



## MEETING MINUTES

### Planning & Zoning Commission

Thursday, October 1, 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."

#### ROLL CALL

Commission members present: Mark Supelak, Rebecca Call, Leo Grimes, Warren Fishman, Lance Schneier, Jane Fox, Kristina Kennedy  
Staff members present: Jenny Rauch, Claudia Husak, Thaddeus Boggs, Tammy Noble

#### PLEDGE OF ALLEGIANCE

Ms. Call led the Pledge of Allegiance.

#### ACCEPTANCE OF DOCUMENTS AND APPROVAL OF MINUTES

Ms. Kennedy moved, Mr. Grimes seconded to accept the documents into the record and approve the minutes of 09-17-20 as submitted.

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

[Motion passed 7-0]

Ms. Call stated the Planning and Zoning Commission is an advisory board to City Council when rezoning and platting of property are under consideration. In such cases, City Council will receive recommendations from the Commission. In other cases, the Commission has the final decision-making responsibility. Anyone who intends to address the Commission on administrative cases must be sworn in.

#### ADMINISTRATIVE CASES

##### 1. Property Maintenance Code Update, 20-097ADMC, Administrative – Code Amendment

Ms. Call stated that this is a request for review and a recommendation of approval to City Council for an amendment to Section 153.076 of the City of Dublin Zoning Code to provide regulations for enforcement procedures and additional property maintenance regulations.

### **Staff Presentation**

Ms. Noble stated that the need for an amendment to the City's Property Maintenance Code was identified recently by City Council and the Public Services Committee. Subsequently, staff revised that section and provided a draft amendment at a joint meeting of the Architectural Review Board (ARB) and Planning and Zoning Commission (PZC) on June 4, 2020. The members reviewed the draft and requested some changes. Those changes were incorporated into a revised draft that was reviewed by the PZC on August 20 and by the ARB on August 26, and additional minor changes were requested. The amended draft that is provided for review tonight addresses various aesthetic issues related to property maintenance; administrative processes, including references to Administrative Order (AO) AO 8.5; and Exemptions regarding property owners that would not be subject to the enforcement process. Staff requests the Commission's review and recommendation regarding the proposed Code amendment.

### **Public Comment**

No public comment was received regarding this case.

### **Commission Discussion**

Ms. Fox stated that she believes the Intent paragraph for C-1 - Vacant Structures, provides good guidance concerning the purpose of the regulations. In regard to C-3a on page two, Structure Openings, the statement, "Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials...", seems to contradict item C-2c(1) immediately above it, which states the windows shall be secured by glass. She believes glass is the preferable material for windows, as opposed to plexiglass or other plastic material. On page four, item (I) Accessory Structures, she suggests the end of the statement be revised from "shall comply with all village regulations," to "shall comply with all vacant structure regulations under this Code." On page five, item C-7c, what/when is "the start of vacancy"? The 12-month exception is too liberal, as a vacant "for sale" house can deteriorate during that time. Changing ownership on vacant homes can result in their sitting vacant an even greater period of time. Being for sale or for lease should not preclude a property from being subject to regular property maintenance regulations. Language should be added to clarify that such a vacant structure is subject to the same property maintenance requirements as others.

Ms. Call stated that because Item C-7d provides a way in which an owner of a vacant building could request an exemption, perhaps vacant for sale/for lease properties could be defined elsewhere and Item C-7c be eliminated.

Mr. Supelak stated that would also clarify the start date for a vacant building timeframe, as it would be the date of the application for exemption.

Ms. Call stated that the allowable timeframe for a vacant structure could be determined by the average time on the market.

Ms. Noble stated that the language would be modified accordingly.

Mr. Fishman stated that he agrees that the material for securing windows should be glass; otherwise, it is more apparent that a building is unoccupied. He agrees, as well, that there should be no differentiation between for sale or not for sale vacant buildings.

Consensus of the Commission members was to modify the language of Item C-3a to require the material to secure windows be glass. Other openings can be covered by a building material (to be specified) that is compatible with that neighborhood or PUD.

Ms. Call inquired how the material for a nuisance structure would be determined if there were no adjacent neighbors.

Mr. Boggs responded that a greater radius of properties or district would be considered, or a material could be used that is generally permitted outside of PUDs.

Ms. Call referred to Item C-7a, which states, "A building under active construction/renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from enforcement procedures until the expiration of the longest running, currently active building permit." What are the regulations for how long a building permit can be active or extended, and therefore, qualify for this exemption?

Ms. Noble responded that a building permit is valid for 12 months. The intent is to be flexible with that requirement, as long as progress is occurring.

Mr. Boggs stated that the property owner could obtain a building permit with the intention of completing repairs, but then encounter issues causing the work to languish. Staff will provide clarity to the language of C-7a in regard to "active construction."

Mr. Supelak noted that the building permit process is sufficiently expensive and cumbersome to deter this type of issue.

Mr. Fishman inquired how the requirement for securing windows with glass would impact Code Enforcement, if they are responsible for that securing.

Mr. Boggs responded that Code Enforcement would bill the property owner for the costs.

Mr. Schneier stated that he is concerned about attempting to limit the opportunity to take advantage of the system, which probably would be an exception. Trying to legislate that could cause the City to over-reach and run the risk of being arbitrary. Trying to define "active" could be subject to various interpretations, and attempting to limit it requires too much specificity in the Code. Rather than attempting to write it to address the current issue with the Monterey Drive duplexes, perhaps the language should address more common situations. There are situations where well-meaning efforts can be caught up in a regulatory morass.

Ms. Call stated that the changes that have been requested are to Item C-3a regarding materials to secure vacant materials; Item C-3l modifying the compliance language for Accessory Structures; clarification/tightening of the exemption language in 3-7a regarding "active" building permits; and C-7a removal of a different duration for "for sale" and "for lease" properties.

Ms. Noble stated that she has clear direction as to the modifications the Commission has requested.

Ms. Fox inquired about the advisability of adding language that would permit the City to enter a building in the case of numerous citations that could indicate an internal issue exists, as well.

Mr. Boggs stated that this Code amendment addresses exterior public nuisance conditions. The City would not enter a property without the existence of an immediate emergency or obtaining a Court warrant to do so. Although the number of citations is not germane to the issue, the City's Code would be helpful in pursuing authorization to enter.

Mr. Supelak moved, Mr. Grimes seconded to forward to City Council the proposed amendment to Section 153.076 of the City of Dublin Zoning Code (Property Maintenance) as revised with a recommendation of approval.

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

[Motion passed 7-0]

## **2. Temporary Sign Code Update, 20-098ADMC, Administrative – Code Amendment**

Ms. Call stated that this is a request for review and recommendation of approval to City Council for an update to Zoning Code Section 153.150 – Temporary Signs, to comply with all requirements of the U.S.

and Ohio constitutional, statutory, and case law decisions requiring that sign regulations remain content neutral.

### **Staff Presentation**

Ms. Rauch stated the Planning and Zoning Commission reviewed and provided feedback on the draft regulations at their August 20, 2020 meeting. The Commission requested clarification/modifications regarding development period signs, non-residential for sale/lease signs, construction fence details, temporary sign material standards, and removal of sandwich board signs. The revised draft includes the following revisions: (1) language added that sign materials should be commensurate with the sign's duration; (2) sign inspections should occur on a regular basis based on the approval/validity timeframes; (3) parameters added for construction fencing sign permit, timeframe and location; (4) clarification that development period signs are limited to one per site; and (5) clarification added regarding non-residential for sale/leasing period signs. In regard to the development period signs, a total of 13 existing signs were identified, including 6 single-family, 2 multi-family and 5 commercial. Only one of those is within the Bridge Street District, and only three sites have two signs on one parcel. In regard to non-residential for sale/lease signs, 132 signs exist, the majority of which are 32 square feet.

### **Public Comment**

No public comment was received regarding this case.

### **Commission Discussion**

Ms. Call inquired how many non-residential for sale/lease properties have multiple signs on one parcel.

Ms. Rauch responded that she does not have that number, but the recommendation is that only sign per parcel be permitted.

Ms. Fox suggested that the lot frontage be increased to at least 200 feet for the smaller non-residential for sale/lease signs.

Mr. Grimes inquired if the electronic listing of available commercial properties is provided at the City's website.

Ms. Rauch responded that Ms. Gilger, the City's Economic Development Director, indicates that although there is an electronic listing, businesses and property owners need the option of a physical sign on the site, as well.

Mr. Grimes inquired if the frontage for these signs should be increased to be greater than 200 feet before a larger sign would be permitted.

Mr. Schneier stated if the frontage were to be increased, there should be some basis for whatever amount is specified.

Mr. Fishman stated that there is a significant amount of sign clutter. Smaller signs of quality materials are preferable.

Ms. Kennedy referred to the Section 153.150 Purpose statement that, "The purpose of this subchapter is to protect the general health, safety, morals and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information and identification." Is there another section that addresses inappropriate sign language?

Mr. Boggs stated that swear or vulgar language is protected under the First Amendment. It is not considered obscene unless it depicts a sexual activity. The City is legally prohibited from restricting crude language.

Ms. Kennedy referred to Section 153.55, Permanent Signs Not Requiring a Permit, (E) Residential Information Signs, which, "...display information necessary for the safety and convenience of residents and

visitors, such as 'Beware of Dog,' and 'No Trespassing.'" It appears there is no oversight of the language used, and no permit is required.

Mr. Boggs responded that the Reed v. Town of Gilbert, AZ decision addressed the legality of temporary sign regulations, not permanent signs; however, it is safe to assume the analysis would be the same in regard to content or viewpoint.

Mr. Schneier referred to the term "morals," used in the Purpose statement, which is probably a vestige from a prior time. Perhaps that term should not be used in the Code update, as the City has no right to regulate the morality of Dublin residents or their signs. He would suggest eliminating any language that appears to regulate conduct or behavior.

Mr. Boggs agreed that the term likely is a vestige from the time in which a morality type of legislation was permitted; however, it is not a direction that current First Amendment jurisprudence has taken. The word can be removed without impacting the remaining language.

Mr. Supelak referred to Section 153.158(O), which states: "(7) Duration. All of the permitted signs are limited to a period of four months." That amount of time seems broad for this category.

Ms. Fox inquired if these regulations are for residential signs as well as commercial signs. Although the content cannot be controlled, can the number and duration be controlled?

Mr. Boggs responded that the challenge is that even content-neutral time, place and manner restrictions must be narrowly tailored to significant government interests and allow ample alternative avenues for communication. Four months is a duration period; it is not content-based and applies equally; it should be the same for number and size. All requirements must be justifiable as being in the municipality's interest, i.e. protecting the residential character of its neighborhoods; avoiding visual clutter; or interference with traffic or communications. Four months could be considered an aggressive requirement. Some signs can be dealt with under the Permanent Sign Code, rather than the Temporary Sign Code.

Ms. Call stated that the language states that there can be up to two temporary signs on a lot or parcel. There is no differentiation for a 5-acre lot/parcel versus several .12-acre lots within a neighborhood. How can the right of homeowners to place signs on their property be balanced against the need not to encourage clutter?

Mr. Boggs responded that even if the requirement is based upon frontage, speech cannot be based upon an economic variable; it could be construed as having an impact on disfavored groups. That is the reason an absolute number has been chosen.

Mr. Supelak requested clarification regarding sign placement on trees. Section (O)(6) states: "Placement. Are not to be affixed to any public utility, pole, tree, or natural object, are not located within a public right-of-way, and do not create a safety or visibility hazard." There is a need to avoid ambiguity. There are cases within the City neighborhoods that we do not want to proliferate across the City.

Ms. Fox inquired if the Temporary Sign Code addresses political signs as an allowed use, as they should not be limited.

Mr. Boggs responded that a political sign category is not permitted by the Reed decision. Court has stated that political speech must be protected; however, Reed states that distinctions based on content are prohibited. Every non-commercial sign must receive the same treatment as a political sign; therefore, no distinction can be made for political signs.

Ms. Fox stated that if so, only two political signs would be permitted.

Mr. Boggs inquired if the number of two was carried over from the previous Code, or a new proposal.

Ms. Rauch responded that she believes it is a carryover.

Mr. Boggs responded that he would not vouch for two as being the right number, but would provide a written opinion, which could help in determining the right number.

Ms. Call referred to (I) Non-residential Sale or Leasing Period Signs., which permits a 32-square-foot sign for parcels with 100+ feet of frontage. Adjacent properties could object to that amount of frontage being

taken up by a sign and drawing attention from their business signs. She would be in favor of limiting the sign to 16 square feet for up to 200 feet of frontage; for frontage 200 feet or greater, a 32-square foot sign could be permitted. For a typical nonresidential parcel with 100 feet of frontage and lot coverage of 50-60 percent, what size building and permanent sign would be anticipated? A temporary sign should not be larger than the permitted permanent sign.

Ms. Rauch stated the maximum size permitted a ground sign would be 50 square feet. That is not based on the site frontage, so 32 square feet would be less than what a permanent ground sign is permitted.

Ms. Call stated that a for sale/lease sign would be in addition to the permanent sign for an existing building however. She inquired fellow Commissioners' opinions.

Ms. Fox stated that the intent is to reduce visual clutter but not to reduce the ability for a property owner to have a for sale/lease sign. Her suggestion would be to reduce the size of the sign to 16 square feet, and not be based upon the amount of frontage. In addition, the property owner is permitted only one of three sign options.

Ms. Call inquired if a large parcel, such as Cardinal Health, should be limited to 16-square-foot signs. Although that site has two frontages, 55-70 mph traffic passes it quickly.

Ms. Fox stated that the large signs on commercial sites along I-270 are not an issue; the problem is with the commercial sites on arterial streets.

Consensus of Commission members was to reduce the size from 32 square feet to 16 square feet for nonresidential for sale/lease signs.

Ms. Fox referred to Section 153.151 – Permit Required, which states that "...Fees may be paid by cash, check, or money order." That sentence should be deleted.

Ms. Rauch suggested that this item be tabled to permit staff to make the requested changes and provide the additional information discussed; the revised amendment would be scheduled at a future meeting for the Commission's recommendation.

Ms. Kennedy moved, Mr. Grimes seconded to table the proposed amendment to Section 153.050 of the City of Dublin Zoning Code (Temporary Signs).

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

[Motion passed 7-0]

## **INFORMAL DISCUSSIONS**

### **3. Residential Development Standards, Administrative**

Ms. Call stated that this is a continuation of 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 this is a continuation of the Commission's August 20 discussion on Residential Development Standards. Staff has had difficulty finding the requested development standards for neighboring or regional communities. Therefore, this discussion will focus on the City of Dublin. One remaining developable area where development could occur is north of US33. There is a significant amount of vacancy in that area, and staff frequently receives inquiries regarding the type of development acceptable there. Several pages of the Community Plan, including a map of the Southwest Area, were provided in the meeting packet. Development in that area is difficult, as there are plans for the future extension of Tuttle Crossing Boulevard to the west. Although that project is not programmed in the

current CIP, it makes development difficult because the large parcels in that area will be impacted by the future road extension. The other issue is utilities. It is not financially feasible for most developers to extend utilities for a 20-30-acre parcel -- only a developer of a master development could afford to do so. That type of master development has occurred previously, i.e. the Ballantrae development, with the assistance of the City. There is no active proposal, other than the one Informal Review the Commission reviewed at its last meeting, although some developers are working on preliminary analyses. In the Southwest Area Plan, the designated density is low -- 1.5 units/acre. Within the Amlin area, where Cosgray and Rings roads meet, the Community Plan projects a town center with a surrounding higher density of up to 5 units/acre. That level of density has piqued the interest of some high-end, empty-nester developers, but to date, no applications have been submitted. This area is where future development pressure is anticipated, particularly a joint effort of several developers. In view of the fact that an update of the Community Plan is planned within the next couple of years, what type of development would the Commission foresee in this area? City Council has requested the Commission to provide recommendations on preferred residential development patterns and strategies that should be employed to encourage them. Should those be addressed by the Community Plan or in updated PUD standards?

### **Commission Questions/Discussion**

Mr. Grimes inquired the age of the Southwest Area Plan.

Ms. Husak responded that it was included in the 2007 Community Plan and was not changed in the 2013 update.

Mr. Grimes inquired if the cost of constructing the infrastructure is the main challenge.

Ms. Husak responded that in addition to the infrastructure, the railroad that extends diagonally through the area is also a significant challenge. It would be necessary to extend Tuttle Crossing Boulevard over/under the railroad to provide a connection from both sides of the railroad, and the cost of that project would be astronomical.

Mr. Grimes stated that the Amlin area would present an opportunity to develop a subarea, which could act as a catalyst, drawing support for the needed infrastructure and perhaps annexation of a larger area. The Commission has been considering areas that would be appropriate for a higher, affordable density, and a higher density there could support the needed infrastructure. He assumes an underpass for that railroad, which he believes is a double-track rail, would be quite expensive – perhaps \$25 million.

Ms. Husak responded that it is a double track and quite busy.

Mr. Grimes stated that he is unaware of any studies that may have been done, but it is difficult to provide an opinion without first looking at the costs and benefits, including the standards and expectations of the surrounding community.

Ms. Husak stated that City Engineering previously advanced plans for the extension of Tuttle Crossing Blvd. from Wilcox Road to Avery Road, and even with tentative funding from MORPC, there was a \$7 million funding gap. These road projects are very costly, particularly the extension of Tuttle Crossing Blvd., which would be similar to Emerald Parkway. Because the West Innovation District and OSU project became a higher priority, the funds were shifted to that area instead.

Ms. Call stated that the following questions were provided to guide the Commission's discussion:

- Provide further discussion and direction regarding preferred residential development strategies;
- Identify additional materials and/or history needed to guide the discussion; and
- Other comments.

Ms. Kennedy stated that as she has mentioned previously, it would be helpful to have an indication of resident preferences on the topic. If no data exists, would it be possible to survey Dublin residents to obtain their opinions to help fuel this conversation?

Ms. Husak inquired if she would be interested in having feedback from a certain demographic or a cross section of different neighborhoods.

Ms. Kennedy responded that a cross section survey would be beneficial. Recent discussion has focused on empty-nester communities, but she would also like to know the opinions of the age 20+ group. Is that group looking for permanent or next step residency? Each of us tend to evaluate the topic based upon our own mindsets; it would be beneficial to learn the viewpoints of other groups of residents. In addition, perhaps it would be possible to obtain case studies from communities similar to Dublin, which also have limited parcels available for development. Obtaining that information would provide Commissioners a better understanding for discussion purposes.

Mr. Fishman stated that he was involved in earlier discussions regarding the area around the railroad track and Amlin. In his opinion, the City should not be in a hurry to accept any deals solely for the purpose of developing. He agrees with Ms. Kennedy that it is essential to know first what our residents want. Because it is important to maintain the character of Dublin, we must wait for the right developments. Perhaps the area on the other side of the railroad could become another hospital or it could be rezoned for an unforeseen development. Those types of developments also would be able to contribute funding for extending the roadway across the railroad tracks. The Village of Amlin has been quite adamant about its desire to remain a village and have surrounding high-quality development. It also is important to maintain the City's standards and ensure that the areas around Tuttle Crossing Blvd. do not become high-density development. There is a demand for, and he is supportive of, having some high-density residential development, if it is done while also maintaining the City's high standards.

Mr. Schneier stated that he would prefer to step back and consider this topic critically. In view of the Muirfield development that occurred in the 1970s, he believes it is better to be less prescriptive. Rather than trying to force a particular outcome, let it evolve. There is always ability to tailor ideas. He would be concerned with stating that we want something that no one else is interested in having. Perhaps a hospital or a very unique, currently un contemplated use will come along. When the concept of Muirfield arose, primarily the Township Trustees and the Village Council were involved.

Mr. Supelak stated that Council has charged the Commission with consideration of this issue. The SW Special Area map indicates a large developable area, and the question is whether we should re-think how to approach residential developments. He agrees with Mr. Fishman that it is important to maintain the character of Dublin. Dublin is largely residential with some pockets of commercial uses and a few exceptions for higher-density, empty-nester communities. While there is merit to having some of those communities, how frequent and how large should they be, and is the resulting product an acceptable complement to the rest of the City? In the SW Area, should the residential development that occurs be comparable to the rest of the City and consistent with its existing Residential Code? He believes the remaining developable area in the Southwest Area should be consistent with the City's standard Code, which provides for the typical suburban lots. That does not preclude certain exemptions occurring for higher-density, quality empty-nester communities; however, they should be complementary pockets of a limited scale.

Ms. Husak stated that when the 2007 Community Plan was drafted, Dublin was aware that the City of Columbus had plans for high-density, alley-loaded lots within the adjacent area. The City intentionally decided that type of development would end where Columbus's jurisdiction terminated. Dublin would provide heavy buffering along the border between the two jurisdictions and the prevalent rural character of the Dublin area would provide a distinction between the two communities.

Ms. Fox stated that the Southwest Area is a large, developable area of land, and the area around the US33 Corridor and University Boulevard will be developed with some residential. We are attempting to balance the needs of the developers versus the desires of the community. She believes the community's consistent message has been that an aesthetically pleasing neighborhood with a natural environment is desired that will meet housing needs, increase property values, and provide a sense of community and quality of life. We should begin with those principles in determining how future residential developments should be built. She agrees with Mr. Schneier; if the City had focused on the footprint, setback and height

of the homes, Muirfield Village with all its connectivity and beautiful landscaping would not have occurred. As a Council member, she does not know what the community's housing needs are. We need to look at the community's demographics and identify how much of the different housing types are needed. In addition to that data, she agrees that it would be helpful to learn our residents' housing desires. She has been told by some residents moving into empty-nester communities that they contain elements that improve their quality of life; the environment is important to them. She has been told that the desired land use balance in the City is 60% Residential/40% Commercial. Are we striving for that balance? It is not possible to define a development pattern without knowing what is needed and desired. To the west of the City is farmland; perhaps some of that will be annexed, and if so, what development pattern should occur there? There are other types of residential patterns available, including pocket neighborhoods with interior, social greenspaces. There is a need to research residential development trends nationally and internationally, and define holistic standards for our future residential developments.

Ms. Husak stated that at this time, Council has requested the Commission's feedback on the details, such as lot coverage, setbacks and density. However, many of the other issues mentioned, including demographic trends and future housing needs, will be discussed at great length as part of the coming Dublin 2035 Plan.

Ms. Fox stated that density was listed as one of the items on which the Commission's feedback is desired. We have said we want reduced density. For a variance to be considered to permit more density, what must the tradeoff be? Who is responsible for encouraging that type of development – the developer or the City? If we do not know what tradeoff is desired, a variance should not be granted. Having provided a variance in the past is not sufficient reason to grant another such proposal, unless there is a significant quality of life tradeoff.

Ms. Call stated that when businesses desire to locate within the City, the requirements are high; we do not seem to require the same of residential developers. Recently, we have received several applications for empty nester developments or single-family homes with minimum setbacks and maximum lot coverage. Although residential developers claim their proposed product is what the market is demanding, they should also be required to provide a high quality product. If a survey of residents is conducted, it would be helpful to inquire how difficult it was to find their desired home in the City. She agrees that the requirements should not so restrictive that opportunities are discouraged, but there is no need to accept less than what is desired. We are looking for the right fit for Dublin.

Mr. Supelak stated that there are many cities in Arizona comprised largely of retirement communities built as Ms. Fox described, providing quality of life amenities. Dublin's Code dictates our residential development, and for the Commission to consider an exemption to that for an empty-nester pocket community, the developer should be required to "sell" the development to the Commission.

Summary of the Commission's feedback is as follows:

- Define holistic intent for future residential developments for a quality housing product that is timeless; provides a sense of community; and maintains the character of Dublin.
- Refrain from being prescriptive so as not to limit potential opportunities.
- Survey Dublin residents re. housing needs/desires; survey other communities nationally and internationally regarding types of higher density developments with quality of life attributes.
- Current intent is to retain the City's existing Code standards for typical, lower density suburban developments; exemptions for pocket developments of higher density can be considered if quality of life attributes also are provided.
- The Dublin 2035 Plan project will consider trends in-depth, including demographics and future housing.

Ms. Husak stated that staff had received sufficient direction from the Commission's informal review of Ayreshire Farms last month and tonight's discussion. A summary thereof would be provided to City Council.

Staff also will obtain feedback from HOAs and the younger demographic of homebuyers regarding housing needs and desires.

#### **4. Specialty Hospitals Code Update, Administrative**

Ms. Call stated that this is an informal discussion regarding recent trends in medical care facilities and how to best address the uses in the Zoning Code.

##### **Staff Presentation**

Ms. Rauch stated that staff is working on a proposed amendment to the City's Zoning Code that will provide clearer requirements for in-patient specialty care facilities. In recent years, the City has received a number of inquiries regarding permitted locations for specialty hospital facilities, such as behavioral health hospitals. Provision of these facilities within the community is important, but they need to be located appropriately. The Commission's feedback is requested regarding any use specific standards that should be included with this potential Code amendment.

##### **Commission Discussion**

Mr. Grimes inquired if the primary concern is the number of applications received for specialty care hospitals or their appropriate fit within the City.

Ms. Rauch responded that the concern is not with the number. However, there is the potential for an in-patient facility that is classified as a hospital to be located within close proximity to residential uses. Should there be some site considerations or distance requirements? Specialty care hospitals typically have longer patient stays; they are not the quicker turnover type of hospital, nor a medical office use.

Mr. Grimes responded that if an applicant is able to put together the needed capital to provide this type of resource for the community, it is a good thing, and typically, it is better for them to be readily accessible to the community. Close to home facilities can be accommodated appropriately within the community.

Mr. Fishman stated that he believes this will be a situation of changing uses. Some office buildings and retail space will become vacant and could be converted to small, specialty care medical facilities. We will have to wait until those offers come to the City, but there would already be zoning for the site that would control parking and access.

Ms. Call stated that the definition of hospital is somewhat broad. The parking needs are very different for traditional hospitals and specialty hospitals, such as rehabilitation, mental health or substance abuse facilities. The Commissioners' questions may depend upon the definition of specialty hospital.

Mr. Fishman stated that there is a need for those type of facilities, and space will be available due to opportunity for conversion of uses. However, the needs will be different, so the Code would have to address those needs.

Mr. Supelak stated that specialty care hospitals do not fit within the Code's current definition of a traditional hospital; so the Code definition should be updated to include types and specialties. Different specialties have different behaviors, however, and those behaviors will dictate the standards.

Ms. Fox stated that in the past, neighbors have complained about health care facilities locating in residential areas. There are concerns about the type of specialty behaviors being addressed within their neighborhood. Pompano Beach had shopping centers that were vacant, and health care services began to locate in the available space. Unfortunately, there were no zoning regulations in place. In addition to updating the definition for a hospital, there is a need to define where specialty hospitals or medical facilities may be located, in consideration of their impact on the neighborhood. Some specialty hospitals are open 7 a.m. to 7 p.m., but others are open 24 hours with associated traffic flow. What is the distance that should exist between any type of hospital and the neighborhood?

Ms. Kennedy stated that she agrees with Mr. Supelak's points. She believes one issue may be the length of stays -- are patients staying one day, a week, and do they have visitors. Flow of people should be a consideration. Light-based pollution near residences is also a factor.

Mr. Schneier stated that he concurs with previous comments. Specialty hospital is an intentional euphemism. There are different types and competing interests, which staff will need to address in the Code amendment.

## **5. BSD Review Process Code Update, Administrative**

Ms. Call stated that this is an informal discussion regarding the need to add an additional option to the Bridge Street District review processes (Code Section 153.066) to align with other processes and to include provisions to allow for an Amended Final Development Plan.

### **Staff Presentation**

Ms. Rauch stated that in May 2019, an updated review process for Chapter 153.066 of the Bridge Street District (BSD) zoning code was approved, which was based on nine years of experience administering the code. The objective was to streamline the review process by aligning the application types with the Planned Unit Development district application types. As part of the 2019 amendments, a three-step review process was established for new construction: 1) Concept Plan; 2) Preliminary Development Plan; and 3) Final Development Plan. Additionally, the eligibility and scope of projects that qualify as a Minor Project was narrowed to reflect the name "minor". However, following the adoption of the updated review process regulations, staff recognized a need for addition of an Amended Final Development Plan process, which would allow for the modification of already developed sites and buildings. Under the current standards, a substantial site or building modification to an existing commercial site would require the same level of review as new construction, which is very cumbersome, time consuming and costly for the applicant and staff. In order to streamline the review timeframe and ensure the scope of the review process matches the scope of a proposed project, staff recommends the inclusion of an Amended Final Development Plan (AFDP) optional step in the BSD review process. An example of a project that was considered a Minor Project prior to the effective date of the Code amendments that would now require a three-step development review process is the McDonald's site at 337 W. Bridge Street. However, the submission of three separate applications and reviews should be unnecessary, given the scope of the project. The inclusion of an AFDP process would match the level of detail for the project and scope of required review. Staff is requesting the Commission's feedback on potential modifications to establish an AFDP step in the Bridge Street District review process, which would be similar to the PUD process.

Ms. Husak stated that in addition to McDonald's, another example is Heartland Bank, a current application. The bank is re-cladding all four sides of their building, and the Minor Project review limits improvements to 25% of the façade. Because the project is 100% of the façade, they must have a Concept Plan, Preliminary Development Plan and Final Development Plan. With an Amended Final Development Plan, they could have obtained Informal Review feedback from the Commission and then submitted an application for an AFDP, the typical process for a PUD. The current process for updates to be made is unnecessarily burdensome and costly for the smaller improvements.

### **Commission Discussion**

Mr. Supelak and Ms. Call expressed support for the adding the AFDP step to the process.

Ms. Kennedy inquired if there could be any scenario in which this might not work in the City's favor.

Ms. Husak responded that she does not believe there is. AFDPs have been an option for PUDs in the City for many years. With AFDPs, there is also the opportunity for a Minor Text Modification, which would require a waiver.

Ms. Call inquired if the AFDP would not replace the need to follow the other three review steps, if those

were warranted.

Ms. Husak responded that is correct. Criteria would be written for the AFDP, which the applicant would need to meet to qualify.

### **Public Comment**

No public comments were received for this topic.

Commission was supportive of including an AFDP step in the Bridge Street District review process.

### **COMMUNICATIONS**

- Ms. Rauch reported that a hybrid meeting solution recently was considered by Council. However, with continued use of masks and dividers for in-person participants, that solution was considered problematic. At this point, meetings for Council and its boards and commissions will remain virtual.
- Ms. Fox reported that a joint meeting of Council/PZC/ARB would be scheduled this fall to provide an opportunity for updates re. policies, challenges, any other issues.
- The next PZC meeting is scheduled for Thursday, October 15 at 6:30 p.m.

### **ADJOURNMENT**

The meeting was adjourned at 9:15 p.m.

*Rebecca Call*

---

Chair, Planning and Zoning Commission

*Judith K. Beal*

---

Deputy Clerk of Council