

**DUBLIN CITY COUNCIL
COMMUNITY DEVELOPMENT COMMITTEE
Monday, February 4, 2019 – 6:00 p.m.
Council Chambers**

Minutes of Meeting

Mr. Reiner, Chair called the meeting to order.

Committee members present: Mr. Reiner, Vice Mayor Amorose Groomes, Ms. De Rosa

Staff members present: Ms. Goss, Mr. Papsidero, Ms. Husak.

Other Council member present: Jane Fox

Consultant present: Don Elliott, Clarion Associates

Approval of Minutes of 10-31-18 meeting

Ms. De Rosa moved approval of the minutes.

Vice Mayor Amorose Groomes seconded the motion.

Vote on the motion: Mr. Reiner, yes; Ms. De Rosa, yes; Vice Mayor Amorose Groomes, yes.

Review of Proposed Amendment to the Bridge Street District Review and Approval Process (Section 153.066)

Mr. Papsidero noted that Don Elliott of Clarion Associates is present this evening. He has been assisting with this process, and a stakeholder meeting is scheduled tomorrow for this major Code update and the guidelines.

Tonight, he will present an overview of the proposal before Council. It focuses on the administrative chapter of the Bridge Street Code. There have been numerous meetings on this with Council, Planning Commission and the Architectural Review Board. They are looking to have the proposed amendments to the Code adopted in the near term.

The goals of this project were to simplify the Bridge Street review and approval process without compromising City standards; and create some consistency among submittal requirements, specifically ways to have consistency with the PUD district. The methodology was to learn from seven years of administering the Code. Mr. Elliott spent a good deal of time interviewing stakeholders and connecting his own independent analysis. There was a key stakeholder committee (comprised of users of the Code) who they worked with earlier in the process, and there has been some public review with the development community in the process. Now, the hope is to move toward adoption.

Background

The consultant team consists of Don Elliott of Clarion; Leslie Oberholzer of Codametrics who helped specifically with the Historic District a year ago; and Landplan Studio who did some analysis and graphic design.

The process piece has been drafted and there have been two Council work sessions and three joint work sessions of PZC and ARB for review. On October 11, 2018, PZC recommended approval of the proposed amendments.

Vice Mayor Amorose Groomes asked if all of the PZC changes have been incorporated in the redlined version provided to the Committee.

Mr. Papsidero responded affirmatively. The key provisions relates to the Informal and codifying that process.

In a June 2018 Council work session, staff shared a timeline for the process that they had hoped would be completed by the end of 2018. Staff was ready to present this proposed amendment to Council in November of 2018, but the City Manager directed staff to have this reviewed by CDC prior to sending it to the full Council. They are looking forward to input from the Committee tonight so that this project can move forward in the near term.

Findings

Mr. Papsidero stated that the findings to date are the review process is too lengthy; too much detail is required too early in the process; and there are too few administrative approvals. The recommendations are to shorten the process without compromising standards and outcomes, while ensuring appropriate flexibility for applicants; to adjust submittal requirements accordingly; and make no changes to administrative approvals.

Recommendations for Process Changes

The proposal for process changes are divided into two pieces: one process when there is a development agreement, and one where there is not a development agreement.

- Without Development Agreement

Currently, when there is no development agreement, Planning staff conducts its analysis and makes recommendation; the Administrative Review Team meets and makes a recommendation, which often requires two or three meetings; and then the proposal is reviewed by Planning Commission. The submittal requirements are Basic Plan, Development Plan and Site Plan.

The proposal is to eliminate ART's role in providing a recommendation. Planning staff would provide a staff recommendation to the Planning Commission, who would approve the individual pieces.

- With Development Agreement

When there is a development agreement involved, under the current Code the required reviewing body must be identified. The process involves Planning staff making a recommendation, Planning Commission making a recommendation, ART making a recommendation and Council taking the final action. The proposal is to eliminate the ART review and have Council just reviewing the concept plan. Currently, if Council chooses, it can be the designated required reviewing body for all the steps. What is being suggested is Council be the reviewing body for the concept plan.

At the last work session, discussion took place about what material should accompany a development agreement. There was some conversation that enough was needed to define the project, but not more than that. After more consideration, staff's recommendation is that the action for a development agreement should still be part of the zoning process. Therefore, what makes the most sense is to have this review be the Concept Plan. Staff is seeking direction from the Committee about whether that seems adequate. This would still provide a lot of information at the conceptual level and would be an important piece of the process. It is important as it would give Planning Commission clear direction from Council in terms of how to deal with the preliminary development plan and, eventually, the final development plan.

For the most part, then, Planning Commission becomes the required reviewing body; ART no longer provides a recommendation; and the informal review is added as a codified step. The

informal review is optional – the applicant can request that. Staff will encourage it, depending on the type of project being proposed. Waivers can only be approved by the Planning Commission as is currently provided. There are no other major administrative changes in that part of the process.

- Minor Projects

Mr. Papsidero stated that the Code allows for Minor Projects – small projects that do not have significant community impacts. There is a list of eligible items in the current Code and that list is proposed to be significantly reduced. Items such as single-family homes, multi-family (four unit buildings), and a lot of new construction that the ART could review have been eliminated from the Minor Project list. The list has been reduced to, principally, expansions to existing structures that are limited and in a smaller scale; and small accessory structures. Those would continue to go to the ART, which would help to expedite minor projects. There is in the Code a kick-up provision, where if ART finds that there are impacts – even if the project falls into these two categories – the ART can and would kick up the project to Planning Commission. An example would be a small addition to Bob Evans to accommodate their paper goods, which would not be a good use of Planning Commission's time. This would be handled by ART.

- Administrative Departures

The other approval step is Administrative Departures, which are minor deviations of Code that can exceed 10 percent – such as building dimensions, lot dimensions, lot coverage, open space, landscaping, etc. The basis to approve these has to be that it is unusual site or development conditions or conditions unique to a particular use or other similar conditions that require reasonable adjustments, but must remain consistent with the intent of this chapter. Staff is not suggesting any changes to this. Code currently allows administrative departures to be approved by ART, with a kick-up provision that if it does not meet that 10 percent, it becomes a waiver. A common example is transparency, where the Code requires the façade to be 60 percent transparent, yet the proposed development has 58 percent.

- Master Sign Plan

While the Code allows Master Sign plans, it was very minimal in terms of guidance. This guidance has been expanded, as staff believed that Planning Commission, in particular, was seeking more guidance. Staff built upon existing Code provisions, but provides clear review criteria that ties back to the intent of the Bridge Street District. These continue to be approvable only by Planning Commission.

- Administrative Approvals

These were formerly called “Minor Modifications.” These are extremely limited in scope and can be approved by the Planning Director. These tend to be items that need to be addressed during construction because of undetected errors or omissions, conditions discovered during permitting or construction, more than anything else. Staff is not suggesting any changes because of the minor nature of these approvals that occur during the construction process. Examples might be switching out materials on site. The Code requires that any change of building material must be equal than or better than what was approved. Staff has been strict in this interpretation, and has kicked up a proposal to the Planning Commission when warranted.

- General Provisions

For the appeals process, the current Code provides that appeals of a final development plan go directly to City Council. Staff is suggesting returning to the standard process that applies in all other zoning districts – that an appeal goes to the Board of Zoning Appeals for purposes of consistency.

Section 7, Architectural Review Board was added as a stop-gap regulation to handle applications in the interim until the new Code for the ARB and Historic District is adopted. At that time, Section 7 will be deleted. All of the ARB references are removed in other portions of this Chapter, but this is needed in the interim.

In response to a question regarding timeframes, Mr. Papsidero stated that this work is expected to be completed by year end.

Regarding Single-Family Detached Homes, under the current Code, if someone wants to build a house, it is treated as a Minor Project and goes through ART. Staff is suggesting that single-family detached homes are not treated as a Minor Project and can go straight to permitting, which would include a zoning review relative to this Code and the City's appearance standards for single-family residential. There have not been any single-family homes proposed in the BSD, but there is a potential project from M/I Homes that is all single-family and could be triggered by this provision.

Ms. De Rosa stated that staff does not therefore mean a single owner – they mean single-family homes in general. Could this M/I project referenced be a proposed development for single-family homes?

Mr. Papsidero responded it could not be a development. M/I Homes could seek zoning for a development of homes and each single-family home would be permitted. The current Code calls for each of those individual homes to be reviewed by ART.

Ms. De Rosa stated that clarity on this point is important -- whether this is a specialty home builder constructing a single-family home or a large developer proposing a housing development. A housing development should be subject to a larger set of reviews. This was not clear in the language and should be tweaked.

Mr. Papsidero responded that the intent was that a development – whether single-family or a large builder/developer – would have to go through a review process – not by ART.

Mr. Reiner stated that the City does not have high architectural standards for single-family housing in the current Code.

Mr. Papsidero responded that the Appearance Code applies citywide, and in the Design Guidelines for the BSD, there is language speaking to single-family home exterior materials, roofs, etc. A review process has not been established, however.

Mr. Reiner stated that he raises this issue, as a large developer a few years ago proposed a development in Muirfield; however, the Muirfield architectural design review group indicated the housing proposed was very substandard architecturally. After three years, the developer sold the land to a higher quality home builder, due to frustration with the Muirfield Association approval process. The question is should an architecture review board be established for single-family homes; should we retain an architect to review these? What can be done to assure the City that the outcome is a high quality development? Dublin's Code is weak and allows for less than desirable finishes and architecture. His concern is that minimal standards exist currently, and how can the City have better quality architecture and finishes in single-family homes going

forward? He cited examples of recent housing developments built in the City and their quality levels.

Mr. Papsidero stated that using the M/I proposal as an example that came through for zoning, it would have a concept plan, preliminary development plan and final development plan approved by Planning Commission, and standards would be included to be met by the individual homes. That provides a guarantee of quality as part of that action.

Ms. De Rosa clarified that this is only for one single-family where a lot is purchased and the existing house demolished to construct a new home.

Mr. Papsidero responded the process would apply to any single-family home, whether it is in a development or a single lot. Even with the M/I example, the zoning would have standards established as part of the development plan. When the builder came through for building permit, the standards would have to be met as part of the permit and zoning process.

Ms. De Rosa stated that this does not address Mr. Reiner's concerns.

Mr. Reiner stated that the standards to be met would be the City's.

Mr. Papsidero responded that an approved development plan would have the standards in it as desired by Planning Commission. Maybe the larger concern is the individual single-family home – perhaps an empty lot at Indian Run for example, where someone wants to build a house. There is no design review for those unless something new is created. ART was intended to play that role, originally, and could still do so. The other option would be to have that proposed home reviewed at Planning Commission or create some other body to do the review. There is nothing else currently that exists.

Ms. Husak added that the Historic Guidelines will have a single-family detached housing type that has those criteria.

Mr. Papsidero stated that the regulations can be as tight as desired, but from a process standpoint, a zoning review would be needed at the staff level as part of the building permit review to ensure that the established standards and guidelines were met.

Mr. Reiner stated that his issue is that the City's standards are low, and if a developer is meeting Dublin's standards, this is the result. Muirfield has its own architectural design review board, which has higher standards and therefore results in a better product.

Mr. Elliott asked for clarification about this discussion. If it is an individual house on an individual lot – not subject to concept plan and final development plan review in the BSD, then the fallback is the appearance standards. Mr. Reiner has indicated that he believes those are not adequate. This Code change is not intended to address that. In this case, the issue is that the development would be taken through concept, preliminary and final plan review. At that point, negotiating would take place regarding the quality standards to apply to all the houses in this development. That is part of the zoning approval. Everyone who does this must demonstrate it complies with the plan. It is not a PUD, but must comply with the Code and the Design Guidelines. For example, for an eight-house development of single-family homes, the developer/builder is subject to an approved final development plan that sets the quality standards that are established in the design standards and guidelines. Based on Mr. Reiner's comments, the design standards and guidelines will be higher than the current ones. The draft Code design standards and guidelines are significantly higher than what exists in the appearance code. The eight-house development would be approved, based on its consistency with the standards and guidelines applicable in the Bridge Street Corridor. Once this approval is obtained, the developer seeks builders. Must the builders do a concept plan or preliminary plan

for each house? The answer is “no” – the building permit staff and Planning staff review it to make certain it meets the higher standards approved for this eight-lot development. Mr. Reiner stated he understands this, but the appearance code standards are low.

Vice Mayor Amorose Groomes asked if it makes sense to draft a new Appearance Code for the District

Mr. Reiner suggested a new Appearance Code for the entire City.

Mr. Elliott stated that the Appearance Code serves as a backstop for development without negotiated approval standards.

Ms. Husak noted that the single-family detached housing type and its requirements is not being eliminated from the Guidelines.

Ms. De Rosa asked what the intention is then. This language is not clear.

Mr. Elliott responded that the language is intended to state that once the quality standards and layout are approved for the multi-house single-family development, one does not need to go through the process again to pull a building permit for an individual house. That is the intent.

Ms. De Rosa stated that makes sense to her.

Mr. Papsidero clarified that there are two components being discussed. One is specific to Bridge Street and the Design Guidelines that speak to development standards. Those can be reviewed to ensure they are satisfactory. The other issue is with the remainder of the City and the residential Appearance standards, which are not to Mr. Reiner’s satisfaction and need to be reviewed. Finally, there are individual development standards set through text that cannot be changed.

Ms. De Rosa stated that for this Bridge Street District, for single-family homes, there should be some upgraded criteria – that is what she understands from the discussion.

Mr. Elliott responded that is the discussion that will begin tomorrow with the stakeholder group. Work continues on this draft and determining what is fixed in stone and what is negotiable to create a variety and allow creative development. The standards will be significantly above the existing residential appearance standards.

Mr. Reiner stated that a good example of this is the City zoned an 18-lot subdivision. A builder purchases it and proposes two-car garages for all houses. Even though this involved a national corporation, there were no architects on the corporate staff. A new owner comes along and has an architect and hires more, and they decide to have three-car garages, which will make them much higher in value. The surrounding neighborhoods did not object, so the problem was resolved.

Submittal Requirements

Mr. Papsidero noted that the findings were there were too many submittal requirements, too much detail required too early in the process, and too much variation among the different processes throughout the City, i.e. Bridge Street District (BSD) vs. Planned Unit Development (PUD) vs. West Innovation District (WID).

The goal is to provide consistency among other districts; simplify the submittal process without compromising standards and outcomes, while ensuring appropriate flexibility; and establish a framework for updating processes in the WID and Metro-Blazer District to ensure consistency within business districts.

The current BSD Code provides for a Basic Plan, Development Plan and Site Plan. What is proposed is to mirror what is in the PUD with a concept plan, preliminary development plan and final development plan. The informal review has been added as a codified step. The preliminary and final development plans can be combined at the request of the applicant, at the direction of the Commission or based on the recommendation of the Planning Director. The Planning Commission supported the concept of flexibility for smaller, less complicated projects. But with a typical Bridge Street District project, this will not happen as the project would be too complex.

Vice Mayor Amorose Groomes asked if this should be codified – perhaps a trigger included if a project is over 40,000 square feet, etc.

Mr. Papsidero responded it was debated, but no conclusion was reached. Originally, there were some suggestions for such trigger language, but the language was removed.

Mr. Elliott noted that most Codes leave this to the discretion of whether it blends or not. Planning staff will know which ones to combine and which ones are not okay to combine. Basically, if they are combined and do not get approval, the process must begin again. It is difficult to define objectively which ones could and could not be combined. Much of Bridge Street is being built now, but over time, there will be redevelopment that will involve redeveloping a portion of a project or a small portion of it. It is desirable to have the discretion to combine them for redevelopment at a later date.

Mr. Reiner asked if Mr. Elliott has viewed all of the progress made on the Bridge Street District. Mr. Elliott responded he was in Dublin six months ago, and he has observed all of the progress.

Mr. Papsidero commented that Mr. Elliott was brought back on this Code update based on his history with the Code, and because he has national expertise in this field.

Mr. Elliott reiterated that it is difficult to codify exactly when the City should allow applicants to combine preliminary and final plans. It does not tend to go wrong, because if too much is attempted in one step, there is a significant financial risk to the applicant if it is wrong, as the work will have to be done again. It tends to occur when the developer and the Director collectively agree that it is very unlikely the plan will not be adopted.

Ms. De Rosa stated -- using Bridge Park as an example --almost everything in Bridge Park is of a fairly large scale. In thinking about redevelopment there, it would be a substantial unit within that. It is also part of a development agreement that spans 30 years. If the intent is to make this easier on the developer by combining projects, it may be best to have a concept plan review. Anything being redeveloped in Bridge Park is going to have an impact, given the sheer size of the Bridge Park development.

Vice Mayor Amorose Groomes stated that with everyone at the table and all having the context of the conversations, those decisions are easy. But with changes on Council in the future, how is this information shared with those who follow? She recalls many times at the Planning Commission where two plans were combined – not necessarily in Bridge Street District – and it becomes a little overwhelming. While reviewing and discussing the preliminary development plan items and then going directly to the final, there is no opportunity for the applicant to return to address items identified in the preliminary plan prior to the hearing on the final development plan.

Mr. Elliott stated that if the Committee desires that objective standards be included in that

provision, it can be done.

Vice Mayor Amorose Groomes stated that perhaps some intent language should be added -- not necessarily specifying square footage measurements, but the intent.

Mr. Papsidero stated that an example for him would be a lot on SR161. There are two existing ranch homes and some vacant lots in that area. For the lot near Lowe's, which has a storm detention pond on it and restrictions, there has been discussion with some developers regarding a Panera or City Egg restaurant use. If there are no access issues or stormwater issues that are problematic, perhaps these examples could qualify for a combined submittal. That would be the largest development application that staff would recommend for such a combined process in the Bridge Street District.

Ms. De Rosa stated that there are therefore some parameters established for this process.

Mr. Elliott stated that this category of Minor Projects in this Code review has become really small. If there were a 1,100 square foot accessory building, it would not be a Minor Project. He believes there are many 1,100 square feet accessory buildings where the City would not want them to do a preliminary and final development plan.

Mr. Reiner stated the applicant would not want to do this anyway, due to the expense that could occur.

Mr. Elliott noted that it is hard to envision all of the items that come in over time, yet the trend clearly is to have parameters within which the professional staff can make that call about a combined process.

Discussion Points

Mr. Papsidero asked if staff has sufficiently simplified the process with the proposal. Is the Committee comfortable with the idea of the concept plan as the key submittal tied to a development agreement? Is the Committee comfortable with the submittal requirements as outlined tonight? In regard to the appeals process, is staff's recommendation appropriate? Are there any other questions the Committee might have or any concerns not addressed?

Ms. De Rosa asked about the concept plan under the submittal requirements on page 7. To her, it was vague in terms of what is to be included.

Vice Mayor Amorose Groomes stated that sometimes with a concept plan there is too much information for some items and not adequate information for other items. In her experience in reviewing concept plans, drive cuts are not included, and those are really important. She would forgo a lot of items in lieu of receiving drive cut information in a concept plan. For the review of the recent hotel across from the parking garage in Bridge Park, the circulation on the hotel was not acceptable. If Council had known where the drive aisles were to be located, this would have impacted the outcome. It is important to consider what the content of a concept plan should be, and it may need to be adjusted. The circulation and navigation on the site is a critical piece of information.

Ms. De Rosa stated that the language in submittal requirements indicates, "It is the intent of these regulations that the Concept Plan shall indicate overall design of the proposed project." This is a very broad statement. "Information submitted should be comprehensive enough to enable the reviewing body to understand the existing site and concept for the proposed

development.” This is followed by review criteria. The language does not speak to density or a number of other items. It might be helpful to the Commission and to Council to have in a grid form the list of what will come back in a Concept Plan, and add a few of these items not mentioned. This is the opportunity to do so. Often, Council or the Commission asks questions and they are told that the information would come later. She is not certain the feedback provided to an applicant is clear enough, based on the information submitted. Having some clarity around the Concept Plan would be very helpful.

Vice Mayor Amorose Groomes added that a checklist of what makes a good Concept Plan submittal would be helpful – circulation, density, overall building height, etc. A footprint of the building is not necessary required, although that is often what is submitted.

Mr. Papsidero summarized the placement of the building and setbacks would be provided. The review criteria are intended to speak to what should be submitted so that a decision can be made, based on that criteria. The other piece missing and not included in this is that there is a very detailed checklist for the applications. It is purposely not codified so that there is flexibility to change those as needed or as the Commission might direct. Staff can provide those checklists to the Committee so that they have that perspective as well.

Ms. De Rosa stated that she believes the checklist should include the types of things discussed. If there are items that are specifically desired, they need to be added to the checklist. This will help everyone. Later in the process, whatever decisions are made become binding. She struggled somewhat with that language.

Mr. Elliott noted that staff has a checklist. It currently indicates that enough data must be shown to know what the lot and block layout is, the size and scale of the building, the location of the open spaces, the infrastructure and the neighborhood standards. Appropriately sized and scaled, it can be fleshed out to do that. The integration of the neighborhood can include points of access and curb cuts. They are checking that. The question is how to reflect that in the Code without making the Code the checklist.

Ms. De Rosa stated that this is the list that would come to Council and to the Planning Commission, so it must have enough definition. If this will be the evaluation criteria for which discussions will take place, there has to be enough definition in order to have these discussions.

Mr. Elliott suggested this be done by making the language in the review criteria or the submittal requirements crisper as to the level of the showing required, but avoid putting the checklist in. The bottom line around the country is – and it is a hard line to hold – that the intent of a Concept Plan is one should not have had to hire an engineer, architect or designer in order to have this conversation. Good developers will have hired these services, because they would have instructed them to do certain portions appropriate for a Concept Plan. But the number one complaint of builders/developers is that they must hire architects, engineers and stormwater engineers on a speculative basis before knowing whether or not a layout is even acceptable. He encouraged the Committee to modify the language to make it crisper, but not to make the requirements such that an architect, engineer must be retained before knowing if a Concept Plan is acceptable.

Ms. De Rosa stated that defining what the Concept Plan is a new thing. She tried to compare this to the Basic Plan review and was left with the same questions that sometimes occur at an informal review. She wants to make sure that, given all of this effort, the process will be improved where it is lacking.

Mr. Elliott stated that the proposal has four steps. An applicant can request an extra informal

review to obtain a sense of whether a proposal is something that would even be considered. Secondly, the applicant can do a Concept Plan without significant investment. There would still be two opportunities to work out the details with the preliminary and final development plans. All of this is in response to complaints that the process is too complicated and requires too much investment before knowing if it is acceptable and so there are two steps available prior to making significant investment.

Ms. De Rosa noted that for projects that have a development agreement, all that Council will review is the Concept Plan. She is not opposed to the process, but wants to make sure that those items that are fundamental to the approval should be outlined to provide clarity. Absent this clarity, there will likely be problems at the Concept Plan review.

Mr. Elliott stated that what she is saying is that if the process is not tightened up as suggested so that enough information is available at the Concept Plan to make Council comfortable, then there will be pushback to go beyond the Concept Plan and bring additional information to Council. Is that accurate?

Vice Mayor Amorose Groomes stated as an example that the Basic Plan was reviewed by Council for the Springhill Suites hotel application in Bridge Park. There were many issues raised at that point.

Mr. Papsidero stated that the issues were, for the most part, addressed so that staff was comfortable moving forward to PZC with it.

Ms. Husak added that the PZC is the required reviewing body for this item.

Vice Mayor Amorose Groomes recalled this was a difficult process in terms of the information Council received, and now the Basic Plan will become the Concept Plan going forward. The information at the Basic Plan for this application was minimal to obtain the approval needed.

Mr. Elliott commented that as this Code is fleshed out, the Committee should consider the issues that arose during that Basic Plan review process – items for which more detail is needed.

Ms. De Rosa stated she appreciated that several times, the question is posed whether the Concept Plan is in agreement with the Community Plan or Area Plans. The question that arose for her is how often are the Community/Area Plans updated, and what are the rules for that? The Community Plan can become outdated quickly, given the rate of change. Her question is if the Plan update is part of this process, or is that a policy decision?

Mr. Papsidero responded that the reference is specific to the 2010 Vision Plan that Council adopted for the Bridge Street District. That is the policy document underlying all of Bridge Street. The questions for Council are whether they believe it is appropriate now or at some point in the future to update that BSD Vision Plan. It has existed for nine years, and the first phase plus some smaller projects have now been built in the BSD. What does Council believe is appropriate for the balance of this 1,000 acres moving forward? Is it the same vision or something different?

Ms. De Rosa noted that community input is also needed, as the BSD went from conceptual to reality in a very short time. Now may be the time to revisit this Vision Plan, based upon what has been built.

Mr. Papsidero clarified it is not part of this process, but a separate item. He believes Council would need to provide direction to staff regarding when they would desire an update to be done. This is a big undertaking and involves some significant stakeholders, including the Stavroffs, OCLC, and the Schools.

Vice Mayor Amorose Groomes suggested that when this Code update is completed, which has

been underway since 2016, that issue can be taken up.

Ms. De Rosa indicated she is not suggesting that, but the question came to mind.

Vice Mayor Amorose Groomes stated that direction regarding updating of the Vision Plan would likely come from Council at the conclusion of this Code update process. Council would want to take a look at the Vision Plan and make sure it is in alignment.

Vice Mayor Amorose Groomes added that she appreciates the fact that ART will no longer be providing recommendations. People want to please, at the end of the day, and it is difficult for Council not to support a recommendation that comes from ART. She always tries to read the materials prior to reviewing the ART recommendation, and then see if her conclusion aligns with that of the staff. It is important to have independent, critical thinking in all parts of the process. In regard to the ten percent Administrative Departure number, this could be a very large number given the size of a building in Bridge Park. Perhaps the Administrative Departure should have a cap. She supported the language of 10 percent or 10,000SF – whichever is less – that was part of a recent application. That seems a good way to frame this, and perhaps similar thinking could be applied for Administrative Departures.

Ms. Husak stated that F1 had three Administrative Departures and 17 waivers.

Vice Mayor Amorose Groomes clarified that she is not suggesting any already approved have not been appropriate; she is only suggesting that a cap be considered going forward.

Mr. Elliott responded that the value would not be compromised if a cap is included. The key is in the criteria. An administrative departure must be caused by unique site conditions or conditions on surrounding properties. There is nothing that would allow an applicant to request 10,000SF more or 10 percent higher because of a unique site condition. This relates to the shape, the terrain, the way the site relates to its neighboring properties as the justifying reasons for an administrative departure.

Vice Mayor Amorose Groomes stated that the terrain on this site is unusual. Secondly, she wants the Code written with an eye toward future development.

Mr. Elliott stated that many people are uncomfortable with the administrative departure concept. If a lower number is desired or a cap is desired, that is not a problem. The important issue is that there is a reason unique to the site to defend such a departure.

Ms. De Rosa noted the reasons for Administrative Departures are well articulated, and that the threshold must be met.

Mr. Papsidero commented that the justification is very narrowly defined.

Mr. Elliott stated that it is interesting that these have been increasingly incorporated in zoning ordinances, over the 25 plus years of his experience. He has not observed anyone repealing them. It does rely upon the professionalism of the staff to work.

Mr. Papsidero asked if the principal concern is with building volume – allowing a larger space. Many of these things relate to walls, screening, lighting, and fencing -- something that would inadvertently allow something larger to be constructed.

Vice Mayor Amorose Groomes responded not necessarily. She believes fencing can change the architecture of a building. Ten percent can be a lot, and can change the entire character of a building.

Mr. Papsidero stated he does not object to a cap, but wants to talk this through.

Mr. Elliott added that for size and height, a number can be included. Otherwise, review criteria relating to its appearance and its relationship to the street and surrounding properties could be

added.

Mr. Papsidero stated there could be a kick-up provision to Planning Commission.

Ms. De Rosa brought up the topic of notification to the community when a change will be made. The language in the Code reflects a 300-foot rule. She reviewed the Charter in regard to zoning public hearing notices, and it indicates the Clerk shall mail written notice of the public hearing to the owners of property contiguous to and directly across the street from the affected parcels. This is tighter than the 300-foot requirement. She often hears from residents that they are not aware of proposed changes. In today's electronic communication world, if changes are being made, 300 feet is not adequate.

Vice Mayor Amorose Groomes stated that could be more of a policy decision about what the City shares through social media.

Ms. De Rosa stated that she hears from residents who are affected by a change, yet they are not likely within the 300 feet specified. This should be addressed, as it is an easy item to fix. We can communicate and share in a better way, given all the tools available. Having upset residents who are not aware of changes will impact the process, and it would be wise to address this and give them the opportunity to speak early in the process.

Mr. Elliott suggested it is a citywide notification policy that should be revisited, if Council believes it is not adequate currently. His recommendation is not to have different notification devices for different Districts of the City, as it is confusing. Three-hundred feet is a very standard, common distance for this notification requirement. What should be avoided is a requirement to do a lot of mailings to a very broad area. Most cities keep the mailing requirement at 300 feet or adjacent/abutting properties. This is seldom codified as it relates to City administration. The policy could be that notifications will be done through the web or through electronic notifications for every application or for all in a broader area. Therefore, those who are interested can follow up. Using the web sources avoids a huge mailing expense and it is effective. The issue of whether a citizen has the opportunity to weigh in is a separate issue of notification of the change or administrative decision. An example is a fence permit that meets standards, and does not require a hearing. Notification can be made of this change, if desired. In general, citizens can adapt to the fact that not every change has a hearing, but they do appreciate being notified that it is happening.

Ms. De Rosa stated that often, through discussion, improvements happen – even for minor changes. Taking the time to have the conversation results in a better outcome. It also allows residents to understand the evaluation criteria. Understanding the criteria helps to make residents more comfortable with a change.

Mr. Papsidero stated that staff will follow up on this discussion, as there are many things done on a regular basis that may fall into this category – notification beyond what Code requires.

Mr. Elliott added that all of the notification regulations are changing as many state-mandated notifications depend upon the existence of a daily newspaper. Those daily newspaper are going away, and this allows an opportunity to explore other means of communication. Some cities have agreed these are administrative decisions, but when comments are received, they are forwarded to the applicant who may want to keep the neighbors happy.

Ms. De Rosa asked about conditional use process under this change.

Mr. Papsidero responded the conditional use review stays with the Planning Commission. There has been no change to that process.

Ms. De Rosa stated if there is a development agreement in place, and there is a conditional use requirement for an item, would that go to PZC? There is a strikeout on the chart included.

Mr. Papsidero stated that the decision or administrative appeal for a conditional use is shown under Council. There is a footnote referencing the conditional use provisions. He did not research this, but as far as he knows, this has never been applied.

Vice Mayor Amorose Groomes noted these have always been reviewed by PZC.

Mr. Papsidero stated that staff will double check this item.

Ms. De Rosa stated that the redlined version was very helpful in reviewing the changes.

Mr. Reiner summarized that staff now has direction regarding next steps for Section 153.066.

Mr. Papsidero asked if the Committee wants to review this at their next meeting with the edits shown, or is this ready to move to Council?

Vice Mayor Amorose Groomes responded this is ready to go to Council.

The Committee members agreed.

Ms. De Rosa asked if there should be communication back to PZC and other groups involved regarding these changes. It seems appropriate to communicate what has taken place at the Committee level, given their hard work and recommendations.

Mr. Papsidero responded that staff will do so.

Mr. Reiner thanked Mr. Elliott for his assistance with this process.

Mr. Elliott responded that he is aware that some are frustrated with the BSD process and some are dissatisfied with the results, but many cities would be thrilled to have the quality of development that Dublin has in the District.

Review of Code Section 152.086(C) of the Subdivision Regulations (Fee in Lieu of Land Dedication)

Ms. Husak stated that this topic came from a Council meeting in November when the review of the parkland appraisal was done. This is the basis for the parkland fee charged when land is not donated by a developer who opts to pay a fee instead. Based on concerns expressed by Council about the value of land reflected in the study, staff was asked to review options that could be considered. As this provision is part of the Subdivision Regulations, staff has worked with the Law Director on this item. Changes to the Subdivision Regulations do not require a recommendation from PZC and can be considered directly by Council.

The options explored by staff to address the concerns include:

- 1) Continue enforcing the Subdivision Regulations Fee in Lieu of Dedication as was done with the approval of Ordinance 76-18 (accepting the updated average per acre value)
- 2) Continue to evaluate parkland fees in lieu of dedication in accordance with an appraisal for raw land value as outlined in the Subdivision Regulations **and** specifically for land within the Bridge Street District (leading to two different fees)

- 3) Require a developer to engage a third-party appraiser to estimate the value of land to be dedicated and charge the parkland fee in lieu of dedication accordingly (also requiring the developer to use an appraiser as approved by the City)
- 4) Determine appropriate land value as shown on the most recent estimate by the County Auditor
- 5) Require the developer to pay a fee in lieu of dedication based on an individual appraisal by the City to be reimbursed by the developer

Staff did some research and found the City has rarely charged the Fee in Lieu of dedication as most, if not all, developments typically dedicated all, and more, of the required parkland. A list of recent developments is outlined in the staff memo, together with the required open space and what was dedicated. Staff is now seeking input from the Committee in terms of how to proceed.

Mr. Reiner stated that in the November review, Council members expressed concern that the dollar amount for a fee paid in lieu of dedication was very low in comparison to all of the land acquisition done by the City or considered by the City for purchase. Based on the land acquisition costs for acre for the City over the past years, the fee in lieu of numbers did not seem appropriate.

Vice Mayor Amorose Groomes stated that, on the other hand, the City wants to encourage parkland to be "sprinkled" throughout the Bridge Street District. Instead, the City is receiving fees in lieu of dedication for this area, with everything going to the Riverside Crossing Park. The City is receiving very little public space dedicated throughout the BSD. There are outdoor spaces, but these are typically associated with a private use, i.e. patios, etc. It is very cost advantageous for the developer to pay the fee in lieu of dedication of the land versus providing that space on their parcel. While the appropriate fee needs to be established, as Mr. Reiner has suggested, the second item is to encourage dedication of public space sprinkled throughout the Bridge Street Corridor.

Ms. Husak responded that there have staff discussions with the Landscape Architect in the Parks Department about updating the Parks Master Plan, as the Plan does not include the Bridge Street District. She noted that only in C Block and B Block was the parkland dedication not what was required, and the applicant used Riverside Crossing Park toward a portion of the dedication requirements.

Vice Mayor Amorose Groomes stated that these comprise two of five existing blocks in Bridge Park.

Mr. Papsidero pointed out that there are development agreements in place for B Block and C Block, which include provisions that resulted in this parkland dedication.

Mr. Reiner stated that Council is interested in determining the real value of the land for a basis of the fee in lieu of dedication. The goal, however, is to have public space dedicated – not for a developer to write a check. Based on this, is option 5 the preferred one?

Ms. De Rosa asked why recent sales prices are not part of the appraisal.

Vice Mayor Amorose Groomes responded that if the price Crawford Hoying paid for the property that is presently A through D Blocks, the price paid was significantly different. Taking the recent sale of that property versus its appraised value today, the number would likely be 200-300

times greater. Crawford Hoying purchased the entire strip center for \$1.8M or thereabouts.

Ms. De Rosa clarified she is referencing recent sales, as Crawford Hoying bought that land several years ago. How up-to-date is the County Auditor's most recent valuation for parcels?

Ms. Goss responded it is updated annually, based on property sales. But in terms of the comprehensive land valuations, the Franklin County Auditor typically does those updates in a 5-10 year interval.

Ms. De Rosa noted that, given this, it is not possible to obtain the current value for the land. Therefore, option 4 would not provide the current land value.

Vice Mayor Amorose Groomes stated that only by having an appraisal done for a property will the City have the correct value for this basis. The question is if the City will do the appraisal or the property owner.

Ms. Husak stated that from a process standpoint, looking at land outside of the Bridge Street District that is developed residentially under the Subdivision Regulations, there is one governing rule. The Bridge Street District does not really have a rule, currently, as to how the fee is calculated. There is a rule about how much open space is needed. As the Code updates are being done, if Council believes the rule should be different within the Bridge Street District, that can be done as part of this process. The Zoning Code regulates the BSD, but other areas are regulated by the Subdivision Regulations.

Vice Mayor Amorose Groomes stated that she believes the City should do the appraisal. The City may disagree with the comparables that a developer wants to use for appraisal purposes – Grove City versus the Arena District, etc.

Ms. De Rosa stated she agrees with the City doing the appraisal, and the appraisal cost being reimbursed by the developer as outlined.

Mr. Reiner agreed.

Vice Mayor Amorose Groomes noted that in this way, all appraisals will be consistent, using appropriate comparables.

Mr. Reiner summarized that the Committee recommendation is for Option 5.

Vice Mayor Amorose Groomes added that the City would need to have guidelines established for the comparables.

Ms. Goss asked about a situation where a realtor would refute the City's appraisal. Would the City allow them to do their own appraisal to establish another value?

Vice Mayor Amorose Groomes responded she would not want to codify that – it would be more of a policy decision.

Ms. De Rosa noted that this goes back to the intent. The intent is for the City to have dedicated parkland. The intent is not necessarily to have an agreeable number for the valuation – it is to encourage park development. The fee in lieu of dedication should not be encouraged.

Vice Mayor Amorose Groomes stated she could envision a situation such as the area by the AMC Theater, where the City may not want land located under the power lines to be dedicated. Perhaps the City would negotiate, keeping this in mind. There are likely other examples of circumstances that would drive decisions about what is in the City's best interest.

Ms. Husak asked for clarification – the fee in lieu of dedication process is to be for the Bridge

Street District only or for the City as a whole? There would be two processes needed to address both.

The Committee agreed this updated fee in lieu of dedication process would be for the City as a whole in the interest of fairness.

Mr. Papsidero stated that staff concurs. The appraisals were sometimes based on properties in other communities that are vacant and zoned single-family. The reality may be far different. For example, the AC Hotel valuation is over \$15 million, although he acknowledged that is commercial property.

Vice Mayor Amorose Groomes added the comparables are the critical item. It is important to be fair and reasonable, but these can vary widely across the region.

Other Discussion

Ms. De Rosa asked what items are scheduled to come before this Committee in the future.

Ms. Husak responded that the Beautify Your Neighborhood Grant applications will need to be reviewed in March.

Mr. Papsidero noted that at the next CDC meeting, for the Dublin Corporate Area Plan, Ms. Puranik and consultant Greg Dale will present options for rezonings. The goal will be to get a sense of Council's priorities.

Ms. Husak responded these are both anticipated to be scheduled for the March 4 CDC agenda. The Council packet for February 11 includes a memo with a request to refer the DCAP to the CDC for review.

Mr. Papsidero noted that he believes that Economic Development is requesting referral of the Economic Development Strategy to the CDC.

Ms. Goss responded that is anticipated for review at the March meeting as well.

Ms. De Rosa stated that she wants to ensure that, if possible, this Committee has time on their agenda for advancing some of the objectives for Economic Development.

Vice Mayor Amorose Groomes asked what items will be outstanding after the March 4 CDC meeting.

Mr. Papsidero responded that one item will be the Bridge Street Code major update and guidelines. These can be referred to CDC or considered by the entire Council. This is likely four months out.

Mr. Reiner agreed that the best course of action is to have the Committee review these and make recommendation to Council.

Ms. De Rosa suggested that – after the retreat -- the Committee put forth a list of the items for CDC for the next 6-9 months and schedule them appropriately. She wants to ensure time to address their priority items.

Ms. Goss stated that would be helpful for staff, as well.

Mr. Papsidero noted that another item that may be appropriate for CDC is the new zoning district for the Historic District and the updated Design Guidelines.

Ms. De Rosa stated she wants to balance the economic development items with these other items in terms of priority.

Vice Mayor Amorose Groomes asked that for the March 4 CDC meeting, an outlook for the next nine months for CDC work be provided by staff.

Ms. De Rosa stated that for some items, it might make sense to have work sessions, too. That

can be part of the discussion. Creating a calendar for the year is important; absent this, many desired items will not be advanced. She added that it is important to have some time for committee-initiated agenda topics, as well as the items that are referred to and must be advanced by CDC.

The meeting was adjourned at 7:30 p.m.

Deputy Clerk of Council