



CITY OF DUBLIN

Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
Fax: 614-410-4747
Web Site: www.dublin.oh.us

PLANNING REPORT

PLANNING AND ZONING COMMISSION

FEBRUARY 18, 2010

SECTION I - CASE INFORMATION

3. Planning and Zoning Commission 03-053ADM

Rules and Regulations Administrative Request

Proposal: Modifications and amendments to the Planning and Zoning Commission Rules and Regulations.

Request: Acceptance of the revised Rules and Regulations approved by City Council under the provisions of Code Section 153.232.

Planning Contact: Claudia D. Husak, AICP, Planner II.

Contact Information: (614) 410-4675, chusak@dublin.oh.us.

Update

The Commission voted to recommend approval to City Council of the revised Rules and Regulations at the June 11, 2009 meeting. Council referred the item to the Administrative Committee of Council, who reviewed the Rules and Regulations at the November 2, 2009 meeting. The members had several concerns regarding the Ex-Parte section, particularly the accessibility of Commissioners to the public. The Committee ultimately decided to leave the Ex-Parte rule as it had been prior to the 2009 revisions. This change means that the Commission may speak with anyone regarding a pending application, except for the applicant and their representative. The Committee also requested that the 5-Minute rule for addressing the Commission at a meeting remain as it had been prior to the 2009 revisions.

City Council reviewed the Rules and Regulations on December 7, 2009 and voted to approve the item at the January 11, 2010 meeting with the modifications suggested by the Administrative Committee.

RECOMMENDATION: Adopt the revised Rules and Regulations

This is an administrative request to the Commission to adopt the updated Rules and Regulations as approved by City Council. Planning recommends that the Commission adopt the 2010 Planning and Zoning Commission Rules and Regulations.

**CITY OF DUBLIN
PLANNING AND ZONING COMMISSION
RULES AND REGULATIONS**

I. POWERS AND DUTIES OF COMMISSION

Detailed information regarding the powers and duties of the Planning and Zoning Commission is contained within the Dublin City Charter §7.02 and §7.03 and the Dublin Codified Ordinances Section 153.232.

II. COMMISSION MEMBERS (Dublin City Charter §7.03)

A. Membership

Detailed information regarding the Planning and Zoning Commission members is contained within the Dublin City Charter §7.02 and §7.03 and the Dublin Codified Ordinances Section 153.232 (A).

B. Officers

1. At its meeting in April, or the first meeting as practicable after Council appointments, the Commission shall elect a Chair and Vice-Chair. Officers shall be entitled to vote and shall each hold office for one (1) year or until a successor is elected.
2. Should the office of Chair or Vice-Chair become vacant, the Commission shall elect a successor from its membership within the next two (2) regular meetings.
3. The Commission may elect an interim officer, if necessary, if both the Chair and Vice-Chair are not available for a meeting.

C. Attendance of Members

1. Attendance is a responsibility of each member of the Commission. Regular attendance is expected for all members. More than four (4) unexcused absences within one (1) year may result in a member's removal from the Commission by City Council.
2. Each member shall be responsible for notifying the Chair and the Director or designee as soon as possible before any Commission meeting if unable to attend.

D. Resignation

Any member intending to resign prior to the expiration of their term shall notify the Clerk of Council in writing. The resignation of a member of the Commission shall become effective upon filing with the Clerk of Council or upon the date requested by the member.

III. MEETINGS

A. Public Meetings

1. All those who wish to speak on administrative cases will be sworn in.
2. In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses. Questioning may be limited if, in the judgment of the Chair, the questioning is either irrelevant or inappropriate.
3. All meetings shall be open to the public per O.R.C. §121. The Commission may meet in executive session in accordance with O.R.C. §121.22 (Open Meetings Act).

B. Regular Meetings

Regular meetings of the Commission shall be held in Council Chambers, Municipal Building, at 6:30 p.m. on the first Thursday of the month or as approved on the yearly meeting calendar unless otherwise specified. When necessary to accomplish the work of the Commission, another meeting may be held at the same place and hour as set forth above, on the Thursday as approved on the yearly meeting calendar unless otherwise specified.

C. Special Meetings

Special meetings may be held at any time upon call of the Chair, by a majority of the voting members of the Commission or upon request by City Council with at least a twenty-four (24) hour notice communicated to each member of the Commission. Notice and conduct of all special meetings shall be in accordance with Subsection C herein, the Dublin City Charter, Dublin Codified Ordinances and O.R.C. Chapter 121.

D. Quorum

A majority of the members of the Commission shall constitute a quorum for the transaction of business (four [4] members).

E. Parliamentary Procedure:

Robert's Rules of Order, Revised, are to be used as a guide in the governance of this Commission and for all cases not otherwise provided for in these rules. Technical violations of these rules or parliamentary procedure provisions shall not invalidate Commission actions.

IV. APPLICATIONS (Dublin Codified Ordinances Sections 152 and 153)

Applications shall be submitted to Land Use and Long Range Planning in accordance with the Zoning Code and the administrative provisions of Land Use and Long Range Planning.

To ensure that materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by the staff prior to the public meeting, no additional or supplemental plans, amendments, documentation, or changes to an application shall be accepted less than fifteen (15) calendar days prior to the meeting date.

V. AGENDA

- A. Land Use and Long Range Planning shall prepare and distribute an agenda to the Commission and to all applicants prior to the meeting listing all applications pending for the meeting.
- B. Applications previously tabled may be scheduled first. The Chair of the Commission may alter the agenda order at the meeting. No new agenda items shall be taken up after 10:30 p.m.

VI. APPLICATION MATERIALS AND REPORT OF LAND USE AND LONG RANGE PLANNING

- A. Prior to the scheduled meeting Land Use and Long Range Planning shall prepare and distribute its Planning Report and other supporting application materials and related documents to the Commission, with a copy for the applicant. A copy shall also be kept on record at the offices of Land Use and Long Range Planning for viewing or duplication by the public.
- B. The Planning Report may include statements from the Law Director's office, Engineering, Parks and Open Space, the Washington Township Fire Department and any other appropriate personnel regarding their opinions, recommendations, and suggested conditions of approval for any particular application.

VII. ATTENDANCE OF APPLICANT

The applicant or their representative shall attend all meetings at which the case is under consideration. The Commission may table, with or without a hearing, an

application if the applicant or applicant's representative is not present when the matter is called at the meeting.

VIII. TABLING AND WITHDRAWAL

Requests to table or withdraw a case, together with the reason for the request, shall be made in writing by the applicant to Land Use and Long Range Planning prior to the meeting or verbally by the applicant or his/her representative at the meeting. Requests shall require approval by a majority of the Commission members in attendance. A tabled case may be rescheduled for the next available meeting, or at such other time as specified by the Commission, or the next available meeting after the reason for the tabling has been resolved, as determined by Land Use and Long Range Planning.

IX. MEETING PROCEDURE

- A. The Chair calls the meeting to order and introduces administrative items (roll call, Pledge of Allegiance, and other administrative items), gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.
- B. As necessary, Land Use and Long Range Planning presents an overview of the application and states its recommendation. The presentation will generally include such items as the relationship of the application to the Community Plan, visual representations of the site, and other supporting material and information. The recommendation of Land Use and Long Range Planning is for the information of the Commission only and is not binding on the action of the Planning and Zoning Commission.
- C. The Commission may request additional clarification or ask questions regarding any aspect of the presentation by Land Use and Long Range Planning. The applicants and/or their representative(s) next have the opportunity to present clarification of their case and shall also be available to answer questions. A time limit may be established at the discretion of the Chair.
- D. Interested citizens may make comments to the Commission. All persons presenting evidence or speaking before the Commission shall identify themselves by name and address. There will be a five (5) minute limit for each citizen comment. The Chair may request that interested citizens keep their comments brief and limit their comments to information that has not been provided by other citizens, in order to facilitate an efficient meeting. The Commission may permit applicants or their representatives the opportunity to respond to any issues raised before the Commission by the staff or the public.

- E. The Chair shall then close the public comment portion of the meeting and the Commission shall begin its deliberation of the matter. The Commission may request any additional information or comment from staff, applicant, or the public.
- F. The Commission votes, by roll call.
- G. The Chair announces the result of the vote and directs the official recording of the decision, together with the reasons for the decision, if not included within the Commission's motion.
- H. Land Use and Long Range Planning shall report the actions of the Planning and Zoning Commission to Council as soon as practicable.

X. RECONSIDERATION

- A. All actions by the Commission shall be final subject to the provisions of this section. Actions may be reconsidered by the Commission upon its own motion or for good cause shown.
- B. Any member who voted on the prevailing side of a motion may move to reconsider any action of the Commission, provided that such motion must be made no later than the second regular meeting after the original action from which reconsideration is being requested. Only one motion to reconsider shall be made upon any application.
- C. Reconsideration shall be granted by a majority vote of the members in attendance after a determination that there are new facts or a change in circumstances from the original decision. The reasons for granting reconsideration shall be included within the Commission's decision.

XI. EX-PARTE CONTACT

- A. The Commission members should avoid ex-parte contact with the applicant or their representative(s) on an application on file with Land Use and Long Range Planning. If any contact is made by an applicant, the member should refer the applicant to Land Use and Long Range Planning. If mailed material is received, Land Use and Long Range Planning should be notified to ensure that all of the members have received the same information. If not, information received individually should be made available to all members.
- B. Commission members should disclose any substantive discussions with resident(s) and/or the general public regarding a pending application at the next public meeting. This should include all relevant information provided by the resident(s) and/or general public in order to ensure that all

Commission members are considering the same information, prior to rendering a decision.

XII. CONFLICT OF INTEREST (Dublin City Charter §10.01)

- A. Any member of the Commission who feels that they have a conflict of interest on any matter that is on the Commission agenda, shall voluntarily excuse him/herself and refrain from discussions on that application. Commission members are encouraged to seek advice from the City Law Director as may be necessary to determine whether a conflict of interest may exist.
- B. Conflict of Interest Procedure: Once it is determined that a conflict of interest exists, the following procedure shall be used:
 - 1. After being recognized by the Chair, the member will note he/she will not be participating or voting on the application due to a conflict of interest. The member may state his/her reason why a conflict of interest exists.
 - 2. The member shall then be excused by the Chair and leave the room. Once the matter is concluded, the member may rejoin the meeting.

XIII. DISTRIBUTION OF RULES

Upon request, a copy of these rules shall be provided to anyone. Copies of these rules will also be made available at the meeting. A summary of the descriptions of the various types of proceedings conducted before the Commission will also be available at each meeting.

XIV. SUSPENSION OF RULES

The Commission, by affirmative vote of a majority of the members in attendance, shall have the authority to suspend or modify its rules and regulations at the meeting for good cause. Further, failure to comply with any of the rules and regulations set forth herein, or technical procedural deficiencies does not invalidate actions taken by this Commission.

Amended by Planning and Zoning Commission June 11, 2009.
Amended and adopted by Council January 11, 2010

RECORD OF PROCEEDINGS

Held

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obligation would be for the remaining cost of the project -- \$163,000. Staff recommends acceptance of the Truoco Construction Company bid.

Vote on the Resolution: Mrs. Boring, yes; Mr. Keenan, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes.

**Resolution 07-10
Approving the Declaration of Mutual Support and Agreement Between the City of Dublin and Dublin Youth Athletics, and Authorizing the City Manager to Execute the Agreement.**

Vice Mayor Salay introduced the resolution.

Mr. Earman stated that the staff report provides details of the proposed agreement. DYA manages a variety of Dublin youth sports programs, with the primary emphasis on recreational programming. They currently serve 4,000 participants each year. The City and DYA have collaborated on various aspects of the sports programs for years. City staff has been represented on the DYA Board as well. There has not been a formalized agreement in the past. The agreement proposed with the resolution outlines the responsibilities for the operation of DYA in Dublin, and the expectations related to liability, insurance claims, etc. to protect both parties. He outlined the various elements of the agreement. He concluded by acknowledging the long-standing contributions of Jim Link, Athletic Director to DYA. Also present was Alan Parrott, who has been involved with DYA for nearly ten years and who can respond to questions regarding the organization.

Mr. Smith added that Legal staff has worked on this with Recreation Services and Legal staff believes this is appropriate in memorializing the arrangements. Staff recommends approval.

Ms. Salay commended the DYA and the hard work done by their volunteers. They are truly an important part of the fabric of the community. She asked Mr. Parrott to pass this along.

Mayor Lecklider invited Mr. Parrott to comment.

Alan Parrott, DYA noted that everyone recognizes Jim Link's important contributions to DYA. On behalf of Jim Link, the parents and volunteers, he thanked the City for providing DYA with first class facilities. He thanked Council for their continued support of DYA.

Vote on the Resolution: Mr. Reiner, yes; Mr. Keenan, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mayor Lecklider, yes.

OTHER

- Proposed Rules and Regulations for Planning & Zoning Commission, Architectural Review Board and Board of Zoning Appeals

Ms. Colley noted that at the Council meeting of December 7, Council requested that staff make some modifications to the rules as proposed for PZC, BZA and ARB. All of these changes have been made, and the final versions have been prepared and are ready for Council adoption. She offered to respond to questions.

Mrs. Boring, Administrative Committee Chair stated that she has reviewed the three sets of Rules. One issue remains to be addressed in each set of Rules under "Meeting Procedures," specifically the language "Unless otherwise modified by the Chair, there will be a five minute limit for each citizen comment." This reference to the Chair's ability to modify the time limit was carried over from the previous sets of Rules for each of the boards/commissions. She asked for further discussion regarding this matter.