

**JOINT WORK SESSION OF
DUBLIN CITY COUNCIL, PLANNING & ZONING COMMISSION,
ARCHITECTURAL REVIEW BOARD AND BOARD OF ZONING APPEALS
AUGUST 31, 2022**

Minutes

Vice Mayor De Rosa called the Wednesday, August 31, 2022 work session to order in Council Chamber at 6:00 p.m.

Attendance

City Council Members: Ms. Amorose Groomes, Vice Mayor De Rosa, Mr. Keeler, Ms. Kramb, Mr. Reiner, Ms. Alutto [arrived at 7:45 p.m.]; Mayor Fox was excused.

Planning & Zoning Commission (PZC) Members: Ms. Call, Mr. Supelak, Mr. Way, Mr. Schneier, Mr. Chinnock, Ms. Harter [Mr. Fishman excused]

Architectural Review Board (ARB) Members: Mr. Alexander, Mr. Cotter, Ms. Damaser, Mr. Jewell [Ms. Cooper excused]

Board of Zoning Appeals (BZA) Members: Mr. Deschler, Mr. Nigh, Mr. Clower, Mr. Garvin [Mr. Murphy excused]

Staff Members: Ms. Rauch, Ms. O'Callaghan, Mr. Boggs, Ms. Holt, Ms. Noble, Mr. Hounshell, Mr. Will, Ms. Mullinax, Mr. Rogers, Ms. Blake, Ms. Goliver, Ms. Wright

[Dinner Recess]

The work session was reconvened at 6:36 p.m.

City Council Updates and Policy Discussion

- City Council 2022 Goals and Strategic Vision Overview

Ms. Rauch presented a brief overview of City Council's 2022 Goals and Strategic Vision. Earlier this year, Council held a Council Retreat out of which came the following four goals for 2022:

1. Most Connected Community
2. 2035 Vision
3. Preservation of Dublin's Historic District
4. Becoming a Destination of Choice

There are many projects in process to help achieve these goals. All of these goals are linked to the City's overall Strategic Vision, which is that "Dublin Ohio is the most sustainable, connected and resilient global City of choice." That vision guides the City in defining its plans and policies.

- Plans and Policy Updates

Ms. Rauch stated that the City's plans and policies, along with its core values and guiding principles, guide the work and services staff provides. The plans currently underway or soon to be initiated include: Dublin area housing study; Parks and Recreation Master Plan update; Sustainable

Framework; curbside management; Economic Development Strategic Plan; speed management; and the Community Plan update.

Vice Mayor De Rosa invited Board and Commission members to share any comments before topic discussions begin.

Board and Commission comments:

Mr. Clower stated that one of the things he appreciates about Dublin is its focus on pedestrian paths and bike trails and development within Historic Dublin and Bridge Park. In addition to the Bridge Park development, there are four-five other areas in Dublin that present good opportunities for creation of dense, walkable neighborhoods with a strong de-emphasis on vehicle traffic. Those nodes could then be connected to the cores of the community. Dense, walkable areas promote a sense of community, and require less investment to be made in building infrastructure/roadways in those areas. Walkable communities align with Dublin's 2035 Vision and would ultimately achieve many of its goals.

Ms. Call stated that while we all desire walkable communities where the residents can live, work, shop and play in the same area, much of the transportation network is outside the City's control. The City does not itself provide a public transportation system to multiple destinations. While there is room for improvement in several areas, Dublin has done a good job in planning transportation corridors, and continuing to plan and reserve land in a strategic manner for future use is beneficial.

Mr. Clower stated that there is a problem with how Dublin residents interface with the greater Columbus area, but the City does have the ability to build and provide public transportation on a smaller scale to destinations within the Dublin community itself.

Ms. Harter stated that focusing on the associated safety component would be important.

Policy Discussion

- Opportunities for developments to create a sense of place and contribute to the public realm.

Vice Mayor De Rosa invited Ms. Amorose Groomes to lead off the policy discussion.

Ms. Amorose Groomes thanked Board and Commission members for the work they are willing to do. It is Council's hope that, while it may not make the members popular, that they push the development happening in the community to its limits. The City's board and commission members are the guardians of the built environment in the City of Dublin. Planning is what we do best in this community, but if Board and Commission members do not execute those plans, they will not be effective. Council asks that, as they sit at the dais, each member take up the torch to be the keeper of this community and guide its structure. We often talk about a sense of place, but we do not really know what that is until we are there; then we can feel both its positive or negative components. Council challenges members to pursue achieving a sense of place within the community. Board and Commission members are also encouraged, as they drive about the City, to note any opportunities that might exist that could be considered with the upcoming Community Plan update. Community Plan updates do not occur frequently; the last was in 2014. There is not much undeveloped land remaining in Dublin, so how it is used will be very important. Board and Commission members will

be framing those future plans. The intent with our discussion tonight is to learn Board and Commission members' challenges and identify improvements that could be made to help make them more effective. Another agenda topic scheduled for discussion is building materials and construction practices. Commission members will be invited to share some of the challenges they have encountered with building materials or construction.

Discussion:

Mr. Chinnock stated that one challenge is the experience with some of the City's recent developments. As great as Bridge Park is, one of its failures is that it is focused on restaurants. There is a lack of entertainment and retail; there is little that encourages "dwell time." Dublin has a long way to go in creating a sense of place within the City. In comparison, Easton is considered the gold standard in development because they have done a good job of achieving "dwell time." People stay for hours in its outdoor parks, entertainment areas, etc. Families go to Bridge Park to get something to eat and then leave, because, other than Pins, there is nothing to do there. While Bridge Park is a great development, it falls short in achieving a sense of place.

Ms. Call stated that the City has some successes in that area. The new hospital development, for instance, will provide walking trails. Unfortunately, there are also areas where attempts at adding a sense of place have been less than successful. Putting benches outside the Chase Bank on Sawmill Road is such an example. Although intended to be a placemaking element, no one would want to sit and eat their lunch on a bench in an uncovered area. The same thing occurred with the Germaine car dealership. While we want to add gathering places and provide dwell time, adding a bench does not achieve that.

Mr. Reiner noted that Easton is referred to as an example of good development; however, they have fallen short, as well; they failed to place residential use above their shops. It is the City's Board and Commission members who create the wealth of the City. How the City's land is used determines the level of profit the City will have to support its schools. Without great schools, the City has much less to offer. Board and Commission members should remain mindful of the financial aspects of their decisions. It is important to consider whether a proposed rezoning and development would help maintain the wealth of the City, enabling it to maintain its roads and parks and retain its great school system, or if it could have a negative impact on the financial health of the City.

Mr. Alexander stated that it is important to clarify what we mean by "sense of place." In Easton, there is a physical presence and quality that give the community a sense of place, but that has been achieved by very restricted and limited development standards. If Dublin wants to create a physical sense of place, we likewise will need to be able to limit the appearance of our developments. There is not the same continuity within Bridge Park that exists in Easton, Grandview Yard or The OSU Campus South Gateway Area. Sense of place is achieved by both function and appearance. Accomplishing that can be difficult because the restrictions placed on development exceed form-based zoning.

Ms. Amorose Groomes stated that if at any time Board and Commission members are struggling with the application of a section of Code that is not working, Code amendments are possible. Members are encouraged to contact staff and suggest any amendments to Code that might be beneficial.

Mr. Reiner noted that although Bridge Park is not perfect, planning consultants from other areas of the nation have shared that they now use the Bridge Street development as a model for building a walkable city. They have referenced the good balance between restaurants and residential, although the retail component is lacking.

Mr. Clower stated that we have pointed out the grievances with Sawmill Road and the new Chase building. In the area around Lowes behind that section of Sawmill Road, the parking lots are 90% empty. Because it is also close to Bridge Park, there are opportunities to integrate it into the City of Dublin and away from Sawmill Road. The strip mall that once existed on the corner of Riverside Drive is now the attractive Bridge Park area. We should continue expanding Bridge Park and make use of the adjacent land that is currently under-utilized.

Mr. Way stated that he believes the Bridge Street District Code addresses the idea of sense of place. It provides the Planning and Zoning Commission great tools with which to have those conversations with applicants. The City's legacy projects are the issue. They have developed over time under different Code. How to build a sense of place in those areas is where we should focus. Metro Center is one of those areas. He served earlier on a task force that discussed ways to make that area a different place. Although the conversation often diverted to Bridge Park, not all development has to be the same as Bridge Park. The City is a collection of many different places. We need to look at our legacy development around the City, including Sawmill Road and the Metro Center, and consider how to introduce a sense of place.

Vice Mayor De Rosa inquired what would be his definition of sense of place.

Mr. Way responded that everybody has their own idea of a sense of place, and every place is different. To him, a sense of place is a place where people want to go; there are activities that draw them there, keep them there and where they want to return more than once. When people share that experience with others, it no longer remains a local sense of place. People come from a wider area to experience it. In addition to retail and dining, it also includes programmed areas of activities. Bridge Park offers the Farmer's Market and the pre-Memorial Tournament event. Easton, of course, also does that well. A private developer curates an experience for people with shopping and events. In summary, an area with a sense of place draws people to it.

Mr. Schneier stated that there can be a disconnect between what we do and what we want. The City's board and commissions operate on a reactive basis. Applicants come to us with something they want to do, and we attempt to ensure their project will work well. We wait in hopes that a developer or applicant will propose a project that will come close to what is desired, then the Commission/Board tweaks what is proposed to make it better. That is a passive approach, but is a more active approach possible? Currently, the biggest developments in Dublin – Muirfield, Metro Center and Bridge Park, were examples of successful reactions to proposals brought to the City. Instead of waiting and welcoming, however, is there any way to promote the type of activity we are interested in having?

Mr. Reiner stated that, actually, the City deliberately solicited developers for the Bridge Park development. Due to the recession, however, only one developer was interested. In regard to areas with a sense of place, we look at OCLC, Ohio University and Upper Metro Place as mini cities within our City, all with different themes. In the 1980s, he served on the Planning and Zoning Commission, and that Commission learned that when they turned down applications that were not right for

Dublin, something better took their place. It is important to have both a vision and certain standards to obtain and maintain the quality we want in this community, and applicants might need to modify their projects to be approved.

Ms. Damaser stated that concerning a definition for a sense of place, she believes it is more than having the amenities that attract people. There is also something that makes it cohesive. It is apparent where the sense of place starts and stops; it has a sense of character. An area with a sense of place has borders, as well as amenities. In essence, it is a neighborhood.

Mr. Keeler stated that he appreciates the earlier comment about an active versus passive approach. Council is currently working on some projects on which it is the thought leader, actively seeking the projects. As referred to earlier, Visit Dublin is interested in a sports campus. Dublin's current sports facilities are inadequate. Residents are traveling outside of the area for sporting events, when it should be possible to keep them right here. Council members are working with Visit Dublin to explore ideas that might make that happen. The developer will come later, at a time of Council's choosing. In regard to a sense of place, it should be a destination in and of itself. Metro Center presents that opportunity. There is the opportunity to create a new identity for a legacy office park, where, in addition to the offices, there could also be restaurants, entertainment and perhaps a Performing Arts Center.

Ms. Amorose Groomes pointed out that local government has the ability to release a Community Plan that indicates the type of developments the City is interested in having, thereby encouraging those types of development proposals. The work the Boards and Commission will be doing on the Community Plan will be critical, because that will be the City's invitation to the development community.

Follow-up: Staff will identify opportunities to elevate development design through the review process, particularly with its legacy areas, such as Metro Center. They also will consider ways for the City to be more active, less passive in guiding desired development projects.

- Review of process challenges faced as part of the review process.

Discussion:

Mr. Supelak stated that the Bridge Park development is partially completed, and many more lots are underway. Already, there are examples of poor craftsmanship occurring; one example is the sky bridge, the bottom of which is already rusting. There have been discussions about the adequacy of our building material requirements. There are some communities that are known for being "well put together" and cohesive, such as the Florida communities of Seaside and Rosemary. Those communities have very strict standards for aesthetics. In this area, New Albany has been similarly successful. Their aesthetics are clean and consistent, and their building materials are of high quality. The Commission attempts to be vigilant in regard to building materials, but nevertheless, Bridge Park is experiencing some issues with materials and/or contractors. We all want the same thing, but the question is what controls are necessary to achieve it. It is not within PZC's purview to check the specifications on every building material. Additional controls are needed to ensure we are getting the quality of materials and level of cohesiveness and aesthetics desired.

Ms. Call stated that PZC members are not expected to be experts on everything that comes before them, but there are opportunities for improvement. Commission members would benefit from

having opportunities for training; access to in-house architectural expertise; and access to an electronic database of reference materials.

Mr. Alexander stated that he understands the goal, but in the construction industry, new materials are proposed constantly. Although the materials may have been lab tested, they have not been tested for a length of time in the actual environment. Even if the right materials are used, they will fall apart if installed incorrectly. Some of the information Board and Commission members would benefit from having for their reviews is not in the meeting materials typically provided to members. The finished construction drawings and specifications (specs) contain a deeper level of information. It would be beneficial to incorporate a staff member with the necessary expertise to assess the details related to building materials and installation methods.

Mr. Chinnock stated that there are both performance specs and material specs. The Commission has limited ability to control performance specs, but they could exert more control in regard to material specs. Unfortunately, we often tend to be more lenient with our residents or smaller developers, who might not have the ability to meet stringent criteria. It is easier to hold large developers to high standards.

Ms. Damaser stated that in line with that is the topic of affordability. If our standards are too high, we will be seen as a City with unattainable standards.

Mr. Way stated that it is possible to require quality materials that are also affordable. It is up to us, as reviewing bodies, to understand the materials that are presented. He agrees that is not only what the material is and if it has been well tested, but it is how it is installed. The materials considered should be those that Building Standards has researched, tested and determined to be viable within the City. We also need to be sensitive about the cost of building materials. Residential building material prices are increasing to the point that they may soon be difficult to afford.

Mr. Clower inquired if the City conducted retrospective assessments with developers to evaluate what worked/did not work with their projects. Theoretically, we should be able to get a stronger core of developers who will work with the City to improve their developments and not repeat the same mistakes.

Ms. Rauch stated that staff has begun an inventory, particularly with Bridge Park, where many new materials have been used, of both the new materials used and the application methods. That information will provide ability to inform future projects that come forward. Currently, staff does not conduct an analysis of the materials used on a project, but we can look into that opportunity. Last year's Planning Department budget included funding for the hire of an architectural consultant to provide expertise in material analysis, including the installation process.

Mr. Clower inquired if staff goes back to the developers to discuss any materials that have not held up well in a project, so those materials can be discouraged in future projects.

Ms. Rauch responded that such discussions occur in a project's review process.

Mr. Supelak noted that this issue blends over into the Maintenance Code.

Ms. Krumb inquired if the City tracks Maintenance Code issues encountered with building materials. For instance, Tuller Flats had to replace all the paneling within the first year due to water issues. That was probably an installation issue.

Ms. Rauch responded that Planning would be involved only if a material needed to be replaced with an entirely different material.

Mr. Clower stated that perhaps the City needed to maintain a database of reputable developers. Mr. Supelak responded that developers do not want those types of issues, either; they want the installation to be done correctly. The problem can be with problematic installers.

Mr. Keeler inquired if a building materials database was available from a third party, which was updated regularly with any new tested and approved materials, along with product ratings.

Mr. Alexander responded that testing laboratories maintain such a database, but that level of review would exceed City staff's review ability. A testing lab might indicate that a material could perform a certain way, but if it has not yet been evaluated in the field, it remains a concern. Staff already conducts a significant level of research, and he does not believe the answer lies in providing Board and Commission members with reference materials to research materials.

Follow-up: Planning staff will research opportunities to create a reference or database of materials for Board and Commission members to access as part of their application review. They will also utilize architectural consultants to provide review expertise and education. Additionally, staff will identify opportunities to review projects with developers including discussion of satisfaction with the quality and longevity of installed building materials.

Board and Commission Discussion

- Discussion regarding sustainable design elements and how/where these elements should be incorporated (i.e. solar panels use, location, etc.).

Vice Mayor De Rosa stated that several board/commission members had suggested that solar energy devices be included in this evening's discussion. She invited Mr. Deschler to begin the conversation.

Discussion:

Mr. Deschler stated that the Governor recently signed state legislation that will permit solar panel installation on homes, and members have been advised to anticipate applications for solar panel installations, many on the front rooflines of homes. Currently, City Code does not address the location of solar panels. The City can control the location and reasonability of the device only if there is Code that regulates it. Most of the City's subdivisions do not have HOA documents that address solar devices. There is a need to be prepared to address this issue in the near term.

Ms. Call stated that not all solar energy panels are equal. Some are not the typical box panels, but are aesthetically pleasing and could be installed on the front elevation of homes without negatively impacting the overall appearance of the neighborhood. There are also shoddy materials that if placed on roofs would stand out in a negative way. Different materials should be treated differently. The Commission will begin discussion on a draft Code, which after the Commission's review, would be forwarded to City Council for approval. As we continue to move forward on the aesthetics of solar panels, we look at sustainability, connection and resiliency. While we want our community to be sustainable, we also want our current residents to remain here.

Mr. Deschler stated that there is need for caution in allowing some types of solar panels and not others, as it is essential to avoid the appearance of discrimination. It is also important for homeowners to avoid being accused of causing a reduction in the fair market values of other homes within their neighborhood. Reasonable directions for review of solar panel applications, specifically their location, should be provided. It is his opinion that they should not be located on the front elevations, regardless of their appearance.

Mr. Alexander stated that the recently drafted Historic District Guidelines limit the location of solar energy devices to the back of the house, not visible from the street and not ground-mounted. The ARB has not received any applications for solar panel installations since the new guidelines were drafted, so no issues have been raised at this point.

Mr. Deschler stated that should change, however, as the President recently signed legislation allowing tax credits for the installation of solar panels.

Mr. Supelak stated that although the technology is accelerating on solar panels, the cost of technology eventually goes down. The City's existing Code is very inadequate on this item and must be amended in a manner to be appropriately future proofed.

Mr. Nigh stated that he is a resident of the Ballantrae community and serves on the homeowners association (HOA). They have been dealing with this issue. They hired an architect who they requested to identify the standards of all the major subdivisions within the area. The architect reported that every subdivision precluded solar panels. The survey included Muirfield and The Lakes in Westerville. Consequently, Ballantrae precluded solar panels with similar restrictions, and is now being sued for precluding them. As of September 13, the restrictions HOAs can place on solar panels will change significantly. In a month, this issue is anticipated to erupt. The number of applications for solar panel installations submitted to the HOA's architectural review board have increased from 1 to 50. The entities who will be funding litigation against HOAs are the solar companies. They will encourage and pay for the lawsuits because, ultimately, they will financially benefit.

Vice Mayor De Rosa requested that Assistant Law Director Boggs share any updates regarding the pending state legislation.

Mr. Boggs stated that the state law would become effective September 13, 2022. It deals with the restrictions that homeowner associations can place on solar panels; it does not govern what cities may do with respect to regulation of solar panels, including their placement, aesthetics, etc. At this point, however, City Code does not provide criteria regulating appropriate use of residential solar equipment.

Ms. Rauch stated that PZC will be discussing a draft Code amendment at its September 15 meeting.

Mr. Way stated that discussion would focus on all the available technologies, so the Code will be able to deal adequately with different types of proposals.

Mr. Reiner stated that the Muirfield HOA Board is also considering appropriate ways to regulate them. They are currently looking at solar shingles instead of the more unsightly box panels, and are creating guidelines for screening ground-mounted solar collectors. The HOA Board wants to be inclusive and allow solar panels but also address the associated aesthetics.

Mr. Deschler inquired if it is necessary for homeowners to obtain approval from the City to install solar panels.

Ms. Rauch responded that to date, a homeowner must submit a request for a building permit. Because the standards for accessory structures have been used, solar panels have been required to be located to the side or rear of homes.

Mr. Deschler stated that the City needs to communicate with the HOAs in a timely manner, so they are aware of the anticipated applications. They should be advised that, currently, solar panels are treated as accessory structures and a building permit must be obtained from the City. This will enable the City to maintain some level of governance over solar panel installations while the Code amendment is being developed.

Mr. Clower stated that solar panel contractors need to be made aware, as well. Door-to-door solar panel salesmen are attempting to sell solar panels to the homeowners.

Ms. Kramb suggested that the City add a statement to the Fall HOA Leadership meeting materials. The statement could share the anticipated Code amendment and timeframe for completion. It is very expensive for the HOA to update their guidelines, and if the City will be enacting Code, which would override HOA regulations, they would not need to update their HOA documents.

Mr. Way inquired what would be the process for areas that do not have HOAs.

Ms. Rauch stated that the default would be City Code.

Follow-up: Staff will continue to keep Council updated on the progress related to solar panels, including the draft Code amendment. They will communicate with HOAs regarding the forthcoming new state law and need for homeowners to apply for building permits for accessory structures until passage of the Code amendment.

- Identify training opportunities/needs for Board and Commission members to support their work.

Vice Mayor De Rosa invited board and commission members to share their thoughts on any additional ways that staff and Council could help support the work they do.

Discussion:

Mr. Alexander stated that ARB reviews would benefit from having a digital 3D model of the Historic District. The City's Code says much about massing, which is actually a three-dimensional evaluation. Two-dimensional drawings of elevations do not provide a massing perspective. The criticism ARB sometimes receives is rarely about the appearance of what is approved, but it is frequently about the size of it. The 3D model would provide more context. It could be made open source, permitting applicants to use it. He believes the 3D model would be very helpful and would not require a significant amount of investment.

Mr. Clower stated that some cities achieve this by utilizing a video game engine. Within that environment, a viewer can "walk around" and view the proposal from different angles.

Ms. Rauch stated that Planning staff is working on a project with GIS Urban, which will ultimately create a 3D model. The intent is that, eventually, proposed project specifications can be uploaded into that model. The Historic District may be a good place to begin.

Ms. Harter stated that type of model could also provide a better perspective of proposed landscape packages.

Ms. Call noted that concerning additional training and education needs, while most members cannot attend the annual APA Conference, they could attend a local weekend class.

Mr. Garvin inquired if Dublin partners with other communities to learn what they might be doing in regard to certain challenges.

Ms. Rauch responded that Dublin does have a collaborative relationship with other communities, although nothing formal has been provided for the boards and commission. If members would be interested in having that type of conversation, it would not be difficult to coordinate.

Mr. Nigh stated that BZA members would benefit from having access to a historical database, which would make them aware of any precedents that have been established on certain types of requests. This would ensure applications are being treated in a similar and fair manner.

Ms. Amorose Groomes inquired if members have identified any gaps in their skillsets. If members would benefit, a mini APA-type of conference could be held for members.

Mr. Nigh stated that he has found that the expertise of City staff meets BZA members' needs.

Ms. Kramb noted that the annual Heritage Ohio Conference will be held October 3-5, 2022 in Toledo, Ohio. It is an excellent historic preservation conference. She would encourage ARB members to look at the agenda online and see if they would be interested in attending.

Mr. Schneier stated that he believes PZC members complement each other in their reviews due to their different skillsets. They can learn from one another, and there is a balance that works well.

Mr. Jewell noted that, as an ARB member, he was fortunate to attend the National Alliance for Preservation Commission conference this year. Attendees came from throughout the nation. The common theme expressed by most attendees was that they experienced a lack of support in their cities, and their decisions were often overrode. He was able to share his experience with Dublin's level of training and support for its board and commission members. He learned that boards throughout the nation are experiencing similar issues, i.e. infill projects, demolition and building materials. He believes the City of Dublin provides great support staff.

Follow-up: Staff will provide upcoming training and education opportunities for Board and Commission members, including local, national and in-house training. Staff will work to provide additional history and information in the review materials for cases. Staff will continue to work on developing a digital 3D model of the Historic District.

Vice Mayor De Rosa thanked Board and Commission members for sharing their thoughts. Council is aware and appreciative of the tremendous work they do. The goal of this discussion is to enable continuous improvements. Feedback will be provided to members on the topics that were covered tonight.

The joint work session was adjourned at 8:00 p.m.

Vice Mayor, Dublin City Council

Chair, Planning and Zoning Commission

Chair, Architectural Review Board

Chair, Board of Zoning Appeals

Assistant Clerk of Council