



MINUTES OF THE REGULAR MEETING
WORTHINGTON ARCHITECTURAL REVIEW BOARD
WORTHINGTON MUNICIPAL PLANNING COMMISSION
January 22, 2015

The regular meeting of the Worthington Architectural Review Board and the Worthington Municipal Planning Commission was called to order at 7:30 p.m. with the following members present: Richard Hunter, Chair; Kathy Holcombe, Secretary; Mikel Coulter; Thomas Reis; Amy Lloyd and Edwin Hofmann. Also present were: Scott Myers, Worthington City Council Representative for the Municipal Planning Commission; Lee Brown, Director of Planning & Building; Lynda Bitar, Planning Coordinator and Clerk of the Municipal Planning Commission; and Melissa Cohan, Paralegal. James Sauer, Vice Chair, was absent.

A. Call to Order – 7:30 p.m.

1. Roll Call
2. Pledge of Allegiance
3. Approval of the minutes of the January 8, 2015 meeting

Mr. Coulter moved to approve the minutes. Mr. Reis seconded the motion. All members voted, “Aye”. The motion was approved.

4. Affirmation/swearing in of the witnesses

B. Architectural Review Board

1. Unfinished

a. New House & Garage – **138 W. Clearview Ave.** (Hal Lieberman) **AR 61-14**

Discussion:

Mrs. Bitar reviewed the facts from the application. Mr. Hunter for the applicant, and Mr. Hal Lieberman came forward. Mr. Coulter asked what material the windows would be and Mr. Lieberman said he is using Ultrex (fiberglass) clad exteriors, and wood interiors. Mr. Coulter asked Mr. Lieberman if he had a chance to check out the species of trees that were recommended by the City’s arborist. Mr. Lieberman said yes, he has chosen to plant the elm trees on the side, and tulip trees in the front yard. Mr. Coulter asked if Mr. Lieberman would be adding the tree that was noted on the drawings in red. Mr. Lieberman said he did not feel it was needed, but

would plant the additional tree along Evening St. Mr. Hunter said that type of tree is hearty, fast growing and have a tendency to top out at forty feet tall.

Mr. Hofmann said at the last meeting there was discussion about increasing the fascia depth at the eaves, and he was not certain if that was picked up in the elevations because they look the same as before. Mr. Liebermann stated there would be 1" x 8" fascia around the whole house. Mr. Hofmann asked for that note to be added to update the elevation. Mr. Hofmann then referred to the sliding glass door on the north elevation, asking Mr. Lieberman if the cornice could be aligned with the top of the window by maybe providing a panel above the door. Mr. Lieberman asked about the choice of adding the panel or going to a seven foot tall door. Mr. Hofmann said if the door were taller that would be fine. Mr. Hofmann asked Mr. Lieberman if the windows are prefinished and Mr. Lieberman said yes, they are clad and the color will be white. Mr. Lieberman also stated the shutters and front door will be black. Board members had no other questions.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and one person came forward. Ms. Peggy Barnum approached the microphone and stated she lives at 120 W. Clearview Ave., Worthington, Ohio. She opposes the building of this structure on the lot. Ms. Barnum said the building evidently does not meet the building requirements; she got a letter today saying that a variance has been requested from the Zoning Board. Ms. Barnum also said she does not want to see the loss of mature trees. She said there are seven mature trees and a mature hedge that will be removed. Ms. Barnum said the mass of the structure is not in character with the rest of the neighborhood and according to what she spoke about at the January 8, 2015 meeting, she believes there is an ordinance that was written in 1971 and states "it is illegal to place a building or structure the way it stands, the lot split the way it was". She did not want to rehash what she spoke about at length at the last meeting. There were no other speakers.

Findings of Fact & Conclusions

Background & Request:

This 50' wide lot was a separate buildable parcel from the time it was originally platted in 1928 until it was combined with 130 W. Clearview Ave. in 2004. It became a lot again last year when the City Council approved a subdivision to allow its separation. Sidewalks were required as part of the approval. Removal of trees was not part of the approval. The property owner submitted a request to construct a 2640 square foot single-family house in October that met with concerns from the Board members. In November, the owner briefly presented a site plan to the Board showing a smaller footprint. On January 8th the Board reviewed plans that were submitted for the smaller footprint structure and requested modifications such as window style and material, trim size, fascia size, shutter size, basement windows and garage changes.

Project Details:

1. Proposed is a two-story, 2373 square foot house with gabled roofline. The front gable would be parallel to Clearview Ave. and the rear would run perpendicular, extending to

the north 12'. The height to the peak of the front gable is proposed to be 27' 9". A stoop with a flat roof supported by fiberglass columns is proposed for the front entrance.

2. Horizontal Hardi plank 5" lap siding is proposed for the house. Asphalt roof shingles, six over six double-hung Ultrex clad pine Marvin windows, plastic shutters, fiberglass columns and other trim are proposed. Some details have been provided. The proposed house color is Mountain Sage with the trim in Sagecloth. It is not clear what color is proposed for the windows and doors. A section showing the window sill depth has not been provided.
3. A detached roughly 20' x 20' two-car garage is proposed north of the house, with access to Evening St. On the south elevation of the garage, a window and man door are proposed; a window is proposed on the north elevation; no openings are proposed on the east elevation. The garage is proposed south of the 60" tree at the north end of the lot. A patio would extend between the house and garage. A walkway is proposed from a side entrance to the garage. The material proposed for the walkway and patio has not been identified.
4. Variances would be required for a roof above the east side entrance extending 2'4" into the required side yard; and for placement of the garage 4'8" from the east side property line.
5. A landscape plan has been presented.

Land Use Plans:

Worthington Design Guidelines and Architectural District Ordinance

Infill sites should be developed in a way that is complementary to their neighborhoods and that integrates well with surrounding building designs and land uses. Compatibility with the neighborhood should be the primary consideration. Building placement and orientation are important design considerations. There are two primary considerations: 1) main entrances should face the street; and 2) garages should avoid facing the street. Various site features such as landscaping may make it desirable to locate a building in a way that takes advantage of these features.

Form, Massing & Scale: In designing new residential development in Worthington, it is important to keep the elements of form, massing, and scale in mind to ensure a final product that is as compatible as possible with what already exists in the community. When building a single house in an existing streetscape, note the general level of complexity of form and massing along the street; try to achieve a similar complexity in the new building. The same approach should be used in establishing the new building's scale. If there is great diversity in the streetscape, a successful design could use as inspiration an average of the complexity level and scale of the whole street; or a particular existing building could be used as a model.

Setback: Observe the setback of adjacent and nearby structures in the area where a new building will be placed. Garages should be as far to the rear as possible.

Roof: Roof shapes for new buildings should be appropriate to the style or design of the building. If a new building does not follow a particular style but is instead a vernacular design, then roof shapes and heights similar to those in the neighborhood or nearby would be most appropriate.

Materials: Contemporary materials that simulate traditional ones are appropriate, but the preferred option is to use true traditional materials such as wood siding. Incompatible contemporary materials should be avoided. Brick has long been a traditional material in Worthington. Prepare a sample board for review by the Architectural Review Board.

Windows: For new buildings, multiple-paned windows generally are not appropriate. The exception is a building being built in a particular style -- such as Federal, Greek Revival or Colonial Revival -- that would have employed this window type. When in doubt, simple 1 over 1 double-hung sash windows are usually the simplest, least expensive and most appropriate choice. Using the excellent precedents of Worthington's many historic structures, carefully design the pattern of window openings; window sizes and proportions (they must be appropriate for the size and proportions of the wall in which they are placed); pattern of window panes and muntins; and trim around the windows. Good quality wood windows are readily available and more affordable than in the past. True wood windows are always the first preference. Aluminum- or vinyl-clad windows can be appropriate, but primarily on secondary facades and less conspicuous locations. All-aluminum or vinyl windows are not prohibited but are not encouraged. Avoid blank walls.

Entries: As with other design considerations, study Worthington's rich collection of 19th and 20th century architecture for design ideas for entrances and doors. For newly-built buildings, simpler designs usually look better than more ornate ones. Avoid heavy ornamentation on doors and entrances. Observe entry placement on existing buildings. Whether located symmetrically or asymmetrically, entries usually are aligned with a window on the second floor so that a regular rhythm of openings is maintained on both floors. Entries should be located so they are easily visible, and they should be oriented toward the street.

Ornamentation: Observe Worthington's excellent historic architecture for information on the kinds and amounts of ornamentation employed on various building styles and periods. Use ornamentation conservatively. It will be most successful if used in traditional locations: around windows and doors; along a building's cornice or at the corners; in gables; or on gates and fences. Most ornamentation historically was made of simple forms built up to a desired level of complexity. When in doubt, follow the old rule that "less is more." Sometimes just a little ornamentation, well placed, can have a major impact without the need for more extensive (and expensive, and hard-to-maintain) ornamentation. Use compatible materials in ornamental elements. Frame houses should have wood ornamentation, although in cases where the ornamental elements are some distance from the viewer it may be possible to use substitute materials such as fiberglass.

Color: In general, avoid bright colors not typical in Worthington neighborhoods, such as various shades of purple or orange. For infill buildings being placed in an existing streetscape, select colors compatible with those already used along the streetscape. Many buildings follow a pattern of light colors for the building body and darker colors for the trim. Following this pattern is encouraged. In Worthington, the use of white or cream-colored trim also is common and

would be appropriate for new construction. Avoid using too many colors. Usually one body color and one trim color are sufficient.

Landscaping: Worthington's mature shade trees are the primary landscaping feature throughout the community. They are a major contributor to its character and help define its neighborhoods as stable, desirable places to live. In general, lawns are generous but not overly large, which contributes to the sense of human scale that is one of Worthington's important attributes. Other landscaping elements tend to be properly scaled and well-tended, which also tends to enhance neighborhood character. Maintain and nurture mature trees to prolong their lives. Plant and maintain street trees in planting areas between the street and sidewalk. Paving can sometimes reduce water absorption of the soil so much that trees do not get the moisture they require.

The standards of review in the Architectural District ordinance are:

1. Height;
2. Building massing, which shall include the relationship of the building width to its height and depth, and its relationship to the viewer's and pedestrian's visual perspective;
3. Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings;
4. Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
5. Roof shape, which shall include type, form and materials;
6. Materials, texture and color, which shall include a consideration of material compatibility among various elements of the structure;
7. Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
8. Landscape design and plant materials, which shall include, in addition to requirements of this Zoning Code, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
9. Pedestrian environment, which shall include the provision of features which enhance pedestrian movement and environment and which relate to the pedestrian's visual perspective.

Recommendation:

Staff is recommending approval of this application once the details and landscape plan are acceptable. This version of the proposed house has a smaller footprint and is massed more similarly to the other houses on the street. A landscaping plan has been submitted and shows street trees.

Mr. Coulter moved:

THAT THE REQUEST BY HAL LIEBERMAN FOR A CERTIFICATE OF APPROPRIATENESS TO CONSTRUCT A NEW HOUSE AT 138 W. CLEARVIEW AVE., AS PER CASE NO. AR 61-14, DRAWINGS NO. AR 61-14, DATED JANUARY 14, 2015, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN

THE STAFF MEMO AND PRESENTED AT THE MEETING WITH THE FOLLOWING AMENDMENTS:

- **THAT PLANTINGS BE REVISED AS SUGGESTED BY THE CITY ARBORIST**
- **THAT THE FASCIA BOARDS WILL ALL BE 1" X 8" AS SHOWN ON THE FRONT ELEVATION**
- **BY DEVELOPERS CHOICE, ENTRANCE FASCIA PANEL WILL BE ADDED ABOVE SLIDING GLASS DOOR TO RAISE THE CORNICE OR A TALLER DOOR MAY BE USED FOR A HORIZONTAL LINE TO MATCH THE ADJACENT WINDOWS.**

Mr. Reis seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mr. Reis, aye; Mrs. Lloyd, aye and Mr. Hofmann, aye. The motion was approved.

2. New

a. Windows – 669 Evening St. (David Griffin) AR 02-15

Discussion:

Mrs. Bitar reviewed the facts from the application. Mr. Hunter asked if the applicant was present. Mr. David Griffin approached the microphone and stated his address is 669 Evening St., Worthington, Ohio. Mr. Griffin did not have any questions. Mrs. Holcombe asked Mr. Griffin if the windows would be vinyl on the inside and he said yes. Mr. Griffin said the current windows are white wood painted on the inside and aluminum clad on the outside, but the new windows will be white vinyl all the way around. All of the windows will be the same size and the same style. All the windows will be better insulated. Mr. Griffin said he and his wife are excited to have energy efficiency. Mr. Hofmann asked Mr. Griffin if the current wood windows were insulated and Mr. Griffin said no, the current windows are terrible. They get ice on the inside of their windows. Mr. Hunter asked Mr. Griffin if he was keeping the muntins on the windows and Mr. Griffin said he is ready to place the order tomorrow, and plans to keep the muntins unless the Board suggests otherwise. All of the windows will match.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Findings of Fact & Conclusions

Background & Request:

The owners would like to replace the original wood windows in this 1951 split level house. The house is *not* a contributing property in the Worthington Historic District.

Project Details:

1. The homeowner is planning to replace 9 existing wood windows and a rear patio door with new vinyl windows and a door. The existing windows and door are reportedly in poor condition. The size, style and white color of the windows and door would match the existing.
2. The profile of the proposed windows is similar to the existing windows.

Land Use Plans:

Worthington Design Guidelines and Architectural District Ordinance

The Worthington Design Guidelines recommend the preferred option for windows is an in-kind replacement in the same material and design. New windows made of substitute materials such as aluminum, vinyl, or clad wood can be acceptable if they provide a reasonably good match for the windows being replaced. Be sure that window designs are appropriate for the style or time period of the house. Avoid enlarging or downsizing window openings to accommodate stock sizes of replacements.

Compatibility of design and materials, exterior detail and relationships, and window treatment are standards of review in the Architectural District ordinance.

Recommendation:

Staff is recommending *approval* of this application. Although retention and repair of existing wood windows is preferred, replacement with a modern version of the same style and size window is acceptable. Due to the style and age of this house, the proposed windows seem appropriate.

Mr. Reis moved:

THAT THE REQUEST BY DAVID GRIFFIN FOR A CERTIFICATE OF APPROPRIATENESS TO REPLACE WINDOWS AT 669 EVENING ST., AS PER CASE NO. AR 02-15, DRAWINGS NO. AR02-15, DATED JANUARY 2, 2015, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Lloyd seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mr. Reis, aye; Mrs. Lloyd, aye and Mr. Hofmann, aye. The motion was approved.

- b. Rear Entry Change – **594 Hartford St.** (Dave Fox Remodeling/Huffman) **AR 03-15**
(Amendment to AR 64-14)

Discussion:

Mrs. Bitar reviewed the facts from the application. Mr. Hunter asked if the applicant was present. Mr. Stephen Dempsey approached the microphone and stated he is representing Dave Fox Remodeling, and his address is 5623 Dumfries Ct. W., Dublin, Ohio. Mr. Dempsey said that the major change was stairs on the inside of the house which moved some things around,

therefore eliminating the budgeted amount of money to do work on the porch, so that portion of the project will go away. The stairs will be inside the garage when the garage is being built. Mr. Coulter asked if the garage was being built yet, and Mr. Dempsey said no, not at this time, but they will be moving forward with the project.

Mr. Dempsey said he had a discussion with Mrs. Bitar earlier about installing Pella windows with wood clad exterior and the original house has a Rosati vinyl exterior wood interior clad window. He said they are going back and forth as what window to install from an appearance and price perspective. The original house had already had those windows approved so he was wondering if having the choice of either type of window would be okay. Mr. Dempsey said if the Rosati window is chosen, then the windows would be 100% consistent. If the Pella window was chosen, those windows would very closely resemble the Rosati windows. Mr. Reis explained as long as the look stays the same he did not care which manufacture was chosen. Mr. Hunter agreed. Board members did not have any other questions. Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Findings of Fact & Conclusions

Background & Request:

An addition and garage were originally approved for this Dutch colonial house in November of last year, involving 2 phases of construction: Phase 1 would allow construction of a two-story addition to the rear of the home; Phase 2 would allow construction of a two-story garage attached to the addition. A change is now proposed for the rear entry to the house.

The house and barn were constructed in the early 1900's on a 100' wide lot. In 2007, aluminum siding was removed and the original clapboard siding was restored. Also, a front porch was added which was similar to the front porch originally constructed with the house and removed in the early 1970's. In 2012 the windows were replaced with simulated divided light vinyl clad wood windows.

Project Details:

1. As approved, the proposed addition would be 26' x 26' and to the rear of the house, with a gambrel roof matching the three on the existing house and small dormers proposed on the sides. Steps were proposed leading to a small porch in the rear. Now the homeowners would like the entrance to the addition to be on the south side, with steps leading to the driveway. With construction of the new garage, the entrance would be from the west side of the garage with interior steps leading into a mudroom. Also, an exterior lower level entrance has been added to the rear of the addition.
2. The proposed materials would continue to match the existing house including: clapboard siding, slate roof, Pella clad wood simulated divided light windows, and split faced and parged block for the foundation. Demolition of a small part of the rear of the existing house would be necessary to allow construction of this addition.
3. Phase 2 would involve demolition of the existing barn, and construction of a new roughly 26' x 26' garage with a room above attached to the south side of the Phase 1 addition,

encompassing the proposed stairs. Two separate carriage style garage doors would face south and allow for entry from an extension of the existing drive. A matching gambrel roof is proposed for the two story structure that would extend south with the peak being much lower than the roof of the house due to the downward slope of the property. In addition to the matching materials proposed for the house addition, this structure would have a cupola and a rear entry door.

Land Use Plans:

Worthington Design Guidelines and Architectural District Ordinance

Residential additions are recommended to maintain similar roof forms; be constructed as far to the rear and sides of the existing residence as possible; be subordinate; and have walls set back from the corners of the main house. Design and materials should be traditional, and compatible with the existing structure. Older outbuildings, sheds, and garages should be retained and repaired. They add variety and visual interest to the streetscape and are part of Worthington's character.

Recommendation:

Staff is recommending *approval* of this application. The modifications do not substantially change the previous proposal, which followed guidelines by placing the addition to the rear with a similar roof form, and subordinate to the existing house as viewed from the street. The garage addition is to the rear and at enough of a lower elevation to appear subordinate to the house.

Mrs. Holcombe moved:

THAT THE REQUEST BY DAVE FOX REMODELING TO AMEND CERTIFICATE OF APPROPRIATENESS #64-14 BY MAKING CHANGES TO THE PROPOSED ADDITION AT 594 HARTFORD ST., AS PER CASE NO. AR 03-15, DRAWINGS NO. AR 03-15, DATED JANUARY 9, 2015, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING AND AMENDED THAT THE NEW WINDOWS COULD BE EITHER ROSATI TO MATCH THE EXISTING OR PELLA.

Mr. Coulter seconded the motion. Mrs. Bitar called the roll. Mr. Hunter, aye; Mrs. Holcombe, aye; Mr. Coulter, aye; Mr. Reis, aye; Mrs. Lloyd, aye and Mr. Hofmann, aye. The motion was approved.

3. Unfinished (cont.)

- b. New Commercial Development – **2233-2299 W. Dublin-Granville Rd.** (Dan Cline/ Linworth Crossing) **AR 75-14**

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C. Municipal Planning Commission

1. Development Plan – Final

- a. New Commercial Development – **2233-2299 W. Dublin-Granville Rd.** (Dan Cline/
Linworth Crossing) **DP 01-14**

Discussion:

Mrs. Bitar reviewed the facts from the application. Mr. Mark Schieber approached the microphone and stated his address is 2807 B Delmar Dr., Bexley, Ohio, and that he is the landscape architect for this project. He said based on the last meeting they have added several trees in the parking lot near the front of the buildings. A couple of the islands were doubled in size, and they placed parking for bicycles on both sides of the property which would service the small plaza, patio and retail shops. Mr. Schieber also explained where outdoor furniture will be placed. Mr. Schieber explained that they took Mr. Myers suggestion and decided to remove the honeysuckle area. He said they have also added some evergreens and viburnum to the landscape plan, but the plantings were not shown on the rendering that was displayed.

Mr. Schieber said they responded to the Board's request for a space for utilities and he explained where that will be located. He said the walkway has been better defined with both the plantings and arbor to tie the landscape together. Mr. Hofmann asked Mr. Schieber about the pathway that went along the road. Mr. Schieber said the pathway is now curvilinear, and is an eight-foot asphalt pathway. The edges will be slightly bermed and the path will run next to and around in relationship directly to the bioswale. Mr. Coulter asked if the eight-foot wide path will continue along Linworth Road and Mr. Schieber said yes.

Mr. Brown explained that as part of the subdivision process the Board saw several months ago, the plat will be coming back to increase the easement width for the 8' path.

Mr. Reis said he believes Mr. Schieber has done a great job with landscaping, and interfacing with the park, connections, and screening the backside of the development. Mr. Hunter asked Mrs. Bitar if the engineering staff had a chance to take a look and review the bioswale yet and Mrs. Bitar she believes the City Engineer is aware of the bioswale. Mrs. Bitar explained storm drainage will be reviewed when the building permit is submitted.

Mr. Dan Cline approached the microphone and stated his address is 112 Parkview Ave., Bexley, Ohio. Mr. Cline said last time they were before the Board they had proposed using a red sand mold brick, and now they have added a tan brick for accent.

Mr. Cline said when he added the hip roof, along with the green which is actually a patina style of green, and the standing seam roof at the four locations they tried to re-think the scheme for the rest of the building because they originally had blue awnings. Mr. Cline said they are now going to use a dark hunter green awning with off-white pin striping. They are still using the four inch lap siding and then they switched to the green color for all of the mullions and the doors. The mullions are an eight by eight grid above the doors and all the way across. Mr. Cline said they also added panels below the windows. He said the proposed wall sconce is black in color. The

dumpster enclosure will be made out of cedar, stained cocoa. The RTU enclosures are made in Hilliard, Ohio. The light fixture on the site lighting was switched out to more of a box like fixture instead of the high tech fixture. Bar lighting will sit on top of the canopies, and up light the signs above. He said they have down sized the size of the graphics; they were a foot and a half per lineal foot and now are only one foot.

Mr. Hunter asked Mr. Cline if he had determined where the utilities will be located and Mr. Cline explained where the utilities will be located. Mr. Hunter asked Mr. Cline what the slope of the roof will be and Mr. Cline said that the slope is four twelve in the east west direction. The north south direction will be slightly different.

Mr. Reis said he would like to see the parapets high enough to shield the mechanicals as opposed to having a mechanical screen. Mr. Cline said he prefers that also.

Mr. Coulter asked Mrs. Bitar about signage and Mrs. Bitar said the applicant has committed to one square foot of signage per lineal foot of store front so every store front would be allowed that amount of signage and then the exact sign would come back to the Board for each tenant. Mr. Hofmann asked Mr. Cline if he would have guidelines for the tenants and Mr. Cline said yes, that will be part of the lease. Mr. Hofmann asked if the tenant will be able to manipulate the façade and Mr. Cline said no, that is not the intention of the center. Mr. Cline said if there were an anchor going in right now that he would incorporate as part of this presentation they may have a little bit of control but he would prefer to keep the same basic materials. He does not see much change for individual tenants. Mr. Hoffman expressed concern with having five hundred feet of similar, repetitive building frontage without a lot of articulation. He felt the landscaping would help, but feels the buildings will be like a “long run-on sentence”. He wondered if other materials could be used, or if the proportions of things like the cornice, trim, or hipped roofs could change. He thought the buildings could even differ characteristically.

Mr. Cline said he likes the monolithic look and prefers very few materials repeated throughout, just articulating some major offsets like in the courtyard. Mr. Cline said they may come back to ask for garage doors on the west end so the market can go inside and out.

Mr. Coulter agreed with Mr. Hofmann’s comments about the building being so linear and long, and also felt the landscape will help that some. Mr. Coulter referenced the Central Business District, citing the different architecture as helping to break up the linear effect visually. Mr. Hofmann felt one of these facades could contrast or a pediment could be lighter to make a change without introducing too many elements. He expressed concern with the grid, feeling it may emphasize the unarticulated mass. He did however feel darker is better, but is now worrying about the dark awnings and roofing.

Mr. Cline said he brought some samples of the green with him to the meeting.

Mr. Hofmann felt the accent brick could be introduced as a field color. He was concerned about tenants feeling differentiated because that is their tendency. Mr. Myers echoed the comments, and reminded everyone the St. Rt. 161 widening has been up in the air. As much as he loves the

landscaping plan he hates to put too much stock in it down the road. He said the plus for this building right now is the landscaping. Mr. Reis said in response to losing the bioswale, they could still come back in with evergreens and trees and plant the site pretty nicely. They might lose the bioswale and have to come up with another way to drain the site, like direct it to a storm sewer instead of keeping it on the site. Mr. Reis said he did not believe the wall mounted fixtures fit with the signage. Mr. Cline said what they are trying to do is have the light shine out a little bit to make the area safer. Mr. Hunter said he understood but he likes to see zero candles at the lot line, and the drawing shows above that.

Mr. Hofmann said he thought the idea of the goosenecks is a nice detail, but feels they are a little under scaled and having them up in the brick is a little peculiar. He wondered if it would be better to have them down just inside of the sign zone to be able to read the signs.

Mr. Cline said they were trying to light the lap siding. Mr. Hofmann said the samples shown earlier, such as the faux windows, and profiles that mark around the windows and provide some detail could be interesting. Mr. Hofmann said this is interesting because the area is becoming the outside edge of this community. This is an opportunity to do something impressive.

Mr. Coulter asked if the lights will be LED and Mr. Cline said yes, he will be using warm LED's.

Mrs. Lloyd asked Mrs. Bitar to go back to the example pictures. Mrs. Lloyd said she noticed a lot of the store fronts are neutral, aluminum, bronze and also the tenant may provide the store front and awnings and that is typical in a lot of centers. It is just something to think about. She knows though that incorporating neutral tones might be more appropriate here.

Mr. Cline said the awning fabric is very dark, and from a distance it will be difficult to see the pin striping. Mr. Reis asked Mr. Cline what material he would be using for the curtain wall. He said that material will be probably be aluminum. Mrs. Holcombe asked about the east side of the building and if lap siding would be used there and Mr. Cline said yes. She believed it would be nice to have the side of the building in brick. Mr. Cline said he was trying have the same materials wrap all the way around the building.

Mr. Brown said he would like to echo Mr. Myers comments about the road changing and the building still being there, so it is important to get it right the first time. Mrs. Holcombe said she likes the color palette, but feels the building needs more brick, and more detail.

Mr. Cline said the green palette is very rich looking. There is a building in Bexley, Ohio, called The Gateway at the corner of Parkview and Main Street, and the building is very rich looking. The building also has the patina standing seam roof top.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Findings of fact & Conclusions

Background & Request

As a result of action taken by the City Council, the former Segna Motors site at 2233-2299 W. Dublin Granville Road is now entirely in the City of Worthington and in the C-2 Zoning District. Also approved was the combination of 7 parcels into 2, comprising 4.6 acres of total land. The two parcels created as part of the subdivision are in different taxing districts and cannot be combined to create one new lot of record. Setback variances for the buildings in relation to the interior property lines were granted as part of the subdivision.

Due to the size and zoning of the property, any new development is subject to approval of a Development Plan. In addition, approval will be needed from the Architectural Review Board for all aspects of the development and demolition of any existing structures.

With these applications, approval is requested for a new commercial (neighborhood retail) development, comprised of two new buildings and associated site improvements.

Project Details:

1. Buildings:

- Buildings “A” and “B” are proposed facing W. Dublin-Granville Rd., and situated toward the southern property line, with parking in front of and behind the buildings. The approximate 10’ change in grade from the west side of the site to the east side necessitates several grade changes in the individual buildings. A courtyard with trellises is proposed between the buildings, likely to be used for restaurant seating. Building “A” is proposed to be 251’ 4” in length and 20,488 square feet in area. Building “B” is proposed to be 269’ 4” in length and 21,437 square feet in area. Individual tenants have not been identified.
- The flat roof buildings are designed primarily with red brick and arctic white Hardie board 4” lap siding. A lighter brick is now proposed for accent. The siding is proposed in the area above the storefronts for signage background, and in the rear. Hipped roofs with green standing seam metal are now proposed at two locations on each building. The storefront systems are now proposed as green metal. Black flat canopies are proposed for the corner tenants, and fabric awnings would be above the other storefronts. The proposed fabric would be green with pinstripes.
- Black gooseneck lights are proposed to illuminate the sign panel areas which are above the canvas awnings. Signage for corner tenants would be lit from below, with lights in the canopies. Aluminum colored mission style wall sconces are proposed between storefronts.
- The applicant is proposing allowable signage for tenants in a 20’ wide space to be 20 square feet in area.
- The applicant indicates the rooftop equipment would be screened from the right-of-way with metal panels. Clarification of the color is needed.

2. Site and Landscaping:

- Parking is proposed as close as 30’ in the front and 15’ in the rear. The required front setback is 50’, so a variance would be required for the 11 spaces at the

northwest corner of the site. To the east, the parking is primarily outside of the 50' setback except for the front edge of 10 or 11 spaces at the east end. The number of spaces provided (160) is about 20 spaces below what would be required by Code, so a variance would be required.

- Two entrances are proposed for the site, one on W. Dublin-Granville Rd. and one on Linworth Rd. For the W. Dublin-Granville Rd. entrance, ODOT approved plans for right-in and right-out only when heading eastbound, and a left in when heading westbound on W. Dublin-Granville Rd. The entrance would be configured accordingly with an island between drives; and left and right turn lanes would be added as part of construction. On Linworth Rd. the entrance would be toward the south end of the site and full access.
- An 8' wide asphalt multi-use path has been shown along both streets. An easement or additional right-of-way would be needed to accommodate such a path. In addition, connections are shown to Linworth Park lining up with the courtyard between the buildings, and to the Linworth Rd. entrance.
- Several trees would be removed with the proposed development, many of which are in poor condition. A number of trees would be retained around the perimeter of the site, and a 36" Hackberry would be kept in an island at the W. Dublin-Granville Rd. entrance. Tree islands would accommodate new trees in the parking area and street trees are proposed along W. Dublin-Granville Rd. Additional tree islands near the building have been requested. Proposed at the perimeter, and interior to the site in beds and planters, are evergreen trees and shrubs, ornamental grasses, perennials and ground cover.
- Dumpsters proposed along the rear would be screened with fencing and evergreens. Details of the 6' high wood enclosures have been provided.
- Storm water would be handled in a bioswale along W. Dublin-Granville Rd. and in underground storage if needed.
- Bicycle racks and planters are shown near the middle and west ends of the site. An additional rack should be provided near the east side of the site.
- Parking lot lights are proposed along the northern and western edges of the parking lot. Sixteen foot high poles are proposed with the bottom 30" being a concrete base. The photometric plan shows average footcandles of 2.7, with 10.1 footcandles being the maximum light level in the parking lot. At the perimeter of the site the lighting level ranges from 0.0 to 0.5, with 0.1 footcandles being the average.

Land Use Plans:

Worthington Design Guidelines and Architectural District Ordinance

Planning for the redevelopment of a site should include an inventory and evaluation of features, and the development should retain those that add scenic or historic value. New developments should build upon and extend the pedestrian scale and walkability of the city's commercial heart, extending amenities such as sidewalks and shade trees into new developments. Inclusion of sidewalks, pedestrian-scaled signage, and planting and lawn areas will help communicate a sense of a walkable pedestrian scale.

Simple geometric forms and uncomplicated massing tend to make buildings more user-friendly. Carefully designed building facades that employ traditional storefronts -- or similarly-sized windows on the first floor -- will help make new buildings more pedestrian-friendly. Building up to the required setback is desirable as means of getting pedestrians closer to the building and into the main entrance as easily as possible. Generally, a traditional roof shape such as gable or hip is preferable to a flat roof on a new building.

Traditional materials such as wood and brick are desirable in newer developments, but other materials are also acceptable. Poured concrete and concrete block should be confined primarily to foundation walls. Large areas of glass are appropriate for the first floors of new buildings, where they resemble the commercial storefronts typical of older buildings. Avoid any use of glass with highly reflective coatings, as they generally are not compatible with other development in Worthington.

On long facades, consider breaking the composition down into smaller “storefront” units. Use traditional sizes, proportions and spacing. Doing so will help link Old Worthington and newer areas through consistent design elements.

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 (standing vertically, mounted on a ground-level base and not on a pole); 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. Bright color shades generally are discouraged in favor of more subtle and toned-down shades.

Comprehensive Plan

The 2005 Worthington Comprehensive Plan recommends that a neighborhood retail service center be established at the West Dublin-Granville Road and Linworth Road intersection to create a commercial node for the community.

Recommendations:

The use of green is not typical for storefronts or roofing material in Worthington. The addition of hipped roof structures adds visual interest, but the color may not be appropriate. Elimination of the parking at the northwest part of the site in the setback area may be appropriate. The landscape and photometric plans seems appropriate, except if the poles with have exposed concrete bases the bases should be colored black to match the poles.

If the Board is not ready to approve the application, demolition of the existing buildings could be approved, with a new application returning for the new site. The Final Development Plan must be approved by the City Council.

Mr. Coulter moved to table the ARB application. Mrs. Holcombe seconded the motion. All members voted, “Aye.” The application was tabled.

Mr. Coulter moved to table the MPC application. Mr. Reis seconded the motion. All members voted, "Aye." The application was tabled.

Later in the meeting the applicant requested the ARB application be reconsidered, asking for approval of only the demolition.

Mr. Coulter moved:

THAT THE REQUEST BY DAN CLINE FOR A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH THE BUILDINGS AT 2233-2299 W. DUBLIN-GRANVILLE RD. , AS PER CASE NO. AR 75-14, DRAWINGS NO. AR 75-14, DATED JANUARY 13, 2015, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING, AS AMENDED TO REMOVE ALL SITE AND BUILDING IMPROVEMENTS FROM THE APPLICATION.

Mrs. Holcombe seconded the motion and Mrs Bitar called the roll. All members voted "Aye" thereon and the motion was approved.

2. Rezoning

a. R-10 to S-1 – 6238 Linworth Rd. (Linworth Baptist Church) REZ 01-15

Discussion:

Mrs. Bitar reviewed the facts from the application. Mr. Hunter said he understood the site plan could not be approved as part of a rezoning, but wanted to express his thoughts. He was concerned about the northern entrance accommodating two-way traffic, rather than being one-way in as it is now, due to lack of site distance and heavy traffic on Sundays. He also felt the entrance to the new parking area should be further from Linworth Rd. Drainage was another concern expressed by Mr. Hunter because a black top area will add water to the Carhart Ditch. He said he was not opposed to the change, but thought a Conditional Use Permit for that current residence should go to the MPC.

Mrs. Bitar said if the zoning remains R-10, the church could request a Conditional Use Permit to make the proposed changes, but the application being considered is a rezoning request. If the property is rezoned to the S-1 District, it could be used as a semi-public use without special approval.

Mr. Coulter asked if the existing structure could be used as a youth center. Mrs. Bitar responded yes, if the property were rezoned to S-1.

Mr. Coulter agreed that drainage may be an issue but said he has less concerns about that. He believes that issue could be easily solved, such as what Fresh Thyme planned with water

retention. Mrs. Bitar said the drainage would have to be approved by the City's Engineering Department.

Ms. Amy Kuhn stated she is with the Plank Law Firm, 145 E. Rich St., Columbus, Ohio, and is representing the applicant. Ms. Kuhn indicated the plan was preliminary so drainage has not been worked out yet. She felt they could review access at the north driveway, and noted the house driveway would be closed. Mr. Hunter said the site lines are really bad in that area, and there is not a lot of room to maneuver.

Mr. Hofmann asked Mrs. Bitar to go back to the photographs that showed the house in the winter and summer. He asked Ms. Kuhn if there are a minimum number of spaces they need to have to make the project work. She said right now there are fifty-four to fifty-five spaces. Mr. Hofmann asked Ms. Kuhn how many trees would need to be removed for the lot. She said probably most of them. Mr. Hunter thought a lot of the screening was in the right-of-way, but he was not sure where the exact line was.

Ms. Kuhn said they would screen along Linworth Rd., and save as many trees as they could along the edges, but unfortunately in order to get enough parking spaces to make the investment worthwhile, some of the trees may have to be removed. Mrs. Bitar agreed with Mr. Hunter about moving the new parking entrance to the east, and felt it would allow retention of some of the large trees toward the front of the lot. Ms. Kuhn said she was more concerned about screening the perimeter. Mrs. Bitar said retention of those trees would help screen the view of the parking from Linworth Road.

Mr. Reis said Ms. Kuhn needs to get a survey of the existing tree line and see how that relates to what she is planning.

Mr. Brown said the next step is going to the Board of Zoning Appeals (BZA) for a variance request for the setback, which in turn could put conditions on the screening and ingress/egress. Mr. Hunter reiterated his concerns about the driving pattern.

Mr. Myers felt he could not be supportive, and asked the applicant why rezoning was requested rather than a Conditional Use Permit. Ms. Kuhn replied the idea was to zone this property the same as the church to have a campus that can be designed and used to the best advantage of both the church and the community.

Mr. Myers felt the church could construct the parking lot and use the house under a Conditional Use Permit, and that the parcels could still be combined. He said it was his preference to leave the property in the R-10 Zoning District. Mr. Hunter concurred.

Ms. Kuhn said she would consult with her client.

Mr. Hunter said he did not object to this extension, and recognized the church is currently bussing from Linworth Alternative High School and has parking across the street in the City of Columbus. Ms. Kuhn said parking on the same side of the street would be preferable.

Mr. Myers said it would give the City a certain comfort level that the parking lot would be up to the standards the rest of the neighborhood if done by Conditional Use Permit.

Ms. Kuhn asked about timing and Mr. Coulter said the time frame may be quicker. Mrs. Bitar said the request would not have to go to council.

Mr. Hunter asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Findings of Fact & Conclusions

Background & Request:

This property is a single-family residential property abutting the north side of the Linworth Baptist Church on the east side of Linworth Rd. The church would like to rezone the property to S-1, Special in order to use the existing structure for youth activities, use the existing storage building for storage, and construct additional parking for church use.

Project Details:

1. In order for the church to use the property at 6238 Linworth Rd., the property either needs to be rezoned from R-10, Low Density Residence to S-1, Special, or a Conditional Use Permit would be needed to operate a Semi-public use in the R-10 Zoning District. The church has requested rezoning the property.
2. The map below shows the area, which is a mixture of zoning categories, with S-1, Special being to the south and east; R-16, Very Low Density Residence being to the north; and R-10, Low Density Residence located across Linworth Rd.



3. The parcel in question is approximately 192' wide and 1.176 acres in area. The minimum lot width and area in the S-1 zoning district are 250' and 3 acres. It is the intention of the church to combine this parcel with its other 3 parcels. The resultant property would exceed the minimum dimensional requirements for S-1.
4. The property is separated from the property to the north and Linworth Rd. by way of a significant grade difference and some landscape buffer. A proposed site plan has been submitted with the application showing parking in the front of the property. The site plan could not be approved as part of this application, but is attached for reference to show the church's future intentions. Approvals would be needed for construction of the parking area. Significant screening would be necessary.

Rezoning:

For the purpose of the public necessity, convenience, general welfare or good zoning practice, Council may by ordinance, after receipt of recommendation thereon from the Municipal Planning Commission, and subject to the procedures provided by the Charter and ordinances, amend, supplement or change the regulations, district boundaries or classification of property. It shall be the duty of the Commission to submit recommendations regarding all applications or proposals for amendments, supplements or changes to Council.

Recommendation:

Staff is recommending *approval* of this application, as the change in zoning may allow the church to better serve its congregation.

Mr. Coulter moved to table this application. Mrs. Holcombe seconded the motion and all members voted, "Aye." This application was tabled.

D. Other

1. Amendment to Planning and Zoning Code – Sections 1123.19, Child Day Care Center, Nursery School and Preschool and 1123.63, Semipublic Uses

Discussion:

Mrs. Bitar reviewed the request from Congregation Beth Tikvah to have a faith based early childhood program on their property. Mrs. Bitar explained that the Code Review Committee approved of adding language to the code as part of the Semi-public use definition. Staff received concerns from a couple of neighbors that felt adding Child day care center, Nursery School and Preschools as an accessory use would allow a daycare center without having to go through the Conditional Use Permit process. The intention is to have the use be accessory, which would require Conditional Use Permit approval. She explained that in order to help address the concern staff sent out an additional change today that would specifically say if a use is changing that is part of a Conditional Use Permit then the matter would have to come back before the Board for approval. Mrs. Bitar said there is language already in the code addressing structures that may change.

Mr. Hunter explained the Board has not received anything from Congregation Beth Tikvah in the form of an application or anything else. He said we are dealing with changes to the Code that affect all Semi-public uses within the city. Mrs. Bitar said Beth Tikvah made the initial request but as staff looked at the request they felt this was appropriate as a city wide change. She said if the code would change, then the congregation would need to make an application for a Conditional Use Permit. This change would clarify that these particular uses are accessory to Semi-public uses. Mr. Reis asked if this matter would move on to City Council if approved this evening, and Mr. Hunter said yes.

The City's Law Director, Mrs. Pam Fox, said the request by Beth Tikvah prompted the discussion of this particular issue. Staff and the Code Review Committee tried to take a broad look at the Semi-public uses around town and what kind of activities are generally conducted on those sites, so this change applies to any Semi-public use. If a Semi-public use is allowed, and as long as the Child day care center, Nursery school, and Preschool is an accessory use to that primary Semi-public use, that is the scenario this change is intended to address. It would apply to any Semi-public use, so everybody tried to look at it as globally as possible, and we are interested in sparking the discussion so we can have some dialogue about making this change generally to affect all these types of uses around the city.

Mr. Hunter stated there are a lot of people in the audience and he asked if anyone would like to speak about this matter, and Mr. Scott Whitlock raised his hand.

Mr. Whitlock said, "Thank you Chairman Hunter, Commissioners, Board Members, Council member, City Attorney, City Staff, friends and neighbors who are all here tonight. Chairman Hunter you are absolutely correct this last issue tonight is a policy question. It is not about individual zoning or an individual property. The individual zoning matters we have heard rightly take up the time allotted to them and they are important, but this last matter, presents for consideration a significant change in the policy for the largest and most important zoning classification we have in this city. A major change in what is permitted in our R-10 zoning district and other residential districts and perhaps also in the C-1 district, the policy change we begin to discuss tonight is one of the biggest, in my memory, the biggest policy changes I have seen in forty-three years as a Worthington resident. I want to deal with three issues. First, some of the specifics of the draft legislation before you, second, the fundamental policy question that underlies the proposal and third, the need for a full community dialogue.

Let me first turn to the proposed legislation. It is proposed to amend Section 1123.63 of Worthington Ordinances to define Child day care centers, nursery schools and preschools as onsite accessory uses to the existing semi-public uses such as churches, parochial schools, hospitals, etc. Defining Child day care centers, nursery schools and preschools as accessory uses is inconsistent with the existing Worthington ordinances and with the law in Ohio. An accessory use is defined in Section 1123.02 of the Worthington ordinance is as a use 'Of a nature customarily incidental and subordinate to the principal use.' A day care center is not incidental or subordinate. It is a major business, often in our community conducted as a commercial business, sometimes conducted in churches, sometimes conducted in schools. In the

Worthington ordinance, it is separately defined as its own use in 1123.19 that goes into some detail of what this use is along with all the other uses. This is not an accessory. A Child day care center, nursery school, or preschool is a permitted use in an S-1 district (1147.01); it is permitted as a conditional use in a C-3 district (1147.01). It is not an accessory use in those districts, it is its own use. That makes sense because day care centers, nursery schools and preschools have characteristics and have imposed their own set of burdens on the surrounding properties. Chief among those is a great deal of traffic often occurring in a relatively compressed time frame.

Last year, the Supreme Court of Ohio dealt with the question what an accessory use is in *Cleveland Clinic Foundation v. Board of Zoning Appeals, City of Cleveland, Ohio*. Chief Justice O'Connor writing for a unanimous court dealt with an application of the Cleveland Clinic Foundation to build a helipad on its existing Fairview Hospital for the transport of patients probably primarily to and from the neonatal intensive care unit and the level two trauma center. Fairfield Hospital was one of only two hospitals in the greater metropolitan Cleveland area that did not have a helipad for the transport of patients. The court held that a helipad is a permitted accessory use. The court specifically said "The salient question is not whether a hospital normally requires a helipad, if the helipad is customarily incidental to a hospital it is permitted under the code. The preponderance of substantial, reliable and probative evidence supports the trial courts conclusion that helipads are customarily incident to hospitals, at least in Cleveland, and therefore it is a permitted accessory use." That clearly is an accessory. It would be as if a church in Worthington came in and said as part of our parking lot we are not going to have merely parking spaces we are also going to have a drop off area for parishioners who are arriving who want to be dropped off and have a short walk to the door. That would clearly be an accessory use. A day care center, which is a very large, different kind of business, is not an accessory use. In Worthington, it is its own use and I believe it is not appropriate to make it an accessory use. It may use some of the facilities of a church or school, and a church or school may use some of the facilities of a daycare but neither uses all. The facilities are somewhat different. The programs are different. The hours of operation are extraordinarily different. The burdens imposed on the community and surrounding land owners are different. This is not accessory, and at present in the Worthington ordinances a day care and a preschool are separate uses from a church. If one wants to conditionally permit daycares and preschools in residential districts there is a straightforward way to do it. Calling something an accessory use is not the appropriate way to do it and I offer to you my concern that this approach to the drafting will impose on the City of Worthington the great possibility of very expensive litigation. I would think this would better be redrafted to address specifically, is this use, which has long existed as a separate independent use, to be permitted in these districts, as a conditional use. That is a straight forward way. It's no accessory and that is something that we should not do.

Having said that, I now want to turn to what I think is the much more important question of public policy presented by the proposal. Should child day care centers, nursery schools, and preschools be permitted in residential districts in Worthington such as R-10. Last Friday, I was fortunate to be one of probably the first residents in Worthington to receive a copy of that for which I appreciate Lynda Bitar sharing with me. Shortly after I received this draft, I asked an old friend of mine, Pat Grabill, for his opinion. For those of you who don't know Pat Grabill he's been a real estate broker in Franklin County for forty-two years, primarily with residential

properties. For twenty years, Pat was the principal owner and president of King Thompson Realty. When he sold King Thompson in 2001, it was the second largest residential brokerage in Franklin County. It had some twenty-five offices in Worthington, Dublin, Upper Arlington, Bexley, New Albany, and Westerville. He was the leading residential broker in the majority of those suburbs with the highest listing average and highest selling average. I have great respect for Pat Grabill's knowledge of the residential areas here in Franklin County and particularly in the suburban areas, and for what affects the quality of life in those residential areas and the residential real estate values. I asked Pat for his opinion and late this afternoon I got his opinion which I am going to share with you. I'll read parts of it, and I will share the entire letter with you.

Pat writes me, 'In my experience, day care centers, while frequent co-occupants of religious structures, are very different uses from churches, synagogues or mosques. Their effect on residential properties is substantially different and their intensity of use much greater on a daily basis. Consequently, residential values of property adjacent to such intense uses often will be negatively impacted.' He concludes his letter, 'I believe granting permission for day care centers in predominately residential districts can create enough negative issues that it diminishes housing values nearby, much as being adjacent to neglected or abandoned properties, or intense traffic uses, such as drive-thru windows on food facilities. I hope Worthington carefully considers whether such a change is in the best interest of the residents of this city. Feel free to share this letter and my views with the City of Worthington.'

So here is the policy question, should we permit day care centers in R-10 residential districts. As I thought about this question I wondered what other cities do. Worthington is primarily a residential city. R-10 is our largest single zoning district. Many of us, including me, have made substantial investments in our homes in R-10 districts. Worthington competes with other suburban cities for residents. When we go to sell our home, the buyers, and I will use an automotive term here, will cross shop our house with houses in other suburbs. It seems to me that the suburbs with which we principally compete are probably Dublin, Upper Arlington, Bexley, New Albany, and Westerville, in no particular order. So I asked myself a question, what would those suburbs permit, conditionally or otherwise, day care centers in their residential districts which are similar to Worthington's. I asked an attorney who I have worked with before to look into it. I have Dr. Dickinson's report here with me which I received this afternoon and I will share you tonight.

Dr. Dickinson has been a practicing attorney for some years, J. D. the Ohio State University School of Law, Ph.D. the Ohio State University College of Education School of Policy and Leadership, a long time practicing attorney. I asked Dr. Dickinson, do Upper Arlington, Bexley, New Albany, Dublin, and Westerville have residential districts that are similar to Worthington's R-10 district, our most common district? The answer is yes, they all do. Second question, would they permit child day care, preschool, nursery school in those similar residential districts, either conditionally or outright? We have two types of day care in Ohio, Class B, that conducted for a handful of children inside a home, and Class A, the larger day cares. Any day care with more than thirteen children is a Class A under state law. She focused therefore on the Class A day cares which would be permitted by this. The answer she came back with is that type A child care

would not be permitted, not conditionally, not at all in four of the five suburban cities she studied. Not in Upper Arlington's comparable R-1 district, not in Bexley's comparable R-3 and R-6 districts, not in New Albany's comparable R-4 district, not in Dublin's comparable R-7 district. Type A child day care would be allowed in Westerville's comparable R-1 district, although under conditions somewhat more stringent than would exist in Worthington should this proposal be adopted by City Council. I'll make Dr. Dickinson's report available to you, but the question is so why as a matter of public policy should we put Worthington residents who have invested in their homes under a burden that does not exist in Upper Arlington, Bexley, New Albany, and Dublin. Why as a matter of public policy should we put our residents at risk of loss as they seek to sell as outlined by Pat Grabill, loss of quality of life and loss of value. I cannot find in the staff memorandum presented to you any strong public policy reason why we should adopt such a policy. It seems to me that if you are going recommend this fundamental change in policy to City Council then I believe you must help City Council by articulating compelling policy reasons why we should make this change after so many years and frankly turning down so many churches in residential districts that wanted to have day care. What is the compelling public reason for putting us at a competitive disadvantage in attracting residents with Upper Arlington, with Bexley, with New Albany, with Dublin, and to some extent with Westerville?

There is a third issue. This change in policy, as Chairman Hunter you noted, effects all who own their homes in Worthington, yet there has been little notice or comment regarding it. I think it is important that you commissioners hear the views of as many Worthington residents as possible. I think I am one of the very few Worthington residents who has seen this proposal and the supplements to this proposal and I know I believe this proposal needs redrafting. If this proposal is to go forward I urge you to take the time to see that this proposal is thoroughly publicized and to listen to as many views as you possibly can of the people in Worthington on this important public policy question. More than any policy question, more than any matter that I have been involved in, in Worthington, how we decide this, I believe, decides the direction of what type of city we want to be. I believe we are a residential city. I believe that the support of the values of the residences, the quality of life in Worthington, which is reflected in those values, is extraordinarily important to this city. I believe this fundamental change in our ordinances will take us in the wrong direction.

I leave you with three important questions that I hope you will answer. Are you satisfied that there is sufficient notice to the community that this change is being made for all members of the community who want to express their views; to have the opportunity? At present I think you should not be satisfied. Are you satisfied that the proposed change is drafted in a way that is consistent with our zoning code and state laws? I think at present you should not be satisfied. Most importantly, are you satisfied that there are compelling reasons to make this important public policy change? At present I think you cannot be satisfied that those compelling reasons have been identified or exist. We are primarily a residential suburb. More of Worthington is zoned R-10 than any other classification. The terms of that zoning, what is permitted in an R-10 district are very important to the quality of life of Worthington residents who have invested in their homes and important to the quality and value of their homes. As a residential community we are competing with other residential communities. When Worthington residents put their homes on the market they can expect the prospective buyers will be cross shopping the homes in

other suburbs. If we make these changes, Worthington's zoning code will not be presenting the same protection for quality of life and value of residents as in those other suburbs. If our view is that we need to compete only with, say Columbus, that might permit this, then maybe this is not so bad. Does Worthington want to be Columbus, or does it want to be one of the leading suburban residences? That I believe is the policy question on which you will be advising council. Thank you, and if I may Mr. Chairman, I would like to pass out the letter and the report for which I made reference."

Mr. Hunter asked Mrs. Fox if she would like to speak at this point. Mrs. Fox explained that she had the opportunity yesterday to meet with Mr. Whitlock and he outlined his position then. She said, "I think that we drafted the definition section to effect what we are calling accessory uses in those semi-public primary use categories, taking into account one of the reports or letter had indicated that it's common for churches to operate preschool and day care centers, but we also heard the reference to some of the controls of having this type of use in an R-10 district and we believe that because semi-public uses are conditional uses in the R-10 district that these particular types of uses, the preschool, day care center uses will be conditional and that all of the conditional use elements will be reviewed in relation to this particular use in an R-10 district. We are aware that there are some issues with the language. I think we would stand by our language in the definition section, but again, it's open for discussion. We hope that we have addressed some of the concerns of Mr. Whitlock expressed about the use in R-10 with our additional change that we drafted today."

Mr. Hunter asked Mr. Whitlock to come back to the rostrum. Mr. Hunter said that Mr. Whitlock kept using the words, "permitted use". Mr. Hunter said nothing we are talking about is a permitted use. Mr. Hunter explained this would be a conditional use. Mr. Whitlock said that was correct. Mr. Hunter said conditional uses are brought to this Board that represents everyone in this room. This Board completely agrees with you that we live in an R-10 home. I hold dear the fact that I want to protect that district. I am not sure that having an already existing church, specific in any denomination, or any location, which is already in my neighborhood, and I am next door to it, and I am not in this specific circumstance, but there are certainly a lot in the community that are, and I would want them to be protected. They are already next to an intense use. Linworth Baptist church was a good example that we had today. They are so big that they have outgrown their parking lot. They are bussing people from Linworth alternative school, as well as parking directly across the street and have to have special duty officers to control traffic for their worship. There are a lot of those churches that are very popular, regardless of denomination. We need to be very careful how we deal with additional traffic in those uses. These are not permitted uses. Mr. Whitlock said that he is not implying that they are. Mr. Whitlock said in Upper Arlington, Bexley, Dublin, and New Albany, they are neither permitted nor conditional. You cannot put a child day care in a district comparable to an R-10 district in those cities."

Mr. Hunter said he has no idea how many churches are in the R-10 districts of those cities.

Mr. Whitlock said there are churches in Worthington that are in the S-1 district that may have child day care and do have child day care. Mr. Whitlock said the S-1 district is very different

from a conditional use in an R-10 district. Mr. Whitlock said, "When you have an S-1, a child day care is permitted, but we have never, like the other suburbs, we have never permitted child day care in our residential districts." He also said he agrees that the Planning Commission should make a very careful recommendation should we change that policy or not, and Worthington City Council should act on your recommendation if we change that policy or not. He asked Mr. Hunter to articulate the concerns that he believes need to be considered with regard to what the policy should be in Worthington. Mr. Whitlock said he is not arguing about any particular circumstance, this is about fundamental policy. He said at this point of the discussion, "We have not seen fully articulated yet, why we should make a change in fundamental policy. I expect we are going to hear some reasons why we should. I think you act as the screening body for City Council in this and trying to build that record to bring that out. The only thing that I would urge you is to take some time so we can have a very thorough process on this and listen to all of the arguments and then you can make the best recommendation."

Mr. Hunter said, "You have made a lot of commentary this evening. Mrs. Fox has also articulated a different stance. Where do you feel that is in error?"

Mr. Whitlock said "Mrs. Fox correctly said we had a meeting yesterday; we discussed some other problems I had with this draft. I have seen the additional language that came out today. I believe those problems have been significantly addressed to the point that I did not want to waste your time by raising any of them tonight, and if I had an issue, I would have that discussion with Mrs. Fox, and I am sure we would resolve it. I still have one fundamental concern with the draft. This is a use, it should never be deemed an accessory use. It is not an accessory use, it is a use. Where should that use be permitted in our city?"

Mr. Hunter asked Mr. Whitlock if it can be a conditional use in any of our zoning categories?

Mr. Whitlock answered, "It is a conditional use in our C-3 zoning category today".

Mr. Hunter asked why.

Mr. Whitlock answered because many day cares are commercial, because if you look at other uses you put in the C-3 district the kind of impacts that this use creates, significantly traffic, are best accommodated in C-3, so he thinks it is a very appropriate conditional use for C-3. It is because its burdens are very significant that he thinks it is a conditional use in C-3, but it has been granted it exists today. He has no question that it is an appropriate part of our zoning code and has existed for many years. It is also permitted in S-1. S-1 is generally a much larger zoning district. He thinks it is an appropriate use there. The question he is raising is, is it appropriate in other districts. You can argue it may be appropriate in C-1 as a conditional use. He thinks the fundamental question is should we change and permit this use, which has some substantial burdens on the property owners, should we permit that. He understands saying no may be disappointing to churches, synagogues, and mosques that wish do it, but the city has said no in the past. That has been the policy in Worthington for decades."

Mr. Myers said he has a couple of questions. He said to an extent he tends to agree with Mr. Whitlock's accessory use versus use argument. He looks it more as a general and a specific statute. We have a specific statute defining it and then we sort of exempt that out in a general statute. So, under statutory construction he tends to agree with that argument, but he really hears Mr. Whitlock saying is the way to fix that is to not make it an accessory use, just make it a conditional use in R-10. That would be statutorily in his mind, a cleaner way to do it, but it is in his mind that he would object to that.

Mr. Whitlock said that he would not object to that method of drafting, but he would raise the public policy question.

Mr. Myers asked Mr. Whitlock if he would still argue against the change. Mr. Whitlock said, "I am asking for the focus on the public policy argument. I have tried here tonight to present a side of the case that I did not see anybody else presenting. I tried to ask what I thought the fundamental questions that needed to be asked, and provide answers to those questions, and build the kind of record that I think should go to city council. My view is this needs to be very carefully considered, arguments need to be laid out, considered, and eventually this decision will be made, and I am going to live with what the decision is, end of story." Mr. Whitlock said he is acting as an advocate for the residential owners in Worthington.

Mr. Myers asked Mr. Whitlock if it would change his position if it was not child day care, but it was religious instruction. Mr. Whitlock replied he would have to know what that is. He thinks religious instruction in conjunction with religious services has been the policy of the city for years.

Mr. Myers said, "It seems to me the simplest way to do this would be to have the synagogue request a change in zoning to an S-1, but it is my understanding that the neighborhood has also objected to that". Mr. Whitlock replied, "I think for any religious institution that currently has a Conditional Use Permit in an R-10, if they wanted to do child care, they could come in and ask for an S-1 rezoning. I think that S-1 rezoning then would have to be considered on its merits, and I am going to express no opinion tonight on the merits of any religious institution asking for S-1 zoning, I think that would be inappropriate. I think that if this commission and council determine that S-1 zoning is appropriate for a parcel of land then child care is permitted on that parcel. Period, end of story. That has been our policy for years."

Mrs. Fox said, "This has been an issue that has been difficult for us to draft, but one of the reasons why it was not our intention to single out the primary use for a Child day care center, nursery school, preschool, as its own use and make that either permitted or conditional use in any of the zoning categories was because often times it is somewhat of an integral part of the activity of a church operation, and I think the reason for including it in this category and titling it as an accessory use to those primary activities was to not have it stand out alone on its own. Not have it be a standalone center that would come in and ask for permission, such as a conditional use in an R-10 district. We can talk about the drafting and work on where this language goes, but the intent was to address those instances where child day care could go. We talked about a variety of scenarios. We don't today, but we could have a small hospital on High Street that maybe had

day care as part of an employee program, or a school or a community college type of school that would offer day care as part of the programming. We broadened our analysis beyond religious institutions but we wouldn't want to have to deal with those uses as standalone uses for child day care, only when they are a part, incidental or part of the operations or programming for the existing semi-public use. That was our reasoning for including it as part of that definition."

Mr. Whitlock said, "I think we should stay within what is the basic law in Ohio. I think that if the Cleveland Clinic had gone in to request to operate a day care at that hospital as an accessory use and the day care center had not been expressly permitted under the zoning code in Cleveland then I think Chief Justice O'Connor writing for what I suspect would have been a unanimous Supreme Court would have said that's not an accessory use." He also said, "I think there is a way to do this but I think we must approach it straight up, it is a use if we want it to exist in an R-10 district and we can say only if its coupled with another conditional use, only then, would we permit it to exist in an R-10 district, but it is a use, it must be seen on its own use. Part of this goes back to the question of the federal law of the Religious Land Use and Institutionalized Persons Act (RLUIPA), which imposes some constraints on the ability to turn down an application of a church for a conditional use permit in an R-10 district. This is why I said this might expose the City of Worthington to expensive litigation. The argument might be made that if it's an accessory then RLUIPA applies when you are considering whether you should have a day care. If this is treated as I believe it should be treated as a separate use, I do not believe RLUIPA applies. I believe that you look at the application, applying the standards of the Worthington Code to whether it should be granted or not granted and you make that determination, and I believe it is not subject to RLUIPA. That is one of the reasons to treat this the way we always have as a use, not as an accessory. It is not an accessory. That brings us back to the policy question."

Mr. Hunter said he was not ready to make a decision, still having questions about tying the use to religious activities. An existing institution should be allowed to school the youngest of its congregants.

Mr. Myers said the process calls for this decision to come to the Commission first, with City Council making the policy.

Mr. Coulter thanked Mr. Whitlock for his comments, saying he has struggled with this issue. He wondered why an institution would not just request to rezone to S-1. He did not see a way the City could deny it because they are existing as that use. He agreed it needs more discussion.

The second speaker was Mrs. Jane Weislogel of 6169 Middlebury Dr. W., Worthington, Ohio. Mrs. Weislogel said she has lived in Worthington for forty-seven years and loves her community. She said her real concern was the fact she just heard about this last Friday, and this was not communicated. Mr. Hunter explained there will be another public meeting about this. Mrs. Weislogel said she thought the Beth Tikvah daycare hours would be from 7:00 a.m. to 6:00 p.m., year round, and care for about one hundred children, and traffic on Olentangy River Rd.

Mr. Coulter moved to table the item and Mr. Reis seconded the motion. All members voted “Aye” and the item was tabled.

Mr. Brown reminded everyone about an upcoming event the city is co-hosting with the Mid Ohio Regional Planning Commission (MORPC) on February 5, 2015, at the McConnell Arts Center.

E. Adjournment

Mrs. Holcombe moved to adjourn the meeting at 10:37 p.m. Mr. Reis seconded the motion. All members voted, “Aye”. The meeting was adjourned.