He said part of that is due to the shape and part of it is the uneven exposure to the sun and it does not look so great so obviously that is a concern to him. He said, as a Commission, they are to represent the citizens but also at the end of the day do what they think is right for the City and the longevity, and the infrastructure of it.

Mr. Brown said this proposal is a very difficult way to conquer an issue at great expense. He asked how long this tower will look good, how it will be repaired, and what is the expected life cycle. Mr. Woodward said they build towers all over the country and they have a lot of Stealth solutions - some of them have color some have just a bland color like a whitewash façade. He reported some have been built for 15+ years and they have never had to do anything to them. If there is damage to a sectional panel, he explained they are designed to be removed and replaced. Mr. Brown clarified one panel is brand new and color coherent but the others would be faded slightly. Mr. Woodward said when that happens, they actually have to re-color coat it so it does not reflect that. He explained they would come back and do another color palette. Most towers painted these days, he said, require Verizon to use a simple color palette such as Sherwin Williams including a paint color and a lot solid number. Mr. Brown inquired about the panels butting together and how the joiner is redone because this proposal has a brick pattern that runs across. He asked if we would end up with a vertical seam between panels. Mr. Woodward said they use a colored grout that matches the design and it will follow the pattern of the brick. Mr. Brown inquired about the roof. Mr. Woodward said he was not sure if it is fiberglass or a metal but usually a heavy load bearing mass is not what you want. He believes then that it would probably be a fiberglass solution with the rest of the body.

Mr. Woodward said there is a full blown lightning rod system that actually penetrates through the roof, accepts the lightning rod, and it then gets channeled down to a copper diffuser, which gets sunk into the ground in a grounding ring that is submitted into the foundation and dissipates the electricity.

Mr. Brown asked about the signal strength. Mr. Woodward said that is governed by the FCC and every carrier has a certain spectrum or frequency band they can play with. He added the carriers are licensed to use certain frequencies and if they fail to do that, they will cross contaminate each other because frequency bands are so close together. He concluded there are limitations on power output.

Mr. Gurcan repeated that the residents do not have the data about this tower or how powerful it will be.

Mr. Woodward restated it is governed by the FCC and they require the carriers to only put out so much wattage because if the tower is overpowered to the point where a large spread is to be covered, cross interference would be caused. He explained it is a very delicate system; when electricity is brought to the site, it is a 200-amp service for each carrier.

For the purposes of clarification as to the testimony heard with regard to power and frequency, Mr. Boggs repeated what he stated at the opening of these proceedings when he summarized what the law is. Just for everyone's benefit, he read from the 47 United States Code Section 332(C)7 for:

"No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

Mr. Boggs said the question about what the level of power is, is not relevant to the Commission's review so long as it is within whatever the FCC says is ok and that is the specific limitation of the local power that is in that federal law. Otherwise, he said your 10 conditional use criteria and the 8 wireless criteria that are set forth in the Code, is the basis for this decision and what may guide the Commission's evaluation.

The Vice Chair stated there are four out of the seven Commissioners present.

Mr. Yoder read from the Conditional Use review considerations:

"No new tower shall be approved only when other preferable alternatives are not available. No new tower shall be permitted unless the applicant demonstrates to the Commission that no existing tower structure or alternative technology is available to fill the communication requirements."

Mr. Yoder suggested this Conditional Use Review ties our hands until we get that.

Mr. Cartwright said most of the residents are empathetic to what these gentlemen are dealing with as they have got to be frustrated as this has been a long haul for them. Additionally, he said this is tough for the Commission because they are stuck in the middle. He said the residents appreciate how thorough the Commission has been with the construction details because it is meaningful if this actually comes to pass, but for the residents, he said it is kind of irrelevant. He said if we move the tower elsewhere then for the residents, there is no problem. He said if we are truly worried about concentric rings of future and current development then the continuous areas where the towers located currently prospectively, is filled. If there is no other growth in the area, except south and west, then why aren't locations down there being considered if that is going to be more heavily populated with apartment buildings, condominiums, and houses in the future.

Ms. Salay said she thought staff missed the mark on some of the Conditional Use analysis:

- 1) She said she disagrees as this is not harmonious with the Zoning Code and the Community Plan.
- 2) Applicable Development Standards – She stated we would not allow any other structure this tall, using this material, in the neighborhood as it does not fit.
- 3) Proposed Use – She emphasized it does not fit and is intrusive. She said the sample is already chipping away so she is not confident the material is going to look that good for an extended period of time.

- 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses – She said we cannot say that; we are not allowed to consider whether or not it is hazardous or not.
- 5) She said for everyone that lives in this vicinity, their greatest asset is likely their home. She indicated she cannot imagine this is going to not be detrimental to the economic welfare of the community. She said she would not want a home there, and would not want it close to her home. She emphasized it would not be good for property values.
- 6) Property values/general welfare – She said this proposal would not make anything better and it is likely to make things worse.
- 7) It will not impede the normal orderly development of surrounding properties – She said if someone wanted to develop nearby; they would probably think twice just because it does not fit and it will not be an enhancement. She stated the structure would be so far away from the church and it would stick out like a sore thumb. She added that up close it will look very strange because there is going to be a very ordinary wooden fence around to protect the base.

Ms. Salay said she thought staff missed the mark on some of the Wireless Communications Facility Analysis:

- 1) Height of proposed tower in proximity to residential structures and districts – She stated that fails. She said they are not staying outside the setbacks. Additionally she said, the structure is very tall and out of character.
- 2) Relationship to surrounding typography to the view from nearby properties – She stated that fails.
- 3) Surrounding tree coverage and foliage and ability to screen the facilities from view of nearby properties – She said it fails.
- 4) Limiting intrusiveness – She stated it is already going to be intrusive no matter where it is placed; nobody wants it close to their home.

Ms. Salay told the applicant they are not meeting our Conditional Use or our Wireless Code because of the aforementioned items. She said these residents are being reasonable and are very concerned about their property values.

Ms. Salay encouraged the applicant to find another location. She said the area west and south is a blank canvas and out in the country at this point. She suggested a Stealth tree if there are woods out there. When property is developed that way, she said the people that consider living there and shop there will know they are going to have that structure in their neighborhood. She said with the tower going in first there will not be an issue.

Ms. Salay concluded she is not willing to hurt all the people in her area and cannot support this proposal.

Ms. De Rosa said her comments would echo her fellow Commissioner in many ways:

- 1) She said this is not harmonious with the Community Plan.
- 2) She said she applauds the creativity and the work to try and make this fit into the environment but the placement with the flood plain and all the other reasons it cannot be developable. She stated it fails on that.
- 3) At 80 feet in height, she indicated it is 30% higher to the church and at 104 feet it is twice the height so it is hard to be harmonious.
- 4) Hazardous – She restated that they are not to speak to that per legal.
- 5) She said she cannot see it being anything but detrimental to the home values.

From a variety of criteria, Ms. De Rosa concluded, this proposal just does not get her support as presented. She said she could go down the wireless criteria as well, but for the sake of time would echo her fellow Commissioner. She indicated she would be in favor of tabling this and working with the community and/or looking at alternative locations. She said it would be interesting to explore the possible alternative sites mentioned.

Mr. Miller said he is not going to go down through all the criteria but wanted to go on record to the applicant that it is a very creative solution. He said he does not have a problem with the setback given the challenges with the site. He said he would be 100 percent in alignment with Ms. Salay and Ms. De Rosa with the exception of Conditional Use criteria six, which is not a reason to object to this proposal because he believes the tower and additional bandwidth probably would be beneficial to the overall community, even though detrimental to the residents. He said this is not a cell tower issue but a structural issue. He visited the site and looked at it from every angle and asked himself if we would ever put this structure in Bridge Park, or in Downtown Dublin, or just about any other developed part of Dublin, and determined he would not. He said the height is overwhelming and the lack of neighborhood engagement he finds to be very disappointing and that is something we should rectify. Aesthetically, it just does not work, he emphasized. He agreed that if tower was placed on any other church site in Dublin today as a bell tower, he cannot imagine the Commission would approve it.

Mr. Brown said he is also in agreement with his fellow Commissioners. He thanked the applicant for thinking outside the box and trying to cleverly disguise the wireless facility and blend this with the area but it looks like it was designed by an engineer, not an architect. He said here there is a wonderful, historic structure that graces that community, he indicated everyone is probably proud to live near it. He encouraged the applicant by starting to complement the church, understanding that was the attempt, but it is very rough and unrefined and cannot confidently say the structure will age well and does not know what the roof structure is. He asked if the only alternative in design was with a steeple or without. He said he is worried it does not fit per the standards. He concluded a recommendation of tabling the proposal.

Mr. Brown complimented the community as a whole as they represented themselves well and approached the proposal in a business-like manner; it is very much appreciated by the Commission.

Mr. Brown said he believes the need is there and it needs to be done and there is probably a solution to be had that is either a little more artistically and architecturally appropriate. He does not have a problem with the setback he said and understands there are two property lines and the reason is because of the school district. He said he does not have a problem with the location. He said this proposal is not quite there yet but not unachievable.

Mr. Woodward asked that the proposal be tabled. He said he wanted it on record that they worked very closely with the City on this project and want to work with the community.

Mr. Brown suggested the applicant appoint someone to be their representative so the community can reach out.

Mr. Boggs said the law requires that applications are acted on within a reasonable time, which the FCC by rule has determined for a new tower location is 150 days from the submission of the application. He said this application was first submitted on June 20, 2017, and some additional materials were submitted on July 21, 2017. He said if this is to be tabled, he suggested this either be set for a date prior to November 20, 2017, just to be on the safe side with that initial application or request that the applicant agrees to that shot clock period be tolled for the meantime while gathering input from the community.

Mr. Brown agreed there should be a timeline relative to the applicant. Ms. Burchett said it would depend on how the conversation goes between the applicant, staff, and neighbors as it is hard to determine at this point how it might progress.

Mr. Woodward said he thought the timeline was at their discretion too if they wanted to expand on the shot clock. Mr. Boggs answered that is correct. Mr. Woodward suggested a date be set and they work with the community. He said they have exhausted a lot of locations so far and to move to the south is not an option.

Mr. Brown emphasized to the community that a tower needs to occur and it is probably in that location.

Mr. Woodward indicated they could keep the height at 80 feet with a different design.

Motion and Vote

Ms. Salay moved, Ms. De Rosa seconded, to table the Conditional Use for a Wireless Communication Facility, at the request of the applicant. The vote was as follows: Mr. Brown, yes; Mr. Miller, yes; Ms. De Rosa, yes; and Ms. Salay, yes. (Approved 4 – 0)

Motion and Vote

Mr. Brown moved, Mr. Miller seconded, to waive the 10:30 pm rule to hear the final case of the evening since it will be brief. The vote was as follows: Ms. De Rosa, yes; Ms. Salay, yes; Mr. Miller, yes; and Mr. Brown, yes. (Approved 4 – 0)

**3. PUD – Autumn Rose Woods
17-062FDP/FP**

**7150 & 7270 Hyland-Croy Road
Final Development Plan/Final Plat**

The Vice Chair, Chris Brown, said the following application is for the subdivision and development on 47 acres for 73 single-family lots, 21 acres of open space, and public rights-of-way. He said the site is on the east side of Hyland-Croy Road, approximately 1,200 feet south of the intersection with Tullymore Drive. He said this is a request for a review and approval of a Final Development Plan under the provisions of Zoning Code Section 153.050, and a review and recommendation of approval to City Council for a Final Plat under the provisions of the Subdivision Regulations.

The Vice Chair swore in anyone intending on addressing the Commission in regard to this case.

Nichole Martin went through the background and reviewed the process.

Ms. Martin presented the Final Development Plan and explained it would be completed in two phases. The first phase, she said, is for 37 lots as well as utilities to extend into the second phase but completed with phase one, and for Reserves A and B. She said phase two is for 36 lots and for Reserves C – F, which she noted on the screen.

Ms. Martin said staff relies on the Final Development Plan to provide final details for Open Space, Landscaping, and Stormwater Management. She said all of the reserves will be owned by the City of Dublin, however, Reserves A and B will maintained by the HOA as well as Reserve F. She presented the Open Space and Landscaping plan that contains the entry feature with incorporated sign.

Ms. Martin said the applicant has proposed a formal entry feature at the intersection of Hyland-Croy Road and Johnston Drive. She said they are proposing limestone piers with modest entry feature signs with the text "Autumn Rose Woods" in a calligraphy font and accented with a split-rail fence, which will consist of unfinished pressure treated wood to enhance the rural roadway character.

Ms. Martin said Reserve C represents 16 acres of contiguous woods that are preserved as part of this application. She said the existing split-rail fence around the entire perimeter of that open space was approved to be removed with the Rezoning. She pointed out that Reserve C will be publically accessible to all of the residents of Dublin and also include a future field located shared-use path to connect from the neighborhood to the south through Reserve D and Reserve C and terminating at Park Place Park.

Ms. Martin said final details are also included for the stormwater basin, which the function will be managed by the City. She reported the applicant has worked with staff to refine the edges and soften the landscaping, specifically across the back of homes to provide a buffer. She noted one of the conditions is that the shrubs be determined in coordination with the City Landscape Inspector. The northeast side, she said, will be a "No Mow" area to minimize costs of maintenance and to transition to the more naturalized landscape.

Ms. Martin stated Reserve E is a wetland that is proposed to be maintained as-is and maintained by the City. Reserve F, she noted, represents a landscape treatment in the terminus of the Oliver Way cul-de-sac bulb.

Ms. Martin said the Final Development Plan is the point in the application where staff requires additional details to be provided on preservation protection and replacement of trees and presented an exhibit. She indicated the Developer has made a significant effort to meet the City's Conservation Design Resolution Principles so many trees were preserved; however, a number of sizeable trees will be removed with the construction of Oliver Way cul-de-sac. She reported a Tree Waiver was granted as part of the Rezoning request by City Council. She stated that Tree Waiver permits trees to be replaced per Code with the exception that trees 6 – 24 caliper inches will be replaced tree-for-tree and landmark trees will be replaced inch-for-inch. The applicant is required to replace 668.5 inches but the site will only accommodate 500 inches; therefore, the remainder will be paid as a Fee-in-Lieu of \$16,100 to the City of Dublin Parks and Recreation Department.

Ms. Martin presented the Road, Pedestrian, and Bike Network plan. She noted these are identical to what was reviewed at the Preliminary Development Plan stage with the exception of that additional shared path to be extended along Johnston Drive.

Ms. Martin reported that Engineering has reviewed the proposed Utility Plan, which she presented. She explained a 12-inch water line will be extended along Hyland-Croy Road and the existing home will be brought onto City water and sewer as part of phase one of this development.

Ms. Martin said the Final Plat is the final step in delineating lot requirements. She presented the proposed Final Plat and said the lots are consistent with what was shown in the Preliminary Plat. She noted the plat delineates open spaces, dedicates public right-of-ways, delineates building lines, and delineates tree preservation zones.

Ms. Martin reported that part of staff's review of this application has found that the criteria for a Final Development Plan are met with the four conditions as presented.

With respect to the Final Plat, Ms. Martin said this is also met but with one condition that any minor technical adjustments be made prior to City Council review.

Ms. Martin stated the Final Development Plan is recommended for approval for a determination by this body and the Final Plat is a recommendation of approval to City Council.

The Vice Chair invited the applicant to speak.

Matt Callahan, Pulte Homes, 4900 Tuttle Crossing Boulevard, Dublin, said he is joined this evening by Greg Chilog with the Edge Group. He said this has been a 2.5 year process starting with a Concept Review before the Commission. He offered to answer any questions.

Cathy De Rosa said the Commission did not receive any architectural pictures or drawings - just information provided in the Development Text and it was pretty vanilla. She said one of the goals is to make sure this proposal fits within the character of the surrounding area. She said she is struggling with how the Commission is going to know that.

Ms. Martin said single-family architecture is not a requirement so applicants in some cases choose to offer it; from a staff perspective, they have had a lot of challenges in administering plans when architecture is shown. Therefore, she said they suggest that the Preliminary Development Plan or the Development Text be substantially descriptive in order to stand in place of pictures because it is ultimately regulatory. She said they work with the applicant at the Preliminary Development Plan phase to ensure that they were being sensitive to the most visible lots, especially those with frontage along Hyland-Croy Road so those lots have additional standards as well as specific prohibited materials. Furthermore, she said the building permits will be reviewed against the Appearance Code. She said this issue was raised at City Council and architecture was shared with Council as part of the rezoning.

Bob Miller asked if the Commission had seen any architectural drawings.

Mr. Callahan said he did not recall presenting elevations to the Commission but when requested at City Council, he passed out some elevations and renderings. He said the homes in this series/collection are fairly new. He said the designs shared with Council were somewhat preliminary but have since been refined. He said the standards in the text are the same used for several neighborhoods in Dublin in recent years such as Riviera, Celtic Crossing, and Wellington Reserve. He added they are well aware of the architectural standards of Dublin Appearance Code and there are additional regulations in the text for the lots that face Hyland-Croy Road and those adjacent to open spaces. He said they added features like decorative garage doors and things of that nature. He indicated the appearance will be consistent with a lot of newer neighborhoods being developed.

The Vice Chair invited the public to speak.

Sandy Hite, 7505 Hyland-Croy Road, Plain City, said she lives right across from the existing horse farm and have been there for 11 years. She added their three children go to Dublin Schools and with the windows open they can hear the horses whinny. She said she cannot talk the owners into not selling their property. She asked if Dublin has a plan for Hyland-Croy Road. She stated it is a nightmare coming up and down this single, lane road, especially at peak hours. She said if another 73 houses are added, which could bring 150 more cars, we need to plan responsibly. She suggested the infrastructure be handled prior to the development of this proposal.

Mr. Brown said some things are in the Commission's purview and some things are not.

Amy Salay said that roadway is not Dublin's and the traffic generated from this development is going to be minimal compared to the 300+ multi-family homes that Jerome Township has approved. She noted the City of Dublin cannot take responsibility for the road when all that development is happening outside of Dublin's limits. She said the challenges going forward are at present the responsibility of Union County. She recalled the City did a Hyland-Croy Road character study a few years ago to design a beautiful area but implementation is not in the foreseeable future.

Ms. Hite said even though she has a Plain City address, she has been in Dublin approximately 19 years on and off and she considers herself a Dublinite. She said when someone buys a Dublin home here and pays Dublin taxes, and yet the main thoroughfare coming in and out of their development is on Hyland-Croy Road she thought Dublin would be responsible.

Ms. Martin said, as part of this application, an Infrastructure Agreement was approved by City Council on May 22, 2017, which detailed how the developer will contribute to off-site improvements and a number of those improvements are within Union County. She said the City will work with Union County to get those funds allocated to specific intersections that were identified in the Traffic Impact Study, which was required as part of the rezoning. Specifically out in front of the site, she noted there will be a right-hand turn lane and a left-hand turn lane built with the construction of phase one of this development.

Ms. Hite said she found out through this whole process that apparently she actually owns half of Hyland-Croy land underneath the road and wonders what rights she has to that piece of land that now 150 more cars are going to go over 10 times a day.

Mr. Brown said it is a right-of-way so every property almost always has utilities there. He understands her frustration with the City but they always try to get cooperation with Jerome Township.

Ms. De Rosa clarified the turn lanes discussed will be implemented with phase one. Ms. Martin answered the turn lanes are with phase one but there is no timeline associated with the implementation of the other off-site contributions/improvements.

Michael Hendershot clarified that in the Traffic Impact Study there were three intersections where they were about monetary contributions that would be made. For Hyland-Croy and Post Roads, he said, the contribution was made with the recording of the first phasing of the Plat and the other two intersections are due with the recording of the second Plat. Therefore, he said, there is timing associated with the monetary contributions.

Andrew Hite, 7505 Hyland-Croy Road, said it is not Dublin's road, however, for the traffic evaluation, the City did a mock up of turn lanes to which Mr. Brown confirmed. Mr. Hite said he now understands he has to go to Jerome Township with concerns but asked what information he can gain from the Traffic Impact Study that Dublin conducted.

Ms. Salay suggested our engineers provide Mr. Hite with information of which there is a significant amount.

Mr. Hendershot said the City of Dublin worked with Union County because they are the owners of the roadways so they have reviewed it and are in agreement with the outcome of the Traffic Impact Study.

Ms. Salay added there is a ton of information available to the public. Mr. Papsidero indicated that additionally, there should have been a traffic study conducted for the Jacquemin Farms development proposal but he is not certain if it had been completed and that would be under the County Engineers purview in Union County.

The Vice Chair called for any final comments. [Hearing none.] He called for a motion for the Final Development Plan followed by a motion for the Final Plat. He asked the applicant is he was in agreement with the four conditions as presented. Matt Callahan agreed.

Motion and Vote

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

- 1) That the applicant remove all hazardous trees and invasive species from Reserve C within proximity of private property and the proposed path;
- 2) That the plans be updated to include a note that ensures the use of construction details that promote tree preservation techniques in the field location and construction of the shared use path;
- 3) That the applicant work with the City’s Landscape Inspector to make appropriate shrub selections along the southwest side of the stormwater basin; and
- 4) That the developer request inspection of the tree protection fencing by the City’s Landscape Inspector, prior to the removal of any trees to ensure preserved trees will not be impacted.

The vote was as follows: Mr. Brown, yes; Ms. De Rosa, yes; Ms. Salay, yes; and Mr. Miller, yes. (Approved 4 – 0)

Motion and Vote

Mr. Miller moved, Ms. Salay seconded, to recommend approval to City Council for a Final Plat with the following condition:

- 1) That the applicant ensure that any minor technical adjustments to the plat are made prior to City Council submittal.

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

The vote was as follows: Ms. De Rosa, yes; Mr. Brown, yes; Ms. Salay, yes; and Mr. Miller, yes. (Recommended for Approval 4 – 0)

4. BSD-P – Columbus Metropolitan Library, Dublin Branch 75 North High Street Rezoning 17-069Z

The Vice Chair, Chris Brown, said the following application is for a Rezoning of 2.4 acres from BSP-P, Bridge Street District Public to BSD-HTN, Bridge Street District Historic Transitional Neighborhood. He said the site is on the northwest corner of the intersection of North High Street and North Street. He said this is a review and recommendation of approval to City Council for a Standard District Rezoning under the provisions of Zoning Code Sections 153.232 and 153.234.

The Vice Chair asked if the Commissioners needed this case removed from the Consent Agenda. Cathy De Rosa said she had one question for staff and did not need a full presentation. She asked if the projects could be built through the current zoning.

Vince Papsidero confirmed the projects could be built under the existing zoning district, but as part of the Development Agreement the Library requested the City undertake a rezoning to allow for expanded uses should the site ever redevelop. He said the Historic Transition District provides additional uses and more flexibility for future redevelopment than the Public District. He said the proposed rezoning is consistent with the area plan, future land use map and serves as an anchor for the Historic District.

Ms. De Rosa confirmed the proposal brings more to the District. Mr. Papsidero agreed.

The Vice Chair invited the public to speak. [Hearing none.]

Motion and Vote

Ms. Salay moved, Mr. Miller seconded, to recommend approval to City Council for a Standard District Rezoning with no conditions. The vote was as follows: Mr. Brown, yes; Ms. De Rosa, yes; Mr. Miller, yes; and Ms. Salay, yes. (Recommended for Approval 4 – 0)

5. Historic Dublin – BSD Code Amendment 17-052ADMC

Historic Dublin Administrative Request – Code

The Vice Chair, Chris Brown, said the following application is for an amendment to Sections 153.058, 153.059, and 153.062 of the Bridge Street District Code to create the Historic South District and associated regulations within this new district. He said this is a request for a review and recommendation of approval to City Council under the provisions of Zoning Code Sections 153.232 and 153.234.

The Vice Chair stated cases 5 and 6 would be heard together but voted on separately.

6. Historic Dublin – Zoning Map Amendment 17-074Z

Historic Dublin Rezoning

The Vice Chair, Chris Brown, said the following application is for an amendment to the Zoning Map for 25 parcels to establish Bridge Street District - Historic South as a new zoning district. He said the parcels are adjacent to S. High Street, south of Spring Hill and north of John Wright Lane. He said this is a request for a review and recommendation of approval to City Council under the provisions of Zoning Code Sections 153.232 and 153.234.

Nichole Martin explained the Code Amendment and Zoning Map Amendment cannot stand alone, therefore, a consolidated presentation is being provided this evening. She presented the background for these two applications:

May 2016: City Council directive to address character of new development within the southern Historic District

October 2016: Planning initiated the first public workshop which included four stations addressing transitional zoning, building character, parking, and infill development.

December 2016: A second public workshop built upon the first by surveying stakeholders to determine appropriate zoning district boundaries and development standards.

March 2017: An Architectural Review Board (ARB) Work Session was held to review the outcomes of the public meetings.

June 2017: Planning Staff and CodaMetrics held a public open house and an ARB Special Meeting to answer questions and receive feedback from the public and the Board.

July 2017: The ARB recommended approval with one minor condition.

Ms. Martin stated the Commission's charge this evening is to review the proposal, taking into account the Architectural Review Board's consideration and to make a recommendation to City Council, who will make the final determination.

Ms. Martin stated there are amendments requested for three sections of the Code:

§153.058 – BSD Districts Scope and Intent

- Creation of the Historic South District and identification of the sub-district's intent.

§153.059 - Uses

- Identification of permitted and conditional uses for the Historic South District.
- Application of use-specific standards for Eating and Drinking facilities, and Exercise and Fitness facilities.
 - Eating/Drinking facilities are size-limited, with limited hours of operation, and limited hours for commercial deliveries and refuse collections. The hours of operation can be modified as part of a request for a Conditional Use.
 - Exercise and Fitness facilities are size-limited.

§153.062 – Building Types

- Revisions to the building type standards for the Historic Cottage Commercial building.
- Building height is limited to two stories or a maximum of 24-feet to the eave; and one and half stories or a maximum of 18-feet to the eave within 50-feet of the rear lot line.
- A reduction in the footprint of any individual building to 1,800 square feet to ensure scale is consistent with the existing character of the sub-district (individual buildings on the same parcel can be connected via an "enclosed connection" or hallway).
- Maximum building coverage is limited to 50 percent of a site, and maximum impervious coverage has been reduced to 65 percent (from the earlier proposal of 75 percent).
- On-site parking cannot be visible from High Street; it must be located behind buildings.

Ms. Martin said the request is to Rezone 25 parcels (and portions of parcels) from BSD Historic Core to the BSD Historic South District. She presented the Proposed Zoning Map, showing the existing and proposed BSD zoning districts. She pointed out the new BSD Historic South District that will be applied to land generally along S. High Street, south of Spring Hill and north of John Wright Lane. She stated the new district will have more limited building types as well as more limited uses.

Ms. Martin noted that the Zoning Code does not contain specific review criteria for a Zoning Code Amendment, however, the Planning Report has outlined considerations that are appropriate to discuss when amendments and rezoning are under consideration. She reported that Staff found those guidelines to have been met based on the Council directive and consistency with the Bridge Street District Special Area Plan.

Ms. Martin stated the Architectural Review Board's recommendation to the Planning and Zoning Commission for a Code Amendment includes the following condition:

- 1) That the Use Table be updated to reflect that Parking Structures are not permitted or conditional as an Accessory Use in the Historic South District.

She said since the ARB meeting, Staff has addressed the typographical error. Therefore, she said Staff is recommending that the PZC recommend approval to City Council with no conditions.

Ms. Martin stated Planning and the ARB's recommendation to the PZC for a Rezoning Map Amendment for the inclusion of the Historic South Zoning District is recommended with no conditions, which they also recommend to City Council with no conditions.

Cathy De Rosa inquired about the design guidelines. She asked if the guidelines that cover the entire Bridge Street District would apply here.

Mr. Martin explained that back in May 2016, Council gave Planning two specific directives with respect to the BSD Code: 1) Sign Code Amendment; and 2) Amendment for development character in the southern Historic District. Hopefully soon, she said the Commission will see large scale amendments to the BSD Code, and as part of that, they will be creating design guidelines for the entire BSD, including specific standards that speak to the Historic District. She added that any application that came forward today would still be reviewed under the current BSD Code and the existing *Historic Dublin Design Guidelines*.

The Vice Chair called for public comment.

Steve Rudy, 129 S. Riverview Street, Dublin asked to read from a letter that was drafted from The Historic Dublin Neighborhood Association, of which he is the president, and was addressed to the Commission and Staff. All of these comments were already presented to the ARB on July 26 (reference those minutes for additional detail) but he wanted it on record for this PZC meeting. He said they like that amendments are being made to the Code to ensure historic structures in the Historic District are not slowly erased. Preserving the Historic District with its charming architecture, cottage scale, lawns, and views is a community asset that is a goal we should all share. He said a lot of input from the residents has been shared at each of the meetings related to this topic. The nine concerns for the new district are summarized below:

1. Limit overall building height to 22 feet and do not make the requirement only about number of stories permitted.
2. The second story of a 1.5-story structure should be limited in floor space to one half the floor space permitted for the first floor.
3. New buildings should not front any alleys. Alleys and streets should not be considered street frontage, therefore, not subject to street frontage requirements.
4. Density and parking are linked problems. Adequate parking must be required on site because street parking is already in use. Buildable area and rear yard setbacks should be 25 feet not 5 feet. Parcels may not be combined. Maximum building coverage should be 50% not 40%. Impervious coverage should be a maximum of 40% and semi-pervious coverage should be a maximum of 75%.
5. The appeal of this district is the village-like appearance and many of the buildings were once residences and they have lawns, gardens, large trees, and views to other properties. Dense urban should be kept in the north and east and not south of Bridge Street.
6. Include the southeast corner of Bridge and High down to Spring Hill alley in this new district so the homeowners east of Blacksmith Lane can have the same protection; this block of historic buildings should not be left out.
7. Permitted building type chart needs to be amended.
8. *Old Dublin Design Guidelines* should be kept intact and in force.
9. Prohibition of combining lots was restated and buildings should not be linked.

Chris Brown addressed the history of the area because he said every quaint village area grew that way because of particular characteristics from their history. He said there was a house, outhouse, little barn or shed and that actually contributed to that open character Mr. Rudy is talking about now but at the time, he has seen enough old pictures and renderings and plaques that showed a particular density to that area. He indicated part of the question becomes how to keep that integrity. He noted the scale of the building is crucial. He added the nature of that area to him, fit their needs and requirements at the time and some of that has become not required as technology, plumbing, electricity have come along and livestock is no longer needed. He said he did not want to inhibit the growth and the maintenance of that natural character of the history of the community. He suggested that sometimes, a creative architect, can utilize what would have been an outbuilding and create a structure that responds to the community. He concluded he understood what Mr. Rudy was discussing but what Staff is trying to create with everyone is that there is latitude that the area stays attractive to people for a long time that can afford to maintain it, contribute to the character, and contribute to the community feel.

Mr. Rudy said economic prosperity is part of it.

Mr. Brown said he has a hard time codifying good architecture and what works as a community and there are some very good examples of communities that are built from ground up that have stayed modest in scale. He explained the goal is to preserve the nature and the character of that village and codify that in some way, shape, or form.

Mr. Papsidero said Staff had a direct charge from City Council to propose amendments to the Code that would ensure that the southern part of the district would be protected from any new development that was out of scale or character with the existing pattern and Staff has fulfilled that charge with this proposal.

Mr. Brown said that is what this is about – preservation, to which Mr. Papsidero agreed. He said Mr. Rudy is stating this is not necessarily responding to that level with setbacks, height of buildings, and everything else. Mr. Brown asked if that is something that could be developed and modified as the character guidelines are developed or whether that needs to be part of this proposal.

Mr. Papsidero said some of the communities recommendations are very specific such as height of floors and setbacks, etc., which is part of the Zoning Code. He said if the Commission were to support the Code Amendments, staff recommends that the Commission refers staff back to the ARB so they can review that because they are the reviewing body based on location.

Lori Burchett reported that the ARB felt that the response from Staff adding maximum height requirements and reducing the building footprint, was responsive to the concerns of the community. She said the ARB was very supportive and there was one dissenting vote from one board member, the rest of the Board was supportive of what Staff and the Consultant have brought forward. She added there have been a variety of comments from other interested parties in the area that were also taken into consideration to find the best solutions.

Jane Fox, 6193 Dublin Road, said it is wonderful that City Council asked that the character of the historic district be preserved. She reported she served on the ARB for a little while so she understands where this direction has gone and Planning has spent a lot of time trying to listen to everybody's input. The area that we are talking about, she said, only impacts a certain number of residents, very few, and most of their properties abut the backs of these properties. When residents came together, she said the primary concern was to absolutely preserve the historic character. She said a lot of elements can be codified but character cannot be and that is not being addressed in this proposal. She said it will be but believes it should be done congruently. She said the *Historic Dublin Design Guidelines* have not been able to hold the line on what has been happening in the Historic District and maybe it is because they are a little outdated and contradict the BSD Zoning Code. She emphasized if we do not have this hand-in-hand now, preservation of historic character is not guaranteed. She noted that the Zoning Code is very difficult for residents to understand because it is so complex. She said they are coming to the City with specific revisions because it is the best suggestion they can make. She restated the City needs hand-in-hand *Guidelines* to go along with the Code Amendments to guarantee character preservation.

Ms. Fox said the alleys are a huge problem. In the BSD Code, she said alleys are defined as service streets. She noted Blacksmith Lane and Pinney Hill Lane are alleys/service streets and cannot be used as principle or non-principle streets. She said when we start building on them, the traffic burden is increased, it is difficult for fire and safety to have access, the density and infill is increased, parking is reduced, and this proposal does not address parking. She asked if this level of infill is permitted as she questioned where the people would park. She emphasized that the alleys be defined as alleys and the lanes are alleys. She restated parking should be addressed. She said the Historic Dublin Business Association has been reaching out to Planning for more parking. She indicated the Historic Dublin Business Association has a wonderful plan that provides a lot of parking back there. She said if parking is not addressed, both the businesses and the residents will be hurt. She said the one declining vote in the ARB was by the Board Member that lives in the area because he believes this proposal is not quite there, either. She emphasized parcels cannot be permitted to be combined because then it changes the character. Lastly, and most importantly she said, the percentage of coverage needs to be seen in context and the typical footprint in Historic Dublin now needs to be understood. She asked the Commission to consider what they are trying to preserve, and manage. She said she would support an organic incremental developmental pattern. A five-foot setback on the alleys is not enough room and concluded that if the few neighbors sat down with Planning they could come up with a plan to make everyone happy.

Tom Holton, 5957 Roundstone Place, said the proposed changes do not preserve the character of the Historic District or consider Dublin's quality of life for those moving to Dublin to raise a family. He said that is important because this is a special place. And at one time, he said Dublin was divided into quadrants. He indicated this is the last quadrant of that Historic District that has not been fully developed. He said that Franklin Street and S. Riverview Street are special places; in the spring and fall, there is hardly better places in Dublin to walk as it is magical. He stated the Historic District itself used to be defined by the boundaries of the Old Village of Dublin and the center of that is the intersection of Bridge and High Streets.

Mr. Holton said if growth is the factor for this area, it will be at the cost of the character and at the cost of the residents who live there now including their quality of life, which we say we value.

Brian Jones, 37 S. Riverview Street, said at the last ARB meeting, Staff said they intend to go back and visit the *Guidelines* after the Zoning Code was amended. He said the Code should support the *Historic Dublin Design Guidelines*. The most definable characteristic of old Dublin, he said, is its intimate, small, village-scale buildings. He said they are located close together along the sidewalk, range from 1 – 2.5 stories in height, and nearly all of the buildings have a residential quality; buildings are not linked. He concluded this Code update is changing the character, dramatically.

Mr. Brown said we have an Architectural Review Board and a Historical Society, and it seems we are trying to restrict development that might potentially get out of scale. He explained each new proposal would be reviewed to make sure it fits the character and the scale, which we are trying to set guidelines for.

Mr. Papsidero said historic districts have review-applied design guidelines that try to massage a proposal but zoning standards are still needed relative to dimensional standards – height, square footage, lot coverage, and impervious coverage; both tools are needed. He said the *Historic Dublin Design Guidelines* are not changing any time soon and are in place. He restated staff was directed by Council to come up with Code Amendments that would reduce the mass and scale of any new development. As a result, he reported staff has presented:

- A reduction in height;
- A reduction in the maximum square footage of any individual building;

- A way to connect those structures together;
- A maximum of 50% building coverage; and
- 65% maximum total impervious coverage.

Mr. Papsidero emphasized this proposal is still constraining the amount of development, regardless of the individual form. He added the smaller boxes are much more in character with the existing historic cottages than previous development proposals. He said that those proposals included a much bigger box than would be allowed under these proposed regulations.

Mr. Papsidero explained the building links were a recommendation by the City's consultant, because she was concerned that we still needed to balance design sensitivity and character with the ability of an individual property owner to do certain things with their property and saw linkages as a viable way to accomplish that.

Mr. Brown said when he first read the proposal he noted how much more restrictive it is compared to what is required currently.

Mr. Papsidero reported that staff debated internally regarding the impact of these proposed regulations. He indicated it is the general opinion that these proposed amendments will not prohibit any kind of new investment.

Bob Miller asked for staff's perspective on the residents concern about the alleys. Ms. Burchett said the alleys are actually not a principle frontage street as part of this Code so those will be somewhat protected.

Ms. Martin said the BSD Code is not a standard residential zoning district and therefore, it is a denser, urban environment, which is why the setback is proposed at five feet as opposed to 25 feet and it is based on building type. Mr. Papsidero confirmed that has been on the books and is not being changed. He said the change here is the idea of reducing the height within 50 feet of that rear yard line, again to minimize the physical impact on the adjacent residences. He pointed out that with the 1,800-square-foot maximum building footprint, the building form that could result from this proposed Code is smaller in some cases than some of the more recent single-family construction, which is much larger.

Ms. De Rosa asked if the concerns brought forward this evening about the five-foot setbacks, etc. had been discussed because she had not seen comments in any of the notes from prior meetings. Ms. Martin said Denise Frantz King had read the entire letter at the July ARB meeting that Mr. Rudy was referencing this evening. She reported the Chair of that meeting did not request staff respond to each of the comments. A number of the items highlighted in that letter, she said, were based on a document from June, which was not what the ARB was tasked with reviewing that evening; and that is not what has been presented to the Commission tonight. She noted some of the items requested were already incorporated and updated. From staff's perspective, the Chair thought the other items had been discussed at length at the ARB Special Meeting in June and that the items that we reached consensus on between the public and the ARB, those were reflected in the update and the three members that recommended approval felt comfortable with that.

Mr. Papsidero added that the first public workshop had well over 50 residents in attendance at which stage they all spent a lot of time discussing details. At the second workshop, he said, there were approximately 30 residents and changes were made after that workshop. He said there has been a great deal of community dialogue in a public setting including one-on-one conversations with residents as that has been the focus of the process from the beginning – very transparent. Ms. Martin added 30 people attended the Open House in June.

Ms. De Rosa asked if the connectors were discussed in those meetings or if it is staff's view that the residents by-in-large are supportive. Ms. Martin noted some residents are not supportive but others may be. She restated the linkages were a recommendation from the City's consultant. She emphasized they are limiting building size significantly – a maximum of 1,800 square feet is a fairly small footprint. She explained the connectors are meant to be set back from the structure and there is a maximum width requirement. She added the form is heavily dictated and begins to speak to the passage that was read out of the *Historic Dublin Design Guidelines* about the residential character at a story and a half to two and a half stories although this one is a maximum of 2 stories, which is less than the *Historic Dublin Design Guidelines*.

Ms. De Rosa said the graphic examples of buildings appear to be more than 50% lot coverage. She said she is a visual person and context matters but this does not appear in character. Mr. Papsidero noted the graphics are meant to be illustrative and not of the development capacity of the ground. He said from a graphic example standpoint, they included two graphics where there might have been 12 graphics. He said they demonstrate ways in which all different measurements are depicted graphically in a 3-D rendering. He said they tried to avoid 6, 8, or 10 different drawings.

Ms. De Rosa suggested that it would be more helpful to really show that the character is actually going to be maintained by these standards. She said the drawings do not currently depict what she is hearing staff articulate or what she has read in the Code. In fact, she said, just the opposite because it appears dense and out of character as they are not demonstrating a cottage feel.

Amy Salay said she is also not an architect and is a very visual person. She said pictures really help her to understand what is being discussed.

Ms. Salay said she agreed with Mr. Rudy about the setback in those backyards that do not back up to an alley.

Ms. Salay said overall, she is concerned this is going to chill investment in that part of the district. She said several of the existing empty buildings are suffering from what she calls, benign neglect, where they are rotting on their foundations and it comes to a point where it will not be safe as it will be in danger of collapse - then it is condemned, torn down, and gone forever.

Ms. Salay said there have been huge houses built in the Historic District but that is the only way it makes economic sense to invest all that money. She said there are very few people that want to invest a lot more than what they could ever expect to get in return. She indicated that everyone likes the little gift shops that go into these buildings but it is hard to make it work, long term and it is more a labor of love than an economic decision.

Ms. Salay stated there is a real delicate balance we have to be cognizant of. The residents down there need to know they will not have a mammoth building in their backyard. By the same token, we need to figure out what we want up on High Street and the kind of business we want to try to incent. Otherwise, we are going to lose it all just from structures falling in and being demolished. She concluded that the City is not quite there yet with this proposal but she does not know how to fix it.

Mr. Brown said this is not normally under the Commission's purview but the ARB and Staff have reviewed and discussed the proposal; it is not perfect but he does not feel he is in a position to come up with the answer. He said he understands limiting the size, footprint, and height but it is always hard to quantify and codify character and the preservation is fundamental and that in itself is an economic driver. He suggested the graphics are deceptive from what the verbiage states. He asked how organic development should be codified because all of this is a throwback to the agricultural times where there was just a little community pop up and different sectors serve different needs and some of those buildings were linked.

He said there were also a lot of auxiliary structures at the time. He said now it is a different dynamic with different economic drivers; people live far differently and need the ability to do that. He said he is not opposed to bridging buildings together. He said he understands the residents want to preserve all that and he also feels it is very important.

Ms. De Rosa said we have two choices: 1) recommend that this proposal go back to the ARB to have further conversations; or 2) the PZC can forward this proposal onto City Council. She indicated she sees a little more scrubbing will be done but in terms of moving it forward, it might make more sense to now get Council involved in the conversation. She said she only sees 5 or 6 different points this evening that probably need more work along with revised drawings to assist further discussion. She stated the *Historic Dublin Design Guidelines* are an important perspective to use with this as well since character is so much of the conversation for this part of the City.

Ms. Salay agreed to the second approach.

Ms. Salay encouraged the residents to consider the economic realities and what could happen to some of those historic buildings.

Mr. Brown said he believes staff, the ARB, and the Commission have done their due diligence and this should be forwarded now to Council. He emphasized the Commission would be forwarding the proposal to City Council because they believe Council is in a better position to build upon this.

The Vice Chair called for a motion on Case 5.

Motion and Vote

Mr. Brown moved, Mr. Miller seconded, to recommend approval to City Council for the Administrative Request Code Amendment with a recommendation that City Council hear further input from the community and the Architectural Review Board. The vote was as follows: Ms. De Rosa, yes; Ms. Salay, yes; Mr. Miller, yes; and Mr. Brown, yes. (Recommended for Approval 4 – 0)

Motion and Vote

Mr. Brown moved, Mr. Miller seconded, to recommend approval to City Council to approve this Rezoning to amend the Zoning Map for the inclusion of the Historic South District with a recommendation that City Council study and work with the community and the Architectural Review Board to further study setbacks, height restrictions, and connectors. The vote was as follows: Ms. Salay, yes; Ms. De Rosa, yes; Mr. Miller, yes; and Mr. Brown, yes. (Recommended for Approval 4 – 0)

Motion and Vote

Mr. Brown moved, Mr. Miller seconded, to waive the 10:30 p.m. rule. The vote was as follows: Ms. De Rosa, yes; Ms. Salay, yes; Mr. Miller, yes; and Mr. Brown, yes. (Approved 4 – 0)

Communications

Bob Miller said Celtic Crossing is a good example where a lot of those patios are just wood stair stringers hung off the back of the house. He asked if there is a way to put that into the Code where it is a requirement that the patio or deck be developed to some degree. Vince Papsidero said staff can look into that and sometimes it is specific to Development Text but it could be a Code Revision. Mr. Brown agreed that he hates the tagalong stairs that are installed just to meet Code.

Adjournment

The Vice Chair asked if there were any additional comments. [Hearing none.] He adjourned the meeting at 11:18 pm.

As approved by the Planning and Zoning Commission on September 21, 2017.