



CITY OF DUBLIN.

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DUBLIN PLANNING AND ZONING COMMISSION

MEETING MINUTES

JULY 9, 2009

Agenda

1. **NE Quad – Subarea 2 – Emerald Fields Park** **4040 Wyandotte Woods Boulevard**
09-030AFDP **Amended Final Development Plan**
(Approved 7 – 0)

2. **Shoppes at River Ridge – Montgomery Inn** **4565 West Dublin-Granville Road**
09-034CDD **Corridor Development District**
(Tabled 7 – 0)

3. **Dublin Jerome High School – Parking Lot Expansion** **8300 Hyland-Croy Road**
09-056AFDP **Amended Final Development Plan**
(Approved 7 – 0)

4. **Institutional Uses** **Code Amendment**
09-042ADM **Administrative Request**
(Approval Recommended 7 – 0)

5. **Outdoor Sales and Display** **Code Amendment**
09-045ADM **Administrative Request**
(Approval Recommended 7 – 0)

Chair Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were: Todd Zimmerman, Warren Fishman, Flite Freimann, Richard Taylor, Amy Kramb, and Kevin Walter. City representatives were: Steve Langworthy, Jonathan Papp, Claudia Husak, Tammy Noble-Flading, Justin Goodwin, Jennifer Rauch, Jennifer Readler, Gary Gunderman, Kristin Yorke, Laura Karagory, and Flora Rogers. Vice Mayor Cathy Boring also was present.

Mr. Zimmerman referred to the May 21 meeting minutes, Page 4, and said the word *deck* should be changed to *dock*. Ms. Husak said that was a translation issue. Mr. Walter requested that the next to last word on Page 2, be corrected from *indefinably* to *indefinitely*. Mr. Freimann pointed out that on Page 10, the discussion regarding the Hiawatha Rail Line was Mr. Walter's instead of his. Ms. Husak commented that from the recording, it could not be determined who spoke.

Motion and Vote

Mr. Freimann made the motion to approve the corrected May 21, 2009 meeting minutes, and Mr. Zimmerman seconded. The vote was as follows: Mr. Fishman, yes; Ms. Amorose Groomes,

yes; Mr. Walter, yes; Mr. Taylor, yes; Ms. Kramb, yes; Mr. Zimmerman, yes; and Mr. Freimann, yes. (Approved 7 – 0.)

Motion and Vote

Mr. Freimann made the motion to approve the June 11, 2009 meeting minutes as presented, and Mr. Zimmerman seconded. The vote was as follows: Ms. Kramb, yes; Mr. Taylor, abstain; Mr. Walter, abstain; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Ms. Zimmerman, yes; and Mr. Freimann, yes. (Approved 5 – 0 – 2.)

Motion and Vote

Mr. Fishman made a motion to accept the documents into the record as presented. Todd Zimmerman seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Freimann, yes; Mr. Taylor, yes; Mr. Walter, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Fishman, yes. (Approved 7 – 0.)

Administrative Report

Ms. Husak suggested that the discussions regarding the Annual Items of Interest List and the Zoning Code format be held until after the regular cases are heard so as not to make the applicants wait. She said there were three administrative approvals, and two of the June applications listed in the report had been withdrawn. She reported that the Kroger outdoor sales application was withdrawn since the Code Amendment for outdoor sales on this Agenda takes care of their needs. She said the July 16 Agenda will include another follow up on the discussion of the Land Use Principles and it was hoped that the Commissioners could stay late for that, if necessary.

Ms. Husak said the Zoning Code Process public meeting is scheduled for Monday, July 13 at the DCRC at 6:30 p.m. and invitations had been sent to many applicants, residents, homeowner associations, and Planning has received responses from eight people who are planning to attend the meeting. She said that the Commissioners were welcome to attend and listen to the conversations.

Mr. Walter thanked Ms. Husak for the list of June applications. He said it was very helpful.

Ms. Husak reported that at the July 1 City Council meeting, rezoning application 09-042Z - Master Maintenance Case 04-042Z, was approved and would be coming before the Commission for a conditional use review. She said Tammy Noble-Flading will be meeting with the applicant to finalize the materials that are needed before it comes back on a future agenda.

Administrative Business

Ms. Amorose Groomes announced that Case 3 had requested a tabling. She asked if any Commissioner would like to pull Cases 1 or 2, which were consent items. Mr. Freimann pulled Case 1 since correspondence regarding Case 1 had been received and he thought it should be discussed. Mr. Walter said he had questions regarding Case 3. Ms. Amorose Groomes announced that the order of the cases heard would be in the order of the published Agenda. She briefly explained the Commission rules and procedures.

**1. NE Quad – Subarea 2 – Emerald Fields Park 4040 Wyandotte Woods Boulevard
09-030AFDP Amended Final Development Plan**

Chair Chris Amorose Groomes introduced this Administrative matter and explained the rules and procedures.

Jennifer Rauch asked if the Commission needed a presentation regarding this case. Ms. Amorose Groomes stated that a presentation was not necessary.

Ms. Rauch distributed two correspondence items to the Commission, one from a resident of the Copperhill Apartments, across from this site on Sawmill Road, not within the City of Dublin, expressing concern about two playground areas and the second was from a Kelly Drive resident wanting to ensure that when future sections of the neighborhood are developed that bike path connection is provided. She said that Laura Karagory had replied and said that the City would ensure that appropriate connections would be made at that time.

Flite Freimann expressed a concern about the bikepath connectivity and said he supported the City ensuring that a proper connection was made between the park and the adjacent neighborhoods. He said that in relationship to the City of Dublin's Community Plan, the City has made an effort to maintain the rural character of Dublin. He asked if it was possible to allow the areas of open space to be more natural areas of landscaping and less manicured lawn areas to enhance that feeling of rural character.

Laura Karagory, representing City Manager Terry Foegler, presented a photograph showing the area between the two tree lines and indicated that the area is heavily vegetated area and not manicured landscaping. She said it is equally important, or more important, to preserve the wooded area just beyond the City property based on environmental sensitivity. She said the whole theme of the park was based on enhancing the rural character of the area including the large setbacks, type of fencing and general aesthetics of the structures for the park.

Mr. Freimann asked if as the site is developed, was there an opportunity to add more wildflowers that would give it a more natural feel. Ms. Karagory said the planting plan could certainly be changed to incorporate that suggestion.

Ms. Amorose Groomes referred to a planting listed as 'R' on the Plan, and said there is no 'R' in the plant material list. She said she had concerns about plants bulbs, particularly tulips in this area, given the natural wildlife that occurs. She said she did not want to encourage vegetation that would attract deer. Ms. Amorose Groomes stated that crocus and daffodils may be appropriate. She said that 70 taxus are shown on the Plan which to attract deer. She said the Boxwoods may be more appropriate. Ms. Amorose Groomes requested that the plant list be reviewed with attention to these comments.

Mr. Zimmerman asked why there were no foundation plantings around the restroom and maintenance building. Ms. Karagory said that was the architect's preference. Mr. Zimmerman said that most other buildings including landscaping and that should include these buildings. Ms. Karagory said that they could modify the landscaping to include plantings in this area of the site.

Mr. Zimmerman asked an addition maple tree could be provided around the open area to provide shade around the basketball courts.

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Ms. Karagory clarified that the basketball courts were not part of this phase, but in a future phase. She said there will be additional landscape then.

Ms. Amorose Groomes suggested supplementing some shade tree planting adjacent to the sidewalk that might have an opportunity to reach some maturity prior to the construction of the basketball courts.

Mr. Walter expressed concern that it might not be prudent to plant trees before the engineering of the basketball courts is complete.

Mr. Fishman suggested the trees be planted on the other side of the sidewalk be planted now based on the fact that the trees would not be impacted by the construction activities. Ms. Amorose Groomes agreed that they could be planted in that location of the site.

Mr. Zimmerman suggested that a maple tree be planted to the east of the maintenance building to also provide shade. He said the pines provide screening, but a maple or oak tree provides shade.

Ms. Amorose Groomes suggest elm trees, honey locust or purple glory maples on the west side of the sidewalk. She said that diversity in plant material on any given site is important.

Ms. Husak recapped the discussion with the following conditions:

- 1) That the landscape plan be revised to provide more deer resistant trees west of the sidewalk and foundation plantings along the buildings, subject to review by Planning.

Mr. Fishman said that this maintenance building were simple in design and asked whether additional attention should be given to the appearance of the building.

Mr. Taylor said that a simple design may be appropriate. He said the analogy would be that the structure is similar to a barn out in the field with a bucolic, rural character to the building. He said the simplicity of the building is what makes it work. He said if it were a metal building, it would look uncharacteristic for the site. The proposed building has subtle details on the gable ends and the overhangs to give it that rural feeling. He said it was appropriate preserving that character of the site.

Mr. Fishman asked how many trees would be added. Ms. Rauch said that Planning could bring back a revised plan with the next phase when funds are available.

Mr. Fishman asked when this would be constructed. Ms. Karagory said it was hoped to go out to bid as soon as the revisions are made to the plan. Ms. Husak said it was supposed to be this year.

Mr. Fishman said he would like to see the plan when it is complete..

Ms. Husak committed to provide the revised plan for the Commission to review. However, she said there would not be the opportunity to vote again and it would be for informational purposes only.

trails that are shown as connections on the preliminary plan.

Mr. Walter confirmed that there was no planned connection to the varsity baseball fields. He noted that the path came down the first base line and stopped without making a connection to the parking facility. Mr. Fishman recalled that they had previously discussed that it was going to connect. Mr. Walter wanted to ensure connection to the parking facility with this improvement. Mr. Walter asked for clarification regarding the small circles shown on the landscape plan at the eastern edge of the parking lot. Mr. Papp said that they were existing shrubs, and in order to maintain that buffering, shrubs were added along the eastern boundary. Mr. Walter said they were not labeled and it did not appear to him that there was enough planting area for them.

Ms. Amorose Groomes said the shrubs were labeled as “TOW,” it which are Woodward Eye Globe Arborvitae and Sea Green Junipers.

Mr. Walter asked if they could be planted that densely. Ms. Amorose Groomes thought the density was fine as shown. She said it was the same plantings as there were presently. Ms. Amorose Groomes referred to plan L1.01, which showed the present Arborvitaes planted. Mr. Walter asked to confirm that there are an appropriate number of plantings.

Mr. Papp said that Planning had reviewed the proposed plan and it meets all applicable Code requirements for parking lot landscaping.

Mr. Walter noted that significant piles of dirt had been added by the baseball facilities and he asked if they were temporary.

Rick Fay, Project Landscape Designer, Bird Houk Collaborative, said that the dirt piles were temporary and were intended to complete the fill project for the mound by the varsity baseball field approved earlier this year.

Mr. Papp said the height of the mound was where it would be located, and the back portion will be tapered off because it is a little too steep. Mr. Walter said he was fine with that.

Mr. Walter asked about the sidewalk connections. Mr. Fay said the proposed plan as submitted does not include any connection between the parking lot and the ball field since the intent is to minimize impervious surface on the site.

Mr. Walter confirmed there was no connection shown from the northeast corner of the parking facility to the ball fields. He suggested it be installed due to there being more people accessing the fields from the parking lot than currently do, and it should be structured. Mr. Fay thought excluding it was simply to complete the parking now and minimize the extra impervious surface.

Mr. Freimann suggested the connection could be a pervious surface, such as a walking path with mulch or rubber or something similar, and not necessarily concrete. Mr. Walter said the connection is necessary now so that development on that portion of the site is complete.

Mr. Fishman said if mulch or rubber is used, the path would be a mess. Mr. Fishman recalled that when the mound was discussed, the Commission talked about finishing the path to make the connections, and the Schools said they would finish it when they came in for the parking lot.

Jeff Eble, Director of Business for the Dublin School District, said they wanted to put the walks in, but their understanding was that if a path was installed it was going to create too much impervious surface. He said the architect told them they should not do that at this point of time. He said that Gary Sebach with Bird Houk could not be present tonight, so he could not tell exactly what the problem was and was not sure Mr. Fay knew what the issue was. Mr. Eble said they would be happy to do that connection.

Mr. Walter asked if Mr. Eble would agree to a condition that a path connect the softball and baseball facilities and the northeast corner of the parking facility be connected to that path system. Mr. Eble agreed.

Mr. Papp said the issue was that since it was not shown originally as impervious surface, they would have to review the impervious surface and recalculate the stormwater management on the site, and that might require compensatory stormwater management on the site, which could be costly depending on how much would have to be done.

Mr. Fishman expressed concern that if the path was not built now, there would never be a path.

Ms. Amorose Groomes said although it is an impervious surface, it is not creating a watershed that is going to a drain body of sorts, it is draining to the adjacent turf, unlike a curbed parking lot that would drain to a drain body like a catch basin. She said she could not see that a six-foot wide walking path is going to impact their stormwater management that is not draining to a catch or collection basin.

Ms. Husak pointed out that the Schools had scheduling issues regarding getting the parking lot done that might not be as pressing as the path. She suggested providing additional time to work through the stormwater issues addressed and look at surface materials.

Mr. Eble said that they had a contractor standing by ready to go. They were submitting plans with the understanding that the parking lot was approved as part of the original plan for the high school and that they did not have to come to the Commission for review and approval on the parking lot. He said they had put their contractor off for a month on this project, and they are concerned that if they go too far, they will never finish the project this season.

Mr. Walter suggested the condition that an asphalt connection is required from the softball facility to the baseball facility, and an asphalt connection from the northeast corner of the parking facility to the walking path system, and should that cause the amount of impervious pavement to add extra costs, that the school is required to place a pervious walkway that is maintained annually. He clarified that they would not have to come back to the Commission and there would not be an administrative issue when it is decided that the cost is too much to add stormwater management.

Mr. Fishman reiterated that he thought mulch or something similar would be a mess. He suggested inexpensive blocks or pavers that could be placed in sand.

Ms. Amorose Groomes said they had real problems on the site with stormwater management anyhow with stormwater running over the road. She pointed out that when the Army Corps of Engineers identifies wetland mitigation sites that happen to be near this school, you know you are in a wet spot, and so they do not have many places for water to go. She did not think there

would be an issue.

Mr. Walter said however, a future opinion might state it is an issue, and so some kind of outlet is necessary to get what the Commission wants done through the condition. Ms. Amorose Groomes said that there was no cheap fix on stormwater since they maxed out their stormwater options. She said they cannot even mow the bottom of their detention basins because they never dry out. Mr. Fishman reiterated that he suggested instead of using mulch or gravel on the path, that pavers and sand be used. Ms. Amorose Groomes said that was considered a pervious surface, but it was possibly a cost hardship for the Schools.

Mr. Fishman said he was in favor of using asphalt for the path if it could be done.

Mr. Freimann was in favor of the sidewalk, and he recalled that when the mound was reviewed by the Commission, the agreement from the school was that there was going to be another sidewalk because the citizen concern was the cut through. He said he would like to see the sidewalk happen, but the School District has a time schedule to meet regarding their contract. Mr. Freimann said he would want the condition to be that the School District can proceed with constructing the parking lot, but that the sidewalk must be constructed within 12 months or so.

Ms. Husak said that if the Commission just required that there be a walking path installed from the baseball field to the softball field that connects through the northeast corner of the parking lot, it would be fine. She said that Planning can work with the applicant to get it done, and if there are stormwater issues, they can come back to the Commission with an amended final development plan to review alternative materials.

Mr. Walter confirmed that an asphalt path can be required, and should it not come to fruition, another amended final development plan can be submitted that changes the material selection. Ms. Amorose Groomes said that was the condition.

Mr. Taylor confirmed that the condition makes it part of the amended final development plan, but does not necessarily make it part of this project. He recommended that *hard* surface instead of asphalt be used in the condition, because it leaves options open.

Ms. Husak suggested that the condition be left as *walking path*. Mr. Walter said he was not comfortable with *walking path* because that could mean gravel or grass. Mr. Fishman suggested *hard surface*.

Ms. Amorose Groomes asked that Condition 2 be read into the record. Ms. Husak stated: "That the softball and baseball fields be connected with a hard surface walking path from the northeast corner of the parking lot."

Mr. Walter said there should be two sentences: "That the softball and baseball facilities be connected by a walking path, and that the northeast corner of the parking facility be connected to that path with a hard surface."

Mr. Freimann referred to Condition 1: "That no sag lenses be used on the pole mounted light fixtures." He asked if there was a concern about light pollution from this parking lot to the adjacent neighbors from the mercury halogen bulbs being on 24 hours per day, and why sag

lenses could not be used.

Mr. Papp said there was no concern for light trespass on the neighboring properties, but sag lighting cannot be used to meet the full cutoff requirement of the Zoning Code. He said all the existing lights have flat lenses, compliant with Code, and these will match.

Mr. Walter asked what the plans were for additional directional striping or signs since this parking lot extension will come more directly into a line of incoming traffic. Mr. Fay said there are no directional signs planned in this internal portion.

Mr. Walter asked if there was anything on the pavement. Mr. Fay said there was not. Mr. Walter was concerned that because this is the main entry and exit point and another lane of traffic is being introduced to the right, he thought something should be done, whether it is additional striping on the ground or a painted stop bar at each of the entrances on Brand Road.

Ms. Amorose Groomes confirmed that Mr. Walter's suggestion should be Condition 3. Ms. Husak suggested Condition 3: "That additional pavement marking be provided to indicate stopping areas at the end of each parking aisle."

Mr. Eble asked if the District would be able to proceed with the parking lot construction if approved, and could still work with Planning on resolving how they were going to do the connections. Ms. Amorose Groomes confirmed that was correct and said she would like the paths installed within the next several months.

Mr. Eble agreed to the three conditions as listed below.

Motion and Vote

Mr. Walter made the motion to approve this Amended Final Development Plan application because the proposal complies with the criteria and the original intent of the design for this development with three conditions:

- 1) That no sag lenses be used on the pole mounted light fixtures;
- 2) That the softball and baseball fields be connected with a hard surface walking path from the northeast corner of the parking lot; and
- 3) That additional pavement markings be provided to indicate stopping areas at the end of each parking aisle.

Mr. Fishman seconded the motion. The vote was as follows: Mr. Taylor, yes; Mr. Freimann, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; Mr. Fishman, yes; and Mr. Walter, yes. (Approved 7 – 0.)

4. Institutional Uses 09-042ADM

Code Amendment Administrative Request

Chair Chris Amorose Groomes introduced this Legislative matter and explained the rules and procedures.

Tammy Noble-Flading presented this Administrative Request for a Code modification dealing with two topics, religious uses and family day care services. She said the proposed modification would change religious uses from permitted to conditional uses and add requirements for criteria that would allow the Commission to review building materials. She said this originated as a comment or suggestion by City Council when the Indian Run application came before the Commission, comments were expressed about the inability to ensure that the building was going to be compatible with the existing buildings in the surrounding area and the same concerns were expressed when it was presented to City Council. She said that discussion resulted in the suggestion that Institutional Uses, specifically religious uses be considered as conditional uses and that is what this application is attempting to achieve.

Ms. Noble-Flading said this will also modify provisions for Child Care Services, specifically defined in the Planning Report as type B family day care services, which are children day cares with less than six children and are in association with a residential structure. She said the Ohio Revised Code requires that this use be a permitted use, not a conditional use, as currently listed in the City of Dublin Zoning Code.

Ms. Noble-Flading said the outcome of this Code modification for religious uses would result in review, and approval, by the Planning and Zoning Commission as a conditional uses. She said it proposes a review criterion that permits the Commission to review the compatibility of the building materials and general appearance of the structure, which is currently not permitted by the Code.

Ms. Noble-Flading said for child care, it would designate “type B family day care” as a permitted use that would bring Dublin’s current Zoning Code in compliance with the Ohio Revised Code. She said all other Code requirements remain unchanged.

Ms. Noble-Flading said that Planning’s recommendation is for approval of this Code Modification, based on comments from City Council and the Commission.

Amy Krumb said regarding the child care provision, she recommended that the language “*it shall be enclosed with a chain link fence*” be modified to state that all fencing will meet the requirements of the City of Dublin Zoning Code.

Mr. Walter asked what happens when the deed restrictions do not allow a fence. Ms. Noble-Flading said deed restrictions are enforceable beyond what would be permitted within a zoning restriction.

Ms. Walter clarified that deed restrictions would supersede having a day care without a fence. Ms. Amorose Groomes explained that if deed restrictions prevented a fence, the ability to have a family day care in a residence would not be permitted.

Mr. Zimmerman referred to the fence height mentioned being “*four feet, but not more than six feet*” and asked if a six-foot fence would be allowed in playground areas. Ms. Noble-Flading said if the language stated that the fence is required to meet Code, then it would limit fences to four feet.

Flite Freimann said regarding changing religious uses to conditional uses, he stated that he did express concerns when the application for the Indian Run church was before the Commission

and he favored the conditional use process. He said his comments were probably directed more to Ms. Readler. He said that there were certain religious denominations that have more stringent house of worship requirements than other religious denominations. He asked what liability the Commission would face if reviewing these applications as conditional uses.

Jennifer Readler said the main protection is the Federal Act which states that we cannot make it significantly harder for a church to develop than any other entity. She said we are always concerned about placing restrictions on religious institutions because of that law, so they did case law research, and there are a significant amount of churches that have been treated as conditional uses in other locations and the requirement has been upheld in legal proceedings.

Richard Taylor stated that he felt the Code modification was an appropriate change.

Ms. Amorose Groomes clarified that the proposed Code modification will be altered to eliminate any references to a chain link fence and require all fences, associated with child care facilities, to meet the City of Dublin Zoning Code.

Motion and Vote

Mr. Freimann made the motion to recommend approval to City Council this Administrative Request because it designates religious uses as conditional uses and type B child care as permitted uses with the requirement that fencing associated with child care facilities meet the requirements of City of Dublin Zoning Code. Mr. Zimmerman seconded the motion.

The vote was as follows: Ms. Kramb, yes; Mr. Taylor, yes; Mr. Walter, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Freimann, yes. (Approved 7 – 0.)

5. Outdoor Sales and Display 09-045ADM

Code Amendment Administrative Request

Chair Chris Amorose Groomes introduced this Legislative matter and explained the rules and procedures.

Gary Gunderman presented this Administrative Request for a Code Amendment dealing with outdoor display. He said the purpose of it really stems from a direction given by City Council. He said that Planning felt the direction was on two points, to permit the outdoor sale of seasonal, live plant material, and to treat all the retail businesses the same, regardless of their current zoning. He said this particular concern speaks to a number of differing PUD regulations that have accumulated over time. He said the first section provides a slightly modified definition of outdoor service facilities. Mr. Gunderman said the language in black is currently in the Code. The added item is the addition of Outdoor Seasonal Plant Display which is fundamentally what they are talking about this evening.

Mr. Gunderman said the second major point in Item B in the Code is the requirement that this be an Administrative Permit. He said they were not talking about anything that would come back to the Commission. He said they would seek a permit at Planning, the fairly simple things would be reviewed, prior to proceeding and Planning would enforce based on the information provided in that permit and this Code. He said principally, the Code is to limit the display area and materials being sold. He said in Item C on the Code, the number of items and limitations are

listed. He said the amount of plant of material and where it can be located is basically in front of the retail store is not to exceed 1,000 square feet. He said that it has to be removed by the end of December. Mr. Gunderman said any signs to sell the material are limited to 94 square inches. He said if the guidelines are not followed, the permit can be revoked.

Mr. Gunderman presented a current photograph of the front of the Avery Road Kroger store which depicted the type of information needed for the permit. He estimated that currently, all the Dublin grocery stores outdoor display areas would easily fit within the 1,000-square-foot maximum.

Chris Amorose Groomes asked what the fee was for the permit. Mr. Gunderman said it would be set by City Council, but Planning has not yet made a recommendation, but he assumed it would be a fairly modest amount. He said there are a few things similar to it that Code Enforcement deals with now, and he did not expect the fee to be more that \$50 or \$100. He said a plan for the entire season would be expected each year.

Amy Kramb asked about Avery Square Kroger having to have five feet of walking space. She said it looked as though the outdoor display took up the whole sidewalk. Mr. Gunderman pointed out that one corner of it might not meet this rule, however it was close to five feet.

Richard Taylor pointed out that although this was regarding outdoor plant display, sometimes Lowe's displays lawn mowers and things like that also. He asked how to deal with that.

Mr. Gunderman said that Planning had held back on the enforcement of things like this, waiting for this issue to settle out and what Planning was essentially coming to was the live plant limitation. He said now they can do what they wish inside the screened area, but from this time on, this will be their limitation for outside sales.

Mr. Taylor asked if this prohibited anything but live plant material. Mr. Gunderman said this does.

Kevin Walter noted that the proposed amendment stated: *these restrictions shall not apply to garden centers, store accessory...* which he did not understand. Mr. Gunderman said that basically was trying to clarify this very point. He said if you look back to the very first paragraph in the Definitions, this is a paragraph used for a lot of conditional uses like patios and other things, and includes potential for an Outdoor Garden Facility as a conditional use and that essentially was what Lowe's did.

Mr. Walter said that was not what it said. Ms. Kramb said it was saying if you had a garden center with a permitted use and that the word *accessory* was not the right word. Mr. Taylor said the word *accessory* was subordinate to the main practice. Mr. Gunderman said that was very much part of this, that is if you are a grocery store, outdoor sales will be an accessory use for you.

Mr. Walter asked in the case of a Lowe's specifically, they do not have a permitted use for that. Mr. Gunderman said they do not have permitted use outside. Mr. Walter said then consequently, Lowe's will now have to conform with this, so no lawn mowers, only live plant materials, and no Christmas trees. Mr. Gunderman said Christmas trees are a different permit and process, not

covered by this. He said if Lowe's had Christmas in the past, they will be able to continue. Mr. Walter confirmed that if Kroger had this permit and wanted to put some dead trees outside in November they could not do that. Mr. Gunderman said at least, they would have to come in and get a different permit. Mr. Walter said that was fine.

Mr. Gunderman said that as with the previous Code Amendment, this was put together to deal with a specific thing at this time, but a little more comprehensive review of this whole subject is needed and Planning expects to do it when the Code is updated.

Mr. Walter asked if December 31 was the right date since this discusses live plant material. Mr. Gunderman said he thought it could be moved up easily.

Flite Freimann said he thought the date should be moved up to November 1. He said he did not want someone to be under the misimpression that their outdoor live display permit was good for their Christmas tree display. He said there should be a clear delineation. He said either November 1 or 15.

Mr. Zimmerman pointed out that pumpkin outdoor sales were also discussed, and that began in September. Mr. Gunderman said pumpkins and Christmas trees are covered now under a different Code which was included in the packets. Mr. Langworthy said under our definition, they are not considered live.

Mr. Freimann said he would like to see the outdoor sales go from April 1 to November 1.

Mr. Freimann said noted that in the fall he had seen outdoor retail displays with hay bales, mums, pumpkins, and lighted plastic Jack-o-lanterns and scary cats. He asked if they would be told those kinds of displays would not be permitted and that the only thing they can display outside is their mums for sale. Mr. Gunderman said that was right.

Mr. Langworthy said nothing could be displayed that had not been grown.

Mr. Walter and Mr. Fishman agreed that March to November 1 would be fine for live outdoor displays.

Mr. Taylor asked how the retailers would be notified of this new Code and when it becomes in effect. Mr. Langworthy said earlier this year, those in the past who were affected were sent a letter indicating each what their rights and responsibilities were for each individual retailer and that mailing list would be used again. However, he said that it would not preclude other businesses from deciding to have outdoor displays that have not been dealt with in the past.

Ms. Amorose Groomes said that was great and that the more people that can do that sort of thing, adds a lot of life and vibrancy, as long as it is done within these confines. She said she could imagine it could be an amenity.

Ms. Kramb suggested that in A – Purpose, was too detailed since it was just talking about the purpose. She did not think it should say *...inside sidewalk areas along the front façade of the retail location*. She said that it should not be that specific and instead should say: *The purpose is just to do plants offered for sale*. She pointed out that it said later that it could go around the side if there was a major entrance. Mr. Freimann said that was an excellent change because if later the backside of the Code was changed it would have to be changed.

Ms. Kramb referred to 1, the exception of the display risers and the shelves really pertains to the first sentence and she said it needed to say instead, *it contains no hard material for sale such as plastic, wood or metal*. She said the second sentence could say: *All items for sale must contain a live plant material*, so that gets rid of the confusion about empty plant containers for sale. Mr. Walter said if you do not do that, a display rack could be sold.

Mr. Langworthy suggested that when *live plant* is mentioned, the words *with soil materials* should be included.

Mr. Gunderman confirmed that December 1 should be changed to November 1 in both places it appears.

Motion and Vote

Mr. Freimann made the motion to recommend approval to City Council of modifications to Code Section 153.002 and the addition of Code Section 153.099 to provide for the accessory use of outdoor seasonal plant display and sales at retail locations with minor changes to the language and date proposed for the definition and the type of material for sale. Mr. Zimmerman seconded the motion.

The vote was as follows: Mr. Walter, yes; Mr. Taylor, yes; Ms. Kramb, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Freimann, yes. (Approved 7 – 0.)

Additional Administrative Business

Ms. Amorose Groomes called a short recess during which she asked that each Commissioner review the Annual Items of Interest List to make sure that their particular item of interest is included. She reconvened the meeting at 8:20 p.m.

Discussion – Code Update

Claudia Husak explained that one of the primary goals of the Zoning Code Update was to have a Code that is state-of-the-art, award-winning, and reflective of Dublin and of the 2007 Community Plan. She said that Planning used the same consultant who designed the new Community Plan layout to create design concepts for the updated Zoning Code that would achieve the goals of legibility and readability, better organization, and a user-friendly design. Ms. Husak explained that the intent of creating a user-friendly Code is to make it accessible to those who do not deal with zoning on a daily basis, yet still sophisticated enough for the technical user. She said that feedback from the online Zoning Code user survey suggests that improved organization is desired and this is something that Planning often struggles with during the development review process because there is so much shifting back and forth in the document and not knowing exactly where Code sections are located.

Ms. Husak said a well-organized Code with alternative kinds of content, including illustrative graphics to help explain the meaning of regulations was also a goal. She said defined spaces for different kinds of content and wayfinding elements was also desired. Ms. Husak said the Code should be visually appealing with coordination with the Community Plan and design elements that would enhance the communication of the regulations. She said a more sophisticated

audience may use an online PDF version of the Code instead of a paper copy, and so navigability is necessary.

Ms. Husak said that Planning reviewed three different formatting concepts and has provided Concept 1 in the meeting packets as the preferred concept. Planning believed that Concept 1, which was included in the meeting packets addressed all of the goals most successfully.

Justin Goodwin summarized the three design concepts created by the consultant and explained that he would provide additional detail for the concept Planning believes achieves the goals most appropriately. He presented sample pages of each concept and discussed the general differences between them. He explained that although each of the concepts include similar design principles, one of the goals was to achieve some coordination with the Community Plan and to borrow some design elements from the Plan where appropriate, and Concept 1 was the best example. He said that they were not trying to specifically emulate or be as flashy as the Community Plan, but where appropriate the Code could borrow some design elements that reinforce the fact that the Zoning Code is a sister document to the Plan and is one of the key modes of implementing the Community Plan.

Concept 1

Mr. Goodwin said Concept 1 uses elements such as color and side bars, a balance between white space and color to delineate different portions of the page layout so that there is a consistent location for different types of content, which helps with navigate-ability. He said using a header and footer bar and some sidebar tabs makes it easier to move through the document. He said Concept 1 also uses some illustrative graphics such as color renderings to explain in a visual form what a zoning district is intended to achieve. He said however, that the graphic is not the regulation, and rather that the text and quantitative standards are the regulations, although an illustration in a zoning document can still help the user. Mr. Goodwin said in Concept 1, coordinated tables are used to organize some information in a more efficient way than simply outlining information in a standard sentence format.

He said that Concept 1 was most closely in line with the Community Plan and it also has the most consistent page layout in terms of its design, whereas Concepts 2 and 3 share some similar design elements, but they are a little more modular in their format, so pieces of design content could be picked up on any page layout and be moved around as appropriate. He said there was some benefit in having some flexibility for where to put different types of content on the page, but that can also be a drawback because greater flexibility can require a greater level of maintenance when the Code is written and revised. Mr. Goodwin said if a piece of content could go anywhere, there is less predictability and consistency for the user to find information.

Concept 2

Mr. Goodwin explained that Concept 2 uses a two-column format which can provide a greater amount of information on one page, but also results in less flexibility when trying to fit detailed regulations into a narrow column. Mr. Goodwin said that Planning feels that having Concept 1, where one block of text can be used across the page will make it easier to write and format the document.

Concept 3

Mr. Goodwin said that Concept 3 was the most modular of the templates. He said Planning saw the potential for multiple elements being moved around on the page and felt that the concept would not achieve the goal of consistency.

Mr. Goodwin presented the PDF version of Concept 1 and explained how it used color to define space and included sidebar tab for reference, which are elements from the Community Plan. He said as one flips through the document, the sidebar would indicate what section of the document it is. He said the second page was formatted to provide a block of white space on the page for standard text regulations, but that the page to the right designated the current zoning districts quite differently, using color to provide more visual organization of information. He said the colors coordinate with the classifications of the zoning districts. He said the sidebar tab space on the right page which had Latin text in it could be used for any variety of additional information to help explain portions of the Code, perhaps in a layman's terminology, to provide references to other Code sections, or a direct reference to the Community Plan to provide the supporting link between the two documents.

Ms. Amorose Groomes said that if the consultant and Planning both believe that Concept 1 is most helpful and will provide the best outcome, she did not know that the Commissioners had any additional input. She said it sounded like Planning had done their homework and knew what they wanted. Ms. Amorose Groomes said whatever Planning felt would provide the best framework to get that end goal she thought was completely appropriate and did not know that the Commission had any comment to make.

Ms. Husak asked if there were any comments about the points that Planning laid out in the cover memo, such as font size and legibility. She asked if it was legible and could it be easily read. Mr. Goodwin also asked if the tables and graphics made sense.

Ms. Amorose Groomes confirmed that what had been provided in the packet was in the actual font size, and not a reduction.

Mr. Zimmerman said he needed the font to be sharper and larger.

Ms. Amorose Groomes suggested a larger font size. She said the type set on Page 2-1 of the two zoning districts seemed to be legible, but on the following pages it seemed to shrink down. Mr. Zimmerman said the text size was that of a phone book, and that was difficult to read for older people. Ms. Husak referred to Page 2-5, where the interpretation of the zoning district boundaries was located and asked if it was an acceptable size. Ms. Amorose Groomes said that size was acceptable. Mr. Freimann said larger was better.

Ms. Amorose Groomes said Page 2-3 was not readable. She said that Page 2-5 was readable, although a little larger might be helpful, but she did not think it was a deal breaker.

Mr. Freimann commented that he thought it looked great and was very attractive, but said he was fearful of having too user-friendly of a Code. He said he did not want a citizen to flip through and see that they live in a Rural District for example, and read that they can have an adjacent farm building and just go and start putting it in without reading the rest, without understanding they are still responsible for the setbacks and heights. He said therefore, he thought there needed

to be clear disclaimer language throughout the Code, “Please contact Land Use and Long Range Planning” and those sorts of things.

Mr. Langworthy said that such a disclaimer would be included in the Zoning Code as a user guide which would advise users that they cannot rely on a single part of the Code, and must be to careful look at all the other applicable parts, and if necessary, call Land Use and Long Range Planning.

Mr. Langworthy said Planning wants the Zoning Code to be at a user-friendly level for infrequent users, not the one-time user, but the person that has to use it on an occasional basis. He said it was not for the homeowner who is only going to use it one time, and they are done.

Mr. Freimann reiterated that throughout the Code at strategic places there need to be disclaimers, particularly online. Mr. Langworthy said that was the purpose of the green boxes mentioned by Mr. Goodwin.

Ms. Amorose Groomes asked if those were to be used as “understand” boxes that a user must check to proceed to the next page.

Mr. Freimann said he thought the sample color scheme was very nice and very Dublin-esque, but whatever color scheme is chosen, many people will get to the page they want and print it out, so it must be legible in black and white.

Mr. Walter said he did not like the format at all. He said he may be in the minority, but he wanted Dublin’s Code to look ugly simply because there is too much risk in the kinds of things that Mr. Freimann had mentioned. He said he was in favor of tables and that some of the tables communicate information better than a sentence can.

Mr. Walter said he did not like the illustrations. He asked if an illustration was out of alignment with the text, which superseded what. Mr. Goodwin said text supersedes always. Mr. Langworthy said that was settled law and that it was unquestioned if there was a conflict with what a graphic showed and what text indicated. He said the text always rules. Mr. Goodwin said a table would be included as text.

Mr. Walter said as an infrequent user, and not an attorney, he would look a picture that showed him what he could do and he spent money to do it. He said text is very clear about what you can and cannot do. Mr. Langworthy said that is not always the case. Mr. Walter said he was concerned about further complicating new regulations by adding graphical elements, and a call-out box to explain the Code. Mr. Walter said he understood referencing another document and that was okay, but he thought a layman’s interpretation of the Code was inappropriate to go into a document like this. He said he was also concerned about costs and upkeep if changes are made. He pointed out that tonight the Commission discussed a Code amendment for outdoor sales, and if the Code included graphics, future amendments would require finding an artist and changing pictures. He said there are a lot of elements and his opinion was that residents did not need to have the Zoning Code as the most beautiful document in the world.

Ms. Kramb said she agreed with Mr. Walter in the sense that she thought too much effort was being made on the way the Code looks. She said she thought the time and money should be

spent on fixing the language. She said it needs to be user-friendly for Planning to update. She hoped that Planning will be doing the updating and it will not be sent to a consultant to do.

Mr. Goodwin said that Planning had the needed software available to use. He said the consultant is being used to create the template but Planning would format the actual Code and would maintain the document.

Ms. Kramb said there definitely needs to be clear disclaimers that the pictures and sidebars are not the Code. Mr. Langworthy said that Planning was aware of that.

Ms. Kramb said her biggest concern was that the Code is user-friendly on the internet because she thought the majority of people that are going to use this are going to be pulling it offline. She said the Community Plan is not user-friendly online. She said it was a huge file, very hard to download, and nothing can be cross-referenced. Mr. Goodwin said Planning was working on that.

Ms. Kramb said if time and money was being put into this, she would make it user-friendly on the internet, get rid of all the pictures so it can be quick and pull up quick by typing in a searchable word, such as 'fences', and it will click you directly to the fence Codes, and you can cross-reference with those. She said she would spend the money for making it user-friendly online.

Mr. Walter said he had no trouble navigating the Dublin Code currently online.

Ms. Kramb said it would have to be internally maintained by the City of Dublin website to be searchable and usable and that currently the online Code is maintained by an external publisher. She reiterated that she wanted to see the City's money spent to make it a user-friendly document online. Mr. Langworthy said that was the way Planning wanted it as well.

Ms. Husak said that the current web publisher of the Code takes up to six months to post revisions and that Planning would like the City to maintain the online document to ensure it is accurate and up-to-date.

Richard Taylor said he actually was conflicted about this item. He stated that he was not in favor of making the Code user-friendly for his own selfish reasons. He said people should have to call him and Planning to interpret the Code. He said at the same time, he liked an attractive, organized document. He said it looked great and it was going to help him. Mr. Taylor said he did think there was a risk that it will give someone the impression that they can get a little further down the road than they should with this document. Mr. Taylor said one side of him says it makes it easier for someone to figure things out, and on the other hand, if he was not that familiar with it, a user would be overwhelmed by endless sections and requirements. He said even for simple items like lot coverage, his copy of the Code has tabs in ten places just for that one issue, and he still did not think he had everything covered. Mr. Taylor said he did not think it was an issue of how it was organized. He said he still saw the Zoning Code as having a very different use from the Community Plan, which is for the residents and people to see what has been discussed by everyone, including residents, City Council, Planning, and the Commission about the general makeup and the progress of the community as we go forward. Mr. Taylor said he thought this was a technical document. He said he knew people had bought hard copies of the

Community Plan to have at home, but he did not imagine many had a copy of the Zoning Code there.

Mr. Taylor said in the end, he thought the Zoning Code should be cleaned up and organized if it worked better for the people who use it. He said he was not sure the printing cost of doing this in color was justified.

Ms. Amorose Groomes said her concern was that it was really content-related. She said she was not a graphics person, so she did not have strong opinions about the way it looks. She said she did not want it to be the Web-MD of zoning codes. She said she did not want people to self-diagnose their properties and what they are entitled to. Ms. Amorose Groomes expressed concerns about content. She said it was timely that the current issue of Planning Magazine was placed in the meeting packet and it included an article comparing the United States and Germany, entitled 'The Devil is In the Definitions.' She said that is where she wants to stay as far away from as possible. She said she understands that Dublin's Code is outdated; however, she said she was not interested in seeing a lot of definitions or becoming the Web-MD Code.

Mr. Langworthy said these were all great comments because he had written enough Codes to know that no matter how much you want to shoot for lowest common denominator, you never get there. He said ultimately, the complexity of the regulations prevents you from reaching every audience.

Ms. Amorose Groomes said that the Commission has done Code revisions recently and has typically crossed out more that they have kept.

Mr. Langworthy said that he expected this to be in some respects a more consolidated Code. He said for example that in the draft template concept, they had changed some of the language but did not change any of the actual regulations. He said he would expect that it would be much shorter. He said that one problem is that Planning is being asked to regulate a lot more things than they had regulated in the past, so there are going to be more regulatory items that will probably expand the ordinance to some extent. Mr. Langworthy said that Planning is paying very close and careful attention to the way that things are organized. He said he was agreeing with the Commissioners, that he was not really caring if the individual homeowner or even an architect can find everything they want, but was more concerned that staff members can find what they want.

Ms. Amorose Groomes said she was primarily concerned that if they get sued and go to court, the document that they have defends the stance that they took. Mr. Langworthy said that was the baseline.

Mr. Walter said it was purposeful that Dublin has a Code that is pliable. He said he agreed that when they got too definitional, then they are at risk to the definition.

Ms. Amorose Groomes agreed and said that they lose leverage and interpretation with definitions.

Mr. Walter said he worried that a picture does the same thing. Ms. Amorose Groomes said a picture communicates another one-thousand words that may not be in the text.

Mr. Langworthy said it definitely is going to require a balance. He said he wanted to be careful about going too far with not defining things because then the Code is defined one way for one person and another way for another person. He said the idea was to try to achieve some sort of balance that makes it effective for Planning and in particular, the infrequent level of use.

Ms. Amorose Groomes confirmed that the Commission's perspective was clear.

Ms. Husak said that adding a Commission meeting throughout the next few months had been discussed to have in reserve for the Zoning Code Update since the timeline to complete the Code Update was very aggressive and future agenda lengths are uncertain. She said beginning August 20, it was expected that Code Sections would be added to each agenda for discussion.

Mr. Walter said that this was exactly what they were talking about. He said that the Commissioners were just asked if they were on the same page – if their intention is clear. He said it was not. He said Ms. Husak just said she was going to bring Zoning Code changes to the Commissioners which are going to be in a format that the Commissioners have just said they were not really comfortable with.

Mr. Goodwin clarified that Planning had not intended to bring unfinished Code in the new format.

Mr. Walter said the format was not the issue. He said once done, the Code could be formatted any way, he really did not care. He said he assumed that Planning would bring definitionalized Code and that they are going to try to get more specific, and philosophically Planning is headed down this path, and the Commission is saying they are not comfortable with it. He said he felt like Planning was going to bring the Code to the Commission, the Commission will make some recommendations or not, and the two are not on the same page. Mr. Walter said maybe they do not need to be together, maybe Planning needs to be together with Council, and the Commission is perfunctory in the matter, and they are just reviewing to review. He said it felt to him that this was about to be forced on them.

Mr. Langworthy suggested that they wait until some language can be seen, and having had this discussion with them, Planning will have the opportunity to go back and draft it, and then put it in front of the Commission, and that first batch will give good guidance as to how they proceed from that point.

Mr. Walter challenged his fellow Commissioners to think about the comments they made tonight and to be potentially prepared to not vote for a recommendation if they really believe the things they talked about tonight. He asked them to keep in mind that this would be a watershed for how they are going to approach Code going forward and that it can go to City Council, and Council can provide the direction.

Mr. Zimmerman said that as Ms. Husak suggested, the timeframe and how to put this together may take an extra meeting a month.

Ms. Husak said the timeline was approved by City Council, and the way they need to work towards it was to have a meeting in reserve to go through it. She said she was requesting

feedback on whether or not a 4:30 or 5:30 p.m. Thursday or Tuesday night or a Saturday morning meeting would work for the Commissioners. She asked what the Commissioner's thoughts were on the dates and times they were available.

Ms. Amorose Groomes said if an additional Thursday meeting was needed, that was fine. However, she was concerned that they were spending so much time on looking at layout issues. She suggested getting those things behind them and get to the 'meat and potatoes' issues. She said really, the layout was going to be determined by the content and she felt as though they were going backwards. She said if a meeting was needed, they would add it because the Commission was going to be committed to making the requested City Council timeline work. She said what the Commission was asking Planning was to give them enough material so that they do not waste time on items such as Land Use Principles, then all of the sudden, they are forced to hurry to get the Code through.

Ms. Husak said on August 6, it was Planning's intention to bring the Commission the Table of Contents, and on August 20, the first batch of actual Zoning Districts.

Ms. Amorose Groomes asked if that was the earliest the first batch would be ready for the Commission. Ms. Husak said it was the earliest it could be ready. Ms. Amorose Groomes said then that was when they would take it.

Mr. Taylor said he would stay until 1 a.m. if that is what it took to get something done. He recalled that in earlier discussions what came up was that before they could evaluate the solution that is being proposed, the Commission has to understand that there is a problem. He said when talking about clarifying definitions, they needed to look at the Code and text as it is currently and discuss what they were correcting or cleaning up, not just changing it for the sake of change. He said that would be his guideline for looking at it. He said they might decide it is a little muddy and that is the way it ought to be or that it should be cleared up because it is a detriment to be muddy.

Ms. Amorose Groomes said that the Commission would like Planning to come with examples of pitfalls in the Code, explaining traps that the City has fallen in because of the way the Code was written, and how changing the Code will eliminate the trap.

Mr. Freimann spoke about specifics and asked what the Commissioners felt about religious use and the child care issues brought before the Commission tonight. He said he felt the problem had been identified at Indian Run Church and City Council had agreed, and Planning brought language back to fix the problem. He said if everybody agreed it fixed the problem, then they should move on. He said they had a problem with daycare, the law department thinks the Zoning Code runs afoul of the Ohio Revised Code and Planning thinks this correction will make it, the Commission identified a couple of changes, and they moved on. He said he thought what was seen tonight with the religious uses and childcare probably ought to be the sort of standard as they move forward.

Ms. Kramb said she agreed that the Commission should get a similar report with the history of the issue and why they were making a change

Mr. Fishman agreed that was what should be done and 'if it ain't broke, don't fix it' should be the guide.

Mr. Langworthy said with each batch of Code, Planning will provide a narrative attached that talks about the things the Commissioners were talking about, such as what is being fixed, what major changes have taken place, and the things that are preserved, which is similar to what is called a legislative intent that describes why a legislative action took place, what its purpose is and what it is intended to fix. He said this separate document will be attached with the Code sections that come to the Commission so that they will have a narrative explanation.

Mr. Walter said to Mr. Taylor's point about the timeline, he was not in favor of adding a bunch of meetings. He said he wanted to meet City Council's deadline. He said he felt the Commission had been spinning their wheels for the last six months and he had been putting a lot of his time into two and three hour meetings that they probably could have done other things with. He said if they are already at a meeting, his night is done anyway, so he would much rather be aggressive and put more things every meeting agenda, once a month or however it works for Planning, even if they have a heavier case load. He said they could not begin a case after 10:30 p.m., but they could talk about something else.

Ms. Amorose Groomes said that the Commission would anxiously await the first things that Planning will bring and that will give them a lot of information and tools to work from. She said they will know each other a lot better at the end of that meeting than they did at the beginning, and she thought it would provide direction for the Commission from that point forward. She thanked Mr. Goodwin.

Annual Items of Interest

Ms. Amorose Groomes asked if the other Commissioners' thoughts had been included on the proposed Annual Items of Interest.

Mr. Fishman referred to Alternative Transportation Methods – Resources: (Zip Services) and asked about the first statement: *Commissioners could undertake individual or team research...* Ms. Husak explained that was the point of the Annual Items of Interest as a whole. Mr. Fishman said he did not think Commissioners should undertake it. Mr. Langworthy said that was the meeting they had with all the liaisons that the City Manager brought Planning into where they said the expectation was that if the individual Board or Commission identifies a project, that the Commissioners themselves are expected to participate and work on it. He said it was not just that they had the City do things for them, but they actually did have some participation in it. He said that PRAC and CSAC members were actively being involved in projects they identified.

Ms. Amorose Groomes clarified that that it did not mean that the Commissioner would be doing it themselves, but that they were to participate in the process.

Ms. Kramb said she read it like the Commissioners were salesmen going out and finding people. Mr. Langworthy said the Commissioners may be asked to do research.

Mr. Fishman pointed out that the Commissioners were not paid staff and he did not think that was their responsibility. He said if the Commissioners identify something that will help the City, it should be studied. Mr. Langworthy stated that those items should come off the list. He said what City Council was looking for was what the Commissioners wanted to work on as a group.

Mr. Fishman said they would work on it as a group, but he thought the Planners and City staff who are paid should do the research. He said he would not contact people selling Zip Bikes; the City should do that.

Ms. Kramb explained that what Mr. Fishman wanted to say was that the Commissioners want to have input where these facilities should go, and how they should be used. She said they do not want to be salespeople and contact Zip Bike companies and find out how much it is going to cost to put them in the City.

Mr. Fishman said the Commission did not have the authority to contact Zip Bike for the City of Dublin; someone in the City has to do that. Mr. Langworthy said that the Commissioners will be able to contact Zip Bike, but not to negotiate with them for prices.

Mr. Fishman reiterated that he did not think that was the Commissioners' place to do that. He said however, they can make the suggestion and come to committee meetings to have Planning tell them what they have found out. Ms. Husak said that was not the point of the list.

Mr. Walter said he completely misunderstood the intent of this, because it was his understanding that what City Council was asking the Commissioners to do was to get together as a body and talk about areas of interest that they thought that the City should be involved in, then they would take that back to Council, and Council would prioritize the list and direct staff to execute those items in conjunction with the Commission. He said this felt like placating and giving the Commission busy work.

Mr. Langworthy said actually this concept did not start here. He said it started at another Commission that decided the City should do a particular project, and Council said they were not going to do that or they are not going to direct staff to do that; if this particular Commission is interested in doing that, then they can do the research and bring forward a specific proposal through that committee to Council. He said that morphed into appointments of Board and Commission liaisons so that there would be individuals assigned and then the request from Council for Annual Items of Interest Lists.

Mr. Freimann said if that was what it was, it did not do anything because Mr. Fishman has the authority, on his own as a great citizen, to call Zip Bike and Cardinal Health to see if any of this is interesting to anybody, and then he has the authority to call the Commissions chair and say he would like to talk to them about what he learned about Zip Bikes, and the chair has the authority to add it, and the Commission does not need anybody's permission or approval to do that. He said Mr. Fishman makes a presentation and the Commission says that is a great idea and he says he recommends it be forwarded to City Council. He said if Mr. Fishman is going to do all this on his own, he did not understand the point of this assignment.

Ms. Kramb said she was under the impression that this was a list that the Commission was forwarding to City Council so that financial approval could be received for Planning to commit resources for staff and it was all related and tied to financial approval for staff.

Mr. Taylor said he had a totally different take on this whole thing. He said he saw that now they were at two tracks that intersect. He said he thought one track was that they were at a point not long ago where the Commission did not have that much on the agenda and they had expressed

maybe privately or publicly some concerns about what their role was relative to City Council and that they did not want this Commission to continue to be something that just received stuff from Planning, but they wanted to take a more active role. He recalled the Commission was looking for a project and that was how this began. Mr. Taylor said at the same time, this track was going on as Annual Issues, and they kind of came together. He saw this as they were putting together a list of things that all the Commissioners thought were of interest to them; that the list was going to City Council to pick one or two items off the list, tell the Commission to go ahead and work on them, then it became the Commission's job to do that and at that point, they could enlist staff, but it was still the Commission leading this, and they had some authority to engage staff to do some of that hard research that they needed to do.

Ms. Kramb said that was what she was saying, that they needed authorization; that they needed approval of their budget to help the Commission do that.

Mr. Walter asked if the Commission is going to do this or is staff going to go do it, rather than participating in the planning process. He said he believed part of the genesis of this was that after they came back from Greenville and did the presentation and re-drew downtown Dublin, Council said let's not have a conversation about that anymore and have any more staff working on this anymore, so let's try to put some guardrails around it. He said he misinterpreted this and he thought there was some contention at that point about this body's jurisdiction. Mr. Langworthy said this idea was already in progress by that time.

Ms. Amorose Groomes said some of the items were more feasible than others. She said that the integral portion of this will be getting help making connections and maybe setting up an appointment with Mr. Fishman, Cardinal Health and staff to facilitate a discussion regarding their interest in Zip Bikes.

Mr. Fishman reiterated that he did not think it was the Commissioners' responsibility. Ms. Amorose Groomes agreed it was not the Commissioners' responsibility, but if they wanted true change to come, then they had to participate.

Mr. Fishman said he was perfectly willing to sit on a committee and work with staff, but he really was not willing to attend meetings with Cardinal Health on his own.

Mr. Taylor said they all had agreed that this list was to be forwarded to Council and they were going to give the Commission feedback.

Ms. Husak said Planning's purpose tonight was to make sure that they accurately reflect what these topics are and explain to the Commission the cooperative process between them and Planning on each of these projects.

Mr. Fishman thought they were over-emphasizing Zip Bikes. He recalled that they wanted to talk about bikeways and bike transportation, beyond just Zip Bikes.

Mr. Walter referred to the comment: *The City currently has a number of like efforts underway, including work on setting up a 'Bike Advisory Task Force' and an on-going internal Multi-Modal Study to examine various modes of transportation. However, should the Commission wish to undertake the 'Zip' portion of this effort, that would not necessarily need to depend on*

either of these efforts. He thought that was telling the Commission to go ahead, that the City was already handling that topic.

Mr. Langworthy said the report was written before the Bike Advisory Task Force was formed.

Ms. Amorose Groomes suggested that rather than talk through each of the items, they conclude what their thoughts were, forward it to City Council, get their feedback, and then come back and work together on the list as it is approved by Council. Mr. Langworthy said he thought that was Council's intent.

Mr. Freimann said that Mr. Fishman may have to go to a meeting at Cardinal Health, but will go with Jonathan Papp and Claudia Husak and others, and they will set it up and use their resources.

Ms. Amorose Groomes said that Council could say they already researching the subject and therefore, place resources elsewhere.

Mr. Taylor said he did not think that Mr. Fishman should have to make the call.

Mr. Walter said not only that, this is going to end up as a filtered document. He said *A Celebration of Indian Run* was already on the back burner, and there is the comment: It is recommended that this potential project be considered. He did not know that the Commission would get a recommendation about their recommendations. Mr. Walter thought they would forward the bodies' views to Council, and let them make those recommendations.

Mr. Fishman suggested a meeting with Planning to go through these recommendations to clarify them all together. Ms. Kramb suggested emailing particular recommendations.

Ms. Husak suggested the Commissioners use the document distributed to write down their comments. She said she had not received comments from anyone other than Mr. Zimmerman. Ms. Amorose Groomes said she had sent one.

Mr. Taylor said his issue on the list was the Historic District plans and the Planning comments are about the study that came into play after he made the recommendations. He said he would take that as something he needed to incorporate into his comments.

Mr. Zimmerman said his issue was Development Site Visits, and when he read the Objective, Comment, and Resources, he felt that Planning hit it right on the mark.

Mr. Walter pointed out that the comment for Planning and Engineering Integration: *Land Use and Long Range Planning recommends that this be done as a presentation to the Commission.* No particular project effort is required. He asked why that comment was even there. Mr. Walter said that they did not need a presentation; they have had 17 presentations from Planning about the process.

Mr. Zimmerman said the instructions that were on this were to go through the items that the individual Commissioners made and make comments. He said if a Commission feels it is not right, they should rewrite and resubmit it.

Mr. Walter said he did not want a comment associated with it. He wanted the Commissioners to rewrite and resubmit it and he wanted that forwarded to Council as they wrote it.

Mr. Langworthy said he thought the Commissioners were misunderstanding and he would try to put in the opening what the purpose of the comments were. He said this is a memo to the Commission, not the Annual List. He said Planning put comments in just to provide the Commissioners with background about other things that may be happening. He said when the list actually goes to City Council; those comments will not be there and they were not intended to be there. He said the comments were for the Commissioners' information in finalizing the list.

Ms. Husak asked how the Commission wanted to proceed. She said she would send them a Word document and would be glad to identify which Commissioner proposed each topic and they all could comment. She said she would collect the comments and include them in the August packet.

Ms. Amorose Groomes said that she believed the reason Mr. Walter was getting frustrated was the comment portion of the document was basically them that this is how it is done and it does not require anything further. She said that is the genesis of the frustration from this body, but she thought it would be appropriate to move forward to get a document from Planning summarizing each person's item. Ms. Amorose Groomes said she felt then, it was each person's responsibility to verify that it captured or did not capture their views, and get that back to Ms. Husak so that it can be forwarded onto City Council without any comments.

Mr. Freimann suggested they adopt Mr. Walter's thought that each Commissioner writes their own objective, and barring some incredible language or grammatical error, that it would be forwarded to City Council in its entirety and that no further massaging is needed from Planning as to what the Commission wants presented on their behalf.

Mr. Fishman suggested a meeting be held so that every Commissioner hears everyone's intent.

Mr. Freimann said that had already been done and he was comfortable with everyone's intent. He said the document could be shared before it is submitted. He said the items will be unrated and could be put in alphabetical order or random. Mr. Freimann said City Council will look at those and choose what they want to allocate taxpayers' resources to, and it will come back and the Commission will start working with Mr. Langworthy to find out which staff member is going to be most helpful to the project, and then hopefully at some point in the future, have an improvement. He said that this is not study for study sake; this is study with a completed project.

Mr. Taylor said that the document should be voted on and they should make sure that in a preface, they write absolutely crystal clear to City Council that what they expect to happen from that point on, is that they pick one of these items, assign it to the Commission, and here is how we are going to proceed from that point on.

Ms. Amorose Groomes asked if that would be acceptable with what Mr. Langworthy's direction from City Council, or did the Commission need to do two separate things.

Mr. Langworthy said this was the first time Council has done this, so there were no fixed rules. He suggested that the Commissioners put down the way they wanted it to be, including the

opening narrative, and Planning will send it to the City Manager's office so that they can coordinate the document so that it is formatted like all the other Boards' and Commissions' lists, and then they will forward the list to City Council for their consideration.

Ms. Amorose Groomes clarified that Ms. Husak would email the document to the Commissioners with an individual Commissioner's name next to each item, and the Commissioners will take time to review, clarify, and send it back to be assembled. She said she would select a Commissioner to write the opening paragraph before they send it forward.

Ms. Amorose Groomes adjourned the meeting at 9:07 p.m.

As approved by the Planning and Zoning Commission.