



## MEETING MINUTES

### Planning & Zoning Commission

Thursday, October 14, 2021

#### CALL TO ORDER

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and welcomed everyone to the October 14, 2021 Planning and Zoning Commission meeting. Tonight's meeting can also be accessed at the City's website. Public comments on the cases are welcome. To submit any questions or comments during the meeting, please use the form under the streaming video on the City's website. Questions and comments will be relayed to the Commission by the meeting moderator. The City desires to accommodate public participation to the greatest extent possible.

#### PLEDGE OF ALLEGIANCE

Ms. Call led the Pledge of Allegiance.

#### ROLL CALL

Commission members present: Rebecca Call, Warren Fishman, Kim Way, Jane Fox, Lance Schneier

Commissioners absent: Mark Supelak, Leo Grimes

Staff members present: Jennifer Rauch, Nichole Martin, Thaddeus Boggs, Chase Ridge, Zak Hounshell, Michael Hendershot, Aaron Stanford, Brian Gable

#### ACCEPTANCE OF DOCUMENTS AND APPROVAL OF MINUTES

Mr. Way moved, Mr. Fishman seconded acceptance of the documents into the record.

Vote: Mr. Schneier, yes; Mr. Fishman, yes; Mr. Way, yes; Ms. Fox, yes; Ms. Call, yes.  
[Motion approved 5-0.]

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 swore in those individuals intending to give testimony at the meeting.

#### NEW CASES

##### 2. Bremlee Estates, Informal Review, 21-147INF

Subdivision of 4.70 acres to facilitate development of four, single-family lots, 0.51 acre of open space, and dedication of a right-of-way for a cul-de-sac. The site is zoned Limited Suburban Residential District and is north of the intersection of Nature Drive with Forest Run Drive.

## **Staff Presentation**

Mr. Hounshell stated that this is a request for nonbinding feedback for an Informal Review of the Bremlee Estates application. The 4.7-acre site is zoned R-2, which is a Limited Suburban Residential District and is located within the City. The site is vacant and is located north of the Woods of the Indian Run Planned Unit Development District (PUD). To the east, west and north is Washington Township, and are located outside of the City's jurisdiction. An application for a Rezoning and Preliminary Plat for this site were reviewed and approved by the Commission and City Council in 2014. Council approved rezoning the site from R to R2, Limited Suburban Residential District, the current zoning. The Preliminary Plat established four lots and the extension of Nature Drive from the current stub at the south property line to the north property line, in anticipation of the extension of Nature Drive for future development north of the site. As the history provided indicates, the Commission added a condition of approval with the Preliminary Plat requiring that the applicant provide a note on the Final Plat that Nature Drive could be extended further north, should the adjacent land develop. However, the Final Plat was not pursued, and the site has remained vacant. The Community Plan Land Use Map designates the site as Suburban Residential, Low Density. This designation allows for one-two dwellings/acre with an average lot size of 0.25 acres. The Woods of Indian Run, located immediately south of the site, is also designed as such. The current lots adjacent to this site are 0.25 – 0.32 acres, so they meet the designation. Similar to the previous application, this proposal is for four single-family lots, varying in size from 0.5 and 1.38 acres. The extension of Nature Drive would be the sole access; however, differing from the previous 2014 proposal, this proposal is to terminate the Nature Drive extension into a cul-de-sac. Additionally, Lot 4, located in the northeast corner of the site plan, is a passive open space. It will provide no amenities but does include their stormwater basin as well as the limits of the floodplain. Should a formal application be filed, the designation of Lot 4 would need to be changed to an Open Space Reserve. With residential development proposals, site layouts are typically required to accommodate future internal street connections. It is common to have the appropriate infrastructure in place to create future consistency and connection throughout the many residential subdivisions within the City. Staff requests that the Commission determine whether a cul-de-sac terminating at the center of this site or the extension of Nature Drive to the north property line would be more appropriate. Access to utilities for that northern site would come through Nature Drive. Therefore, Engineering will require that water and sewer utilities be extended to the north property line. This is a Standard Zoning, and should this application move forward, all that the Commission would have purview over is the Preliminary and Final Plats, which would be recommended to City Council for approval. Per the R2 zoning district development standards, these lots would be required to meet the minimum standards, as listed.

The Commission is requested to consider the following three discussion questions:

- 1) Is the Commission supportive of the layout of lots in varying sizes?
- 2) Is the Commission supportive of the proposed open space reserve location and programming?
- 3) In regard to Nature Drive, would a cul-de-sac bulb or the extension of Nature Drive to the northern property line be appropriate?

### **Commission Questions for Staff**

Ms. Fox stated that the earlier approval of the Preliminary Plat contained a condition related to Nature Drive. There was also discussion regarding a bioswale; there is no mention of that in the new plat proposed.

Mr. Hendershot responded that with the 2014 application, the stormwater management was a bio retention area basin. It was proposed to be located within easements on private property. City staff's recommendation is to have that located within a specific reserve, not on private property. The applicant is proposing a dry retention basin.

Ms. Fox inquired about the size of the dry basin. It is indicated that there would not be much water in it. The Commission has previously discussed the unattractive nature of dry basins.

Mr. Hendershot responded that they pose a nuisance problem with mosquitos. Ideally, Engineering would try to encourage a different stormwater management control measure, but a dry basin is permitted by the City's stormwater management design manual. Staff would work with the applicant and attempt to minimize the nuisance component, should that option move forward.

Ms. Fox inquired what the other options were.

Mr. Hendershot responded that the applicant could include a wet basin, a bio retention basin, a rain garden, or an underground storage. The latter is less typical for residential developments.

Ms. Fox inquired if the costs are essentially the same for the other options. Although seen frequently, dry basins tend to be mucky.

Mr. Hendershot responded that a wet basin is more expensive than a dry basin. From a maintenance standpoint, a dry basin is easier because there is not a permanent pool of water to maintain. Wet basins are more attractive so are preferred.

Ms. Call inquired if there is a proposed homeowner association. Will they be dedicating the open space?

Mr. Hendershot deferred the question to the applicant for a detailed response; however, the City recommends that reserves be City owned, so that the stormwater functionality of the basin would be the City's maintenance responsibility. The surrounding open space could be maintained by the HOA.

Ms. Fox requested clarification of the City's maintenance of wet and dry basins.

Mr. Hendershot responded that the most significant component of a wet basin is the long-term dredging of the pond. The City is experiencing that need with the older basins, and it is the more significant cost. Over the lifespan of a wet basin, there is more maintenance cost than with a dry basin.

Mr. Way inquired if the basin originally proposed appears to have been larger than what is now proposed. Is there a reason for that?

Mr. Hendershot responded that this is the Informal Review step, so no formal stormwater management calculations have been submitted. We cannot verify if the proposed size is adequate. If the application moves forward, detailed calculations would be made. In regard to the reserve, it will be important to ensure there will be sufficient distance for City access for maintenance purposes. The question is if the Reserve is an open space that will serve more purpose than stormwater management. As currently laid out, it seems to be solely for stormwater management.

Mr. Way inquired if it is likely that the open space reserve, or Lot 4, would need to be larger to permit the basin size to be increased.

Mr. Henderson responded that is potentially the case, as the basin needs to be fully within the reserve space.

Mr. Way inquired if the 20-foot open space easement in the new proposal connects the open space to a public right-of-way.

Mr. Hendershot responded that in the current proposal, the 20-foot parcel is Lot 4, although it should be called a reserve. It is not an easement.

Mr. Way inquired if it is part of the open space calculation.

Mr. Hendershot responded affirmatively.

Mr. Way inquired if it is intended to be a pathway linked back to the open space.

Mr. Hendershot responded that the intent of the reserve needs to be clarified. Commission input is sought on whether it should be an active open space intended for more than just stormwater management.

Mr. Way stated that he is curious if this would link to any proposed trail system within the area.

Mr. Hendershot responded that, as proposed, there is no opportunity for a connection in that area.

Mr. Fishman inquired if the reason dry basins require less maintenance is due to the fact that the practice is not to maintain them. Consequently, they are filled with weeds and mosquitoes. If they were maintained the same as the wet basins, there may be less difference.

Mr. Hendershot responded that the need for dredging is the reason for the more significant cost of wet basin maintenance. The recommendation is that the reserve be owned by the City and that the City be responsible for stormwater function of the basin. It can be determined whether the maintenance of the rest of the reserve should be the responsibility of the City or the HOA.

Mike Close, 5622 Pressmill Way, Dublin, attorney for the applicant, stated that with him tonight are R.J. Sabatino and a Romanelli & Hughes representative. The original FDP approval is long expired. There is a clean slate on the site that is before the Commission. The proposal exceeds Code requirement; the only real issue is the intent regarding a road. In the past, when developments occurred, it was necessary to ensure that there would be adequate connectivity between developments. While that once made sense, it no longer makes sense with this piece of property today. Behind this site, floodplain exists south of the Baptist Church's Ark property and north of this property. It is very unlikely the Baptist Church will be going away, so there is no need for connectivity through there. He understands that Engineering does not desire any additional curbcuts onto Coffman Road, but it is very unlikely that any additional development will occur on the property between the Baptist Church's Ark property and this property. That land lies within Washington Township, so it would need to be annexed and zoned. It is long and narrow strip of land, so would be difficult to develop. It will be expensive to develop this site, because the land consists of rock. The earlier nearby developments of Forest Run and Woods of Indian Run involved the use of rock grinders.

### **Commission Questions for the Applicant**

Ms. Fox requested clarification of the church location.

Mr. Close responded that the Baptist Church is on the west side of Coffman Road, but its Ark activity building is across the street, on the east side of the road. The floodplain extends near the rear of that building.

Ms. Fox inquired about the one residential structure north of the site.

Mr. Close responded that it is the Goebel family home and it lies within the Township jurisdiction.

Mr. Schneier inquired what is the applicant's concern with a potential road extension to the north.

R.J. Sabatino, Development Administrator, T&R Properties, 3895 Stoneridge Lane, Dublin, 43017, responded that the concern with extending the street is that it does not make sense for future connectivity. The land directly to the north is not within the City's jurisdiction, and the church will never move. This cul de sac is the best layout for the proposed development of four large lots. He is aware of one neighbor, who is present tonight, who has expressed support for the proposed cul de sac.

Ms. Call inquired what would the impact be on the neighborhood of four homes if the street were to be extended through it.

Mr. Sabatino responded that if that were to occur, they would need to revise their site plan and likely would add more lots. More traffic would be created for the existing Forest Run and Indian Run neighborhoods. They would prefer, however, to have only four lots with four Romanelli & Hughes homes.

Mr. Close stated that if someone were to purchase the church facility and the Goebel property, they could create a larger subdivision. That would generate a large degree of traffic through the residential neighborhood.

Mr. Sabatino stated that people prefer to live on a cul de sac.

Mr. Schneier stated that what might happen to the north is speculative. We are looking at this one application. He requested an explanation that a potential extension would require the applicant to add more lots.

Mr. Sabatino responded that it was a "might as well" scenario.

Mr. Schneier stated that more lots also could be created with a stub street. He was confirming that it was not a causative situation. A potential road extension does not cause them to create more lots. The most salient point is that the applicant believes the prospective homeowners would prefer to live on a cul de sac.

Mr. Sabatino responded affirmatively.

Mr. Fishman stated that he visited the site and noticed that the church is quite some distance away. What is the extent of that distance?

Mr. Hounshell responded that it would be 300 feet between the north and south property lines. The site, which is in Washington Township, is approximately 6.7 acres.

Mr. Fishman inquired about the size of the vacant area between the church property and the applicant's property.

Ms. Martin responded that there is a distance of 300 feet between the two parcels, per her measurements. The Goebel parcel is 6.67 acres; combined with the Eggspuehler property, the total would be 8.84 acres. That acreage would be in addition to the Nature Drive parcel, if development were ever to occur.

Mr. Sabatino reiterated that floodplain lies north of their site, so most of it is not usable.

Mr. Fishman stated that when the previous application for this site was reviewed, it was important to the City that the road extension be preserved. It does not seem it would have a large amount of traffic as it would be generated only by the Indian Run residents.

Mr. Hendershot pointed out that as reflected in the 2014 history, the Planning Commission stated that there was misunderstanding regarding stub streets for future developments. A condition was added that a note be included on the plat that "Nature Drive may extend further north." There was a consensus of City Council and the Planning Commission that the public street extension with right-of-way extended to the north property line. Staff's recommendation for this 2021 application is the same as it was in 2014.

Ms. Call stated that currently there is a stub street at the edge of the site plan. What was the City's intention with the original application with possible stub extension?

Mr. Hendershot responded that the expectation was for the stub street to extend through the site and northward for any future development.

Mr. Fishman stated that the adjacent land lies within the township jurisdiction, but if it were ever to develop, most likely it would be annexed into Dublin in order to have City water/sewer.

Mr. Hendershot confirmed that is correct. It is important to think forward 20-30 years, if the church and Goebel properties were to redevelop. Staff is not supportive of unnecessarily creating a need for any additional access points on Coffman Road.

Mr. Fishman stated that having a stub street included does not mean that it would ever be extended. If an adjacent development were to occur, any potential traffic issues that might result from the road extension would be re-evaluated. The stub street might not ever be extended.

Mr. Way referred to the 2014 plan and inquired the reason the road was curved, not straight. Was it intended to intersect with something?

Mr. Hendershot responded that it might have been in consideration of the floodplain. There is floodplain, but there is also a large amount of developable land on the parcel to the north. It appears that the intent was to provide more space away from the floodplain.

Mr. Way inquired if the parcel to the north were to develop, would it be necessary to create an intersection and access point with Earlington Parkway.

Ms. Martin responded that if it were to develop, staff would work with the developer to identify a site layout that permits a T-intersection, which would minimize traffic conflicts.

Mr. Way inquired about the offset -- would be possible to add another access point that close to Earlington Parkway.

Mr. Hendershot responded that it would not. The intent is to minimize access points onto Coffman Road to maintain the existing capacity of Coffman Road. Introducing additional access points also introduces additional conflict points on the roadway, which would be a safety concern. Engineering recommends avoiding any need for additional access points.

Ms. Call stated the vehicle turnaround factor would be mitigated in a future review, ensuring that all safety concerns will be met.

Mr. Hendershot responded affirmatively. The 2014 proposal reflected ability for fire/emergency service turnaround.

Ms. Call stated that the applicant commented on the potential need for rock blasting, which would be of concern to the neighbors. Would this be addressed in a future application review, as well?

Mr. Hendershot responded affirmatively. At this point, there is no verification of the existence of bedrock on the site. If there is, staff would ensure that any impact on surrounding residents would be minimized.



Mr. Sabatino stated that the intent is constrict a high-end ranch product on a slab base, so that would not involve rock blasting. They appreciate the Informal Review of their proposal for the cul de sac development.

### **Public Comment**

Mike Anania, 5216 Forest Run Drive, Dublin stated that he is present as a resident but also as a board member of The Woods of Indian Run homeowners association. Several homeowners have approached the HOA with concerns about the proposed development. While the residents who back up to this property would much prefer a cul de sac versus a road extension, especially given the City Engineer's statement that no additional access on Coffman Road. That would mean that Forest Run Drive would be the only connection in/out of the neighborhood, which would add additional traffic from any new development for the residents at the front of their neighborhood. In addition to that, the HOA is concerned, because there has been no effort made by this developer to contact their HOA. With the previous effort to develop this area, soil tests discouraged that development. They have concerns about safety and disruption to their homeowners, if this land is now developed. Because their neighborhood is the single access point, their question is if this new development will have its own HOA. If their intent is to combine with their existing HOA, there are concerns about any additional areas their HOA will be responsible for caring for. Their HOA dues are very low, and they would like to keep it that way. If there will be a separate HOA, they would like to know how they will work in conjunction with theirs. It would be very easy for the developer to contact their HOA, as they have a public website, which provides an email address. Their request is that no action be taken regarding this property until the developer has spoken with their Board and addressed their concerns.

Mr. Sabatino stated that in regard to the HOA's question, it would be their preference that these four lots have their own HOA that maintains the reserve open space. And that HOA will require high standards. They appreciate the comment regarding their neighbors' preference for a cul de sac here.

### **Commission Discussion**

Mr. Way stated that the difficulty for the Planning Commission is that we do not know what the future plans for the surrounding site. Although frustrating, it is typical. He would like to have some idea regarding what might occur to the north and if there might be a connection to Earlington Parkway on that parcel. What are the limitations to access from Coffman Road north of this site? This information would enable the Commission to think more broadly and long term. The Woods of Indian Run is somewhat a cul de sac neighborhood, so in terms of the neighborhood character, it is consistent. However, he would not want to cut off connectivity for whatever opportunity there may be to the north. The open space reserve appears to be somewhat isolated; that needs to be looked at in more detail. There is a trail that extends outward from Forest Run Drive that runs along the North Fork of Indian Run. Because of that trail, there is the need to consider pedestrian connectivity for this site. If so, that open space could become part of a larger community connectivity. A cul de sac versus a road extension could drive the lot configuration. He appreciates the prospect of a series of larger lots.

Ms. Fox stated that The Woods of Indian Run is a cul de sac community, and she understands the residents' not wanting to increase the traffic through their one access at Coffman Road. However, if the land to the north were to develop, there would be more opportunity for pedestrian access to the trails along the creek. She is curious why the previous application was intended to go forward with potential road extension.

Mr. Sabatino stated that they recently became the landowners. They had no involvement with the previous application.

Ms. Fox stated that her preference would be to provide the potential road extension; however, there are questions as to whether that connection might benefit this development or be to their disadvantage. The Commission needs to understand that better. If the Commission approves a cul de sac, could that potentially cut this community off from access to neighboring sites. There are too many unanswered questions here. However, connectivity is always a priority, and the previous plan was to extend the roadway, if needed. She is concerned about potentially creating a burden for the City to maintain the open space for four lots.

Mr. Fishman stated the intention for a dry basin in the open reserve would create a burden for the City to maintain. A wet pond, however, would add beauty. He is concerned about the Indian Run HOA being negatively impacted. They provide the entrance to this subdivision and maintain it. Because there is no vote with an Informal Review, there is opportunity for the applicant to contact the HOA and provide clarity and fairness. Because the proposed development would be using the same access, perhaps they should become part of the existing HOA and contribute dues toward the maintenance of that access. He has mixed feeling about the cul de sac. The applicant does not need to extend the roadway to the church. They need only extend the stub, which has been in existence for many years and might never be extended. He has confidence that any future Commission would not approve a road extension that would cause issues. The property lies within the Township's jurisdiction and might not be developed; the stub street would never be used. He would be supportive of retaining the stub and reconfiguring the lots to make that open space more accessible and avoiding an overgrown dry pond.

Mr. Schneier stated that he shares fellow commissioner's concerns about the open space maintenance. In regard to the desired cul de sac issue – the Nature Drive stub has been there since the original plat. All of the residents should have been aware of its existence and that it could serve some future purpose. It would appear that development to the north was always contemplated, and the City accounted for that. The Commission would be retaining that opportunity by determining that the stub street extension to the northern terminus of the property should remain. Does the proposed cul de sac permit emergency vehicle turnaround?

Mr. Hounshell responded that should the application move forward, the Fire Department would provide input to ensure sufficient emergency vehicle access.

Mr. Schneier inquired if the stub was extended to the northern boundary, would that really be a stub or would it be a turnaround.

Mr. Hounshell responded that it would be a turnaround until future development to the north occurred.

Ms. Call stated that she understood the desire of the neighborhood residents to minimize this, because at this time, what other development might occur subsequent to these four proposed lots is unknown. They do not want an entire neighborhood emptying their neighborhood. When/if the Commission sees this application again, the City Transportation Plan and Community Plan should be provided, so the Commission can understand the vision. Although this applicant was not involved with the 2014 application, the City was, and the Commission at that time had similar conversations regarding the City's long-term plans for community development. This Commission will need to use the same reference documents. She is interested in the layout and lot sizes, the cul de sac, open



space location, and how that would benefit the community, not just the four homeowners. She inquired if Commissioners have further guidance for the applicant.

Mr. Way stated that he has raised his main concerns. When this application comes back to the Commission, he would like more insight to be shared regarding potential future development. It is helpful in making the short-term decisions. The open space reserve needs to be reconsidered from the aspect of how it contributes to the larger community.

Ms. Fox stated that she is attempting to visualize this development with just a street stub. She appreciates the fact that what might occur to the north is unknown. She has no concern with the varying lot sizes; she does have an issue with open spaces hidden in the corner that serve no purpose. Maybe there is the possibility for a bulb-like center. It would achieve the desired look and yet provide the road extension without it seeming to be a dead-end. The bulb would create the needed vehicle turnaround. With some open space incorporated around it, it would give the interior a much better image than that of a concrete cul de sac.

Mr. Fishman stated that the Indian Run subdivision is laid out beautifully. The proposed development should take advantage of the opportunity that is a blend of that, as well as blend with any future development to the north. The applicant should reach out to the existing HOA and work out those concerns. This is a great opportunity and he wishes the applicant well with it.

Mr. Schneier stated that he agrees. This is a great location and great plan. The City has high expectations, but he is confident the applicant will meet them.

Ms. Call inquired if the applicant sought any additional clarification. The applicant indicated they did not.

### **3. Deer Run Lift Station at 8588 Dublin Road, Amended Final Development Plan, 21-018AFDP**

Replacement of an existing structure with a new lift station to mitigate sanitary sewer overflow. The site is zoned Planned Unit Development – Muirfield Village and is west of the intersection of Dublin Road with Glenaire Drive.

#### **Staff Presentation**

Mr. Hounshell stated that this is a request for review and approval of an Amended Final Development Plan for the Deer Run Lift station. The 0.18-acre site, which is zoned PUD, Planned Unit Development (PUD) District, Muirfield Village, is located southwest of the intersection of Dublin Road and Glenaire Drive. The site includes an existing mechanical structure that is proposed to be removed with this application. The heavily wooded site is currently owned by Muirfield Village, but is in the process of being transferred to the City of Dublin for the purposes of constructing and maintaining the proposed facility. Floodplain exists on much of the site. A shared use path wraps around the rear side of the property. The lift station is part of a larger CIP project to improve the City sanitary sewer system along Dublin Road. The lift station is the starting point for that project. This lift station is an emergency only facility; it will run only on severe or emergency operations, which are infrequent throughout the year. The applicant is proposing a 312-square foot emergency

only facility to help mitigate potential sanitary overflow from the future sanitary gravity main along Dublin Road. [Site plan shown.] The lift station will be contained within an approximately 14-foot tall pre-fabricated structure, which is fully customizable to meet the character and quality of the community. The prefabricated structure comes in a variety of different façade materials (brick, stone, siding) and fenestrations. The proposed plans include reference photos, which provides a mix of façade materials. The lift station building is sited approximately 4 feet from the front property line, 8.5 feet from the north (side) property line, and approximately 52 feet from the rear property line. In addition to the lift station building, the applicant is proposing a 224-square-foot chemical feed system to the west of the lift station building. The structure is surrounded by an 8-foot tall wooden screening fence, which will enclose a 7-foot tall storage tank, meeting the screening requirements. The structure is located approximately 5.5 feet from the rear property line and 11.3 feet from the side (north) property line. PUDs typically contain specific development text, but the Muirfield Village PUD does not contain development text. Therefore, the applicant is requesting a text modification to the PUD to require no less than three feet for any setback for this facility. Staff is supportive of that request due to the extended width of the ROW of Dublin Road, which exceeds 100 feet adjacent to this site, and due to the site's many natural features, and the unique size and shape of the lot. A new access point will be established along Dublin Road, which will provide access to a private parking area for service vehicle turnaround. The prefabricated structure comes in a variety of different façade materials (brick, stone, siding) and fenestrations. The proposed plans include reference photos, which provides a mix of façade materials. The applicant would need to work with staff to select a dark, neutral stone and siding façade material for the prefabricated structure. Because the site is heavily wooded, a number of the trees and shrubs will be removed to make room for this project. The applicant will provide a number of deciduous evergreen trees and shrubs to screen the facility from adjacent properties and Dublin Road. Staff and the applicant will work together to identify existing trees that can be preserved onsite. Approval of a minor text modification to the three setback requirements is requested. Staff has reviewed the application against all applicable development criteria and recommends approval the text modification and Amended Final Development Plan with three conditions.

### **Commission Questions**

Mr. Way inquired if the chemical control system is the building or is it an item in the ground. Mr. Hounshell responded that it is a tank 7 feet in height that is screened by an 8-foot tall wooden privacy fence and additional landscaping. [diagram shown.]

Mr. Fishman inquired if the fact that he lives near this site within Muirfield Village would present a conflict of interest

Mr. Boggs responded any conflict would be based upon whether the proposed project would have any material benefit or detriment to his property value. If that is the case, it would be recommended that Mr. Fishman recuse himself and step outside during the deliberations. He inquired if the proposed project would have any benefit or detriment to his property value.

Mr. Fishman responded that it would not.

Mr. Boggs stated that in his opinion, no conflict exists and he may participate in the deliberations.

Mr. Fishman stated that the existing structure is smaller than what is proposed and is buried in a ravine within the woods. Is the proposed building approximately three times larger?

## **Applicant Response**

Aaron Stanford, applicant, City Engineer, stated that the older, smaller building, which will be demolished, served a different purpose. The structure was a water booster station; the new building will be a sanitary sewer pump lift station. Because the existing building has not been used in many years, it is not in good condition. Technically, it is not being replaced.

Mr. Fishman stated that the existing building is not visible, unless you are aware of its location. The new structure is much more substantial; what is its size?

Mr. Hounshell responded that it will be approximately 12 feet wide and 25 feet deep.

Mr. Fishman stated that the new structure will not be located within the same swale as the existing.

Mr. Stanford responded that it would be located closer to the road and more visible. There are other lift stations throughout the City, and this will probably be the one with the most landscaping. The site layout will minimize the tree disruption. This is probably one of the more architecturally detailed lift stations. They recognize the brick material would not be appropriate. The material with a stone appearance is preferred. More neutral, darker colors will be used to make the structure blend into the landscape. Mr. Fishman inquired if the new structure would be located closer to the road than the existing structure.

Mr. Stanford responded that it would be located more to the north and closer to the road.

Mr. Fishman noted that it would be located farther away from homes.

Mr. Stanford pointed out that the lift station would be a wet weather pump station, so it will not be continuously in use. If the existing system becomes overloaded during a heavy rain, this system will turn on and assist by pumping mechanically the flow. Three factors influenced the proposed location: the floodplain, sensitivity to the surrounding residences, and the location of the existing gravity sanitary sewer system. The existing system that this pump station will serve is located just to the south of the structure. This is an important project, because there have been sanitary sewer overflows on the golf course.

Mr. Fishman stated that he understands the need for it; however, none of the proposed buildings will blend in. The existing building is weathered cedar, 40 years old, and is virtually indiscernible. The proposed structure will stand out visually.

Mr. Stanford responded that is a challenge, and they will appreciate the Commission's feedback. There are some siding options for these buildings. Per the Commission's guidance, they will work to identify the siding that best blends into the natural surroundings.

Mr. Fishman recommended the use of opaque landscaping.

Mr. Stanford stated that the landscape plan incorporates the most landscaping in the area as possible.

Mr. Fishman inquired if the Commission would see that final plan.

Mr. Stanford responded that this is the final landscaping plan.

Mr. Fishman responded that it is not completely opaque landscaping.

Mr. Fishman inquired if the Commission would see the final plan for the building.

Mr. Stanford stated that the Commission's feedback on those items is requested with this review; then, the applicant would work with Planning staff to finalize the details before a build permit is secured. There is a need to keep this project on schedule, in view of the acquisition and project bidding needed. The Commission would not review the plans again.

Mr. Fishman stated that his primary concern is the view of this structure from the road. SR745 is a scenic road, and substations with final siding mar that view.

Mr. Fishman noted the stone material does not have a "Dublin" limestone look. Would it be possible to add a condition that the stone product be the preferred "Dublin" limestone appearance and no vinyl siding?

Ms. Call stated that a dark brown siding on the upper portion and the limestone stone on the lower half could blend appropriately.

Mr. Fishman stated that he believes those two products would cause the building to be more visible. It would be better if the entire building were brown. Because SR745 is a scenic road, he is not supportive of interjecting a visible, substation in this area.

Mr. Stanford stated that the manufacturer has indicated their ability to replicate any finish, and he understands the limestone look that is referred to. They can achieve that. Would the Commission prefer a blend of the two materials or that the entire structure be the dark siding.

Mr. Schneier inquired if the building and the equipment are provided by the same manufacturer.

Mr. Stanford responded affirmatively.

Mr. Schneier stated that from his residence near the golf course for many years, his daily view was of small pump house that was not obtrusive to the view. He would prefer to see a stone structure that looked as if it had been in the location forever than attempting to hide the building in the site, which would not succeed in the winter.

[Discussion continued regarding the stone and siding materials.]

Mr. Way inquired if there is a photograph of the chemical equipment.

Mr. Hounshell responded that only a drawing of it is available.

Mr. Way stated that he had some issues with the location. He would like to see it located further back from the roadway. He would also like the equipment to be screened adequately. He is very much concerned about all the trees marked for removal on the site plan. The intrusion on the site is considerable. The proposed landscaping plan will not heal the loss of the substantial trees within the existing woodland. There is a space available that would not involve cutting down all those trees. Inserting the building within the woodland, set back as far from the roadway as possible, would be less impactful on the golf course, SR745, and the neighborhood to the south. The proposed clear cutting of trees will be very difficult to heal. He believes it is possible to do a better job with the site plan. He also agrees that a residential-looking building would be out of place. One consistent, dark material should be used that is durable.

Mr. Fishman stated that he agrees with his comment regarding the material and the site plan. He is opposed to an unsightly building being added along this scenic roadway.

Ms. Fox inquired if it would be possible to give consideration to Mr. Way's suggestion to shift the building location further back from the roadway.

Mr. Stanford stated that one of the factors driving the location of the building is that the existing site has several utility easements. There is a very small space in which to place the building. The other factor driving the location is the fact that the existing sanitary sewer needs to be connected to the proposed building. It was the site constraints that have dictated the location of the building. Staff is attempting to balance the view with the need for functionality.

Ms. Call inquired if the project schedule would be an issue, if the Commission's direction is to bring back the application for an additional review.

Mr. Stanford responded that it would have a significant effect on the schedule, particularly the land acquisition negotiated with the Golf Club. The other factors are the bidding schedule and permitting, including environmental permitting.

Ms. Fox stated that because of the location on a scenic roadway, it is essential to do whatever is necessary to make it look natural. If trees have been designated for removal, the replacements should be of a larger caliper, especially between the building and the roadway. It is not satisfactory to wait 10 years to eventually get a satisfactory look. Do and spend whatever is necessary to make sure the landscaping appear to have been there awhile. She trusts that Planning and Engineering staff can work together to achieve that.

Mr. Fishman stated that he would insist on using evergreen trees at least along SR745. He also would be supportive of the use only of a "Dublin" limestone appearance.

Mr. Way stated that he is concerned about the trees. Essentially, they are all being removed. He would encourage retention of the large trees along the road. That would help to mitigate the intrusion. Perhaps the grading of the proposed driveway could be lowered. As proposed, the extent of tree removal will be a significant wound.

Brian Gable, Deputy Director of Engineering, Design and Construction, stated that the most significant factor driving the location is the manhole in the center of the diagram. It is at the intersection of several sanitary sewers that are tributaries to this system. That is the manhole to which this must be attached. If we were to modify the location of that manhole, it would require excavation further back on the site, which would impact more trees. The other issues are the floodplain and the overhead power line along the front of the property. The latter will limit the size of these trees. Finally, the site is heavily covered with utility lines, both sanitary sewer lines and multiple water lines. The northern side of the site has underground AEP and Telecom.

Ms. Call encouraged the applicant to act according to the Commission's requirements and their request to ensure as little disturbance to the established trees, as possible.

Mr. Fishman inquired the amount of blacktop anticipated.

Mr. Gable responded that they have attempted to incorporate as little as possible. Adding only enough for vehicle access and turnaround. The larger vehicle needed to fill the tank is the primary consideration. The entire square footage, including the building, tank and driveway, will be 1,700 square feet.

Mr. Hounshell responded that the new driveway will be 1,524 square feet.

Mr. Fishman inquired if that would extend from Dublin Road (SR745).

Mr. Gable responded affirmatively.

Mr. Stanford stated that the throat of the driveway is 12 feet wide, a typical one-lane width.

Mr. Fishman inquired the length of the driveway from the roadway.

Mr. Hounshell responded that it 71.8 feet from the centerline; 55 feet from the road edge.

Mr. Stanford stated that there are opportunities to do some things that will improve the landscaping plan. The low-lying shrubs can be replaced with more vertical plants, and there are a few pockets where additional trees could be supplemented.

Ms. Fox moved, Mr. Schneier seconded approval of the following Text Modification:

- 1) To modify the Muirfield Village PUD to require no less than 3 feet for any front, side, or rear setback exclusively for the Deer Run Lift Station.

Vote: Mr. Schneier, yes; Mr. Fishman, yes; Mr. Way, yes; Ms. Fox, yes; Ms. Call, yes.  
[Motion approved 5-0.]

The Commission requested that the screening of the tank, which includes the wood slat fence surrounded by additional landscaping, be covered included in the Landscape Plan. Staff indicated it would be incorporated into the Landscape Plan.

Mr. Schneier moved, Mr. Fishman seconded approval of the Amended Final Development Plan with the following three conditions:

- 1) The applicant work with staff to select final exterior materials that address the comments provided by the Commission, subject to staff approval;
- 2) The applicant work with staff to finalize the landscape plan and provide additional landscaping to buffer the proposed site from Dublin Road, subject to staff approval; and,
- 3) The applicant continue to work with staff to identify existing trees that can be preserved on site.

Vote: Mr. Schneier, yes; Mr. Fishman, yes; Mr. Way, yes; Ms. Fox, yes; Ms. Call, yes.  
[Motion approved 5-0.]

#### **4. Penalty Code Amendment, Administrative Request, 21-113ADMC**

Recommendation of an amendment to Zoning Code Section 153.999: Administration and Enforcement - Penalty for unauthorized demolition of and alteration to properties within the Architectural Review District and outlying historic properties listed on Appendix G and reclassification of the offense associated with violations.

#### **Staff Presentation**

Ms. Martin stated that the intent of the proposed Code modification is to address unforeseen conditions resulting from an authorized demolition, such as historic structures within Historic Dublin. In review of the associated penalty, it was determined that the penalty was inadequate. The proposal is to revise the existing fine for all penalties from a Minor Misdemeanor with a fee of \$100 to a Fourth Degree Misdemeanor, with which the penalty could be added every day the offense is occurring. In specific regard to the unauthorized alterations and demolitions in the Historic District, there is an escalation clause, to wit, if the party should offend more than two separate times within five years, the Fourth Degree Misdemeanor would be elevated to a Second Degree Misdemeanor. It is anticipated that any jail time would be suspended in lieu of conditions placed on the property owner. Both staff and the Architectural Review Board recommend the Commission review and forward to City Council with a recommendation of approval.

#### **Commission Questions**

Ms. Fox stated that she understands the need to avoid demolition of historic structures, but she also does not believe the City should overly burden people who own property in the Historic District to the point that they are afraid to touch the trim on their homes. The requirement is too broad and vague. In addition, there are historic properties throughout Dublin, many of which are not included in the Historical Cultural Assessment. Some of those are being demolished with no penalty; yet



property owners in the Historic District are subject to several penalties and have associated responsibilities. No property can be removed from Appendix G of the Architectural District, but no property owner wants to be included. She is concerned about the oppressiveness of the proposed Penalty Code amendment. She does believe the Commission could address historical properties included in the Historic Cultural Assessment. If we were to proceed to penalize property owners for destruction of historic properties, it should be Citywide, not targeted to the Historic District. She is not supportive of moving forward with this at this time; it requires further study. As proposed, it is too broad.

Ms. Martin stated they are not proposing to alter any zoning regulations or any other property compliance regulations. This is solely an update to the penalty clause should a property owner anywhere in the City violate a section of the zoning Code. There are some specific regulations related to demolition of historic property, but the revision to the penalty section applies to every part of the City, should the Code be violated.

Ms. Fox inquired if too broad of a brush has been used in this effort to avoid losing an historic structure. Is there a double standard here? The City has historic properties included in Appendix G, but recently, one of those historic properties was demolished (although not owned by the City at the time). There might be a better way to protect historic properties. We are not doing anything to incentivize the preservation of them, but we will penalize them if the structure is destroyed. She would prefer to take steps to help them save these properties. Historic buildings require a lot of maintenance. She is concerned about actually discouraging property owners from maintaining their historical properties. Property owners would prefer to avoid the ARB review process.

Mr. Schneier stated that he owns property in the Historic District. Does his participation in this discussion present a conflict of interest?

Mr. Boggs responded that it does not because the subject discussed is not unique to his property as opposed to any other property in the District. He sees no way that this penalty provision would have any particular benefit or detriment to his property.

Ms. Call stated that fines are either punitive or to recoup City costs. What is the purpose here?

Ms. Martin responded that this amendment has been proposed for consideration because unfortunately, there were two unauthorized demolitions of historic structures this year of Appendix G properties. Historic structures cannot be replaced. It is not meant to be punitive. It is meant to provide a penalty equal to the Code violation. A historic chicken coop and an historic spring house were lost. Charges were not pursued because the existing penalty is only a \$100 fine. Revising the penalty would provide the City Law Director more latitude to negotiate favorable resolutions.

Mr. Boggs stated that the fine amounts established are the maximum fine for a Fourth Degree Misdemeanor. Because they are fines for a criminal offense, their purposes are not compensation to the City. If there were a situation wherein the City suffered economic harm, restitution could be sought separately. The fines themselves serve two primary purposes: punishment and deterrence. The current Code is lacking both elements.

Mr. Schneier stated changing the classification would increase the fine from \$100 to \$250 per occurrence, and each day would be an occurrence.

Mr. Boggs responded that is correct. Each day would be charged as a separate occurrence, and separate complaints would be processed through Mayor's Court. It would be necessary to provide proof of each day. If a demolition has occurred, every day is an occurrence indefinitely. Therefore, finding a balance would be necessary; perhaps only 10 days would be charged with \$2,500 in fines involved.

Mr. Schneier stated that he does not like rules that require later interpretation. Perhaps it would be better to have a different schedule for a demolition with a set amount that is higher than \$250, so it would serve as a deterrent. He believes demolitions should be defined and be handled separately. This need has been precipitated by a couple of demolitions, so there is no need to get other homeowners caught up in addressing this need. He believes everyone would know the difference between painting windows incorrectly or tearing down a building – there is a wide gap between those scenarios. He would suggest language and a definition be added addressing demolitions, and a heavier fine for that offense.

Ms. Martin stated that is a valid point and it was considered. However, the reason that a finite number was not pursued for a demolition is because the intent is not to recoup costs. The City has lost no monetary value due to the demolition. It is a penalty imposed by the Court. The potential jail time is important, as it allows the Court magistrate to add conditions to their finding. The fine may be negligible but the conditions can be tailored to the particular situation.

Mr. Schneier inquired what might those conditions be in the case of a demolition.

Mr. Boggs responded that it might not be a total demolition; it could be a structural alteration. In addition to the \$250 fine, 15 days in jail could be suspended if the property owner returned the structure to its previous historic state. This type of penalty is common in criminal prosecution of these misdemeanors. The tools are limited for Mayor's Court with misdemeanor offenses to incentivize a change in behavior. In terms of a full demolition, it might be appropriate to require its reconstruction with historic integrity. That is the tool that they would like to provide Code Enforcement, the prosecutor and the Court magistrate.

Ms. Call stated that she is seeing three different situations: (1) minor home alterations, such as painting or window replacements; (2) significant alterations to the structure, such as an addition or expansion; and (3) demolition – tearing down/removing the structure. The third item should have a significant deterrent; the second item should have a less significant deterrent; the first item could a minor fine.

Mr. Boggs noted that this amendment is addressing work done in violation of Chapter 153. In the Historic District, those type of changes to historic structures require a Board Order. Any maintenance that does not require a Board Order would have the same set of rules that exist today. The issue results when property owners take actions that required a Board Order, but they neglected to obtain that. The City has invested a significant level of time and resources in studying its built environment; having cultural and historical assessments completed, and creating the ARB structure. It is important to ensure that process is respected.

Ms. Martin pointed out that, Citywide, we do not jump to the penalty section, except in the case of a demolition. The City works with the property owner to find a resolution, both through zoning and code enforcement. She has participated in that effort, and those discussions can sometimes take a year. When negotiations and construction conversations stall, a viable mechanism is needed to achieve a resolution.

Mr. Schneier stated that Mr. Bogg's example exemplified his concern. In his opinion, the distinction between demolition and an alteration gives too much judicial discretion to Mayor's Court for those types of remedies. In the Historic District, many structural changes require Board approval that do not require a Board approval elsewhere. Painting one's home a different color could be in violation of a Board order, so that property owner would be subject to penalties and judicial discretion. There is the intentional but inadvertent violation versus a demolition. If the Commission agrees with his concern, the direction could be that further work be done on the proposed amendment.

Ms. Call expressed agreement.

Ms. Martin provided an example of a property owner violating a Board order related to a paint color. When the City becomes aware of the violation, education would occur on how to address that paint change, rather than immediately penalizing them. There might also be the issue where the property owner refuses to acknowledge the situation.

Ms. Call stated that there is a need for both a penalty and a deterrent. We do not want to deter upkeep to a property. The language required a level of clarification to the Commission members, who are involved in this type of review. It is not clear for a property owner, so they may avoid property maintenance in the interest of avoiding a penalty involving fines and potential jail time.

Mr. Schneier stated that the discretion staff would use in the process is not codified. In the future, there could be a different staff, discretion, and certified letters from the City. The language used is "alters" and "modifies." That could be a paint color or a door knob. It is important not to rely on discretion to the detriment of the homeowner, but also to the detriment of staff and this Commission. We would be setting precedent on an ad hoc basis.

Mr. Fishman stated that he is aware of the ARB process, and it is different than the Muirfield Association rules for paint colors, for examples. The Association provides a palette from which the homeowner can choose a color. With the ARB process, the choices are subjective. Paint is inexpensive; if it is inadvertently painted an incorrect color, it can be repainted. When an update is required, some of the earlier historical items are no longer available. He agrees with Mr. Schneier. If the City wants to impose penalties it must be to an actual crime, i.e. it is something the property owner intentionally did that was contrary to the betterment of the City, specifically its Historic District. Demolishing a structure is a different scenario. Is the expectation that the structure must be rebuilt from the rubbish, or that the penalty accrues an indefinite number of days?

Ms. Martin responded that the fines would not accrue infinitely. The Law Director's office would have to prove that each day the homeowner took a deliberate action in violation of the Code.

Mr. Fishman stated that the property owner might not have deliberately taken an action in violation of Code. It may have seemed apparent to him that the building needed to be demolished, so he took a deliberate action. When do the fines stop accruing? Does it end up with jail time?

Mr. Boggs stated that from a practical standpoint, neither the Code Enforcement nor Prosecutor want to document several daily violations. However, it could be capped at a certain number of days. There are prescribed levels of misdemeanor offense available to the City. Civil action could also be taken, if preferred. However, that would involve a different court process and level of expense. A balance between an inadvertent offense and a repeated, deliberate offense is needed. The proposed Code amendment is written for the latter; the existing Code is written for the former, although the \$100 fine is out-of-date.

Mr. Fishman stated that he agrees with addressing the inadvertent and deliberate offenses separately and with a different degree of penalty.

Ms. Call stated that, as mentioned previously, she sees three “buckets” of offenses. Does the existing Code address the minor violations adequately?

Ms. Martin responded that in most cases, staff works with the property owner collaboratively to bring them into compliance, and no penalty is pursued. No Minor Misdemeanor charge has been pursued for anyone. However, staff has observed that the existing penalty provisions may incentivize noncompliance. Based on tonight’s discussion, staff will be able to revise the proposed amendment per the Commission’s input.

Ms. Call invited any additional input from Commissioners.

Ms. Fox stated that the ARB Code provides criteria for demolition. It does not provide a penalty for Code violation. What makes it difficult for Historic District property owners is that the pertinent Code sections are in different places. There are Historic Design Guidelines in addition to that Code. It is difficult for them to know and find what is applicable to them. It is important that the City begin to educate the owners of any historic properties. They should be provided educational pamphlets and a handbook with the Code and Guidelines. Otherwise, the property owners may make mistakes and be subject to penalty. She would prefer to focus on demolition of all historic properties within the City. The Appendix G listing is smaller than the total number of historic structures.

### **Public Comments**

Ms. Martin stated that one public comment in support of the proposed amendment was received in advance of this meeting, which was included in the Commissioners’ packets. No additional public comments were received.

Staff will revise the proposed Code amendment reflective of the Commission’s guidance.

## **5. Solar Panel Code Amendment, Administrative Request, 21-152ADMC**

Introduction of a Code Amendment to establish general regulations in regard to solar panels for residential and commercial properties.

### **Staff Presentation**

Ms. Martin stated that requests for solar energy components have been increasing, both with commercial and residential applications. Existing City Code addresses renewable energy equipment and solar energy in a very limited manner. In reviewing the code, it was found that solar panels are only explicitly regulated in the West Innovation District (WID) and Bridge Street District (BSD). The City of Dublin Zoning Code permits solar panels in the WID and BSD. In the WID, Renewable Energy is permitted as an accessory use in all districts with use-specific standards. In the BSD, Renewable Energy Equipment is permitted as an accessory use in all districts with use-specific standards. The Accessory Structures section of the Code identifies solar panels, but they are defined as an accessory structure and has no use-specific standards. To inform the discussion, Planning staff contacted municipalities in Ohio and Indiana regarding each city’s current regulation of REE (solar panels, geothermal units, and wind turbines). Most of the cities contacted have specific sections within their code that provides details on if, and where, REE may be installed. The communities contacted include Blue Ash, Mason, Grove City, Westerville, Worthington, Upper Arlington, and Montgomery, Ohio, and Carmel, Indiana. Approximately 50% of the jurisdictions allowed a variety of alternative energy solutions, including solar, wind and geothermal. The discussion tonight will focus solely on solar. All of the benchmark research was provided in the meeting packet.

[Representative images shown.] Ms. Martin stated there are a variety of options available for commercial buildings. On a flat roof, the solar panels can be treated as a mechanical structure and be fully screened behind a parapet. On a commercial building with a pitched roof, the solar panels cannot be screened as a mechanical, so judgments must be made according to location on street-facing façade, sustainability, and the community's character. Additionally, there are architecturally integrated panels available for commercial applications. These could be appropriate in the BSD and the West Innovation District. In regard to commercial sites, there are a variety of site and implementation considerations and options. Two examples are solar farms and solar vehicular canopies. In regard to residential properties, almost every home in the City has a pitched roof, consistent with the City's Residential Standards. With pitched roofs, solar panels cannot be screened and must be exposed to the sun. There are different installation options; there is also the option Tesla roof solar tiles. There is also the option of detached, accessory structures and residential site installations. Staff has provided a number of questions to guide the Commission's discussion:

- 1) Does the Commission support solar in all, or some, locations (residential, commercial, City-owned property, etc.) within the City of Dublin?
- 2) Should regulations vary based on land use: specifically, should roof and ground-mounted equipment be permitted in all districts?
- 3) Should Use Specific Standards regulate the location of solar panels, despite the importance of direct sun? (i.e. solar panels are currently discouraged on the fronts of homes).
- 4) Should there be guidance for solar panel installation, regardless of location, in order to meet Dublin's aesthetic goals?

### **Commission Questions/Discussion**

Mr. Schneier stated that the images do not reflect anything desired, because the examples are aesthetically lacking. However, we do not want to prohibit these uses when the City is interested in pursuing sustainability objectives and goals. He is supportive of advancing solar energy uses, but guidance for installation or design guidelines is needed.

Mr. Fishman stated that solar panels are becoming increasingly popular. Having these on commercial buildings with flat roofs is not an issue, because they are not visible. The Tesla shingles are the most attractive of the options. We have to embrace technology, but it must be done aesthetically. The technology is improving, and in time, these features likely will not be discernable from the roof shingles. Commercial buildings do not pose the same issue.

Ms. Fox stated that she is supportive of solar panels in all locations. She believes that solar energy will become a right, the same as the usual utilities. She does not believe they should be based on land use. Many municipalities are doing this, and we need to do the necessary research. The proposed Code should permit solar energy in a way compatible with the community's aesthetics. She believes the City should allow this new path, with the caveat that the concerns will need to be managed.

Mr. Way stated that the 2035 vision for Dublin should declare Dublin a solar city. This technology is here, but it is changing rapidly. There are now windows that are solar panels. There probably are many solar energy options. The examples shown are old technology; the Commission can encourage

pursuing the latest technology for solar energy. We probably do not want free-standing solar panels, but he is supportive of the opportunity for solar.

Ms. Call stated that she is supportive of the opportunity; however, guidance should be provided, and the location should be regulated in a manner so as to meet Dublin's high aesthetics standards. Mr. Way stated that he does not believe solar panels should be accessory structures. They should be integral to the structure.

Ms. Call stated that she sees two types. The integrated option would be part of the structure. If there is a separation of 18 inches, it is an accessory structure, similar to an air conditioning unit.

Mr. Way stated that it would need to be defined.

Mr. Fishman stated that in Dublin, it is necessary to have a permit for installation of many items. There is no reason a permit should not be required to attach a solar panel.

Ms. Call stated that Tesla roof shingles have been in existence ten years, but they are not perfected nor are they prevalent. There are other similar competitors. Most of the applications the City would receive today would be for the older technology. The standards would have to be applied to those, but the integrated option could be treated differently. If it looks like shingles, it can be treated as shingles; if it looks like a mounted solar panel, it is treated as such.

Mr. Fishman noted that at this point in time, there might be a need to hide the panels. With future technology, that may not be necessary.

Mr. Way inquired if incentives should be granted for developing projects.

Ms. Call noted that would not be a Planning and Zoning item.

Ms. Martin stated that Mr. Way may be referring to density bonus. All of these the items being considered by the Commission would require Code changes, which means the Commission would send a recommendation to Council for decision. Several drafts would be prepared for the Commission's consideration before they would make a Code recommendation to Council.

Mr. Kim stated that solar options should be part of the review of development applications, and he would encourage this direction.

Ms. Fox noted that the Commission can make recommendations for any type of changes regarding land use.

Ms. Call stated that there is consensus on the Commission that solar energy in the City is something that the Commission believes should be incentivized. Could the communications shared with Council also include the Commission's encouragement to consider the opportunity to incentive the solar energy with development? If Council is receptive, a recommendation could be drafted and forwarded to Council for approval.

Ms. Martin indicated that it would be shared with Council. She inquired if the Commission would be supportive of requiring that feature on a large-format commercial building. For instance, if a building footprint and roof were over 20,000 square feet, would the City require that 50% of the roof space have alternative energy integrated into it?

Ms. Call stated that she would be more supportive of incentivizing than requiring. She also would encourage that the Code be sufficiently strict and rely less on interpretation. Currently, the Code provides the minimum requirement, so that is what we get.

### **Public Comment**

No public comments were received on the case.



Staff will revise the proposed Code amendment reflective of the Commission's input.

## **COMMUNICATIONS**

- Ms. Call indicated that she has images of well-done large-scale retail, office and big development in Eldorado Hills, California that she would like to share with staff and the Commission.  
Ms. Martin stated that there is an Urban Design subfolder in the Commission's One Drive folder for inspirational images. Commissioners are encouraged to upload any mages they would like to share into that folder.
- A PZC Special Meeting has been scheduled for 1:00 p.m., Monday, October 18, for a site review of the northeast corner of Bright Road/Emerald Parkway. A revised Concept Plan for a senior housing development on the site is scheduled for November 4.
- The next regular PZC meeting is scheduled for 6:30 p.m., Thursday, November 4, 2021.

The meeting was adjourned at 9:50 p.m.

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Chair, Planning and Zoning Commission

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Assistant Clerk of Council