



SPECIAL MEETING MINUTES

Planning & Zoning Commission

Thursday, August 20, 2020

CALL TO ORDER

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and provided the following opening remarks: "Good evening and welcome to the virtual meeting of the City of Dublin Planning and Zoning Commission. The Ohio Legislature passed several emergency laws to address the pandemic, including the ability for public entities to conduct virtual meetings. We appreciate this ability to maintain our continuity of government and will be holding our meetings online and live streaming on YouTube until further notice. You can access the live-stream on the City's website. In order to submit any questions or comments during the meeting, please use the form under the streaming video on the City's website. Those questions and comments will be relayed to the Commission by the meeting moderator. We welcome your comments on cases. Please provide a valid name and address when submitting your comments, and please refrain from making any inappropriate comments. We appreciate your patience."

PLEDGE OF ALLEGIANCE

Ms. Call led the Pledge of Allegiance.

ROLL CALL

Commission members present: Mark Supelak, Rebecca Call, Kristina Kennedy, Leo Grimes, Jane Fox, Warren Fishman, Lance Schneier

Staff members present: Jennifer Rauch, Claudia Husak, Thaddeus Boggs, Tammy Noble

ACCEPTANCE OF DOCUMENTS AND APPROVAL OF MINUTES

Mr. Grimes moved, Mr. Fishman seconded to accept the documents into the record.

Vote: Ms. Call, yes; Mr. Grimes, yes; Ms. Fox, yes; Mr. Fishman, yes; Mr. Supelak, yes; Mr. Schneier, yes; Ms. Kennedy, yes.

[Motion passed 7-0]

Ms. Call stated the Planning and Zoning Commission is responsible for review of proposed updates to the City's Zoning Code and for providing recommendations on next steps. Tonight, the Commission will review two proposed Code updates. Due to temporary technical difficulties, Case 2 will be heard before Case 1.

CASE

2. Sign Code Update, 20-098ADMC, Administrative Review

Ms. Call stated that this is a request for a recommendation of approval to City Council for an amendment to Sections 153.150-153.164 of the City of Dublin Zoning Code to provide regulations for temporary sign requirements.

Staff Presentation

Ms. Rauch stated that this discussion is for the purpose of reviewing a proposed amendment to the Temporary Sign section of the City's Sign Code. There is need to modify the Code to be aligned with the recent Supreme Court decision regarding the recent Reed v. Town of Gilbert, AZ case concerning temporary sign regulations. Per that decision, temporary sign regulations cannot limit the particular message on a sign or differentiate between temporary noncommercial signs, based on their content. They can focus only on time, place, and manner, such as number of signs, height, sign location, lighting, and time restriction for a particular sign. Draft temporary sign regulations have been developed that align with the Reed v. Gilbert decision; no changes to the permanent Sign Code are proposed. The Community Development Committee (CDC) reviewed an initial draft amendment on November 6, 2019 and, based on their direction, the draft was reviewed and discussed by the Planning and Zoning Commission (PZC) and Architectural Review Board (ARB) at a joint meeting on June 4, 2020. That feedback was incorporated and an updated draft was provided to the ARB on August 12, 2020. That draft included modifications to the non-residential for sale or leasing period signs; clarifications to color requirements and duration requirements added where needed; and revised regulations to permit sandwich board signs City-wide. Research also was conducted to ascertain other communities' regulations regarding nonresidential signage, and input was obtained from the City's Economic Development Department. ARB reviewed the proposed changes, and with some minor modifications and clarifications, made a recommendation of approval to the Commission. Ms. Rauch noted that the first group of pages in the draft provides the complete set of Code Definitions; the Regulations begin on page 45.

Commission Review

Commission members reviewed the modifications made to the Temporary Sign Code, and requested the following additional modifications to Section 153.158 in the following categories:

(A) Banners – Language that has been added: that "Banners are permitted...during the time between permanent sign permit approval and installation," and in regard to Size and Height, that such signs shall be limited to 30 square feet in area, and if located on the building, it cannot be located higher than 15 feet to the top of the banner."

(C) Construction Trailer Signs – Language added: that "Decorative inserts or wraps on construction or site fencing are not considered a sign."

(D) Development Period Signs – Clarification language added regarding number and timeframe. Under the "Duration" section, as it is currently written, the time period cannot exceed one year. For this sign type, if a longer period is needed, it would be necessary to apply for and obtain an annual extension. This section also states that in residential subdivisions, development signs shall be removed when 75% of the lots in the subdivision have received certificate of occupancy.

Mr. Fishman noted that some of these signs tend to become permanent; there is one such sign on Avery Road.

Ms. Fox responded that if there is not an active permit authorizing it to exist in that location, such a sign would be an enforcement matter. At what point would the City not continue to approve renewal of the temporary sign?

Ms. Rauch responded that if the development had not reached 75%, the developer would be permitted to have the sign.

Mr. Boggs noted that for any new types of signs that do not exist in the current Temporary Sign Code, the enforcement component has not yet be determined. Because the City's existing Code is more content based, the goal is to bring it into compliance with the Reed ruling.

Ms. Call inquired if members had any feedback on the size requirements.

Ms. Rauch noted that the members had requested that this temporary sign type not be permitted to be a greater size than the permanent sign, and this size, 32-square-feet in area and eight feet in height, is less than the 50-square-foot threshold for a permanent ground sign.

Ms. Fox suggested that the requirements be beta tested against a condominium development in an urban, higher density setting. In the past, these signs have been used in single-family housing development.

Ms. Call noted that there are many streets within a condominium complex, and the Code permits a 32-square-foot sign on each of the street frontages. If there were many streets, there could be many signs.

Ms. Fox stated that she would advocate for beta testing in the worst-case scenario.

Mr. Fishman stated that not only the size and number, but the material quality also can be an issue in urban areas. After a year, a fiberboard sign has been affected by the weather and is a poor reflection of Dublin.

Ms. Rauch stated the upkeep of the signs could be considered on a case-by-case basis. Because these signs are intended to be temporary, it would not be advisable to require the use of expensive materials. The language regarding material quality can be revised in a balanced manner, so as not to make the sign costs onerous for the developer.

Mr. Fishman responded that a little better sign quality would reduce the amount of Code Enforcement required.

Ms. Call stated that if beta testing is applied here for the development period signs, staff could identify any instances in which the proposed terms should be revised.

Mr. Schneier noted that "development period sign" is defined, but it does not relate specifically to residential signs. Does the definition need to be changed?

Ms. Rauch stated that the language does specify that approval is for a year in residential subdivisions; this is consistent with the current Code.

Mr. Supelak noted that the proposed requirements seem to be appropriate for a single commercial parcel that has street frontages, but in a residential development with many parcels, could there be a proliferation of signs? Is the language adequate?

Mr. Boggs responded that first there must be an active building permit for the development. This language was designed to address a single large development on a single parcel. Is the question

related to whether a residential subdivision with 100 parcels would be permitted to have a sign for each parcel?

Mr. Supelak responded that there is some confusion as to whether this requirement is addressing a single parcel or a residential subdivision. There are many street frontages in a residential subdivision, but it is not desirable to have a sign on every parcel with street frontage.

Mr. Boggs stated that the initial intent of this sign type was not for individual parcels within a developing residential subdivision, but for an approved PUD. A building in the process of a remodel also can have a temporary sign reflecting the name of the remodeling company performing the work. The language can be revised to provide more specificity and clarification regarding multi-unit buildings. The purpose of these regulations is to address the concerns of visual clutter, ensuring traffic sign visibility and community aesthetics. It can also address general quality and repair issues associated with all the temporary sign types.

Mr. Supelak inquired if the requirements could be tethered appropriately to the sign type's Duration period. The materials appropriate for a 30-day sign, perhaps located under awning, would be different from those for a sign that must remain in good repair for a year in a more exposed setting.

Ms. Call suggested altering the time period from one year to six months for this sign type with a required inspection to renew. Having a minimum standard that matched the Duration would avoid the need for a matrix.

Ms. Fox responded it is not likely six months would be sufficient time for a developer to sell all the homes in a subdivision. The Commission's goal is to reduce sign clutter and improve maintenance of the signs. She would prefer to avoid additional parameters and re-inspections. We can state the general intent and objective, and use a Code Enforcement process to ensure the signs are not ignored. She would like to achieve the desired goal without making the Code more complex.

Mr. Supelak stated he is not advocating for a matrix, but the Duration periods for all the temporary sign types are different. Providing quality specifics for each sign type would be difficult. He would suggest adding general language applicable to all the sign types, such as, "the materials selected must be commensurate with the Duration associated with the sign type." General, broad-brush language could tether the materials and the Duration for all the temporary sign types.

Mr. Grimes stated that there could be a hybrid development, both commercial and residential. This section should be applicable to both types of development.

Mr. Fishman stated that the number of signs permitted in a residential development has not been clarified.

Ms. Call responded that the proposed Code allows one 32-square-foot sign for each 100 feet of street frontage. The language should be applicable to dedicated streets.

Mr. Boggs stated that the language in (4) states 100 feet of frontage on each of two public rights-of-way. Until the street has been dedicated and accepted, it is not a public right-of-way. As a practical manner, the required sequence of events for construction of roads per Engineering standards, inspection and acceptance as a public right-of-way, then home construction and occupancy approval may prevent sign clutter. Staff will not issue sign permits until the requirements for public streets have been met.

Staff will prepare revised language reflective of the Commission's direction.

(E) Garage or Yard Sale Period Signs – Added under Size, Height that “such signs are provided by the City and shall be limited to two square feet in area and one foot in height,” and under Duration, that the sign must be erected within 24 hours before a garage or yard sale and removed not later than two hours after the garage sale has ended.

[The Commission made no additional changes.]

(G) Model Home Period Sign. In (2) Location. “Shall be located only on the lot or parcel where homes are being constructed;” and in (5) “Duration. Shall be permitted during any period when an approved residential development is under construction, until such time as the subdivision or development is complete or the model home is discontinued.”

[The Commission made no additional changes.]

(H) Non-residential Sale or Leasing Period Signs.

- In (2), that One sign is permitted per parcel, either ground, wall, or window;
- In (3) Size, Height, that “Ground-mounted signs are limited to 32 square feet in area and 8 feet in height. Wall signs shall be limited to 16 square feet in area with a maximum height of 15 feet to the top of the sign; Window signs shall not exceed 10% of the total window area of the establishment or 6 square feet, whichever is less;”
- In (5) Duration, “Such signs shall be permitted for 30 number of days contiguously and no more than 90 total days in a calendar year;” and
- In (6) “Materials/Design, such signs shall be professionally designed and constructed. Plywood and cardboard are not permitted materials.”

The Commission requested “contiguously” be revised to “continuously.” They also requested that the Size and Height requirement for ground-mounted signs revert to the previous requirement, to be based upon the amount of street frontage. Staff clarified that the enforcement aspect is generated from a digitally maintained list of issuance/expiration dates of the sign permits.

Regarding the suggestion to place the permit issuance/expiration date on the face of the sign, Mr. Boggs stated that it is important not to infringe upon the right of the sign holder. If only a certain message area is permitted, it should not also be required to include a City message. In practice, it could also look busier and detract from the desired aesthetics, which would be counterproductive. The automated permit list should be sufficient for tracking purposes.

(I) Residential Sale or Leasing Period Sign.

A Duration period has been added indicating that such signs are permitted during any period when any premise or part thereof is actively offered for sale or lease, and removed no later than 30 days after the premises or part thereof is occupied by a new owner or tenant.

[The Commission made no additional changes.]

(J) Sandwich Board Signs.

At PZC and ARB’s request, this new section was added under Temporary Signs. These requirements are consistent with those proposed in the Historic District Code update.

Per discussion, Commission consensus was that permitting sandwich board signs throughout the City would defeat the purpose of reducing sign clutter. The use of sandwich board signs should continue to be permitted only within the Bridge Street and Historic Districts, due to their more urban pedestrian environments. The proposed language will not be included in the Temporary Signs section.

Ms. Rauch stated that no changes were made in the remaining sections of the Code.

Commission consensus was to add parameters and a permitting process to Construction Trailer Banner Signs.

Public Comments

There were no public comments.

Commission Discussion

The Commission thanked Ms. Rauch and Planning staff for incorporating the Commission's feedback into the revised Temporary Sign Code section, which they believe will address the sign clutter.

Ms. Rauch stated that the additional changes requested tonight would be incorporated into a final draft and provided to the Commission at a future meeting for final review and recommendation to Council.

Ms. Kennedy moved, Mr. Grimes seconded to table the proposed amendment to the City of Dublin Zoning Code Sections 153.150-153.164 regulations for temporary sign requirements.

Vote: Ms. Call, yes; Mr. Grimes, yes; Ms. Fox, yes; Mr. Fishman, yes; Mr. Supelak, yes; Mr. Schneier, yes; Ms. Kennedy, yes.

[Motion passed 7-0]

1. Property Maintenance Code Update, 20-097ADMC, Informal Review

Ms. Call stated that this is a request for Informal Review and feedback for an amendment to Section 153.076 of the City of Dublin Zoning Code, which provides regulations for enforcement procedures and additional property maintenance.

Staff Presentation

Ms. Noble provided an overview. On February 18, 2020, the Public Services Committee reviewed the property maintenance topic, and recommended that Council approve an update of the City Code to incorporate the 2018 International Property Maintenance Code. The Committee also recommended that other options be considered by PZC and ARB, as they deal with property maintenance zoning regulations. On April 13, 2020, Council passed Ordinance 09-20, adopting the 2018 International Property Maintenance Code, and at a joint meeting on June 4, 2020, the Planning and Zoning Commission and the Architectural Review Board discussed property maintenance and nuisance abatement regulations. The members discussed options for improving the City's current property maintenance regulations and potentially adding additional methods, such as registration requirements or bonding requirements. Members recommended that regulations to address some continuing issues be included in a future Code modification, specifically: a more definitive enforcement process that includes escalating enforcement measures; a definition for vacant properties; and regulations for securing residential and commercial properties. In response to that direction, staff has drafted Code regulations for the Commission's consideration.

Enforcement Process

At the June 4 meeting, we did not discuss the fact that there is also an existing Administrative Order that outlines the City's Code Enforcement Process. Previously, the City discussed options for outlining procedural requirements for enforcement cases, and Administrative Order (AO) AO 8.5, adopted in August 2016 contains specific action steps for the issuance, inspection and corrections of enforcement cases. Legal indicates that the AO, which is enforceable, was adopted as opposed to providing enforcement procedures in the Zoning Code to allow for flexibility in timeframes for compliance due to the complexities and extenuating circumstances of cases. It allows Code Enforcement to exercise discretion. Legal recommends continuing this method of administering the Enforcement Process.

Securing Properties/Vacant Buildings

Staff has drafted additional language in Section 153.076 of the City's Nuisance Code to address vacant properties and provide regulations for securing buildings. The proposed draft language includes definitions for vacant properties and secured buildings and a new section that provides regulations for securing properties and maintenance requirements for vacant structures. The draft language was based on the regulations of other communities, including the City of Marysville's timeframes for how long a property may remain unsecured once a health and safety risk has been identified, and how long it can remain in that status. A timeframe of 30 days has been included in the draft. Also included are maintenance requirements for roofs, drainage systems, structures, walls, decorative fixtures, overhangs, chimneys, walkways, accessory structures and premises. Maintenance is necessary so as not to jeopardize the integrity of the structure while it is vacant.

Commission Discussion

Mr. Fishman inquired the reason that these guidelines are not being applied to the vacant duplex properties on Monterey Drive.

Ms. Noble responded that this is a proposed Code and will not be retroactive; however, those properties have been part of the impetus for this Code amendment.

153.002(B) DEFINITIONS.

Secured. A building which has all points of entry into the structure closed by use of windows and doors which are in proper working order, intact, without holes, broken elements, and are locked.

Vacant Structure. Any building or structure, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least thirty (30) consecutive days and which also meets at least one of the following (8) conditions. ARE THESE TO BE LISTED?

Ms. Call inquired the purpose of requiring another factor in addition to being abandoned for 30 consecutive days being required to address. There are some vacant structures that do not meet any of the additional 8 conditions. Essentially, the proposed language requires vacancy and a nuisance factor.

Mr. Boggs noted that the terminology could be revised to Vacant/Nuisance, if the Commission prefers.

Ms. Fox stated that adding the list of nuisance conditions, one of which the structure must meet, provides "teeth" for Code Enforcement.

Ms. Call suggested that the term be revised to Vacant/Nuisance Structure.

Mr. Supelak inquired about the sixth condition: "Has utilities disconnected or not in use." For homeowners who are snowbirds, living in another area part of the year, the utilities may not be in use. That should not trigger any time of enforcement action.

Mr. Fishman stated that there is a difference in turning off/discontinuing a utility and disconnecting the service.

Ms. Call stated that turning the water off would not necessarily be a negative to the community; it could be a positive move while the home is temporarily vacant.

Mr. Schneier stated that the condition could remain, if the term were revised from "not in use" to "has all utilities disconnected." However, he has no objection to removing it altogether.

Mr. Grimes stated that the language could clarify that any one of the 8 factors contribute to the structure being identified as a vacant structure and to remedy, enforcement could proceed as indicated per the City's AO. City enforcement would exercise discretion if the property owner is cooperative; if not, enforcement could proceed to the next step. These factors offer a tool for enforcement, but discretion also would be exercised. He has no objection to the list as proposed.

Ms. Call recommended that the term be revised to "has all utilities disconnected."

Ms. Kennedy stated that adding the word "all" clarifies that a nuisance condition exists.

Mr. Schneier stated that adding the word "physically", to read, "has all utilities physically disconnected," would provide greater clarification.

Ms. Fox stated that she believes the word "Vacant" should be defined holistically, without adding the word "Nuisance." The City will have vacant structures that are not a nuisance. A house that is vacant or abandoned for a period of time, at least 30 days, may be a house that is for sale, but is not a nuisance. The vacant structure would draw the attention of Code Enforcement only if it had one or more of the 8 criteria. Perhaps the definition for a vacant structure could have the additional language that it must be kept in the same condition as adjacent homes in the surrounding neighborhood. How a property is secured should provide more detail. It should not be just locking it up. It should be secured in a manner so as to avoid having an appearance that invites loiterers. In regard to the other definitions, she believes the City of Marysville's definitions are helpful. A property may not be abandoned. It could be occupied by someone illegally. Their Code addresses properties being "illegally occupied" by loiterers/vagrants or not used for its intended purpose for 180 days.

Ms. Call stated that she would not be opposed to having a definition for "vacant structure" without the additional word, "nuisance;" however, it is important to clarify that the ones that are also a nuisance are the ones that will have enforcement action taken.

Mr. Boggs stated that he would advise caution in addressing "illegal occupancy." There can be landlord/tenant issues that can complicate that issue. The City does not want to exercise enforcement in areas that should be handled by the landlord under Landlord/Tenant law or as a Criminal Trespass issue.

Ms. Fox stated that her concern was those who have come into the City and decided to stay in some unusual places.

Mr. Fishman stated that there have been criminal trespass situations in the City. People were living in vacant houses, and in one situation, caused a fire, which then caused the house to be a nuisance. While the City should not get involved in eviction situations, it could address situations wherein no one knows who is occupying the home.

Mr. Boggs stated that would be a criminal matter, handled by the Dublin Police Division. Under Property Maintenance, only maintenance issues can be addressed; not burglary, arson or criminal

trespass. If the nuisance condition of a property is due to one of the criminal issues, however, the condition of the property could be addressed under Property Maintenance.

Ms. Call stated that the City should be able to proceed with enforcement on a vacant property, regardless of whether someone is living there illegally.

Mr. Boggs stated that nothing in the proposed amendment prevents property maintenance enforcement on occupied structures. The majority of the City's property maintenance enforcement cases have been on properties in which people are living.

Mr. Schneier stated that there could be a situation where a demolition permit is pending on a house that would meet one or more of the criteria. He would suggest that an exclusion be added for a structure on which there is a demolition permit pending.

Mr. Supelak stated that could be true for building plans and permits that are in process for an intended renovation.

Ms. Call stated that is a valid issue; however, if the property changes ownership again and a property is not in a nuisance condition for 180 days but a much greater length of time, the Code needs to permit enforcement to occur within the City's discretion.

Mr. Supelak noted that during the economic downturn, an unfinished structure off SR161 remained in that condition for several years. It was, essentially, an abandoned construction site and an eyesore for many years.

Ms. Noble suggested that the definition of Vacant Structure remain as is, but with the statement that enforcement could occur if any of the eight following conditions exist.

Mr. Boggs stated that in enforcing any Code requirement, a level of discretion is understood. Exemptions/stipulations can be included that an open demolition permit would place a stay on some of the requirements with a cap as to the total number of days so the situation cannot continue indefinitely. The stipulations can help guide enforcement discretion.

Mr. Fishman stated that it is not uncommon for a property owner to be cited for a nuisance, then sell the building to remove themselves from the violation. Would it be possible to require the repairs to be completed according to Code before the property can be sold?

Mr. Boggs stated that he does not believe the City would have the authority to impede the sale of a property based upon a property maintenance violation. If the property is sold after the citation for the violation, the violation remains in place. In Mayor's Court, the previous owner would be subject to the fine every day that the violation existed. If the violation continues under new ownership, the new owner would be cited to Environmental Court for the violation, as well. If there is evidence the transfer of ownership was occurring to circumvent the system, the Court could put a temporary restraining order on the property transfer as a fraudulent conveyance to avoid property maintenance enforcement.

Ms. Fox stated that Dangerous Structures are addressed in the International Property Code which has been incorporated by adoption into the City's Code, but perhaps that should be addressed more specifically in the City's Code, as well. There are instances in which a building structure becomes unsafe to walk within it. In regard to Aesthetics, maybe it can be added under (B)(1) Intent. We have mentioned the need for the structure to be maintained similar to the surrounding neighborhood. Perhaps that language can be made as strong as possible. Under Securing and maintenance of structures, she would suggest using the International Property Maintenance Code language to the extent possible in reference to structural openings.

Ms. Call inquired if staff needed any additional direction on the Informal Review.

Ms. Noble stated that staff would like to continue to use AO 8.5 for flexibility in administering the enforcement process. Does the Commission have any objection to doing so?

Mr. Supelak responded that if the AO provides an adequate escalation path and equips the enforcement arm appropriately, he has no objection to the AO serving that purpose.

Mr. Boggs responded that the AO sets forth the path that a typical complaint will follow from the initial Notice of Violation to enforcement. The notice can contain significant detail -- after the internal process ends, the case would proceed to Mayor's Court for citation, or potentially to Environmental Court. Mr. Jones has indicated that Code Enforcement receives 98% compliance on these issues; very few proceed to court.

Mr. Supelak inquired if the escalation path is sufficient for addressing those cases on which compliance is not reached in the first step.

Mr. Boggs stated that he anticipates the amended Code will address those cases. There are a few, limited cases where it was necessary for the City to demolish nuisance houses, mow lawns and invoice the property owners, remove debris and bill the property owner. If enforcement staff does not receive the response requested of the owner, Legal staff directs a letter to them, which typically results in compliance.

Ms. Kennedy inquired if the timeline in the AO is clear to the citizens making the complaints.

Mr. Boggs responded that the sequence is embedded in the AO; the timeline is not. Different repairs take different time to complete, and the number of days to complete is typically provided in the notice. He is unsure if the complainant is made aware of that.

Ms. Noble stated that Mr. Jones inquires if the complainant wishes to remain anonymous. If not, he will follow up with them. They are provided Code Enforcement officers' names, should they wish to follow up.

Mr. Boggs noted that if the complainant wishes to remain anonymous, it is not advisable to send them a letter, which would become a public record that a property owner could request. Any updates are provided via phone.

Ms. Fox stated that she receives many complaints about vacant properties. Although 98% compliance is received, it is the remaining two percent that need to be adequately addressed in the enforcement process. Residents need to be confident that the City's regulations have "teeth." Commission members indicated that the AO 8.5 is satisfactory for administration of the enforcement process.

3. Residential Development Patterns, Informal Review

Ms. Call stated that this is a request for an informal discussion regarding recent trends in residential developments pertaining to lot sizes, side yard setbacks, lot coverage, and density.

Staff Presentation

Ms. Husak stated that in recent discussions about proposed residential developments, the Planning and Zoning Commission and City Council have expressed concerns regarding trends in development patterns, particularly in terms of side yard setbacks and lot coverage. At their June 22, 2020 meeting, Council referred the subject to the Commission for discussion and a recommendation for potential changes. Background information has been provided on a few approved residential developments to assist the Commission in its discussion. The issue is the reduced setbacks and larger home footprints, particularly for empty-nester homes. The homes tend to be ranch-style, which comprise a larger footprint. Oak Park is one of the developments that was the most concerning to the residents within that neighborhood. Oak Park has a minimum

lot size of 6,900 square feet; minimum lot width of 55 feet; and a side yard setback of six feet. Many of the homes are at that distance, so there are only 12 feet between the homes. The permitted lot coverage is 60%. Oak Park was developed as part of the Conservation Design Resolution, which clustered the homes and provided 50% open space. The Overlook at Tartan Ridge, recently approved, will have a minimum lot size of 100 square feet; minimum lot width of 52 feet; minimum side yard of 6 feet; lot coverage up to 60 square feet.

Ms. Fox inquired the amount of open space.

Ms. Husak responded that she believes it is 30%; in Tartan Ridge, overall it is 40%. The development that triggered this conversation is The Hamlet on Jerome. The minimum lot size is 5,000 square feet; minimum lot width of 45 feet; minimum side yard setback of 5 feet; and lot coverage of 70%. At the time of review and approval of this development, the Commission was concerned about these numbers, particularly in regard to the ability to provide maintenance and parking. [Review of developments continued.]

Public Comments

Jon Melchi, 445 Hutchinson Avenue, Suite 280, Columbus OH 43235 (BIA of Central Ohio):

"Dear Members of the Dublin Planning Commission:

On behalf of the Building Industry Association of Central Ohio (BIA), you are to be commended for your interest in reviewing and considering the circumstances of the current housing market and residential development in Dublin. The interests of your residents, our customers, do evolve, and we applaud communities when they consider changing demands of residents in the context of the regulations that are in place to reflect community values. The BIA represents over 800 members in Central Ohio who develop, build and provide all of the essential support services for the residential housing market in Dublin and our region. In general terms, demographics (e.g. smaller household sizes, later in life household formation, varying age cohort sizes) combine with personal preferences (e.g. walkability, time allocation changes, "work-from-home") to cause changes in the concepts of "home" that residents desire."

Jim Lipnos, Homewood Corporation, 2700 E. Dublin Granville Road Suite 300, Columbus, OH 43231:

"This is a great idea to conduct an informal discussion on Residential Development Patterns. I am a local developer and builder, both in and out of the City of Dublin, and have first-hand accounts of what potential homeowners desire. Quite simply, it is not the same home or lifestyle that we grew up in, and it takes a bit of perspective to understand the new lifestyle. Fifteen years ago, it was the McMansions and 2-story great rooms; however, today's buyer is much more particular in their wants and needs. Today's lifestyle is demanding. Typically, both adults in the home will be working and time is valuable. Large yards are a burden and not integral to their lifestyle. Maintenance free exteriors are in high demand. Today's buyers are willing to spend their money on things they value, and that is typically on the interior of the home. Home offices are in high demand, and since the pandemic, are almost mandatory. There is a high probability that more and more people will be working from their homes, and filing their taxes as such. From my experience, and I know everybody says, we are not against density, but the fact remains that the buyers value what will make their life more convenient and free up more of their time. By allowing smaller lots/setbacks and increasing lot coverage, the cost of the lot will decrease, the amount of burden on the service department will decrease and the buyer will put that money into the home,

particularly the interior, where they live. I appreciate your willingness to gather feedback from builders and developers and would be happy to discuss any of these topics with you individually.”

Commission Discussion

Mr. Fishman stated that he has served on the Commission accumulatively for 40 years, and has witnessed many changes during that time. As the earlier public comments indicated, it is true that homeowners are looking for different things. However, through the years, Dublin made some unfortunate mistakes, a couple of which were developments shown earlier. Dublin is known for being green. Dublin has received many positive comments from visitors regarding its greenspaces. There is nothing wrong with having some denser development. That has been tried, and in some cases, it has succeeded; in others it has not. Previously, the City adopted a “Wow” ordinance, which provided for very large setbacks. Along Brand Road, there are 100-foot or greater setbacks, and the lots are smaller. The problem now is that developers want to continue to build on smaller lots, but they are unwilling to give the greenspace. Small lots can work if the greenspace is provided. Open areas and spaces are very important in those developments. The developers say that homeowners do not want the burden of maintaining a yard, but it isn’t necessary that they do so; it can be open space that is controlled by the homeowner association. In many parts of the country, particularly the south, that is very common. The development has the beauty and the feel of open space without burdening individual homeowners with yard maintenance. Dublin has done a good job through the years in controlling residential development. Although there have been some changes today in what people desire, changes should not be based upon economics. Developers want smaller lots, so they can crowd more houses on the land. Because he has seen some of the earlier mistakes that were made, he voted against The Hamlet development. Dublin must continue including greenspace in these developments, as it always has. Dublin’s greenspace is a big reason that people move here. In his view, having smaller lots must also include more open space.

Ms. Kennedy stated that she is in agreement with Mr. Fishman’s comments. This Commission needs to maintain the Dublin character, and that character is green open space. A homeowner should not be able to reach out and touch his neighbor’s house; most of our residents do not want that. In her view, a first-floor master does not equal an empty nester home. Generally speaking, she is not in favor of the higher-density residential developments, some examples of which were shown in the earlier slides. Looking at those, she will be more focused on ensuring greenspace in future proposed developments. It is important to ensure that outdoor space and feel. This pandemic has changed our values and perspectives. Our backyards and patios are much more important to us. She values greenspace and believes the City’s residents do, as well.

Mr. Grimes stated the Riviera development has a good balance. He is reluctant to see houses jammed together on a large scale. Although beautiful, the houses in Oak Park are spaced too close. Personally, he needs more elbow room than that! We have to be sensitive to what today’s homebuyers want, but there is enough land to provide a diverse range of products in different areas. It is important not to have too much of one type and be unable to provide people the choices they desire. He loves greenspace, but understands there is some tradeoff.

Ms. Fox stated that the American Planning Association indicates that today that there is a need to retrofit suburbia. People are changing their lifestyles; they want to move to more urban areas, walk and know their neighbors. The theory is that the single-family home on a quarter-acre lot will not be popular in the future. There may be some credibility to that view. However, the existing

dense development gives us some concerns; there is something about it that we do not like. The developers may indicate that is what is wanted, but we feel uncomfortable with the denser developments already existing on Hyland-Croy Road. She believes part of that reason may be that the public realm, the area around the homes, does not invite walkability and connectivity. Although the City has required greenspace, it is not necessarily functional. In the Historic District, the homes are close but the neighborhoods are walkable. The public realm is active, working and connected with treescaping and streetscaping. In comparison, the open spaces in the developments farther out seem constrained and unnatural. We need to encourage public realms that would make neighborhoods nurturing and more livable. We are giving the developers the density they want, but, in return, we are not getting anything that makes living there enjoyable. People may want to live in homes on smaller lots, but they value the community feel. What does "community" look like in the design of a development?

Mr. Supelak stated that the letter sent by the BIA member alluded to macro demographic shifts that are happening in the world. Do we subscribe and commit to making a substantial change in regard to increasing density in the City, or do we remain consistent with who Dublin is and has been? If we were to cut up our land and build a different density on it, it would be a permanent change. He agrees with Mr. Fishman that retaining the greenspace throughout the community is important. While the idea of Conservation Design is good, it is not his favorite method of ensuring greenspace in the City. If we were to consider the macro demographic trends, how do we obtain a good sense of those – from BIA or from other sources, as well? Considering what the trends are may not, however, change who we want the City to be. If developers were to tell New Albany the trend for picket fences is out, New Albany either could subscribe to making changes or stay the course with who they are. Trends can come and go. Is there merit to looking at examples of a more dense residential development style? Then, perhaps, we could draw some conclusions. At this point, he has no position on the matter. Empty nester communities warrant a different amount of lot coverage, and there is a need in Dublin for some pockets of those developments, but what is enough but not too much? Like Oak Park, the context of those developments is good, but sitting out in the middle of a field, they do not make much sense. There is much to consider in this discussion; at this point, we cannot identify a new trajectory.

Mr. Schneier stated that we all bring our experiences and biases to the conversation. He is in the process of downsizing from 2.7 acres in Muirfield to .25 acres in downtown Dublin, so he sees both sides of the topic. One of the attributes of Dublin that we all recognize is its diversity of housing, from very large to small starter homes. One characteristic of most of it is the quality of the housing stock. Small lots do not necessarily mean inexpensive homes. Some homeowners do not want the hassle of lot maintenance, but they do want quality homes. His concern is that altering the setback and lot coverage requirements too much may preclude the ability to have very nice homes on them. The right balance may be permitting smaller lots with a greater lot coverage but compensate with a dedicated greenspace, creating a suburban walkability versus urban walkability. Perspective homebuyers wanting quality homes would be willing to pay a pro-rated share of the greenspace, and that will create many exciting possibilities. He would love to see some examples of best practices. In Naples, Florida, for example, there are pocket areas with very nice homes on small lots but with dedicated greenspace within the development; it is a lifestyle choice. He is not aware of anything similar in central Ohio, but seeing examples would be educational. Other communities are facing similar questions, but Dublin has the flexibility to deal with this issue as it should choose, not to have it pushed on it by a large land developer.

Ms. Call stated that she agrees with fellow Commissioners' comments. Previously, in another state, she served on a City Council that was where Dublin was 30 years ago. That City experienced tremendous growth every year, and had the ability to carve its environment. What they heard from developers was exactly the same as what we have heard tonight – that lifestyle choices were changing and homebuyers were looking for a different housing product. Then, as a result, the city ended up with too much inventory of one type of housing stock. She appreciates fellow Commissioners' comments that there may be a place for some higher density residential developments, but as Ms. Fox noted, higher density and clustering works only when it engages with the surrounding area. Building a clustered housing development on Hyland-Croy Road with a large amount of unused open space is not engaging. It is important to identify the right place for that type of residential development. What we build today will exist for many years before it could, potentially, be redeveloped; commercial development may never occur there. We have an identity in Dublin that we want to, for the most part, preserve. While we may want to preserve the greenspace, we also need to have a variety of housing products reflective of the changing demographics. It is the Commission's responsibility to provide diversity of housing while also maintaining and even elevating Dublin's identity. From her perspective, she likes the "and" condition of a combined side yard setback. She agrees that it would be helpful to view successful examples of denser developments. She can speak for fellow Commission members, that we find Mr. Fishman's previous experience in this area very helpful.

Mr. Fishman stated that it is important to have a Commission that has the interests of Dublin at heart. However, developers are quite smart at what they do. Their job is to make money in developing. Therefore, when we hear from developers that homebuyers want small lots, no greenspace, that is because it is the most profitable way to build a residential development. On another note, he rides his bicycle approximately 3,000 miles/year through many subdivisions. Since the pandemic changes on the community, the bicycle paths are crowded; our residents are using the available facilities. While he agrees that some cluster home developments with surrounding open space areas are not that attractive, we can encourage developers to be creative and integrate that greenspace. What he has seen, however, is that Dublin's residents are using the greenspaces within their developments and connecting with their neighbors.

Ms. Fox clarified that she is not a proponent of abandoning greenspace. The Dublin Convention and Visitors Bureau has said that visitors have commented that what they love about Dublin is its naturalness, greenspace and friendliness. What homebuyers want is a beautiful, natural environment, social connectivity, and a refuge when they go home. While we consider diversifying our housing product with some higher density communities, we must focus on integrating attractive greenspaces with amenities in every development. Every development we approve must achieve that balance so that the people who live there will find it worthwhile. We cannot just look at whether the building requirements were met, but also at whether the development provides the complete picture of a place to live. Is it a place in which we would all like to live, because it is so well designed?

Ms. Call inquired if the Commission has provided sufficient direction to staff for them to proceed. Ms. Husak responded that staff would be able to provide examples of residential developments that would be worthy of discussion. Mr. Supelak has mentioned that he would be interested in hearing from the BIA or developers on this topic -- would other Commissioners also be interested? Mr. Supelak stated that he does not know who the right sources would be, but there are likely experts who would be willing to share their perspectives with the Commission.

Ms. Call stated that greenspace, density, clustering, etc. are fundamentals of a PUD. Dublin is a suburban area and many of our developments have larger lots with single-family lots. However, we already have diversified our housing with some condominium developments. Some of those are good; others are not. PUDs provide flexibility to allow for larger homes on smaller lots, increased lot coverage, reduced setbacks, etc., but it is important to ensure that they have the necessary balance. She believes the fundamentals of a flexible PUD will achieve the right product.

Ms. Kennedy stated that if we want to hear from an expert, it should be someone who has the expertise but is unbiased – someone who does not have a vested financial interest in pushing an agenda. That could be a faculty member at OSU, who studies economic development. She believes a missing piece in the discussion tonight has been that there were no public comments from our residents. She would be interested in hearing if they have views on the different types of housing products. Has the pulse of the community been taken on this topic recently, which we could consider? It would be good to have the resident perspective.

Ms. Husak responded that she is not aware of such a survey.

Ms. Kennedy stated that it would be helpful to obtain that type of feedback.

Ms. Fox stated that she agrees. Some of our residents who have moved from a large home to a denser community could share what they love/do not like about the different housing product. We could learn from their experience.

Mr. Fishman stated that it is possible to build a smaller, yet quality house. In Upper Arlington, there are four-sided architecture, 1,500-square-feet, 85-year-old homes that are beautiful. There is room in Dublin for a variety of residential communities, all of which can be integrated into open, usable greenspace.

COMMUNICATIONS

- Ms. Husak reported that the next regularly scheduled PZC meeting is scheduled for Thursday, September 17 at 6:30 p.m.

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Rebecca Call

Chair, Planning and Zoning Commission

Judith K. Beal

Deputy Clerk of Council