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DUBLIN PLANNING AND ZONING COMMISSION

MEETING MINUTES

APRIL 16, 2009

Agenda

- 1. Bella Tagvilla** **224 South High Street**
09-014PP/FP **Preliminary Plat/Final Plat**
(Approved 6 – 0)
- 2. Dominion Homes PUD – BoundTree Medical Signs** **5000 Tuttle Crossing Blvd**
09-015AFDP **Amended Final Development Plan**
(Tabled 7 - 0)
- 3. Indian Run United Methodist Church** **6325 Brand Road**
09-022Z **Standard District Rezoning**
(Disapproval 5 – 2)

Chair Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were: Warren Fishman, Richard Taylor, Flite Freimann, Amy Kramb, Kevin Walter, and Todd Zimmerman. City representatives were Steve Langworthy, Gary Gunderman, Jennifer Rauch, Rachel Swisher, Steve Smith, Jr. and Libby Farley.

Administrative Business

Richard Taylor requested the March 12, 2009 meeting minutes, page 17, regarding Case 09-013AFDP – Coffman Park Amphitheater, the word *beam* be corrected to *band*.

Motion and Vote

Flite Freimann made a motion to approve the March 12, 2009 meeting minutes as corrected. Richard Taylor seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Walter, abstain; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; Mr. Taylor, yes; and Mr. Freimann, yes. (Approved 6 – 0 – 1.)

Ms. Amorose Groomes asked for and received unanimous acceptance of the documents into the record.

Communications

Steve Langworthy called the Commissioners attention to the newsletter prepared by Claudia Husak. Ms. Amorose Groomes thanked Ms. Husak and added that it included very good information.

Kevin Walter thanked Jonathan Papp for the work he had done on the memo regarding the Dublin Jerome High School.

Claudia Husak reported the memo to City Council regarding the proposed Zoning Code update was approved and that Planning was preparing a work plan to provide more information to Council.

Mr. Freimann asked whether separate Commission meetings would be held for review of the Code, or if the Code Update would be incorporated into the regular meetings. Ms. Husak said currently, Planning would incorporate them into regular meetings with light agendas and hold special meetings if a certain topic needed more discussion. Mr. Langworthy indicated that the special meetings would be kept to a minimum, but some extra meetings would be needed

Ms. Amorose Groomes confirmed the Commissioners would receive the Zoning Code portions under review within the packet. Mr. Langworthy suggested that Planning could provide the portions for review to Commissioners at the meeting and they could be reviewed at the next meeting. He said the plan was not to just include it in the normal packets.

Ms. Amorose Groomes reported that she and Mr. Freimann met with City Manager Terry Foegler and asked for projects that might be beneficial for the Commission to undertake given the lighter case load. She said Mr. Foegler would put together items he viewed worthwhile. She said there should be some feedback provided soon.

Ms. Amorose Groomes announced that although two cases on tonight's agenda were eligible for the Consent Agenda, Mr. Freimann pulled them; therefore the cases would be heard in the order of the published agenda.

Ms. Amorose Groomes briefly explained the responsibilities and procedures of the Planning and Zoning Commission.

**1. Bella Tagvilla
09-014PP/FP**

**224 South High Street
Preliminary Plat/Final Plat**

Chris Amorose Groomes reviewed the procedures for this Administrative case.

Richard Taylor reported that he had previously discussed this proposal with the applicant and recused himself.

Ms. Amorose Groomes swore in those intending to address the Commission on this case including the applicant, Tim Greenhalgh, and his representative, Patrick M. Grabill, Grabill & Company LLC, and City representatives.

Rachel Swisher presented this request for review and recommendation of approval to City Council for a proposed preliminary and final plat to subdivide a residential lot into two residential lots. She described the site and its location at the northeast corner of South High Street and Short Street in the Historic Residential District (HR). Ms. Swisher pointed out that the parcel to the east of the site and the parcel across the street to the south are both owned by Thomas McDowell, who had submitted correspondence to the Commissioners.

Ms. Swisher explained that this site is located within the Historic Dublin Area Plan of the Community Plan, which recommends a mix of uses and housing options in this portion of the

City to create a vibrant, pedestrian-oriented environment. She noted that the Area Plan also encourages single-family infill development particularly in this portion of the Historic District.

Ms. Swisher described the proposed Preliminary Plat, which depicts existing structures and natural features on the site. She said that the proposed subdivision will meet all required development standards of the HR District and is consistent with existing development in the area. She explained that the existing historic stone wall will be located within the right-of-way and will be maintained by the City of Dublin. She noted that Short Street will continue to provide access to Lot 2; however, Engineering requested that driveway access to Lot 1 from High Street must be restricted to the southern portion of the lot to avoid conflict with Waterford Drive.

Flite Freimann asked if the owner of the existing residence could request an additional curb cut onto South High Street for proposed Lot 2, or if they were limited to the curb cut onto Short Street. Aaron Stanford answered that a new curb cut onto South High Street could be possible, provided that the existing access to Short Street was eliminated. He pointed out that the home's garage faces the rear of the lot, which is why the driveway access is from Short Street.

Mr. Freimann confirmed that there were no concerns with another potential curb cut onto South High Street, and that the owner would not receive any additional access through this proposal to which they would not otherwise be entitled. Mr. Stanford affirmed.

Warren Fishman reported that he had contact with a nearby resident and they discussed the maneuverability issues of backing out onto High Street from the residential driveways to the north. He asked if the proposed lots would be wide enough to accommodate sufficient driveway space when the lot is developed to allow drivers to turn around and not have to back out of the driveway onto High Street. Mr. Stanford confirmed that the configuration was possible.

Ms. Swisher said that the Subdivision Regulations require the installation of sidewalks except as waived by City Council. She explained that there is an existing sidewalk along South High Street; however, there is no sidewalk along Short Street because the stone wall is located within the right-of-way where a sidewalk would normally be located. She said that Planning will recommend that City Council waive the sidewalk requirement for Short Street when this case is presented to Council for final approval.

Ms. Swisher reported that there is a sanitary sewer line that terminates in the northern portion of the adjacent lot to the north of the site. She said that the Subdivision Regulations require connection to public sanitary sewer when available within one mile of the site. She said the applicant will be required to connect Lot 1 into that existing line and will do so by extending a line through a 20-foot easement along the rear of the property lines.

Mr. Freimann asked if the existing house was currently utilizing a septic system, and if so, where it was located. Ms. Swisher said that the records are unclear regarding the location of the septic system because of the age of the home. She explained that Planning is currently working with the applicant to determine whether the existing residence is still utilizing a septic system, and if it is, it will have to be abandoned in accordance with the regulations of the County Board of Health when it is connected to the public sanitary sewer.

Mr. Freimann was concerned that some portion of the underground septic system could be located on the other property once the lot is split. Ms. Swisher explained that when a proposal moves forward for development on Lot 1, any existing septic system must be abandoned and that was why Planning was requiring connection onto the sanitary sewer line.

Mr. Freimann asked if there was any way to find out the location of the septic tank before the lots are developed. Ms. Swisher said that Planning and Engineering are working with the applicant to determine definitively whether the existing residence is currently utilizing a septic system, and if not, the septic system will be identified and abandoned in accordance with the County Board of Health's requirements.

Ms. Swisher said that when the applicant is ready to proceed with development of this site, review and approval by the Architectural Review Board (ARB) is required prior to construction, and many of the site-related concerns will be worked out at that point. She said that Planning has reviewed this proposal based on the preliminary and final plat criteria, and it is Planning's opinion that all the criteria have been met or can be met through conditions. Ms. Swisher said that Planning recommends approval of this request with the four conditions listed in the Planning Report.

Ms. Amorose Groomes asked for clarification regarding the sidewalk waiver. Ms. Swisher explained that Planning will recommend that City Council waive the sidewalk requirement for Short Street because there is no curb and gutter along this street, and because there is no good location to install a sidewalk due to the location of the stone wall, which they would not want to disturb. Ms. Amorose Groomes confirmed that there are no plans to alter the sidewalk area along High Street.

Mr. Walter pointed out that this is a unique property because of its location and the fact that the wall is still intact. He asked about the history of the wall and when it might have been built. Ms. Swisher reported that the home was built around 1932 and the wall was believed to be built around that same time. She explained that when the Belleview subdivision to the north of this site was developed, the wall was modified to permit driveways and pedestrian access to the sidewalk. She said the stones that were removed from the wall were kept and incorporated into posts by the entry features flanking the driveway, and so they were able to preserve the historic value of the wall.

Mr. Walter said that he would like to see a similar treatment on this site. Ms. Swisher added that this proposal had been reviewed by the City's Historic Preservation Consultant for the Historic District, who had recommended several other preservation techniques to maintain the historical integrity of this site. She said that when this site moved forward for development, Planning would recommend the appropriate preservation techniques were utilized.

Mr. Langworthy explained that it is a standard practice for Parks and Open Space to keep the stone material generated from removing portions of the wall to be used for repairs and incorporated into posts on either side of a driveway.

Mr. Walter asked if that could be conditioned. Mr. Langworthy answered that it could not be conditioned as part of the plat, but that the Commission's suggestions could be passed on to the ARB for their consideration when the lot develops.

Ms. Amorose Groomes asked if they would be required to go through the ARB before they could touch the wall. She pointed out that the wall is essentially becoming City property due to its location within the right-of-way. Ms. Swisher said that the applicant would be required to receive ARB approval prior to any construction or modification on this site, and that they would coordinate with Parks and Open Space to make sure that the City's needs are met regarding handling of the wall.

Ms. Amorose Groomes confirmed that if they would have to remove any portion of the wall to accommodate driveway access, they would either maintain the stone or incorporate the stone into piers. She asked if there was a fee charged for that service. Mr. Langworthy said no fee would be charged.

Mr. Walter explained that he is sensitive to this issue because several years ago, a stone wall was damaged by the developer when a subdivision went in on Riverside Drive. He felt better that the City would be responsible for altering the wall on this site when it is developed. He wanted to make sure that it is clear that the City would now own and maintain the wall. Mr. Langworthy confirmed.

Pat Grabill, 2970 Arbuckle Road, London, Ohio, representing the applicant, Tim Greenhalgh, commented that he had developed the subdivision to the north of this site, and had offered to represent the applicant in this case for continuity. Mr. Grabill referred to Mr. Fishman's comment about the driveway turn-around. He noted that the house immediately to the north of this site does not have a turnaround, but the house to the north of that one does. He recalled lengthy discussions with the City about the driveway configuration at the time because they did not want to disturb several mature trees on the site and because they would not allow the additional lot coverage to permit a turnaround in front of the house. He pointed out that although Lot 1 would have approximately the same width, it does not contain mature trees, so it would be much easier to put in a driveway turnaround.

Mr. Freimann repeated his question regarding the location of a septic tank on the property. Mr. Grabill said he believed that the old septic tank was located just to the east of the residence down the hill because of the gravity flow, but it had been abandoned for years. He said the house was connected to sanitary sewer to the south through Short Street, but that it was not connected to water. He noted that the sewer installed with the Belleview subdivision to the north is located near the rear property line, and an easement is available to extend the sewer line south to Lot 1.

Mr. Freimann understood that there is 76 feet of frontage on Lot 1 and that 60 feet is the minimum lot width for the zoning district. He noted that on the northern portion of the lot there is a steep drop-off. He asked if the applicant had thought about moving the proposed property line further to the south to the minimum four-foot side yard setback to provide more frontage and even out the two proposed lots. Mr. Grabill answered that they had carefully considered the location of the proposed property line because there are air conditioning units on the north side of the existing residence.

Mr. Freimann asked if Mr. Grabill thought 76 feet of frontage was as much as he could get on Lot 1 and if he thought 76 feet of frontage was enough to build a reasonably-sized home even with the dramatic topographic change. Mr. Grabill thought there was enough frontage. He

thought the drop off would help with siting a house because it could be tucked into the hillside and not look as massive. He said they do not have plans to develop this lot immediately, but he thought this would eventually be a nice addition to High Street.

Mr. Freimann ensured that copies of the letter submitted by Mr. McDowell had been provided to Mr. Grabill and Mr. Greenhalgh. He noted that the concerns mentioned in the letter would be more appropriately addressed by the ARB, but he thought there were some legitimate concerns. Ms. Amorose Groomes requested that the letter be kept on file until an ARB application was submitted.

Mr. Grabill commented that he hoped that at some point, the City would consider extending the brick sidewalk pavers along this portion of South High Street because the brick pavement currently ends several lots to the north. He suggested that such an improvement could occur when the walls are cut to provide driveway access.

Ms. Amorose Groomes invited comments from the audience regarding this case. [No one came forward.]

Motion and Vote

Mr. Freimann made a motion to recommend approval of the proposed Preliminary and Final Plats to City Council with the following four conditions:

- 1) That any technical adjustments to the preliminary and final plats be submitted prior to scheduling a hearing at City Council;
- 2) That the final plat include a note restricting driveway access to Lot 1 to the southern edge of the lot to the satisfaction of Engineering;
- 3) That the parkland fee of \$1,513.92 be paid prior to recording the final plat; and
- 4) That the recreation site fee be paid prior to issuance of a building permit.

Mr. Grabill affirmed that Mr. Greenhalgh had previously agreed to the conditions in writing.

Mr. Zimmerman seconded the motion. The vote was as follows: Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Mr. Walter, yes; Ms. Kramb, yes; and Mr. Freimann, yes. (Approved 6 – 0.)

2. Dominion Homes PUD – BoundTree Medical Signs 5000 Tuttle Crossing Blvd 09-015AFDP Amended Final Development Plan

Chris Amorose Groomes reviewed the procedures for this Administrative case and swore in those intending to address the Commission including the applicant, Bart Adams, Bound Tree Medical, LLC and City representatives.

Jennifer Rauch presented this request for review and approval of an Amended Final Development Plan to reface two ground signs for an existing office building located along the north side of Tuttle Crossing Boulevard. She said the three-acre site and the parcel to the east are part of the Dominion Homes Planned District and the parcels to the west are located within the Tuttle Crossing Planned District and on the south side of Tuttle Crossing Boulevard are properties within the City of Columbus. Ms. Rauch said the site contains a 35,000-square-foot office building located near Tuttle Crossing Boulevard with parking surrounding the building

mainly on the northern and eastern sides of the building. She said access to the site is provided through a primary access point on Tuttle Crossing Boulevard, with an entry island and then shared access exists between the existing Dominion Homes site to the east.

Ms. Rauch said the approved development text created a coordinated sign package for both parcels when it was under the ownership of Dominion Homes and had frontage on three roads: Park Center Avenue, Frantz Road, and Tuttle Crossing Boulevard, allotting three signs for both parcels. She said the text permitted the Dominion headquarters sign at the Park Center Avenue and Frantz Road intersection with two additional ground signs permitted on the BoundTree Medical parcel; one within the stone wall entry feature and one within Tuttle Crossing Boulevard entrance island.

Ms. Rauch said the approved development text states that two of the three signs were allocated for this Bound Tree parcel when the buildings were under the same ownership; however the text required that if Dominion Homes no longer owned both buildings, one of the two signs for BoundTree Medical had to be removed. She said this portion of the development text was discussed and required as part of the original approval in 2003. She said the text also specifies the permitted area for signs in addition to sign requirements requiring any new signs incorporate a black background with white routed letters. Ms. Rauch said that the Dominion Homes headquarters sign was approved by the Commission in January 2009.

Ms. Rauch said the applicant is proposing to keep and reface the two existing ground signs on the BoundTree parcel, which fails to meet the development text. She said since the change of ownership has occurred and the text only permits the entry feature sign or the stone wall sign. She said in addition, the proposed entry feature sign exceeds the text permitted maximum area. Ms. Rauch said the proposed design and colors of the wall sign, a white background with black pin-mounted letters and a yellow arrow, does not comply with the design requirements specified within the text.

Ms. Rauch said Planning discussed with the applicant the portions of the text not met and what needed to be changed in order to meet the text, but the applicant has chosen to proceed with the proposal as originally submitted.

Ms. Rauch said based on the analysis she presented, the proposal does not meet the text requirements for the number of signs, the total area, and the design requirements which means it does not meet the adopted plans and policies Criteria. She said the safety, circulation, and design development Criteria are met for this proposal; however Planning is recommending disapproval of this application.

Amy Kramb asked why the text allows only two signs when there is a change in ownership. Ms. Rauch explained it was a condition of approval in 2003 that one of three signs be eliminated.

Ms. Kramb noted that the two signs are very close. She asked if the location of the signs was known when it was approved originally.

Todd Zimmerman explained that he was on the Commission at the time of the original approval and recalled both buildings on the Dominion property were considered as a campus. He explained it had frontage on three roads and the Commission granted them three signs. He said

the sign at Tuttle Crossing Boulevard and Frantz Road was moved because Dominion wanted to incorporate it into the stone waterfall feature. He said the Commission made this concession, but once the property changed ownership the site must comply with the text.

Donald Plank, the attorney representing the applicant, Bart Adams, BoundTree Medical requested that additional documents be distributed to the Commissioners. Ms. Amorose Groomes asked for comments about the appropriateness of the new documents. Ms. Rauch said the first two documents were included in the Commission packets, but Exhibits C, D, and E were not.

Steve Smith, Jr. said based on the Commission's Rules, what can be considered by Planning and the Commission must be submitted in a timely manner, and the material submitted by Mr. Plank is not timely. He stated if the Commission wishes to consider it, this case would have to be postponed to a later date or it may move forward without considering the materials. Ms. Amorose Groomes decided to hold the documents until after Mr. Plank made his presentation and a decision could be made then.

Mr. Plank explained that they were seeking to replace the two ground signs on the property. He said they were asking for a modification of the text, but legally, are requesting approval of an amendment to the approved Final Development Plan. He said the property in 2003 was zoned PUD as part of the Dominion Homes development, and a copy of the text was Exhibit A. He said last year modifications to the fence and a generator in the rear of the building were administratively approved. He said the applicant is proposing no changes to the site plan only a text modification for the allowance of two signs.

Bart Adams, BoundTree Medical explained they were willing to abide by permitted sign area specified in the text. Mr. Adams noted that signs along Tuttle Crossing Boulevard and Sawmill Road resemble and match a company's identity. He said that they were asking the Commission to allow them to present a sign to the visitors with the same corporate recognition, which included black lettering and a gold swish for the logo. Mr. Adams said the final sign will have pin-mounted letters affixed to the masonry, which is the grey background, and then the gold swish underneath, as pictured. He said they would like both signs because without the stone wall sign, the structure looks empty and out of place. Mr. Adams said the monument signs will actually bring visitors to their facility and they will be able to be seen on Tuttle Crossing Boulevard as the building is approached. He said they are looking from an aesthetic point of view, because it is their corporate office, people could recognize it because of the logo and the consistency on anything received from BoundTree Medical.

Mr. Walter said the area and the design is ancillary to the question of why BoundTree Medical should keep both signs. He said it was clear that when ownership changes, this parcel only gets one sign. Mr. Walter asked why they thought they should get two signs.

Mr. Plank said he was not sure that they were entitled to two signs, but they were asking for modification to the text to allow for two signs. He said the whole parcel was under the same PUD. He said one of the last pictures in the exhibits he provided tonight showed the wall without the sign on it. He said one Code Section he cited in his exhibits made it very clear that the buildings need to be arranged so that the signs are taken into consideration and reflect the architecture of the building. He said without the sign it looks like something is missing. He said

the stone wall sign is not really a sign in the true sense of trying to get attention as you drive by, because of the high speeds travelled on Tuttle Crossing Boulevard. He said it is more of an architectural feature, as the whole wall is designed to blend with the building. Mr. Plank said they had a letter from Dominion Homes which states that they are willing to give up the second sign. He referred to the text saying that at such time the parcel is sold, Dominion can move their sign to their location, so the site will continue to have and can continue to have three signs. He said Dominion giving the sign up will eliminate this and the site can continue to have three signs. He said it would just be at this location, rather than another ground sign on the Dominion parcel at Tuttle Crossing Boulevard.

Mr. Walter said that the sign is a sign. Mr. Plank said it was a sign that did not accomplish the same thing as all the other signs seen down the street.

Mr. Walter said it may be an ineffective sign, but it was still a sign. He asked if they had discussed filling in the empty section of the wall with material similar to the rest of the wall. Mr. Plank pointed out that even if it were filled in, it would not look right. He said the proposed sign will fit perfectly with the building.

Ms. Amorose Groomes clarified that this was a stand alone property even though it was part of the PUD, facing one street that is entitled to one sign.

Ms. Husak said the original intention of the Commission recognized the parcel could be its own free standing property and function with a different owner and allowed for only one sign under that condition. She recalled in January the applicant for Dominion Homes stated they may want to return and ask for a second sign on their parcel, which the text entitles them to have.

Ms. Amorose Groomes clarified that a different property owner cannot waive their rights to a sign and grant them to their neighbor. Mr. Plank said it was still under the same PUD, so Dominion giving up their sign was not like a separate owner as it was still under the same PUD. He said originally when two signs were permitted, it was a separate parcel. Mr. Fishman said that was a concession then.

Mr. Plank requested to review the standards text. He said he understood the issue about the second sign, however they still had the question about size, which he thought they could comply with because when they put the lettering on the masonry wall as it is measured, it will get down to the 11 feet.

Mr. Plank referred to Section 4 – Signage and Graphics where it stated three signs are permitted on the entire PUD site. He said he did not distinguish between parcels; he considered it all as one site as it relates to the PUD. He said the location of the signs referring to the new building parcel in the text was the BoundTree site. He said the Dominion Homes building had already been constructed and Dominion had purchased the BoundTree property and wanted to combine both properties in the same PUD.

Mr. Plank said the text states that one ground sign was permitted in the entrance island along Tuttle Crossing Boulevard and the second was the stone wall sign. He said the size of the sign complies with the text and the first sign will comply. Mr. Plank said the design needed to be discussed because the text called for white letters on a black ground and they are proposing black

letters on a gray background with the gold arrow. He said BoundTree should have the opportunity to identify their property separate and apart from Dominion Homes, as did the surrounding office parks. He said the Dominion Homes sign does not comply with the text. He said BoundTree Medical would like to have its design for that entrance feature.

Mr. Walter requested that Mr. Plank read the first sentence of F in Section 4 of the development text.

Mr. Plank read the requested development text sentence and said they would be asking that it be deleted as a part of the modification of the text: *In the event that Dominion Homes no longer retains ownership of both the headquarters and the new parcel, one of the signs permitted by these standards on the new parcel shall be removed within thirty days, following the removal, the headquarters shall have the right to install a second monument sign.* He said his position would be if Dominion give up the right then Dominion would not have that right to install a second sign.

Mr. Zimmerman noted that Mr. Plank had made a comment that Dominion Homes did not even follow the text on the color of their sign. Mr. Plank said he understood that Dominion's most recent sign was white copy on a dark, blue background. Ms. Amorose Groomes said Dominion had deviated from the text, but they had come before the Commission for approval of that deviation.

Mr. Plank said BoundTree was also asking for a deviation. He said they were trying to distinguish themselves from Dominion. Mr. Zimmerman clarified that was not something that Dominion Homes did on its own. Mr. Plank said that was clear in the Planning Report.

Mr. Plank said there was a slight disagreement as to which Code Sections apply. He referred to Code Section 153.053(G) which dealt with modifications for approved final development plans and said that (1) and (2) are not applicable and (3) Modifications by the Planning and Zoning Commissions, where it discusses modifications other than those listed in (1) and (2), *Modifications may be approved provided the Commission finds that the request to change is compatible with the surrounding development and the modifications remain consistent with the preliminary development plan.* He noted, that as it related to design in the development text, it anticipates modifications when it says in (4)(E), *All future signs and/or changes to any existing sign shall be subject to the discretionary review of the Planning and Zoning Commission. An application for an amended final development shall follow the review procedure for final development plan set forth in Section(E) of this section.* Mr. Plank said important and applicable to what they are talking about tonight is Section (2)(B)(iv)(b), *The Planning and Zoning Commission may, in reviewing the final development plan, approve a modification of a provision of the development standards text.* He said there were five standards listed which were not what he believed were standards for a new final development plan. He said his exhibits included a section under the final development plan modification which says it has to comply with the principles of Section 153.052(B) as it related to signs. He reiterated that the only thing they were changing on the final development plan is the text related to the signage.

Ms. Amorose Groomes closed the discussion for conversation amongst the Commissioners. She reminded the Commission that there are review criteria on Page 5 of the Planning Report and they should stick to them with their talking points.

Ms. Amorose Groomes invited anyone who wished to speak in regards to this case to come forth. [No one came forward.]

Mr. Taylor said there were three different issues: logo, size and number of the signs. He said he did not have an issue with the logo sign or some variation. He said the size of the sign remains an issue and he was willing to allow that to be worked out with Planning. He said this is a situation where clearly the precedent intended for one sign on the parcel under a change of ownership. Mr. Taylor stated the text allows two signs on the other larger parcel with two frontages and based on this, he could not support two signs on the BoundTree parcel.

Mr. Zimmerman agreed with Mr. Taylor. He said he could do some movement on the color of the sign and incorporating the logo. He said regarding the two signs, the text states very clearly that they were allowed two under the same ownership, but now they are allowed only one and he would not support two signs. He said Planning could work with the applicant on the sign size and the use of the logo.

Mr. Fishman agreed with Mr. Taylor and Mr. Zimmerman. He said in 2003, a concession was made and he thought that there should be an obligation for the wall to be repaired and made to blend with the rest of the wall. Mr. Fishman said the text clearly stated they were allowed only one sign and he agreed with the other Commissioners.

Ms. Kramb agreed there should only be the one sign. She said she did not like the yellow and the sign should be limited to two colors because the Dominion Homes sign is two colors. She said she was fine with the black for the name, but not the yellow arrow.

Mr. Walter said he thought the repair of the wall should be conditioned because he thought the wall definitely needs treatment. He said he was uncomfortable with not reviewing the details the sign modifications and would like to see a complete sign package come back to the Commission. He said did want this to be administratively reviewed because he was not sure the Commissioners were in agreement with the applicant as to the intent. Mr. Walter said he would allow the applicant to work with Planning to get the details together and bring it back for review and approval. He said at that time, he would like to see it conditioned on the repair of the wall. Mr. Zimmerman and Mr. Fishman agreed.

Mr. Freimann recommended that Mr. Plank request a tabling of this application. He said he did not think there was any support from the Commission for a second sign and he thought there was some disagreement amongst the Commission exactly what they were willing to approve. He said he thought there was some willingness to allow some change in the color and he heard from the other Commissioners they were not going to require the black background with the white lettering.

Mr. Fishman disagreed. He said he said it should meet the text. He reiterated that the concession was made in 2003 and he often saw concessions being made with strict conditions and then years later an applicant ask the Commission for more. He said the 2003 agreement should be kept with be one sign, and the text should be met. He said if the gold arrow does not meet the text, he did not think it should be on the sign.

Mr. Freimann asked if they would allow a white background with black lettering as opposed to a black background with white lettering on the sign. Mr. Fishman said if it met the text, it would be fine. Mr. Freimann said that would be a change to the text which says black with white lettering.

Ms. Rauch said the text does allow for the Commission's discretion to do something different, which is what they did with Dominion Homes.

Mr. Fishman said he would give the applicant the same benefit as Dominion, but he agreed with Mr. Walter that it would have to return to the Commission for review.

Mr. Freimann concluded that the Commission did not have anything to vote on, that they were not going to allow the second sign.

Mr. Zimmerman said that the Commission did not even know which sign the applicant would choose. Mr. Freimann reiterated his recommendation that the applicant table and come back with a sign that the Commission can review and vote on it.

Mr. Taylor said he thought the Commission could make a concession on the design of sign so that it is closer to their corporate logo as long as it meets the Code. Mr. Fishman said if it met Code, then he was fine with Mr. Taylor's comment.

Ms. Rauch confirmed for the purpose of guidance, that not having the black background with the white letters was something that the Commission would accept.

Ms. Kramb said she thought the sign should be two colors, and not use the yellow.

Mr. Walter said the guidance given by Mr. Fishman, which was just as in any PUD, sign packages are generally coordinated across the PUD, so if the Commission could allow the applicant the same latitude allowed the other site that would be appropriate.

Mr. Walter asked if the square footage inside the street sign could be expanded and still meet Code. He said it looked too small for the existing enclosure.

Ms. Rauch said the Code was specific, so if the Commission were to allow something different, the text would need to be amended to let them have a bigger sign. She said it was up to the Commission's discretion if they wanted to amend the text to allow a bigger sign.

Ms. Amorose Groomes said she heard from the Commissioners that they are completely unwilling to amend the text in any form or fashion this evening. She said they are not supportive of the applicant maintaining two signs and that it will default back to what the text said. She said she heard some small discrepancy on whether or not it could be more like the logo in color or if it was going to be two-tone only. Ms. Amorose Groomes recommended that when this case returns that there be an 'A' and 'B' card so that the Commission has things on which to review and vote on, assuming that the applicant would want to table this.

Ms. Plank said they need signs. He said they were asking for two signs, but if they cannot get the two signs, then they would take would be a larger entrance sign.

Ms. Amorose Groomes reiterated the applicant should work with Planning to meet Code. Mr. Walter asked if the Commission chose to approve the street sign, would they allow that sign to be enlarged. Mr. Fishman said as long as it met Code.

Mr. Taylor said there was a discrepancy. He said the development text is stricter than Code. He said he would support amending the development text to allow for larger sign area, if the applicant chooses.

Mr. Zimmerman said Code could allow 50 square feet for this sign, and the text permits 11 square feet. He said the intent of the text originally was to keep everything scaled down.

Mr. Freimann suggested that Mr. Plank table this application to bring something back. He said he thought there was willingness on the part of the Commission to amend the development text, but did not think there was support to give 50 square feet of signs.

Ms. Amorose Groomes said not in quantity of signs, but only in a single sign would the Commission give some leeway on the size. She said the applicant should bring the Commission a color palette that they would be able to approve because the text would limit them to the black and white. She said the Commission is indicating that they might be able to give some leverage, but they would have to see exactly what everything would look like.

Mr. Zimmerman asked about the monument and the height of it. Ms. Amorose Groomes said there was nothing in the text that deemed it had to be in that exact location as she read it, so the applicant could proposed it elsewhere. She suggested the applicant work the Planning on the appropriate size and design and bring it back to the Commission for review.

Mr. Plank requested to table the application and bring back something for the Commission to review.

Mr. Fishman made it clear that the Commission was not looking at 50 square feet. Mr. Plank said he understood.

Mr. Plank asked that the exhibits he presented to the Commission tonight be submitted into the record. Ms. Amorose Groomes asked that Mr. Plank's exhibits were to be collected and returned to him.

Motion and Vote

Mr. Walter made the motion to table this Amended Final Development Plan and Mr. Fishman seconded. The vote was as follows: Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Mr. Freimann, yes; Mr. Taylor, yes; Ms. Kramb, yes; Mr. Fishman, yes; and Mr. Walter, yes. (Tabled 7 – 0.)

3. Indian Run United Methodist Church 09-022Z

**6325 Brand Road
Standard District Rezoning**

Chair Chris Amorose Groomes explained that this case involves a Legislative matter, so the public is welcome to express their opinions during the public comment portion of the hearing.

Jamie Adkins presented this request to rezone part of the Indian Run United Methodist Church property. She said one of the reasons it is before the Commission is that the Church went to City Council recently requesting a fee waiver for the rezoning of this property from the PUD, Planned Unit Development District to R-1, Restricted Suburban Residential District. As Planning was researching the site and history for that request, it was discovered that the PUD had expired, per Code, because no work had been done on the PUD since the Final Development Plan had been approved. Planning presented it as an option to City Council, and they directed staff to rezone the property because the PUD had expired.

Mr. Freimann, who pulled this case from the consent agenda, chose to forego the formal presentation for this application. He pointed out that the Planning Report stated that once the approval has expired, City Council may initiate a rezoning to change the zoning back. He said it was a discretionary option and asked why they would want to do this. He said he had seen a memo prepared by Steve Langworthy and the City Manager to the City Council saying that Dublin's Zoning Code is so disastrous that what we need to do is scratch it and start all over again. He said rather than have this land be under the control of a well thought out, well developed PUD, we are going to go a straight zoning, and as long as the Church comes forward with something that meets our Zoning Code, which the Planning Director and City Manager tell him are bad, that they can build it. He said he visited the site and it is beautiful, pristine land surrounded by wonderful neighborhoods on three sides; south, west, and north. He said to the point that if the Church wants to build a recreation center or playground or anything else, he thought they could come before the Commission with an amendment and say they would like to do something besides the nine homes that have been approved here. Mr. Freimann said he needed something really compelling as why they should just revert this back to straight zoning.

Ms. Adkins said the Church would have to rezone regardless of what they wanted to do because the PUD was so specific. She said the route the Church was considering was rezoning to a straight district because that matched the zoning on the remaining portion of the property. Ms. Adkins said it was Planning's opinion that they have developed the property very well under the current zoning, and that their intention is not to do anything overly intense. In addition, the R-1 standards for churches are not as bad as some other sections of the Code. She said that it does comply with the Community Plan and it was Council's direction to rezone it back to R-1, so they obviously felt it was appropriate.

Todd Zimmerman explained that the Church was looking for a fee waiver, and instead City Council directed them to go in front of the Commission and rezone the property and if it is done through the City, there would be no fee and they are done.

Mr. Walter concurred with Mr. Freimann that a PUD was the preferable way to develop, especially in an area that is already well developed. He said St. Brigid's Church on Avery Road has done a lot of infill and it has been very carefully crafted to fit. Mr. Walter said he did not particularly believe that Indian Run United Methodist Church had done as sensitive of a job in their expansions. He said it is clearly an expansion and clearly misaligned, so he would like to have a little more control in that development process when it happens. He said he was resistant to giving the Church R-1 and letting them go wherever they want.

Ms. Adkins clarified that R-1 permitted Residential at one-unit per acre, churches, parks and schools. She said the original purpose for the PUD is intended to allow for the kinds of development that the straight zoning districts did not. She said it is different in this case because

the Church already has developed on R-1, and wants to expand on property that they already own with the same type of zoning. She said the R-1 accommodates that goal.

Mr. Walter pointed out that the property abuts Avery Park and the stream. He said it was a beautiful vista. He said if this is approved, he could see the Church putting a gym in the back, and he would like to have a little more say in the development of the site. He said he could be sensitive to a fee waiver if City Council wishes, but he thought to come before the Commission to try to get around a fee process is surprising.

Richard Taylor said it felt to him that the Commission was being asked to approve a hardship, and maybe the fee was a hardship of some kind.

Claudia Husak said the applicant in this case is the City. She said the Church did go to Council to ask for the fee waiver and Council said if the PUD was actually expired, they were going to direct staff on the behalf of City Council, to revert the zoning back to what it was originally. Ms. Husak said there was no Church applicant tonight asking for the Commission to approve a rezoning.

Mr. Taylor reiterated that it felt as though the Commission was being asked to look at this as if it were a hardship because obviously someone does not want to pay the fee. He said it seemed to him, as Mr. Walter said, if they took away the current PUD, then they lose a great deal of control of what happens here. He said a fee waiver, instead of the change from a PUD to another type of zoning of some type that needs to be done in order to approve a project that is brought to the Commission seems like a better way to address this. He said once the Commission knows what it is that they are being asked to approve on this site that gives them the ability to use the rezoning process as part of the consideration of all of this. Mr. Taylor said he did not think that any of that rules out the possibility of the fee waiver for the applicant later on, regardless of who they are.

Ms. Amorose Groomes asked that the Commission be further educated on the matter by Ms. Husak. She asked what happened when a PUD expired. Ms. Husak said the Code states that it is up to City Council to decide whether or not to revert the zoning back, and only Council can do that.

Ms. Amorose Groomes asked what happens if Council does not revert the zoning. Ms. Husak said nothing would happen and the Church could still continue to develop the final development plan under the PUD.

Ms. Amorose Groomes asked if the Church's options were to revert the property back to its original zoning or to continue with the expired PUD, and if at any point, they deemed necessary to develop that land, the expired PUD reigned over the development of that piece of property.

Ms. Husak said the PUD only expired if Council said it was expired and the zoning was to be reverted. She said other than that, it was not really considered to be expired.

Steve Smith Jr. confirmed that Ms. Husak had provided a very good legal opinion.

Mr. Freimann stated that if the Church hypothetically came and said they have five acres and want to be sensitive to everything; they want to put in a beautiful cultural hall or something that is architecturally pleasing, fits well with the land, and meshes with the Church under the R-1, assuming it met our Zoning Code, they could put that in without ever coming to the Commission.

Ms. Adkins said that would be correct if they obtained a building permit.

Mr. Freimann asked if the PUD remained, would the Church have to come before the Commission and formally request review and approval of a new final development plan for that area.

Ms. Adkins explained that the PUD text language is specific to the nine lots on a certain amount of acreage, so it would not be an amended final development plan, because it was too much of a change; it would have to be a full rezoning. She said the option to amend a preliminary development plan at the final development plan stage is very narrow, so it would not meet those criteria.

Mr. Walter asked what was wrong with Mr. Taylor's recommendation to say that it remains as it is until such time as a valid project is before the Commission. He said one of the things he was concerned about, quite frankly on this property is that five years ago, there used to be a tremendous barn on this property and it got taken down and he did not know why.

Ms. Adkins explained that removal of the barn had Commission approval as part of the PUD.

Mr. Walter said that approved project did not get built and the barn is now gone. He asked what was going to happen next when they indicate they say that they want to remove the trees in the back because they are planning on building on nine lots and then change their mind. He said he was very much in favor of Mr. Taylor's suggestion. He said it gives some context to what is occurring. He said he understood that Council has directed Planning to try to revert this zoning. Mr. Walter said he heard at least some consensus that the Commission may have a recommendation and Council can still do what they want to do with that.

Mr. Freimann asked if the Church sold this land to somebody else, as is, and a new developer came in with a new idea and did not like the PUD, what would be recommended and how would they be encouraged to get their new idea for that land before the Commission. He asked what Mr. Langworthy's recommendations would be to that private enterprise and how would they be walked through the process.

Mr. Taylor clarified that Mr. Freimann was saying that when it came to Planning, it still has an expired PUD and it had not been rezoned. He asked how the new owner would get the parcel to an R-1 District.

Mr. Langworthy explained that if the original PUD was still in place, a development text applied and it would have to be developed in accordance with that text. He said there may be some amendments that could be made to the text that would reduce the number of lots, for example.

Ms. Kramb asked if a new developer could ask to rezone the site. Mr. Langworthy said that actually was what the Church had originally done.

Ms. Amorose Groomes asked if it would be a more attractive item to a developer if it were out of the PUD and just R-1 than if it would come in under the PUD and attempt to amend the text.

Mr. Fishman said a developer would not have to amend the existing text. He said the developer could come in and apply for a new PUD which gave the Commission much better control than an R-1.

Mr. Walter said if it was zoned R-1, the parcel could be sold with the expired PUD and no conditions, which would consequently complicate the sale of it. Ms. Amorose Groomes said they could rezone it with relative ease if they had an attractive project.

Ms. Husak said the Community Plan calls for Private Institutional on this site.

Ms. Amorose Groomes said she thought the Commission was trying to drive to the heart of what is the Church's plan for this piece of property; are they looking to develop it and perhaps put a gymnasium there, looking to sell it to someone who is going to build nine units; or what their intention is and why they came. She said the Church probably could have just gotten a fee waiver. Ms. Amorose Groomes said she did not hear that there is a lot of support from the Commission for this rezoning without real compelling evidence. She said she thought there was hesitation among the Commissioners to do something without really knowing why they are headed down the road to do that.

Ms. Adkins said she could not speak to what the Church is planning to do, but she did know that they have not finalized their plans and that they are still in the fundraising phase which will determine the extent to what they can do. She said she met with them last year to talk about what the process would be and as far as she understood then they are looking at ball fields and play area for the expansion they just completed.

Ms. Amorose Groomes said that someone might come in with a significant contribution and maybe the Church would build some sort of structure. Ms. Adkins said that the Church had just completed a significant addition.

Mr. Fishman pointed out that if the current zoning remains and the Church decides to do anything, they would simply come to the Commission for review and approval, and if it meets the Dublin standards as far as its pretty and is aesthetically viable, then it is changed. However, he said if the parcel went back to R-1, that protection is lost. He said in other words, they could build a metal gymnasium building there because it was straight zoning.

Ms. Adkins agreed and said that the Commission had the rezoning question in front of them and that they needed to use the criteria to approve a rezoning.

Ms. Husak explained that this is a rezoning request to a standard zoning district, and the criteria is whether it meets the Community Plan, because they are not asking for a planned district, just a standard district.

Mr. Freimann said, specifically addressing the example that Ms. Adkins just made, he thought the land would look wonderful as activity grounds and things like that, but certainly, after the Commission's recent experience with Dublin Jerome High School, there are some great homes

that border there, and they could come forward, he thought everyone would be excited about more green space or the continual use as green space with the appropriate amount of screening and that sort of thing. He said he did not imagine that the Church is going to have much problem getting whatever it is that they want; he thought he spoke for the Commission saying that they would just like to see what it is that they want to do out there and the Commission is willing to work with them. He said to the point that cost is an issue; the Commission would certainly recommend to City Council that they approve any fee waiver requests.

Ms. Amorose Groomes asked if the applicant would like to table this case or would like the Commission to vote on this request.

Ms. Adkins said she would like the Commission to vote on the rezoning tonight.

Ms. Kramb said if the only criteria is to tie it to the Community Plan, the Community Plan is extremely broad because it takes into view the entire community, not just the math that says it is classified as this. She said when they bring in the whole entire Community Plan, it's our vision, beliefs, and what they want things to look like. She said they could tie anything into the Community Plan, so she did not think they had a problem.

Motion and Vote

Mr. Walter made a motion to recommend disapproval of this Rezoning to City Council because the proposed R-1 zoning does not comply with the "Private Institutional" Future Land Use designation in the Community Plan. Mr. Taylor seconded the motion.

Ms. Amorose Groomes clarified that a 'Yes' vote on the motion meant that the Commissioner was recommending disapproval of this application.

The vote was as follows: Mr. Zimmerman, no; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Ms. Kramb, no; Mr. Freimann, yes; Mr. Taylor, yes; and Mr. Walter, yes. (Motion for Disapproval 5 – 2.)

Ms. Amorose Groomes reiterated that a 'Yes' vote meant that "it would not get rezoned."

Additional Administrative Business

Ms. Husak said at a recent training session conducted by the City Manager's Office, Commission and Board Liaisons were charged with working with the Commission throughout 2009 to come up with some goals, planning ideas or things that the Commission would like to work on. She explained that a flow chart was made showing how this gets communicated to City Council and how City Council puts together resources and prioritizes the Commission's topics. She said a discussion at the May PZC meeting will include the Rules and Regulations update and other tasks City Council has charged the Commission and Planning with. She said October was the deadline for forwarding these items to City Council.

Ms. Amorose Groomes requested Planning compile a list of the items the Commission has already discussed, items Planning think appropriate, and allow the Commissioners to make notes about other things to include.

Mr. Fishman expressed his concerned about changing the Code. He asked if there would be a consultant and legal involved.

Mr. Langworthy said the proposed process was approved by City Council, and the City Manager has asked for more detail about the process. He said the detailed process when completed will be submitted to the Commission and they will have an opportunity to see how the Law Director is involved. He said the process includes the use of focus groups and intends for these group is to discuss bigger Code related issues and not for them to approve or review proposed language.

Mr. Fishman said he was very concerned. He said the Code has worked well for many, many years. He said there are attorneys in Dublin who are Code watchers and we do not want the Code to be less restrictive. He said we have a beautiful city because the Code and they had the Code to fall back on as they did tonight. He said he did not know if the Commissioners were competent to change the Code. He said the Code is a really complicated document, and it worried him that they are starting to tinker with it without the use of a consultant.

Mr. Langworthy said using consultants had been discussed with City Council and their direction was that consultants not be used, that it be done internally.

Mr. Fishman said Dublin's Code was borrowed from other places and he thought that was something to consider, including the Landscape Code from Lexington, Kentucky.

Mr. Taylor said he liked what had been laid out and how the Commission is going to approach the Code. He said it seemed like the little language issues will be easy. He suggested that parts of the Code that need to be changed be explained why and not just because it is a new way with better graphics and simpler language.

Mr. Langworthy referred to the first part of the overview about objectives, and said that was where they would do that type of review. Mr. Taylor said that the more specific it is about an issue that needs to be dealt with by changing the Code, the better it is going to be.

Mr. Taylor said he loved the Newsletter. He asked for an update on Master Maintenance (Case No. 04-042Z/CU).

Ms. Husak said a meeting with the property owners, their attorney, and the City's Assistant Law Director took place to determine the items the needed to address before it returns to the Commission for Conditional Use review. She said the applicant is considering proceeding to City Council for the Rezoning approval in May.

Mr. Taylor referred to the Jerome High School Mounding (Case No. 08-053AFDP), and asked if a new plan had been submitted for the record with a note on it that there was no seating on the mound as requested by the Commission. Ms. Husak said that submitting revised elevations with the note would be the next step taken. Mr. Taylor requested that it be confirmed that it does not say "Seating Area" on the final plan submitted. Ms. Husak agreed to forward a copy of the revised plan to him.

Mr. Taylor asked if there was a legal mechanism so that the Commission can meet to come up with recommendations as a body in another location that would not be considered a public meeting.

Mr. Smith said under the Sunshine Law, if there are the majority of members of any public board present discussing public business it is considered a public meeting which would require notice. He said passing information from one to another to another was also a violation of the Sunshine Law. Mr. Smith recommended avoiding that situation and to have those conversations in a public setting. He said a recommendation can always be submitted to Planning and they can deal with it. He reiterated that if a majority of the Commissioners were discussing this at any time, it would be considered public business, and therefore would be a public meeting that would require notice.

Mr. Taylor asked for further clarification that the discussion was not just limited to applications or policy. Mr. Smith said the Open Meetings and Public Records laws are both designed to have everything open to the public, therefore the court always errs on the side that it should be a public meeting.

Mr. Taylor suggested for the Chair's consideration that at some point, the Commission looks into the possibility of either at a regular meeting or another meeting where they can discuss issues that are of concern to all of them that they might want to see Planning address. Ms. Amorose Groomes said she thought that would be very appropriate to include in the Annual Items of Interest List that Ms. Husak is preparing. Ms. Husak reiterated that after this process, Council will direct the Commission and Planning on which project they will work on.

Ms. Amorose Groomes said it would be very appropriate for the Commissioners to write down suggested items and bring them to the next meeting. Ms. Husak said that the list would be finalized for the Commission to review before it is submitted to City Council.

Mr. Walter said for future reference, he found it difficult to handle the previous case (Case 09-022Z - Indian Run United Methodist Church), without the property owner present to answer questions.

Ms. Amorose Groomes adjourned the meeting at 8:24 p.m.

As approved by the Planning and Zoning Commission


Libby Farley
Administrative Assistant