



# RECORD OF ACTION

## Planning & Zoning Commission

Thursday, August 10, 2017 | 6:30 pm

The Planning and Zoning Commission took the following action at this meeting:

- 2. St. John's Lutheran Church – Bell Tower** **6135 Rings Road**  
**17-066CU** **Conditional Use**
- Proposal: A new wireless communication facility within a 104-foot-tall stealth structure on a 10-acre site zoned R-2, Restricted Suburban Residential District.
- Location: South side of Rings Road approximately 400 feet southeast of the intersection with Avery Road.
- Request: 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 Section 153.236.
- Applicant: Jason Woodward, Tower Co. & Verizon Wireless represented by Rob Ferguson, United Acquisition Services, Inc.
- Planning Contact: Logan Stang, Planner I.
- Contact Information: (614) 410-4652, [lstang@dublin.oh.us](mailto:lstang@dublin.oh.us)
- Case Information: <http://dublinohiousa.gov/pzc/17-066>

**MOTION:** Ms. Salay moved, Ms. De Rosa seconded, to table this Conditional Use at the request of the applicant.

**VOTE:** 4 – 0.

**RESULT:** This Conditional Use was tabled.

**RECORDED VOTES:**

|                  |        |
|------------------|--------|
| Victoria Newell  | Absent |
| Amy Salay        | Yes    |
| Chris Brown      | Yes    |
| Cathy De Rosa    | Yes    |
| Robert Miller    | Yes    |
| Deborah Mitchell | Absent |
| Stephen Stidhem  | Absent |

**STAFF CERTIFICATION**

Nichole M. Martin  
Planner I



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 copula 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.~~



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## ARCHITECTURAL REVIEW BOARD

### BOARD ORDER

**APRIL 24, 2013**

The Architectural Review Board took the following action at this meeting:

**3. St. John's Lutheran Church 6135 Rings Road  
13-025ARB Site and Architectural Modifications**

**Proposal:** Modifications to the existing site and building, including the creation of a new entrance vestibule and covered vehicular drop-off area located to the rear of the building, and associated site improvements. The site is located on the south side of Rings Road, west of Avery Road.

**Request:** Review and approval of architectural and site modifications for a historic property located outside of the Historic District under the provisions of Zoning Code Section 153.170, and the *Historic Dublin Design Guidelines*.

**Applicant:** James Kuhn, Berardi & Partners, Inc.

**Planning Contact:** Jennifer M. Rauch, AICP, Planner II

**Contact Information:** (614) 410-4690, [jrauch@dublin.oh.us](mailto:jrauch@dublin.oh.us)

**MOTION:** To approve this application for site and architectural modifications because this proposal meets the criteria of the *Historic Dublin Design Guidelines* and the Zoning Code, with three conditions:

- 1) An alternative cladding material that complements the existing materials, such as cast stone be used in the areas located below the windows and doors in order to meet the Building Code.
- 2) A detailed landscape plan be provided as part of the building permit review to ensure the interior landscaping and vehicular use area screening requirements are met.
- 3) The accessible parking spaces be consolidated immediately adjacent to the east elevation of the building.

**VOTE:** 3 – 0.

**RESULT:** The application for site and architectural modifications was approved.

**RECORDED VOTES:**

Robert Schisler Yes  
Bob Dyas Yes  
David Rinaldi Yes

**STAFF CERTIFICATION**

Jennifer M. Rauch, AICP  
Planner II

with Bridge Street. She presented a photograph of the building showing the existing projecting sign frame where the applicant is proposing to install a new sign. She said the proposed sign contains the business name and logo. Ms. Rauch said the sign meets the requirements for height, area, and size. She said the proposed two colors and the location of the sign above the door meet the Bridge Street Code requirements. She said the Administrative Review Team found that the criteria were met and recommended approval to the Board of the proposal. She said that Planning is therefore recommending approval of this application with no conditions.

Bob Dyas said that he had visited the site, and the bracket looked bad. He asked if it was going to be painted or cleaned.

Pamela Sell (5802 Scotia Court, Dublin, Ohio), said that their maintenance person would take care of that.

#### **Motion and Vote**

David Rinaldi moved, seconded by Robert Schisler, to approve this application for sign modifications because this proposal meets the criteria of the *Historic Dublin Design Guidelines* and the Zoning Code.

The vote was as follows: Mr. Dyas, yes; Mr. Schisler, yes; and Mr. Rinaldi, yes. (Approved 3 – 0.)

### **2. BSC Historic Residential District – Larson Residence 13-023ARB-MPR**

### **76 S. Riverview Street Minor Project Review – Roof Replacement**

Sharonnda Whatley presented this request for Architectural Modification and a Minor Project Review application for the Larson residence, located at the intersection of Riverview Street and Eberly Hill in the Bridge Street Historic Corridor. She presented images of the home. She said the roof materials found in the Historic District include composite shingles, asphalt, ceramic tile, standing seam, shake, and metal. Ms. Whatley said the colors permitted in this district are from the Historic Color palette of the manufacturer's collection. She said that the applicant is proposing to replace the current roofing material with LEED and Energy Star compliant Galvalume tiles in Colonial Red. She said that the proposal meets all applicable requirements, standards and criteria, and that Planning is recommending approval of this application.

#### **Motion and Vote**

Bob Dyas moved, seconded by Robert Schisler, to approve this application for the roof replacement because this proposal meets the criteria of the *Historic Dublin Design Guidelines* and the Zoning Code.

The vote was as follows: Mr. Rinaldi, yes; Mr. Schisler, yes; and Mr. Dyas, yes. (Approved 3 – 0.)

### **3. St. John's Lutheran Church 13-025ARB**

### **6135 Rings Road Site and Architectural Modifications**

Jennifer Rauch presented this request for review and approval for site and architectural modifications to a church located on the south side of Rings Road, east of the intersection with Avery Road. She said the historic portion of the church is located along the frontage of Rings Road with significant expansions to the south and rear of the property. She said the proposed modifications are occurring at the rear of the expansion and no alterations are being made to the historic portion of the church. She explained that although the site is located outside the District, Appendix 'G' in Dublin's Code includes it as a historic property that has to be reviewed by the Board before architectural modifications can be made.

Ms. Rauch said the proposed new entrance is a covered entryway to be enclosed to create an internal vestibule to access the existing building. Ms. Rauch said, the applicant is proposing it be connected to a new porte cochère and a covered vehicular drop off area for church patrons. She presented the proposed site plan changes which include a modification to the existing landscape lawn area to accommodate a new drive aisle to provide access to the new covered area. She said that the modifications to the existing parking spaces will require four spaces and the landscape island to move. Ms. Rauch said that a variance was previously approved for this site, so parking will continue to be met with this proposal. She said also with this application, an additional parking area is proposed to be accessed from the easternmost access point which will accommodate additional vehicles. Ms. Rauch presented a graphic showing the new vestibule, ramp area, and stair modifications to the existing landscape area. She said that it consists of brick columns with steel framing, and then an asphalt shingle roof. She said as part of the modifications, Planning has proposed two conditions, one of which is related to the vestibule entrance in that stucco is shown on the lower portion under the windows which the Building Department has identified as an issue and requested that a material that meets the Building Code be used. Ms. Rauch said that as part of the site plan, a condition of approval regarding the landscape plan has been added to make sure that it is more detailed in terms of an inventory of what is there, to make sure that it is compliant, which can be dealt with as part of the Building Permit application process. Ms. Rauch said that Planning is recommending approval with those two conditions.

Robert Schisler asked about the proposed location for the proposed ADA accessible parking spaces.

Ms. Rauch suggested that there could be a condition added that the ADA parking be located closer to the entrance.

Rolando Martinez, Berardi & Partners, Inc., (369 East Livingston Avenue, Columbus, Ohio), representing St. John's Lutheran Church, indicated on the plan where the proposed handicap parking spaces and ramped curb could be located. Mr. Martinez said to avoid any cold spots on the closure of the porte cochère with the new storefront, they wanted to raise it from the slab, which would create a space between the seal and the slab. He said they had proposed to use stucco there, but it was not a problem to integrate some type of cast stone material. He said the product that best matched what was existing would be used for all the cast accents shown in the rendering illustration, and also on the seal that Ms. Rauch had referenced.

Ms. Rauch referred the Board members to Sheet A-201 which showed the details of the materials assigned to that particular area.

Ms. Rauch suggested a condition, 'That the accessible parking spaces be consolidated immediately adjacent to the east elevation of the building.'

### **Motion and Vote**

Bob Dyas moved, seconded by Robert Schisler, to approve this application for site and architectural modifications because this proposal meets the criteria of the *Historic Dublin Design Guidelines* and the Zoning Code, with three conditions:

- 1) An alternative cladding material that complements the existing materials, such as cast stone be used in the areas located below the windows and doors in order to meet the Building Code.
- 2) A detailed landscape plan be provided as part of the building permit review to ensure the interior landscaping and vehicular use area screening requirements are met.
- 3) The accessible parking spaces be consolidated immediately adjacent to the east elevation of the building.

The vote was as follows: Mr. Dyas, yes; Mr. Schisler, yes; and Mr. Rinaldi, yes. (Approved 3 – 0.)



CITY OF DUBLIN

Division of Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone/TDD: 614-761-6550  
Fax: 614-761-6566  
Web Site: www.dublin.oh.us

## BOARD ORDER

### ARCHITECTURAL REVIEW BOARD

May 27, 1998

**CASE 1: Application 98-045ARB - St. John Lutheran Church - Reconsideration of Expansion - 6135 Rings Road.**

**Location:** Existing church on 15.9 acres located on the southeast corner of Rings and Avery Road.

**Existing Zoning:** R-2, Limited Suburban Residential District.

**Request:** Review and approval of alterations to an approved 19,916 square foot sanctuary and mezzanine addition to an existing 22,251 square foot church.

**Proposed Use:** Expansion of an existing church.

**Applicant:** St. John Lutheran Church, c/o Jeff Stauch, 1550 Scotts Lawn Road, Marysville, Ohio 43040; and Phillip Markwood Architects, Inc., 240 North Fifth Street, Suite 140, Columbus, Ohio 43215.

**MOTION:** To approve the deletion of the two windows, one on the north and one on the south elevation, and to allow the detached bell tower to be optional with the following 12 conditions:

- 1) That the minimum number of parking spaces meet Code (242) or as otherwise approved by the Board of Zoning Appeals;\*
- 2) That all applicable Engineering and Building Code requirements be met;\*
- 3) That landscaping conform to Code, subject to staff approval;\*
- 4) That exterior lighting conform with the Dublin Lighting Guidelines;\*
- 5) That the height of the addition be approved by the Fire Chief and the Planning Commission;\*
- 6) That all mechanical units be screened to Code;\*
- 7) That right-of-way (30 feet from centerline) be dedicated to the City with a general warranty deed, prior to issuance of a building permit;\*
- 8) That a fee, as determined by the City Engineer, covering the cost of construction of a five-foot sidewalk along the Rings Road frontage be paid to the City, prior to issuance of a building permit unless waived by City Council;\*\*
- 9) That this parking variance expire if, and when, periodic inspections by staff indicate a regular parking shortfall (parking on berms, in aisles, on-paved areas, etc.), in the opinion of staff;\*\*\*
- 10) That the additional paved parking be installed, weather permitting, within 120 days of notification by Dublin of the need for additional parking,

- subject to staff approval;\*\*\*
- 11) That all applicable Code requirements be met, including but not limited to signage, landscaping, and lighting;\*\*\*
  - 12) That a bikeway easement be provided along Cramer Ditch, unless otherwise approved by the Planning Commission.

\* Indicates previously imposed conditions by the ARB on April 23, 1997.

\*\* Indicates previously imposed conditions by the Planning Commission on June 19, 1997.

\*\*\* Indicates previously imposed conditions by the Board of Zoning Appeals on April 23, 1998.

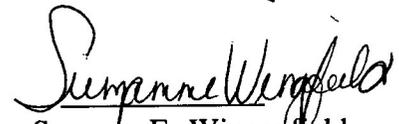
**VOTE: 4-0**

**RESULT:** This application was approved.

**RECORDED VOTES:**

|                  |        |
|------------------|--------|
| Janet Axene      | Yes    |
| Larry Frimerman  | Yes    |
| Carole Olshavsky | Absent |
| Kristan Swingle  | Yes    |
| Richard Termeer  | Yes    |

**STAFF CERTIFICATION**

  
Suzanne E. Wingfield  
Planner



CITY OF DUBLIN

**BOARD OF ZONING APPEALS  
BOARD ORDER**

**APRIL 23, 1998**

The Board of Zoning Appeals heard the variance application shown below on this date. Based on its finding, the Board took the following action:

1. **Variance 98-032V - St. John Lutheran Church - 6135 Rings Road**  
**Location:** Existing church located on 13.68 acres located on the southeast corner of Rings and Avery Roads.  
**Existing Zoning:** R-2, Limited Suburban Residential District.  
**Request:** A variance to Code Section 153.212 to reduce the number of required parking spaces from 242 spaces to 159 spaces.  
**Proposed Use:** A 19,916 square foot expansion of the sanctuary, lobby and offices of an existing 22,251 square foot church.  
**Applicant:** St. John Lutheran Church, c/o Jeff Stauch, 1550 Scotts Lawn Road, Marysville, Ohio 43040; and Phillip Markwood, Phillip Markwood Architects, Inc., 240 North Fifth Street, Suite 140, Columbus, Ohio 43215.

**MOTION:** To approve this variance with the following four conditions:

- 1) That this parking variance expire if, and when, periodic inspections by staff indicate a regular parking shortfall (parking on berms, in aisles, non-paved areas, etc.), in the opinion of staff;
- 2) That the additional paved parking be installed, weather permitting, within 120 days of notification by Dublin of the need for additional parking, subject to staff approval;
- 3) That all applicable Code requirements be met, including but not limited to signage, landscaping, and lighting; and
- 4) That all conditions, as listed in the June 19, 1997 Planning and Zoning Commission Record of Action and the ARB Record of Action 97-082, be met to the satisfaction of staff.

\*Ray Riska, representing the applicant, accepted the above conditions.

**VOTE:** 4-0

**RESULT:** This variance was approved.

**RECORDED VOTES:**

|                   |        |
|-------------------|--------|
| Brent Davis       | Absent |
| Chester Porembski | Yes    |
| Ruth Meeker Reiss | Yes    |
| Amy Salay         | Yes    |
| William Sherman   | Yes    |

**STAFF CERTIFICATION**

  
 Barbara M. Clarke  
 Planning Director



DUBLIN PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
June 19, 1997

CITY OF DUBLIN

5800 Shier Rings Road  
Dublin, OH 43016-7295  
Phone/TDD: 614/761-6550  
Fax: 614/761-6506

The Planning and Zoning Commission took the following action at this meeting:

5. **Building Height 97-082 - St. John Lutheran Church - 6135 Rings Road**  
**Location:** 15.9 acres located on the south side of Rings Road, approximately 330 feet east of Avery Road.  
**Existing Zoning:** R-4, Suburban Residential District.  
**Request:** Review and approval of a proposed building which exceeds the usual 35-foot maximum height, under the provisions of Section 153.021.  
**Proposed Use:** A 19,916 square foot addition to an existing 22,251 square foot church.  
**Applicant:** St. John Lutheran Church, c/o Jeff Stauch, 1550 Scotts Lawn Road, Marysville, Ohio 43040; represented by Phillip T. Markwood, Phillip Markwood Architects, Inc., 240 North Fifth Street, Suite 140, Columbus, Ohio 43215.

**MOTION:** To approve this application because the proposed height of the structure, is appropriate for the area, and proportional with the size and design of the existing building, with seven conditions:

- 1) *That all applicable Engineering and Building Code requirements be met;*
- 2) *That all screening, landscaping, and parking requirements be met, subject to staff approval;*
- 3) *That exterior lighting conform with the Dublin Lighting Guidelines;*
- 4) *That right-of-way (30 feet from centerline) be dedicated to the City by a general warranty deed, prior to issuance of a building permit;*
- 5) *That an bikepath easement, if applicable, be provided along Cramer Ditch, subject to staff approval;*
- 6) *That a fee, as approved by the City Engineer, covering the cost of construction of a five-foot sidewalk along the Rings Road frontage be paid to the City, prior to issuance of a building permit, unless waived by City Council; and*

**DUBLIN PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
June 19, 1997**

5. **Building Height 97-082 - St. John Lutheran Church - 6135 Rings Road (Continued)**
- 7) That revised plans meeting all conditions of approval and formatting requirements of the City, including a site dimension plan, be submitted within two weeks.

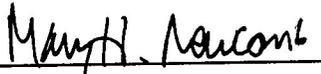
*Conditions separately imposed by the Architectural Review Board are in italics.*

\* Phillip Markwood agreed to the above conditions.

VOTE: 5-0.

RESULT: This application was approved.

STAFF CERTIFICATION

  
\_\_\_\_\_  
Mary H. Newcomb  
Landscape Planner

**5. Application 97-082 - Building Height - St. John Lutheran Church - 6135 Rings Road**

Mary Newcomb presented this application for a structure in excess of the 35-foot maximum height in the R-2, Limited Suburban Residential District. The proposal is an addition to St. John Lutheran Church located on Rings Road. Churches are a permitted use within the district. In this case, Code requires that any non-residential use exceeding 35 feet be approved by the Fire Chief and the Planning Commission. The Washington Township Fire Department has already approved it. This is not a planned district, and only the building height triggered this review. It is not a variance and does not require finding of hardship for approval. This expansion was approved in April by the Architectural Review Board (ARB). The original portion of the church was built in 1860 and is listed on the National Register of Historic Places.

Ms. Newcomb said the site contains 15 acres and is L-shaped. An addition was built in 1989. Cramer Ditch bisects the site. The existing roof also exceeds the 35 feet in height but was built prior to annexation. The existing roof is about 50 feet to the peak, and 40 feet as measured by Code. Approval of a building height of 44 feet (52 feet to the peak) is requested. The parking area will be expanded. Materials and details of the existing church will be matched.

She said staff is recommending approval with seven conditions:

- 1) *That all applicable Engineering and Building Code requirements be met;*
- 2) That all screening, landscaping, and parking requirements be met, subject to staff approval;
- 3) *That exterior lighting conform with the Dublin Lighting Guidelines;*
- 4) *That right-of-way (30 feet from centerline) be dedicated to the City by a general warranty deed, prior to issuance of a building permit;*
- 5) That an bikepath easement be provided along Cramer Ditch, subject to staff approval and prior to issuance of a building permit;
- 6) *That a fee, as approved by the City Engineer, covering the cost of construction of a five-foot sidewalk along the Rings Road frontage be paid to the City, unless waived by Council, prior to issuance of a building permit; and*
- 7) That revised plans meeting all conditions of approval and formatting requirements of the City, including a site dimension plan and engineering site improvement plans be submitted within two weeks.

*[Conditions previously imposed by the Architectural Review Board are in italics.]*

Mr. Ferrara asked if the existing signs will remain. Ms. Newcomb said yes, signage was not discussed. Mr. Ferrara thought bringing the site into sign compliance should be a condition.

Mr. Peplow asked how the Code measures roof height. Ms. Newcomb said the measurement on a sloped roof is the mean between the eave and the peak. Mr. Peplow asked if the measurement included the cupula. Ms. Newcomb said no. One of the cupolas is 67 feet high.

Phil Markwood, Phillip Markwood Architects, said the church design was based on the programmatic needs and the mission of the church. The focus is to make the outside of the church a derivative of and most compatible with the historic structure. The existing first floor footprint is 18,600 square feet, and the first floor footprint of the addition is 11,400 square feet. The lower

scale roof matches that of the existing building and will wrap around the building except on the east side. The sanctuary is approximately 60 feet from the right-of-way of Rings Road. The dimension from the first floor to the eave line is approximately 29 feet.

Mr. Markwood agreed with the above conditions except Condition 5. He said the bikepath issue conflicts with the planting and screening necessary along Cramer Ditch for the parking lot. They requested eliminating Condition 5 regarding the bikepath easement to allow them to work out the details with the staff. They plan to request a sidewalk waiver from City Council.

Mr. Markwood said the western part of the church is historic and the rest is new. Ms. Chinnici-Zuercher said the steeple is shown on the model but not on the plan. Mr. Markwood said a cupola was being bid as an alternate.

Mr. Ferrara asked about signage. Mr. Markwood knew there were outstanding sign issues, but no sign changes are proposed. Mr. Ferrara wanted the existing signage to meet Code, consistent with other churches in Dublin. He said Condition 8 could be: "That signage be addressed", because there are a number of signage issues.

Mr. Ferrara asked if the entire building would be matching brick and was it exactly as shown to ARB for approval, including the bell tower. Mr. Markwood said yes.

Mr. Lecklider asked if the lantern cupolas would be illuminated. Mr. Markwood said yes. Mr. Lecklider asked about the bell tower. Mr. Markwood said the goal was to have electronic chimes. Mr. Lecklider was concerned about the adjacent residential areas regarding bells and lighting. Mr. Markwood said the lighting will only have an internal glow.

Ms. Newcomb asked if deleting "the engineering site improvement plans" from the condition was acceptable. Randy Bowman said yes, the site dimension plan was most important.

Ms. Newcomb said Condition 5 was added because Dublin's bikepath plan shows one running along Cramer Ditch to link the township park. It has not been detailed further. She suggested the condition be amended deleting "...and prior to the issuance of the building permit". Staff will work with the applicant to determine feasibility of a bikepath through the site in that location.

Ms. Boring asked if it was known which side of the ditch the bikepath would be located. Ms. Newcomb said no. Ms. Chinnici-Zuercher said a bikepath was planned along Cramer Ditch, and the applicant should work with the City on developing the path and providing easements.

Mr. Ferrara asked if 24-hour illumination of the cupola met the Dublin Lighting Guidelines. Ms. Newcomb said the guidelines did not address the length of time for illumination. She said staff will look at the lighting plan to make sure it was not providing off site glare.

Mr. Ferrara asked for an update on noise control regarding bell towers, such as St. Brigid's Church. Mitch Banchevsky said a noise ordinance was considered at that time but not adopted. His office is currently working on it.

Ms. Chinnici-Zuercher reminded the group that this hearing was regarding building height only.

Mr. Ferrara wanted a condition 8: "That signage be brought within the Dublin Sign Code".

Ms. Boring liked church towers and felt they should be internally illuminated. Mr. Lecklider had no problem with controlled illumination of the tower.

Mr. Peplow made the motion for approval because the proposed height of the structure, is appropriate for the area, and proportional with the size and design of the existing building, with seven conditions:

- 1) *That all applicable Engineering and Building Code requirements be met;*
- 2) That all screening, landscaping, and parking requirements be met, subject to staff approval;
- 3) *That exterior lighting conform with the Dublin Lighting Guidelines;*
- 4) *That right-of-way (30 feet from centerline) be dedicated to the City by a general warranty deed, prior to issuance of a building permit;*
- 5) That an bikepath easement, if applicable, be provided along Cramer Ditch, subject to staff approval;
- 6) *That a fee, as approved by the City Engineer, covering the cost of construction of a five-foot sidewalk along the Rings Road frontage be paid to the City, prior to issuance of a building permit, unless waived by City Council; and*
- 7) That revised plans meeting all conditions of approval and formatting requirements of the City, including a site dimension plan, be submitted within two weeks.

*\*Conditions separately imposed by the Architectural Review Board are in italics.*

Mr. Lecklider seconded the motion.

Mr. Markwood agreed to the above conditions. He asked if the existing signage had to be brought into compliance with Code. There was discussion of a potential Condition 8: That the site signage be brought into compliance with the Code. Ms. Chinnici-Zuercher said all existing and future signs should comply with Code. Mr. Markwood said the existing signage is grandfathered.

Ms. Clarke said existing signage predated annexation in 1990. The current signs include a changeable copy sign which is not now permitted. There may be other signage issues. She recollected that this site was not in conformance with current code.

Mr. Ferrara said this was a substantial addition to the church, and there were multiple signs, including off-site signage. He said a variance application was withdrawn from the Board of Zoning Appeals. He asked if another sign could be added. Ms. Clarke said no.

Mr. Markwood said any new signs would comply with the Sign Code.

Ms. Boring said a changeable copy sign was approved at the Dublin Community Church because of its age and history.

Mr. Banchevsky said the Code did not require removal of legal non-conforming signage. However, this was a discretionary review on the height of this structure. The review was limited.

Mr. Ferrara asked how any conditions could ever be applied. Mr. Banchevsky said it was because it was a discretionary review. Mr. Banchevsky said that was a judgement call.

Ms. Clarke said the Sign Code permits only one sign per street frontage or use. The church is entitled to only one sign on Rings Road frontage and a second sign, if it has frontage on Avery Road.

Mr. Ferrara asked if the recommendation was to strike Condition 8. Mr. Banchevsky said yes. Mr. Ferrara requested that the church be informed of this sign discussion and that staff take note.

Mr. Markwood agreed to the seven modified conditions above.

The vote was as follows: Mr. Ferrara, yes; Ms. Chinnici-Zuercher, yes; Ms. Boring, yes; Mr. Lecklider, yes; and Mr. Peplow, yes. (Approved 5-0.)

#### **6. Rezoning/Corridor Development District 97-074Z - Ameritech - Tuller Road/Riverside Drive**

Mary Newcomb presented this case for 1.7 acres located on Tuller Road and presented slides of the area. The request is to rezone from the R-1, Restricted Suburban Residential District, to OLR, Office Laboratory and Research District. Also requested is approval of a Corridor Development District (CDD) application. The proposed use is a 300 square foot equipment building to be used in conjunction with an existing communication tower immediately adjacent to the property line. The tower is on the veterinary clinic site which is on the corner of Tuller Road and Riverside Drive, and within unincorporated Perry Township. She said it is Dublin's policy to co-locate such facilities whenever possible. This proposal will go to City Council for rezoning and to the Board of Zoning Appeals for a variance.

Ms. Newcomb said the subject site is L-shaped with 60 feet of frontage on Riverside Drive. The building will be constructed to the north of the existing tower. There will be no access onto Riverside Drive. Access is being requested from Tuller Road. Further study will be required by the City Engineer and should include dimensions, off-set locations, and distances to existing curbcuts. No employees will staff this location. No sanitary sewer or water services will be needed. The site's stormwater management will need to satisfy the City Engineer prior to issuance of a building permit.