



# MEETING MINUTES

## Planning & Zoning Commission

Thursday, November 9, 2023

### CALL TO ORDER

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and welcomed everyone to the November 9, 2023 Planning and Zoning Commission meeting. She stated that the meeting also could be accessed at the City's website. Public comments on the cases were welcome from meeting attendees and from those viewing at the City's website.

### PLEDGE OF ALLEGIANCE

Ms. Call led the Pledge of Allegiance.

### ROLL CALL

Commission members present: Mark Supelak, Warren Fishman, Kathy Harter, Rebecca Call, Jamey Chinnock

Commission members absent: Kim Way, Lance Schneier

Staff members present: Jennifer Rauch, Thaddeus Boggs, Bassem Bitar, Tammy Noble, Taylor Mullinax, Rati Singh, Heidi Rose

### ACCEPTANCE OF DOCUMENTS/APPROVAL OF MINUTES

Mr. Supelak moved, Mr. Fishman seconded acceptance of the documents into the record and approval of the 10-12-23 PZC meeting minutes.

Vote: Ms. Harter, yes; Mr. Fishman, yes; Mr. Supelak, yes; Mr. Chinnock, yes; Ms. Call, yes.

[Motion carried 5-0]

Ms. Call stated that the Planning and Zoning Commission is an advisory board to City Council when rezoning and platting of property are under consideration. In such cases, City Council will receive recommendations from the Commission. In other cases, the Commission has the final decision-making responsibility. Anyone who intends to address the Commission on administrative cases must be sworn in. Individuals who intended to give public testimony were sworn in.

Ms. Call stated that two cases have been scheduled on the Consent Agenda: Case 23-091 – Towns on the Parkway, Section 3, Preliminary Plat and Case 23-092 – Towns on the Parkway, Section 3, Final Plat. She inquired if any member wished to move the cases to the regular agenda for discussion.

No member requested that the cases be moved to the regular agenda.

## CONSENT CASES

- **Case 23-091 - Towns on the Parkway, Section 3, Preliminary Plat**

Preliminary Plat (PP) for 66 attached single-family residential units across Blocks C & D, buildings are arranged to include four to eight units per building. The 4.21-acre site is zoned BSD-SCN, Bridge Street District Sawmill Center Neighborhood and is located southwest of the intersection of Tuller Road and Village Parkway.

- **Case 23-092 - Towns on the Parkway, Section 3, Final Plat**

Final Plat (FP) for 66 attached single-family residential units across Blocks C & D. The 4.21-acre site is zoned BSD-SCN, Bridge Street District Sawmill Center Neighborhood and is located southwest of the intersection of Tuller Road and Village Parkway.

Mr. Supelak moved, Ms. Harter seconded approval of the Consent Cases, Case 23-091, Towns on the Parkway, Section 3, Preliminary Plat and Case 23-092, Towns on the Parkway, Section 3, Final Plat, with one condition:

- 1) That the applicant make any minor technical adjustments to the plats prior to submission for acceptance to City Council

Vote: Mr. Chinnock, yes; Ms. Call, yes; Mr. Fishman, yes; Mr. Supelak, yes; Ms. Harter, yes.  
[Motion carried 5-0]

## CASE REVIEWS

- **Case 23-106AFDP - Penzone Base One at 6671 Village Parkway**

Proposal for an Amended Final Development Plan (AFDP) for exterior modifications to an existing building. The 3.52-acre site is zoned BSD-SCN, Bridge Street District Sawmill Center Neighborhood and is located northwest of the roundabout at Village Parkway and Bridge Park Avenue.

### Applicant Presentation

Chris Meyers, Meyers+Associates Architects, 232 N. Third Street, Columbus, representative for the applicant, stated that they are seeking an amendment for a previously approved finish application on a building, which is called the Base One Building, the original Penzone Grand Salon. There is also the newer adjacent salon located next to the roundabout. They have been working on a few other projects, which will be scheduled for the Commission's review next month. Mr. Burmeister will review the history of this AFDP project.

Mike Burmeister, Meyers+Associates, 232 N. Third Street, Columbus reviewed the existing conditions of the Base One Building, as it was adopted last year by City Council. The issues that were addressed were the exterior finishes of the brick and stucco, updating them to the new Penzone brand. They have taken an overall campus approach, which includes major landscaping and site improvements, and will be undertaking an exterior facelift to the One Building. Their project was approved last year for semi-transparent staining of the brick, painting of the stucco, application of the Trespa simulated wood paneling on the façade, a new roof and extensive landscaping. In their mockup of the project, it was discovered that the color saturation on the brick was inconsistent resulting in too many color variations. Subsequently, they have submitted another AFDP application, requesting approval of a change to the amount of stain that is to be applied to

the brick, making it opaque rather than semi-transparent. [Pictures of the stain applied to the actual building were shown.]

Mr. Meyers stated that the Penzones are fond of a paint application that was used with recent modifications to the nearby First Watch (previous Mellow Mushroom) building. They had discussed this option earlier with staff; however, staff encouraged them to pursue the masonry stain method. Due to the saturation inconsistencies of the whitewash stain application, they have requested approval of an opaque application of the stain. He noted that the City's architectural consultant, Mark Ford, reviewed their application and was supportive of their proposal for a deeper finish. He shared the next phase contemplated for the Penzone campus. A Concept Plan for the proposed Penzone gallery residence is scheduled for the upcoming December PZC meeting. They are attempting to create a cohesive palette of finishes and materials for all of the buildings contemplated. Those will be new buildings, but the building under discussion tonight was constructed in the early 1980s. This original building is being renovated into the Penzone's new office headquarters and training facility. The challenge is to make all of the buildings, old and new, feel like a cohesive campus. Using the approved whitewash on the red brick will not blend with the new white and blond-colored stone that is used on the new salon and will be used on the future buildings, as well. To achieve the desired consistency, they are requesting to use the same material and application as has already approved, but to apply more coats to make the finish more opaque.

### **Staff Presentation**

Ms. Mullinax stated that this is a request for an AFDP to permit modifications to the finishes of an exterior building material on the Penzone Base One office building. The 3.52-acre site is within the Bridge Street District (BSD) and is zoned BSD - Sawmill Center Neighborhood (BSD-SCN). It is located northwest of the roundabout at Village Parkway and Bridge Park Avenue. The site is developed with two existing buildings, the Penzone Base One office building and the Charles Penzone Salon and Spa. In March 2023, the Commission approved an AFDP for exterior modifications and associated site improvements for the Penzone Base One building, which included paint, stain, and material modifications to the building. The approval included new paint colors for the stucco and a semi-transparent stain for the brick, both in cool white and grey tones. Simulated wood cladding was also approved in place of existing stucco on portions of the building. Post PZC approval, the contractor did an in-place mockup on the building using the approved semi-transparent white stain. The contractor observed flashing and hot spots of paint due to varying brick textures and weathering. The approved semi-transparent stain is not achieving the desired finish and appearance as originally intended; therefore, the applicant is requesting to use an opaque stain application instead to overcome the inconsistencies. Additionally, the approved paint colors for the stucco, fascia, and soffit will be revised to a warmer white color palette for the proposed opaque stain for the brick. The color palette change from cool tones to warm tones is intended to align with the white stone on the existing salon and spa building. Staff has worked with the applicant to bring the proposed changes closer to compliance with the BSD Code, including a switch to warmer stain and paint colors, while trying to achieve an updated look for the existing building. However, after final revisions by the applicant, staff remains concerned with the proposed opaque stain. Per the General Definitions of Code Section 153.002, masonry is defined as "natural or natural-appearing stone or brick." The widespread use of natural masonry is a hallmark of the existing building character throughout the City of Dublin. A fully painted brick (rather than a stain) is inconsistent with the long-established development character across Dublin, where individual buildings and sites do not compete for attention, but are designed and integrated within the

surrounding context. Per the Bridge Street District Code Section 153.062 Building Types (E) Materials, “brick is a permitted primary building material and shall be of high-quality, durable materials.” Brick masonry approved in the district typically maintains its natural composition. Painted brick is reviewed as a secondary material, and therefore its application should be limited to accents on the building. If the existing brick is stained to be opaque in appearance, important architectural features such as the soldier course treatment below the windows is lost on the building. All AFDP criteria are either met, not met or not applicable. Staff recommends disapproval of the AFDP application.

### **Commission Questions for Staff**

Mr. Chinnock stated that this application involves other color changes and material changes, as well.

Ms. Mullinax responded that the materials are not changing. However, the paint colors for the stucco and the fascia also would be changing.

Mr. Burmeister stated that those color changes are at staff’s request.

Mr. Supelak asked about the apparent wood color change.

Mr. Burmeister stated that the Trespa material in the Romantic Walnut color has not changed. The quality of the renderings that were printed was slightly improved, making the color appear different. The material that will be used will match the physical samples that were shown at the previous Commission meeting.

Ms. Harter inquired if the thicker coat of paint is expected to weather differently over time and if they anticipated less maintenance would be required.

Mr. Meyers responded that it would require much less maintenance. Because the stain application will be opaque, touchups, if they should be needed, would blend more easily. This is one of the premier masonry stain products in the market, as noted by the architect consultant. He referred to a comment in the report about the brickwork on the building. There is some rotation of brick around the windows and doors, but there is no ornamental brick, no relief/change as typical in historic brick buildings. There is a difference in paint and the opaque stain. Paint is thicker and would mask the texture of brick or relief in the mortar joints. Stain penetrates better, and because it is thinner, it does not mask the brick; it appears as a brick finish.

Ms. Harter inquired if the brick on the new buildings in the next phase would have a paint finish so there is a cohesive look.

Mr. Meyers responded that the proposed gallery residence building would have stone and stone panels, similar to the new salon on the corner. In the next phase, which will include office and retail buildings directly adjacent to the Base One building, they will be proposing a brick that would be finished the same as what they are proposing today. Consistency of the adjacent buildings is important.

Ms. Call referred to the First Watch building mentioned earlier. Was the paint application to the brick a secondary material leaving a majority of the exterior material unpainted?

Ms. Mullinax responded that with the First Watch Building, brick is the primary building material, and the majority of the brick was left unpainted. The painted portion is the parapet section. Architectural modifications were made to the parapet, and the paint helped to conceal the changes.

Ms. Call inquired if new brick was added to the old brick or if the change was in the articulation of that parapet.

Ms. Mullinax responded that it was primarily articulation, re-using existing brick from the building.

Mr. Fishman requested clarification of staff's basis for recommending disapproval.

Ms. Mullinax responded that staff recommends disapproval because what is proposed does not align with the City's policy regarding opaque-stained or fully painted brick. Brick is the primary building material on this building, and the applicant is proposing to stain it to an opaque appearance. The First Watch building had a limited application, therefore was consistent to Code.

Mr. Fishman inquired if staff is supportive of the applicant staining the brick.

Ms. Mullinax responded affirmatively. Their previous application in March, which was approved, was for a very light, semi-transparent stain. It was less of a change to the building appearance. Staff was supportive of that application.

Ms. Call inquired if that would achieve a cohesive design for all 3 buildings, in staff's opinion.

Ms. Mullinax responded that in comparing the existing building to the salon and spa building, the stone on the salon and spa building is naturally white in appearance, so meets the masonry definition in the City's Code. There is no painted white brick on that building. Staff understands the intent is cohesiveness in the campus, but the building materials are different.

Mr. Meyers clarified that they are not proposing the use of paint, only to stain to a more opaque finish.

### **Public Comment**

There was no public comment.

### **Commission Discussion**

Mr. Chinnock stated that he understands staff's concerns; however, he is supportive of the applicant's request because it fits better with the overall design of the building. The "patchy" look harkens back decades before this building was originally built. What is proposed fits the style of the building much better. Although it is recognized as a primary material, it really is not a dominant material on the building. He complimented the architect on the great design.

Ms. Harter stated that she also is supportive of the request, because they would be toning down the color to a less stark white. She believes it will achieve a more cohesive appearance.

Mr. Supelak also complimented the architect on the design. He believes, however, that covering up brick is very unfortunate. It diminishes both the appearance and the quality of the brick product, and the Commission wants to see high quality products used. Entirely covering the brick including the grout would make the building appear monolithic. He was supportive of the whitewashing that was approved for the brick, because it would retain the rich, warm texture, which is a critical element of the brick. He is not supportive of what is proposed.

Mr. Fishman stated that he is undecided. He believes the property owner should be permitted to update the building and make it more attractive. His concern with what is proposed is that it would

eliminate the mortar line. He does not find what is proposed to be a critical issue, but believes the less color applied, the better.

Mr. Supelak clarified that his concern is fundamentally with the application process. What is proposed is a sprayed-on application. Whitewashing is a wipe on/wipe off application with a watered-down solution. He is fond of a historically vernacular, whitewash result. He is not supportive of the sprayed application. Whitewashing maintains the texture and appearance of a brick material; the result is not monolithic.

Ms. Call stated that she agrees with Mr. Supelak and Mr. Fishman. The Commission always has to be careful of precedent, cognizant of the next building that could result. The First Watch building was permitted to do a paint application to brick as a secondary material. Now this application is proposing a full application of a secondary material. The potential ramifications is one of the reasons she is not supportive. The second reason is that a significant percentage of this building is already stucco, a blanched, blond material that does not have much articulation. Adding opacity to the brick diminishes its articulation and texture. There is a desired look and feel for this area, which is the reason brick is a permitted material. With this proposal, we would lose some of the desired look and feel. She appreciates that the intent is to achieve cohesiveness within this campus, but we do not yet have the next building. Although that is in process, the current consideration of permitting opacity that would reduce the texture, she is supportive of staff's application to disapprove this application. She inquired if the applicant had any questions.

Mr. Meyers stated that he would like to respond to the comment regarding masking the texture due to the application of the product. He can reassure the Commission that the appearance of brick, its texture and distinct unit, mortar joints and patterning, would still be very visible because it is a stain application, not a paint. A paint application was done with the First Watch building, which flattens the look of the brick. With what they have proposed, the approachable texture would be retained. What they are striving for is the tidiness of a more uniform finish. With a historic style of architecture that is traditionally whitewashed brick, he would agree. However, this is a 1980s building, which they are attempting to blend with the existing contemporary buildings and with the future contemporary buildings that are planned here. He reiterated that this application would do that, yet retain the brick texture and appearance.

Mr. Chinnock noted that the applicant indicated that they have already attempted an application of the semi-transparent stain; it did not look attractive. Because that application had a patch appearance, they have been compelled to submit this application.

Ms. Call pointed out that the applicant has indicated that their application is very different versus the traditional whitewash. She inquired if the applicant wanted to request the application be tabled, or if he preferred to proceed with a vote.

Mr. Meyers requested a vote.

Mr. Supelak moved, Ms. Harter seconded approval of the Amended Final Development Plan with one condition:

- 1) That all needed repairs be completed prior to stain and paint application.

Vote: Mr. Chinnock, yes; Ms. Harter, yes; Mr. Fishman, no; Mr. Supelak, no; Ms. Call, no.

[Motion failed 2-3.]

- **Case #23-097ADMC - Historic District – Code Update**

Proposal for amendments to the Historic District Zoning Code. Request for review and recommendation of approval to City Council for proposed amendments to the Historic District Zoning Code.

### **Staff Presentation**

Ms. Rauch stated that she would provide a brief overview. Prior to 2012, the Historic District was governed by its own set of zoning and guidelines. In 2012, the Historic District was incorporated into the Bridge Street District (BSD) and the BSD Code. However, that Code permitted building types, uses and intensity of development that did not align with the historic character of the Historic District. Concerns were raised regarding how the BSD Code was applied to the Historic District. Consequently, amendments were made in 2017 based on the Historic and Cultural Assessment. That assessment evaluated the City's inventory of historic and cultural assets and identified them as contributing or not contributing. The 2017 amendment to the BSD Code created a Historic South District within the BSD District. This district provided for reduced building heights and attempted to address development patterns that were of concern. Concerns continued and in 2021, the Historic District was removed from the Bridge Street Code. The Historic District was reverted to the pre-2012 status of having its own Code and Guidelines, which focus on the preservation of historic resources and permit infill and redevelopment cohesive to the character of the district. The Historic District includes an Architecture Review boundary. Within the Historic District, there is a National Register District. Those specific properties are identified in Appendix F in the Code. Appendix G in the Code includes properties that are under the Architectural Review Board's (ARB) purview but outside the Historic District.

The Historic District Code, used in tandem with the Historic District Guidelines, includes objective standards, uses, site development requirements, signs and review processes that apply to all the properties in the Historic District and properties identified in Appendix G. The amendment under consideration tonight focuses on the demolition criteria. Under the current Code, if a building is considered contributing, the property owner must demonstrate economic hardship with a request to demolish. That is a difficult requirement to meet. With non-contributing properties, the burden of proof for a demolition requirement is less; it is essential to meet one of three criteria. The Guidelines provide supplemental guidance to the Code; they are more discretionary in nature with the intent of protecting the character in the District. Not every property and structure is treated the same as this is an eclectic district. The goal is to have a rehabilitation and preservation focus for original and historic buildings and compatibility for new buildings and additions. The Guidelines provide the contextual guidance versus the Code's objective standards. City Council requested staff to look at how demolition requests are addressed within the Historic District and to evaluate which properties are truly historic in nature within the District, and finally how the Code and Guidelines are applied to demolition requests. Tonight's review will focus on how demolition requests are handled and how the review criteria is applied and to which buildings within in the Historic District. The demolition section of the Code has been revised to refer to the buildings that were previously identified as contributing and non-contributing as landmark and background buildings. With this amendment, all requests for demolition still must be reviewed by the ARB; however, more structures have been identified as background, so would not be required to meet

the higher burden that is required for landmark buildings. Phase 2 of this overall review will look at administrative approvals with the intent of expediting the application review process.

Ms. Rauch displayed a map of the Historic District that identified each property as landmark or background by color. The NRHP (National Register Historic Places) – Dublin High Street District contains properties constructed between 1833 and 1920, as shown in green. There are a few properties within that district that were built within the last 50 years and would not be subject to the higher burden of consideration for demolition (shown in grey). Additionally, the map indicates the properties within the Architectural Review District, but outside the NRHP District, constructed between 1830 and 1901 (shown in orange). Based on the two ranges of dates, staff has determined that an overall time period of 1830-1920 should be the baseline to identify additional properties that ought to have the higher burden of consideration for demolition. On September 27, 2023, the ARB reviewed the draft Code and Guidelines language, requested some minor modifications and requested that site stabilization requirements be included for demolition of background buildings. The Board also requested that staff review Appendix G to ensure all City-owned properties and cemeteries are represented. Those properties as well as the Dublin Arts Council historic log cabin (ca. 1830) reconstruction have been added to Appendix G. She noted that the properties listed on Appendix G are considered “landmark” and subject to the higher burden of demolition review. The modifications requested by ARB at their final review are reflected in the draft provided for PZC review tonight. Staff recommends the PZC review the proposed amendments and make a recommendation of approval to City Council.

### **Commission Questions**

Mr. Fishman inquired if this document would be provided to people purchasing property within the Historic District. Perhaps it could be attached to the deed. Buyers should know at the outset what the requirements are in the Historic District.

Ms. Rauch responded that the documents are not attached to the property documents, although the buyer is aware that the prospective property is located in the Historic District. New property owners in the district receive information about the City, including a copy of the annual mailing that goes to Historic District property owners regarding the requirements in the Historic District. The City attempts to provide sufficient communications to make the property owners and residents aware of the property requirements and responsibilities.

Mr. Fishman responded that he is aware of those efforts, but his concern and question is regarding the information that is provided to a prospective buyer before they purchase property in the District.

Mr. Supelak noted that the information has been provided in some areas by title companies.

Ms. Call requested the Assistant Law Director to comment on the City’s ability related to this issue.

Mr. Boggs responded that the Historic District Code governed and enforced by the City of Dublin is a zoning code, which does not appear in the chain of title for a property. The document is regulatory and subject to change by the City of Dublin. The City does not have any legal responsibility to affirmatively inform people moving into the Historic District that there are any special obligations that will apply to them. It is the responsibility of the property owner to acquire that knowledge. However, the City does make an effort to publicize the information.

Mr. Fishman stated that if it is not appropriate to provide this document with the deed, it would be beneficial to include it with the closing documents. He is aware that when a person purchases a property in Muirfield, a separate packet of information is provided with the deed that provides all the obligations of a property owner in Muirfield.



Mr. Boggs responded that it may be a function of the Muirfield Homeowners Association. Per Ohio's Planned Communities Law, homeowner associations are part of the chain of title. Because the Historic District (HD) is a straight zoning district, there is no associated homeowner association. In the past, the City has encouraged realtors to provide the information needed to investigate the zoning of the prospective property purchase. The City cannot require them to do so.

Ms. Rauch stated that the information is readily available if it is sought.

Ms. Call stated that every person selling a house must fill out a seller's disclosure. That is the method by which the seller should communicate any particular property restrictions to the potential buyer.

Mr. Supelak stated that there are four different property distinctions within this document, one of which is properties on the National Historic Register, which would relate to the Department of the Interior. Does that Department have a different mechanism that would address this question?

Mr. Boggs responded that he is not aware if that Department requires that the owner of a property on the National Historic Register include such a memorandum with the chain of title.

Ms. Harter inquired if stonewalls are background or landmark structures.

Ms. Rauch responded that in the Historic and Cultural Assessment from 2017, stonewalls were specially identified. The City has an inventory of those walls along with their approximate date of structure. The ARB reviews any requests to demolish or alter the stonewalls. The City's goal is to retain them. There were other elements in the 2017 assessment that were not part of the current review, such as outbuildings. Phase 2 of the Historic District review will look at the outbuildings and perhaps the stonewalls, as well.

### **Public Comment**

Lyndy Lyon, 143 S. Riverview Street, Dublin thanked Mr. Fishman for asking the question about making prospective HD homebuyers aware of the HD requirements. The property they recently purchased will now be designated as a background property. At the time of their purchase, they had no reason to anticipate that structure would be treated as a historic property as it had no historical integrity. They endured a two-year process before gaining approval to demolish and construct a house in the Historic District. They have lived in their home now for six years, but the process would have been much easier if the change that is proposed had occurred earlier. She appreciates Mr. Fishman's comments about the need to protect homebuyers from a situation such as they experienced.

No additional public comments were received.

### **Commission Discussion**

Mr. Fishman reiterated his request that the document be provided to new homebuyers in the District before they close on the purchase.

Ms. Call suggested that staff bring forward the Board's concern to City Council for consideration, indicating that if there is an appropriate way to notify homebuyers, the Board would encourage that to be pursued.

Mr. Supelak moved, Mr. Fishman seconded a recommendation for Council approval of the Historic District Code Amendment

Vote: Mr. Chinnock, yes; Mr. Fishman, yes; Ms. Harter, yes; Ms. Call, yes; Mr. Supelak, yes.  
[Motion carried 5-0]

## **DISCUSSION ITEMS**

- **Solar Implementation Update**

### **Staff Presentation**

Ms. Noble stated on June 12, 2023, City Council adopted Ordinance 70-22, a Code amendment to regulate renewable energy equipment installation on both residential and commercial properties. Ms. Noble reviewed the evolution of the Code language during preceding public meeting reviews before adoption of the current language. Since the passage of the ordinance, the City has received 25 applications for the installation of solar panels for residential properties and one application for a non-residential property. Planning and Building Standards staff are working collaboratively to review applications and ensure compliance with the adopted regulations, primarily focused on location and aesthetic requirements. Prior to the Code modifications, the City of Dublin did not have language that specifically regulated solar panels. Before Code language was adopted by City Council, Planning utilized the Accessory Structures section of the Code. That Code section required solar panels to be installed on the side and rear of a structure; they were not permitted on the front of a structure. There were no aesthetic requirements. To encourage the installation of solar panels, the recent Code amendment allows solar panels to be located on any façade of residential or non-residential properties. Due to aesthetic concerns, the adopted Code includes requirements to ensure the panels appear as integrated into the structure as possible. After several months of reviewing permit applications, it has been identified that the aesthetic requirements of the Code limit the ability for solar to be approved and as a result, more permits are being denied now than under the previous Code. The issue is due to the following two Code sections:

1. Section 153.074(E)(1)(c)(5). For pitched roofs, roof-mounted equipment shall be installed in a rectangular shape to avoid complex and non-symmetrical configurations.
2. Section 153.074(E)(1)(c)(5). For pitched roofs, roof-mounted equipment shall be a color that is similar to the roof color.

Ms. Noble added that installers have pointed out that roof vents or roof configuration impact ability to meet the rectangular shape requirement. For the "similar in color" requirement, only a small percentage of home roofs are dark in color. Five of the seven permits approved since the Code adoption were approved because the entire roof was replaced, which provided flexibility to adjust the roof color. Many of the applications disapproved were because the existing roofs were lighter in color. Ms. Noble described the review process considerations. She noted that staff has looked at ways in which to add more predictability to the review process. To accommodate the color requirement, staff has researched the opportunity for use of solar skins. Per industry leaders, there are some concerns with the longevity of the skins. Most of the solar installation applications approved recently were for roofs of a dark color. For tonight's discussion, the following questions are provided for Commission feedback concerning implementation of the "similar in color" Code requirement:

1. Is the updated Code language improving the aesthetic appearance of solar panels and thus meeting the intent?

2. Does the Commission support staff's recommendation regarding the implementation of the approved roof colors for solar installation? Should additional colors be supported? Should other tools be considered regarding implementation?
3. Does the Commission support staff's recommendation that solar skin or similar materials should not be permitted to be used to meet the color requirement?
4. Should a Code modification be considered to modify or omit the color requirements or limit the color restrictions to the front façade?
5. Other considerations of the Commission.

She noted that following discussion about the color, the conversation would revert to the consideration regarding shape and symmetry.

### **Commission Questions**

Mr. Chinnock stated that per the information provided, the solar skin does not perform well. What were staff's findings?

Ms. Noble responded that she has spoken with a company that could produce the skin and with a supplier that would be willing to sell the product. She has been told that the installation process is very meticulous, individually covering each panel. The application could be impacted by weather causing moisture to be deposited beneath the laminate. She has also been told that the laminate reduces the efficiency of the solar panels. There is a 10-year warranty that is subject to weather conditions. This area of the county receives a substantial amount of rain and snow, which could impact the product's performance within that 10-year period. Staff has not approved any applications for skins.

Mr. Chinnock inquired if the framing around the panel is required to match the roof or the panel color.

Ms. Noble responded that the current Code language is flexible regarding that determination, but per staff's review of applications, the framing has always matched the panels. Greater attention would be drawn to the panels if the color were to deviate between the panels and frames.

Ms. Harter inquired if the 25 applications submitted were for homes within neighborhoods or homes on larger lots without close neighbors.

Ms. Noble responded that most of the applications have been for homes within platted subdivisions, dense areas with homes in close proximity.

Mr. Harter inquired if the homeowner associations (HOAs) for those subdivisions provided any input regarding the applications.

Ms. Noble responded that staff has had some conversations with HOAs indirectly; it is not required by the permitting process. The HOA reviews and the City permit process occur separately; they do not intersect. The City will answer questions for HOAs, so it is a collaborative effort.

Mr. Fishman inquired if the City has investigated all types of solar panels offered throughout the nation or the world. He has received flyers about Tesla solar roof shingles. Such a solution would not have color issues. He has noticed that solar panels placed on shingled roofs are not placed all the way to the gutters and do not cover the entire roof. Panels that are located high on the roof and back from the edges stand out. Making the panels appear a part of the roof would be more attractive. Mr. Noble responded that staff researched solar panels that also are building materials, such as the Tesla shingle. The current Code provides that if the solar panel acts as a building material, it be reviewed as a building material. They researched the availability of Tesla shingle in this area and found that while it is available, it is costly.

Mr. Fishman stated that an installation on the roof at the back of the home is less of a concern; however, the aesthetics from the front of the home are much more important. A more expensive material may be necessary if the solar installation will be on the front of the home.

Ms. Call requested Commissioners to provide input on the questions posed by staff.

Mr. Fishman stated that he believes the roof color requirement is important to the aesthetics.

Mr. Supelak inquired if the staff's reviews of other cities' solar panel codes indicated that roof color requirements are typical.

Ms. Noble responded that a requirement regarding color was not typical. Their codes typically included requirements that the panels be integrated with the roof.

Ms. Call requested that Commissioners comment on the requirement concerning layout shape.

Mr. Chinnock inquired the reason most of the panel installations do not cover the entire roof.

Ms. Noble responded that the installation is determined by efficiency, so roof pitch and sun allocation/absorption throughout the day are considerations.

Ms. Call inquired if that type of determination was based on installer feedback.

Ms. Noble responded affirmatively.

Mr. Boggs responded that he believes the issue that Mr. Fishman pointed out that panels are installed a foot or 18 inches short of the edge of roof is based on the fact that if they sit up from the roof but extend down to the edge of it, it will shed water over the gutter.

Mr. Chinnock inquired if the shape of the installation pattern could be determined by staff, so we can avoid the "hodge podge" installation shape. He understands that there are mechanicals on a roof, so it would seem preferable to let staff determine the best shape for efficiency and aesthetics.

Ms. Noble responded that staff has been working with the panel installation companies, showing them the City's requirements and letting them respond with a suggested installation shape. They typically suggest a couple of installation shapes. Staff is able to work with the companies more on the shape than on the color.

Mr. Chinnock inquired if the applications that have been denied were due most often to color or to shape issues.

Ms. Noble responded that there have been issues with both, but the color requirement has been more difficult to resolve.

Mr. Fishman stated that he would be supportive of requiring the Tesla shingle to resolve the color and shape issues.

Ms. Harter inquired how one could determine if the panels were not working.

Ms. Noble responded that once panels are installed, inspections are conducted to ensure they are working at installation.

Ms. Harter stated that it may be necessary for homeowners to engage an annual maintenance service for cleaning and to assess the productivity.

Ms. Call inquired if the public has expressed more concern about either the shape or the color requirement.

Ms. Noble responded that before the Code adoption, discussion centered on the front façade. It has been only after the Code passage that the public has expressed concerns about the color and shape

requirement.

### **Public Comments Received**

Jerry Kosicki, 4313 Wyandotte Woods Blvd., Dublin shared his recent experience with the effort to install solar panels on his home. Ohio Power Solutions completed the installation yesterday. His solar panel installation is the unattractive, patchwork example. The shape is a result of the City's requirements; staff rejected their original shape plan. The unattractiveness is a result of the City's regulations. He is one of the few who eventually succeeded in navigating the requirements of the solar panel ordinance that was approved in June. He believes the City Council deserves credit for adopting the goal to become a sustainable, resilient and connected global city of choice. Any reasonable definition of sustainable and resilient should include policies to change the status quo and reduce the barriers to solar installations and other renewable energy technologies. While an important goal, the ordinance includes oppositional language that imposes difficult or exclusionary conditions for installation. He reviewed the difficulties he experienced in attempting to meet the City's ordinance requirements concerning color and shape. Meeting the requirements can negatively impact the solar panels' warranty and efficiency. For him, the result was an installation that is less efficient than it could have been. He would recommend that the City's ordinance regulate front façade installations and reduce the regulations for solar installations on the back of homes. As adopted, the City's solar panel installation requirements may be the most restrictive in the nation. He does not believe that was the City's intent. He thanked the City officials who have taken an interest in the present dilemma. He is thankful to have an approved installation.

Jason Diehl, 6865 McDevitt Ct., Dublin stated that the City's Code requires that all solar panels must be a minimum of 18 inches from the edge of the roof. They have been looking into a potential solar installation. The cost of installing Tesla shingles on his home, which is not a large home, would be \$75,000-\$100,000. The cost of a Tesla shingle installation to save \$3,000-\$4,000/year on his electric bill would not make sense. The cost of installing a new roof of a different color would be \$25,000. He has contacted three different companies and has learned that the skins would decrease the solar panel productivity by approximately 15%, although they could match the panel color exactly with the roof. The City's survey indicates that the public is supportive of solar panel installations, but the current Code is too restrictive. Of the 80 homes in his subdivision, 70 would be unable to meet the City's current regulation regarding roof color.

Jake Trubiano, 95 Longview Drive, Dublin stated that his was one of the solar panel installation applications that was denied. Under the City's previous Code, it would have been approved, as it would be on the back of his home where it cannot be seen. The current Code requirements regarding shape and color are applicable to all roof faces, not just the front façade. His roof is a gray color not similar to black. His perspective is unique, as he has worked in the solar industry for the past seven years. He has worked with many local communities with their first installations. Those jurisdictions have adopted regulations that are less restrictive in color and shape for installations on the back of homes. However, all applications for solar installations on the front of homes must be reviewed by their architectural review boards. He does not believe that denial of a solar installation that no one can see is justifiable.

Robert Reed, 7357 Christie Chapel, Dublin stated that he only needed 11 solar panels, based on his electric usage the past 12 months. However, 11 panels would not have resulted in a desired shape. Eliminating a panel would have reduced the efficiency, so he added a panel, although it was

unnecessary. His interest in having the installation was due to rolling electrical outages experienced in this area the previous year. His installation was completed last Monday, but if he had known earlier that the process would be this difficult, he would not have done the installation.

Gerard Hilinski, 4905 Applecross Drive, Dublin stated that due to roof mechanicals on the back of the roof, the requirement for a rectangular array of panels could result in more front façade installations. Without the shape requirement, more homeowners would be able to have an installation on the rear façade. He noted that AEP does not permit a homeowner to produce too much energy; therefore, adding panels to get the desired shape may not be an option. He does not believe Dublin wants to run the risk of requiring homeowners to add panels to meet a desired pattern, then being shut off by AEP for generating too much energy. For the most part, Dublin is a sustainable city and he believes this is an opportunity for Dublin to lead in the solar energy area.

Mr. Boggs noted that this is an Informal Review; no vote will be taken tonight.

Ms. Call requested Ms. Noble to review next steps.

Ms. Noble stated that staff will be providing an update concerning tonight's meeting discussion to City Council at their meeting next Monday, November 13. Council direction is anticipated concerning their desire to work with the existing Code or if a Code modification should be pursued.

### **Commission Discussion**

Mr. Fishman stated that he does not believe it is necessary to include a Code requirement regarding aesthetics on the rear of the home. He believes it remains essential for the front, street-facing façade.

Mr. Supelak stated that the City is supportive of sustainability and energy saving. However, the City also wants an attractive community, which means there must be many aesthetic considerations. It is difficult to balance that in installing mechanical equipment on a very visible part of our homes. This is a quickly evolving industry, and compelling solutions are emerging such as the Tesla shingle, integrated building elements and skins. There has been a significant push for solar panels following passage of the Inflation Reduction Act. Over time, the technology will evolve, become more available and the associated price will drop. The Commission has been struggling with how to future proof the legislation for those evolving changes. He believes solar panel installations on the front and rear roofs need to be treated differently. Previously, the Commission recommended different treatments for the front, side and back façades. Installations on the front and side sections of a roof are visible from the street, so he believes more aesthetic considerations are essential. Given the current technology available, limiting installations due to roof color on the back side of the roof is too restrictive. Because of the vents, sky lights or other mechanical equipment on top of homes, requiring a rectangular shape to the panel placement is also too restrictive. A disorganized placement is not desirable, so the organization component should be interpreted via the review process. He would be supportive of relaxing the language for installations on the back of roofs.

Ms. Harter stated that she is supportive of revising the language to be more relaxed in regard to roof colors and in regard to shape of installation pattern for rear installations. She is aware of the cost of the installations for homeowners, so would be supportive of the City giving any guidance available to homeowners interested in pursuing solar panel installations.

Mr. Chinnock stated that achieving sustainability involves much work and effort for the public but also for City staff. The importance of doing so in an aesthetic manner is equally important to the City. He

is supportive of allowing leniency with the roof color and placement on the rear portions of roofs, if staff is engaged in the interpretation and review.

Ms. Call stated that she also is supportive of loosening some of the restrictive language. She likes limiting non-planer, non-contiguous elements and encouraging complementary color and design. She is also supportive of having it reviewed administratively, although all installations on the front section of the roof should be reviewed by ARB.

Mr. Supelak stated that he is agreement with the suggestion for administrative reviews, except front or side panels should be reviewed by ARB, as they are visible. He is supportive of relaxing the language only for rear installations. The language should remain restrictive for visible installations.

Mr. Boggs clarified that ARB reviews applications only in the Historic District.

Ms. Call stated that she would recommend administrative reviews be permitted only for installations on the rear of homes. There should be a board/commission level of review for any installations on the front facade until several applications have been reviewed and a level of confidence has been achieved. A certain level of review is important due to the potential impact on the surrounding homeowners.

Mr. Boggs stated that staff would work on perhaps utilizing a Consent Agenda for PZC review of applications on the front façade.

Ms. Harter recommended that homeowner associations be involved in the conversation.

Ms. Call asked Mr. Boggs to clarify the City's role in regard to HOA regulations.

Mr. Boggs responded that the City does not get involved in either the substance or enforcement of HOA regulations. The state law that Ms. Harter referred to earlier focuses on HOAs, and some legal actions have been filed with regard to HOAs. He would recommend the City avoid getting involved in HOA discussions.

Ms. Call stated that this was a discussion item; therefore, no vote would be taken.

## **COMMUNICATIONS**

- **Tour I and II Recaps**

### **Staff Presentation**

Mr. Bitar provided a recap of the Commission's driving tour on September 14 and walking tour of Bridge Park on October 5, 2023. Many comments were received from the Commission and the public who participated. The sites that were visited represented a variety of uses. The memo provided in the meeting packet summarized the Commission's comments and requests for follow-up research. The driving tour visited 14 completed developments. The walking tour visited 8 development sites. He shared comments the Commissioners had concerning the amount of open space, variety of housing, difference in density, setbacks and driveway lengths viewed in the different developments and concerns regarding the architectural materials, sidewalk widths, terminal vistas, pocket plazas and garage structures in the Bridge Street developments. He invited Commissioners to add any comments.

Ms. Call stated that one of the elements she noticed was the importance of the public realms. A 5-foot difference in setback significantly impacts how individuals in the public realm interact with a property. The street grid is also important. Dublin has done a good job with the spoke and wheel street layout in its neighborhoods, which creates a different interplay with the lots. In regard to both residential and commercial developments, she believes it is important for the Commission to focus more on the items within its purview, such as building materials. The tour revealed some sites in which the building materials were not holding up well. In the past, Dublin has focused on having high-quality materials, and the Commission should continue to ensure that.

Mr. Chinnock inquired at what point in the process the street grid is addressed.

Ms. Call stated that it is addressed with the Preliminary Development Plan and Plat.

Mr. Chinnock stated that he likes the real wood look, but there may be some wood-like materials that are more sustainable than wood. Perhaps the Commission should begin to consider some of the wood-like products on the market.

Ms. Call stated that perhaps there would be value in trying a wood-like material on a City structure and evaluating how the material weathers.

Mr. Chinnock stated that in viewing a couple of the developments it was apparent that adding mounding for developments adjacent to streets blocks the views of cars and creates a better view. The Commission discussed potential opportunities regarding building materials.

- **2024 PZC Meeting Schedule**

The Commission reviewed the meeting schedule revisions that had been made per the Commission's direction at its previous meeting.

Mr. Supelak moved, Mr. Fishman seconded approval of the 2024 PZC Meeting Schedule.

Vote: Mr. Chinnock, yes; Mr. Fishman, yes; Ms. Harter, yes; Ms. Call, yes; Mr. Supelak, yes.

[Motion carried 5-0]

## **ADJOURNMENT**

The meeting was adjourned at 9:36 p.m.

  
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Chair, Planning and Zoning Commission

  
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Assistant Clerk of Council