



MEETING MINUTES

Planning & Zoning Commission

Thursday, June 9, 2022

CALL TO ORDER

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and welcomed everyone to the June 9, 2022 Planning and Zoning Commission meeting. She stated that the meeting also could be accessed at the City's website. Public comments on the cases were welcome from meeting attendees and from those viewing at the City's website. Remote viewers should submit questions or comments during the meeting by using the form under the streaming video at the website. Their comments would be relayed to the Commission by the meeting moderator. The City is interested in accommodating public participation to the greatest extent possible.

ROLL CALL

Commission members present: Rebecca Call, Kim Way, Jamey Chinnock, Lance Schneier, Warren Fishman, Kathy Harter

Commission members absent: Mark Supelak

Staff members present: Jennifer Rauch, Nichole Martin, Thaddeus Boggs, Zachary Hounshell, Taylor Mullinax, Michael Hendershot

PLEDGE OF ALLEGIANCE

Ms. Call led the Pledge of Allegiance.

APPROVAL OF MINUTES AND ACCEPTANCE OF DOCUMENTS

Mr. Way moved, Mr. Schneier seconded approval of the 05-05-22 and 05-19-22 minutes and acceptance of the documents into the record.

Vote: Ms. Harter, yes; Mr. Chinnock, yes; Mr. Fishman, abstain; Mr. Way, yes; Ms. Call, yes; Mr. Schneier, yes.

[Motion approved 5-0 with one abstention.]

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 meeting attendees who anticipated testifying on the evening's cases.

Ms. Call stated that there is one case on the Consent Agenda, Coffman Park Pavilion Peace Pole, 22-071AFDP, and inquired if any Commission member wished to move the consent case to the regular agenda for discussion. No member requested to move the case from the Consent Agenda.

CONSENT AGENDA

6. Coffman Park Pavilion Peace Pole at 5200 Emerald Parkway, 22-071AFDP, Amended Final Development Plan

A request for the installation of an 8-foot peace pole in front of an existing pavilion. The site is zoned Planned Unit Development District, Coffman Park and is located north of Coffman Park Drive, ±450 feet east of the intersection with Post Road.

Mr. Way moved, Ms. Harter seconded approval of the Consent Case with the following:

- A Minor Text Modification:

To modify the development text under Coffman Park Master Development Plan, subsection Coffman Park Master Plan Elements as follows:

The Coffman Park Pavilion shall be permitted one ground-mounted hexagonal pole sign in Subarea A in accordance with the following:

- 1) The maximum sign height is 8 feet.
 - 2) The maximum sign diameter is 1 foot.
 - 3) The sign is located outside of all utility easements and a minimum of 8 feet from Coffman Park Drive.
- and

- The Amended Final Development Plan with one condition:
 - 1) Should the sign deteriorate, at the determination of the Planning Division, the sign shall be replaced or removed.

Vote: Mr. Schneier, yes; Mr. Way, yes; Ms. Harter, yes; Mr. Chinnock, yes; Mr. Fishman, yes; Ms. Call, yes.

[Motion approved 6-0.]

4. Riverside Bank Redevelopment at 6300 Frantz Road, 22-039CU, Conditional Use

A request for a Conditional Use to permit a drive-through for a bank on a 0.66-acre site zoned Suburban Office and Institutional District. The site is southeast of the intersection of Frantz Road with Corbins Mill Drive.

Staff Presentation

Ms. Mullinax stated that this is a request for a Conditional Use to permit a drive-through for a proposed bank redevelopment located at 6300 Frantz Road. The 0.66-acre site is zoned Suburban Office and Institutional District. Within this zoning district, commercial banks are a Permitted Use and auto-oriented commercial facilities, as well as outdoor service facilities, such as drive-throughs, are Conditional Uses permitted in association with a Permitted Use. Conditional Uses must be approved by the Commission. If the Commission approves the Conditional Use, the final step is obtaining the Building Permit. Site building modifications for properties zoned Suburban Office do

not require the Commission's approval except as necessitated by the drive-through use. The 0.66-acre site is located southeast of the intersection of Corbins Mill Drive with Frantz Road. The surrounding land use and development include commercial uses as well as residential areas, including The Villages of Corbins Mill to the east and Turkey Run apartments to the south. The building was built in 1987 for a drive-through bank, and in 1987 approved a Conditional Use to permit a drive-through, which operated as such until 1995. In 1996, the Commission disapproved a Conditional Use to convert the bank into a bagel shoppe. The former drive-through was located on the east wing of the building. On the east side is the parking lot area and a landscape buffer. The Conditional Use statement provided by the applicant indicates their proposed hours of operation as Monday-Friday, 9:00 a.m. – 5:00 p.m. and Saturday, 9:00 a.m. – noon. The bank will have a maximum capacity of 7 employees to provide inside banking services and two drive-through service lanes. Minor site modifications are proposed to accommodate the drive-through. The existing building will be renovated to incorporate the drive-through on the eastern wing, where it previously existed. The existing full access drive will be relocated further east on Corbins Mill Drive, which will provide better spacing for safety purposes between the driveway and the signalized intersection at Frantz Road and Corbins Mill Drive. Parking requirements are met. The proposed site improvements, including stormwater management and landscaping, meet Code requirements. Drive-through lanes are required to have 8 stacking spaces per service lane, for a total of 16 stacking spaces. The applicant is requesting an alteration to that requirement to provide 10 total stacking spaces, 3 spaces per lane followed by 4 shared stacking spaces. The applicant has provided a trip generation memo, which has been reviewed by Engineering, as well as Transportation and Mobility. The memo indicates 21 additional trips will be generated in the PM peak hour, 80% coming from the west via Frantz Road. Staff has reviewed the application against the applicable criteria and recommends approval of the Conditional Use with no conditions.

Commission Questions for Staff

Mr. Schneier requested clarification of when the site previously operated as a bank.

Ms. Mullinax responded that it operated as a bank from 1987 until 1995.

Mr. Schneier inquired when the Corbins Mill and Turkey Run apartments were constructed.

Ms. Mullinax responded that they were constructed in 1980 and 1981.

Ms. Harter inquired if this would be an area of concern for the Police Department. Would an increased level of patrol be required for the banks within this area due to the ATM activity at night? Has this concern been discussed with the Police Department?

Ms. Mullinax deferred the question to Ms. Rauch.

Ms. Call requested that the uses of the surrounding parcels be clarified.

Ms. Rauch responded that the Police Department has not shared any concerns related to this site in particular or the adjacent sites, which include a significant number of banks. This site would be included in the Police Department's normal patrol.

Mr. Way inquired when the previous bank use was renovated in 1996 to an Office Use and the drive-through area was enclosed within a permanent structure. Did the Conditional Use for the drive-through cease to exist with that change in use?

Mr. Boggs responded that he has not seen the previous Conditional Use granted in 1987, but the change in use from bank to office and the renovation of the drive-through to a permanent enclosed structure would have caused that use to cease, therefore expire.

Mr. Way inquired if that expiration of the drive-through use would have been documented with the approval of the Office Use, or would it have been an understanding of that process.

Mr. Boggs responded that it would have happened by virtue of the change of use.

Ms. Harter inquired if the ATM was drive-up only. Is there a second ATM inside the building for walk-up access?

Ms. Call noted that the applicant would provide clarification.

Mr. Chinnock inquired if the existing rear curb line on the east side of the site remains in close proximity to what it was before the earlier bank renovation, or if the curb line was being extended closer to the adjacent residences.

Ms. Mullinax responded that the curb line will not be closer to the residences. The original bank use had two access points, with the ingress being located nearer to Frantz Road, circling the site and exiting onto Corbins Mill Drive.

Mr. Way stated that the original vehicle movement on the site occurred with an entrance and an exit. This proposal is for a 2-way movement at one access point. Will there be any traffic operational issues related to that?

Mr. Hendershot stated that the applicant originally requested to restore that additional access point; however, staff was not supportive of that request. If this site were being newly developed, an access point that near the intersection would not be permitted. Moving the access further to the east will provide more space between it and the intersection, thereby improving safety operations. There is an internal drive north of the building for on-site traffic circulation. The intent of the proposed access is to ensure site access does not create an unsafe condition on the public roadway network.

Mr. Fishman inquired if the two-lane drive-through is the same as what previously existed for the earlier bank use.

Ms. Mullinax responded affirmatively. Each lane will have 3 stacking spaces (total of 6 spaces) and 4 additional stacking spaces will be shared by the two lanes (total of 10 spaces). The Code requires 8 spaces per lane, or a total of 16 stacking spaces.

Mr. Fishman inquired what would prevent excess traffic backing up at the street.

Mr. Hendershot responded that he would defer the question to the applicant to clarify the number of stacking vehicles anticipated on-site. However, an additional benefit of the east-west internal drive is that it will provide additional benefit for vehicles to stack on-site, rather than on Corbins Mill Drive.

Mr. Fishman inquired if staff is confident that the increased on-site traffic on Fridays related to paydays would not back up onto the roadway.

Mr. Hendershot responded that the applicant was required to provide a trip-generation memo, comparing the number of trips generated by the existing use with the number anticipated for this Conditional Use with a drive-through. The memo anticipates 21 additional trip during the PM peak hour. 80% of those 21 trips are anticipated to be round trips from Frantz Road and returning to Frantz Road; 5 vehicles are anticipated to use Corbins Mill Drive east.

Ms. Call requested clarification of the City's standard practice if a traffic constraint condition on a public roadway occurs within the City.

Mr. Hendershot responded that the purpose of the required trip generation memo is to assess the anticipated number of trips. If the number of anticipated trips had been much greater, additional mitigation measures would have been required; however, 21 trips is a negligible increase in traffic. Mr. Way inquired if the landscape plan that was submitted met all the requirements. Ms. Mullinax responded affirmatively. Any remaining landscape concerns will need to be finalized with the building permit.

Mr. Chinnock inquired if the proposed drive-through canopy was narrower than the existing building appendage, which will be demolished. Ms. Mullinax deferred the question to the applicant.

Applicant Presentation

Betsy Hoying, VP Real Estate Development, Crawford Hoying, 6640 Riverside Drive, Dublin, OH 43017 stated that James Peltier will answer the three questions raised by the Commission.

James Peltier, Civil Engineer, EP Ferris & Associates, 880 King Avenue, Columbus, OH, stated that in regard to the size of the proposed drive-through canopy, the new canopy is shorter than the previous drive-through canopy. In regard to the anticipated number of vehicles stacking on-site, there will be sufficient ability on the northern, east-west drive for any additional vehicle stacking that might be needed; however, they do not anticipate that need. Ms. Call inquired if there would be a second ATM for walk-up service.

Bill Daily, Riverside Bank, 6200 Dublin Road, Delaware, OH, stated that Riverside Bank is a start-up bank, beginning operations in February 2021 at 5555 Metro Place North, Dublin. Beginning in March of 2020, it took approximately two years to raise \$25 million in capital from people in Dublin and Columbus. They have approximately 500 customers and \$82 million in assets. With the growth of on-line and mobile banking, a high volume of on-site traffic is no longer typical. It is, however, important for a bank to have a physical presence. Operating out of a second-floor office in Metro Place, although a low-cost method of starting operations, lacks convenience for customers and a presence for the bank in the community. The proposed location in an area of other banks is a positive. In the banking industry, banks do not create new market share but take it from someone else. Their board of directors is comprised entirely of people from the Columbus area, so they have entirely local management, decision-making, market knowledge and employees. This is an under-served market in Columbus. Currently, out-of-town banks control much of the surrounding market share. They launched their bank in Dublin because it is a great community with many positives. Their bank is very civic-minded, even though in the start-up mode, their budget is tight. As the bank grows, their corporate partnerships will grow, as well. The drive-through service is very important for Covid-planning. With a drive-through, there is ability to staff the office but close it to the public and run transactions via the drive-through. It is a convenience for customers.

Commission Questions for the Applicant

Mr. Way inquired about the landscape plan. On the south side of the property, there is a row of existing, tall evergreens. They provide screening for the housing to the south and for the power lines that runs through that area. Does the applicant propose to remove and replace them with new trees?

Mr. Peltier responded affirmatively. The trees on the south side do not meet Code and are not in good condition. They will be replaced with new trees as well as a fence on that side of the property.

Mr. Way stated that they are adding a fence that is 4 feet in height. The unit patios also are fenced. Is it their intent to replace the evergreens with deciduous trees?

Mr. Peltier responded affirmatively.

Mr. Way stated that to accommodate the new traffic circulation, the existing trees along Corbins Mill Drive will be removed and replaced with other plant materials. There will be a significant level of changes to this property, just from a landscape standpoint. It is a lovely piece of property with mature trees, and he would like to ensure that the landscape is responsive to the surrounding conditions.

Ms. Call clarified that the only landscape conditions under the Commission's purview tonight would be associated with the drive-through Conditional Use. The remainder of the landscape would be administratively determined per current Code requirements.

Mr. Way stated that the landscaping to the south would block the view of the drive-through as does the landscape to the east. Those are the components in which he is interested.

Mr. Peltier stated that they worked with the City's Landscape Architect, Brian Martin, in developing the proposed landscape plan for the south side. On the east side, the existing evergreen hedge is in good condition, but they can add anything additional that might be needed.

Ms. Call reiterated the inquiry about the ATM. Is the drive-up ATM also a walk-up ATM?

Mr. Bailey stated that it is a drive-through, but customers may walk up to it, as well.

Ms. Harter inquired if there is an intent to enhance the site lighting, particularly around the ATM to address safety concerns.

Mr. Peltier stated that the existing site lighting would be retained. There will be lights under the canopy in the drive-through lane for the ATM, but the existing lighting elsewhere on the site will remain unchanged.

Ms. Harter inquired if security cameras would be used with the drive-through and the ATM.

Mr. Bailey responded that the entire bank will be alarmed and monitored by the Police Department. There is a camera inside the ATM, which captures a close-up view, but there will also be an exterior camera monitoring the overall area, as it is an area of risk.

Ms. Call inquired how many of those implementations are part of general banking regulations versus this particular bank's policy.

Mr. Bailey responded that they are not part of any bank regulations, but are a good idea and recommended for security purposes.

Ms. Harter stated that the landscaping that is being retained on the east side actually contains some brush. If that were to be removed, the landscaping would be less opaque.

Mr. Peltier stated that they are willing to work on any landscape conditions requested by staff.

Ms. Harter inquired if the applicant had met with the neighbors regarding the proposed project.

Mr. Bailey responded that they had not but would be willing to do so. However, until yesterday, he was unaware of any opposition from the neighbors. However, their intent is to be a good neighbor, so they would reach out to the HOA.

Public Comment

John Barrett, President, Board of Trustees, The Village at Corbin's Mill, 164 Alchester Manor, Dublin, Ohio, noted that, related to the earlier question about the drive-through canopy, he believes there is an adjacent drive on the east side of the lot that is ten feet wider than the existing structure. [The applicant indicated that he could not confirm that at this point.]

Mr. Barrett requested clarification of the 21 additional trips anticipated to be generated by the bank use; the staff report refers to 53 trips at the peak hour.

Mr. Hendershot responded that 53 trips is what would be generated by the proposed Conditional Use of the bank drive-through. Since 32 trips are generated in the peak hour by the existing use on the site, the Conditional Use would add 21 trips during that peak hour.

Mr. Barrett noted that the existing use is a walk-up financial facility.

Mr. Barrett stated that he is representing the residents of The Village of Corbin's Mill, a condominium community. Their Board became aware of the proposed Conditional Use this past weekend, and after reviewing the proposal, believe it presents several significant issues. He and Board member Susan Campbell will review those for the Commission.

Susan Campbell, 178 Corbins Mill Drive, Dublin, stated that one of the reasons she chose to live in Dublin is because it is a walkable community. The residents are very concerned about any additional traffic on Corbins Mill. Her condominium is approximately 36 feet from the roadway. When the condominiums were built 40 years ago, that road was a minor thoroughfare; it is now a major thoroughfare. Today, thousands of cars speed along the roadway, disobeying any speed limits. Any additional traffic would not be welcome. She noted that the unit residents are professionals. There are over 100 separate families living on this street. Increasing the traffic would increase the safety risk to the residents, some of whom have disabilities or are retirees. There is no crosswalk to the adjacent Kroger store, and many of the residents walk there. Increased traffic and decreased safety for walkers is a concern. She would like to see this area made part of a broader commitment from Metro North to the Dublin Bridge, which would be a benefit to the residents on this street.

Mr. Barrett stated that in addition to The Village of Corbins Mill, on this roadway, there are also the Carrowmoor Condominiums; across the street, the Corbin's Mill condominiums; and further down the street, a small 4-unit condominium. They have canvassed their community to learn the residents' concerns. The residents believe the proposed Conditional Use would: increase the traffic, make the residents less safe and lower their property values.

Gary Idzkowski, 196 Corbins Mill Drive, Dublin stated that he is a 26-year resident of Dublin. He participated in the canvass of 28 residents, 27 of whom signed the letter of opposition to the development. They expressed the following four primary concerns:

- (1) An increase in traffic, further exacerbating the current peak hour congestion at the Frantz Road-Corbins Mill Drive intersection.
- (2) Pedestrian safety, as Corbins Mill is a heavily used pedestrian walkway.
- (3) Personal safety. Given the past history of bank robberies in this area, they fear additional occurrences. The adjacent residential area would be a natural getaway route for a potential robber on foot.
- (4) Property devaluation, due to the addition of a bank with a 24-hour drive-through.
- (5) ATM service is not harmonious with the existing and intended character of this vicinity.

Mr. Barrett reviewed the ways in which the proposed use does not meet the development criteria:

1. It is not harmonious with the Community Plan. A 2020 traffic study indicated a vehicle volume of 4,000-5,000 on Corbins Mill, and the volume probably would be higher today. Increasing the volume further is not harmonious with the Community Plan.
2. Bridge Park does not allow drive-throughs. This is a walking community.
3. Traffic is congested at the Frantz Road and Corbins Mill intersection. Adding a third business access within this area will increase the chaos.
4. This is a redevelopment of a site. The use provides no setback between that site and their adjacent property. Setbacks are part of redevelopment efforts.
5. The drive on the property will be 10 closer to their property, and only 50 feet from the front door of the nearest condominium, which faces the bank site.
6. The lights and noise from the bank drive-through traffic will create a problem for the residents using their nearby patios.
7. The site access is proposed to be relocated further from the intersection but closer to the condominium community.

Applicant Questions

Ms. Call inquired if the intent is that the ATM would be accessible 24 hours/day.

Mr. Bailey responded affirmatively.

Ms. Call inquired if the access drive is moved, will the street light also be moved.

Mr. Hendershot responded that because no conflict with the light pole would be created by moving the drive entrance, the light pole would not be moved.

Ms. Call requested clarification of the difference between a drive-through and a drive-up ATM, for the purposes of this Conditional Use consideration.

Ms. Mullinax responded that the Code does not distinguish between the two. It specifically refers to a drive-through for the bank and then an ATM.

Public Comments (continued)

Susan O'Neil, 170 Corbins Mill Drive, Dublin stated that in 2017, she attended a West Bridge Street planning meeting to learn about the plans for the community. At that time, she expressed concerns about the traffic. Staff informed her of a Frantz Road/SR161 Intersection study that was occurring. Her condominium faces Corbins Mill, and the large number of semi delivery trucks heading to Kroger and FedEx and Amazon delivery vehicles is already overwhelming. This is a residential street with several communities. She is concerned about the children living in these apartment communities biking and riding scooter along the sidewalk. They are diverse, multi-general communities. She is concerned that the City is not addressing the people and families who live in these communities. Their voices need to be represented. The presentation indicated that the hours of operation would be business hours, but with the 24-hour ATM drive-through, that will not be the case. When this area was initially developed in 1987-1995, the community looked very different. The updates to the I270 interchange had not occurred. The volume of traffic on Frantz Road is significantly higher than it was in 1987. The people who purchased these condominiums could not have anticipated the high volume of traffic that now exists. It has increased significantly even since 2014, when she moved into the community.

Mr. Idzkowsky requested clarification of the parking spaces. He believes 4 of the 17 required parking spaces are located within the 21-foot setback area on the east side of the property. Those

parking spaces are 10 feet from their property line. In the 15-foot setback area on the south side, there is a dumpster pad, curb and asphalt.

Ms. Mullinax responded that the sideyard and rear yard setbacks are all existing conditions. The Code permits existing conditions to continue to exist. This is not a full redevelopment of the site.

Thomas Moore, 184 Corbins Mill Drive, Dublin stated that he has lived at this address for 28 years. During that time, the traffic has changed significantly due to developments. At the end of Corbins Mill Drive, there is a left-turn lane for drivers to turn left on Frantz Road, on which traffic typically is backed up. Because vehicles attempting to exit this site will find it very difficult to make that left-hand turn to the west, they will need to exit to the east. He believes the proposed use exceeds the available land on this site. This is evidenced by their inability to provide the required number of stacking spaces. He noted that when Dublin became a city in 1987, it was much smaller.

Ms. Rauch responded that several public comments were received before the meeting and were included in the packet materials, as well as the petition that was submitted.

Commission Discussion

Ms. Harter stated that the current trend in banking is significantly online, so the additional traffic may be less than it would have been a few years ago and the need for stacking spaces much less. She believes the new entrance will be helpful. She believes it would have been beneficial for the applicant to have communicated with the residents beforehand. She is concerned about the safety and lighting. There must be considerations for that. Police should be aware and patrol this area.

Mr. Chinnock stated that he appreciates hearing the community's concerns and feedback. It benefits the Commission in its decision-making. This facility was previously a bank with a drive-through, so he does not believe it would impact the site to include the drive-through again. He believes additional new landscaping and lighting could improve the safety.

Mr. Way stated that he walked the site via foot this past weekend. He appreciates what is there. It is a unique site. Unlike the other banks, there are residential uses on two sides, which is located close to the bank. The mature landscaping has provided a buffer for the adjacent residential community. He is concerned about the size of site and adding back in the drive-through in close proximity to residential on two sides. At an earlier point, this site transitioned away from a bank and drive-through, and since that time, he is not sure that is an appropriate use today. He would prefer the site continue to be used as it is now, a small office building. He would not be supportive of adding a drive-through.

Mr. Fishman stated that he is concerned about the drive-through due to its closeness to the residences. Additionally, the applicant indicates the intent to eliminate some of the existing landscaping buffer. A bank needs a drive-through, but perhaps this is not the appropriate site for it, or the site needs to be reconfigured to be less intrusive to the nearby residences.

Mr. Schneier stated that the traffic study does not project a significant increase in traffic; however, at this point, it is a start-up business. If the customers increase significantly, the traffic generated could increase, as well, but with the trend for on-line banking, the impact may not be as significant as one might have expected. We are not asked to determine if a bank is appropriate on this site. Given the prior use, the evolution of that use and the surrounding condominiums and residences,

we are asked to consider only the impact of the drive-through with respect to the applicable criteria. He supports staff's position and believes the Conditional Use should be granted.

Ms. Call inquired if the criteria with which Mr. Way did not believe the proposal to be in compliance was that it would not be harmonious with the existing and intended character and it would be detrimental to the surrounding area. She inquired if Mr. Fishman's position was based on the size requirements for that parcel and the adjacent property uses.

Mr. Fishman responded that there was a drive-through on the property before, so maybe extensive landscaping and mounding would make the addition more palatable. The current study does not anticipate a significant increase in traffic to be generated on Corbins Mill by the Conditional Use. If the site is designed well with mounding and landscaping, the Conditional Use could work.

Ms. Call expressed agreement with fellow Commissioners. One of the offices with which she works is at 400 N. Metro Place, so she is very familiar with the level of traffic in this area. Although traffic not necessarily the issue the Commission is considering, it is not often that a group of residents comes before the Commission to express their opposition due to a specific concern. Therefore, she would like staff to discuss with Police enforcement their ability to provide more police presence and traffic mitigation in this area. It would be appreciated by the residents in this area. In regard to the Conditional Use criteria, she agrees that while the bank is a Permitted Use and a drive-through would be acceptable for the site itself, the proposed Conditional Use does not meet Criteria #3, which is that it be harmonious with the surrounding and intended character of the vicinity. It would be necessary for the landscaping between the bank parcel on both sides that are adjacent to residential property to be done incredibly well. Would the Commission would be in consensus that Criteria #3 be met by adding a condition that the applicant work with staff to ensure that the landscaping is dense and impede any access into the residential properties. She requested the Assistant Law Director's input.

Mr. Boggs responded that the condition should provide sufficient specificity to give staff and the applicant direction for what is expected. The requirement to provide screening both in terms of visual and physical access via landscaping would be defensible. He would request the applicant and staff to respond to the workability of that condition.

Ms. Rauch responded that the condition must be specific so that there is understanding of the Commission's request.

Ms. Call stated that believes screening that prohibits visual and physical access between the commercial property and the adjacent residential properties would be the expectation. She inquired the Commissioners' consensus.

Mr. Fishman requested that the clarification that the screening be opaque and whatever level of mounding can be achieved there to be included.

Ms. Call stated that it should the landscaping should be opaque all 12 months of the year.

Ms. Harter noted that the existing landscape buffer is not very tall, only about knee high.

[Four Commissioners indicated support of the condition.]

Ms. Call inquired if the applicant would be supportive of addition of the condition.

Mr. Peltier responded affirmatively.

Ms. Call stated that she realizes the proposed condition is not all that the residents were requested, but the Commission's purview on the Conditional Use is limited. The residents expressed concerns regarding access, safety and traffic. While the traffic will not be significantly impacted by this project, the Commission has asked staff to make Police aware of the volume of concerns expressed

by the Corbins Mill residents regarding the use, requesting them to ensure Police surveillance of the area and the consideration of any traffic calming measures. The residents also expressed concern about the negative impact of the drive-through on their property values. The impact will be less by properly screening the use.

Mr. Schneier moved, Mr. Chinnock seconded approval of the Conditional Use with one (1) alteration:

- 1) A stacking alteration from 16 to 10 spaces for two drive-through lanes

and with one (1) condition:

- 1) That the applicant work with staff to finalize the landscape plan at Building Standards Permitting to ensure 12-month visual opacity and physical buffering between the site and adjacent residential properties.

Vote: Mr. Way, no; Ms. Harter, no; Mr. Fishman, yes; Mr. Chinnock, yes; Ms. Call, yes; Mr. Schneier, yes.

[Motion approved 4-2]

Ms. Call stated that Cases 1, 2 and 3 would be heard together, as they are related to the same project on the same property.

1. 4000 W. Dublin-Granville Road, 22-051CU, Conditional Use

A request for a Conditional Use to permit a drive-thru for a multi-tenant building on a 1.98-acre site zoned Bridge Street District, Sawmill Center Neighborhood. The site is ±500 feet northwest of the intersection of W. Dublin-Granville Road with Dublin Center Drive.

2. 4000 W. Dublin-Granville Road, 22-028PDP, Preliminary Development Plan

A request for construction of a ±6,700-square-foot, one-story, multi-tenant building on a 1.98-acre site.

3. 4000 W. Dublin-Granville Road, 22-060PP, Preliminary Plat

A request for a Preliminary Plat for 1.98 acres to establish a 1.56-acre parcel and one public right-of-way for a future public street.

Staff Presentation

Mr. Hounshell stated that the Commission is asked to consider three applications for the development of 4000 W. Dublin-Granville Road, including a Conditional Use, Preliminary Development Plan and Preliminary Plat. The Concept Plan for this development was approved on December 21, 2021, followed a tabling of the application in October 2021. The Concept Plan outlined the framework for the development. The Preliminary Plat would require a recommendation for Council approval. The 1.98-acre site is zoned Bridge Street District, Sawmill Center Neighborhood. [Reviewed the existing site conditions.] The site is located at the intersection of West Dublin-Granville Road in the future development of Village Parkway. This proposal includes the dedication of Village Parkway as right-of-way to the City; however, that future roadway extension will not be constructed with this development of this site. It will be developed at a future time. Both of the streets are principal frontage streets, although Dublin-Granville is the higher

designated street. The addition of Village Parkway does change the bounds of the block in which this site is located, although it will still exceed the requirements for blocks within the Bridge Street District. A waiver is required to bring it closer to compliance. The site is located within the Sawmill Center Neighborhood District, which is a special district that pays attention to location and character of buildings, streets and open spaces to establish a mix of uses that fulfills the objection identified in the BSD Special Area Plan, which is to encourage active, mixed-use developments that are pedestrian-oriented and connect to existing future streetscapes while providing well-defined pedestrian access.

Updates:

There have been some updates to the site plan since its approval. The 6,760-sq. ft. building sited toward West Dublin Granville Road and the the 66-space parking lot at the rear of the building remain. The parking lot has lost two spaces, however, due to reconfiguring the access around the site. Parking is located forward of the building along Village Parkway, as it is now dedicated right-of-way; however, it is screened by a required street wall. That configuration is consistent with what was shown with the Concept Plan. One of the updates provided with this Plan is a wider landscape buffer along the east property line to help screen the drive-through for the drive-through restaurant. The three open space nodes are more defined, although the details will be finalized with the Final Development Plan. Another update is the addition of a street wall along the west property line, which also extends along the north and east property lines. The dumpster location in the northwest corner will be relocated to a less visible location on the site. The street wall will be extended further south to occupy the corner of the intersection, as a street wall, building or public open space is required to occupy the corner.

The Conditional Use is for the drive-through restaurant. The drive-through circulation on the site has been revised per the Commission's previous recommendations. The unique site geography is able to accommodate this circulation on the east side of the site, providing a significant landscape buffer screening it from West Dublin Granville Road and the adjacent property owner, while also minimizing vehicle and pedestrian interactions. Only 6 parking spaces are directly impacted by the circulation and are able to be separated from any critical pedestrian corridors. Staff recommends approval of the drive-through for the restaurant.

This is a Loft Building Type, similar to what was provided with the Concept Plan. There are a number of Building Type requirements for which the applicant is requesting waivers. [7 waiver requests reviewed.] Staff has reviewed the application against the applicable criteria and recommends approval of the Conditional Use with no conditions, the 7 Waiver requests, the Preliminary Development Plan with 6 conditions, and a recommendation to Council for approval of the Preliminary Plat.

Commission Questions

Mr. Schneier stated that staff is recommending that the wall be extended south. Would doing so eliminate any public space?

Mr. Hounshell responded that the requirement it is alleviating is occupation of the corner. The corner can be occupied by either a street wall, public open space or building. The space to the left of the restaurant is not open space; it is patio space.

Mr. Schneier requested clarification of the space with landscaping.

Mr. Hounshell pointed out the areas that are designated as public open spaces in the plan. Everything else would be private for the restaurant users.

Mr. Way that the revised parking layout is quite different from the previous site plan.

Mr. Hounshell reviewed the changes that had been made, the most significant of which is the parking configuration. Originally, there were several avenues for vehicles to get through the site. The revised plan provides one consistent access around the exterior of the parking spaces. Another is pushing the buildings back slightly from W. Dublin Granville Road, improving the public open spaces forward of the building, providing more buffer and landscaping. Additionally, the drive-through lane has been located slightly to the west, keeping the existing evergreens and adding new landscaping. The public open space nodes have also been improved.

Mr. Chinnock inquired if there are any concerns on the location of the menu boards and drive-through equipment, and the space becomes narrowed in that area.

Mr. Hounshell responded that the menu boards would meet the required setbacks. They are not permitted to be located forward of the building, but technically, they are located to the side of the building. Staff has no concerns.

Ms. Harter inquired if the City required electrical charging stations for vehicles.

Mr. Hounshell responded that City Code does include EV charging stations requirements in some areas. In the Bridge Street District, the Code encourages that an electric car charging station be provided for every 200 parking spaces. Therefore, that would apply to larger tenants within that District.

Mr. Way stated that we are planning for a future that does not yet exist. Currently, there is a southwest pedestrian connection up to Banker Drive stops. There is no crosswalk nor sidewalk on the Lowe's side. There is opportunity for a connection at the corner over to the Lowe's sidewalk. What direction was provided the applicant regarding future connections?

Mr. Hounshell responded that staff has not provided that direction, because it is private property. The street map drive identifies Banker Drive as existing, but it is currently under private ownership. It is not currently a public street.

Applicant Presentation

Don Brogran, Crawford Hoying Development, 6640 Riverside Drive, Dublin, 43017, stated that this is the fourth time this project has been in front of the Commission, which began with an Informal Review. He reviewed the changes that had been made in the plan to address the Commission's previous input within the limitations of the deed restrictions on the buildings.

Commission Questions for the Applicant

Mr. Chinnock requested clarification of the building height.

Mr. Hounshell stated the deed restrictions on the site limit square footage, height and uses. Although those are not typically considered by the Commission as they are private items, they are part of the discussion. A Loft Building is required to have two stories, but due to the deed restrictions, they are able to provide only one, hence one Waiver. The effort, to make the building taller, however, resulted in deviating the Ground Story height.

Mr. Chinnock inquired if the reason for the 21 feet to 28 feet differential was to add more articulation to the feedback, per the Commission's input.

Mr. Hounshell responded affirmatively.

Ms. Call noted that it was also to make it look like a two-story building, which was required.

Ms. Harter stated that she likes the pass-through feature. There was discussion about putting art there; would that be of a permanent nature, or would it be changeable options.

Mr. Brogran responded that both options would work. He believes rotating art would be intriguing, which could be accomplished by working with Dublin Arts Council and Dublin City Schools.

Mr. Way requested clarification of the reason the parking has been rotated east-west.

Mr. Brogran responded that one of the Commission's previous comments was that the passageway emptied out too close to the drive-through lane. Rotating the parking provided more space for landscape buffer at the exit from the passageway. There is now more landscaping and sidewalk now.

Mr. Way stated that a concern is that people walking from the northernmost parking spaces to the building have to walk around the island or through the cars to access the walkway. There is not a good pedestrian flow now. With the previous layout, an individual would walk from their car and down an aisle, as is common with most retail establishments. The previous alternative was more efficient. He noted some other difficulties reaching the north-south walkway. One option would be to extend the east-west walkway to the driveway. He noted that the walkway that runs around the Lowe's access drive originally paralleled the road; now it has been moved inward toward the parking lot. It is consuming space that could have been used differently. It also minimizes the amount of screening for the drive-through lane. There are existing trees along the Lowe's access drive and existing evergreens which were intended to screen the drive-through. Now, half of them -- those that run perpendicular -- are being removed. He would prefer to see the walkway pulled closer to the Lowe's access drive and achieve more space on the other side in which to provide screening of the drive-through lane. There is now insufficient screening. Per earlier discussions, the intent was that the drive-through be well screened. As the plan as evolved, that screening has been minimized.

Mr. Brogran responded that some of the tree removal was requested by the City of Dublin, some of which will be replaced. Their intent is to provide screening of the drive-through view.

Mr. Way responded that presently, that zone is not yet well resolved. The landscaping between the walkway and road looks haphazard, and there is a line of low evergreen shrubs to screen the lane of cars.

Mr. Brogran responded that the zone has been revised multiple times based on the Commission's comments.

Dave Guappone, Principal, G2 Planning & Design, 720 E. Broad Street, Suite 200, Columbus, Ohio 43205 stated that the reason the sidewalk was pulled back is that they were planning to save the trees and having the sidewalk extend through the middle of trees would necessitate removal of the existing evergreens. They believed the existing screen was of more value and important to protect than providing new landscaping.

Mr. Way inquired if the sidewalk is being curved to protect the existing trees.

Mr. Guappone responded affirmatively. Their intent is to create an aestically pleasing consistent curve that will connect at the corner.

Commission Discussion

Mr. Schneier stated that this has been quite an iterative process. He respects the attention the applicant has given to that effort, resulting in a great outcome. He is supportive of the application and staff's recommendations.

Mr. Fishman stated he assumes the drive-through is for a coffee shoppe. If so, will the architecture remain the same as what is depicted?

Mr. Brogran responded that the architecture will remain the same.

Mr. Way stated there have been a number of meetings and the applicant has done a great job. The orientation of the parking lot was a surprise to him, as that had not been discussed in previous meetings. He believes the edge of the Lowe's access drive is an unresolved landscape issue. He is concerned about the screening of the drop-off lane, and the connection to the east-west walkway, which currently, people parked on the east side would find it difficult to reach.

Ms. Harter stated that she is supportive of the application. The plant materials will be important. She appreciates that the drive-through is provided to the rear of the building.

Mr. Chinnock stated that he has no additional comments to make. He agrees with fellow Commissioners. He thanked the applicant for addressing all the Commissioners' comments.

Ms. Call stated that in regard to the Preliminary Development plan and Preliminary Plat, she believes the applicant has done a good job adapting the plan per the Commission's guidance. However, she remains unsupportive of the drive-through, which is not permitted in the Bridge Street District. Section 153.059 of the Code states that, "...drive-throughs when permitted are permitted only as accessories to banks in the BSD vertical mixed-use and the BSD Historic Transition neighborhoods. When they are permitted, stacking areas and associated areas will be screened....drive-through vehicle stacking shall be at least 20 feet long; stacking spaces may not impede onsite or offsite vehicular, bicycle or pedestrian circulation. Where 5 or more stacking spaces are provided, the individual stacking lane shall be clearly delineated...and buffered from adjacent properties. The structures related to drive-throughs shall not have frontage on or be readily visible from any shopping corridor." She believes the application does not comply with those requirements. To be considered, the drive-through must not impede vehicular, bicycle or pedestrian traffic. There are parking spaces close to the restaurant use, and to avoid the drive-through traffic, pedestrians must

walk from their vehicles at a 45-degree angle to reach that destination. In addition, this drive-through will be visible from the shopping corridor. Therefore, she is not supportive of the Conditional Use, but if the drive-through were removed, she would be supportive of the Preliminary Development Plan and Preliminary Plat.

Mr. Fishman stated that was the reason for his earlier question, as he also is opposed to a drive-through in the BSD corridor.

Mr. Way moved, Mr. Schneier moved approval of the Conditional Use.

Vote: Ms. Harter, yes; Mr. Chinnock, yes; Mr. Fishman, yes; Mr. Way, yes; Ms. Call, no; Mr. Schneier, yes.

[Motion approved 5-1.]

Mr. Schneier moved, Ms. Harter seconded approval of the following seven (7) waivers:

- 1) Section 153.060(C)(2)(a) – Maximum Block Dimensions.
Required: Maximum block length of 1,314.58 feet; Maximum block perimeter of 4,931.52 feet.
Requested: Exceed maximum block length and perimeter length due to existing street network.
- 2) Section 153.062(O)(4)(a)(1) – Front Property Line Coverage.
Required: 60%
Requested: 27% for W. Dublin-Granville Road and 10% for Village Parkway
- 3) Section 153.062(O)(4)(a)(3) – Parking Location.
Required: Parking to be located to the rear of the site
Requested: Parking to be located forward of the building along Village Parkway
- 4) Section 153.062(O)(4)(b) – Minimum Height.
Required: Two-story Loft Building
Requested: Single-story Loft Building
- 5) Section 153.062(O)(4)(b) – Ground Story Maximum Height.
Required: Roofline height of 16 feet
Requested: Roofline height of 20 feet
- 6) Section 153.062(O)(4)(c) – Occupied Space.
Required: 30-foot occupied depth
Requested: 27-foot occupied depth for Tenants B and C
- 7) Section 153.062(O)(4)(d)(1) – Street Façade Transparency (Full Façade)
Required: 60%
Requested: 30.1% for south elevation; 36.9% for west elevation

Vote: Mr. Way, yes; Mr. Fishman, no; Mr. Schneier, yes; Ms. Call, no; Mr. Chinnock, yes; Ms. Harter, yes.

[Motion approved 4-2.]

Ms. Rauch recommended that a condition for approval be added that addresses Mr. Way's concern about the screening.

[Commission members were supportive of adding the additional condition.]

Ms. Rauch requested Mr. Way to clarify his request.

Mr. Way responded that it was to work with staff to develop a more opaque screening plan for the drive-through drop-off lane.

Mr. Chinnock noted that screening of the equipment therein should also be included.

Discussion continued regarding the need for additional conditions regarding pedestrian ability to access the east-west walkway from the east and the need to realign the path to provide the space for the provision of more opaque screening to be provided. It cannot be accomplished in the area currently provided.

Mr. Boggs noted this plan will be before the Commission again at the Final Development Plan review. With the landscaping condition, there would be ability to refine the realignment of the plan. Ms. Call stated that there is Commission consensus regarding the addition of conditions for the realignment of the path to permit the inclusion of more opaque screening for the drive-through and to address the connection to the east-west pedestrian way.

Ms. Call inquired if the applicant had any objection to the conditions.
The applicant indicated he had no objection.

Mr. Way moved, Mr. Schneier seconded approval of the Preliminary Development Plan with eight (8) conditions:

- 1) The applicant work with staff to relocate the dumpster location to a less visible location on the site in an area not along a PFS.
- 2) The applicant provide an open space plan with the submittal of the Final Development Plan for final review of the proposed open spaces on the site.
- 3) The applicant continue to work with staff to update the entrance design for Tenants A and B to create more architecturally intriguing entrances into the building.
- 4) The applicant reduce the height of the parapet to meet the maximum height requirement.
- 5) The applicant provide a street wall to occupy the corner of the site in compliance with the requirements of the Code, subject to staff approval.
- 6) The applicant continue to work with Engineering to demonstrate stormwater management compliance in accordance with Chapter 53 of the Dublin Code of Ordinances.
- 7) The applicant work with staff to develop opaque screening for the drive-through facility and equipment.
- 8) The applicant work with staff to extend pedestrian accessibility to the east-most parking spaces, consistent with Planning and Zoning Commission comments.

Vote: Mr. Fishman, no; Mr. Chinnock, yes; Ms. Harter, yes; Mr. Way, yes; Mr. Call, no; Mr. Schneier, yes.

[Motion carried 4-2]

Mr. Schneier moved, Mr. Way seconded a recommendation for Council approval of the Preliminary Plat with the following conditions:

- 1) The applicant make any minor technical adjustments to the plat prior to submission for acceptance to City Council.
- 2) The applicant provide a plat note on the Final Plat specifying the developer shall maintain the right-of-way until such time Village Parkway is extended by the City.

- 3) The applicant provide public access easement on the Final Plat for all publically accessible open spaces.

Vote: Mr. Schneier, yes; Ms. Call, yes; Mr. Way, yes; Ms. Harter, yes; Mr. Chinnock, yes; Mr. Fishman, yes.

[Motion carried 6-0]

[Brief recess.]

5. Nutex Dublin Emergency Hospital at 3800 W. Dublin-Granville Road, 22-057CP Concept Plan

A request for development of ±22,000-square-foot neighborhood hospital on a 1.58-acre site is zoned Bridge Street District, Sawmill Center Neighborhood. The site is northeast of the intersection of Dublin-Granville Road with Dublin Center Drive.

Staff Presentation

Mr. Hounshell stated that this is a request for review and approval for the Nutex Dublin Emergency Hospital. This is the first formal step in the 3-step Bridge Street District (BSD) plan approval process. On February 17, 2021, the Planning and Zoning Commission (PZC) reviewed and provided nonbinding feedback for an Informal Review of the project in regard to use, architecture, site layout and signage. The Concept Plan would require a Commission determination, unlike Concept Plans outside of the Bridge Street District. The Concept Plan would establish a framework for the project moving forward. This lot was created via Final Plat in 2021 from the overall Fifth Third Bank site to the east. The 1.58-acre site is zoned Bridge Street District, Sawmill Center Neighborhood and is located at the intersection of Dublin Center Drive with W. Dublin-Granville Road. Currently, the site has one access point from Dublin Center Drive, which would be removed with this proposal. The site is vacant with minimal natural features. At the February 17 Informal Review, the Commission expressed reservations about a Conditional Use for the proposed use, given the vehicle-oriented operations and development character. They also expressed concerns about the single-use building meeting the intent of the BSD Sawmill Center Neighborhood standards, the Community Plan and the spirit of the Special Area Plan for the Bridge Street District. Regarding the design, the Commission expressed the need for building emphasis along W. Dublin-Granville Road, as the primary frontage for the site, and the need to bring the building forward and provide a gateway feature at the intersection of W. Dublin-Granville Road and Dublin Center Drive. The site is located at the intersection of W. Dublin-Granville Road (south), Dublin Center Drive (west), and Banker Drive (north). W. Dublin-Granville Road and Dublin Center Drive are designated as principal frontage streets, with W. Dublin-Granville Road considered a Corridor Connector and Dublin Center Drive considered a District Connector. The site is zoned BSD-SCN, Sawmill Center Neighborhood District, which was created to create an active, mixed-use, pedestrian-oriented environment, encouraging interconnected site layouts adjacent to each other for pedestrian access and engaging the streetscape. There are Special Areas within the neighborhood with different requirements. The intersection of W. Dublin-Granville Road and Dublin Center Drive is designated for a potential gateway location. A gateway feature is described as a point of identification that provides a sense of arrival to an area. Gateway designs shall be pedestrian-oriented in scale and shall include a combination of architectural elements, landscape features, and/or public open spaces. Gateways should be incorporated into the design and layout

of the building, assuring a pedestrian-oriented streetscape and development and should be provided entirely by the development. The applicant is proposing a 22,000-square foot emergency hospital. Hospital uses within the Sawmill Center Neighborhood are considered Conditional Uses with use-specific standards. Commission consideration of a Conditional Use occurs with the Preliminary Development Plan. Auto-oriented developments affect the intent for site layouts and negatively impact the access and safety of pedestrian facilities. The proposed single-use auto-oriented development is inconsistent with the urban form and is in conflict with the goals and intent of the District, as defined in the BSD Code. The use creates a site that is internally oriented, driving most visual and functional use of the site away from the streetscape. The primary entrance located on the southeast corner of the building is oriented towards the rear and the emergency and patient drop-off bays. Although the building could be sited and emphasized more along the front property lines and waivers could be obtained for specific building requirements, this type of use drives the need for operations and access to be prioritized to the parking lot at the rear of the building. Because the criteria for a Conditional Use cannot be met within the context of the BSD Code, staff does not recommend approval of the Concept Plan. The proposed site layout includes a largely, single-story structure with the majority of the building fronting Dublin Center Drive, and a two-story section located at the intersection of W. Dublin-Granville Road and Dublin Center Drive. This iteration is similar to what was presented previously, which includes a cross access drive that outlets to W. Dublin-Granville Road. The applicant is proposing 48 parking spaces on the site, split between two wings of parking located to the north and east of the building. The parking count is less than the 53 parking spaces provided with the Informal Review, due to the addition of the cross-access drive in the southern portion of the site. Three open spaces are defined, which total 14,440 square feet. A Parking Plan would be required with the Preliminary Development Plan, indicated anticipated peak hour parking needs. This is a one and two-story building, where two stories are required. Waivers would be required for Building Height, Front Property Line coverage and the primary entry location and orientation. Staff has reviewed this plan against the criteria; because the criteria are not met, staff recommends disapproval of the Concept Plan.

Commission Questions for Staff

Mr. Way inquired if the proposed drive would tie into the driveway that services the bank.

Mr. Hounshell responded affirmatively.

Mr. Way inquired what would occur if the Fifth Third Bank were to redevelop, as it is required to follow the BSD Code, which requires buildings to be sited along Dublin-Granville Road. That drive would prevent that occurring.

Ms. Hounshell responded that the Final Plat for the bank allows that cross access at that location. If the bank site were to redevelop, it would need to meet the requirements for the BSD.

Mr. Way responded that it would need to accommodate this connection in perpetuity.

Mr. Hounshell responded affirmatively.

Applicant Presentation

Robert Meyers, developer, 50 West Broad Street – Suite 1600, Columbus, OH, stated that in addition to the Fifth Third Bank property, he is the sole shareholder of Lawyers Development Corporation, which is the developer of the 6.78-acre bank property. He is also the sole owner of Dublin ATLLC, which is the owner of the entire property. He provided background on his history and development experience. As seen from the photos shown of his previous developments, great attention to detail and commitment to the community is involved. In 2016, he began looking at the property and was advised by the broker with whom he was working that the City had just

approved a micro hospital across the street on SR161. They acquired this property in August 2019, met with Nutex in November 2020 and met with City staff in March 2021. He was surprised with the Commission's input at the previous meeting, as he believes the proposed use is the highest and best for this site. He has had 15 different inquiries for this property, but he is interested in providing the highest and best use for the property. He believes this use would be a real asset for the community and that the site is ideal for it.

Andrew Barnett, Nutex Health, Director of Business Development, 6030 S. Rice, Suite C., Houston, TX 77081, stated that he present to provide an explanation of a micro hospital or a concierge hospital. They cater to the less intense emergency needs of a community, not cardiac arrests and gunshot wounds. This facility will provide residents the ability to receive emergency care without an 6-hour wait. Typically, ambulances do not bring patients to their hospital, although they do have relationships with the large hospitals and would transfer any such patients that might come to their facility to the larger, critical care hospitals. They are known as local community hospitals. They partner with local ER physicians, who live within the community, who become owners, partners and operators. Large hospitals are run by large corporations located in other states and have no ties to the community. The physicians at this facility will live in and represent the community. In addition, the employees who support the physicians know them.

Commission Questions for the Applicant

Mr. Schneier inquired how this facility would differ from a 24-hour urgent care facility.

Mr. Barnett responded that an urgent care center does not have the some components as this hospital, such as a lab and diagnostic center. Urgent care centers are primarily for ill people, who are in need of care at off hours and without access to their local doctor's office. Urgent care centers typically are controlled by out-of-state corporations. This proposed hospital will be a complete hospital, having everything except an ICU. It provides a level of care between an urgent care center and a critical care hospital.

Mr. Chinnock inquired if there would be no overnight stays.

Mr. Barnett responded that overnight stays are provided by this facility. There are 10 ER beds and 20 overnight beds on the hospital side.

Ms. Harter inquired how many of their hospitals currently exist in the state.

Mr. Barnett responded that there are 21 facilities and another 20 are being built across the country.

Ms. Harter noted that the information states that 14 facilities are coming soon; is the Dublin facility included in that number?

Mr. Barnett responded that it could be, as they have been working on this effort for a while.

Ms. Harter stated that people sometimes delay seeking out emergency care, and then find themselves within a limited window of time for the needed care. How do they handle those cases?

Mr. Barnett responded that they work with local ambulance services and make them aware not to bring such cases to them. If they should be brought to this facility by a family member, they have relationships with larger hospitals and would transfer them. In a life-threatening emergency, however, they are capable of treating them at this facility and would not transfer them to a larger hospital at a time doing so would put them at risk. All of their physicians are board certified and many work in the large hospital systems. They would ensure the patient is cared for before transferring them.

Ms. Harter inquired if they were concerned about the number of Ohio-affiliated hospitals that would be only minutes away from the proposed facility.

Mr. Barnett responded that is not at all a concern. The larger hospitals appreciate their presence, as they often experience a backlog of the type of procedures that would be provided by this hospital, which prohibit their seeing the more serious situations in a timely manner.

Ms. Harter stated that she is not referring to the larger hospitals. There are a number of smaller emergency care entities within the community or nearby, including Ohio Health, Dublin Methodist. The OSU hospital and Nationwide Children's, as well as the recently approved Mt. Carmel hospital.

Mr. Barnett responded that although he is not particularly familiar with those facilities, no other entity in the country operates as they do. Theirs is a new concept that falls between an urgent care center and a large hospital system, a service that is very much n needed.

Mr. Fishman inquired if ambulances would not transport people to their facility.

Mr. Barnett responded that although they work with local ambulance, fire and police services to make them aware not to bring patients to them; but if they do, their board-certified ER doctors will determine whether to handle the patient here or direct them to a larger hospital system. It is very rare that an ambulance would come to their facility.

Joseph Miller, Vorys, Sater, Seymour and Pease, LLP, attorney, 52 East Gay Street, Columbus

stated that the applicant is passionate about the use, which they believe would be appropriate.

Ms. Harter's questions were good, but they were akin to the idea reflected with the earlier case regarding there being too many banks. As was pointed out with that case, the Commission does not select winners and losers. They believe this use is appropriate here, and he will refer specifically to an earlier case subject to this Code and the decision of this Commission. Uses in the BSD, Sawmill Center Neighborhood under the applicable standards are to be complementary to Office and Residential uses. They believe this proposal is just that and would be an asset to the community. In their team discussions with staff, there seemed to be opportunity to work out any design issues, and their architect is available and ready to do so. It appears that the primary objection is related to the use and the belief that the use is vehicular-focused or auto-oriented rather than walkable. A hospital is a Conditional Use permitted in the BSD. That Code recognizes that a hospital of this particular size is appropriate under certain conditions in this zoning district. Whether the hospital meets those conditions is not before the Commission tonight. Per City Code 153.236, those are the subject of a separate public hearing of a Preliminary Development Plan and Conditional Use application. Therefore, the Commission could approve the Concept Plan tonight; then they would need to demonstrate with the Preliminary Development Plan how this use meets the criteria of the Conditional Use per Code. The Commission should not disapprove the Concept Plan tonight based upon the proposed use. That would be contrary to the Code and contrary to the prior precedent and actions of this Board. In Ohio, a property owner has the right to be free from arbitrary zoning decisions and to be free from inconsistent treatment with other property owners. Denial of the Concept Plan would be arbitrary and inconsistent with the treatment of other property owners. [Handed out copies of a staff report for a previous case.] This body previously approved a similar micro hospital directly across the street in the Bridge Street District, pursuant to the Bridge Street District standards. The Commission approved the Basic Plan Review and the Conditional Use for an 18,000-square foot hospital with 15 patient beds. The Commission agreed that the criteria for the Conditional Use was met. Per the staff report for that earlier case, every factor for a Basic Plan Review, similar to those for a Concept Plan review, had been met. In

that report, staff stated that the proposal was consistent with City-adopted policy documents, including the Community Plan, BSD Vision Plan and principles of walkable urbanism. The same use is proposed tonight, and according to the previous staff report and Commission decision, it is consistent with the principles of walkable urbanism embodied in the BSD Code. There was no mention by staff at that time of a vehicular focus or auto-oriented focus, as is staff's basis for a recommendation for denial this evening, even though this property is just across the street and in the BSD Office section. The BSD Office District requirements designate "office uses with a walkable design along with signature streets and increased accessibility," which are similar to those within the BSD, Sawmill Center Neighborhood, which also are to create an active, walkable destination through integration and a strong mix of uses. They believe this use will contribute to a strong mix of uses. He reiterated that this property owner cannot be subject to an arbitrary decision or inconsistent treatment. Although the property is across the street, can a hospital on the south side of the street meet every factor for approval, but a hospital on the other side not meet them? What component of a "walkable design" and increased accessibility" would make a hospital appropriate on the south side but not on the north side of the street? This site is on a major 45-mph thoroughfare, approximately 500 feet from the intersection with Sawmill Road, approximately 400 feet from Speedway. This part of the Bridge Street corridor is auto-oriented, and therefore differs from other areas of the Bridge Street District. It is a transitional area of the corridor. Earlier this evening, the Commission approved a drive-through on the adjacent site, 4400 W. Dublin-Granville Road without discussing that the drive-through made it an auto-oriented use. Denial of this application would be an arbitrary and inconsistent action. The same type of practicality evidenced by the Commission's decision on the previous case should be present here. He referred to Commissioner Way's comments regarding that case at the October 2021 hearing, where he stated that there were many pieces along this corridor that fight against the BSD vision that cannot be changed. Mr. Way stated that he did not "believe having property sit vacant, making no contribution at all, was the right approach. Until Lowe's went away at some distant point in the future, that vision could not be achieved. The applicant has come up with a good way to place an active use here at this point in time." In his opinion, this is a similar situation – this is a good and active use, just as the Commission determined for the earlier proposal across the street. In addition, one of the BSD-SCN standards is to present services that support residential and office uses. They would work with staff on site layout and design issues. There will be walkability within the site, which would be used by the hospital employees and patient visitors. Looking at the 6.7-acre site as a whole, this hospital could be interactive and connected to the Fifth Third building to the east, rather than a single use, as there is space in the bank building for complementary medical offices. They believe that a denial of the Concept Plan based on the use would be a mistake. The applicant requests approval, consistent with that provided by the Commission for the earlier identical use. They will then work with staff to demonstrate meeting the factors for a Conditional Use. At a minimum, the Commission could table the Concept Plan and direct staff to work with them to identify what factors what enhancements could be made to this project to ensure this applicant receives consistent treatment. To deny the Concept Plan at this stage would not only be a mistake, it would be arbitrary, inconsistent, and therefore, unlawful. They request the Commission's support tonight to avoid that result.

Commission Discussion

Mr. Boggs reminded the Commission that there are specific criteria for review of the Concept Plan. He noted that in the earlier application, which Mr. Miller references, the City was operated under a different approval procedure that had different criteria for, at that time, a Basic Plan Review. As

Commission members look at this application and its unique circumstances, they should refer with particularity to the criteria for Concept Plan review.

Ms. Call noted that this Commission is also working under the provisions of a BSD Code that was updated May 8, 2019 and amended April 26, 2021.

Mr. Schneier stated that he would to clarify the precedent factor. Has the Code been amended subsequent to the 2017 application in a way that would impact the Commission's consideration today?

Mr. Boggs responded affirmatively. In regard to this application and Concept Plan, per the amended Code, the Commission is looking for different criteria than required for the 2017 application. The earlier Basic Plan review analysis contained more focus on the physical configuration of the site, with the exception of the item Mr. Miller highlighted. The current Concept Plan review criteria reference the policy guidance of the Community Plan and BSD Special Area Plan. There are some items related to Use, including illustrative lots and blocks, etc. Sub-item D of the review criteria for Concept Plans refers to the proposed land use allowed for appropriate integration in the community consistent with adopted plans and aligned with the requirements of Section 153.059 Uses. There are also criteria about the conceptual buildings and design of open spaces, etc. There is at the Concept Plan review stage a mixture of considerations that deal with the compatibility of the use to the area, as well as to adopted plans and the physical configuration of the site; whereas, Use was less emphasized in the Basic Plan Review of 2017. He has not reviewed the 2017 application for the Echo Hospital, so he cannot speak to the unique circumstances that would have driven the analysis at that time. However, time has passed and this is a different site and a different Bridge Street corridor in some respects. The Commission should review this application in accordance with the current criteria before them.

Ms. Call stated that City Code is a living, breathing document. The Commission reviews proposed Code amendments, although City Council is the approving body. Each application has a planning report, which provides the history of the site; however, there is also current criteria against which this application must be assessed. The Commission is tasked to see if the application meets the current criteria for approval.

Mr. Boggs stated that Commission members should be aware that if the Concept Plan is approved tonight, it does not lock the Commission in to approval of the Conditional Use that would be submitted as the proposed development is advanced. Approval of the Conditional Use would be an application submitted at a later date. Denial of the Concept Plan would stop this particular iteration of the application.

Ms. Call requested the Commissioners' comments regarding the criteria, beginning with the Use criteria.

Mr. Schneier addressed the Use criteria. This was a great presentation. He is particularly sensitive to arbitrary and capricious actions by any administrative body, the Planning and Zoning Commission included. His concerns relate to the precedential value of the prior application, i.e., does it impact this Commission's ability to look at this application differently. His conclusion is that the difference is that the Code has changed, so the criteria have changed. In regard to the metrics -- lot coverage, setbacks, etc., an earlier application was approved per an earlier Code version.

The Code requirements have now changed, against which this application must be assessed. In this case, the Code is not as objective, but is based on the evolving thought process of this Commission and City Council. The fundamental question is whether this is the use the Commission believes to be consistent with the current Code for this area. If the Commission does not believe it is, and the prevailing opinion is that the Commission would not approve the Conditional Use, it would be better not to approve the Concept Plan, so that the combined energies of the applicant, staff and Commission are not wasted. He believes the proposed use is a great use and much better than no use at all; however, does the Commission believe that as it plans for the future, it would achieve a use that is more consistent with the Code. While this might be the highest, best use, it does not mean that it is the appropriate use for a property in this location at this point in time. He would love to see this facility in Dublin, but not on this site.

Mr. Fishman stated that he agrees with Mr. Schneier. In regard to the 2017 application for the site across the street, he recalls that there was significant discussion by the Commission members at that time that little traffic would be generated by the facility, which was intended for the treatment of dementia patients. While he would be thrilled to have this facility in Dublin, he does not believe this site is the correct place for it.

Mr. Way stated that his earlier comments regarding the 4000 Dublin-Granville Road recognized that the site was challenged due to the deed restrictions, which made it unable to meet Code. Based on that condition, he was suggesting flexibility, so the site did not remain empty. This site has no restrictions, so his comments are different. Looking at the criteria, this site is key to the whole area. It is located on a district corridor and at a corridor connection point – a key junction of a bigger development area. Development on this site must be strategic, reinforcing the BSD plan that has been carefully crafted and followed. It must address the two streets in a unique way and that corner as a gateway into the development. He has worked on several hospital projects, including micro hospitals, and he is aware of the type of uses that occur therein. They are not uses that will reinforce these key streets within a key area of the City. Although a Concept Plan presentation does not address what uses will be within the building, the renderings reflect facades that do not engage the adjoining streets. Therefore, he can surmise that they are not uses that want to have permeability, doorways, activities and pedestrian movements, which is what the Code requires for this area. However, he agrees with this business model, and as was said at the Informal Review, he is sure there is a great place for it in Dublin. However, on this site, it would be challenging to meet the Bridge Street Plan's vision for a key intersection of two key streets, and provide the desired walkability and permeability in this corridor.

Ms. Harter stated that she appreciates the presentation. She is concerned about the use, the misdirection of the public, the connectability, the flow of traffic on the site, and the amount of parking. Understanding of the location is important.

Mr. Chinnock stated that he agrees with the need for this type of facility in Dublin. In regard to the 2017 application for a similar use, Dublin has invested significant time and energy in its development efforts and has become smarter, and has subsequently amended its Code to reflect lessons learned. Many businesses want to locate in Dublin because of the quality of this community. Dublin is careful with how it addresses key spaces that are important to the fabric of City. While this is a great concept, he does not believe this strategic site is the correct place for the use.

Ms. Call stated that she agrees with fellow Commissioners. When this application was reviewed previously, the Commission's feedback was essentially the same. Dublin is not what it was five years ago. We have grown and our Code has grown with us. As a result, the review criteria is different today, and this application does not meet the criteria, as indicated on the slide shown.

Mr. Boggs requested that the Chair articulate the criteria for review.

Ms. Call reviewed the six (6) criteria with which the Commission does not believe the application is in compliance. She could state them more succinctly, if she could have a moment to clarify her notes before attempting to recite them into the record.

Mr. Boggs responded that it would be appropriate for her to do so.

Mr. Miller noted for the record, that each member has stated their reasons for voting as they will. He does not believe the Commission needs to pause the proceedings to clarify those reasons.

Ms. Call stated that the purpose is to clarify the reasons for the record.

[Brief break/meeting resumed.]

Ms. Call stated that she has completed her summation of the Commission's input. Looking at the current criteria, the Commission believes the Concept Plan is not in compliance with that criteria, as follows:

1. The active urban form is not compliant;
2. The layout of the structures including the front property line coverage, building height, massing and the principal entrance are not compliant;
3. The vehicular-oriented proposal is not compliant with the requirement for a pedestrian-oriented and pedestrian-friendly layout.
4. The proposed entryway features are not compliant.
5. The minor modifications to the building that would be required, including those for the gateway signs, are not compliant with the BSD Code, Sawmill Center Neighborhood standards.

Ms. Call inquired if Commission members wished to add any additional clarification of her summary.

Mr. Schneier inquired when the Bridge Street Code and Community Plan were amended.

Ms. Call responded that the amendments occurred on April 26, 2021 and May 8, 2019.

Mr. Schneier moved to approve, Mr. Way seconded approval of the Concept Plan.

Vote: Ms. Harter, no; Mr. Way, no; Mr. Chinnock, no; Ms. Call, no; Mr. Schneier, no; Mr. Fishman, no.

[Motion failed 0-6.]

COMMUNICATIONS

- Ms. Call suggested that the City consider the potential to add requirements for identifying snow-stacking spaces and merchandise pick-up spaces on Final Development Plans.

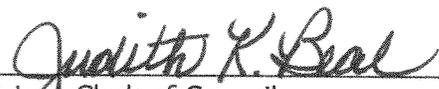
Mr. Hendershot responded that staff could look into that potential requirement.

- Per Mr. Way's inquiry, Ms. Rauch stated that the tentative Commission tour of existing development sites is postponed to Fall 2022.
- The next regular meeting of PZC is scheduled for 6:30 p.m., Thursday, June 16, 2022.

The meeting was adjourned at 10:50 p.m.



Chair, Planning and Zoning Commission



Assistant Clerk of Council