

MINUTES OF THE REGULAR MEETING
WORTHINGTON ARCHITECTURAL REVIEW BOARD
WORTHINGTON MUNICIPAL PLANNING COMMISSION
March 12, 2020

The regular meeting of the Worthington Architectural Review Board and the Worthington Municipal Planning Commission was called to order at 7:00 p.m. with the following members present: Mikel Coulter, Chair; Thomas Reis, Vice-Chair; Kathy Holcombe, Secretary; Edwin Hofmann; David Foust, Richard Schuster and Susan Hinz. Also present was Lee Brown, Director of Planning & Building. Lynda Bitar, Planning Coordinator, was absent. Scott Myers, Worthington City Council Representative, was absent.

A. Call to Order - 7:00 pm

1. Roll Call
2. Pledge of Allegiance
3. Oath of Office

Ms. Susan Hinz was sworn in and took the Oath of Office as the newest member of the Architectural Review Board.

4. Approval of minutes of the February 27, 2020 meeting

Mr. Reis moved to approve the minutes, and Mr. Foust seconded the motion. All Board members voted, "Aye," and the minutes were approved.

5. Affirmation/swearing in of witnesses

B. Architecture Review Board

1. Three Flagpoles – **300 W. Granville Rd.** (Jen Goebbel/Thomas Worthington High School)
AR 14-2020

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

The football field for Thomas Worthington High School is located just west of the Worthington Pools facilities. The applicant is requesting approval to install three new flagpoles just west of the existing scoreboard on the south side of the football field.

Project Details:

1. There will be a total of three aluminum flagpoles installed for the following flags: American, Ohio and TWHS.
2. The center flagpole will be 35' and the other two flag poles will be 25' in height. The 35' center flagpole will be for the American flag.
3. There will be a new spotlight installed as part of this project that will light up the flags at night.
4. The setback for the flagpoles will be approximately 230' back from the public right-of-way of Dublin Granville Rd. (SR-161) and will be less in height than the permitted 45' for the District.
5. No existing trees are to be removed as part of this proposal.

Land Use Plans:

Worthington Design Guidelines and Architectural District Ordinance

Design and materials are to be in keeping with the character of the community.

Worthington Comprehensive Plan

The 2005 Worthington Comprehensive Plan promotes a high-quality physical environment, encouraging the City to continue to emphasize strong physical and aesthetic design, and high-quality development.

Recommendation:

Staff recommended approval of this application. The new flagpoles should have a positive impact on the school property and show neighborhood pride.

Discussion:

Mr. Coulter asked if the applicant was present. Mrs. Jen Goebbel, 300 W. Granville Rd., Worthington, Ohio, Athletic Director for Thomas Worthington High School, said they had replaced the turf for their facility this past year and several groups associated with the school raised the funds to honor Thomas Worthington High School athletes who have graduated and served with the U.S. Armed Forces Military. They would like the flags to have a more prominent presence next to the scoreboard. Mr. Schuster asked if there were any regulations for the State of Ohio flag and if the national flag should be taller, and Mr. Brown responded that the American Flag should be the tallest flag on display, and they can be flanked equally in size. Mrs. Holcombe thought it was a great idea. Mr. Coulter asked if there was anyone present who wanted to speak for or against this application, but no one came forward.

Motion:

Mr. Reis moved:

THAT THE REQUEST BY JEN GOEBBEL FOR A CERTIFICATE OF APPROPRIATENESS TO INSTALL THREE FLAGPOLES AT THOMAS WORTHINGTON HIGH SCHOOL, 300 W. DUBLIN-GRANVILLE RD., AS PER CASE NO. AR 14-2020, DRAWINGS NO. AR 14-2020, DATED FEBRUARY 26, 2020, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Holcombe seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Reis, aye; Mrs. Holcombe, aye; Mr. Hofmann, aye; Mr. Foust, aye; Mr. Schuster, aye; and Mrs. Hinz, aye. The motion was approved.

2. Modifications to Previously Approved Plans – **6699 N. High St.** (Samantha Elliott/The Goddard School) **AR 15-2020** (Amendment to AR 07-19)

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

This request is for several modifications to the previously approved plans for the Goddard School. The Board and Commission previously approved the construction of a new 8,565 sq. ft. Goddard School on the northern part of the 4-acre parcel that was owned and operated by Schoedinger Funeral and Cremation Services. On April 25, 2019 the Municipal Planning Commission and Architectural Review Board reviewed and approved the Architecture Review Application and Conditional Use Permit for the project and recommended approval to City Council for the Subdivision and the Amendment to Development that included a Variance for side yard setback. City Council approved the Subdivision and Amendment to Development Plan with a Variance on July 17, 2019. The 1.03-acre parcel is now a legal lot of record and is owned by the applicant. There is an existing cross access and parking agreement in place that was approved as part of the subdivision process.

Project Details & Staff Comments:

The proposal is in substantial compliance with what was previously approved, however the following adjustments must be reviewed and approved by the Board.

Please see the following revisions:

- Building square footage has been increased to account for wall thickness of the plan to meet state licensing and energy code requirements (8,565 sf original, 8,894 sf revised).
- Parapet has been kept the same height, roof well has been lowered to have the HVAC units completely below the top of the parapet in the roof well, scuppers have been added to allow water to drain from the roof to the gutter and downspout system on the perimeter of the shingle roof.
- Doors and windows have been adjusted to reflect the interior floor plan changes.
- Retaining wall added to north side of building to account for elevation change between the Ethan Allen property and the Goddard finished floor elevation.
 - The Board should discuss the materials proposed for the retaining wall. Stone vs. brick.
- Fence at north property line retaining wall changed to be a barrier fence to protect the building and children from any vehicular intrusions. There is no guardrail or curbing that exists on Ethan Allen parking lot.
 - The applicant is proposing a stone veneer that will match with the proposed stone veneer wall along the south side of the property.
 - The Board should discuss the materials proposed for the retaining wall. Stone vs. brick.
- Retaining wall added to south side of building to account for the change in elevation from the Goddard finished floor elevation and the lower parking / drive area.

- A retaining wall appears to be needed in this area. The applicant has proposed a stone veneer to match with what has been proposed along the north side of the property.
 - The Board should discuss the materials proposed for the retaining wall. Stone vs. brick.
- Decorative bollard updated to be an aluminum sleeve installed over a crash-rated bollard, still a total of 7 bollards located at the front of the building.
 - The Board previously approved another style of bollard in this location.
- Wood guardrail across the front of the building that will be approximately 27” in height located in the planting beds to the south and north of the main entrance.
 - This was not previously approved by the Board.
 - The guardrail does not appear to be shown on the revised landscape plans.
 - Information is needed on why this is needed.
 - Clarification needed on whether the landscaping be in front of the guardrail or behind the guardrail.
 - What are other options? There was a previous discussion related to extending the bollards across the front of the entire building.
- Fencing details supplied for the crash rated barrier fencing used on the north side and the decorative fencing used on the west and south sides of the building and playground.
- Photometric plan revised for the site lighting and building lighting with cut sheets.
 - The applicant was previously approved for recessed lighting in the soffit on the building and is now proposing to install 17 wall packs around the building where the light source will be directed towards the ground.
 - Wall pack lights do not seem appropriate. The Board should discuss the proposed lighting.
 - The applicant previously proposed the reuse of the existing lights found in the parking lot. They are now proposing a total of five post lights in the parking area. Three are shown along the northern portion of the parking area that are a single LED fixture and they are now showing two light posts in the landscaped island that will have four LED fixtures attached to each pole that appear to be 20-feet in height. The existing exposed concrete base is to be painted black for the pole bases that will be reused.
 - Verification is needed that these lights will not be taller than 15-feet and will not have and exposed concrete base.
 - Clarification is needed on the whether the light source will be visible.
 - Clarification is needed on whether or not the existing poles will be reutilized with the new fixtures being mounted to the old poles or new poles.
 - Verification needed on the color of the poles
- Playground equipment cut sheets / photographs supplied for reference.
 - The Board did not approve the playground equipment with their previous approval.
 - No materials were provided showing heights and dimensions of the play equipment.
- Andersen Window supplied for reference.
 - The Board previously approved Anderson windows for this building.
- Permeable brick pavers are now shown in the parking area at the front entrance to the building.

- Verification needed on the look of the bricks.
- Clarification needed concerning the permeable brick pavers being used as part of the stormwater management plan for the site.
- Stormwater
 - Final stormwater management design for the site will need to be reviewed and approved by the Service & Engineering Department prior to breaking ground.
- Playground area extends further to the west.
 - The previous approval showed the setback of the fence and playground to be 30-feet from the western property line. The existing evergreen trees were to remain in place.
 - The plan now shows a setback of approximately 12' to 23' from the western property line.
 - Clarification needed on why the playground further to the west.
 - What will happen to the existing evergreen trees that provide screening and buffering to the neighbors to the west?
 - Staff believes the playground should remain at the previously approved 30' setback from the rear property line.

Land Use Plans:

Worthington Design Guidelines and Architectural District Ordinance

Scale, Form & Massing: Simple geometric forms and uncomplicated massing tend to make buildings more user-friendly and help to extend the character of Old Worthington into the newer development areas. Inclusion of sidewalks, pedestrian-scaled signage, and planting and lawn areas will help communicate a sense of a walkable pedestrian scale. Carefully designed building facades that employ traditional storefronts -- or similarly sized windows on the first floor -- will help make new buildings more pedestrian-friendly.

Setbacks: Parking areas should be located toward the rear and not in the front setbacks if at all possible. Unimpeded pedestrian access to the front building facade from the sidewalk should be a primary goal. Building up to the required setback is desirable as a means of getting pedestrians closer to the building and into the main entrance as easily as possible.

Roof Shape: Generally, a traditional roof shape such as gable or hip is preferable to a flat roof on a new building. Roof shapes should be in scale with the buildings on which they are placed. Study traditional building designs in Old Worthington to get a sense of how much of the facade composition is wall surface and how much is roof.

Materials: Traditional materials such as wood and brick are desirable in newer areas, but other materials are also acceptable. These include various metals and plastics; poured concrete and concrete block should be confined primarily to foundation walls. Avoid any use of glass with highly reflective coatings. Some of these may have a blue, orange, or silver color and can be as reflective as mirrors; they generally are not compatible with other development in Worthington. Before making a final selection of materials, prepare a sample board with preferred and optional materials.

Windows: Use traditional sizes, proportions and spacing for windows. Doing so will help link Old Worthington and newer areas through consistent design elements.

Entries: Primary building entrances should be on the street-facing principal facade. Rear or side entries from parking lots are desirable, but primary emphasis should be given to the street entry. Use simple door and trim designs compatible with both the building and with adjacent and nearby development.

Ornamentation: Use ornamentation sparingly in new developments. Decorative treatments at entries, windows and cornices can work well in distinguishing a building and giving it character, but only a few such elements can achieve the desired effect. Traditional wood ornamentation is the simplest to build, but on new buildings it is possible to use substitute materials such as metal and fiberglass. On brick buildings substitute materials can be used to resemble the stone or metal ornamental elements traditionally found on older brick buildings. As with all ornamentation, simple designs and limited quantities give the best results.

Color: For new brick buildings, consider letting the natural brick color be the body color, and select trim colors that are compatible with the color of the bricks. Prepare a color board showing proposed colors.

Signage: While the regulations permit a certain maximum square footage of signs for a business, try to minimize the size and number of signs. Place only basic names and graphics on signs along the street so that drive-by traffic is not bombarded with too much information. Free-standing signs should be of the “monument” type; they should be as low as possible. Such signs should have an appropriate base such as a brick planting area with appropriate landscaping or no lighting. Colors for signs should be chosen for compatibility with the age, architecture and colors of the buildings they serve, whether placed on the ground or mounted on the building. Signs must be distinctive enough to be readily visible but avoid incompatible modern colors such as “fluorescent orange” and similar colors. Bright color shades generally are discouraged in favor more subtle and toned-down shades.

Worthington Comprehensive Plan

The 2005 Worthington Comprehensive Plan identifies the High Street Corridor (Extents Area) as a place where consistent site design should be encouraged such as landscape screening and interior planting of surface parking areas, and the location of large parking areas should be to the rear of the site. The corridor could accommodate redevelopment at a higher density, with such projects meeting the needs of the City, providing green setbacks and meeting the Architectural Design Guidelines.

Recommendation:

Staff recommended tabling of the Certificate of Appropriateness until the items referenced above could be addressed.

Discussion:

Mr. Coulter asked if the applicant was present. Mr. Sam Baker, 673 High St., Worthington, Ohio, said he has worked extensively with Goddard and some other franchises and franchisees, and they

currently have about 75 other daycares around the country that they have worked on, all different styles and configurations. Some have one stories, some have two stories. Mr. Baker said he made his best effort to respond to earlier comments about addressing the issues. He said he would go through the list and the items could be prioritized as they move forward. He said he would explain the changes and how they addressed each item. There have been several instances in the past where cars have driven into the building. Mr. Reis said he was concerned about the neighbor to the North, Ethan Allen, and said they should have wheel stops at every parking space. He was concerned about Ethan Allen patrons coming onto the Goddard's property, and suggested working something out with them. Mr. Baker said he has used the proposed guardrails at other locations such as Grandview. There will also be landscaping with shrubs and seven decorative bollards. He said there is a need for pervious pavers. They will be using an underground collection system to gather the rainwater and direct the water to the storm sewers to minimize the hard surface runoff. There will be a four by eight red brick and they will try to match what is on the building. He said he was still waiting for a color match.

Mr. Hofmann asked about the triangular area behind the property and if the trees would remain. Mr. Baker said the screening would potentially remain unless if they find something that is diseased, and in that case, they will replace it. Mr. Coulter asked Mr. Brown if the fence would have to go to the Board of Zoning Appeals (BZA) and Mr. Brown replied no, the fence can go to the property line. Mr. Hofmann asked about the photometric plan and Mr. Baker said the light poles would be fifteen feet in height, but the issue is the base, and the base would need to be cut down to keep the light poles at fifteen feet. Mr. Hofmann asked if there was a consideration for a more decorative head. Mr. Baker said he could probably find something, but they will be adding shields and the proposed lighting would be the most efficient. He said if you go with something more decorative, a lot of time light is pushed up to the sky and detracts from the night sky. The box light that goes straight down is more efficient. Mr. Baker said he was trying to keep in kind with what was already on the building. Mr. Hofmann said he would prefer to see something more decorative because Mr. Baker was already doing such a great job on the building. Mr. Baker said he would take a look at other fixtures. Mr. Hofmann said regarding the retaining wall to the south he was okay with stone versus the brick. Mr. Baker said the wall would be made with poured concrete and could be faced with either stone or brick, the materials cost about the same, and he also preferred stone. Mr. Coulter asked if there was anyone present who wanted to speak for or against this application.

Ms. Danielle Maclellan, 7377 Lewis Center Rd., Westerville, Ohio, said she was a masonry contractor and asked if they were going to use natural or cultured stone. Mr. Baker said they would be using natural stone.

Mr. Brown explained the Board could exclude the portion of the motion regarding the lighting and have the applicant come back for further discussion. He said if there would be any removal of the vegetation the Board may want further discussion on that as well. Mr. Coulter said unless its minor in nature, and then city staff could make a decision.

Motion:

Mr. Reis moved:

THAT THE REQUEST BY SAMANTHA ELLIOT ON BEHALF OF THE GODDARD SCHOOL FOR CERTIFICATE OF APPROPRIATENESS FOR THE PROPOSED MODIFICATIONS FOR A PREVIOUSLY APPROVED NEW PRESCHOOL AT 6699 N. HIGH ST., AS PER CASE NO. AR 15-2020, DRAWINGS NO. AR 15-2020, DATED FEBRUARY, 28, 2020, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING WITH THE FOLLOWING AMENDMENTS:

- **THAT THE POLE LIGHTING BE FIFTEEN FEET IN HEIGHT;**
- **THAT THE HEADS BE REVIEWED AND APPROVED BY STAFF PRIOR TO PURCHASE;**
- **THAT THE RETAINING WALL BE STONE FACED.**

Mr. Hofmann seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Reis, aye; Mrs. Holcombe, aye; Mr. Hofmann, aye; Mr. Foust, aye; Mr. Schuster, aye; and Mrs. Hinz, aye. The motion was approved.

3. Storm Door Replacement – **675 Hartford St.** (GBR Masonary, Inc./Peters) **AR 13-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

This lot on the west side of Hartford St., just north of E. New England Avenue is 45' wide and ~218' deep. The two-story farmhouse was constructed in 1904. The applicant was before you in September 2013 for the reconstruction of their front porch and steps, the applicant would now like approval to replace an existing wood storm door on the front of the home that appears to be original to the home with a Pella aluminum glad cranberry in color new storm door.

Project Details:

1. This project involves removing the existing wood door and replacing it with a new aluminum storm door. Pella 3570 Rolscreen Midview with muntins/grids and cranberry.

Land Use Plans:

Worthington Design Guidelines and Architectural District Ordinance

Retain historic storm doors; these typically were made of wood and had one or two areas of glazing which sometimes could be removed and replaced with screens during the summer. When installing new storm doors, select ones of simple design and made of wood, if possible. The most appropriate design is one with a full-height glass section that permits viewing the main door. The simplest, least decorated design is usually the best. The storm door and the door it covers should be the same color. Screen doors should be similarly compatible.

Recommendation:

Staff recommended denial of this application. The proposed storm door did not complement the existing features found on the home. The proposed storm door has muntins/grids, however the

home itself has one over one windows. Pella offers a variety of storm doors that do not have the muntins/grids shown. The Design Guidelines recommend preserving the existing wood storm doors if possible, however something more appropriate in style that would not include muntins/grids might be acceptable if the Board so chooses.

Discussion:

Mr. Coulter asked if the applicant was present. Danielle Maclellan, 7377 Lewis Center Rd., Westerville, Ohio, said the door was not original to the time the house was built. The Memo listed the original date of 1904 but the homeowner has listed 1889. If the proposed door cannot be approved then they would be going with 3525 which is a three quarter glass which is the same size as the existing glass on the door, but it does have a roll screen so it can be opened to let in fresh air while keeping the front door locked. The door would also have faux wood paneling at the bottom like the existing door does. Mr. Coulter asked which door the homeowner preferred and Ms. Maclellan said the homeowner preferred the grid door, 3570. She said she had a sample of the cranberry which is a complimentary color and matches the interior door. Mr. Foust said he was okay with either door. Mr. Coulter asked if there was anyone present who wanted to speak for or against this application, but no one came forward.

Motion:

Mr. Reis moved:

THAT THE REQUEST BY GBR MASONRY, INC. ON BEHALF OF JAMES AND NICHOLE PETERS FOR A CERTIFICATE OF APPROPRIATENESS TO INSTALL A NEW STORM DOOR AT 675 HARTFORD ST., AS PER CASE NO. AR 16-2020, DRAWINGS NO. AR 16-2020, DATED MARCH 2, 2020, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING, SPECIFICALLY ROBINSON MIDVIEW WITH GLASS 3570 PER THE ORIGINAL PROPOSAL.

Mrs. Holcombe seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Reis, aye; Mrs. Holcombe, aye; Mr. Hofmann, aye; Mr. Foust, aye; Mr. Schuster, nay; and Mrs. Hinz, aye. The motion was approved.

C. Municipal Planning Commission

1. Rezoning

- a. R-10 (Low Density Residence, S-1 (Special), C-2 (Community Shopping Center) to C-3 (Institutions and Offices) – Southwest Corner of Larrimer Ave. & High St. and southeast corner of Larrimer Ave. & Longfellow Ave. (OhioHealth/United Methodist Children’s Home) REZ 01-2020**

Mr. Coulter said the applicant requested to table this application.

2. Amendment to the Planning & Zoning Code

Mrs. Bitar reviewed the following from the staff memo:

- a. PUD - Caliper Inch Fee – **APZ 01-2020**
- b. Definitions – Tourist Home & Dwelling Unit – **APZ 02-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

City Staff has been directed to prepare legislation to Amend Section 1174.05(c)(B) of the Codified Ordinances of the City of Worthington to Amend the Caliper Inch Fee Associated with the Natural Features Section of the Development Standards and Development Standards Text Found in the Planned Unit Development from the \$450.00 per caliper inch to \$150.00 per caliper inch.

As you may recall in 2016 that during the 6-month review and adoption of the Wilson Bridge Corridor Zoning Districts at City Council that they discussed the tree replacement fee in great detail. The draft version of the text originally referenced \$450 per caliper inch to match with the Planned Unit Development - PUD section of the Planning & Zoning Code. At that time Council asked that we do additional research to see what other jurisdictions in our region charged or if they charged a fee. At that time, we looked at Westerville, Dublin, Hilliard and Delaware. There were very few local jurisdictions that had a tree replacement fee. The fees ranged from \$100 to \$300 per caliper inch for anything over 6-inches. Council then adjusted the fee to \$150 per caliper inch.

In 2018 this was again discussed when City Council reviewed the Final Development Plan for the new apartments at Granby Place on E. Wilson Bridge Rd. At that time the applicant was requesting a variance from the entire tree replacement fee for the site. During that meeting we referred to our previous discussion in 2016 during the adoption of the text for the Wilson Bridge Road Corridor that there was a conflict with the fees in the Planning & Zoning Code.

In 2019 at the City Council Retreat we briefly discussed a tree preservation plan and fees, that topic did not make the Top 10 list for 2019.

On December 17, 2019 City Staff prepared a memo to City Council outlining possible issues related to the tree fee found in the Wilson Bridge Road Corridor Guidelines and within the PUD language found in the Planning & Zoning Code.

On February 18, 2020 City Council discussed the tree fee associated with the Natural Features section of the Development Standards and Development Standards Text found in the Planned Unit Development text as part of their review of a rezoning request to a Planned Use District and the conflicts with the fee outlined in the Wilson Bridge Road Corridor Guidelines.

City staff confirmed that the previous jurisdictions used as benchmarks have not updated their fees as it pertains to a fee associated with the removal of trees as part of a project.

City staff believes one of the goals of having a fee associated with a development is to identify significant trees or tree stands that should be saved or incorporated into the development. A few examples would be the 200+ year old Bicentennial Oak that was preserved as part of the Kemper House project and the large Sycamore and Oak that will be preserved at Stafford Village.

Recommendation:

Staff recommended approval of the proposed text amendment to reduce the caliper inch fee from \$450.00 per caliper inch to \$150.00 per caliper inch to be in line with the guidelines adopted for the Wilson Bridge Corridor Zoning Districts and Guidelines. There is a need from time to time to monitor, update and revise the Planning & Zoning Code.

Discussion:

Mr. Hofmann asked if this would be a permanent change to all future PUD's and Mr. Brown said yes, this would be a text amendment, so if this goes to City Council and if City Council were to agree with it, or modify it, we would then start a 60-day waiting period for any change to the Planning & Zoning Code and then it would go into effect. Any new PUD's coming forward it would have the \$150.00 dollar per caliper per inch instead of \$450.00 dollars per caliper inch. Mr. Brown said staff viewed this as a housecleaning clean up but felt they needed to have the conversation with the Board members to see how they felt about the 150, 250 or 350, but felt the cost should match with the Wilson Bridge Corridor. Mr. Hofmann asked if there were any other precedents that were not necessarily a dollar amount but allows this to be adjusted as inflation goes on. Mr. Brown said one of the things, from the city staff standpoint, was the Administration had asked them to look at the overall fees. For example, the Architectural Review Board (ARB) minimum fee is \$2.00 dollars, and maximum \$200.00 dollars, and has been \$2.00 since 1967. Mr. Brown said our fees compared to our counterparts are extremely low, however, from the staff's standpoint, we look at it, at least from the Design Guidelines, we want compliance. We do not want to penalize or overcharge you, but what has been asked of us, from the staff's standpoint is to start to look at the fees and see what fees need to be adjusted. They do not need to be the highest or the lowest or anywhere in between, but to actually reflect what is staff time. I think one of the things, like for example when the Holiday Inn came in for the first four years, before they rezoned to the PUD, their maximum fee was the ARB application fee of \$200.00 dollars. Four years and notification requirements and probably hundreds of caliper inches of trees they felt that certain fees would probably need to be adjusted. As part of this, as we go forward, later this year and reviewing our fees department wide we can look back at this, is the 150 or 450 still consistent, but as of three weeks ago we called around to our counterparts again to confirm their fees were in line with that, if we went to the \$150. The \$450 is high, but the goal was to find that tree or that significant tree stand that you thought really needed to be protected and use that also as your bargaining chip. Mr. Brown said if someone came in and wanted to remove the Bicentennial oak tree the fee would be astronomical, but there would have been an outcry from the public, and the Boards and Commissions and that never would have been approved. Mr. Hofmann asked if that was the right tool to try to save trees. Mr. Brown said there were probably other better methods. He said from the staff's side, there have been discussions over the years which related to a certain project that occurred in town, a residential lot, where every tree on the property was removed, and that started the discussion. Should there be a tree fee or be a jurisdiction that would review any removal of trees.

Mr. Coulter said he felt this was an improvement because there was a developer that was going to walk away if they were held to the \$450.00 fee. Mr. Brown said if someone removed a 100 caliper inches of trees and replaced them with 50, then someone would owe 50. He said with the Fresh Thyme project, there was thick vegetation but many of the pine trees were at the end of their life and diseased. When Fresh Thyme came forward, they probably had a tree fee of approximately twenty thousand dollars. When they jumped to the second PUD, with the lodge development, there were not a lot of trees on the property. There were some Braford Pears, which were already frail and there were a few on Dewey's parking lot. What was added as part of the lodge development was increased over what was existing. The Kemper House site only had about three trees to begin with, one of which needed to be protected, the Bicentennial Oak. Stafford Village will need to move trees that cannot be added back so what City Council approved for Stafford was to be charged the \$150 per caliper per inch which came to approximately \$27,000.00 dollars versus the two or three hundred thousand if they followed the \$450.00 dollar per caliper. Mr. Foust asked if \$150.00 dollars per inch is reasonable to allow you to plant new trees. He said they should not make it too easy for someone to come in and cut down all these trees. Mr. Brown said with Stafford Village they knew what would be added back and what was being removed. It is not a small chunk of change. City Council could always grant a waiver from that requirement with a recommendation from the ARB. Mr. Foust asked if the city still had the Street Tree Program and Mr. Brown said yes. Mr. Brown said the tree fee money goes into a tree re-forestation fund with the Parks Department for City Street trees and for the parks. He asked if there should be a tree ordinance city wide and what that would look like with the direction from City Council. Mr. Brown said a resident would need permission from the City's Arborist before cutting down a tree, or if there is a contentious debate over the tree, it would go before a Board of Commission. Mrs. Holcombe asked if there would be a penalty if someone cut down a tree without permission. Mr. Brown said as of right now, no, but they could take a look at the original plans and make the developer plant the trees according to the original approval. Mr. Coulter asked if there was anyone present that wanted to speak for or against this application, but no one came forward.

Municipal Planning Commission Motion:

Mr. Reis moved:

THAT THE REQUEST TO MODIFY THE CALIPER INCH FEE ASSOCIATED WITH THE PUD SECTION FROM \$450.00 PER CALIPER INCH TO \$150.00 PER CALIPER INCH, AS PER CASE NO. APZ 01-2020, BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL BASED ON THE PLANNING GOALS OF THE CITY, AS REFERENCED IN THE LAND USE PLANS AND ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Foust seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Reis, aye; Mrs. Holcombe, aye; Mr. Hofmann, aye; and Mr. Foust, aye. The motion was approved.

b. Definitions – Tourist Home & Dwelling Unit – APZ 02-2020

Mr. Brown explained they were not deciding whether Airbnb's short-term rentals were permitted in the city. Currently, within the city limits they are not a permitted use or a conditionally permitted use in residential districts, but they do have language which defines what they are. Mr. Brown said

what happened last Thursday at the Board of Zoning Appeals (BZA) meeting, they had a property owner which had purchased property specifically just for short-term rental. The homeowners did not live there, they were just using the property as a short-term rental which created a little bit of heartache with the number of turnovers on a daily basis and on the weekends. The city defines that as a Tourist Home. One of the good things that happened last Thursday, the Board upheld the decision that the home met the definition of a Tourist Home. Mr. Brown said they felt this was a good time to clarify what that means. A Tourist Home is not permitted or conditionally permitted in residential districts, but they felt this was a good opportunity to clarify thirty days. One of the questions asked by the homeowner was where the language was coming from for the thirty days so Mr. Brown explained it was tied back to the Ohio Revised Code and to the Ohio Building Code but felt this was a time to actually clarify it and the actual language itself. The proposed language just adds the additional sentence which says transient guest means a person or persons renting for thirty consecutive days or less. This was also a question that was brought to the Board by the Appellant was “what is transient” mean, so he felt this was a good time to define the language in the Code. Under the definition of dwelling, which is a single-family home or apartment unit. The definition of a dwelling should not reference a weekly rental. He said a homeowner should require someone to at least live there for thirty days. Mr. Brown felt there was a better discussion with City Council to be had to clean the language up in the current Code.

Mr. Foust said there had been two situations that had come up in the past twenty-five years. One was a single-family homeowner who wanted to take a two-car garage and convert it into a livable space for their mother-in-law, ending up with two houses on one lot and there was another situation a few years ago, a Bed & Breakfast, set up on High Street, that was approved, just south of the Methodist Church, and it operated for several years. He said they made up some Code arrangement to make that work at the time, but he did not know if that was similar to this situation. Mr. Brown said Bed & Breakfasts are conditional uses in the C-5 District, and that is something the Board can look at and possibly add additional criteria for such approval of that conditional use, such as hours of operations, number of employees, etc. He said there may be certain districts where short-term rentals may be appropriate but from the discussions at the last BZA meeting, the neighbors were really upset about the transient traffic coming in and out of the rental house. Mrs. Holcombe felt the word dwelling was misused. She said when you live in a home by yourself in a single-family dwelling, unless your emphasis is on “unit”. If someone was renting, the heading should not be dwellings.

Mr. Brown said Granby Place apartments has sixteen dwelling units per acre. They could be an apartment or condo unit, or a single-family home, a duplex or a four-plex. He said what you do not see in the definition section, 1123-30 Dwellings, any building or portion thereof which is designated for or used for residential purposes. The next definition for “Dwelling Unit” they have recommended removing the word “weekly.” He said since they are cleaning up the Tourist Home definition, he felt they also need to clarify what “transient” means. Mr. Coulter asked if the Appellant was going to Appeal to City Council and Mr. Brown explained that an Appeal to a BZA decision would have to be filed in Franklin County Court of Common Pleas. Mr. Coulter asked if there was anyone present to speak for or against this application.

Mr. Steven Webster, 5765 Granby St., Worthington, Ohio, lives across the street from the house in question. He said he would not go into great detail about everything they have had to deal with because of this home, but it was awful. He said to add clarity to the rules would great because he

would like to see all the loopholes closed. Mr. Webster said he wanted to publicly thank City staff for all their assistance through the process last fall.

Mr. Paul Cook, 186 Park Blvd., Worthington, Ohio, said he came to the meeting to make sure the wording of the definitions were tightened up because he also lives near the Airbnb.

Municipal Planning Commission Motion:

Mr. Foust moved:

THAT THE REQUEST TO MODIFY THE LANGUAGE FOUND IN SECTION 1123.73 TOURIST HOME AND SECTION 1123.30(b) DWELLING UNIT, AS PER CASE NO. APZ 02-2020, BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL BASED ON THE PLANNING GOALS OF THE CITY, AS REFERENCED IN THE LAND USE PLANS AND ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Hofmann seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Reis, aye; Mrs. Holcombe, aye; Mr. Hofmann, aye; and Mr. Foust, aye. The motion was approved.

D. Other

There was no other business to discuss.

E. Adjournment

Mr. Foust moved to adjourn the meeting, and Mr. Hofmann seconded the motion. All Board members voted, "Aye," and the meeting was adjourned at 8:42 p.m.