



## TRAINING SESSION NOTES

# Planning & Zoning Commission

Thursday, April 5, 2018

### AGENDA

1. Introductions of PZC Members and Staff
2. Vice Mayor: Introduction and Review of Roles and Responsibilities of the Planning and Zoning Commission
3. Law Director: Overview of the Rules and Regulations  
Ex-Parte Communication  
Ethics  
Tips for Successful Meetings and Establishing a Public Record  
Use of City Email
4. Planning: Zoning Code and Community Plan  
Application Types  
Bridge Street Code  
Current Planning Process  
Planning Reports and Recommendations  
Technology/Available Resources

The Vice Chair, Steve Stidhem, called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were: Jane Fox, Warren Fishman, Kristina Kennedy, and William Wilson. Victoria Newell and Bob Miller were absent. City representatives present were: Chris Amorose Groomes, Claudia Husak, Vince Papsidero, Jennifer Readler, Thaddeus Boggs, Phil Hartmann, Logan Stang, Jimmy Hoppel, Richard Hansen, Sierra Saumenig, and Flora Rogers.

### Administrative Business

Vice Mayor Chris Amorose Groomes performed the Oath of Office for William Wilson as he was appointed by City Council to the Planning and Zoning Commission.

### Motion and Vote

Mr. Fishman moved, Ms. Fox seconded, to accept the documents into the record. The vote was as follows: Mr. Stidhem, yes; Ms. Kennedy, yes; Mr. Wilson, yes; Ms. Fox, yes; and Mr. Fishman, yes. (Approved 5 - 0)



### **Motion and Vote**

Mr. Fishman moved, Ms. Fox seconded, to approve the meeting minutes from January 18, February 1, and February 15, 2018. The vote to approve all three meeting dates was as follows: Ms. Kennedy, yes; Mr. Wilson, yes; Mr. Stidhem, yes; Ms. Fox, yes; and Mr. Fishman, yes. (Approved 5 - 0)

Claudia Husak thanked everyone for attending this Training Session as it is always good when new members join, for the more seasoned members to have a refresher so that is what we are here for this evening.

Ms. Husak introduced herself as the Current Planning Manager of the Current Planning Team that supports the Boards and Commissions within the City of Dublin. She introduced Vince Papsidero as the Planning Director and some of the members of her team were Logan Stang, Nichole Martin, and Lori Burchett who all work on the development review case processing. She added Lori Burchett has been instrumental in reviewing applications within the Bridge Street District (BSD). Unfortunately, she reported Lori was ill and would not be able to present tonight so the BSD presentation that she prepared will be studied at another time. She noted that Logan Stang is the Liaison to the Board of Zoning Appeals. Also in attendance this evening are our graduate students/interns: Sierra Saumenig, Jimmy Hopple, and Richard Hansen. She said this program is dear to her heart because in 2003, she was a graduate student/intern with the City of Dublin. She reported that Logan Stang and Nichole Martin are also graduates of the program who were then hired by the City. She said we are very proud of them all and the work they do; this has been a very successful program. Last but not least, she introduced Flora Rogers who was facilitating the meeting this evening who also runs the Planning Office; she has been with the City for 20 years.

Ms. Husak asked to hear from the other members present this evening.

Bill Wilson said he grew up in South America, in Argentina. He said his dad was from the USA from Indiana so he was also brought up in the US so he would understand this culture as well. He graduated from the University of Notre Dame with an architectural degree. He indicated that when he heard about this opportunity with the City, on the Planning and Zoning Commission, he thought that would be a good fit for him. He started working for Wendy's back in 2001 and lived in Miami, Florida while he was working for Wendy's, with a brief time spent in Atlanta, Georgia before moving to Columbus, Ohio in 2012. He said he worked in the building/restaurant he designed and designed buildings overseas as well.

Mr. Wilson said he dealt with the development world before Wendy's. He reported he brought projects to the Planning Commission in cities in Indiana and admired what they had to say and being here, he has seen the growth and it really excites him to be part of this Commission. He concluded he was happy to be here and to meet everyone.

Warren Fishman said he has been here since 1977 when Dublin was a Village of 4,000 people. Within two weeks of moving in, he reported, he was on the Board of Zoning Appeals with Dublin and has been on the Commission for 30 years combined, on and off. He said the reason he loves being on the Commission is because the quality required was laid out before he ever started and this is a wonderful forum for residents to be participants. He said you will also notice we have an incredible staff. He recalled a statement made once that it seems like once the good zoning comes in, it is hard to get rid of it because the next guy has to be as good or better to compete in Dublin. For him, he said it is rewarding to be involved and it is a great city.

Jane Fox said she is a new Council Member who started in January 2018. She said she has to smile when she hears Warren because she thinks that her desire to run for City Council is grounded in the same ideas. She reported she has lived in Dublin 27 years, in the Historic District, and one of the things she loves about Dublin is that it has a home-grown feel. She said not only do we have a great community but

we have a community that is trying very hard to incorporate wellness in the way of a good quality of life that includes every aspect from children to seniors. She indicated that her goal on City Council is to bring all those energies from the citizens forward like we have done in the past so we do not lose our ability to rule ourselves and decide whether or not this community has the best atmosphere that we can possibly provide. She said she is passionate about that and that is why she is here.

Kristina Kennedy said she is new to the Planning and Zoning Commission (PZC) having only attended two meetings so far. She reported she is an engineer and works for Honda Research and Development. She said just a few years ago she was looking at her extracurricular activities and considered what she wanted to commit to. She said she is an active troop leader for her daughters' troop and wanted something more. She said she moved around a lot as a kid and she has now settled in Dublin and feels like she wants to give back to the city she lives in and that she loves so much. She said that was her inspiration to apply for the PZC position. She said she is thrilled to be a part of this great team and looks forward to contributing. She said her husband, Andy, is also a Honda engineer and they have two kids; Grace is eight years old and Charlie is five.

Steve Stidhem said he was born in Japan, although on an Air Force base, which is considered American soil but he mostly grew up in western San Francisco, CA. He said he went to high school and college in Dayton, OH and his degree is in Computer Science. He said he works at Cardinal Health and has been there for eight and a half years. He said he has lived in Dublin since 1994 and has always been involved in local activities. He said he ran his neighborhood association for 11 years and he was Chairman of the Parks and Recreation Commission for a little while until it was merged with another Commission. He indicated he has been on the PZC for three years and he has learned a great deal. He suggested City Council was trying to get a cross-functional group with different experience to be on this Commission that would best represent the City. He welcomed Bill to the team and said with him being an architect, it will be helpful. He added that the staff has been great and we are all working to make a difference in the City.

Ms. Husak pointed out one quick housekeeping item – the rules and regulations for the Planning and Zoning Commission state that at the first meeting in April, every year, Chairs and Vice Chairs would be elected or at the next available practical meeting. She suggested that since a couple of people were absent and a work session with the ARB is scheduled for the next meeting, elections will be moved to the first meeting in May.

Jennifer Readler introduced herself as the Law Director and indicated that Dublin has historically treated their law department a little differently than other departments in that they have been serviced by an outside law firm. She said they have had the privilege of her predecessor, Steve Smith, who started 40 years ago so their group has been representing the City for a very long time. She noted she and Phil Hartmann have been working together for about 20 years. She said she previously served as the primary advisor to the Planning Commission but when she became the law director about two years ago, she shifted to City Council, Mr. Hartmann took over the Planning Commission, and now Thad Boggs has joined us for over a year now so Thad and Phil will be sharing the responsibility.

Chris Amorose Groomes said the Planning Commission is near and dear to her heart. She said she served on the Commission for eight years and six years as the Chair, prior to running for City Council. She stated City Council only has two employees, Dana McDaniel, our City Manager and Anne Clarke, the Clerk of Courts. As the Vice Mayor of the City of Dublin, she said she is also the Administrative Chair. That body appoints and selects the people to serve on the Boards and Commissions, she said and ultimately, Commissioners report to Council. She provided some of Council's expectations of what they hope and dream of for the members and first and foremost, they hope the members enjoy their time on the Commission and find it rewarding. She said it was tremendously rewarding for her and she has learned a great deal. She said Council trusts the Commission with the built environment of our community and it must be held to the highest standard that we can possibly hold our Code to. She indicated Council hopes

and expects the Commission to be very judicious, civil, and strive to be experts in the subject matter that they are tasked to deal with.

Ms. Amorose Groomes reported she runs into people of the community all the time that appreciate our well-planned community and they state how everything fits and the traffic flows. As Mr. Fishman eluded to, that did not happen by accident and it did not happen because developers came in and said they would really like to spend a lot of money. She said we want this to be the community that developers have to bring their very best and the Commission is tasked with demanding that level of quality and with the full support of Council to the extent the Code allows. She emphasized the Commission should not feel like they have to say yes. She said we have an excellent, wonderful staff and the Commission does not always have to agree with excellent people and Council does not expect unanimous votes. She stated Commissioners were selected based on the skills that Council felt was needed.

Ms. Amorose Groomes said she is here for the Commission as the Administrative Chair for the Administrative Committee and would like to meet once or twice a year to discuss progress or challenges, etc. She said Jane Fox is the Liaison as the Council Representative. She said between the two of them they can provide access to educational needs for the Commission to do their job even better.

Ms. Amorose Groomes admitted she sounded serious but there are tons of money on the table; developers will walk in here with \$100 mil proposals. She told the Commissioners to be respectful and critical thinkers. She indicated developers will state this is the best they have and the best they can do or they have to walk away as the numbers do not work. She said if the proposal is not adding value to our community, let them take whatever they want to do somewhere else, in a tremendously respectful, cordial, and legal manner. She said the City has a good Code but are in the process of making it even better. She emphasized that the best must be demanded and not to settle for anything less than what you would like built next to your home or a neighboring piece of property. She thanked everyone for their service as it is of great worth to this community.

Ms. Amorose Groomes said she has lived in Dublin her entire life. She reported her dad's family moved here in the 40s. She stated she sat in a meeting just this morning with Dr. Hoadly, the Superintendent of Dublin schools and he said there were 61 spoken languages in our community. She asked him to provide a timeline from when the number of languages went from 1 to 61 because she graduated from Dublin High School, which is now Coffman High School, and there were just two languages that she knew of that were spoken – English and Japanese because the Honda plant had just opened and those families started to move in. She suggested the community is changing rapidly and people are falling in love with Dublin.

Ms. Amorose Groomes could not emphasize enough that the Commission demand greatness and come to the meetings extremely prepared to execute.

Ms. Readler provided more information about the firm. She said even though Thad and Phil are the primary attorneys the Commission will see, they consult about just about everything and the firm has about 500 attorneys and over 51 of them work on Dublin matters of the last few years. She stated there are a lot of resources and she reiterated that the Commissioners call them any time before a meeting if there are questions about criteria, etc. She said we are going to go over conflicts of interest as well. She emphasized they are available for analysis but would appreciate some leeway to have time to do some research to answer questions before the meeting, if necessary.

Phil Hartmann reported he has worked with the City for almost 20 years and his background is land use, zoning, and land acquisitions. He said the City has a great staff and the elected officials are very good about giving us direction; it is a very professional environment.

Thaddeus Boggs said he has been with Frost, Brown, Todd for just over a year and spent most of that time participating in Planning and Zoning matters. Prior to that, he said, he worked in house with the City of Upper Arlington for five years. He indicated he is a 'jack of all trades' within municipal law.

Mr. Hartmann said as public officials, official actions must be taken and deliberate in a public setting/meeting. He said offering opinion through email is deliberating arguably and courts view those on-going communications as a pre-arranged public meeting so the Commission has to be careful as to not render opinions or circulate any emails among the majority. He said there will be times when an Executive Session is called for as a Board but it is rare outside the occurrences when deliberations are needed to discuss the election of officers. Ms. Readler recalled going into an Executive Session with the PZC to discuss pending litigation.

Mr. Hartmann noted in Ohio law, Commissioners are not permitted to skype into the meeting and count as part of the quorum or vote. He explained they can skype in and listen but not participate in the meeting itself.

Mr. Hartmann said any records kept by the City or received by the City for the purpose of running the City, etc., it is considered a public record. He cautioned the Commission about making notes on documents because sometimes they can be used as official records. The Commission is provided a city email address to use because if there is a public records request, somebody has to go through all of the emails and pull everything related to that certain topic. If any business is being conducted or communicating with staff, he said, it is highly recommended that the city email address is used.

Steve Stidhem said email is one thing but he has challenges with the calendar. He said if something does not exist on his work calendar, it does not exist in his life. He said he wanted to make sure there were no issues with that as there is never any attachments or anything, just blocking out time. Mr. Hartmann answered with appointments that is generally fine. Ms. Readler affirmed that meetings would not be necessary for public record.

Mr. Hartmann said under the City Charter, which is basically the constitution or general laws for the City, Section 7.1 requires the City have a Planning and Zoning Commission and the Codified Ordinances in Chapter 153 provides the Commissioners duties and they are broken down into two categories:

1. Create a record and a recommendation to Council who will then review it; or
2. Make the final review of certain things.

Ms. Readler said all the types of hearings that will come before this Commission are broken up into two areas: Administrative or Legislative. She explained Legislative hearings are those in which the Commission is the recommending body to Council. She said Legislative hearings can be the formulation of new Code Sections, or with Planned Developments, the Legislative hearings will be the Preliminary Development Plan so ground rules are being laid out for how future developments will operate. In those hearings, there are not requirements to have a swearing in, people are allowed to question each other, and the evidence does not have to be pinned down with hard, objective facts - more personal experience testimony can be considered because the Commission is not the final arbitrator of that, Council is. She noted that Administrative matters are more difficult as more legal constraints have to be followed because those could end up in court. She clarified in those cases, the Commission is not formulating law policy but rather determining the rights of a specific applicant. For a development in the BSD, the applicant has the right to appeal to Council before going to court but in every other administrative matter, they must appeal to the courts, if they felt like the decision made by the Commission was unfair. She said if we go through all the procedural hoops, we will be in a much better position if we have to go to court.

Mr. Boggs said deliberations come after the record has been closed and that is the Commission's opportunity to speak amongst themselves about what was heard on the record. In addition to having a good record in place, the court is going to look at the things that the Commissioners say in relation to that record to ensure the standards that have been provided are applied. He said the standards are always laid out by staff in their presentation and in their Planning Report, that the Commission is tying something that has been offered into the record either through the applicant's submissions, staff's submissions, or testimony that has been given back to the standards.

As opposed to what was just stated, Mr. Boggs said if someone approaches a Commissioner outside the public meeting (at a coffee house, restaurant, or the Dublin Irish Festival for examples) and comments on an application, the Commissioner cannot consider that information into the decision-making process. He stated that is something the court will look at and say yes they kept a good record but we that their deliberations went outside of that record. You suggested the Commissioners be careful in their deliberations. He said a sentence can become the bludgeon for an appellate (this is done easily if taken out of context) that we then have to rehabilitate and explain to the court that is not the whole story.

Mr. Boggs explained ex parte communications are a legal concept that applies in trials just as it applies in the administrative hearings the Commission has. He explained it is when someone writes to or otherwise communicates directly with the judge about the issues in the case without the other parties' knowledge. He said it can be communication between a judge or juror and a party to a legal proceeding or any other person about the case, outside of the presence of the opposing party or the opposing party's attorney. For example, he said if you have a conversation at the coffee shop about an application, the applicant, in all likelihood, is not present or vice versa by talking with the applicant but the neighboring property owner who may oppose it is not there and so there is not a fair opportunity for that hearing to take place in front of you on the record. The PZC Rules and Regulations prohibit ex parte contact with applicants or with anyone affiliated with an application. He said parties can come to staff or come to the hearing and testify but you must avoid them outside of the hearing. He said in Jane Fox's situation it is hard because she is elected by constituents but in this role, it is a different standard and process.

Ms. Readler clarified that the way they have interpreted it, as a City Council Member and an elected official, a member does not have to relinquish the ability to stay in touch with a constituent. She said the law director's office view you different than the other members in terms of your ability to talk to people that have publications but again it is the Commissioner's choice, especially if there is a threat of litigation. She said it is just easier to say "we need to have all of our discussions in a meeting/public forum."

Mr. Boggs said the other component of that, as this is not just conversations, but independent investigation of applications. He said driving past a site is one thing because that is in the realm of common knowledge of the community but taking a deep dive into the planning history or anything that may be more specialized about the application is beyond what the appropriate role would be for the PZC and taking things that are not in the record as to be considered for your decision.

Ms. Husak said Mr. Miller could not be here this evening but he has asked this question before. He has asked if he gets presented with an application and then he Googled and researches and come up with a lot of information how that fits in. She said she thinks that fits very well into what not to do by creating an opinion or a record that is outside of materials that are presented to everybody.

Mr. Boggs suggested that what becomes tricky is that when one does that, it creates an opening for an applicant to say "because you have Googled all this, or gone down to the county records department, or whatever the case may be, you have pre-judged and made up your mind based on items not in the record" so that is a situation we want to avoid because we want to put the City in the best position to defend any decision that is made.

Ms. Readler added that if the Commissioners think there is something lacking in the application or in the staff materials, staff can be asked to pull the information and make it part of the record and then the applicant gets it as well and has an opportunity to respond to it.

Steve Stidhem said Google is something anyone can get to. He said he does not just drive by a site every single time and sometimes he walks around the lot to get a better feel for it.

Ms. Husak stated that the application forms have a section that the applicant is required to sign that allows access/entrance to the property to view existing conditions.

Mr. Hartmann recalled a debate with Greg Dale, Clarion, as there is a fine line because you really do want to have the context but once you start researching building materials and other items there is an issue.

Mr. Boggs said that if the Commissioners thinks there is information that they want, because there is a gray area, legal or staff can be contacted and they can advise you as to what the best course of action is going to be.

Warren Fishman brought up a scenario where a hotel chain comes in and wants to build a beautiful building and they say it is our standard and he would look at it on their website and see what they might have built in other areas. He asked if that would be okay to Google. Ms. Readler answered that is a gray area on the spectrum. She suggested the better practice might be if the applicant has stated they are going to build something similar to a hotel in Indianapolis for example, staff should be asked to pull those pictures and add them to the packet.

Ms. Fox said we have to make sure we feel very comfortable about asking staff to do that. She recalled while serving on the ARB, that frequently for context, she would submit pictures of the street so everyone could see them. She said we have to be comfortable enough to say we need more information if we do not see it in the packet. Vince Papsidero said to contact staff to get the materials so they can be part of the public record and once it is established in the office, it can be available to any interested party, not just the Commission.

Kristina Kennedy said all of these rules are around while a case is open or pending so once something is cleared, is the Commission allowed to discuss it at all outside of the Commission. Ms. Readler answered that once the case is over, that it may not be over when it leaves this Commission and cautioned doing anything during a period it may be forwarded to City Council.

Steve Stidhem asked for clarification that Commissioners are not permitted to go online and look for materials. He said he is an IT profession and does not know anything about materials, so he will generally look at the plans and will research the materials because he is not familiar with them and try to educate himself about those things. Mr. Hartmann said that is another tough area. He said the thing we want to preserve is - information being pulled in that is outside the record as the other Commissioners have not had an opportunity to review that information. He said if materials seem to be lacking, request more information from staff. He indicated he knows that goes on though, just to figure out what the material is for example, like when HardiPlank was new, he had no idea what it was.

Mr. Boggs emphasized it is all about protecting that process so it is fair to everyone involved and having the best record available for the next level – an appeal or the appeal after that. He encouraged the Commission to ask questions during the evidentiary phase. He said when someone from the public says something like “my property values will be decreased,” you have the right to ask them “why they say that” or “what their credentials are to back that statement.” He recalled that was ultimately successful in the St. John’s case because in that second hearing, there were those types of questions asked by various people on the Commission and a good record was obtained as a result and defensible by the Commission.

Ms. Fox asked in the instance that the Commission has a question about materials and they are given a picture but they cannot gauge the quality and there is no actual sample provided, how do they satisfy their need to understand the qualities of materials? She said many of us are not architects so they do not understand what it looks like or how it performs. She said she likes real stone that does not look false, but she does not always have a say on those materials. Mr. Hartmann said it is perfectly acceptable to say you would like to table this because we wanted the applicant to bring in materials. He indicated staff asks for material samples every time so the Commission can actually see and feel them. He said the Commission should not feel compelled to vote, if they are not comfortable voting.

Bill Wilson asked when materials are received on Friday and they see they are lacking a sample of material, or maybe seeing the drawings missing, if they should wait for the meeting or immediately contact staff. Ms. Husak answered material samples specifically at our office will be brought to the meeting on Thursday night, either by the applicant or by staff. If a Commissioner wanted to see the material prior to meeting, they can stop by our offices and take a look at what we have. If a Commissioner is seeing something lacking or wants something to be addressed, or additional materials added to OneDrive, then as soon as you can let staff know the better they can be prepared to answer any questions.

Mr. Fishman said a lot of times it is hard to tell from a little square what the material is actually like so often times it is better to see what it looks like on a building.

Ms. Husak said in the BSD where the applicant is asking for material that is not one of the codified materials, there is a requirement that states the applicant has to show that the material has been used somewhere within the region. She said the applicant cannot say they are using Terra Cotta that is popular in Italy, for example; the material has to be within a climate that is similar and regionally local - maybe somewhere the Commission could visit.

Mr. Boggs went onto the next topic that was how to run a good meeting. He said he did not think we have to worry about anyone being prepared or not. He said the Commissioners need to focus on the facts and standards and coming with an unbiased mind and making the findings on the record to support those decisions. He said one of the best things that the Commission does on every vote for an administrative matter that comes to mind, is when they roundtable and say if it is a no vote, it is because "it does not meet condition two because of X that was said" or "does not meet condition five because of Y that was said" and everyone goes around and references testimony to standards, which make a strong record. He stated that staying within the Code, understanding due process, knowing the opportunity to be heard, and applying the standards set forth in the Code to the evidence that is presented is the goal.

Mr. Fishman noted the comment "do not demand things that are not justified", which he agreed with. He said he thought that sometimes, the Commission is allowed to demand something that is a little more than Code and asked if that was correct. Ms. Readler suggested the better way to say it is that the Commission has standards and the Commission applies them to what is before the Commission. Mr. Fishman said there are different ways to interpret the Code. Mr. Fishman said, just because the Code allows HardiePlank does not necessarily mean it is acceptable because there can be a difference as to how it is applied. Ms. Readler said to go broader than just building materials. She indicated that in a Final Development Plan, there are criteria that talk about how it is going to fit in with the rest of the environment and those criteria allow for flexibility and it does not have to be absolute. She said Commissioners do not have to rubber stamp what is there but apply the standards to get there. Her example was a Commissioner cannot just state they do not like HardiePlank. She said there is flexibility but it is all in the way the Commissioner approaches it. She clarified, for a planned development process, when there is a Preliminary Development Plan text, they are asking for things outside of the Code and that is a legislative action that is not the one where the Legal Department is worried about it being appealed to court. She added a Commissioner can state this is a nursing home going in next to a subdivision and we know that is going to be a more intense use or taller in height so plan in the text to

require a much more extensive buffer than would be allowed in the Code. She said it depends on where the applicant is in the process; if at the Final Development Plan stage, then the text and standards are to be reviewed and evidence applied to those standards.

Mr. Boggs said Ethics Consideration was next on the agenda. He stated all the Commissioners are public officials and subject to Ohio's Public Ethics Laws. He said the most applicable are going to be instances where a Commissioner could be put in a position where your position could act in a way that benefits yourself, business associate, or family member and recognizing those situations and bringing them to the Legal Department's attention they can help evaluate whether it really is a prohibitive conflict of interest. In that case, he suggested, the Commissioner may have to recuse themselves from the particular case. Or maybe it is something that may create an appearance of impropriety, which the legal team evaluates to determine whether the Commissioner should go forward or not. Another example he cited was if something is not clearly prohibited but perhaps it is in a gray area the Commissioner does not want to cross into or whether it is allowed under the law and not likely to create an appearance of impropriety and move forward. Ms. Readler said there is a protocol when there is a conflict and the Commissioner is going to abstain. She said it is to be announced at the beginning of the application; the Commissioner actually gets up from the dais and leaves the room because Legal does not want the Commissioner to inadvertently communicate anything through facial expression or nodding, etc. She stated the process should be as clean as possible and that Commissioner will be permitted to return to the dais when that particular case is reviewed and all is reflected in the minutes.

Ms. Kennedy asked if staff should be notified in advance if there might be a conflict of interest.

Mr. Wilson confirmed he understood the process in the case of a conflict of interest.

Mr. Boggs said the other type of conflict of interest is related to gifts - things that might create a substantial and proper influence on the decision making. He told the Commissioners not to accept gifts from people that are going to be appearing in front of the Commission and if there is a question about that, contact Legal because apart from the trouble that it can create a record for the case, it can create trouble for the Commissioner, as a public official, even under criminal circumstances.

Mr. Papsidero asked what would happen if a gift basket was delivered to a home and how a Commissioner should handle that. Mr. Boggs answered not to open it and contact Legal. He said it is also improper for an applicant to be doing it. Even if it was unsolicited, he said it is illegal for applicants to try to influence the Commission. Like if tickets to the Memorial showed up, he said the Commissioner must not use them and to contact Legal directly and they will address it. Mr. Boggs went on to give several more examples.

Ms. Readler thanked the Commission for their time and provided handouts that presented a deeper dive into their topics.

Mr. Papsidero called for a short break. The meeting reconvened at 8:15 pm.

Mr. Papsidero said there are four work units in Planning: Administration; Current Planning; Long Range Planning, and Code Enforcement with a staff of 22 total. The four Planning Assistants were introduced and they each shared where they were from, their area of interest, and their undergraduate degrees. Mr. Stidhem asked how our staff numbers compared to other cities. Mr. Papsidero answered, on a per capita basis for Ohio, Dublin probably has the largest planning staff in the state. He said for the suburbs around Columbus, staff probably consists of five people. Ms. Husak said a former Planning Assistant is applying for a Planner position in Reynoldsburg and she would be the only Planner there.

Mr. Papsidero explained how the different units worked together in terms of the development process. He said Long Range Planning maintains the Community Plan that feeds into Current Planning reviewing

applications, including Zoning Compliance – two employees in particular who look at the Landscape Plans and focus on that specifically. He said Code Enforcement gets into enforcing the Property and Zoning Codes.

Mr. Fishman asked about Enforcement and how they know what all is permitted for the different zoning areas. Mr. Papsidero answered Code Enforcement has working knowledge of the Code and what applies to different PUDs, generally speaking. Ms. Husak said that is why there is so many staff members. Mr. Stang said there are 122 active PUDs and they are all different. Mr. Papsidero said Enforcement is scheduled to receive tablets by the end of the year, as part of a software update for use out in the field but right now it is all online and they can check when they return to the office. He said there have been some sign issues and those are being addressed with some Code updates. Ms. Husak said a letter was sent to all of the shopping center owners and businesses in Bridge Park stating the City is picking up enforcement of signs and changing rules in the Code as a result of too many problems that have been occurring. He said signs have been installed without permits and that is out of control and has to stop.

Mr. Papsidero said Long Range Planning responsibilities are: the Community Plan; Special Area Plans and other projects; Code updates; facilitating public meetings and information sessions; and consultant coordination and management. He presented a list of projects underway today or starting later this year.

Mr. Papsidero said Current Planning is charged with maintaining the Code; maintaining and supporting the Boards and Commissions; maintaining our review process across the city through all these Boards and Commissions so it is intensively focused on the day-to-day development and development project coordination is a big piece of that. He said there is a General Staff Review conducted twice a month, where all the departments join and go through all the applications that are in the system. He said Current Planning facilitates all the Planning Reports and presentations and review Building permits once a project has been approved to ensure they match the Zoning approvals in the Code. He clarified the four key bodies the Current Planning supports: Planning and Zoning Commission, Administrative Review Team, Board of Zoning Appeals, and Architectural Review Board, all under City Council. He presented the Work Plan under Current Planning currently underway: BSD Amendment #1; BSD Amendment #2 plus Design Guidelines; Historic District Design Guidelines plus Code Updates; Small Cell Towers Code update; Sign Code Amendment (bonding and registration); and Sign Code Amendment (Reed v. Gilbert).

Mr. Papsidero said Code Enforcement responsibilities are to: receive, investigate and respond to complaints; issue violation citations; be the City's representative for prosecutions; coordinate with Zoning Compliance; provide education; handle inspections; and enforcement - all with a very customer friendly approach.

Ms. Husak said she would touch quickly on the types of applications in the Commission's review stream and will dive a little bit more into PUDs since they came up earlier. She suggested that as we are moving forward with more formal meetings, if there is a Conditional Use on the agenda, we will do just part of the staff presentation and part of it will be done to the tune of training – what is a Conditional Use.

Ms. Husak restated there are two authorities for legislation cases versus the administrative cases. She explained that Legislation are all the cases that the PZC recommends to City Council, acting as the recommending body for the following listed: Community Plan changes, adoption; Zoning Code Text/Map Amendments; (Standard District Rezoning); PUD-Preliminary Development Plan; Preliminary/Final Plats; and BSD Basic Plan with EDA (Informal).

PZC is the final authority for all administrative cases: BSD Basic Plan without an EDA; PUD Concept Plan; Final Development Plan; PUD Amended Final Development Plan; PUD Minor Text Modifications; BSD Applications; and WID Applications (Site Plans or Kick Up).

Mr. Stidhem clarified that the ART is comprised of staff. Mr. Papsidero said the team includes the Development Department, Police, Fire, Parks, Economic Development, Building Standards, and Planning. He said each department has one seat and he is the Chair. Ms. Husak said it is a codified team so the members are listed in the Code or they can assign a designee.

Mr. Fishman asked how the ART makes the decision to kick it up to the PZC for a final approval. Mr. Papsidero answered it is based off of community impact. He said almost anything other than a single-family home has the potential for impacting residents directly adjacent so regardless of whether there are issues or not, the ART would kick it up to the Commission because it is a broader conversation. Mr. Fishman asked if the ART could get it ready for the PZC. Ms. Husak answered staff gets everybody ready for the Commission, regardless. In other words, Mr. Fishman said, the applicant pretty much knows what to expect. Mr. Papsidero said the applicant will and they need to complete certain steps before moving forward.

Mr. Stidhem reported that he had attended several ART meetings and one of the meetings he was present for, the ART told the applicant they were expressing concern about whether PZC would actually have an issue with certain aspects of the project. He indicated those types of conversations must occur frequently. Mr. Papsidero explained that happens at the staff level because we have a good sense as to what is important to the Commission and so that is conveyed to an applicant at the beginning of the process and will work on those issues before staff knows it is ready to move forward. He said staff tries to get it ready so the application can get approved and does not require a lot of conditions.

Ms. Husak continued by stating one of the application types that is called inventive, it is not a codified process but it is an Informal Review and can happen any time in the process. She indicated sometimes it is an application with just an idea with a sketch or perhaps it is part of something that is filed but staff would like some feedback first before the applicant gets to the detailed plans. She said it is a nice way to have a conversation and staff typically provides discussion questions to guide the meeting as well as hint at what the issues are. She clarified that the ART does not have the same authority as the Planning Commission. Mr. Papsidero said an applicant works with staff for a while and then go to the ART so there are two bites of the apple to prime the application to make sure it is ready when it moves forward, particularly when it is in the BSD. He said that is why we are suggesting the ART's role should be limited in the BSD, because it is redundant and it just lengthens the process. He said we get more out of them because with the ART format, it is more formal by design so it puts more pressure on the applicant in a public setting to actually act with it differently than if they were to just meet with staff in an office. He said the ART meetings have its benefits but again it can make the process too long in the end. Mr. Fishman noted if the applicant gives the ART everything they want, they still have to come to the PZC to which Mr. Papsidero agreed. Ms. Fox asked if it was different in the West Innovation District (WID). Mr. Papsidero said that is the difference because of the way the WID is structured. Ms. Fox noted the ART has a lot of leeway. Mr. Papsidero said it is hard to define community impact and it is taken broadly. Mr. Papsidero said there has not been much activity in the WID; the market is just not there yet.

Ms. Fox asked Ms. Readler about the Informal Review that is not binding. She asked if the Commission still needs to abide by the regulations but asked how much leeway they had in terms of character or the aesthetic items that are addressed to which Ms. Readler answered affirmatively and added the Commission has a lot more latitude. She added this is something the applicant is asking for and not anything they are required to do. She said the applicant is usually in the early design stages when asking for informal feedback to determine what will get them the approval in the fastest timeframe. Ms. Fox asked if that would hurt the Commission when the applicant returns for other reviews. Ms. Readler clarified that with the Informal Review, the Commission is giving direction and that is something that could be said during the discussion when the applicant returns, if they did not follow the Commission's direction. Ms. Readler said there is a lot of latitude in both the Informal and the Preliminary Development Plan Review. She said the issues can be brought up during the discussion at a Development Plan but

criteria have to be applied to determine whether to grant that application or not as it is an administrative application.

Ms. Husak said the Conditional Use was in inadvertently omitted from her list but it is an administrative review type that starts and ends at the Commission. She said the conditional uses are usually provided for in the Zoning Code, including the BSD Code, as well as in the Development Text. She said the district does not matter as most have conditional uses and typically more intense in nature or impact the surrounding area.

Mr. Fishman asked about the Conditional Use when the business goes away. Ms. Husak explained the Conditional Use is only valid for one year so if somebody has not filed a building permit and issued a building permit that includes a Certificate of Zoning Plan Approval that Conditional Use goes away. Mr. Fishman noted that if a bank has a drive-thru, a restaurant cannot then come in and use the drive-thru for their business to which Ms. Husak confirmed. She added there are different stacking standards for a restaurant than there are for a bank.

Ms. Husak addressed Mr. Stidhem's question about the PUDs. She explained that PUDs allow for very unique, flexible standards catered to a site, plan, use, or layout, etc. She said within the City of Dublin, it has a lot to do with the fact that we have a 1970s zoning Code that requires lots that are 20,000 square feet to have 25 foot setbacks, 50 foot setbacks, and it is very dated. To get some creative site planning in place, she said, as well as land development, the City has used PUDs more than anyone else she thought. She said locally, it has afforded us longevity. She said the creative and negotiation level that goes into a PUD, gets better quality of open spaces, architecture, arrangement of uses, and setbacks. She said staff has determined that 50% or more of the City is within those 122 PUDs. Mr. Papsidero indicated it is really not a tool that is used as frequently now across the country as it had been because zoning codes are becoming simpler and renegotiation is not needed every time. He said the BSD is in that essence of direction but it is also a form-based code that is different. He added PUDs are highly labor intensive.

Ms. Husak said there are three steps to the PUD process and explained each: 1) Concept Plan; 2) Rezoning with Preliminary Development Plan and Preliminary Plat; and 3) Final Development Plan and Final Plat.

Ms. Husak said the Concept Plan is the initial step in establishing a Planned District and the review by the Commission is required for complex projects. She added no votes are taken and no discussion, opinions, or suggestion by the City or the applicant shall be relied upon to indicate approval or disapproval. She said the applicant may elect to get additional feedback from City Council, too.

Ms. Husak said the Rezoning with a Preliminary Development Plan and Preliminary Plat are the first formal steps to establish a Planned District and Development Text with applicable regulations is written. She said the PDP contains a site layout, access, street design, open space locations, pedestrian circulation, a preliminary tree survey and replacement plan, utilities, preliminary plat, and phasing plan. She said the Commission provides recommendations of the application to City Council and approval by Council constitutes a rezoning to a PUD.

Ms. Husak said the Final Development Plan and Final Plat are the final step in the PUD process, usually completed in phases or sections. She stated all details for compliance are reviewed with the Preliminary Development Plan and includes the Final Plat, setting up the rights-of-way and lots and the dedication of open space. She said the PZC is the final authority on the Final Development Plan and provides a recommendation to Council for a Final Plat.

Ms. Husak reported staff's recordkeeping software is being changed this summer and it does not allow for this combination so this is a challenge to get this to work.

Ms. Fox indicated Ms. Husak is presenting complex information. She said if the Commission cannot look at applications ahead of time, it is a lot to ask of Commission members to review within a four day period and be able to give a response. Ms. Husak said when applications get filed every Tuesday, they are discussed on Wednesdays to determine if it is complete and staff can process it. When the answer is yes, she said, Planning Assistants take all information that the applicant has submitted electronically, and by Friday of that week, everything that is submitted is available on the City's website for public view. However, whatever is on the website for a Final Development Plan, is never going to be what the Commission receives in their packet. She said very iteration that is submitted by the applicant gets put on the website and the only thing that is not there until the Friday before the Commission meeting is staff analysis in the form of the Planning Report. Ms. Fox asked if it is okay for Commissioners to look at whatever is public on the website, to which Ms. Husak answered affirmatively. Ms. Husak said the issuance of the Agenda, materials, and the Planning Report are the Rules and Regulations for the Planning and Zoning Commission as well as every other Board.

Mr. Stidhem noted staff does a great job of putting packets together and it generally gives him enough time to do the research that he needs, depending on his work week. He added staff does a great job on the presentations during the meetings as well, which differs from the packet materials and he requested the Commissioners get the presentation before the meeting, also. Ms. Husak indicated she does not get the presentations finished until up to the last minute.

Mr. Stang noted that a big problem with that is also when staff sets an agenda, which is sent two weeks before the meeting. He said often when we talk about applicants with timing, they always think it takes a lot longer but there are two weeks there that we are completing our final staff review of getting the Planning Report and PowerPoint presentation completed. To extend that further would just elongate that entire process because staff has to factor in additional time to get the history and materials. He indicated that many staff work between the different Boards and Commissions. He said the Planning and Zoning Commission meets twice a month, the ARB and the BZA meet once a month, and there are times when cases need to be managed for different Boards and Commissions so there is a lot of overlapping work and deadlines running with that which make the PowerPoints a little bit harder to complete beforehand. He indicated there is a lot of fine tuning at the end, right before the meeting. Ms. Husak added the amount of work that goes into everything the Boards and Commissions receive from staff for regularly scheduled meetings is labor intensive. She said the case planner presents to staff for review and critiques as well, in order to bring the Commission, the best presentation possible.

Mr. Fishman asked how often the applicant comes before the PZC when an application is not recommended. Mr. Papsidero said staff works toward a win/win situation to make a case work. He indicated there are a lot of development proposals that do not make the light of day because up front, staff will say absolutely not. He said if applicants do not get staff's support, they do not bother. He said staff does a rigorous screening process because we know the expectations of the Commission and the community, and can determine if "XYZ" will not be favorable and will discourage the applicant but that is pretty rare. He said sometimes the applicant still wants to go in front of the Commission but staff or the ART will state they will still recommend disapproval, which sometimes prompts the applicant to make the necessary changes because they do not want to go in front of the next reviewing body with a negative tone.

Mr. Fishman indicated when he opens the Planning Report, the recommendation of staff is the first thing he looks at. Ms. Husak asked how the rest of the Commission addresses their packet materials. Mr. Fishman said he takes the day to read the material and takes a lot of notes, then he drives the sites and it is helpful that the City provides a public hearing notice sign there. He emphasized the drive is so important. Sometimes he then calls Claudia or Logan if he does not understand something. He said staff does a marvelous job as they provide so much detail, which sometimes is difficult to process it all. Ms.

Husak reported sometimes it is hard to answer questions on Thursday afternoons because she has meetings from 2:00 pm – 4:00 pm and then is scrambling to finish up presentations before the meeting.

Mr. Stidhem said he generally looks at the Planning Report first because he wants to understand what the recommendations are and then he will review the content of the material in the packet. Like Warren, he said some things he cannot make heads or tails of – architectural details and materials he is not familiar with, but he will dive into the things that are relevant for him. He said the important point in this is that we each have a role on the team and we bring different perspectives to it so he tends to focus on the things that he considers are part of his role. He said we define our roles for ourselves but there is a reason why we are all on this Commission and we all have different skills. He reported he focusses on sustainability type things, futuristic type things, but to be clear, a lot of the content he flips through the pages because he does not understand what the stuff is. He said the presentations during the meetings are significantly better than the content in the packet because he will look through there and be completely confused on something and then when he sees the presentation it makes perfect sense. Walking the site, not just driving the site, is exceptionally important he stated so he does that consistently. He said sometimes his work schedule gets in the way of his commission responsibilities like traveling for work but for the most part, he will get out to every site and walk around with the tablet to reference.

Ms. Kennedy said she was new and still learning. She said she does not have an entire day like Warren to review the materials as she is a working mom and has to travel all the time so her time is limited. She said she takes about two to three hours on Sunday to run through the material, flip through a lot of it, but then the site visit is the most important thing. She said she usually drives the sites and then she takes audio recordings of her thoughts, questions, or things that are confusing to her as she is driving to capture those thoughts. She said she brings the perspective of “does this make sense to me as a Dublin resident” or “am I confused by what this looks like”, or “am I confused what the applicant is trying to get across by this application, sign or building”, etc. “She wants to understand if she can easily get there.” “Can I easily navigate with my family by sidewalk or by car?” She said she determines whether it makes sense to her in ways she would use it or the way she would interact with that proposed building or location. She said she appreciates everything provided in the packets, although she does not always read all of it but it is great to have it all there as a reference. She said she sees it as the “max” case scenario and then again, the presentation brings it full circle.

Mr. Stidhem said he wished he had that kind of time and that he also looks at the history to understand what has been happening. Mr. Fishman said he does the same. Mr. Fishman added when he reads the minutes, he finds he is inappropriate sometimes. Ms. Husak said she tries to edit carefully so everyone sounds appropriate.

Ms. Fox said her experience has mainly been while serving on the ARB so she appreciates the fact that we ought to bring a particular perspective to the table. She said she has tried to learn architecture and engineering during her years here. She said in the Council Meetings, she hopes the perspective she is planning to bring is one to refer to the policies and the intent of the Community Plan and characteristics that you would be able to insight your authority on that would assure we get the type of objectives, quality, and intent that we are looking for. She said she likes to do her background research and understand the materials and the Code and to objectively look at things and apply on top of that, the quality and the characteristics so we can get the best product but wants it by bringing all the information we have to bear witness to that. She said this approach allows her to blend these two things together and hopefully come out with the right outcome.

Mr. Wilson said sometimes when you read the Planner’s recommendation it is like reading the end of the book when you should be reading the beginning of the book and then make up your mind before reading the recommendation. He said he wonders what the right process is. He said as we get better reading some of these drawings, he wonders if it is best to look at the material and then look at the summary so

at least you can be making up your mind along the way; then you read the Planning Report and it makes more sense. He said he has not seen what kind of material comes into play and how much yet as he is the new commissioner. Ms. Fox said that was a good point because when she was on the ARB, she noticed she would read the Planning recommendations first in the beginning and would not necessarily agree with them and she would have to go back and figure out why she did not agree. Whereas, approaching it first and looking at it from a perspective she would have all her questions and then she had to play them against what the recommendation was and she would have to go back and figure out why she did not agree. She said Mr. Wilson makes a good point and worth practicing.

Mr. Stidhem said he is all about trying new things but he has to ask the question of how often staff thinks the Planning Commission fully agrees with the recommendations. Mr. Stang clarified if it was 100% agreement that he was asking. Mr. Stidhem said for him it is *a* data point, it is not *the* data point and so he typically looks at that document first to understand the application. He said he was trying to recall but thought all the times staff recommended disapproval, the Commission approved the application but with conditions. He said he might try Mr. Wilson's way but believes the Planning Report is not making his mind up for him.

Mr. Fishman said the reason the system works so well is that the Commissioners are supposed to be a cross section of Dublin. He said one thing we like about Dublin is the people participating. He said he has certain things he is passionate about (sign pollution for example) so that is one of the first things he looks at and yet other Commissioners will focus on something else, perhaps so when it all comes together, it works well and that is really what Council and the City want. He said staff looks at an application on a technical level, Commissioners look at it as residents and those that make up the rest of the City.

Mr. Stidhem indicated he sees Mr. Fishman as bringing the history because he has been on the PZC for so long. He said he respected Amy Salay and her perspective. He said City Council did a great job of bringing the team together that has that multi-functional mix to look at things differently.

Mr. Stang asked the Commissioners that have been here for a little while, that staff somewhat recently redid their Planning Reports. So the way that it is formatted, he explained, the information that is out there is the intent part of that was so that the cover page gave you an overview of everything, telling you a little bit about what you needed to know about the application. He asked if there are certain things the Commissioners would want to see in that Planning Report whether it be certain types of information or anything else because he thinks staff would be open to working around that to provide more useful information for the Commission's review.

Mr. Stidhem responded that a lot of times the before and after (if second or third times it has been thru) are always good to have. He said we always have it in the presentation and would love to have even a miniature version in the Planning Report. He said he likes the structure of it but did not mind the old structure either.

Ms. Kennedy said, as a quality engineer, the voice of the customer is always so important to her. She said she does not have feedback yet but when she does, she will certainly share it in the future.

Ms. Husak reported Ms. Martin has been working hard to provide a robust guide of resources for the Commission that is in OneDrive and directed them there. Ms. Martin said it is 44 pages in length. She said this is a resource and a summary of a lot of what was discussed today. She suggested the Commissioners refer to it on their own time and maybe digest it in a quieter setting. She said it is all on OneDrive under additional resources and it is an interactive pdf. She explained if it is opened digitally, they would be able to link to online resources the City has provided on its website and also additional websites. She said online Codes afford you that luxury to find them quickly in that manner. She said she hopes this serves as a refresher for those that have been on the Commission for a while and a guide for those who are

newer. Also included is the review criteria for every single case type, she said, and in the upper right-hand corner is a cheat sheet so who is making the recommendation – whether it be staff, the ART, what you are being asked to do, if you are the final reviewing body or if you are making a recommendation to City Council and what kind of process this is because one of the things we have hit on, which is unique to the City of Dublin, is we have all of these different types of review processes and all these types of different districts to target different types of development and really make our City as competitive regionally as possible but sometimes on a day-to-day basis it can make administration of that kind of challenging so this can get you started.

## **COMMUNICATIONS**

Ms. Husak said for the Commission's next meeting scheduled for April 19, the meeting will start at 6:00 pm as there is one case needed to complete and at 6:30 pm there will be a joint meeting with the ARB with the same set up as this evening. She said in the OneDrive, there are BSD Zoning Code materials for the Amendment as part of Phase 1. Minutes from the last joint work session on February 15<sup>th</sup> are also included. Additionally, she said there is some information about what happened in 2017 with Council and our consultant, Don Elliott. She noted he is famous in the planning world and is flying in from Denver, CO to join them for the work session.

Ms. Husak said the City is also trying to get Greg Dale, who was here to do training for the PZC, BZA, and ARB with a dinner at the 5800 building to include a lively discussion. She said it is tentatively scheduled for August 14, 15, or 16, leaning towards the 16<sup>th</sup> since it is a Thursday night. She said typically, the Chairs and Vice Chairs get training prior to the dinner at 6 pm and then the large meeting may end at 8:30 pm.

Mr. Papsidero said another training session will occur in the fall/winter of 2018 focusing on critiquing a site plan, architecture, and landscape design. He said they intend to bring in those from the private sector that do this type of work to really speak to you all and run through exercises to make it a learning event. We believe this will benefit everyone he said but particularly those that are new at analyzing a site layout, architecture, and landscape design, which is less important than the other first two pieces.

Ms. Husak said the May meetings are expected to be on the full side.

The Vice Chair asked if there were any further items to discuss. [Hearing none] He adjourned the meeting at 9:34 pm.

As approved by the Planning and Zoning Commission on May 17, 2018.