



MEETING MINUTES

Planning & Zoning Commission

Thursday, September 19, 2024

CALL TO ORDER

Chair Call called the meeting to order at 6:30 p.m. in Council Chamber and welcomed everyone to the September 19, 2024 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, Kim Way, Kathy Harter, Dan Garvin
Jason Deschler, Gary Alexander
Commission members absent: Jamey Chinnock
Staff members present: Jennifer Rauch, Bassem Bitar, Phillip Hartmann
Consultant: Greg Dale, McBride Dale Clarion

ACCEPTANCE OF MEETING DOCUMENTS/APPROVAL OF MEETING MINUTES

Mr. Way moved, Mr. Deschler seconded approval of the meeting documents and approval of the 08-22-24 Planning and Zoning Commission (PZC), Architectural Review Board (ARB) and Board of Zoning Appeals (BZA) joint meeting minutes (with correction of the email-noted typographical error) and 09-05-24 regular meeting minutes.

Vote: Ms. Harter, yes; Mr. Garvin, yes; Mr. Way, yes; Mr. Alexander, yes; Mr. Deschler, yes; Ms. Call, yes.

[Motion carried 6-0.]

Ms. Call stated that Case 24-036CU, Radiant Life Church, was postponed at the applicant's request prior to the meeting.

Ms. Call stated that the Planning and Zoning Commission (PZC) 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 explained the hearing process that would be followed.

Ms. Call swore in staff and audience members who anticipated providing testimony.

Ms. Call indicated that two cases were eligible for the Consent Agenda, Case 24-008FDP (Final Development Plan and Case 24-009FP (Final Plat), both concerning Avondale Woods, Section 3, and inquired if any PZC member would request the cases be moved to the regular agenda for discussion.

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

PUBLIC COMMENT

Jack Webster, 5223 Estuary Lane, Dublin, inquired if there were any provisions for a second access for this development. Currently, all traffic exits Avondale Woods onto Avery Road, and traffic is backed up. The traffic situation will worsen with the addition of more homes in the subdivision. The Police Department conducted a traffic survey in August regarding vehicle speeds on Avondale Road. He inquired the results of the survey and if the City would be taking any traffic-calming measures. If the case is approved tonight, when would construction begin on the road? The road has been constructed in Avondale Woods, Section 2, but no homes are under construction.

The Chair requested staff to explain the purview of the Commission's review at this meeting.

Ms. Mullinax responded that the FDP on this agenda is specifically for Section 3. It defines the general site layout as well as the requirements for the single-family lots within this Section. The Final Plat establishes and subdivides those single-family lots and extensions of three public roadways, as well as three reserves.

Ms. Call inquired if the second entrance, the traffic study and the roadway in Section 2 were being addressed at this evening.

Ms. Mullinax responded that they are not being addressed with Section 3, but there is a future secondary access further north intended for Section 2.

Ms. Call advised Mr. Webster to reach out to staff for the desired information, which is not under consideration at this meeting.

CONSENT CASES

- **24-008FDP – Avondale Woods, Section 3**

A Final Development Plan for Avondale Woods - Section 3 consisting of 26 single-family lots, three public right-of-ways, and three reserves. The 12.60-acre site is zoned Planned Unit Development (PUD) District - Avondale Woods and is located west of the intersection of Langley Drive and Scarlett Lane.

- **24-009FP – Avondale Woods, Section 3**

A Final Plat for Avondale Woods - Section 3 establishing 26 single-family lots, three public right-of-ways, and three reserves. The 12.60-acre site is zoned Planned Unit Development (PUD) District - Avondale Woods and is located west of the intersection of Langley Drive and Scarlett Lane.

Mr. Way moved, Ms. Harter seconded approval of the two (2) Consent Cases for the following:

- a Minor Text Modification to:
Change the reserve naming across the development and add the associated subarea and plat name;
- the Final Development Plan for Avondale Woods, Section 3 with the following conditions:

- 1) That the terms of the Infrastructure Agreement are met, and payments are made upon Planning & Zoning Commission approval of the Section 3 Final Development Plan and before any further approvals are granted.
 - 2) That the Subarea and Reserve Map be revised to replace Reserve C with Reserve F to align with the proposed text modification and approved plats, prior to building permitting.
 - 3) That the developer modifies the development text to accurately reflect the front building line for lots 58-66 in Section 3; and
- A recommendation of approval to City Council for the Avondale Woods, Section 3, Final Plat.

Vote: Mr. Deschler, yes; Mr. Garvin, yes; Ms. Harter, yes; Mr. Way, yes; Mr. Alexander, yes; Ms. Call, yes.
[Motion carried 6-0.]

CASE REVIEWS

- **24-012ADMO – Historic District Code and Guidelines Update**

Proposal for modifications to the Historic District Zoning Code and amendments to the Historic Design Guidelines.

Staff Presentation

Ms. Holt stated that Consultant Greg Dale, McBride Dale Clarion, would review the background on the case.

Mr. Dale stated the role of their firm has to been to work with the City to facilitate the process and public discussions for this proposed Code amendment, as well as work with staff to draft the changes to the proposed Code. This is Phase 2 of a two-phased process that has been underway for over a year. Public meetings during Phase 1 were held for Historic District (HD) residents and property owners on May 20, 2023, September 13, 2023, and October 11, 2023, and a series of items were identified as possible improvements to the speed and predictability of Historic District reviews. An overview of these improvements was provided to ARB in September 2023, and ARB confirmation of the Phase 2 direction was provided to staff in April of 2024. The draft amendment of the HD Code and Guidelines Update was provided to ARB on July 26. On August 28, 2024, the ARB reviewed and recommended PZC and Council approval. Five different changes have been proposed for this Code amendment:

1. Inclusion of Background building compatibility language within the Code and Guidelines.
2. Expansion of the Administrative Approvals (AA) to include:
 - a. Modifications to Background buildings where no building volume/footprint increase is requested
 - b. Single sign approvals that meet Code criteria for both Landmark and Background building types
 - c. Residential hardscape features less than 3 feet tall for both building types
 - d. Replacement of existing awnings for both building types (new awnings require ARB review)
 - e. Lighting for residential and commercial projects for both building types
 - f. Commercial exterior furniture for both building types, and

- g. HVAC and trash screening for both building types where building architecture is not affected.
3. Addition of a timeframe extension for FDP approvals (permit another one-year extension).
4. Corrections to scrivener's errors
5. Consolidation of the Administrative Departure, Waiver, and new Variance Code sections
 - a. Administrative Departures are no longer needed and have been removed;
 - b. All requests for deviations from numerical standards are termed Waivers for clarity;
 - c. Waivers above 20 percent will stay with the ARB.

Mr. Dale stated that Ms. Holt would explain the impetus for the 5th proposed change.

Ms. Holt stated that currently the waiver process for HD properties is cumbersome. Administrative Departures are where the numeric criteria for setbacks, lot coverage and building height exceed Code by less than 10 percent. Waivers permit the applicant to exceed Code by less than 20%, and variances for amounts in excess of 20% are referred to the Board of Zoning Appeals (BZA) for review. A couple of HD variances were heard by the BZA this year, and there was confusion on the nuances of applying the HD Code and Guidelines versus the "suburban" variances the BZA normally reviews. Staff, the ARB, and our consultant agreed that it made sense to keep HD variances, now termed Waivers, with the ARB to allow appropriate application of the HD Code and Guidelines. The ARB has a unique Code and Guidelines based on the National Park Service Standards that differ from the City's regular Code. It seems more appropriate for projects within the HD to be heard by the Board that knows the HD Code the best. The proposal is that all numeric variations from the HD Code now be called waivers. Additional language was added that the waiver amount must be the minimum amount required to solve the identified issue. This approach was reviewed and determined acceptable by the Law Director's Office. It will permit applicants to make a case before one board for very site-specific circumstances, thus lessening the time and simplifying the review process of their application. Ms. Holt stated that ARB has recommended that PZC recommend City Council approval of this HD Code and Guidelines amendment.

Ms. Call invited Mr. Alexander to comment on the Code amendment, as he was a member of ARB during the timeframe in which the discussion by that Board took place.

Mr. Alexander stated that with the recent reclassification of Landmark and Background Buildings, the numbers of each shifted significantly. It was determined that many of the Background Buildings projects could be handled administratively by staff, if the proposed changes would not impact the massing of the structure. He concedes that it will place more responsibility on the Planning Director to handle these additional Administrative Approvals.

Commission Questions/Discussion

Commission members had no questions or discussion.

Public Comments

There were no public comments on the case.

Mr. Alexander moved, Mr. Garvin seconded a recommendation of approval to City Council of the HD Code amendments and Guidelines update, Phase 2.

Vote: Mr. Way, yes; Ms. Harter, yes; Mr. Garvin, yes; Mr. Deschler, yes; Mr. Alexander, yes; Ms. Call, yes.

[Motion carried 6-0.]

COMMUNICATIONS

- **Reaffirming remaining 2024 through February 2025 ARB Meeting Dates**

Commission consensus was to defer the discussion to the next meeting when Mr. Chinnock is anticipated to be present.

- **Staff Report Discussion**

Staff Presentation

Ms. Rauch provided background on staff's effort to evaluate the Staff Reports provided with development applications. City Council adopted an Economic Development Strategy approximately a year ago. The Plan identified multiple strategies. Strategy 2 was to make Dublin's Development Processes more transparent and predictable thereby reducing uncertainty. That strategy was the impetus of our Development Review Process. The review process has involved significant stakeholder engagement with internal working groups, Board and Commission work sessions, developers, attorneys, engineers and architects. Out of those discussions came six focus areas, one of which relates to staff reports. A survey was shared with Board and Commission members and Council members and staff has received their input. Staff has also conducted internal research and identified best practices, which were shared with PZC members. She shared an overview of the survey questions, responses received and staff's initial take-aways. She is seeking any additional input from Commission members. The survey questions related to two categories: Staff Reports and Presentations. Ms. Rauch reviewed the feedback received on each survey question.

Survey Questions and Feedback regarding Staff Reports:

- *Clarity of information needed during each step*
 - Unanimous agreement that clarity is needed during each step
- *Clarity of the project and scope of review*
 - Largely agreement that there is clarity of the project and scope of review
 - More clarity is needed regarding Concept Plans and what should be reviewed at each step
 - Ensure continuity between City vision and development proposals
 - More context needed concerning Code requirements and staff direction
- *Relevance of information included*
 - Overall agreement that the information provided is relevant
 - Opportunities to abbreviate (bullets or lists) should be utilized
- *Additional information needed*
 - Community Plan and other plans and policies provided as references
 - Summary of similar prior reviews
- *Elimination of paper plans*
 - Review and input from other divisions
 - Previous similar decisions
- *Suggestions for improvement*

- Move history/background to end
- Use tables for Code requirement analysis
- Beginning of report should focus on what needs to be addressed/determined
- Succinct information (bullets, tables, etc.)
- Summarize specific Code concerns
- *Staff Recommendations*
 - Majority find staff recommendations beneficial

Initial Staff Takeaways:

- Identify opportunities to streamline Staff Report information; provide clarity on what the Board/Commission should focus; integrate the Community Plan information and recommendations.

Ms. Rauch inquired if Commission members had any other comments or suggestions regarding Staff Reports.

Mr. Garvin stated that he is not supportive of the elimination of paper plans; he finds them helpful. Consensus of the PZC members was that paper plans are beneficial.

Mr. Deschler stated that he finds the Community Plan provisions concerning the site under consideration helpful. It provides a baseline for the Commission's evaluation. He inquired if staff has considered providing an overview of staff's discussion with the developer of the concerns regarding their application.

Ms. Rauch responded that it has not historically been done. It might be possible to provide information about the concerns discussed with the developer; however, she believes the conditions for approval already indicate that.

Mr. Way stated that it is up to the applicant to also come before the Commission and make their case. If the Commission is provided too much of the staff/developer discussion up front, it may hinder their ability to do that. He has no objection to a general summary of key issues, but he is supportive of the applicant making their own case. If there are issues, it is beneficial for the Commission to hear about those directly from the applicant.

Ms. Call stated that she is not supportive of the staff providing their recommendation. She prefers the chart that specifies the criteria met/not met or met with conditions. The Commission should not rely upon staff's recommendation but participate in the review process. She would be supportive of removing the statement, "Staff recommends approval..."

Mr. Deschler inquired if Ms. Call believes it affects the Commissioners' viewpoints.

Ms. Call responded affirmatively that she believes it "colors our perspective." Commissioners tend to believe that the application must grossly deviate from Code in order for the Commission to deny something for which staff recommends approval. In her experience on the Commission, applications have to deviate from Code significantly for staff to recommend disapproval. What she has heard from a Council member is that the Commission approves cases they should not.

Mr. Alexander stated that he believes the Staff Recommendation is the most important part of the report. Staff has far more expertise than the Commission. PZC does not have a civil engineer nor anyone knowledgeable about stormwater management or building inspections. There is experience that City staff offers that the Commission does not have.

Ms. Call stated the Commission has the Code, which we can require applicants to meet.

Mr. Alexander stated that Commissioners spend more time reviewing these reports than the time they spend in the meeting, and that still is insufficient. Staff has far more time to study these projects than Commissioners have. Staff's expertise is very important if the City board, such as the ARB, does not have a design professional. Boards that lack expertise need some help. That is the reason he believes the Staff Recommendation is one of the most important elements in the staff report.

Ms. Call stated that she believes the information staff provides about the criteria provides what is needed. The Commission is expected to provide a subjective review.

Mr. Alexander stated that the Commission is not required to follow the Staff Recommendation. He does agree that too many of the Staff Reports recommend approval on the basis of meeting several conditions.

Mr. Garvin stated that BZA does not need a Staff Recommendation, because the criteria met/not met determine that. With PZC, he agrees that the Commission should not be influenced by the recommendation. He believes that it behooves the Commission members not to be influenced but come to their own conclusions. However, he believes the recommendation is useful, particularly for newer members on the Board.

Ms. Call stated that if a resident sees a Staff Report on which it states, "staff recommends approval...", they believe the Commission's position is pre-determined. That statement gives them that impression.

Mr. Garvin stated that is a good point, but we want residents to show up and share their perspectives during a review.

Ms. Harter stated that in addition to the point about the applicant and the residents' impressions from reading staff's recommendation is the separate question as to whether it is legally advisable to state in the report that "this is how the City feels."

Ms. Call stated that the Commission exists for a reason. Just because staff recommends approval does not give the applicant any right to expect approval.

Mr. Hartmann expressed agreement, but that point – staff's provision of a recommendation -- is often brought up in appeals. It is somewhat persuasive, depending on how much the Court understands the process. In their defense, the City points out that it is just a recommendation, that staff is not the final decision-maker for the City.

Ms. Harter inquired how staff shares the City's recommendation regarding approval with applicants. Ms. Rauch responded that staff shares what their recommendation to the Commission will be, but also that the Commission's evaluation could be different. If the Staff Report is recommending disapproval of their application, the applicant often will decide to table the case beforehand. They recognize that their application will have difficulty being approved in the Commission/Board review, particularly with ARB and PZC.

Ms. Call stated that although this review was spurred by Council's recent adoption of an Economic Development Strategy, whether an application is economically viable is not one of the criteria for the Commission or Board's consideration. We have the responsibility to ensure we are using only the tools available to us when evaluating applications. We evaluate applications with the Community Plan. The Economic Development Plan is Council's tool. The tools provided to us are a result, however, of the economic development plans of City Council.

Ms. Call stated that her suggestion is that although with a Concept Plan, it is helpful to see more information than required, such as site layout, building envelopes, etc., for the benefit of the newer members, she would recommend that information be provided in an addendum. It should be made clear that it is additional material. If the member has time to evaluate it, that is fine, but it is not part of the Concept Plan review. It helps provide context and awareness of the applicant's overall plans.

Ms. Rauch stated that if the applicant provides a packet of materials, staff provides everything to the reviewing body. With an Informal Review of an application, the applicant has the right to ask about items for future anticipated reviews. If something will be a deal breaker for the Commission, the applicant wants to be aware of that with the Informal/Concept Plan review.

Ms. Call stated that she understands that; however, it is difficult for new PZC members to understand what items they are expected to vote on in a meeting.

Mr. Way stated that should be made clear in the Staff Report.

Ms. Call responded that clarity is initially provided by the first slide concerning the development review process at the beginning of the case presentation, but is not apparent in the remainder of the report.

Mr. Alexander stated that he does not believe it is sufficiently clear. He agrees that it would be very valuable to provide clarity regarding what is under review in the meeting.

Ms. Rauch responded that staff can provide greater clarity of what is under review in that meeting.

Mr. Way stated that he takes Staff's Recommendation as guidance, not a foregone fact. Having a recommendation does not discourage him from asking questions and coming to his own conclusion.

Ms. Call stated that having significant board experience is helpful. However, she has heard other Commission/Board members express the thought that the review would have to be really negative for them to go against Staff's Recommendation. In addition, the residents' perspective is that Staff's Recommendation pre-determines the outcome.

Mr. Way stated that he appreciates the concern about the community thinking that the approval has already been determined; we need to determine how best to address that. Does the City require applicants to meet with the neighbors of a proposed development site?

Ms. Rauch responded that it is not required, but it is a recommendation made in every case.

Mr. Way stated that with the cases the Commission has reviewed, if the applicant has taken the time to meet with the community, the citizens who attend the hearing are informed and not suspicious of the Commission's review. It is preferable that the neighbors are informed.

Ms. Call stated that perhaps the applicants should be made aware that one question in the case staff report is, "Has the applicant met with the community with staff present?" The applicant should provide a notice of a meeting to the community, and staff should be informed and present at the meeting, as well. Subsequently, indication that the meeting occurred should be provided to the Board/Commission.

Mr. Deschler inquired if staff has attended meetings between the developer and the community previously.

Ms. Rauch responded affirmatively. Staff likes to know when the developer will be meeting with the community, and if staff is available to attend, they do so. They observe the discussion and correct any process-related questions. It is the developer's meeting; the intent is only for staff to

observe. The developer is made aware beforehand that the Commission will ask if they met with the community, but staff cannot require them to meet with them.

Ms. Call stated that we can require that it be a Staff Report item and that any community feedback available be included.

Mr. Way stated that he often asks for photographs from the field and information about similar or like projects built. Is there a Commission feedback mechanism whereby the Commission can ask questions or request more information before the meeting? Perhaps it should be in a format wherein all Commissioners are made aware of what information is being requested.

Ms. Rauch responded that is not recommended. The current process is for the Commissioner to reach out to the staff planner.

Mr. Way suggested that the staff planner should provide the responsive information to all the members, so all are equally informed.

Ms. Call stated that the response to an individual request could be provided to the entire Commission.

Ms. Rauch indicated that staff can do so, with the caveat that the Commission will not provide responses to such email.

Ms. Call stated that Commissioners could be made aware that additional information has been added to their meeting packet for the Thursday review.

Mr. Way suggested that more examples of previous similar projects be added to the meeting packet.

Ms. Harter stated that providing examples of previous construction projects by the developer could be helpful, as it would show how their projects are faring several years later. It would also be helpful for newer Commissioners to be provided the definitions of terms used in the Staff Reports. She would provide staff some examples of those terms.

Ms. Rauch acknowledged that staff uses many Planning-related acronyms.

Mr. Alexander stated that staff is probably cognizant of comments about their meddling with the applicant's designs. He suggested that staff avoid engaging another consultant to provide an alternative plan or corrections to the applicant's plan. It would be preferable, instead, to provide a list of recommended changes to the applicant's plan. Consultants sometimes can discard positive aspects of an applicant's conceptual plan. It can be insulting and potentially confusing to the applicant to have their plan re-designed. He believes bringing in an outside consultant to provide an alternate plan is problematic.

Ms. Call stated that PZC has a materials consultant. Is there a consultant that the City uses to juxtapose plans?

Ms. Rauch responded that the City does have a consultant who does that, if the City requests it. ARB has an historic architectural consultant. The Boards/Commission have a materials consultant, Mark Ford. Because no one on Planning staff is an architect, an earlier directive from Council was that staff hire consultants to provide architectural design support, when needed. If that is something that should be changed, it may be helpful to discuss that in the upcoming joint meeting.

Mr. Alexander stated that the earlier project he recalls concerned a landscape design firm.

Ms. Rauch clarified that the consultants the City uses are to help articulate a solution, not necessarily provide the only solution. The intent is that the architect provide options or a solution that could be considered.

Mr. Way stated that Mark Ford provides commentary regarding materials. It is a slippery slope if the City is providing its own design input. He himself is a landscape architect, and he has never

experienced having his design re-designed. The applicant is welcome to secure a second design. He does not believe it is professional for the City to do so.

Mr. Alexander agreed that it can be insulting to our applicants.

Ms. Call stated that she could share this concern with the Board's Council liaison.

Ms. Rauch provided the survey information concerning presentations.

Survey Questions and Feedback regarding Presentations:

- *Desired Information to be Shared:*
 - How the Code/Guidelines are met or not – areas for discussion
 - Site summary, case review history and staff recommendation
 - No need to reiterate applicant's presentation
- *Desired Presentation Order:*
 - Majority prefer applicant presentation first
- *Additional Information Desired for Review:*
 - Precedent examples
 - Allow applicant to present case and staff to provide additional details/discussion topics
 - Focus discussion on items relevant to the application
 - Background about discussions with the developer

Additional Suggestions:

- Clarity regarding Concept Plans
- Peer community or similar Dublin project approvals
- Additional 3D modeling opportunities

She inquired if the Commission had any additional comments or feedback.

Mr. Deschler stated that with PZC, it makes sense for the applicant to present first. With BZA, it makes sense for staff to provide their presentation first. At times the applicant's presentation can be comprised of off-the cuff, convoluted or misguided comments. Other times, their presentations are well delivered. If anything is said by the applicant that is not representative of their discussions with staff, he would suggest that staff address those items in their presentation. For context, Staff may need to clarify the primary discussions and salient points for the Commission.

Ms. Call agreed that staff may need to "marry" what is said with the content of the Staff Report.

Ms. Rauch stated that staff would compile the feedback and devise some recommended solutions, which will be provided for consideration. She is aware that Council wants to discuss the Staff Recommendation item, so it will be helpful for them to have the Commission's input.

- The Joint Meeting of Council-PZC-ARB-BZA is scheduled for Wednesday, October 16 in Council Chamber.
- The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, October 3 in Council Chamber.

ADJOURNMENT

The meeting was adjourned at 7:45 pm.



Chair, Planning and Zoning Commission



Assistant Clerk of Council