



## MEETING MINUTES

### Planning & Zoning Commission

Thursday, September 15, 2022

#### CALL TO ORDER

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and welcomed everyone to the September 15, 2022 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, Lance Schneier, Kathy Harter, Mark Supelak, Kim Way  
Commission members excused: Warren Fishman, Jamey Chinnock  
Staff members present: Jennifer Rauch, Thaddeus Boggs, Tammy Noble

#### ACCEPTANCE OF DOCUMENTS

Mr. Way moved, Mr. Schneier seconded acceptance of the documents into the record and approval of the minutes of the 08-18-22 meeting.

Vote: Ms. Harter, yes; Mr. Schneier, yes; Ms. Call, yes; Mr. Supelak, yes; Mr. Way, yes.  
[Motion approved 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. Ms. Call stated that there are two cases eligible for the Consent Agenda, Sunny Street Café, 22-121AFDP and 22-122CU, and inquired if any Commission member wished to move the cases to the regular agenda for discussion. No member requested that the cases be moved.

#### CONSENT CASE

- 1. Sunny Street Cafe at 7573 Sawmill Road, 22-121AFDP, Amended Final Development Plan**

A proposal to install a patio and associated site improvements for an existing restaurant on a 17.08-acre site zoned Planned Unit Development, Northeast Quad, Subarea 5A, located northwest of the intersection of Sawmill Road with Hard Road.

Mr. Supelak moved, Ms. Harter seconded approval of the Amended Final Development Plan with no conditions.

Vote: Mr. Schneier, yes; Mr. Supelak, yes; Ms. Harter, yes; Ms. Call, yes; Mr. Way, yes.  
[Motion approved 5-0.]

## **2. Sunny Street Cafe at 7573 Sawmill Road, 22-122CU, Conditional Use**

A request to allow an outdoor dining patio for an existing restaurant on a 17.08-acre site zoned Planned Unit Development, Northeast Quad, Subarea 5A and located northwest of the intersection of Sawmill Road with Hard Road.

Mr. Way moved, Mr. Supelak seconded approval of the Conditional Use with one (1) condition:  
(1) That the patio amenities be stored off-site during off-season.

Vote: Ms. Harter, yes; Mr. Schneier, yes; Ms. Call, yes; Mr. Supelak, yes; Mr. Way, yes.  
[Motion approved 5-0.]

## **ADMINISTRATIVE REQUEST**

### **5. Solar Panel Code Amendment, 21-151ADMC, Administrative Request – Code Amendment**

An informal discussion of a future Code Amendment to provide regulations regarding solar panels for residential and commercial properties.

#### **Staff Presentation**

Ms. Noble stated that this is a topic that has been discussed previously by the Planning and Zoning Commission (PZC), as well as by other City bodies. Currently, the City's Zoning Code remains silent on the issue of solar panels. The Commission is pursuing an amendment to address that. The topic originally was presented to PZC in October 2021 and again in May 2022. The most recent discussion was at the August 31, 2022 Joint Council-PZC-ARB-BZA work session. Currently, requests for installation of solar panels are handled as accessory structures, which permit installations to the side and rear of properties. It does not permit installation of solar panels to the front of properties. At this time, solar panels and sustainable devices are permitted within the Bridge Street District and the West Innovation District, but they are not permitted throughout the City. As part of their analysis, staff looked at surrounding communities and states. They have found that most communities exercise some jurisdiction in regard to solar, wind and geothermal regulation. In term of local regulations, they have benchmarked two other communities that address solar panels as accessory structures, with a variance in regulations as related to Historic Districts. With commercial buildings, it is easier to integrate the panels with the architectural elements of the building. Residential solar panels are more difficult to install aesthetically. This topic was discussed at the Community Services Advisory Commission (CSAC) meeting earlier this week. [Images of different methods of installing solar panels were displayed.]

Ms. Rauch stated that staff also took this item to CSAC for consideration, because they are overseeing the Sustainability Framework topic. Some of the committee members were supportive

of permitting solar panels everywhere; others were supportive of having regulations concerning how and where solar panels could be installed.

Ms. Noble noted that at the Commission's last discussion on this topic, members had requested technical analysis regarding installations and advancements in the industry be provided. Initially, two professionals in the field were scheduled to speak tonight, but due to schedule conflicts, were unable to attend. Tonight, staff is interested in learning Commission members' thoughts on a draft code related to solar panels, specifically in regard to their location.

Ms. Rauch noted that although a professional on this topic was unable to attend tonight, staff has had extensive conversations with the representatives and conducted a significant amount of research. They are able to share what has been learned.

### **Commission Discussion**

Ms. Call stated that discussions on commercial and residential installations would be handled separately, beginning with commercial installation. The discussion should include the desired types and the submission/review process. For instance, should applications be included with the Preliminary and Final Development Plans, or should they be handled differently? Probably the easiest location for commercial installations are flat roof commercial buildings, so discussion will begin with flat-roof installations.

#### Solar Panel Installations on Commercial Buildings with Flat Roofs:

Mr. Way inquired, for clarification purposes, if the assumption is that the panels also are flat, as they often need to be tilted to optimize their solar collection ability.

Ms. Call responded that they could be canted, but the assumption is that they would be shielded, not visible.

Mr. Way indicated he would be supportive of flat roof installations.

Ms. Harter inquired if they would be visible from the street. Additionally, would there be ground-mounted mechanicals?

Ms. Call responded that roof-mounted solar panels would be subject to the usual requirements for screening of mechanicals. Ancillary ground-mounted installations also would be required to be screened.

Ms. Harter inquired if the assumption is that flat roof-mounted installations would not be visible across the street.

Ms. Rauch stated that this would be handled the same as rooftop mechanicals. The intent is that there would be a parapet that would screen them. There may be some instances, however, in which they would be visible.

Mr. Supelak stated that the Code for commercial flat roof installations could be handled the same as HVAC units screened with parapets. Other installations would necessitate different regulations.

Mr. Way inquired if visibility of solar equipment was a negative issue.

Ms. Call stated that some objections are based on their visual impact.

Mr. Supelak stated that if visible, the aesthetics would be a contributing factor.

Mr. Way noted that not every commercial building has a flat roof.

#### Solar Panel Installations on Canted Commercial Building Roofs:

Ms. Call stated that looking at canted roofs, one way to mitigate the visual impact would be to permit them only on parcels that are not adjacent nor street-facing. The only people who would be visually impacted would be those using the building.

Mr. Schneier stated that it would be helpful to have a spreadsheet depicting the taxonomy of this topic. Within that, there are probably only 20 different types.

Mr. Supelak stated that he believes that is what the discussion is attempting to achieve. It is important also to future-proof our Code. It cannot deal only with the types of solar installations currently known. Technology is accelerating so quickly that there will be many types not yet known. The Code should be both specific, yet over-arching.

#### Residential Installations:

Ms. Call directed the discussion to residential installations, including roof-integrated solar shingles, roof-mounted panels framed and frameless; ground-mounted solar panels 18 inches or less off the ground; accessory structures roof-mounted; stand-alone solar structures greater than 18 inches; solar windows, etc.

Ms. Call stated that, beginning with roof-integrated solar shingles – she believes these should be addressed as shingles, therefore would be subject to the City’s Code regulations related to roofs. Similarly, solar windows should be addressed as windows, not solar panels. Future solar collection devices, such as stucco or paneling, would be addressed by the Code section related to those categories. Thereby, we would be future-proofing regulations related to many solar energy devices.

Ms. Call noted that while she believes that would be the best way to address the residential installations, the Commission does not review individual residential applications. Commission members had no objections to addressing residential installation in that manner.

#### Commercial Installations:

Ms. Call asked that, reverting to the commercial installations, what the Commission believed should be addressed by the Code to facilitate the Commission’s review of future applications.

Ms. Rauch noted that staff would take the Commission’s suggestions, develop draft Code and review it with the industry professionals with whom they are in discussions. Those representatives are anticipated to share their recommendations at a future Commission discussion on the topic.

The Commission discussed the components of the images of different types of rooftop mounted versus integrated installations, such as rain-screen solar panels.

Mr. Supelak noted that it would be important to define integrated versus mounted. Accessory structures are different.

Mr. Way suggested that the smaller commercial buildings could be handled the same as residential solar panel installations, i.e., they would be addressed by the Code section related to that building component, such as roofs or windows.

Mr. Supelak agreed, noting that it also could be itemized/referenced in the new Solar Code section.

Mr. Way stated that he is concerned about stating that solar panels should not be permitted on street-facing roofs. There is evidence that solar panels placed on the incorrect side of roofs do not

perform well. The purpose of installation of solar panels is their anticipated performance, so he is less supportive of making the roof location the controlling factor.

Mr. Supelak stated that if homeowners are not permitted to install them on the south-facing façade, they could be dissuaded from installing any solar panels.

Ms. Noble stated that solar companies have provided an analysis that indicates solar panels can function if located to the side or rear of homes, but not as well; those types of installations are also more costly.

Ms. Call directed the discussion to commercial installations on pitched roofs, beginning with traditional framed or frameless solar panels. Is the Commission supportive of any placement, a percentage of roof coverage and any height elevation from the roof? The elevation we used for ground-mounted panels was 18 inches.

Ms. Noble stated that current City regulations limit the height to 18 inches.

Mr. Way stated that the sample solar panel Codes from other cities regulate panels extending above or hanging over rooflines; he would be supportive of using similar language. Aesthetically, he has an issue with the appearance of staggered cells on roofs with valleys, as they make the roofs look "busy." A rectangular or square shape is cleaner. Those are however, more of a concern on residential buildings than commercial. It would be preferable if the panels mimicked the shape of the roof.

Ms. Rauch stated that with the Bexley Code example, that is one of the stated requirements: "The configuration profile of the assembly shall be complementary to the roofline. Installation should minimize the number of corners and should avoid complexity and non-symmetry."

Ms. Call stated that the Bexley language is clear and accomplishes what is desired.

Mr. Way stated that it should require a relationship consistent to the plane of the roof.

Ms. Call stated that in her opinion, the traditional framed or unframed panels should not be located on the front of homes. The location of integrated solar shingles would not be an issue.

Ms. Harter stated that if the solar shingles have a sheen that could be a concern, as they would look different from other shingles.

Ms. Call stated that solar shingles would not be addressed the same as solar panels. They would be addressed by the section of the Code related to roof shingles. The Tesla shingles look like clay shingles.

Ms. Harter stated that she would like to see a sample of the product.

Mr. Way suggested that, rather than saying no front-mounted solar energy devices are permitted, the Code could state that solar shingles would be required, if front-mounted; installation of traditional solar panels would be required to be rear-mounted. That would permit some flexibility.

Ms. Harter inquired the price difference between solar shingles and traditional solar panels.

Ms. Noble stated that solar shingles are much more expensive. None of the solar panel companies with whom staff has been speaking provide solar shingles. She believes some roofing companies are developing the expertise to install them in connection with other roof repairs.

Ms. Call inquired if there are any other recommendations related to residential installations other than that on the front façade, integrated roof shingles would be required; roof-mounted solar panels would be required to be located on rear facades.

Mr. Schneier stated that neighborhoods, such as Martha's Vineyard, would have the most stringent aesthetic solar installation regulations. Their Code provides for a committee to review each application. In comparison, Dublin prefers a Code that provides guidance. Kiowah Island Code states, "Solar panels may be incorporated into the roofscape or installed on an ancillary structure, provided views are screened from neighboring properties. Solar panels may not be rack-mounted, unless integrated into the roof design, using roof wells or parapets. External piping is not permitted. The views must be approved in advance of the installation." He believes that, in practice, this would be very restrictive.

Mr. Supelak recommended Code language that stipulated rear-mounted panels should be coplanar with elevations no greater than 18 inches.

Ms. Harter stated that it would be important that the Code stipulate that rear-mounted solar panels should not be visible from the front.

Ms. Call noted that utilizing language similar to the Bexley Code would address that element.

Ms. Call stated that the definitions should clarify that solar panels are non-integrated; they *are* mounted to the surface of a structure. Solar shingles are integrated and part of the roof's integrity; they *are not* mounted to the roof.

Discussion continued regarding integrated elements that are part of the structure – stucco, paint rainscreens and complete roofs.

Ms. Call noted that those are design elements.

Mr. Way clarified that he is not opposed to front-mounted installations but would concur with the Commission's consensus.

#### Ground-mounted Residential Solar Panels:

Commission consensus was that residential ground-mounted solar panels not be permitted in the front yard. Ground-mounted structures with a height no greater than a certain number of inches (staff would insert a recommended height from a safety perspective) would be permitted in the side or rear yards, if landscaping screening of a matching height were provided. The height of stand-alone solar panels should be minimal, so that they can be screened by landscaping. Standard setbacks would apply.

Ms. Call inquired if they would apply to lot coverage.

Mr. Schneier noted that in the Historic District, such devices, such as air conditioner units, do not count toward lot coverage.

Mr. Way inquired if ground installations would be handled different in sideyards that face a principal street.

Ms. Rauch responded that if it is on a public right-of-way, a corner lot is considered to have two front setbacks.

#### Commercial Ground-Mounted Solar Panels (not accessory):

Ms. Call inquired if commercial solar farms would be permitted.

Ms. Noble stated that it would be a use question. If it is not a free-standing use, it would not be permitted.

Commission consensus was that the frontage would be addressed in the same manner as residential ground-mounted installations. The amount of screening on a large commercial lot would be greater than the amount required on a residential lot.

Residential Accessory Structures (sheds, detached garages, pergolas):

Commission consensus was that the location be limited to the rear of the lot with similar requirements as other solar panels.

Commercial Accessory Structures (covered parking structures):

Ms. Call stated that the Commission would want to see these included in the Preliminary and Final Development Plans and reviewed at that time.

Mr. Supelak stated that the perimeter screening of commercial lots would buffer the views. The solar panels could be integrated and comprise the roof plane.

Ms. Call noted that if they are not integrated and are mounted, an 18-inch height would be too great.

Commission consensus was to permit them.

Ms. Noble inquired about size, shape and concentration of panels.

Ms. Call stated that language similar to the Bexley Code, which requires that it "be complementary to the roof line," would address size, shape and concentration of panels, as well.

Mr. Schneier noted that regulating the number, size and concentration of panels could impact the output.

Ms. Harter inquired if tree removal could potentially occur with these installations.

Ms. Rauch stated that could occur, although would be discouraged. However, homeowners are permitted to remove trees on their single-family residential lot, regardless of solar panel installation; only a permit is required.

Mr. Way stated that the permitted heights has not yet been specified.

Ms. Call responded that staff is researching the height element further before making a recommendation.

Mr. Way stated that the sample Codes from other cities use a height of 6 to 8 feet, so there are models from which we could draw a height requirement.

Ms. Harter inquired if due to the prohibition of front-facing installations, one side of a neighborhood was permitted to have solar panels but the other side was not, that could change the value of some homes in that neighborhood. The City might want to track that factor.

Mr. Way noted that there could be value in the City offering a renewable energy program to which homeowners could contribute and receive some return. Perhaps a solar farm could be located in the West Innovation District.

Ms. Call stated that is an item that could be proposed to City Council for consideration.

Mr. Way inquired if any City buildings had solar panels.

Ms. Noble responded that, currently, there are none. This is a topic, however, that has also been discussed with Dublin City Schools.

Mr. Way stated that perhaps this is an opportunity that could be considered for all public buildings, along with a strategy for contribution.

Ms. Call stated that there are many related components, and potentially a Pandora's Box, with which she does not believe the City would want to become involved. However, the idea could be passed along to City Council for consideration.

Mr. Way noted that current social media is reflecting the public's opinion that the City is opposed to solar panels. This legislation is an opportunity for the City to change that messaging to its residents.

Ms. Call suggested that the City's public information office take steps to get in front of that messaging.

Ms. Rauch stated that there was discussion to that effect at the recent joint work session, including the suggestion to provide some information for the Fall Homeowners Association meeting.

Ms. Noble stated that the fact that the City is pursuing a Code amendment shows that the City is interested in permitting solar panels. In the interim, solar panels are being handled as accessory structures, which has the risk of being appealed.

Ms. Call stated that it will be important to control the messaging. Many residents perceive any proposed Code amendments to be for the purpose of restriction. That is the opposite of the City's intent, which is actually to free up the restrictions.

### **Public Comment**

No public comments were received on the proposal for a Code amendment related to solar panels.

Staff will draft a Code amendment consistent with tonight's discussion for future review by the Commission.

### **COMMUNICATIONS**

- **PZC Meeting Dates Calendar - October 2022 through February 2023**

Commission consensus was to confirm the remaining calendar dates.

Ms. Rauch noted that the 2023 PZC Meeting calendar would be developed for Commission consideration after City Council had adopted its 2023 meeting calendar. The Commission calendar also will include the joint meeting, training and project tour dates.

- **Upcoming Commission Education/Training Opportunities**

- 1) OKI Regional Planning Conference, conducted by the American Planning Association's Ohio, Kentucky, and Indiana chapters, will be held in Louisville, Kentucky, September 28-30.
- 2) Ohio Economic Development Association Annual Summit, "Aligning Housing and Economic Development," will be held October 3-6 at The Exchange. The Conference is sponsored by several local groups, including MORPC and the Ohio Department of Development.

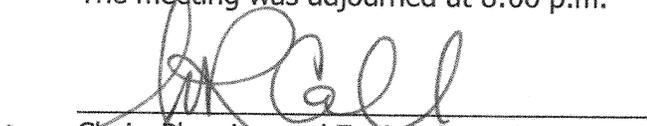
Ms. Rauch stated that any Commission member interested in attending either of the conferences should contact staff quickly for registration purposes.

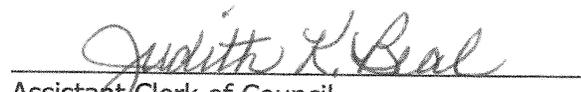
- **Administrative Approvals**

Ms. Rauch inquired if the Commission believed there were any additional types of requests that would be appropriate for administrative review. The Commission directed staff to research previous Commission approvals and develop a list of items, which the Commission most often has directed the applicant to work with staff. The list should also include requests typically approved on a Consent Agenda. That list of potential additional Administrative Approval items will be provided to the Commission for consideration and direction.

- The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, October 6, 2022.

The meeting was adjourned at 8:00 p.m.

  
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Chair, Planning and Zoning Commission

  
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Assistant Clerk of Council