



MEETING MINUTES

Planning & Zoning Commission

Thursday, July 6, 2023

CALL TO ORDER

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and welcomed everyone to the July 6, 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: Rebecca Call, Kathy Harter, Mark Supelak, Lance Schneier, Kim Way, Warren Fishman

Commission members absent: Jamey Chinnock

Staff members present: Jennifer Rauch, Zachary Hounshell, Chris Will, Yazan Ashrawi, Madison Richards

ACCEPTANCE OF DOCUMENTS/APPROVAL OF MINUTES

Mr. Supelak moved, Mr. Way seconded acceptance of the documents into the record and approval of the 06-08-2023 meeting minutes.

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

[Motion approved 6-0.]

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. She swore in those present who intended to provide testimony. She indicated that two cases were eligible for the Consent Agenda, Case 22-175MSP and Case 23-056AFDP, and asked if any Commission member wished to move one of those cases to the regular agenda for discussion. No member requested to move a case to the regular agenda.

Mr. Supelak moved, Mr. Way seconded approval of the Consent Cases.

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

[Motion approved 6-0.]

CONSENT CASES

1. Penzone Base One, 22-175MSP, Master Sign Plan, 6671 Village Parkway

A request for amendments to a Master Sign Plan to permit a ground sign and a wall sign on a 3.52-acre site, zoned Bridge Street District, Sawmill Center Neighborhood, located northwest of the roundabout of Village Parkway and Bridge Park Avenue.

MASTER SIGN PLAN APPROVED WITH ONE CONDITION:

- 1) That the applicant apply for and obtain permanent sign permits for the proposed signs.

2. Donatos, 6810 Perimeter Loop Road, Case 23-056 AFDP, Amended Final Development Plan

A request for a modification to the roof material on an existing commercial building on a 1.69-acre site, zoned Planned Commerce District, located northeast of the intersection of Perimeter Loop Road with Avery-Muirfield Drive.

AMENDED FINAL DEVELOPMENT PLAN APPROVED WITH NO CONDITIONS.

NEW CASES

Panera Bread, 6665 Perimeter Loop Road, Case 22-109AFDP, Amended Final Development Plan

Exterior modifications for a drive-thru and associated site improvements for an existing restaurant on a 1.96-acre site, zoned Planned Commerce District – Perimeter Center, located ±615 feet southeast of the intersection of Perimeter Loop Road and Avery-Muirfield Drive.

Staff Presentation

Mr. Will stated that the 1.96-acre site is located approximately 600 feet southeast of the intersection of Perimeter Loop Rd. and Avery-Muirfield Dr. and within the Perimeter Center Planned Commerce District (PCD). Perimeter Center and other surrounding planned districts in proximity to the OH-161/US33 and Avery-Muirfield Dr. interchange support auto-oriented commercial development with a variety of retail, restaurant, and other personal services. The site is accessed from Perimeter Loop Road and a cross-access to the north shared with the Shell gas station. 30-foot pavement setbacks and 50-foot building setbacks are required along both Avery-Muirfield Drive and Perimeter Loop Road, while OH-161/US-33 requires a 50-foot building and pavement setback. The restaurant and existing parking area are screened from public streets by mature landscape, including hedges along Avery-Muirfield Drive and Perimeter Loop Road and a berm along the OH-161/US-33 limited access right-of-way. There is a small dry basin in the southeast corner of the site.

On April 19, 2001, PZC approved a Final Development Plan (FDP) and Conditional Use (CU) for the Panera restaurant. On May 21, 2001, City Council passed Ordinance 33-01, approving a change in zoning for the 1.96-acre Panera site. On September 20, 2018, the Commission approved an AFDP

(18-035AFDP) and Minor Text Modification of a digital menu board for the McDonald's restaurant within Subarea E of the Perimeter Center PCD. On October 20, 2022, PZC provided feedback for an Informal Review of the Panera Bread drive-thru. A majority of the Commission members supported the proposed implementation of a drive-thru and the site layout. They expressed support for a parking reduction to accommodate the drive-thru and concerns about potential circulation challenges due to the absence of a bypass lane and the degree of queuing in the drive-thru. Members requested careful consideration of the previously required crosswalk and parking agreement with the Giant Eagle site to determine how and whether those should be implemented with a future application. The Commission also discussed additional opportunities for access and parking with the adjacent parcel to the north and expressed concern with how the proposed layout and configuration could impact a future user.

Mr. Will reviewed the proposed site modifications. To accommodate some of the additional replacement parking at the south and east sides of the site, the small 3,500-square foot dry basin will be reshaped. A new stormline is proposed and replacement of existing pavement and curb where needed; landscaping will be removed to accommodate this. The applicant is proposing to remove 11 spaces along the west edge of the site (Avery-Muirfield Drive) and to construct 4 new spaces along the east of the existing parking area to replace a portion of the removed parking. Additionally, the applicant is proposing to reserve 2 existing parking spaces for drive-thru pull-ahead parking; these 2 spaces do not contribute to the total parking provided. Site modifications would result in a net loss of 9 parking spaces onsite (5 less than the previously approved parking reduction). The applicant has entered into a shared parking agreement with the adjacent Shell gas station to provide 8 shared parking spaces and is proposing a sidewalk 4 feet in width to connect to the shared parking. A total of 80 parking spaces would be provided for patrons (2 less than the previously approved parking reduction). A Minor Text Modification is required to allow for less parking than currently required.

The applicant is proposing new wayfinding/directional signs for the drive-thru. The signs are proposed to be Panera Slate in color to match other proposed site elements and to be 3 feet, 5 inches in height to meet Code requirements. A new menu board is proposed with the new drive-thru lane. The menu board is 31.65SF in size and includes a five-panel traditional menu with an integrated 10-inch by 10-inch digital confirmation screen and speaker. Although the menu board is not entirely digital, it would be reviewed as a digital menu board. A canopy over the ordering area is proposed, also to be painted Panera Slate to match other elements. Additionally, the applicant has proposed a 14.13SF preview menu board. To reduce the graphic clutter within the development, staff recommends the proposed preview board be eliminated from the proposal, consistent with precedent set by previous cases. Because the development text for the Perimeter Center PCD does not contain any specific provisions for menu board signs, a Minor Text Modification is required to permit a digital menu board. Staff has reviewed the application against the applicable criteria and recommends approval of two text modifications and approval of the Amended Final Development Plan (AFDP) with three conditions.

Commission Questions for Staff

Mr. Schneier stated that the current Sign Code does not provide for digital menu boards. The only relevant Code he found was Section 153.159H, which deals with drive-thru menu board signs. That section permits them if posted on the property, not visible from the public right-of-way and do not

exceed 32 square feet in size. What language revision would be needed to provide for the digital condition for the signs?

Mr. Will responded that generally, when the Code is silent on an issue that it would default to, either requirements must be made for it or it would not be permitted. The Minor Text modification recommended by staff for this application has been used in prior approvals for digital menu boards, for example, the McDonald's in the Giant Eagle Center and Wendys/Tim Hortons at Avery Square.

Ms. Call stated that this parcel is subject to the development text for the overall area, and the digital menu boards are not permitted by that text. The proposal is to adopt a text modification, which has been used in other development texts to permit a digital menu board.

Mr. Schneier inquired if the proposed exact language comes from prior approvals.

Mr. Will responded affirmatively. The language comes from prior approvals and criteria. The current development text does not create standards for the menu board or any guidance other than to limit graphic clutter.

Mr. Schneier inquired if the Commission should desire to revise this requirement for this area going forward, how could that be accomplished.

Ms. Rauch responded that the text for the entire subarea would need to be modified.

Mr. Schneier stated that there is also a requirement that the digital content change no more than 3 times a day, which he does not understand.

Ms. Rauch responded that the language is based on Code language that addresses changeable sign copy and the intent to retain some consistency of the information, so that it is not constantly changing or moving.

Mr. Schneier stated that the requirement is for electronic billboards or signs in the public view. In this case, the digital menu board is seen only by the customer.

Ms. Rauch responded that this issue could be addressed as part of a larger Code amendment regarding menu boards in general.

Ms. Call stated that might be an appropriate item to bring up at the next joint Board and Commission workshop, since this item does not fall only within the Commission's purview.

Mr. Schneier observed that Starbucks at Perimeter has a preview menu board. Why would this not be considered a similar situation?

Mr. Will responded that the development text for this subarea does specifically require that graphics and visual clutter be limited. Previously, 32 square feet has been used as the standard for maximum amount of graphic space. The proposed Minor Text Modification would permit one sign with a maximum size of 32 square feet; it would not permit more than one sign.

Ms. Harter inquired if there was discussion about the trash receptacle location and pickup schedule.

Mr. Will responded that there is an enclosed brick structure with existing circulation on the west side of the building facing Avery-Muirfield Road.

Ms. Harter inquired if the awning would need to provide better coverage.

Mr. Will responded that the applicant has proposed to modify the existing awnings and add a new canopy awning over the exchange window. The four awnings that are not over the exchange window are primarily for aesthetics, rather than providing rain protection.

Ms. Harter inquired if the new awning would provide more coverage.

Mr. Will responded that as proposed, no additional width would be added. They are proposing only to raise its height.

Ms. Harter inquired about the shared parking proposal.

Mr. Will responded that as part of the original AFDP, a condition of approval was that shared parking be provided for Panera staff at the Giant Eagle shopping center. After the AFDP approval, Planning staff determined that the area was not a safe place for pedestrian crossings; therefore, that condition was not fulfilled.

Ms. Harter inquired if the handicapped parking was located in the best place. Might those parking spaces be blocked by queued vehicles?

Mr. Will responded that there are multiple ADA parking spaces. ADA parking is provided southeast of the entry and directly north of the entry. The 8-vehicle queuing/stacking area is located away from the ADA parking space locations, which meets Code.

Ms. Harter inquired if the stacking lane capacity has been increased to 9 vehicles, per the drawing on page 3.

Mr. Will responded affirmatively; additional vehicle stacking capability has been provided in addition to the 2 pull-ahead parking spaces.

Ms. Call requested Mr. Will to comment on previous applications for addition of drive-thru lanes that were not included in the first project approval. How were those cases handled?

Mr. Will responded that to his knowledge, none have been proposed separately. They have all been proposed with the original development.

Ms. Call requested that he comment on the bailout lane provided with the recent Corners Starbucks site.

Mr. Will showed the aerial of the recently completed Corners Starbucks at Blazer and Frantz roads. That drive thru was developed without a bypass lane, as well.

Applicant Presentation

Ben Siembida, Civil Engineer, MS Consultants, 2221 Schrock Rd, Columbus, OH 43229 stated that staff's presentation and responses to questions were accurate. He is available for any additional questions.

Commission Questions

Ms. Call requested Mr. Siembida to comment on the earlier question regarding their thoughts on the existing trash receptacle location, which is adjacent to the drive-thru area.

Mr. Siembida responded that they had initially proposed a turnaround area there. It was removed in order to add additional parking.

Ms. Call inquired if there was any contemplation of providing awning that would provide rain shelter at the drive-thru window.

Mr. Siembida responded that the architectural team has discussed staff's comments on that item. They will be able to address that during the Building Permitting stage.

Ms. Call inquired if the Commission could defer that item to be addressed by administrative action.

Ms. Rauch stated that staff has the authority within the Code to make modifications at that level.

Ms. Harter inquired if the applicant had considered relocating the trash receptacle location.

Mr. Siembida responded that they had contemplated relocating that to the southwest corner of the site. However, it would be located closer to the road than the building and would result in logistical

trash-hauling issues. They determined to leave it in its present location, as it functions well and is enclosed.

Mr. Fishman inquired if the applicant had any objection to staff's condition regarding modification of the existing awnings and elimination of the one sign.

Ms. Call swore in any members of the audience intending to provide testimony on the case tonight.

Commission Discussion

Mr. Fishman stated that even though elimination of drive-thru bypass lanes have been approved previously, does staff believe that is acceptable for this site?

Mr. Will responded that it has been approved in other places. To be consistent with recent approvals and from an operational standpoint, if an applicant is willing to do that, staff is supportive of having no bypass lane.

Ms. Rauch stated that at the first meeting on this project, the proposed elimination of the bypass lane was discussed. The applicant provided testimony at that time regarding their operational details. That testimony gave staff some reassurance, as well. The Code does not require a bypass lane, and the operational detail provided at the October meeting showed that they had done this satisfactorily elsewhere. Given their operations, the queuing would work without a bypass lane.

Ms. Call stated that the queueing would not have a bailout lane, and additionally, that area is where deliverables are received and trash pickup occurs. The applicant indicated that they have other locations and sufficient influence with their service providers to be confident that there would be no issues. The Commission also discussed tying elimination of the bypass lane directly to this user; it would not transfer to potential new future ownership. Her concern at the last meeting was that with the average wait time per vehicle of 6 minutes and with 8 or 9 vehicles in the queue, that would be a significant time investment.

Mr. Fishman agreed that would be a concern for a vehicle with child passengers, should a need arise to get out of line.

Ms. Harter stated that in her experience, she has not waited long in a Panera drive-thru queue. However, this is a tight area, and she has concerns about vehicles being blocked and unable to move. She also is concerned about issues with deliveries and trash pick-up occurring within this area.

Mr. Schneier stated that he has no objection to the application. His concern was with the City Code language. If we are for this purpose, constrained or confined to the precedential provisions for digital menu boards, one of those provisions is that the sign not contain any additional speakers or sound. However, there is a speaker.

Mr. Will responded that the reference is to a speaker external to the sign.

Mr. Schneier noted that the language is not clear. Is the intent of the Code to prevent a second speaker in addition to the existing speaker?

Ms. Call inquired if it would be possible to clarify that the sign contains one speaker mechanism.

Mr. Way suggested clarifying that the speaker is integral to the sign, not detached or freestanding.

Ms. Rauch responded that the clarification would be made to that condition.

Mr. Schneier indicated that with that clarification, he is supportive.

Mr. Way stated that he also is supportive of the proposal. He inquired if there was opportunity to modify the list of restrictions for the digital menu signs.

Ms. Rauch responded that they could be modified. The list is based on the restrictions placed by the Commission with previous approvals. That precedent was used by staff for this case, but if there are modifications the Commission would like to make, the list can be modified but only for this subarea. Previous conditions of approvals cannot be changed retroactively.

Mr. Way stated that a previous restriction was that the sign not be visible from the public right-of-way. Is that a reference to the sign itself, or to the digital display?

Ms. Call responded that she would assume the intent of that was for distraction purposes. The backside of a sign would not be nearly as distracting as a rotating image.

Mr. Way responded that is not how the language is worded; it states the sign is not visible, which would refer the entire sign. As written, it would be very restrictive. Since the intent is not that the sign itself not be visible, he would suggest the language be modified.

Ms. Rauch responded that the language would be modified to clarify that the digital sign face would not be visible from the public right-of-way. Condition 6 would be modified to state that there could be a speaker integral to the sign.

Ms. Call recommended that Condition 7 be eliminated, which states that the sign change no more than 3 times/day.

Mr. Schneier proposed that both Conditions 7 and 4 be eliminated. Condition 4 refers to the sign content, which the Commission should not restrict.

Mr. Ashrawi, legal consultant, stated that for the record, Condition 4 does not appear to be regulating the sign message. It is related specifically to the flashing, scrolling, video animation, which is a distractive element, which is something the City can regulate with digital signs.

Mr. Schneier stated that in his opinion, it is overreach to regulate what is on a sign that is seen only by the customer when they pull up to the sign. There are other provisions that state the content of the sign cannot be seen from the right-of-way.

Ms. Call stated that in her view, the purpose of Condition 4 is not to regulate the content, only the moving, flashing, distractive component. Some of these signs are more in the public realm. While this menu board might be facing the drive-thru, it does not mean the other side of the drive-thru line cannot see it.

Mr. Schneier reiterated that there is another condition that it not be seen from the public right-of-way.

Ms. Call pointed out that public right-of-way is different from public visibility. The latter would apply to people walking by who are not in the right-of-way...pedestrians or cyclists, for example.

Mr. Way stated that there is an issue with a type of visual activity that affects certain segments of the population. He would be concerned that someone driving through the parking lot could be distracted by the animation and make an unfortunate driving error.

Ms. Call agreed. The language states, "flashing, scrolling, video animation..." She believes the intent is to address the safety concern, not the content concern. The intent of Condition 4 is different than the intent of Condition 7.

Mr. Schneier responded that given that distinction, he is in agreement.

Ms. Call stated that the Commission is in agreement with the elimination of Condition 7 and the proposed modification to Condition 6.

Mr. Schneier proposed that the clause, "the customer order image shall not exceed more than 20% of the menu board," be eliminated.

Ms. Call stated that the intent is that the sign contain no continuous movement, other than the customer order image. Limiting that image to 20% on a 32SF sign seems appropriate.

Mr. Schneier responded that he believes the limitation exceeds the purview of this deliberative body.

Ms. Call responded that she believes staff proposed the language based on appropriate studies. She suggested that staff provide the contents of any studies regarding the sign text for any future Sign Code amendment considerations.

Mr. Supelak stated that if the concern is safety, any future proposed amendment should be written in a way that recognizes that intent.

Ms. Call clarified that her vote tonight would be based on the previous discussion in October regarding the bypass lane and the concerns noted by Mr. Fishman this evening.

Mr. Schneier moved, Mr. Supelak seconded approval of the two (2) Minor Text Modifications as follows:

1. To add a Digital Menu Board in accordance with the following:
 - a) The sign is located on the property to which it refers;
 - b) The digital sign face is not visible from the public right-of-way;
 - c) The sign does not exceed 32 square feet in size;
 - d) The sign does not contain continuous movement, flashing, scrolling, video, or animation, except for the customer order image, which shall not exceed more than 20% of the menu board sign area;
 - e) The sign is turned off during non-operational business hours; and
 - f) Speakers are internal to the sign.
2. To modify the parking subsection as follows: That, if deemed necessary and subject to staff approval, modifications to parking provided may be established.

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

[Motion carried 6-0]

Mr. Supelak moved, Mr. Fishman seconded approval of the Amended Final Development Plan (AFDP) with three (3) conditions:

- 1) The applicant resolve the awning placement while retaining the aesthetic value the awnings add to the building's character, subject to staff approval;
- 2) The "DRIVE-THRU" text and the white circle with the number one be omitted from the drive-thru clearance bar, prior to submitting for a building permit; and
- 3) The applicant remove the digital preview menu board from the proposal to be consistent with previous approvals when submitting for a building permit.

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

[Motion failed 3-3]

Ms. Call inquired if the applicant wished to have any additional clarification.

Mr. Siembida stated that he would like to address the issue of the single-lane bypass. There is a setback along the back curb preventing them from expanding that lane to add a second lane. It is

an ODOT highway easement. That presents a physical hardship, as they cannot add a bypass lane there. They discussed this with staff months ago, who were in agreement that it would not be possible to add a bypass lane here.

Mr. Fishman inquired if Panera had experienced any difficulties not having a bypass lane at previous locations.

Mr. Siembida responded that they have not. That issue was addressed at the October meeting. Panera has other locations in Ohio with a single drive-thru lane, and that has worked efficiently. Additionally, since the October meeting discussion, they have added the two pull ahead drive-thru parking spaces to alleviate the queue. That change was initiated by the Panera team, not Planning staff. They have made a conscientious effort to facilitate the queue movement.

Ms. Call invited legal counsel to comment. It is not often the Commission vote is divided evenly.

Mr. Ashrawi responded that there were 3 yeas and 3 nays, which is not a majority; therefore, the motion for approval of the AFDP failed. At this point, the evidentiary administrative hearing has concluded with a failed vote.

Ms. Call requested an explanation of the next steps for the applicant, should they wish to move forward.

Ms. Rauch stated that she would need to look at the rules regarding reconsideration. That option usually is based on the presentation of additional evidence not present at the previous hearing. Staff would follow up with the applicant to discuss next steps.

Mr. Siembida inquired if reconsideration could be based upon the testimony he just presented regarding the inability to provide a bypass lane due to the ODOT easement. If so, could that reconsideration be made at this time?

Ms. Call responded that the information regarding the ODOT easement was provided in the meeting materials for the case and was part of the previous discussion. She requested legal comment.

Mr. Ashrawi stated that the hearing is closed today, and reconsideration of a case cannot happen at the same meeting. He believes there was earlier discussion about that already. He would review the Code, but believes there is also the option to submit a different AFDP application that may address some of the issues, as long as it is substantially different than the original application.

Mr. Siembida inquired if there is an opportunity to obtain Commission feedback now based on the vote, as to what could be improved.

Ms. Call responded that her understanding of the Commission's concerns are the following: (1) typically, the Commission desires a bailout lane for the reasons stated during the meeting; and (2) there is the concern regarding the queuing relationship to the ADA accessibility spaces and the refuse receptacle. There was some concern about the awning, but clarification was made that the awning concern could be addressed administratively. She inquired if that was sufficient clarification for the applicant.

Mr. Siembida responded that it is. They would work with staff to proceed.

Ms. Call stated that the Commission is an administrative body enacting a Code, ensuring that applications are addressed in an equitable manner. The Commission understands that Panera is dealing with physical site constraints due to its adjacency to US33, which has ODOT setback requirements. However, the Commission reviews many applications with individual setback

constraints or reasons the Code cannot be met. The Commission maintains a high bar, but applicants know what to expect when they come before the Commission.

Mr. Siembida requested clarification regarding the Starbucks site, which was approved with only one drive-thru lane. What was the reason that new proposal was accepted as opposed to a redevelopment. Were the hardships similar? He would like to help the Panera team understand the reason it was given approval.

Ms. Call deferred the question to staff. Later, staff can meet with Mr. Siembida and review the other application and the considerations and alleviations that were provided.

PRESENTATION

- **Land Use Principles**

Presentation of Interim Land Use Principles to be used for the evaluation of development applications during the Community Plan update.

Staff Presentation

Ms. Rauch stated that Envision Dublin, the City's update to the Community Plan is currently underway with several significant, initial milestones completed and in process. In order to be able to use the current Community Plan in the meantime, City Council approved Interim Land Use Principles to serve as a policy document to evaluate development proposals while the Plan is being updated. Similar to a previous resolution in 2006, draft interim principles were discussed by City Council at their May 15, 2023 work session and adopted by Council on June 12, 2023. Ms. Rauch reviewed the adopted Interim Land Use Principles:

1. Think comprehensively. Plan for the Bigger Picture
Ensure that each individual development contributes in a complementary manner to the larger district vision and plan by using a guiding framework and vision for land use patterns, activity nodes, open spaces, parking and connectivity.
2. Start with the Public Realm
Ensure development incorporates thoughtful and purposeful public spaces for all people to gather, socialize and recreate that reinforce the public realm.
3. Balance the Mix of Uses
Create neighborhoods and districts, which provide a balanced and integrated mix of land uses to support the daily needs for both the residents and business community. Maintain the City's long-standing policy of an overall land use mix of 60% residential and 40% non-residential development.
4. Provide a Variety of Housing and Neighborhood Choices
Create well-planned, livable neighborhoods with a variety of housing choices for all ages and ways of life, as well as supporting the evolving needs of existing neighborhoods. Residential development should be appropriately scaled and sited to contextually fit with each neighborhood's fabric.
5. Focus Growth
Utilize and leverage existing infrastructure and assets to guide future growth to areas best

equipped to accommodate change. Infill, redevelopment, reinvestment, and re-use of underutilized areas can reimagine and strengthen existing districts.

6. Reserve Strategic Economic Assets
Protect long-term economic development interests and the fiscal health of the City by reserving high visibility corridors, such as freeways and railways for development that supports economic vitality and restricting residential development from fronting these corridors.
7. Protect Natural Resources and Ecological Systems
Protect and enhance environmentally important and sensitive areas, including large tree stands and landmark trees, wildlife habitat and corridors, waterways and watersheds.
8. Protect and Enhance Our Historic and Cultural Resources
Celebrate the character that makes Historic Dublin an authentic place to live, work, and visit. Respect and celebrate our cultural and archaeological sites and landscapes.
9. Integrate Sustainable Design
Integrate best practices and innovative approaches to sustainability into site and building design to limit the environmental footprint of development.
10. Create a Connected Transportation Network
Create a transportation network of streets and streetscapes to provide safe and efficient mobility choices for all users and which contextually fits with surrounding neighborhood character and natural features. Provide linkages to create local and regional connectivity.
11. Encourage Walkability
Encourage human centric design that makes it easier to walk and bike in our community, provide routes for pedestrian and cyclist and destinations along routes.
12. Be Distinctly Dublin
Continue to express our distinct Dublin identity and sense of place through high quality building materials, architecture, landscape and public art. Encourage thoughtful and innovative design that distinguishes Dublin as a global city of choice.

These principles are integrated into staff's review of development applications. The analysis is then provided to the Commission for their review. She encouraged the Commission to consider these principles when large-scale development applications come before the Commission. The intent is those developments align with the ultimate Community Plan.

Ms. Call stated that these principles are not new, but they are articulated in a manner that makes it easier to apply to every development application that comes before the Commission.

Commission Questions/Discussion

Mr. Way inquired if the intent is that every proposed project be evaluated against this check list.

Ms. Rauch responded affirmatively.

Mr. Way suggested a minor modification to Item #9, insert words, "impact on" before "the environmental footprint..."

Ms. Rauch agreed that the intent is to limit the impact. The principles have already been adopted, but staff would ensure that the intent is defined clearly.

Ms. Harter stated that the principles are a great document, as is the Community Plan update process, which is providing opportunity for members of the community to be involved and learn.

Mr. Fishman stated that he has spoken with Council members, who are concerned that there are other considerations in addition to the Code that should be considered by the Commission when making their decisions, such as ensuring quality building materials, but also the opportunity that exists to actually exceed the Code requirements. He spoke with a Councilmember who expressed concern that the intent of the Code also be ensured, not just the letter of the Code. Personally, he also is concerned about the quality of the building materials used. He has noticed a deterioration of some materials within the Bridge Park area. Cracking and crevices are already appearing. The thin brick material deteriorates quickly. He has been told by some Council members that ensuring quality materials is the Commission's job. However, PZC often follows staff's recommendations, believing that if the requirements are not sufficient, Council will override them and impose what they believe is appropriate. He requested clarification.

Ms. Rauch stated that in addition to the Code criteria, there is opportunity to use the City's other adopted plans and policies, such as the Land Use Principles, to ensure we are getting the level of detail and quality desired in our developments. Only certain applications come before the Commission. Materials are initially proposed by the applicant, then reviewed and a final recommendation is provided by staff for the Commission's approval. Council does not review a Final Development Plan. Staff is aware of the concerns, however, and there are now architectural consultants assisting staff with review of development applications. We can continue to work on that aspect. There is an upcoming PZC tour of approved development projects being planned, which will provide beneficial guidance for future projects.

Ms. Call stated that the guiding document is the PUD development text. That development text dictates what is permitted in a PUD. When the development text is being drafted, that is when all the elements need to be thoroughly addressed. Council has said it wants better developments. Often, the Commission believes it is approving the same requirements as were contained in a comparable development's text, yet the resulting "as built" developments are different. When the Commission tours the developments, it would be beneficial to have the approved development texts and the as-built texts, so the Commission can compare them.

Mr. Fishman stated that what was relayed to him is that while we do have a Code, there are extenuating circumstances involved in determining the implementation of that Code, such as the adjacent area, how much greenspace the City wants there, and the building materials. While there are "permitted" materials, it is the Commission's responsibility to say that while the material may be permitted by Code, it does not look appropriate for the site, or that there is insufficient greenspace in the proposed development compared to what the vision for the area is. Having walkability is great, but if we are walking between two concrete buildings, that was not the vision for the City. He was asked to share Council's concerns with fellow Commission members. He was shocked as he walked around the North Market in Bridge Park recently to see how quickly the development is aging. It is already in need of maintenance. Residents in some of the Bridge Park apartments are also complaining about the deterioration of the exterior materials, such as the patio railings. While there may be some acceptable building materials, are materials that age more quickly really what the City wants?

Mr. Ashrawi responded that for better or worse, the Code is the guide. It provides information, notice and rights to certain landowners, depending on the Code. There are a number of other rules,

regulations and overlay districts, development standards, and development texts that all come together. However, ultimately, there are certain rules and regulations that if met, are intended to dictate what we want the community to look like. It is important to memorialize those things through specific Code regulations. It is difficult if not impossible to enforce something that is not established.

Mr. Fishman responded that he agrees, but there are other things that the Commission can consider when making their decisions.

Mr. Ashrawi agreed. Real estate is unique, and every property is its own case. Different properties will have different regulations, rules, overlay districts, development standards and development text. The hope is that each of those unique aspects are elements the Commission can use in making its decisions in the best interest of the community. There are times, however, the Commission is constrained by what the Code says.

Mr. Fishman inquired about compatibility with what already exists or what the City planned to have there. The application may meet Code, yet not be compatible with the City's values.

Mr. Ashrawi responded that it is difficult to provide a high-level review when an application is submitted for a rezoning. However, the Commission is able to do look at those factors in the PUD development process. If there are established rules, regulations and zoning already in place, it can be a different story. Ultimately, decisions vary on a case-by-case basis.

Ms. Rauch suggested that the Commission consider these concerns as homework in preparation for the upcoming tour. If we need to change the Code, and a certain material should not be permitted, the Code should be amended accordingly. There are the objective and subjective components of the Commission's review to achieve the desired effect. Maybe more documentation is needed, maybe less, or maybe certain things should be prohibited entirely. The Commission should think about what projects they would like to view on the tour.

Ms. Call noted that as Mr. Fishman pointed out, the thin brick building material haunts the Commission. City Council has challenged the Commission to make sure that the quality of Dublin is ensured in developments. If we have existing projects that are now experiencing thin brick issues, such as the hotel at the corner of Bridge Street and Frantz Road or in Bridge Park, perhaps we should contemplate removing that material from the permitted materials list. There is evidence that the material does not stand the test of time. It is in the applicant's best interest for maintaining the property and in the City's best interest to ensure the aesthetics of the community we are trying to build.

Ms. Rauch responded that it is a good suggestion. It may present an opportunity for Mark Ford, the City's architectural consultant, to present to the Commission and perhaps join the Commission's upcoming project tour.

Mr. Schneier pointed out that Principle #4 refers to housing choices for all ages and ways of life. He was curious why "affordable" was also not included in the description.

Ms. Rauch stated that the recent housing study was considered, where there was significant discussion about the variety of housing choice. The principle takes a comprehensive approach; for instance, senior housing also was not called out.

Ms. Harter inquired if the Commission's tour is considered a public meeting.

Ms. Rauch responded that it is and would be noticed. If members of the public want to join the tour, staff can discuss how to accommodate that. Typically, deliberations do not occur during the tour. The Commission meets and discusses the tour findings in a public forum, so the public can hear the discussion, public testimony can be taken, and the meeting be recorded.

Mr. Supelak inquired about the next steps in the Envision Dublin Community Plan Update process. Ms. Rauch stated that at the last Community Plan steering committee held at the end of June, the Existing Conditions draft report was shared. When finalized, that report will be shared with the Commission and City Council. In addition to that steering committee meeting, there was also a public meeting, where community members shared their vision for the community. The meeting involved small group breakouts and a mapping exercise. All the information from the meetings will be posted on the City's website, so that their summaries can be viewed. There will be another steering committee meeting at the end of August and perhaps another public meeting. The next step would be to discuss the Area Plans.

COMMUNICATIONS

- Ms. Rauch stated that there were no additional staff communications.
- Ms. Call noted that the City recently published a notice in its social media regarding the selection of a fiber company in accordance with City Council's goal to make Dublin the most connected City. Council is pursuing the provision of internet connectivity, and a provider has been selected to provide 10-gigabit speeds to the community.
- Mr. Schneier inquired the next steps in regard to the digital menu board Code language. The Code contains definitions that date from 1978.

Ms. Rauch responded that as suggested in tonight's discussion, staff will determine the basis for the existing restrictions, conduct some benchmarking, and come back with proposed language for a larger zoning Code amendment. Typically, following a Community Plan update, there will be recommendations regarding Code amendments. Some of the Code sections are from 1980, which is the reason the City uses planned districts. That is how the City has handled changing development over time.

- Mr. Schneier made the suggestion that the list of cases typically scheduled on the Consent Agenda be revisited to see if any would be appropriate to delegate to administrative determination rather than Commission review and determination.

Ms. Call stated that perhaps the list of items for administrative review could be a discussion item that for the next joint work session agenda.

Ms. Rauch stated that there was a previous suggestion from the Commission that the Consent Agenda items be revisited to see if there was opportunity add additional items to the administrative review list of items. The items designated for administrative review/determination are defined by Code, so any changes would require a Code amendment.

Mr. Fishman stated that he has no objections to the current items included on the Consent Agenda. Sometimes it is important that the Commission see those items.

Ms. Rauch stated that any proposed Code amendments would be reviewed by Council, which could disagree with proposed changes in the review process, preferring that items continue to come before the Commission.

Ms. Call stated that there might also be some items that have not worked out well handled by administrative review. There is opportunity to look at the topic in a reciprocal nature, as well.

Ms. Rauch stated that there are a significant number of items that currently are reviewed and determined administratively. She would provide a list to the Commission of the items now being reviewed and determined administratively.

The next regularly scheduled Planning Commission meeting is scheduled for Thursday, July 20, 2023.

ADJOURNMENT

The meeting was adjourned at 8:06 p.m.



Chair, Planning and Zoning Commission



Assistant Clerk of Council