



## MEETING MINUTES

### Planning & Zoning Commission

Thursday, February 18, 2021

#### 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 the 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. We welcome your comments on cases. In order to submit any questions or comments during the meeting, please use the form under the streaming video on the City's website. Your 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 refrain from making any inappropriate comments. We want to accommodate public participation and comments to the greatest extent possible, and we appreciate your patience."

#### ROLL CALL

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

Commission members absent: Jane Fox [excused due to Council meeting commitment]

Staff members present: Jennifer Rauch, Nichole Martin, Thaddeus Boggs, Zachary Hounshell, Tammy Noble, Aaron Stanford

#### PLEDGE OF ALLEGIANCE

Ms. Call led the Pledge of Allegiance.

#### ACCEPTANCE OF DOCUMENTS AND APPROVAL OF MINUTES

Mr. Grimes moved, Ms. Kennedy seconded acceptance of the documents into the record and approval of the minutes of January 21, 2021 as submitted.

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

[Motion passed 6-0]

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

Ms. Call stated that there were no cases eligible for the Consent Agenda this evening.

Ms. Call swore in staff and members of the public who intended to address the Commission on this evening's cases.

## **NEW CASES**

Ms. Call indicated that Cases 1 and 2 would be heard together.

### **1. Meadows Academy at 6065 Memorial Drive, 20-163AFDP, Amended Final Development Plan**

A request for a Minor Text Modification as part of the Amended Final Development Plan to add Daycare, Child or Adult, as a Conditional Use within the Muirfield Square Center, which is located 600 feet south of the intersection of Memorial Drive with Muirfield Drive, zoned Planned Unit Development, Muirfield Village.

### **2. Meadows Academy at 6065 Memorial Drive, Conditional Use, 20-150CU**

A request for a Conditional Use for an early childhood learning center designated as a Daycare, Child or Adult, within the Muirfield Square Center, which is located 600 feet south of the intersection of Memorial Drive with Muirfield Drive, zoned Planned Unit Development, Muirfield Village.

## **Case Presentation**

Mr. Hounshell stated that both applications were related to Meadows Academy. Case #1 is a request for review and approval of an Amended Final Development Plan (AFDP) with a Minor Text Modification to permit Daycare uses in the Muirfield Village PUD – Muirfield Square office complex. Case #2 is a request for a Conditional Use, consistent with the Text Modification in association with the AFDP, for a daycare use.

Lot 4, 6065 Memorial Drive, is an office condominium within the larger Muirfield Square office complex; the site is located within the Muirfield Village Planned Unit Development (PUD) District, south of the intersection of Muirfield Drive and Memorial Drive. 6065 Memorial Drive is situated in the southeastern portion of the site, with approximately 135 feet of frontage on Muirfield Drive and three vehicular access points, one from Muirfield Drive and two from Memorial Drive. The applicant is required to provide 16 parking spaces for this use (1 per employee and 1 for every 6 students); ample parking is provided for this use. The development text for this lot, as well as for the remainder of the Muirfield Square Development, allows uses consistent with the Neighborhood Commercial Zoning District in the Zoning Code, which includes General Retail, Personal Services and Office Uses. The development text also specifies specific uses, such as art studios, book stores, and sporting goods stores. Currently, daycares are not permitted, nor are Conditional Uses within this district. However, the Future Land Use map that overlays the site designates it as Mixed Use – Neighborhood Center, under which daycare uses are considered appropriate. The applicant requests an Amended Final Development Plan (AFDP) with a Text Modification to permit daycare to be a Conditional Use within the Muirfield Square complex.

Meadows Academy will provide full-day and half-day daycare/preschool services for children between 6 weeks and 6 years, with the facility operating Monday to Friday from 9:00 a.m. to 4:00 p.m., with drop offs starting at 7:15 a.m. and aftercare running until 6:00 p.m. The daycare facility will employ approximately 6 staff members and enroll a maximum of 59 students; this would require 16 parking spaces for this use. The plan also includes a screened outdoor space that would not be a playground. Staff recommends that the applicant continue to work with them to meet the requirements of the Suburban Office District for outdoor spaces adjacent with daycare uses.

Staff has reviewed the applications against the applicable criteria and is recommending approval of the Minor Text Modification, approval of the Amended Final Development Plan with one condition, and approval of the Conditional Use with no conditions.

## **Applicant Presentation**

Susan Bolongaita, Meadows Academy, 6065 Memorial Drive, Dublin, OH stated that the staff presentation covered everything thoroughly, and she had no further comments.

### **Commission Questions**

Mr. Supelak inquired if Child and Adult Daycare were always covered in the same approval, or if they were sometimes approved separately.

Mr. Hounshell responded that the Zoning Code specifies Daycare as Child or Adult, so it is included in the same designation, which also includes early education and pre-school.

Mr. Supelak inquired if this was the standard definition.

Mr. Hounshell responded affirmatively.

Mr. Supelak requested clarification of the anticipated outdoor space use.

Mr. Hounshell responded that the outdoor space would not be used as a playground, so would not contain play equipment. The space would be a shielded area, perhaps with a landscape screen, for children to be outside while supervised.

Mr. Schneier stated that he was familiar with this particular office complex, and as he understood it, all the outdoor space was a common area. How would what is proposed work within that condominium setting?

Mr. Hounshell responded that each lot is separate and would be required to meet specific setbacks. The applicant has talked with the Muirfield Association, as well as the condominium association, and has received preliminary approval; however, additional approval from the City staff would be required to move forward with the outdoor space.

### **Public Comments**

No public comments were received on this case.

### **Commission Discussion**

Ms. Kennedy stated that she has seen very few daycares without outdoor space. However, Mr. Hounshell has indicated that, if this application is approved, the applicant would be required to work with staff to ensure the outdoor space is addressed in an acceptable manner. She is surprised to see that an outdoor space is part of this plan. Was that component included in the initial application, or is it intended for future consideration?

Ms. Bolongaita responded that when they submitted their application for the AFDP and Conditional Use, it had not occurred to her that a separate application and approval for the outdoor space would be needed. Because they were not considering an enclosed playground, but simply a space for the children to get outside and have fresh air, she had not thought a separate application was necessary.

Ms. Kennedy inquired if the intention was not for the outdoor space to be used as a traditional playground, just as outdoor space for the children.

MS. Bolongaita responded that it would be a safe space for the children to go outside for fresh air, but it would not have play equipment.

Mr. Supelak stated that there is a need for daycare in that area. The provision of outdoor daycare space is wise, and while there would be problems if there were outdoor equipment, there are many other forms of outdoor activities.

Mr. Grimes stated that daycare would be a good addition within this area; however, he has concerns about the plans for the exterior space. There appears to be insufficient space within the existing narrow strip of grass for this purpose. He understands that staff would work with the staff on that component; however, he believes it is important to share his concerns about that space.

Mr. Schneier stated that he agrees that daycare would be an appropriate use here; in fact, he believes previously there was a daycare facility located in the complex across the street. He also has concerns about the outdoor area, but he is confident it will be addressed appropriately. Therefore, he is supportive of the proposal.

Mr. Fishman stated that he believes the Muirfield Association requires approval of landscaping from its Design Review Board, which he assumes they were intending to obtain. He agreed that there is insufficient space for a playground with equipment. He is in favor of the proposal as long as it is approved by the Muirfield Association, as well as staff.

Ms. Call noted that, typically, the 6 weeks to 6 years age group requires a higher teacher to child ratio, and there are additional concerns when the site is adjacent to higher traffic areas. She is hopeful that the applicant would work with staff to ensure that the children would have the space and opportunity for fresh air. She is supportive of the applications.

Ms. Kennedy inquired if the daycare would be providing bussing to local elementary schools for kindergarten or first grade programs.

Ms. Bolongaita responded that they would not.

Ms. Kennedy stated that daycare programs providing that service sometimes have buses parked on site, in which case, there probably would have been concerns from local residents. However, in this case, that will not be an issue. She is supportive of the proposal, as well.

Ms. Call noted that if bussing were to be considered in the future, staff would work with them to address the associated issues.

Mr. Fishman moved, Mr. Grimes seconded approval of the Minor Text Modification as follows:

Under Sub-section K: The following use shall be permitted as a Conditional Use for Muirfield Square, in accordance with the requirements identified in the Suburban Office and Institutional District: Daycare, Child or Adult (Child and Adult Daycare Center).

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

[Motion passed 6-0]

Mr. Grimes moved, Ms. Kennedy seconded approval of the Amended Final Development Plan, 20-163AFDP, with the following condition:

- 1) The applicant continue to work with staff to finalize landscape details for a small outdoor area, in accordance with SO standards for daycares, subject to staff approval.

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

[Motion passed 6-0]

Ms. Kennedy moved, Mr. Grimes seconded approval of the Conditional Use, 20-150CU, with no conditions.

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

[Motion passed 6-0]

Ms. Call indicated that Cases 3 and 4 would be heard together.

### **3. Primrose at PID: 273009147, 23-213FDP, Final Development Plan**

A request for construction of a two-story, ±16,000-square-foot daycare and associated site improvements on a 1.37-acre parcel located south of West Dublin-Granville Road, ±450 feet west of the intersection with Dublin Center Drive and zoned Bridge Street District, Office.

### **4. Primrose at PID: 273009147, 20-212FP, Final Plat**

A request for a Final Plat to establish two lots and dedicate one public right-of-way on a 3.58-acre site located south of West Dublin-Granville Road, approximately 450 feet west of the intersection with Dublin Center Drive, and zoned Bridge Street District, Office.

### **Staff Presentation**

Mr. Hounshell stated that the first request is for a Final Development Plan (FDP) for the development of the Primrose School. The FDP is the third of three steps in the Bridge Street District (BSD) development review process and the final step for approval of building materials, building design, landscaping, and any additional specific details concerning the detail or property. The site under consideration is within the Bridge Street District - Office zoning, located south of West Dublin-Granville Road. The site has few natural features, a slight grade change from east to west and a tree line on the west side of the property. There is a 100-foot wide AEP electrical easement, which limits vertical development within this area. On November 5, 2020, the Commission reviewed and approved a Preliminary Development Plan for a new two-story, 15,850-square-foot child daycare center with 38 parking spaces. They also approved four waivers, which were for: the facade materials percentage; the front property line coverage; the maximum block size; and the vertical increments. The Commission also reviewed and recommended approval of the Preliminary Plat, which Council approved on January 19, 2021. The second request tonight is for a Final Plat to be reviewed and recommended to City Council for approval.

#### Proposal

The FDP Site Plan incorporates a number of changes in order to comply with the conditions for approval for the Preliminary Development Plan, including the extension of the sidewalk across Lot 2 and the boundary of the playground fence being moved to meet the 5-foot minimum setback requirement. The 15,850-square-foot, two-story building is the Loft Building Type. The elevations remain consistent with the approved Preliminary Development Plan. The applicant is proposing brick and stone as the primary building materials. Brick would be the main primary material with stone as a water table along all elevations of the building. Cementitious siding is proposed as the secondary material that would also act as the trim around windows that are not storefront. The applicant proposes a storefront system with aged copper metal panels above the main entrances. Signage is provided for reference only, as a Master Sign Plan would be required if Code is not met for future signage.

#### Playground

A 12,900-square-foot playground is located south of the proposed building. The playground is split into four different play areas to keep the different age groups of children separate. Playground equipment that is visible from the adjacent properties or the right-of-way is required by the Bridge Street District Code to have subdued, earth-toned colors. The applicant is proposing play equipment with earth-toned and subdued colors, including dark green, brown, and tan. The playground will be enclosed by a 4-foot tall Ameristar black aluminum fence. The black aluminum fence also would be used to separate the four different play areas. Per the Commission's direction, landscaping is provided around the playground fence.

#### Open Space

The intent of the open space type requirements is to ensure a variety of functional, well-designed open spaces carefully distributed throughout the Bridge Street District, located and planned to enhance the quality of life for residents, businesses, and visitors. Code requires one square foot of publicly accessible open space for every 50 square feet of gross floor area of the proposed commercial building; therefore, a minimum of 318 square feet of publicly accessible open space is required for this 15,850-square-foot building. The applicant is working with staff on a consolidated open space agreement with the City, which will consolidate the open space required for this lot in conjunction with that for Lot 2, when it is developed.

#### Landscape Plan

As required with a FDP, a landscape plan is provided for the site and the neighborhood street, which will feature a variety of plantings, including Pacific Sunset Maple trees, Dwarf Korean Lilac trees, and a number of

deciduous shrubs located around the parking lot. Each building frontage will be landscaped by a number of different hydrangeas, burning bushes, boxwoods, annual flowerings, and perennial plants and grasses. As noted, landscaping will be provided around the perimeter of the playground fence. The applicant is also providing the required 14 street trees along the new neighborhood street. The applicant will work with staff to determine the final species and locations of the street trees and to finalize the overall landscape plan for the entire site.

#### Lighting/Site Details/Dumpster

The applicant has provided a photometric plan with lighting profiles, which are required with the Final Development Plan. The applicant is proposing 20-foot tall Lumark LED light poles along the access drive to the north of the site and within the parking lot. The AEP Easement along the west property line requires that no landscaping/lighting exceed 6 feet in height; due to this requirement, eight 30-inch tall Lumiere LED bollard lights are proposed. These lights will be located along the west edge of the parking lot to fulfill the requirements of AEP, as well as meet the required foot-candle average of 1 to 3 foot candles across the site. The fixtures for both the poles and the bollard lights will be set at 3500K, which will lend a warm white lighting across the site. The fixtures will be set to the same temperature to maintain consistent lighting across the site. Proposed site details include benches, planters, a dumpster enclosure and playground equipment. The dumpster enclosure will mimic proposed building materials; confirmation should be provided that the height of the enclosure is one foot taller than the dumpster. The applicant will work with staff to substitute a synthetic wood gate rather than a metal gate for both the pedestrian entrance and the main entrance.

#### Public Plat

The proposed Final Plat will split the parcel into two developable lots with dedication of a right-of-way for a new public street to the east. Lot 1, the southern of the two lots, which is 1.370 acres in size, will be developed by Primrose. Lot 2 is 1.632 acres and is located to the north of Lot 1. The applicant will continue to work with staff to identify an appropriate street name for emergency services, and to provide a cross-access easement along the bordering property line for Lots 1 and 2 prior to City Council consideration.

The application has been reviewed against all applicable criteria and staff recommends approval of the Final Development Plan with 6 conditions and a recommendation to Council for approval of the Final Plat with three conditions.

#### **Applicant Presentation**

Alena Miller, ALT Architecture, 2440 Dayton-Xenia Rd, Ste. B, Beavercreek, OH 45434, stated that her only comment was that the light fixtures would be consistent in color, which is dark bronze, which will match all other lighting on the building.

Jim Alt, ALT Architecture, 2440 Dayton-Xenia Rd, Ste. B, Beavercreek, OH 45434, stated that they were continuing to work with staff on the street name, but no final decision had been made.

#### **Commission Questions**

Ms. Kennedy inquired who would be responsible for the maintenance of the consolidated greenspace. Would the maintenance of the consolidated space be handled initially by Primrose until there was an occupant on Lot 1?

Mr. Hounshell responded that he believes the maintenance responsibility would be designated within the final agreement.

Ehab Eskander, Primrose School franchise owner, 60 N. Brice Road, Columbus OH 43213, explained that the cross easement agreement will address the maintenance for the easement, as well as the ingress and egress along the drive between the two properties. It also will include maintenance related to the stormwater management of both properties; snow plowing; and greenspace maintenance. The Primrose parcel would be



the responsible party and would bill the owner of the northern parcel on a pro rata basis. He noted that the landscape plan provides benches and planters in the common spaces along the neighborhood street, which will be sufficient for the Primrose building. They would be working with the owner of the northern lot to ensure a continuous, not separate, appearance of the common areas. They will be cognizant of the final appearance of the consolidated open space.

Ms. Kennedy inquired if open space consolidation was common within the City and would it be a desirable situation for the Lot 1 tenant.

Ms. Martin responded that staff could not identify any good examples of where the City had done this in the past, and the recommendation this evening reflects that. The Bridge Street District Code requires a very specific amount of open space for each development, which can lead to very small open spaces and an incremental improvement of each site. Therefore, staff's recommendation, to which the applicant agreed, was for a consolidated, usable open space, which could have a greater number of amenities and be more impactful. Those amenities would be determined in conjunction with the entity developing the northern lot.

Ms. Kennedy asked if the cost of future amenities would be shared between the owners of Lot 1 and Lot 2. Ms. Martin responded affirmatively. The legally binding agreement between the two parties would include the maintenance component; the amenities would be dictated at a future date.

Ms. Call inquired if a shared use agreement would be analogous to a legally binding shared parking lot agreement.

Ms. Martin responded that it would be similar. An item included with the legally binding open space agreement would be an exhibit depicting the space, which is not dictated on the plat.

Mr. Fishman stated that he would assume the parties would be equally financially responsible. He is aware of past experiences where if one of the owners became non-financially responsible, the responsibility fell on the other party. How would that be addressed in this case?

Ms. Martin responded that the proposed agreement would be reviewed by the City Law Director's office prior to execution or recording.

Mr. Boggs stated that the intent of the agreement is to have a consolidated open space that acts as a single unit with joint maintenance responsibility and an overall plan. This will ensure that the entirety of the continuous open space is maintained consistently.

Mr. Grimes inquired as to what were the technical adjustments on the plat that must be addressed before Final Plat approval.

Mr. Hounshell responded that the condition is a requirement required for all plats to ensure that if anything had changed with the site layout, it would be depicted on the plat. It is essentially a "cleanup" precaution; he is not aware of anything specific that would need to be changed. The other conditions address minor items, such as the cross access easement and the street name.

Mr. Grimes asked if the agreement would be included with the deed when the land transfers. Would the agreement need to be updated when the parcel changed hands?

Mr. Boggs responded that the proposed agreement has not yet been drawn up, but the intent is that it be prepared so that when the northern lot is developed in the future, it would be part of that land transfer.

Ms. Call stated that the elevations displayed were not very descriptive. She requested that the applicant describe the drop-off area near the front doors. It is not clear if there would be an awning over the front entry.

Ms. Miller responded that a very low profile canopy would be provided. They do not want any structural requirements for canopies on the building, as the structural system is already complicated. To create a slight reveal at the front door to draw attention, a one-foot maximum protrusion outward from the face of the storefront would be provided. The purpose is for articulation at that front entry facade rather than any weather mitigation function.

Ms. Call stated that her question concerned whether there would be a shelter for pick-up/drop off at the front door; Ohio is not known for its dry seasons.

Ms. Miller responded that is the main reason Primrose Schools provide a vestibule immediately inside the front entrances of their buildings. Some cities do not permit protrusions on buildings, so vestibules are provided where patrons can gather themselves and their items upon entry. They had discussed awnings but would like to refrain from using them on the exterior of the building.

Mr. Fishman noted that he was surprised at the amount of hardie plank used on the building, which is intended to have an office-like appearance. It is his impression that is a material that does not weather the best and could eventually detract from the appearance of the building. He would prefer to see less of that material. There was previous discussion concerning the play equipment and the need to make the playground opaque from the street view. It is important that be addressed.

Ms. Call noted that the image shown depicts awning over the playground equipment that has the Primrose logo, which could be considered signage. If so, would a Master Sign Plan be required, if such signage is inconsistent with the standard Sign Code?

Mr. Hounshell responded that the images are examples taken from other Primrose locations. As discussed previously with the PUD, the play equipment for this development would not have the branding; however, that could made a condition of approval.

Ms. Martin clarified that they would not need to add a condition as branding is prohibited unless approved with a Master Sign Plan.

Ms. Call inquired if an enclosure that is one foot higher than the dumpster was the standard requirement.

Mr. Hounshell responded that it is standard with the Bridge Street District Code.

Ms. Call inquired if Code Enforcement would address issues with visible refuse on this site.

Mr. Hounshell responded that the site is subject to the nuisance requirements within the Zoning Code, and any property maintenance issues would be addressed by Code Enforcement.

Ms. Kennedy inquired if the playground would be completely enclosed with a fence.

Mr. Hounshell responded that it would be entirely enclosed by an aluminum fence four feet in height.

### **Commission Discussion**

Mr. Grimes commended the applicant and staff for the hard work they invested in this project, which is very attractive. He appreciates that the front half of the site has been addressed appropriately for an anticipated future owner.

Mr. Schneier also expressed appreciation for the applicant and staff's efforts, which have achieved a great product on a difficult lot.

Mr. Fishman reiterated his colleagues' praise concerning the work and results. He continues to have concerns about the hardie plank, but recognizes that his colleagues do not share the same concerns. He appreciates that the playground equipment would not display branding, but will it be properly screened from the neighborhood?

Ms. Call inquired if landscaping would be provided around the perimeter of the playground fence to effectively shield it from street view.

Mr. Hounshell responded that the landscape plan includes landscaping around the perimeter of the fence.

Ms. Miller stated that the standard Primrose brand fence was included in their initial proposal. It is critical that they be able to see out as well as in for child safety purposes. They have complied with the requirement for the fence to be no higher than 4 feet, although generally, the perimeter fence is 6-feet in height to prevent non-custodial parents accessing a child for whom they have no legal rights. The playground has been located at the far end of the site for security purposes, as well. With the location of the fence and the provision of shrubs and native plants around its perimeter, they have attempted to address the concern about visibility



from Dublin-Granville Road. They have complied to the extent their brand permits, as their first priority must be child safety. Modifying the fence in any other way would be a detriment to the users or operators.

Mr. Fishman felt that they have done a marvelous job, although he continues to have concerns regarding the use of hardie plank.

Ms. Miller responded that the Primrose franchise has moved to use of that material due to its ease of maintenance. They have found that due to more advanced technology, the longevity of fiber cement boards now exceeds past use experiences; consequently, the product now has a longer warranty. Use of cementitious siding will provide a nice transition from an office building to residential homes. This prototype they are developing will provide a mixed-use feel through variation of materials. At the previous hearing, the Commission discussed the ratio of primary and secondary materials. One item not taken into consideration was the percentage of glass used for the windows and storefront. With the high quality materials, the amount of glazing provided and the variations of brick and stone, the inclusion of fiber cement board is a way to make the facility marketable within a residential and commercial area. This product will not present future maintenance issues.

Ms. Call requested clarification of the Code-required percentage of primary versus secondary materials.

Ms. Miller responded that with the Loft Building Type, they were required to provide an average of 65% in primary materials across the façade.

Mr. Hounshell responded that the Code requires a primary materials percentage of 80% across all facades. The waiver requested was not related to a specific material, but the percentage of secondary versus primary materials. In regard to calculating transparency, the materials calculation does not exclude windows and doors.

Ms. Call asked the percentage of primary materials used on this facility.

Mr. Hounshell responded that it differs on the facades, but he would check for the overall building percentage.

Ms. Kennedy thought that the proposed Primrose facility is a great project. One of the features she has appreciated in Dublin is that its buildings do not look like the traditional buildings elsewhere in the country. This structure does not look like a traditional daycare facility. She has no concerns regarding consolidation of the open space, as she is confident it will be handled responsibly. She is supportive of the proposal.

Mr. Supelak stated that he also is supportive of the proposal. The applicant and staff have succeeded in addressing the unfortunate path and additional hurdles to make this site work. This is an attractive product and will be a nice addition to the City.

Ms. Call asked if Mr. Hounshell had located the material percentage details.

Mr. Hounshell clarified that with the Preliminary Development Plan, a waiver of the 80% primary materials requirement was approved to permit: 72% primary materials on the north elevation; 65% on the south elevation; 70% on the east elevation; and 56% on the west elevation. The waiver also permitted metal paneling, not just cementitious siding, as a secondary material.

Ms. Call inquired if, as presented tonight, the proposal met the criteria approved with the Preliminary Development Plan.

Ms. Hounshell confirmed that the proposed elevations are consistent with what was approved with the Preliminary Development Plan.

Mr. Fishman stated that the building is attractive, and if it meets the standards and is consistent with the PUD approval, he has no additional objections.

### **Public Comment**

Ms. Martin stated that they received no public comments during the case discussion.

Ms. Call stated that the Commission had established a good rapport with the Primrose team. The result is a wonderful product that will meet the long term -- 50 to 100-year, planning objectives of the City. The goal is to make Dublin an attractive community in which to live, work and play, which will now include Primrose.

Ms. Call inquired if the applicant had any objections to the proposed conditions.  
Ms. Miller responded that they had no objections.

Mr. Grimes moved, Ms. Kennedy seconded approval of the Final Development Plan with the following six conditions:

- 1) The applicant replace the metal siding dumpster gate with a synthetic wood gate and verify that the height of the enclosure is one-foot taller than the enclosed dumpster, subject to staff approval prior to building permit submittal;
- 2) The applicant work with staff to establish a legally binding agreement to require consolidated open space for Lots 1 and 2 to be constructed with the future development of Lot 2, subject to staff approval;
- 3) The applicant continue to work with staff to finalize the landscape plan prior to submission of a building permit;
- 4) The applicant work with the City Forester to determine species, location, and planting of street trees prior to issuance of building occupancy;
- 5) The applicant work with staff to finalize the photometric plan prior to submission of a building permit; and
- 6) The applicant continue to work with staff to determine final details and locations of the benches, planters, and bike racks, subject to staff approval.

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

[Motion passed 6-0]

Ms. Call inquired if the applicant had any objections to the conditions of approval for the Final Plat.  
Ms. Miller indicated that they had no objections.

Mr. Grimes moved, Ms. Kennedy seconded a recommendation of approval of the Final Plat to City Council with the following three conditions:

- 1) The applicant make any minor technical adjustments to the plat prior to submission for acceptance to City Council;
- 2) The applicant provide an approved street name for the neighborhood street, prior to the submission to City Council; and
- 3) The applicant work with staff to identify and document a cross access easement, between Lots 1 and 2, for the internal access drive, subject to staff approval.

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

[Motion passed 6-0]

## **CODE REVISION INTRODUCTIONS**

### **5. Bridge Street District - Amended Final Development Plan, 20-177ADMC, Administrative Request - Code Amendment**

Introduction to amend Zoning Code Section 153.066 to add an Amended Final Development Plan provision to the development review process for the Bridge Street District in alignment with other review processes.

### **Case Presentation**

Ms. Martin stated that this was a request for an amendment to Chapter 153.066, which was the development process section of the Bridge Street District Code. The Bridge Street District is a form-based area of the City located within the I-270 corridor, and contains a number of zoning districts. In 2019, the review process procedures were amended, largely in name only. The names of the case types were changed to align with the Planned Unit Development (PUD) case types, which are Concept Plan, Preliminary Development Plan, and Final Development Plan (FDP). In the PUD review process, should there be changes subsequent to the approval of a FDP, there is the opportunity for the applicant to seek consideration of an Amended FDP. This step was not included with the 2019 Code Amendment, which was an oversight of staff. Currently, the Bridge Street District review process requires that an amendment or modification to an existing developed site would be either a Minor Project Review, if very minor, or in most cases require the three-step review process. The latter could be quite onerous if an applicant were making only site or building modifications that exceed the threshold for the Minor Project Review. The proposed amendment will include the addition of the AFDP process as well as modifications to cross-references that have been influenced by the changes. The amendment will also provide a new cross-reference for parking plans, which was also been an error in the 2019 amendment.

### **Commission Questions/Discussion**

The Commission was supportive of the proposed amendment.

### **Public Comments**

No public comments were received on the case.

Ms. Martin clarified that the proposed amendment is an Introduction, so if there are no objections, this item would be scheduled on the Commission's March 4 agenda for consideration.

Ms. Noble indicated that Cases 6, 7 and 8 would be considered together, all of which are also Introductions to gain the Commission's input.

#### **6. Specialty Hospitals, 21-009ADMC, Administrative Request – Code Amendment**

An introduction to amend the Zoning Code to add provisions for Specialty Hospitals.

#### **7. Garage Conversions, 21-010ADMC, Administrative Request – Code Amendment**

An introduction to amend Zoning Code Section 153.170 to address the conversion of garages into habitable spaces in residential zoning districts.

#### **8. Technology Flex District, Vehicle Repair - Major, 21-011ADMC, Administrative Request – Code Amendment**

An introduction to amend Zoning Code Section 153.044 to modify permitted uses related to Motor Vehicle Repair – Major in the Technology Flex District.

### **Case Presentations**

Ms. Noble stated that these three Code modifications are proposed to address issues experienced with the current Code. The first, Specialty Hospitals, currently is not a land use classification within the City. These facilities have been included within the Hospital classification. Recently, there has been concern that they should be defined separately. If so, how should they be defined, what development review process should be followed, and where should they be permitted? The second Code amendment proposed relates to Residential Districts, which are requests to convert residential garages into habitable spaces. This is primarily an administrative process, so usually typically does not require Planning and Zoning Commission review. However, the item has been a source of staff and Council discussions, due to comments and concerns

expressed by the public. The question is if there should be requirements for conversion of garages, due to the possible elimination of storage space and required parking spaces. The third amendment concerns the Technology Flex District, where major car repair has been allowed. This has been a source of issues with surrounding properties as well as for the Economic Development Team. Staff has been asked to analyze the District and see if major car repair should no longer be permitted in the District.

### **Specialty Hospitals**

This type of land use was discussed by the Commission at their October 1, 2020 meeting. This use has been included in the "Hospital" category, which is permitted in the Bridge Street District - Suburban Office and in the Exceptional Use District. The Commission requested staff to identify various specialty hospitals based on their operations; then to identify their operations and evaluate where they should be placed within the Zoning Code. The Law Director's Office suggested looking at, not the care provided, but the operational needs and site design standards. The primary zoning district where the proposed classification would be used would be the Suburban Office District, a general zoning classification that permits medical uses. These sites are sporadically located throughout the City, inside of I-270, in the Metro Center-Blazer Parkway area, and in the southern portions of Shier Rings Road. Most of the sites are developed, so the proposal would be relevant only if they were to be redeveloped. Hospitals are permitted within seven zoning districts in the Bridge Street District. Those districts are the Office and Residential component of the Bridge Street District; the Office District; and various neighborhood districts with the BSD. Within those districts, there are a number of parcels that could be classified for a Hospital use. Staff has conducted research to learn how specialty hospitals are defined by national organizations, the APA, medical associations, as well as other communities within the region. The proposed specialty hospital definition provides the following four distinctions:

- The facility admits patients for medical care that is intended to require a stay of seven or more consecutive days -- long-term stays.
- The facility has a required admission process, as opposed to being open to the general public, and is licensed as a specialty hospital.
- An overview of types of uses that could be facilitated within a specialty hospital.
- Characteristics/amenities often identified with specialty hospitals, including amenities such as outdoor recreational uses; 24-hour care providers; or additional security needs, such as fencing or staff.

It is proposed that specialty hospitals be identified as a Conditional Use primarily within the Suburban Office District and potentially the districts within the Bridge Street District. It is not proposed within the Exceptional Use District, because it is rarely used. As a Conditional Use, there is a need to identify parameters for the potential uses, including the need for outdoor recreational areas to be located at the rear of the buildings, and all lighting and fencing to be required to meet Code.

Ms. Noble stated that she was looking for the Commission's feedback on which of the above-noted districts should permit specialty hospitals and what review process should be required, if not the suggested Conditional Use review process. It could be a Permitted Use with specific requirements for approval.

### **Commission Question/Discussion**

Ms. Kennedy inquired if the seven-day stay was proposed to provide a distinction between short-term and long-term stays.

Ms. Noble responded affirmatively. Most general hospitals have patient stays of 3-5 days, unless it is a chronic condition. For that reason, stays of 7 or more consecutive days were used to identify specialty hospitals.

Ms. Kennedy inquired if the outdoor recreation areas located at the rear of the structure would be designated for resident use only, not for the general public.

Ms. Noble responded that it would be intended as private space. Many medical facilities would not permit interaction with the public in these spaces.

Mr. Supelak stated that he also had concerns about the 7-day distinction. Regular hospitals do have patient stays that exceed 7 days. In what way would regular hospitals be prevented from locating in these districts? As the language is currently proposed, there is nothing that would preclude a regular hospital from claiming that they are a specialty hospital, and attempting to locate within the Suburban Office District. The seven-day threshold seems high for a specialty hospital. As was previously considered, and as he would view it, any of the facilities that provided over-night care would qualify as a specialty hospital. Some examples mentioned previously were rehabilitation centers that might provide overnight care, whether physical rehabilitation or perhaps chemical addiction rehabilitation. He is having some difficulty with the proposed threshold of 7 or more consecutive days.

Ms. Call noted that the request for a specialty hospital definition was raised, because the City's current hospital definition requires parking or outdoor spaces not needed by special care type of facilities. She inquired about the different requirements for a hospital and a specialty hospital, which could, for example, be a cancer care facility. The goal is to have a different classification for the types of use that have lower parking requirements and additional open space that is secluded from the public open space due to the nature of the use.

Ms. Noble responded that the distinction may be based more on the services a general hospital would not provide versus those that a specialty hospital would provide. Specialty hospitals require smaller locations. Their stay requirement could be very flexible, as it could be either out-patient or in-patient care. It would not necessarily need to require 7 days of overnight stay. However, because some of the patients are staying for a lengthy period of time, they would need outdoor recreational space or individual rooms. These types of facilities are licensed differently, and navigate differently than general hospitals, which consistently experience a higher level of traffic from the general public.

Mr. Schneier noted that this definition defines a specialty hospital as providing specialized medical care, a repetition of its title. It also states that it is licensed as a hospital specializing in a specific type of treatment. Perhaps the definition could be arrived at differently. If there is a state or national licensing agency that makes a determination if the facility is a specialty hospital, could the characteristics qualifying the facility for that license be used in developing this definition? Elsewhere in our Code, we have adopted national standards in other categories. By incorporating the distinctions already used by the licensing agencies, we could avoid the need for defining it ourselves.

Ms. Noble responded that it has been difficult to develop a definition based on those of other organizations and communities. Additionally, the City has an Industrial Zoning classification that more specifically defines the City's land uses. She has reviewed those classifications and attempted to identify characteristics that were indicative of more specialized care.

Mr. Schneier stated that he was referring to the language in the proposed definition that states the facility is licensed as a hospital specializing in a specific type of treatment. Is there some state or national licensing process that identifies hospitals specializing in particular areas?

Ms. Noble responded that there is a licensing requirement for specialty hospitals.

Mr. Boggs explained that he believes he is inquiring if there is an Ohio hospital administration that is giving the facilities a particular definition as specialty hospitals. In their review of hospital licensure in the Ohio Revised Code, many of these specialties are governed by different boards and under different titles of the Code. That was the reason for a more general definition. A hospital specializing in psychiatric care would be licensed under one section of the Ohio Revised Code, whereas occupational rehabilitation would be licensed under another section. There is no central governing body that controls it.

Mr. Schneier stated that it would appear to fall on the applicant to provide verifications that they are licensed for a specialty use by a specific medical association – would we want to make that a requirement? He is concerned that the Commission would become the arbiters of whether or not the facility was indeed a specialty hospital. That situation would be difficult to administer in a fair and equitable manner, ensuring due process to an applicant.

Ms. Call noted that, initially, she had listed possible use types, such as memory treatment, elder care, occupational or long-term rehabilitation, substance abuse and mental health treatment. For those uses, consideration could be given to their parking, open space, access needs, facility size, adjacency to neighborhood zoning, and setback requirements. The attempt is to identify those facilities that would not have the same requirements as a hospital, which typically have larger footprints, are located in gateway areas, and have different adjacency needs. There may be a need to restrict specialty hospitals to certain areas. She inquired if there were other uses that she did not provide in her list, or uses that were already covered elsewhere in the Code. The goal is a definition that differentiates the types of treatment facilities and the impacts on planning and zoning rules and regulations.

Ms. Noble responded that there might also be facilities with an involuntary enrollment process, which would have security requirements not typically needed.

Mr. Grimes stated that the proposed Code amendment would probably encourage these types of facilities to locate in the appropriate districts in the City, thereby increasing the professional services in our region. Typically, these facilities are licensed by the Ohio Department of Health or other enabling groups, so their licensures probably can be tracked. Many of these facilities receive credentialing through associations, such as state hospital, nursing home or assisted living groups, which could be another source in addition to those who provide licensure and certification. Some hospitals include specialty units within their facilities, such as neonatal units or cancer treatment; however, our focus is on free-standing facilities. The Code modification will provide support for a wider area of health care within our area and attract the professionals needed to staff it.

Mr. Fishman stated that he has attempted to look at it from a different angle – what type of specialty care facilities would not be appropriate in certain places; for instance, a memory care unit or a chemical addiction treatment center would not be located within the Bridge Street District. These facilities provide longer term care, which would require space and generate little traffic.

Mr. Boggs responded that a specialty hospital of any type might not be desirable within the Bridge Street District or similar districts. As background, staff had avoided specifying certain treatments in specialty hospitals, such as memory clinics or drug rehabilitation. All are a form of disability, and to treat one different than another, it would be necessary to have the data to back it up. For that reason, they attempted to arrive at a more inclusive definition. Establishing different use specific standards requires supporting data.

Mr. Supelak stated that the effort to generalize was laudable. Unfortunately, some efforts will need to be invested first before being able to discern how we might generalize the definition. We might need to consider a list of possible facilities and identify their different needs and different relationships to the neighborhood, essentially the different zoning criteria. At that point, perhaps we can discern if different standards would be needed. In his view, it requires looking at the specifics before being able to abstract a more general definition.

Ms. Call responded that, fortunately, we already have a template for doing that; the planning report provided with a case lists the review criteria and indicates if it was met. Perhaps staff could evaluate the potential uses against the criteria, and perhaps engage with previous applicants to obtain more information regarding their parking or open space needs. She inquired if staff has received sufficient input from the Commission to be able to conduct the type of analysis described.

Ms. Noble inquired if the direction is to take a more definitive direction in identifying specific specialty hospitals, identifying their operations and needs. With that information, the Commission would reassess how to incorporate it into a definition.

Ms. Call noted that some facilities do not identify themselves as hospitals, but as a treatment facility. Including a requirement in the definition that the facility is licensed as a specialty hospital might not be appropriate.

Mr. Supelak stated that medical offices are covered by the Code. What distinguishes these facilities is that they provide overnight care.

Ms. Noble responded that she would proceed with the direction provided.



### **Residential Garage Conversion**

Ms. Noble stated that the direction from Council for this Code modification is due to requests from the public for a permitted process for conversion of residential attached garage spaces into habitable spaces. While the current Zoning Code permits this conversion, it does not address the parking accommodations that may be lost as a result of the modification. Staff has been working with the Law Director's Office to draft a code modification that would allow garages to be converted to habitable space with the caveat that there is an existing garage, comparable in size to the garage being converted on site, or there is space on the site to construct a new garage comparable in size. This will allow residential structures to expand their internal space but ensure the required parking and storage is maintained. This modification would be applicable in all Residential Districts and would address the complaints of neighbors impacted by residential garage conversions.

### **Commission Question/Discussion**

Ms. Call stated that she assumes the neighbors have complained that these garage conversions have impacted their rights. The City has parking standards that must be met, so the main criteria would be that the conversion must not put the homeowner into nonconformance with those requirements. This modification addresses attached garages. As proposed, if a house had two 2-car attached garages (4 parking spaces), one of the garages could be converted. Because the home would continue to provide the required parking, the neighborhood would not be impacted. However, a neighboring house with only one 2-car garage would not be permitted a similar conversion. She believes that, per the Code language, where there are two garages, the larger of the two must be kept. She would prefer not to be too prescriptive or to create situations where a homeowner was not able to do what they wanted with their property, due to how it had originally been built.

Ms. Noble responded that the Code currently requires parking to be provided in residential districts, but it does not necessarily require that it be covered. Some of the complaints have been that neighbors are not storing garbage cans in the proper locations or have all their vehicles parked in the driveway and none in a garage. Detached garages are not typically an issue, but most garages within the City are attached.

Ms. Call stated that she is surprised that Dublin does not have covered parking requirements given this climate, so perhaps that is a starting point for the discussion, understanding that what exists would be "grandfathered in." Current Code requirements address storage of garbage cans or parking for a home-based business. However, the Code can be modified to address issues that are being experienced. For instance – and she would bring this item up later in the meeting -- on-street parking can be an issue during winter incidents that necessitate snow plowing of the street. Are there such issues that Council might have been thinking of when they requested this Code modification?

Ms. Noble responded that one issue is the general aesthetics of garage conversions. Because garages are typically a prominent feature of a home, the conversion can look awkward.

Mr. Fishman noted that garage conversions that have occurred within the City have either looked really good or really bad. Perhaps there should be an architectural review component for proposed process.

Ms. Noble responded that, currently, an administrative review process is used for proposed garage conversions; however, perhaps specific standards could be added to ensure cohesiveness with the exterior of the main structure. Staff would look into that further.

Mr. Fishman stated that neighbors' objections are not usually about covered or uncovered parking. Complaints are typically related to the number of cars parked in driveways or on the street, due to the use of the designated parking for storage or other purposes.

Ms. Call clarified that her previous reference concerned "enclosed" garages versus driveway parking.

Mr. Fishman stated that retaining the required amount of parking spaces was very important.

Mr. Grimes thought that this issue probably would occur more often in older neighborhoods than newer developments, which are subject to specific subdivision regulations, such as setbacks. Is the proposed Code amendment the most appropriate way of dealing with the concern? Language could be added or cross references that would address those areas that are not subject to defined subdivision plat regulations.

Ms. Noble responded that the issue has occurred in both older and newer communities, as people tend to build large homes and have insufficient space on their lot to do anything else.

Mr. Supelak stated that his primary concern would be the quality of the conversion. If anything could be done to make it less purely administrative and put protective measures in place ensuring the quality of the infill, it would be important. He agreed with Ms. Call that some of these issues would be handled elsewhere, and that having cars all over the driveway might affect property values of other properties.

Mr. Schneier stated that he was surprised that there were no requirements for a certain amount of covered versus uncovered parking. Therefore, if the parking requirements are two spaces, but it doesn't need to be covered, garage conversions could result in those cars being parked on the street. Is there a City-wide prohibition about permanently parking cars on the street? If so, perhaps the solution is enforcement. He would presume if cars are not permitted to be parked permanently on the street, that would deter some garage conversions. To him, the issue does not rise to the level of addressing the quality and aesthetics of the conversion.

Ms. Call responded that she believes there are no Code regulations that prohibit parking on the street, as long as the car is moved periodically.

Ms. Noble responded that the Code requires only that the automobile be operable, so unless the roadway restricts on-street parking, it is permitted.

Ms. Call inquired if staff had sufficient feedback from the Commission to continue drafting the proposed Code revision.

Ms. Noble responded that she had sufficient feedback.

### **Technology Flex**

Ms. Noble stated that the third Code modification was a request from the City's Economic Development department, which concerns a use that is currently permitted in the Technology Flex District. That District was created approximately ten years ago to replace all of the previous Industrial Zoning classifications to: (1) minimize the intensity of industrial uses permitted within this district, and (2) to allow architectural standards. The intent of this district is to promote industrial classifications that are light in nature and to allow for uses that are flexible in terms of technology-based companies that might want to expand or modify their facilities later. These districts are typically located along major thoroughfare locations; therefore, are visible. This has raised a question whether Major Automotive Repair businesses should continue to be permitted in this district, or if they should be removed from this zoning classification. The Tech Flex Districts areas typically are located outside of I-270, positioned along major roadways, progressing into the US33 corridor. They are usually large tracts of land, which are intended to promote technology-orientated businesses. However, due to the site's visibility and the City's intent to promote quality development, staff has been asked to analyze whether this is an appropriate use within this zoning classification. This use is currently permitted with the requirement that outdoor storage be completely screened. Since many of the buildings are multi-story, they can be screened from adjacent properties, but still be visible from predominant buildings. It has been recommended that this use be removed from the Tech Flex District. Accordingly, with the proposed amendment, an "Existing Use" provision has been included, similar to those in the Bridge Street and the West Innovation Districts, which permit existing business to continue to operate as a Permitted Use. The intent is not to create non-conforming uses, but to allow existing businesses to grow and modify their businesses to keep up with quality assurances. This amendment would omit this land use requirement from the Technology Flex District and include the provision for "Existing Uses."

### **Commission Questions/Discussion**

Ms. Kennedy inquired if there were some businesses, such as mini storage units, that are already in these districts and would be permitted to continue.

Ms. Noble responded that this amendment would apply only to Major Auto Repair; other existing land uses would continue to be Permitted Uses.

Ms. Kennedy inquired if expansion of those other businesses would be permitted.

Ms. Noble responded that they would be.

Mr. Grimes stated that he is supportive of the proposed modification, grandfathering the existing uses ensuring their opportunity to change as the District changes.

The Commission expressed appreciation for staff's work on these proposed Code amendments. Consensus of the Commission was that staff should proceed with further developing the proposed Code amendments.

### **COMMUNICATIONS**

- Ms. Noble noted that Goal setting would be included on the Commission's March 4 agenda. Commissioners should consider their priorities or training interests for 2021.

- Ms. Call suggested a future discussion topic of on-street parking during snow-plowing season. Although the Commission is not the decision-making body on this subject, there have been issues within the community. School buses have experienced difficulties navigating streets on which City snow plows were unable to provide a clear traffic path, due to vehicles parked on the street.

Ms. Martin responded that staff would contact appropriate City staff members to inquire if this suggestion had been contemplated in the past.

- Mr. Fishman noted that they had previously discussed the requirement for 4-foot fences around pools. It was his understanding that there was an ordinance requiring pool fences to be 6 feet in height. Ms. Martin responded that the Zoning Code distinguishes between fences and pool barriers. Pool barriers would be a physical separation that look like fences; however, they may not exceed 4 feet in height, and may be either open or solid fences. However, there are some pools throughout the City with 6-foot fences, which were installed prior to adoption of the current pool barrier provisions. Those fences would be considered non-conforming and cannot not be modified or expanded with the exception of minor maintenance.

Mr. Boggs noted that there were state requirements with respect to public pools, whether they be provided by a public agency or a club. Public pools must be fenced to prevent intrusion, but to his knowledge, there are no statewide requirements for private or residential pools.

Mr. Fishman stated that over the years there had been several instances where children have climbed over fences and drowned. It does not make sense that private pools would be considered safer than public pools, when it is much easier to climb over a 4-foot fence.

Ms. Martin noted that in most instances, the fence is not only a safety mechanism but also a visual barrier. With advances in pool technology, many owners are investing in self-locking pool covers. Although they do not address the pool barrier requirement, they may impact the insurance liability of the homeowner.

Ms. Call asked if staff could research the matter further, including existing State Code or potential City Code modifications, with the goal of ensuring the safety of the community.

Ms. Noble noted that there were Building Code requirements for alarm devices on the doorways of home elevations facing a pool that would provide notification of people entering and exiting that doorway. There is also a requirement for 10 feet between the house and the pool.

**COMMUNICATIONS**

The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, March 4, 2021.

The meeting was adjourned at 9:10 p.m.

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Chair, Planning and Zoning Commission

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Assistant Clerk of Council