

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL, BLANK, INC., FORM NO. 10148

February 13, 2012

Held _____

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Mayor Lecklider called the Monday, February 13, 2012 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session for discussion of land acquisition matters (to consider the purchase of property for public purposes), legal matters (to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action), and personnel matters (to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official).

Vice Mayor Salay seconded the motion.

Vote on the motion: Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mr. Lecklider, yes; Ms. Salay, yes.

(Mrs. Boring and Mr. Reiner joined the session in progress.)

The meeting was reconvened at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Ms. Chinnici-Zuercher led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Lecklider, Vice Mayor Salay, Mrs. Boring, Ms. Chinnici-Zuercher, Mr. Gerber, Mr. Keenan and Mr. Reiner.

Staff present were Ms. Grigsby, Mr. Smith, Ms. Mumma, Mr. McDaniel, Chief von Eckartsberg, Ms. Readler, Mr. Harding, Mr. Hahn, Ms. Crandall, Mr. Hammersmith, Mr. Tyler, Mr. Langworthy, Mr. Phillabaum, Mr. Goodwin, Ms. Ray, Ms. Martin, Ms. Noble-Flading, Ms. Rauch, Ms. Husak, and Mr. Clarey.

SPECIAL PRESENTATION/PROCLAMATIONS

- Update from Central Ohio Transit Authority

Scott White, Council representative to COTA Board thanked Council for appointing him three years ago as Dublin's first representative on the COTA Board. He has been privileged to witness a very vibrant time in COTA's history. They have increased the number of routes and ridership and undertaken three significant capital projects. They have renovated and moved into new headquarters in downtown Columbus at 33 North High Street. They also constructed a new mobility services center and renovated a maintenance facility on Fields Avenue. Bill Lohta, who has led COTA since 2004 recently retired. He provided great leadership and direction to COTA. He focused on developing his internal team with a strong management and leadership development program, and the Board selected a member of the current team as the new President/CEO – Mr. W. Curtis Stitt.

Mayor Lecklider expressed Council's appreciation for Mr. White's service on the COTA Board over the past three years.

Curtis Stitt stated that has been with COTA for 13 years. Over the past seven years, Mr. Lhota has led the organization and successfully "turned the ship around." They want to continue that progress and make COTA a world-class transit agency. He thanked Scott White for his service, noting he has been a real asset to COTA, is well respected in this community and is a major contributor to the Board of Trustees. With his guidance and input, they were able to achieve some significant cost savings on energy purchases. COTA serves three constituencies – the taxpayers, their customers/riders, and their employees. He shared a Powerpoint presentation reviewing COTA's growth and progress. He noted that COTA has recovered from the economic downturn a few years ago when they reduced their service by 25 percent. In 2011, COTA achieved approximately the same level of service they had in 2001 – their highest level of service – but it is provided

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at a lower cost. In 2011, COTA led the nation in ridership growth for the system for the first nine months of the year, and perhaps the entire year.

They have brought their cost per service hour below their Ohio peers and within eight percent of the total average peer group. They have also improved the appearance of the buses and are attracting ridership; at the same time, they are working to be good stewards of the public's funds. He invited Council's questions.

Mr. Reiner inquired the reason their costs per service hour was higher than the average of their peer group.

Mr. Stitt responded that, according to a 2004 study, it was due to COTA's high administrative costs. In 2005, they conducted a major internal reorganization and eliminated a number of administrative positions. On the labor side, their operators are among the highest paid in the nation. In the last few years, they have succeeded in rolling back some of the expenses that were unique to the transit industry that would not have been seen in a private business. They are maintaining their cost constraints. Projections indicate that in the near future, their costs per service now will be close to their peers.

Mayor Lecklider thanked him for the report and wished the agency success in reaching their goals. The City looks forward to working with COTA and to enhanced COTA service within the City of Dublin in the future.

Mr. Stitt responded that he would like to return in a few months and share COTA's vision for the future. He looks forward to working with Council, the City Manager, and the entire taxpayer constituency.

- **Update from Dublin Arts Council**

David Guion, Executive Director provided the agency's 2011 highlights and plans for 2012. He noted that he recently received some questions from Council that are not addressed in his planned presentation. He is in the process of scheduling a separate meeting to address each of those items in detail. He is hopeful the quarterly presentations will facilitate greater communication between the City and Dublin Arts Council (DAC). He reported the following:

- This year, they will successfully complete their current strategic plan, and an RFP has been released for the next five-year plan. The completion of the current plan on 12-31-2012 will usher in their 30th anniversary. As part of that plan, they are developing a fully integrated website that will enhance DAC's programs and events.
- Dublin's Art in Public Places program is now over 20 years old. Due to an unfortunate arbitration in 2005, the program temporarily stalled. The arbitration was settled in 2006, and in 2007, "Riverboxes" and the on-loan exhibition program were implemented. During his tenure, 19 sculptures have been added to the City's collection. Prior to 2005, only seven existed.
- In order to increase awareness of the entire public art collection, a cell phone tour is now being implemented to re-introduce long-time residents and educate newer residents and visitors about the art pieces, including their stories and the artists. Mobile applications are also being developed to drive more awareness of the collection.
- In keeping with the timeline, in 2010 and 2011, a total of \$150,000 of the DAC's bed tax endowment was identified for the Bicentennial project.
- Looking forward to the 2012-2013 public art project, DAC is participating in a site selection process with City staff members, Ms. Ott and Mr. Hahn. DAC has provided the City with a list of suggested sites, and his understanding is that the list of potential sites will be provided to Council within the next few weeks.
- "Riverboxes" continue to garner public participation, and last year, a similar art installation, "Tributaries" was funded by and implemented in Washington Township. "Riverboxes" has attracted international interest.
- The DAC continues to collaborate with the Dublin Convention and Visitors Bureau, using this public art program to help define Dublin as a destination. DAC's "Celtic Corner" is a popular section of their gift shop, and a virtual gift shop is now being developed.

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- The U.S. debut of "Shifting Perspectives," a photography exhibition celebrating Down's syndrome, brought record crowds, and there will be a local exhibition, which is anticipated to bring local and international attention to Dublin. Features articles were included in *Dublin Life* and *City Scene* magazines.
- Their site-specific dance performances and master classes will continue, and Dublin is now becoming known for site-specific work.
- Their new concept, "Stream," incorporates remote access with live, streaming video to reach a larger audience.
- Their camps for children are always successful – last year, they generated nearly \$20,000 in revenue.
- The "Sundays at Scioto" concerts continue to be popular; this year will be their 29th year. The Board is now in the process of selecting those musical offerings.
- The annual Garden Party fundraiser will be held on Friday, April 27 at OCLC in the Kilgour Atrium with Colleen Marshall as the emcee.
- He noted that the DAC appreciates Mrs. Boring's recent service on their Board and welcomes Mr. Reiner as the new Council representative. Thanks, as well, to Mr. Keenan and Vice Mayor Salay for their past service to DAC.

Mayor Lecklider thanked fellow Council members for their service on the DAC Board. Dublin is fortunate to have an Arts Council within the community, and Mr. Guion's leadership is appreciated.

- **National Entrepreneurship Week**

Mr. Clarey stated that the Mayor will be proclaiming the week of February 18-25 as National Entrepreneurship Week. He reviewed some of the City's entrepreneurial efforts in 2011. Sixty-six companies called the Dublin Entrepreneurial Center (DEC) home, including 13 companies housed in the Green Integrator. Programming is a major function at the DEC, and over 950 meetings and programs were held at the DEC with over 3,500 attendees. More than 100 companies in the region were collaborators in those events. The newly launched Dublin International Business Assistance Center hosted 11 events with over 500 attendees. In support of that emphasis, the International Entrepreneur established a TIE chapter at the DEC. The Dublin Apprentice Teen Entrepreneur Camp held another successful program at the DEC and was a semi-finalist in the TechColumbus innovation awards. In 2012, there will be a new collaboration with MetroData Center called the TechDec. He introduced Niles Overly, the chair and CEO of MetroData Center, who will accept this year's National Entrepreneurship proclamation. Mayor Lecklider presented a proclamation to Niles Overly, Chair/CEO, MetroData Center and Mr. Overly made brief comments regarding their partnerships with the City.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road reported that:

1. He will be presenting an enhanced performance of his fall concert at the Dublin Abbey Theater this summer on the tentative date of June 24. That date is contingent upon his success in procuring a particular piano for the concert.
2. Recent coverage in the *Dublin News* included a comment from Dun Zhang, a Chinese-American teacher with Dublin Schools, indicating, "There will be sessions of stage performances related to Chinese culture and tradition, and there will a variety of exhibits, games and other activities." These events will not take place in Dublin, however; they will be held in Westerville. Because Dublin has become a cosmopolitan center, he would suggest that Council invite Mr. Zhang to hold the three-day weekend exhibition of Chinese-American culture in Dublin. That event could serve as the forerunner of a series of ethnic festivals held in Dublin, a world-class city.

Mayor Lecklider thanked Mr. Maurer for his suggestion.

Mr. Maurer inquired if staff would consider it.

Ms. Grigsby responded that staff would follow up and obtain additional information.

CONSENT AGENDA

Mayor Lecklider noted that four items are proposed for action on the consent agenda and asked whether any Council Member requests removal of an item for further consideration under the regular agenda.

Hearing none, Mayor Lecklider moved approval of the action for the four items as proposed on the consent agenda.

Vice Mayor Salay seconded the motion.

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

- 1. Approval of Minutes of January 23, 2012 Council meeting**

- 2. Resolution 10-12 (Introduction/Vote)**
Accepting the Lowest and Best Bid for the 2012 South Right-of-Way Landscape Maintenance Project.

- 3. Ordinance 10-12 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 1.035 Acres (with 0.574 Acres as present road occupied), More or Less, Permanent Utility, Grading and Drainage Easement, and a 0.076 Acres, More or Less, Temporary Construction and Grading Easement from Stephen M. Kelly, Grantor and Trustee, or Any Successor Trustee, of the Stephen M. Kelly Trust, Dated March 19, 2011, Robert E. Lembach, and Dennis Thiergartner. (Second reading/public hearing February 27 Council meeting)

- 4. Ordinance 11-12 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 14.118 Acres, More or Less, Fee Simple Interest from Wallace Bradley & Wallace. (Second reading/public hearing February 27 Council meeting)

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 03-12

Amending Chapter 31 of the Codified Ordinances (Campaign Finance Disclosure) Regarding the Post-Election Filing Deadline and Publication of Campaign Finance Disclosure Statements.

Mr. Smith stated that this ordinance is a housekeeping measure related to the City's Campaign Finance regulations. Staff determined that the existing schedule of filing dates for the campaign finance reports was often difficult due to the conflict with the Thanksgiving holiday. This amendment revises the post-election report filing deadline from 17 after the election to 38 days. Secondly, last year Council suggested that Legal staff review the possibility of revising the requirement to publish these reports in a local newspaper and to require only publication at the City's website. This legislation accomplishes that as well.

There were no questions or comments.

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

Ordinance 06-12

Rezoning Approximately 6.4 Acres Located on the Southwest Corner of Tuller Road and Tuller Ridge Drive from CC, Community Commercial District to PUD, Planned Unit Development District to Facilitate the Development of an Approximately 122,000-Square-Foot Skilled Nursing Facility. (Case 08-116Z/PDP)

Vice Mayor Salay introduced the ordinance.

Ms. Rauch stated that this ordinance requests a rezoning with preliminary development plan for 6.34 acres from CC, Community Commercial District to PUD, Planned Unit Development District to facilitate the development of an approximately 122,000-square-

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foot skilled nursing facility, the Vrable Healthcare PUD. The site is located at the southwest intersection of Tuller Road and Tuller Ridge Drive. It is currently undeveloped with significant topography sloping upwards approximately 30 feet from the southwest to the northeast. The development to the site will include Office and Commercial Uses to the north and east, the existing driving range to the south, and additional undeveloped area as well as Riverside Drive and Scioto River to the west. This site is located within the Sawmill/161 Area Plan within the Community Plan, which designates the site as mixed-use, mixed residential. Its emphasis is on greater walkability and street presence with a larger pedestrian orientation. The buildings are located closer to the street and parking is minimized and located more to the rear in order to minimize those vision impacts.

- The Planning and Zoning Commission reviewed the proposal and were supportive of the use and found it be consistent with the tenets of the Community Plan. The site is also located on the northern edge of the Bridge Street Corridor, which is designated as the Bridge Street Office-Residential. Although this proposal was not reviewed under the Bridge Street Corridor, Planning staff and the Planning Commission have encouraged the applicant to strive to have this proposal meet the Bridge Street Corridor requirements as closely as possible.
- Ms. Rauch provided a slide presentation. The site fits within the Bridge Street Corridor as part of the transitional area. The street network could be laid out with the larger loop street network, with the potential traditional bridge connection and the potential realignment of Riverside Drive to provide a new park located along the Scioto River, which then would provide greater east-west greenway connections through the Bridge Street Corridor east to Dublin Village Center.
- She showed the site layout for the preliminary development plan that was recommended for approval by the PZC in January. The proposal includes a 122,000 square foot rehab and skilled nursing facility in the central portion of the site. The street network includes a new north-south road and a new east-west road connecting the existing Tuller Road and Tuller Ridge Drive. The site includes four access points with the main entrance of the building located off the new east-west road, additional access points on the north-south road, and a rear entrance on Tuller Road. Parking is included to the front, adjacent to the main entrance, with additional parking for staff and the service component located to the rear of the building, fronting on Tuller Road. The proposed development text outlines development details for the uses, setbacks, lot coverage, right-of-way dedication, and other street and roadway construction and improvements.
- The applicant is continuing to work with staff regarding who has the responsibility of the roadway construction as the project moves forward. The text also addresses bikepaths, sidewalks, parking landscape and signage. A proposed rendering of the one and two-story building was shown. The text requires four-sided architecture with consistent building materials, including brick and stone, and 70% masonry to maintain the high quality architectural components.
- PZC recommended approval with conditions, which are for the most part related to the final development plan details and roadway and parking improvements. PZC also added a condition allowing the applicant to modify their site plan to reduce the pavement between the building and the street on the proposed east-west road and also on Tuller Ridge Drive in an attempt to locate that building closer to the street and reduce that pavement. The applicant has tested a number of scenarios, but given the topography, building orientation and internal requirements of the building, only limited modifications can be made. The applicant's preferred layout moves the building to the south approximately 12 feet, which eliminates some of the parking located in the front setback. PZC has reviewed that alternative, as well, and determined that this satisfies the condition of approval that PZC added.

Jack Reynolds, Smith & Hale, stated that he is filling in for Mr. Hale tonight, representing the applicant for this request for approval of a rezoning and preliminary development plan for a healthcare facility located on six acres. Al Vrable, president of Vrable Healthcare Companies, is also present. Mr. Vrable has been working on development of this site for a number of years with several different iterations for the site. The applicant has worked closely with staff to accommodate the topography, stormwater drainage and traffic. The

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applicant has worked with the Bridge Street overlay that will ultimately encompass this area, although it does not do so today. They have worked diligently to provide a transitional use at this site. It is a \$15 million investment, adding approximately 130-150 new employees to the community. Mr. Vrable can provide an overview of the site, and Mike Milligan, the architect, is also present.

Al Vrable, Vrable Healthcare Companies, stated that his history with this site began in 1994. They came close to a final approved plan in 2006 with the Stratford Properties.

- The architect for this new plan has won a national award for designing and developing long-term care facilities, including additions to Westminster Thurber, a legacy nursing home. It is his hope that this new facility will be a legacy-type nursing home in this community. What makes this a premier site from the standpoint of marketability -- because Dublin has a new nursing home coming into the center, and there are already several nursing homes in Dublin, is that this site will serve many future generations well. He also owns Arlington Court in Upper Arlington, which is a good nursing home with a great rehab program accomplished through a relationship with Riverside Hospital over the last 15 years. This new facility, however, will offer what a new generation of skilled nursing care will need to meet the needs. Ohio Department of Health studies have shown that Franklin County, particularly in the northwest quadrant, is deficient by 800+ beds. Two years ago, laws were changed to permit beds from one county to be moved to another county through a comparative review. Therefore, he was able to bring some of the approved beds from his other six nursing homes to establish this new facility, and he also purchased some beds from Cuyahoga County. However, the comparative review process is more restrictive. It limits the development to the specific plot of land in his application, while the previous Certificate of Need permitted it to go anywhere within the county. Therefore, they are working with the deadline of April 1.
- Concerning the quality of this new facility, their new concept, well known in their fields as the Eden concept, limits the barriers. This facility will have eight dining rooms that will serve individual wings. The need to walk only 20 feet -- not 200 feet -- encourages more ambulation and independence. This facility will have approximately 15 full-time therapists. There will be specialty units for cardiac, neural and ortho rehab. They are geared to returning people to their daily functions/activities.
- There will also be a dedicated wing for a hospice unit, with separate entrances and courtyards for the dignity of those patients. There will also be a small Alzheimer/dementia care unit with a secure courtyard. This will change the face of nursing care services in Dublin. This will be a different, high-level functioning center.

Ms. Chinnici-Zuercher inquired about the landscaping around Tuller Road, where the majority of the parking is planned. There does not appear to be much of a visual barrier to the asphalt parking lot.

Mr. Vrable responded that they are willing to install any type of buffer that is needed. Curb appeal is 90% of the success in attracting interest. They have committed to providing some landscaping.

Ms. Rauch stated that the proposed development text requires that vehicular use or parking areas along the street have a masonry wall or a hedge and tree installation. This would be required for the Tuller Road frontage.

Mrs. Boring stated that PZC discussed fence options. The text provides for additional wrought iron to increase the greenspace look. What was the final position?

Linda Menery, EMHT, 5500 New Albany Road, stated that options have been provided for the fence and wall location -- either closer to the road or pulled back to parallel the parking. Planning Commission was concerned about the height of the fence, so the text

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provides the option for a shorter stonewall, although it is not illustrated in the perspective. The final fence decisions will be made by PZC in their final development plan review.

Mrs. Boring responded that she believes locating the fence back from the road encourages walkability.

Ms. Menery stated that there was significant discussion on the topic. The applicant would not object to either option decided by the City. The intent is for the City's greenspace on the east side of Tuller Ridge Drive to link down to the large greenspace to the west of this site on Riverside Drive. There is the opportunity to open up the front part of this site and marry the greenspace all the way along. In that regard, it would be preferable to locate the fence further back from the road.

Mrs. Boring stated that she would encourage PZC to have the applicant locate the fence further back. What was the final decision regarding the gatehouse?

Ms. Menery responded that the gatehouse was eliminated from the plan.

Mr. Keenan inquired about the right in/right out on Tuller Road at Riverside Drive. He assumes the signal would be moved down to the east/west road.

Mr. Hammersmith responded that is correct. This intersection will be signalized; when operational, it would be right in/right out. There are many operational issues with this movement from Tuller to Riverside Drive northbound to Emerald Parkway.

Mr. Keenan stated that road is used by many people in that area to travel up to I-270 and back. If there is no left-in, it would be necessary to go to the light and then around.

When completed, would Emerald Parkway be a better route to I-270?

Mr. Hammersmith responded that it will be a matter of choice.

Mrs. Boring stated that she has no objection to the facility. The lot coverage has been reduced, and it is a great opportunity for the City. Her concern is that with this, Council will be "setting something in stone" for which they have only had a picture. Council has not discussed the road network or any details. Her understanding is that this would not go forward until the east-west connector went all the way through. She is totally opposed to blocking this connector off until an alternate east-west connector exists.

Mr. Keenan inquired if it is the new road that she is referring to as the east-west connector .

Mrs. Boring responded that it is the new road that is now presumed to have been decided, even though it was conceptual when Council viewed it in the presentation at their work session at the Chamber of Commerce last October. There was no discussion at that time, and yet it is now being considered as a decided matter. Because of this development, the desire is to close off Tuller Road, which provides for the natural flow of traffic in that area. She will not support changing that traffic flow until there is an alternate east-west connector to provide a similar access.

Ms. Chinnici-Zuercher inquired where the east-west road is expected to go.

Mr. Hammersmith responded that he believes that Planning's expectation is that as development continues to the east, the road will be built with future development.

Ms. Chinnici-Zuercher inquired if there is no commitment by the City to construct that road.

Mr. Hammersmith responded that discussions are ongoing with anyone considering development of these properties.

Ms. Chinnici-Zuercher stated that she drives this route frequently, and agrees with the comments about the traffic back-up in peak hours. However, this is a nursing care facility, where the goal is to encourage client walkability of their environment. However, this plan provides for hundreds of cars to be circling the building. That does not appear to achieve the intent of the development.

Mr. Hammersmith agreed. The challenge with this, however, is to work within the existing constraints. It is not a perfect solution, but they are trying to work with the proposed Bridge Street Corridor plan, trying to determine the roadwork, given the existing constraints. The timeframe for that phasing can be a subject of discussion. The road has

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been shown as part of this development because it provided the opportunity for an east – west road with a signalized intersection. The earlier traffic patterns are created, the better -- versus trying to change the situation in the future.

Mrs. Boring stated that they would not be doing anything positive in terms of traffic stacking as it heads north, as there is no straight way to travel there.

Mr. Hammersmith responded that Council can direct staff as desired.

Mrs. Boring inquired if action would be needed to separate it from the rezoning.

Mr. Hammersmith stated that staff would like to provide additional information on this topic at the second reading.

Vice Mayor Salay stated that she would like that information. Data on that intersection and anticipated travel impacts would be desirable. She agrees that this is an inconvenience, but because it is not a significant issue, the tradeoff more than takes that into account. Council needs to look at the big picture. There are concerns about doing this too quickly, and certainly about tying it to the zoning.

Mr. Keenan stated that it is important to consider the unintended consequences. As an example, with the Post Road redirection, traffic through the park has been increased significantly. He does not have enough information, and more data is needed. The accident rate at Emerald Parkway and Riverside Drive is due primarily to speed, but also to the turning radius that is involved.

Ms. Chinnici-Zuercher clarified that this has no relation to the zoning that is before Council at this time. There is a need to separate these two discussions. She requested that staff provide the additional information at the next Council meeting.

Mr. Reiner stated that the Tuller Road right turn is maxed out at 5:30 p.m. If Riverside Drive is being widened to accommodate the stacking lane, how many more cars can be added to the stacking lane for the left turn on Emerald Parkway?

Mr. Hammersmith responded that some improvements on Riverside Drive at this intersection will be made in conjunction with the Emerald Parkway Phase 8 project.

Mayor Lecklider stated that with the right in/right out at Tuller/Riverside Drive, there is the potential to create more stacking capacity for the northbound left turn onto Emerald Parkway, is that correct?

Mr. Hammersmith responded that is correct.

Mayor Lecklider stated that his primary concern is safety; convenience is second. He travels this route frequently and appreciates the convenience of the left turn at Tuller Road, but the community is evolving. Some of these decisions are long term, can cause an immediate change in habit, and will take some time to become accustomed to them. As Mrs. Boring has noted, the timing of these changes is important, and Council has control over that. This site is, however, part of the Bridge Street Corridor, and what is expected in the Corridor is even more traffic -- thousands of cars travel Riverside Drive. The Vnable site does not front on Riverside Drive, so they can all co-exist. The City can accommodate re-routed traffic.

Mr. Vnable referred to Mr. Reiner's question about stackability. The engineers have estimated that 40 additional cars could be accommodated with the stacking. This also provides a wedge that will make the depth of the future park larger, thereby enhancing it.

Mr. Reynolds stated that they do not mean to complicate the traffic discussion. They have a destination site, one small island, that is the subject of this rezoning and they appreciate Council's acknowledgment that they are not causing the turn change.

Mayor Lecklider stated that there is a lack of stackability for that left turn lane, and the driver is left hanging in the intersection, with cars sometimes traveling 50 mph northbound. Council anticipates receiving the additional information for the next Council packet.

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Vice Mayor Salay stated that in addition, she would like to see what else is "in the works" for Riverside Drive. She would like to see this portion of the Bridge Street Corridor in context with the entire Bridge Street Corridor Plan.

Mayor Lecklider stated Council members have commented on the location of the fence. Mr. Keenan stated that he would like to see staff's plans for the east-west map – proposed iterations of that roadway extended.

Mayor Lecklider inquired if staff is satisfied that this architecture is complementary to what was envisioned for the Bridge Street Corridor development.

Ms. Rauch responded that staff has been working with the applicant, and high quality materials are being used.

Mayor Lecklider asked about the status of the PZC conditions.

Ms. Rauch responded that the PZC conditions have been incorporated in the development text, and the applicant agreed to all the other outstanding conditions that must be dealt with as part of the final development plan.

Mr. Reiner stated that this plan does not really follow the Bridge Street Corridor concept. He assumes this is a "form follows function" footprint. This project has been in the pipeline for a long time, and Council has not yet formally adopted the Bridge Street Corridor plan. It is important that this applicant be treated fairly and the plan be moved through the process, but it is really not Bridge Street Corridor architecture, as intended.

Ms. Rauch responded that is correct, but this plan was submitted in 2008 prior to the Bridge Street Corridor plan proposal.

Mr. Reiner stated that because that is the case, it deserves to be treated accordingly.

Mrs. Boring stated that it seems that the borders of the Bridge Street Corridor might be reviewed in terms of transitional use, especially this site. This is a good transition into the area, architecturally and in regard to the use, and it leaves a good amount of greenspace along Riverside Drive.

The second reading/public hearing of Ordinance 06-12 is scheduled for the February 27 Council meeting.

Ordinance 07-12

Adding Sections 153.057 through 153.066 to the City of Dublin Codified Ordinances (Zoning Code) to Establish the New Bridge Street Corridor Zoning Districts, Development Standards and Approval Process, and Amending Section 153.002 of the City of Dublin Codified Ordinances (Zoning Code) to Add and Modify Definitions. (Case 11-020ADM) (Second reading/public hearing February 27 Council meeting)

Vice Mayor Salay introduced the ordinance.

Mr. Langworthy acknowledged the project team, including Rachel Ray, Justin Goodwin, Dan Phillabaum, Jennifer Rauch, Claudia Husak, Jeannie Martin, Gary Gunderman and Carson Combs. The City Engineer's office provided support and assistance throughout the project. David Dixon, Goody Clancy has worked on this project with the City, and has been most helpful.

He noted that the Planning & Zoning Commission has dedicated an extraordinary amount of time in diligently working through this highly detailed, different kind of Code for Dublin. Their hard work has made this code better, and he acknowledged their efforts and thanked them.

He noted that a number of external reviews were done by those who submitted written comments. Staff worked diligently with all of them to address as many of their concerns as possible. Their input is reflected in the record.

A number of the developers in the area, including Stavroff, OCLC and others, expressed concerns and the City tried to address these concerns as well. He thanked them for their assistance in working with the City on development of this code.

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He presented a map outlining the boundaries of the Bridge Street Corridor District: I-270 forms the north and west boundaries; slightly south of SR 161 is the south boundary; and Sawmill Road is the east boundary. This is a long-range plan for the future.

There was extensive discussion throughout the vision report and code process about what the different character areas should look like, feel and operate. This led to development of the Vision Plan, which is used as a general guide of what might be expected in the future. The vision report is continually being updated, and staff expects to bring to Council soon some additional updates to the vision report, specifically to the street network, open space network, infrastructure needs to be developed over time, and what some of the development potential may be.

He noted that Ordinance 07-12 consists of the Zoning Code Text Amendments for the Bridge Street Corridor. The Table of Contents for the Code includes Sections 153.057 through 153.066. He noted that for Section 153.002 (Definitions), some definitions have been added to consolidate the Use definitions from the EAZ and TechFlex provisions into a single section. Staff will bring forward some additional zoning code amendments that will eliminate/delete those redundancies as well as clean up some other areas of the code.

1. Section 153.057 (General Purpose) highlights and implements the principles of the Bridge Street Corridor Vision Report to provide the connection between the Vision Report and the Development Code.
2. Section 153.058-059 defines the BSC Districts and Uses permitted within each. Some uses have not been seen previously, such as upper floor restrictions for certain uses. Some are time limited and size limited. As part of .059, there are some use specific requirements that apply only to specific uses in the Corridor. He highlighted unique uses such as Residential Live-Work, Parking Structures, Farmers Market, Renewable Energy Equipment, and Vehicle Charging Stations.
3. Section 153.059 includes tables that list individual uses, in what Districts they are permitted and by which manner they can be approved.
4. He noted that some businesses expressed concern with change in uses and use categories and descriptions in the Code and wanted protection in some manner. Staff developed an "Existing Uses" provision, which is a protection for existing businesses who can maintain the use as they have it today, and continue to operate until the owner decides to change the use to a BSC use. Therefore, it would be considered a conforming use.
5. There is a special rule for existing shopping centers that are treated as a whole versus as individual tenant spaces. All tenant spaces have to turn over – not just a single tenant space – before they have to conform to the BSC requirements for use.
6. A provision is included for approved PUDs that are not yet constructed, such as HRC Manor Care. Time limits will continue to apply to these PUDs.
7. Sections 153.060-061 begin to set the framework for the form-based code. These address how the street networks and blocks are set, the kinds of streets developed, some of the street requirements that will be put in place. There are street families and different requirements apply to each.
8. The street design emphasizes pedestrians over vehicles, and includes sidewalks and crosswalks. There is a lot of concentration on bikes, with cycle tracks, bike lanes, and shared provision for bikes. On street parking occurs throughout all street types except the corridor connector streets. For fire access, staff has worked closely with Washington Township Fire Department to ensure buildings and streets have proper fire access. There are multiple means of accessing a particular location. They also worked with the City on building access and ensuring the streets can be cleared for access by their vehicles.
9. The Street Network Map is included in the code. It is to be used as a guide and actual alignments and locations will be determined as individual properties are developed. However, there are a couple of points that will need to be determined early – two additional bridge crossings have been identified and need to be finalized at some point. Another major project underway is the Post Road

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- relocation to help improve the Frantz Road/ Bridge Street/Post Road intersection. This will be one of the first stages that staff will begin working on.
10. Section 153.062 – Building Types and Requirements - establishes the building forms that reinforce the desired character of each district. There are a number of different building types, and he shared examples from the code.
 11. Individual building requirements apply to individual types. There is a fairly high level of detail within the code that must be met absent securing a waiver. Also added at the request of PZC is some architecturally appropriate language so the buildings reflect some creativity in terms of architecture.
 12. He shared a slide of the tables of building types and requirements as included in the code.
 13. A great attempt was made to show graphic representations without detail as much as possible.
 14. In terms of existing structures, they can continue as a conforming building. They are allowed to expand the gross floor area by 50 percent. In reviewing the existing buildings, staff determined that most existing structures could not expand by 50 percent, as they could not accommodate the parking needed.
 15. If a building is destroyed by Act of God, the existing structure can be rebuilt as it existed prior to its destruction. However, if a property owner demolishes more than 50 percent of the existing building, the improvements must comply with BSC requirements. In the Historic District, the Architectural Review Board determines the building requirements to be imposed.
 16. Section 153.063 – Neighborhood Standards. In the Vision Plan, the OCLC campus is viewed as a bookend on the west, the Dublin Village Center as a bookend on the east, with Historic Dublin as the centerpiece to the community. Specific allowances were made for each of those neighborhoods. For the Historic Residential neighborhoods, the requirements will not be changed in any way. The requirements have been reformatted to fit them into the Bridge Street Code provisions.
 17. Neighborhoods have different placemaking standards. He noted that the Indian Run frontage is treated with sensitivity to ensure proper development along it. The Indian Run is preserved as a natural feature, but also serves as an enhancement to the community. Specific provisions address frontage along the Indian Run.
 18. There are provisions regarding sign plans enabling individual buildings to come in with a sign plan package for themselves for review and approval by the PZC.
 19. Different locations have been established for gateways in each of the neighborhoods as well.
 20. In regard to open space, there are provisions relating to the character and the open space network. The Indian Run is a large part of two of the neighborhoods.
 21. Section 153.064 – Open Space Types. A variety of functional, well-designed open spaces are to be distributed carefully throughout the Corridor, but also form a network at the same time. For residential dwelling units, the requirement is for 200 square feet of open space per dwelling unit; commercial buildings are required to provide one square foot of open space per 50 square feet of gross floor area. He noted that the current open space requirements only apply to residential, single-family subdivisions. The BSC requirements for open space extend to all use types. All open space must be located within 660 feet, although some can be consolidated with other open spaces. There are provisions for open space fees, but this is discouraged. The primary focus will be on securing the open space. The PZC can make a determination that the City will accept a fee in lieu of open space under certain conditions, the criteria for which are listed.
 22. Open space will be contained in a wide variety of elements, including the streets themselves because of the level of activity along the street and the ability of pedestrians to use that street in more of a recreational sense.
 23. An accompanying chart to this section lists the individual open space types carried throughout the District, ranging from small pocket plazas to corridor-wide spaces, which are greenways connecting all the way through the community. There will be

both public and private open spaces, and these must be coordinated and connected in the review process.

24. Section 153.065 – Site Development Standards. These are the typical items included in a site plan, such as parking. He pointed out that there is not currently a shared reduced parking incentive, and there is not a provision for parking plans for uses whose needs cannot vary greatly in terms of parking needs. There are some provisions for bicycle parking in the EAZ and TechFlex Codes, and these are also included in the BSC Code. A parking structure design portion has also been included.
25. For landscaping and screening, the requirements are similar to what currently exists, although there is some urban style landscaping suitable for smaller spaces. There are a wide variety of ways to achieve street walls and urban-style landscaping within the Code.
26. For signage, they will be more pedestrian than vehicle oriented. A wider variety of signs is desired, and use of signs to create additional vitality – vitality to the street and to the area as well. The Planning Commission can vary the individual sign requirements of the Code, based upon the individual site location, building, and use as it comes in.
27. Section 153.066 – Review and approval procedures and criteria. He noted that prior to the review of this particular section of the Code, the Planning staff and Planning Commission had few differences of opinion. The differences of opinion regarding this section were fairly minor, but have some wider implications that warrant discussion. He continued his comments in regard to this section.
28. The ART or Administrative Review Team is comprised of the major departments associated with development: the directors of Planning, Engineering, Building Standards, Parks & Open Space, Fire Chief, Police Chief, and the Economic Development Manager. The ART also has a requirement to do a pre-application meeting. All applicants must undergo this process with the ART. The review must be accomplished within 14 days of a request. The key point is ensuring all application materials are in hand prior to start of the timeline for this. The Code therefore emphasizes the need for a complete application – not just portions of it – prior to start of this 14 day period.
29. The basic plan review takes place at the PZC, and this is the public’s opportunity for review. Ten-day public notice is given of this basic plan review. The review is conducted by the PZC. This review is somewhat between the current concept plan review and a preliminary development plan review in terms of scope. Some details remain to be worked out.
30. After the basic plan review, in the same meeting, the PZC will then vote to determine whether or not the particular plan will go through the administrative review process with the ART or whether it must come back to the PZC for its complete review.

Vice Mayor Salay asked how that will work – how binding is this? What will the criteria for this be?

Mr. Langworthy responded that there are criteria placed in the Code that will allow the PZC to have some determination of what process to use. These are listed on page 108 of the draft Code. The PZC will be responsible for making the determinations.

31. The full application will be submitted after that, so the full application comes between the basic plan review and review of the development plan and site plan. The development plan is the plan that will set the lots and blocks – where the streets will be, the lot sizes, and the block sizes. It does not relate to development of the site itself. The site plan review includes the building itself, building design, parking location, landscaping, signs, and other detailed elements. The closest equivalent in the current code to the development plan is the preliminary plat. Street types and street configurations are determined in the development plan review. Those can be submitted separately or concurrently, based on the applicant’s desires.

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32. From there, two tracks are available, depending on the PZC decision. If PZC determines they will be the reviewing body, it will come back to them for application approval. If PZC decides it will go to ART, it will follow that track. That applies to both development plan and site plan.
33. Those are each 28-day approvals, so regardless of whether it is a PZC review or ART review, there is a 28-day time limit for a decision. Once those are approved, they go to the City's Review Services for the building permitting process.
34. If there are particular provisions the applicant chooses not to follow or is not able to follow, they invoke a waiver provision. There are minor administrative departures that allow some minor adaptations, but the waiver is more substantial and must be approved by PZC. The applicant will submit to PZC for a waiver approval. An elective review was included in the original process as recommended by Planning staff. If the ART decided that the PZC should be the approving body instead of the ART, they had the option of "kicking it up" to PZC. But with PZC making their own review determination, that elective review is no longer necessary.
35. The PZC could therefore review individual waivers, make decisions on them, and once completed, the application would go back to Review Services for the building permit process.
36. PZC will still be responsible for approving conditional uses and the open space fees. PZC will continue to make recommendations on rezonings and plats – both of which come to Council.
37. He summarized that the current February 2012 version of the Code submitted to Council is the version recommended by PZC.
38. Planning staff is recommending the same process through the basic plan review. However, staff is recommending that it stay an administrative process with the ART through the 28-day process to the building permit, or to the waivers. The elective review would therefore be included, so that the ART could decide to have the PZC as the reviewing body – based on the criteria listed. PZC would still approve waivers, if submitted, and then the application goes to the building permit process and the same PZC approvals stay in place.

Mrs. Boring asked, based on this, how far along is an applicant in the process before PZC reviews the waivers?

Mr. Langworthy responded that there is time set aside for approval of waivers. Staff believes waivers will come in at two points: pre-application stage and as the development plan or site plan process is underway. It is also possible during the basic plan review that some waivers could be identified. The intent was to leave this as flexible as possible so that an applicant has the opportunity to request a waiver from a particular provision at any point.

Mrs. Boring asked if it could delay the application for another 28 days.

Mr. Langworthy responded that for a waiver requested late in the process, it could potentially delay it. However, there is a time limit to this.

39. Code Administration. Council had requested this provision to ensure that the ARB and PZC can monitor projects to determine whether standards need to be modified in some way and recommend changes to Council.
40. Time extensions. If an applicant and the City determine that an extension should be granted, with written consent of both the applicant and the City the time can be extended. A new clause is included for abandonment – once a final approval is granted and significant construction is not initiated within two years and meaningfully continued after that, or the Director of Building Standards makes a determination that the work has been abandoned, based upon certain criteria, for six months – then the approval lapses. The provision states that the site must be returned to its original condition. Currently, such a provision is not in the general Zoning Code for the City.

Mr. Gerber asked how that would occur – would a bond be required?

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Mr. Langworthy responded that he believes that would be the best way to do this, but some implementation measures must be identified. There are construction bonds for various items required at different stages. A problem would arise with the case of a bankruptcy – if it is not bonded.

Mr. Gerber stated that the bond would add significant cost to the development.

Mr. Langworthy agreed, and indicated that further discussion is needed about implementation. The Law Director has been involved in these discussions.

Mr. Langworthy summarized that the recommendation of PZC is for approval of the February 2, 2012 Code as forwarded to Council. Planning staff recommends approval of the February 2, 2012 Code as well, but with a modified Section 153.066 as described tonight.

Council decided to hear public testimony at this time.

Jeffrey L. Brown, Smith & Hale, 37 W. Broad Street, Columbus noted that he is testifying tonight in Mr. Hale's absence. Their clients have several concerns.

- One concern relates to infrastructure costs of street systems and other items included in the Code. They will result in a tremendous cost to the City and the individual property owners meeting the requirements.
- Second, in terms of the existing zoning language, there are properties with planned districts that are developed, and the City has added language regarding conforming for planned districts that have not been developed yet. They have clients with planned districts and they believed that those planned districts would be considered conforming. However, in one of the revisions to the Code, staff limited that language to planned districts that have not been developed yet.
- There is also an issue that the Code requires rezoning into a list of districts and they would like the ability to file application for a planned district. Currently, the table shown has a variety of Bridge Street Corridor districts, and those are the only ones for which an applicant may apply. They would like the ability to make application for a planned district.

Mr. Langworthy clarified that this language was modified by the PZC in the February version of the Code.

Mr. Brown added that there was an expectation for a property owner who purchased a property – residential or commercial – that they understood what the zoning was.

However, the staff recommended map makes radical changes in terms of what someone's expectation would be at the time they purchased the property. Most of their clients who have reviewed the zoning map approved by PZC are comfortable with the changes and are in favor of this version.

Mayor Lecklider asked if Mr. Brown would agree that, to the extent that several exceptions would be made to the recommended districts, the Bridge Street Corridor as originally envisioned would not be realized.

Mr. Brown asked for clarification.

Mayor Lecklider asked how many exceptions there could be, if the requests for property owners are accommodated. He recalled previously hearing of a number in the range of 300 requests.

Mr. Langworthy responded that it is important to distinguish the topics. If terms of built PUDs, they would fall under the existing structures and existing use provisions and would be allowed to continue as conforming structures and uses. This was an accommodation made for those who have already made investment in property prior to this Code consideration.

Mayor Lecklider stated that uses as they exist today could therefore continue to exist in their present form 50 years into the future.

Mr. Langworthy agreed. He commented that the second topic relates to planned development. The hesitancy regarding this is that if too many planned developments depart too far from the Code, there is potential for disconnected uses and disconnected streets. While the City can't prohibit an applicant from applying for a PUD, it is desirable that those PUDs conform as closely as possible to the Bridge Street provisions. Staff

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believes that the waiver process can result in adequate accommodations to satisfy many of those concerns. But if that is not possible, the applicant can certainly apply for a PUD.

Mr. Reiner stated that these comments make sense, as breaking the District up into separate PUDs would debase the entire Bridge Street Corridor area and it would not work architecturally.

Mr. Brown stated that they are simply looking for that option. Council has the final decision regarding zoning changes. They merely want to have this procedural option available. A PUD can incorporate many of the elements of the Bridge Street Corridor.

Mayor Lecklider asked if what Mr. Langworthy has indicated addresses the concerns.

Mr. Brown responded that he is not aware of the recent change in regard to PUDs.

Mr. Langworthy stated that staff works extensively with potential applicants prior to the pre-application stage. There will be time to discuss the options available and work them out. He is hopeful and optimistic that these issues can be worked out for most circumstances.

Vice Mayor Salay asked what percentage of City land is involved in the Bridge Street Corridor.

Mr. Langworthy responded that the land mass is six percent of the City land.

Vice Mayor Salay emphasized this Corridor is but a small portion of the overall City land.

Mrs. Boring stated that a question presented previously is what will happen if someone comes forward with an application that is exceptional, yet doesn't meet the Bridge Street Corridor requirements? While it is only six percent of Dublin's land, this portion may contain 50-75 percent of the residents and businesses in the future. If the applicant wants to proceed, the City should allow filing a PUD that may require much more time to review.

Mr. Langworthy responded that, in this situation, they could apply for a PUD, if that determination is made.

Ms. Chinnici-Zuercher asked where in this document it indicates an applicant can file for a PUD.

Mr. Langworthy responded it does not specifically state one can file for a PUD, but it does not prohibit one from filing a PUD. Originally, a clause was included that stated an applicant had to file for a BSC district, but that language was removed.

Ms. Chinnici-Zuercher stated that her understanding is that if a property lies in an existing PUD and is built out, this will be honored. If an Act of God should occur and destroy buildings, these can be rebuilt as they previously existed. Are there criteria under which an expansion is permitted or an update – and still maintain the current PUD?

Mr. Langworthy responded affirmatively.

Ms. Chinnici-Zuercher stated that Mr. Brown raised the issue of a property with a PUD zoning, but not yet developed.

Mr. Langworthy responded that the provision relates to unconstructed PUDs, and they stay in effect. An example is the Vvable PUD reviewed tonight. Once that is approved, it stays in effect. It does have the time limits imposed by the Zoning Code for construction. But the approvals remain in place. HCR Manor Care is another example of an unconstructed PUD whose approval remains in place after adoption of the BSC zoning.

Ms. Chinnici-Zuercher asked Mr. Brown if this addresses his concern.

Mr. Brown responded that the concern is with the term "non-conforming." That becomes a difficulty in financing or sale of a property. The original language of the Code indicated that a planned district would be considered conforming. Sometime in the transition of this review, it limited it to a PUD that is not developed. This may result in issues for an existing PUD that is developed and whether it becomes non-conforming under the new Code.

Mr. Langworthy responded that the Law Director worked closely with Planning staff on this language. If a bank should contact the City to determine if a property complies with zoning, and if non-conforming issues were in place, staff would indicate they don't comply with zoning because they are non-conforming. In this case, the properties were

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specifically called out as being conforming. A letter to the bank would therefore indicate the property conforms to the existing zoning.

Mr. Brown stated that they will continue to discuss this issue with staff prior to the next reading.

Mr. Langworthy added that Mr. Hale worked with staff on this language as well.

Vice Mayor Salay stated that her understanding is that the term "non-conforming" has been removed from the BSC Code.

Mr. Langworthy confirmed that is correct.

Mr. Reiner asked how much PUD-zoned land has not been developed and would be affected by this provision.

Mr. Langworthy responded that approximately six exist. Most of the PUDs previously approved and not built within the Corridor have already expired. There is one PUD zoning that does not have time limits and therefore does not expire.

Mr. Reiner stated that he is concerned with how these PUDs might impact the overall context and fabric of the neighborhood. Aesthetically, will these have negative impacts?

Mr. Langworthy responded that he believes they may actually improve it, as some provisions of the BSC Code have broadened certain opportunities for those existing PUDs.

Mr. Reiner stated his concern is with someone developing a PUD zoning and not meeting the aesthetics of the vision.

Mr. Langworthy responded that much attention was focused on those existing, built environments to have the proper language included to allow them to continue or even expand.

Mr. Keenan stated that Mr. Brown mentioned streets and the costs, but historically, the City has looked for participation from developers with those improvements. In his view, the City should take care of the road network to be built. Are there any roadways in this zoning that will be similar to what is observed in the Perimeter area, where private roads are not being maintained?

Mr. Langworthy responded that maintenance provisions that are enforceable have been included for such cases. Staff projects that this may occur on alleys or service streets. Most of the street network will be public roads.

Ms. Chinnici-Zuercher pointed out that the issues in the Perimeter area are with the alleys and service roads – not the main, public roads.

Mr. Langworthy stated that some of these roads function like public streets, but are actually private streets.

Ms. Chinnici-Zuercher noted that in this plan, the City looked at which ones they will take responsibility for financially to build and maintain versus which of the roadways will be the responsibility of the developer. The City does not expect the developer to build 100 percent of these roadways.

Mr. Langworthy responded that the City would expect a partnership in terms of right-of-way dedication and cooperation between property owners. It will be done similar to what is done today.

Ms. Grigsby stated that the Vnable project is a good example. The east/west roadway would be a City-financed roadway through a TIF district. The north/south roadway would be internal to that site and paid for by the developer. All of these roadways will undergo such analysis, and TIF districts may be set up to fund a good portion. Because of the level of densities that can be obtained, the developers in some cases may have the ability to fund more than they have in the past -- based on the densities.

Mayor Lecklider asked Mr. Brown to respond to Ms. Grigsby and Mr. Langworthy's information about building of infrastructure.

Mr. Brown responded that they have looked at a couple of individual projects in terms of the development costs, which are astronomical. These are issues the City and property owner will face if they decide to move forward with a development plan.

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Mayor Lecklider asked for an example.

Mr. Brown responded that Mr. Hale has been engaged in most of these discussions – he does not have the specific example about this. He will make sure this information is available prior to the next reading.

Mr. Keenan asked if parking is part of that discussion.

Mr. Brown responded that he is not certain.

Ms. Chinnici-Zuercher stated that several Council Members have met with Mr. Hale, who has expressed these concerns. She had recommended that Mr. Hale send a letter to Council with specifics about how this will impact some of these property owners. She does not believe staff has attached costs to this new Code.

Mr. Langworthy responded that the fiscal analysis has been done for the project, pricing out some infrastructure costs. Staff expects to receive a final report from Tischler Bice very shortly.

Vice Mayor Salay stated that information may be helpful. Ms. Grigsby has indicated that the infrastructure needs can be addressed in the ways the City has traditionally done this, and the additional funding needed may come as a result of the increased densities available for developers. The developer could build roadways and dedicate them to the City for the City to maintain. Perhaps an additional memo could be provided to address that for the benefit of Council and the development community.

Mayor Lecklider thanked Mr. Brown for his contributions to the process. He is certain that he and Mr. Hale will continue to interact with staff with respect to their concerns as the process continues.

Melanie Wollenberg, Equity, 445 Hutchison Avenue, Columbus noted that they represent Bridge Pointe Shopping Center in Dublin at SR 161/Route 33. Mr. Brown and Mr. Hale represent them and they have addressed most of the issues. Her comment tonight is in support of the zoning map proposed by PZC, which is the next ordinance on tonight's agenda.

Chris Amorose Groomes, Planning & Zoning Commission Chair, 5896 Leven Links Court stated that the Planning & Zoning Commission appreciates the opportunity to review the Bridge Street Corridor code, and it was a pleasure to work with staff on this. She noted the following:

1. There were few areas where PZC departed from staff's recommendation, and one was in the implementation phase.
2. In view of the size of the documents Council is reviewing, she encouraged them to carefully review pages 172-176, which are the comments made by PZC prior to voting on the proposed Code. Although PZC had many high quality presentations made to them, there was little interaction among Council and the boards and commissions with regard to this project. Part of the comments prior to the PZC vote were in an effort to obtain feedback of what Council's priorities were and how Council wants PZC to focus. She encouraged Council to read those comments prior to the second reading, as it will identify some of what PZC believes are the issues that remain outstanding.
3. One of the major departures PZC had with staff was in the implementation portion and with the basic plan review being a concept plan-like meeting. This would be the only opportunity for the public to weigh in, if the ART process prevails. Most Council Members have served on PZC and know that things can change significantly from the concept plan stage to the built environment. Citizens of the community would not have opportunity for input after that time, if the ART process prevails. She believes that is a pitfall in the two tracks described tonight for review.
4. The second pitfall she sees is that the plan is not played out in the public eye. While PZC would not represent that there would be any impropriety, there could be the perception of impropriety and this is something to which the community should not be subjected. PZC wants the plan to play out in the public eye and the public realm, and PZC believes the City should hold itself to that level of accountability.

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5. Although this plan represents only six percent of the City land, one's face may represent only a small percent of one's body, but it is significantly more important. This Corridor is the "face" of the City and where the City celebrates the community, holds its parades, and where visitors come to the City. It is a small portion of the City, but very significant.
6. With respect to the feasibility study, PZC heard repeatedly that property owners may not be able to afford what the City is asking them to build. Before this moves too far ahead, PZC believes there are unknowns and more time should be spent on a feasibility study to ensure the rent per square foot can generate the revenue necessary to complete the plan.

John Hardt, Planning & Zoning Commission Member, 7921 Wiltshire Drive echoed Ms. Amorose Groomes' comments about the long process and the effort and professionalism of the staff. Mr. Langworthy accurately stated that the Commission reviewed the Code and had much common ground with staff on most of the portions. The approval procedure is the one area where the Commission and Planning staff had a difference of opinion. The version of the Code forwarded by the Commission and the version recommended by staff both include the Administrative Review Team process; both include provisions by which projects which are complicated and do not meet all criteria of the Code can be "kicked up" to the Commission for review; and both include the same criteria for making that determination. The fundamental difference is where and when that decision is made. Staff's recommended version allows that decision to be made by staff during their interactions with developers. The Commission felt strongly that this conversation and decision should occur after a dialogue with the Commission, the developer, the staff and public in an open forum in Council Chambers, allowing everyone to participate in the discussion. In view of the City's culture and past practice history, the Commission believes that is the right way to approach it. In addition, the Commission believes this would bring a great deal of predictability to the process. Fundamentally, that allows a developer to leave the basic plan review meeting knowing with certainty what path they are on for review as opposed to waiting for some future review or discussion to determine this. The Commission believes this is the best way to handle everything, offers the best of both "worlds" and gives a developer who cannot meet every aspect of the Code, but wants to do something different and special to have that dialogue with the Commission, staff and the public and have a decision made at that time. The decision would be whether there is justification for keeping a project in the Commission's purview for final approval or whether the project is simple and straightforward enough and meets the Code closely enough that it can proceed with administrative approval. He is hopeful this provides some clarity about the issue of where and when the decision is made about the process of review.

Mr. Reiner stated that it appears that both review tracks have the same amount of time involved.

Mayor Lecklider asked if Mr. Hardt is suggesting that if a better project than what is required by Code is brought to staff that it would not be considered.

Mr. Hardt responded he cannot speak to what staff would do in this case. But if a project did not meet Code in some way, having the option of a P&Z review process is something an applicant may desire should they want to deviate from Code – either for a project that exceeds the Code requirements, or due to some restrictions. They do not disagree that the Code allows for that to occur in either circumstance. It is a question of when that dialogue occurs – in the basic plan review in the public forum or in an administrative setting.

Mr. Gerber referenced page 108, indicating that he had understood that the Commission would be involved in the plan review.

Mr. Langworthy responded that in the version recommended by PZC, that is correct. This is the version Mr. Hardt has described. This is not what staff is recommending, however.

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Mayor Lecklider asked for clarification from staff about what occurs when a developer proposes a project that exceeds what the Code requires. Staff had indicated previously they would welcome such a circumstance.

Mr. Langworthy noted that Mr. Hardt is describing the waiver process for a project that cannot meet the exact letter of the Code, but which they believe is a better alternative – in this case, a waiver can be requested. The Commission will see the waiver in either case – administrative process or Commission process.

Mrs. Boring stated that the issue is one of timing and the investment made in a long process.

Mr. Langworthy responded that it is the applicant's decision of whether or not they want to adhere to the Code or depart from the Code and request a waiver. There is also an administrative departure available by the ART, which allows for some minor deviations from Code provisions. Staff would expect waivers in cases of major departures from Code requirements should be approved by the Planning Commission.

Mayor Lecklider asked for clarification: the applicant has the opportunity to opt out, if you will, via the waiver process?

Mr. Langworthy responded the applicant can choose not to follow a provision of the Code and apply for a waiver, which would be approved or denied by the Commission.

Mayor Lecklider stated that, arguably, it would address the timing issue.

Mr. Langworthy responded that the timing would be under the applicant's control. It is still a 28-day period within which the waiver must be decided upon. The decision is within the purview of the Commission.

Ms. Chinnici-Zuercher commented that a foundation of Dublin has been the active participation of citizens in the process of developing the community. This is the culture and expectation of the community. She is concerned philosophically that with this new product, the citizens would be excluded from an active role until later or perhaps not at all. It is possible that an application is never reviewed by the Commission, as she understands this.

Mr. Langworthy responded that is not correct. Under either scenario in the Code, the application always goes to review by the Commission.

Ms. Chinnici-Zuercher indicated that the review is done at a very early stage and the application is only in concept form at their review. As it moves along to a more complete application, it potentially is never reviewed in the public venue again.

Mr. Langworthy responded that is correct, unless a waiver is requested.

Ms. Chinnici-Zuercher stated that is the key issue for her with the process.

Mr. Langworthy noted that the key difference is in trying to develop under the current zoning code, which has few detailed provisions and the Bridge Street Code, which has many detailed provisions. Under any circumstance, there is a monitoring process added for the Commission to make recommendations to Council for Code changes. It is a tradeoff between ensuring public input, early in the process, and the ability for a developer to have some degree of certainty at the outset about the process. These are philosophical issues.

Ms. Chinnici-Zuercher agreed that it is fundamentally a difference philosophically. He indicated that even the ART could make some exceptions to the Code. What does staff define as "minor deviations" – there is not a definition in the Code.

Mr. Langworthy responded that there is a list of items that the ART is restricted to in making such minor deviations.

Mrs. Boring stated that her issue relates to reports she has read that indicate, "It is generally in the intent." She does not agree it is in the intent. Her other concern is that this is being treated as a perfect solution – as if it is being done everywhere, while in fact it is not known where it has worked out well. Some of the feedback she heard in sessions she attended at NLC from cities who have tried this type of Code was that it is acceptable, but required some modifications. She does not believe Council is ready to put a rubber stamp on this code at this point. She is not convinced that without a public review this is ready to move forward.

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Mr. Gerber stated that everyone recognizes the need for review and monitoring/tweaking of this new Code as it goes forward. It is envisioned that the Bridge Street Corridor plan is a 40-year plan. On page 108, where it indicates that PZC would do a basic plan review, they would serve as a gatekeeper. This process would be somewhere between an informal review and a preliminary plan. By that time, there should be sufficient detail available for an application so that the public can offer input and for the Commission to determine whether the application moves on to the ART or to the Commission for further review. This will not affect the timing, but will ensure that the initial review takes place in the public forum in a prompt manner. This is the perfect place for the gatekeeper function of PZC to be in the review process.

Ms. Chinnici-Zuercher asked for clarification – the version recommended by P&Z is what contemplates the process occurring in this manner.
Mr. Gerber confirmed that is correct.

Mr. Reiner stated that over the years, applicants and developers have indicated that the process in Dublin is too long and too onerous. Either way this review track occurs will result in the same time period – 3.5 months at the maximum. Based on his review, PZC really cannot delay an application, resulting in a longer review time, if their recommended review process is adopted by Council. Their option would empower the Commission to a greater extent, but the developer would have the same amount of time involved for review of an application.

Mr. Langworthy responded that it is important to remember that if a developer submits an application that meets the Code, the Commission cannot require the applicant to make changes that deviate from the Code. If an application meets the Code, it must be approved.

Mr. Gerber noted that there are criteria in place so that if an application meets the Code, it cannot be held back. The Commission cannot make a determination that they will have a hearing for an application that meets the Code – they must move it forward. But the public forum would allow for public input at that review.

Mr. Langworthy noted that at the outset of the Bridge Street Corridor Code process, it was acknowledged by everyone that until applications are submitted for projects, it is impossible to know how the process will work. Staff did some testing for some sites, but there will be some unknowns and unanticipated things that staff will bring back to Council and the Commission to tweak.

Mr. Gerber stated that when revisions were adopted several years ago to the PUD process, it was anticipated that further changes would be needed. He fully expects this will occur with the Bridge Street Code as well.

Mr. Reiner asked what problems would result from having PZC's recommendation adopted, having them serve as extra "eyes" in this process? What is the drawback?

Mr. Langworthy responded that he would not characterize it as a problem. When the process began, the intent was to write a Code that was precise enough that an applicant would know exactly what they were required to build in the Corridor before ever meeting with staff. This would ensure an easy and efficient review process for approval, essentially an administrative one. He does not want to characterize that there is a major philosophical difference between the Planning Commission and Planning staff in terms of a review process. It is a matter of what the expectations of those coming in might be. This is a policy decision, and there are merits to both options. He pointed out that being able to go through an administrative process is attractive to developers versus going through a process with the Commission. It is not one of time, but rather the uncertainty of what the comments may be from the Commission.

Mr. Reiner noted that the code as written is very detailed with regard to structure, roads, etc. and it seems a much more simplified program than the past process for PZC reviews. In this code, the role of PZC in the review is very defined. As a developer, he would not have as much angst with this code versus the current process in the City.

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Mr. Langworthy responded that he is hopeful that developers who read the Code feel that way. There is much work to do with developers and consultants in terms of education about the new Code and how to use it. Staff is working on development of these programs. The process should be efficient and predictable, whether at PZC or the ART, because the requirements are well articulated.

Mr. Gerber agreed, noting that the code and requirements are laid out clearly. The frustration of developers in the past has really been with Dublin's Code, although they say the issues relate to the process. The current Code is very unclear and has subjective criteria.

Mr. Langworthy stated that each time a PUD is approved, it essentially creates a new zoning ordinance.

Mr. Keenan noted that the same effort has been made with the TechFlex district, but there have not been any development proposals submitted to have some experience with it.

Mr. Langworthy responded that the TechFlex works just like the standard districts do now. Most of the development proposed goes straight to a building permit process.

Mr. Keenan noted that the intent was to clarify the process and speed up the review as well.

Mayor Lecklider noted that early in the presentation, Mr. Lecklider mentioned with respect to open space and signs that there was a certain amount of discretion in the process for the Planning & Zoning Commission. He asked for clarification and the rationale for this.

Mr. Langworthy responded that the open space fee is a new provision in this Code and only applies to the Bridge Street Corridor. It allows an applicant the choice of providing actual open space or, if that is impractical or impossible, to provide all or part of the space on their project, they have other options. Those options include combining with other properties nearby to have consolidated spaces. They also have the option of requesting the Planning Commission to approve a fee to be paid in lieu of not providing all or part of their open space requirement. That fee amount would be set at a per acre cost, as is done currently for parkland donation. The Commission has some criteria for review of these requests.

Mayor Lecklider stated that the extent to which it goes to PZC is categorized as an appeal. It has undergone an administrative review and the ART and applicant are in disagreement, and the applicant has the option of appealing to the PZC with respect to the open space issue.

Mr. Langworthy responded that he does not want to characterize it in this way, as the ART may agree with the applicant at times. It is not really an appeal as much as a request. Mayor Lecklider asked if the same is essentially true with respect to signs.

Mr. Langworthy stated that the provision was added that allows the PZC to approve sign plans for either individual buildings or groups of buildings, such as in a shopping center. Then, as the individual tenants came in, they would simply conform to the sign plan and if so, could proceed directly to obtaining their sign permit or building permit, as the case may be. Also included were provisions that, if the applicant had some ideas not covered by the Code for potential signs, the Planning Commission, based on some criteria, could depart from the strict requirements of the sign code provisions. The provisions do allow for some creativity in sign development. That is under the Planning Commission authority, not under staff.

Vice Mayor noted she has a question about open space fees. The City is accustomed to suburban-type acreage, and the current parkland fees are based on neighborhood acreage values. The acreage in the Bridge Street Corridor will likely be much more valuable, so there will be a need to determine how these values will be established. It will be significantly higher, given the density involved.

Mr. Hahn responded that staff has had discussions about this matter.

Mrs. Boring noted that tonight's discussion has focused on details, yet the P&Z comments make sense to her – questions of who is developing this area, is it the development

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community doing so, and whether the "cart is being put before the horse" in this process. She suggested that a portion of goal setting be set aside for an interactive discussion of this topic, which is a Council goal. She feels she has simply had presentations, and there has not been adequate roundtable discussion with staff, Council Members, or Planning Commission. She would like to set aside some time at goal setting to address some of the issues that have been raised – is the City going to create its greenspace, will the City designate certain greenspace by the riverside park, are there other items desired for greenspace, is the City satisfied with the road network or are there other considerations? As reflected in the P&Z minutes in regard to creating space and who creates it, usually it is the community who does so.

Mayor Lecklider suggested that Council's goal setting retreat planning is fairly complete. Could these topics be considered at a workshop?

Mrs. Boring stated that she has not reviewed and Council has not approved a proposed agenda for the goal setting at this point.

Mayor Lecklider stated that what she is envisioning could involve a significant portion of time.

Mr. Reiner noted that he disagrees with Mrs. Boring's comments. At this stage in the Bridge Street Corridor process, there are some details to be worked out and staff should proceed to do so. The process needs to move forward at this time.

Mrs. Boring stated that she disagrees. Council is responsible for the final action on this matter, and while there have been many presentations and P&Z has devoted many hours to review, the basic philosophical issues have not been adequately discussed. It is Council's responsibility to do so.

Ms. Chinnici-Zuercher stated that she does believe that, as reflected in the draft minutes of the most recent Commission meeting, generally speaking, the City has operated with a big master plan and details filled in with the BSC type of document. Perhaps what Mrs. Boring is referencing is a need for a final discussion about the master plan. It was noted a year ago that Council desired a long green corridor in the plans, yet this is not evident. The thought was that the City would buy the land to ensure control over it. In the absence of that more master plan or larger visionary plan, based on the original concepts of the BSC, it seems a step has been missed. What is being considered by Council at this time are the details for implementation, but it seems a step was missed.

Ms. Grigsby stated that in the October 2011 session at the Chamber, discussion took place about some of these issues – the greenspace, the greenways, infrastructure, and some other items related to more of a master plan for the area – and Council reviewed various maps prepared by staff. Mr. Langworthy alluded to this at the outset of his presentation tonight – that these plans will come back to Council. The facilitator for the goal setting retreat was asked to contact Council regarding their preferences for goal setting topics. If Council would like those maps to be presented and discussed again, that can be done.

Mrs. Boring stated that her concern is that projects are coming in, and yet Council has not taken the vision plan as approved and made sure everyone is in agreement with that plan in terms of activity areas and greenspace, etc. Instead, what she heard in Mr. Langworthy's presentation is that the developers will be creating the greenspace. There are major greenspaces that she would like to ensure are included in that, and she wants to have discussion and review of those plans/renderings.

Ms. Grigsby responded that the maps shared in October included greenways and some of the larger open areas.

Mrs. Boring stated that her frustration is that the maps were presented to Council, yet they were not discussed by Council.

Mr. Reiner responded that he recalls there was opportunity to discuss the maps, and everyone seemed to be in agreement with what was shared.

Mrs. Boring recalled that maps were shown and Council directed staff to proceed. She is not aware that the Planning Commission ever reviewed such a plan.

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Ms. Grigsby stated that there was considerable interaction and staff felt there was general acceptance/buy-in of the information presented regarding greenspace and the road network system for transportation.

Mr. Reiner agreed.

Mr. Keenan added that he had understood that P&Z was comfortable with 99 percent of the Code – their issue related to the review process as discussed tonight.

Mrs. Boring stated that in reading the minutes of the P&Z meeting of February 2, it is clear that they are still uncomfortable with a number of items.

Mr. Keenan responded that two P&Z Commissioners have testified tonight, and if P&Z is totally uncomfortable with many items, he would like to hear that from them.

Mrs. Boring responded that Ms. Amorose Groomes has asked Council Members to read their February 2 meeting minutes prior to the second reading of this ordinance.

Ms. Amorose Groomes stated that there be some merit to that, but the comment by P&Z has been that "we don't necessary know what we don't know." P&Z is confident that the code will need to be revisited in fairly short order, after some experience with applications. For that reason, P&Z wants to be the reviewing body. Waiting until a project is built will result in several years of delay in necessary revisions. As part of that, the reviewing body is to take some time to develop a more thorough vision plan than what has been done previously. She is not certain whether that needs to occur before the Code becomes codified, but it is certainly an undertaking P&Z would want to pursue in short order. They want to stay "hands on" – they view this code as somewhat of a starting line versus a finish line.

Mr. Keenan asked for confirmation that P&Z is comfortable with the review process included in the recommended version being considered by Council tonight.

Ms. Amorose Groomes responded affirmatively. This is their recommendation, and that is why they are present tonight. Given the volume of the documents before Council tonight, they wanted to bring a voice about why they were making such recommendations tonight.

Mr. Reiner stated that this is a new type of development process for the City and this region, and Council needs to work through the details of this comprehensive document. Adjustments and fine-tuning may still need to be made.

Ms. Amorose Groomes agreed, noting that the code itself provides the predictability of the process – not the reviewing body.

Ms. Chinnici-Zuercher stated that perhaps Mrs. Boring is not opposed to the code, but instead believes there are two or three major issues that Council needs to have more open dialogue about.

Mrs. Boring stated that is correct, noting that she has concerns with the street network as well.

Mr. Gerber asked if it would make sense to have a recap from staff about such items as the road network and how the vision report has evolved over this process.

Mrs. Boring responded that is what she is suggesting. She commented that a rezoning on tonight's agenda is tied to the BSC street network as proposed, and yet in ten years, the street network may change over time.

Vice Mayor Salay stated that it is not possible to predict today what may or may not occur with future development and impacts on the street network.

Mrs. Boring responded that it might be helpful to look at the positive and negatives of where some of that is occurring now on the street network map.

Mayor Lecklider stated that Mr. Langworthy has indicated in his presentation that the road network is provided as a guide, with the exception of some primary roads to move traffic. The road network will be impacted by future development in any case.

Mr. Langworthy responded that this is true, but there is a reason why the Code has so many sections. It begins with lots and blocks and street types, which create the

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foundations around which things will occur. The greenspace or open space, whether in hardscape form or whatever, will develop over time – much like the open space does at this time – either as land is donated or purchased by the City. The issue is that the City has laid down the framework of where those pieces will fall and fit, and what the requirements are for them. He would not characterize this as going into this blindly; it is laid out with some detail, and it is fairly clear how it will lay out. In fact, there has been discussion with a few developers about how their projects would fit into the plan and the discussions have been positive.

Mrs. Boring stated that if she would be interested in a community gathering center north of W. Bridge Street, or having enough land and access for a new library, given that this plan is fairly set, she does not envision that taking place.

Mr. Langworthy responded that these options are available to Council today via purchase of property for a specific use or facility. Nothing in this Code precludes Council from doing so.

Ms. Grigsby commented that it is similar to the current Community Plan and the process that takes place. At times, the Thoroughfare Plan is amended, based upon changes that occur. There is recognition of the basic concept of what the City believes will occur in what location, the major roadway systems, and major greenspace areas – and the fact that some of these could change, going forward, depending upon development. The same process occurs currently with park locations in subdivisions – it is dependent upon the characteristics of the land itself.

Mrs. Boring state that, typically, the Thoroughfare Plan is brought in for a formal review.

Ms. Grigsby responded that the Thoroughfare Plan for this Corridor will be brought to Council in the future as well.

Mr. Gerber stated that, what staff is indicating is, regardless of what the Thoroughfare Plan looks like or how Council may want to tweak it, it won't necessarily change the Code. Mr. Langworthy concurred, noting that both the Planning Commission and Council will review and discuss the Thoroughfare Plan.

Mr. Gerber added that if the Thoroughfare Plan is changed in the future, it will not require that the Code be amended.

Mr. Langworthy concurred.

There will be a second reading/public hearing of Ordinance 07-12 at the February 27 Council meeting.

Ordinance 08-12

Rezoning Approximately 388 Parcels Totaling Approximately 808.7 Acres From: R, Rural District; R-1, Restricted Suburban Residential District; R-2, Limited Suburban Residential District; R-4, Suburban Residential District; R-12, Urban Residential District; HB, Historic Business District; HR, Historic Residential District; LI, Limited Industrial District; SO, Suburban Office & Institutional District; OLR, Office, Laboratory, & Research District; CC, Community Commercial District; CBD, Central Business District; CCC, Central Community Commercial District; PUD, Planned Unit Development District; and PCD, Planned Commerce District To: BSC Residential District; BSC Office Residential District; BSC Office District; BSC Commercial District; BSC Historic Core District; BSC Historic Residential District; BSC Historic Transition Neighborhood District; BSC Indian Run Neighborhood District; BSC Sawmill Center Neighborhood District; and Public District. (Case 11-021ADM) (Second reading/public hearing February 27 Council meeting)

Vice Mayor Salay introduced the ordinance.

Mr. Langworthy stated that this is the Bridge Street Corridor area rezoning. The map attached, dated February 2, 2012, is the map recommended by the Planning & Zoning Commission. This is one of the few areas where staff departed from the Planning Commission's recommendation. He highlighted the areas where there were departures and the reasons:

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1. He noted that, for the most part, the recommended changes to the map made by P&Z were based on letters sent to the Commission from individual property owners requesting these changes.
2. There was an extension requested west of Village Parkway for the Sawmill Center Neighborhood. Staff's opinion was that the intent was to provide for fairly cohesive residential neighborhoods in order to have the population needed to drive this Plan. Staff felt that crossing over Village Parkway would result in encroaching in some of those residential neighborhoods. However, it is still possible within the Sawmill Center Neighborhood that these properties could be developed as residential, but it opens up the possibility of other kinds of development being provided.
3. There was an extension requested for the Sawmill Center Neighborhood down to SR 161. Staff and Mr. Dixon's recommendation was that SR 161 be created as an "address street" – not intended to be a commercial or retail street. Recognizing again that existing structures and uses would be left in place to protect the businesses in place, staff felt that extending that neighborhood down to 161 took away from the compactness of the Sawmill Center Neighborhood being created and also did not allow for the gateway creating that "address street."
4. The next requests relate to the areas of Bridge Pointe shopping center, the area east of the Shoppes of River Ridge and the car dealerships on either side of Dale Drive. Planning's opinion is that these requests for BSC Commercial instead of BSC Office would begin to create an overabundance of potential for retail development. That issue was also raised in the market studies and consultant studies regarding retail capacity in the Corridor.
5. Planning staff's recommended map is the map dated November 10, 2011. He summarized that maintaining the neighborhoods as residential would maintain those residential neighborhoods and keep a compact "Place" as discussed in the Code presentation and it would allow the creation of a gateway to the "Address" corridor.
6. Staff also looked closely at the Bridge Pointe Shopping Center, and there are some arguments for either scenario. Planning's opinion is that, ultimately, development on that site would be more oriented toward Riverside Drive and not toward 161, once the roundabout is built. Extending that commercial and retail possibility into the future with the requested zoning district gave some potential of creating more of a suburban, strip style development that would be fairly typical of what is seen along Sawmill Road in Dublin currently.
7. He noted that the Architectural Review Board reviewed the property along N. Riverview and their recommendation is that it be zoned Historic Residential to account for the existing residences in order to protect them. Planning & Zoning Commission and Planning staff recommended this be converted to Historic Core to allow for the potential of additional development in the future. Additional information about this matter is included in the packet.

Vice Mayor Salay asked if the recommendations of ARB are followed, given those properties are under one ownership, what would the future hold? Would the homes continue to exist in that location?

Mr. Langworthy responded that it would be very limiting, as the only potential would be single-family homes. Redevelopment would be generally precluded.

Ms. Chinnici-Zuercher stated that she recalls Gerry Bird's presentation regarding potential condominium and commercial development for these properties.

Mr. Langworthy responded that discussions with Mr. Bird about this development are ongoing.

Mr. Langworthy added that he did commit to ARB that he would bring forward their recommendation to Council regarding these properties.

Ms. Chinnici-Zuercher recalled that Ms. Krumb indicated that the existing homes could not be moved for structural reasons. That is likely why ARB was interested in the retention of the homes, but they had already been sold for a different purpose.

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Vice Mayor Salay stated that the issue is related to the character of the street and preserving it, as it would completely change.

Mr. Langworthy summarized stated that Planning & Zoning Commission made their recommendations at the February 2, 2012 meeting. For Ordinance 07-12, the Bridge Street Code, there is a combined recommendation for the second reading – the PZC recommendation of the February 2, 2012 text amendment and Planning’s version of the modified Section 153.066 provision. For Ordinance 08-12, the area rezoning, Planning & Zoning Commission recommended a map dated February 2, 2012 and staff recommends approval of the map dated November 10, 2011.

Ms. Chinnici-Zuercher asked for clarification – the staff continues to recommend the November 10, 2011 zoning map?

Mr. Langworthy stated that is correct, and PZC recommends the February 2, 2012 version of the map. There could certainly be a combination of the two considered as well, if that is Council’s preference.

Mayor Lecklider invited Ms. Wollenberg to testify.

Melanie Wollenberg, Equity, 445 Hutchison Avenue, Columbus stated that Equity is the owner of Bridge Pointe Shopping Center. They appreciated working with PZC and staff this past summer to receive approval of complete façade renovations. The City will soon see a \$2 million investment in the center. They have lease commitments that will take them to a 90-95% lease level. The existing use language in the Code does protect their existing building. Previously, there was a bank building at that corner, which they took down, relying upon their existing zoning status. Under the new code, the building would not be buildable again. The new code with the BSC Office designation, as recommended by Planning staff, requires a two-story structure. With that rezoning, their restaurant area on the first floor would be severely limited. They believe the PZC map designating this area as BSA Commercial much more closely reflects the current intersection and the reliance Dublin has made on the current zoning status. The costs of constructing this outparcel building under the new code would be prohibitive, as the market will not support a two-story building under BSC Office. It would be difficult to find someone willing to pay the additional premium. There was discussion earlier tonight about the existing use language. Compounding that issue with a BSC Office designation on an existing, long-term retail center creates confusion and uncertainty for tenants and lenders. The lender environment will look at this BSC Office designation much in the same way it views ground leases. It makes the future of the property uncertain. The existing use provision is helpful, but it does not address the entire situation. She encouraged Council to consider and approve the map as recommended by PZC.

Mayor Lecklider requested Mr. Langworthy to summarize the difference in PZC’s and staff’s views regarding this particular parcel.

Mr. Langworthy responded that it is more accurately described as the applicant’s versus staff’s views.

Mr. Keenan stated that he would also be interested in hearing PZC’s input concerning the area that houses Tommy’s that would become BSC Office under the proposed code.

Mr. Langworthy responded that the language for existing structures/existing use is very deliberate. It was put into place specifically at the request of some applicants to protect existing businesses. Mr. Hale worked with staff on the language. In the Equity-owned land, Ms. Wollenberg’s case, where there is an outlot with previous approvals, that language would affect that outlot in regard to placement of the building. The placement of the building would likely comply with Bridge Street, however. They could expand their existing structures by fifty percent, maintaining the existing uses, but there would be some impact on that one outparcel, which would fall under the BSC Office requirements.

Regarding Tommy’s, there is the opportunity for 50 percent expansion of those existing uses, contingent upon sufficient parking area. There are no outlot issues. Eventually, the property owner may want to comply with the BSC Code because of the significantly increased development potential with the amount of square footage that can be located

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on a property. A transition strategy has been built into the code to facilitate that occurrence.

Mr. Keenan inquired if the transition could permit the business to remain BSC Commercial instead of BSC office.

Mr. Langworthy stated that in the BSC Commercial District, the permitted building types are single story, retail buildings. In this area, the intent is to increase the height of the buildings to achieve the address street corridor, yet allow some retail to occur within the buildings.

Vice Mayor stated that the intent is that a large part of the economic development will occur in this corridor – along the address street.

Mr. Langworthy stated that is the intent, but it will all develop over a period of time.

Mr. Keenan noted that the property owners view this as a property right being taken away.

Mr. Langworthy responded that he understands their point of view, and significant effort was placed on the existing structure/existing use language to not only preserve their existing values, but to permit them to do more they can today.

Mayor Lecklider stated that they will be able to expand up to 50 percent of the existing use. Was there also an attempt to achieve a balance in retail capacity?

Mr. Langworthy responded that the consultants pointed out the limited capacity for retail and recommended concentrating retail in particular areas rather than dispersing it throughout the Corridor, particularly within the Dublin Village Center neighborhood. Retail will also exist at the Shoppes at River Ridge, Bridge Pointe, Historic Dublin Business District, and in the existing shopping centers on the western end of the Corridor.

Therefore, rather than extending commercial/retail development through a strip throughout the entire Corridor, they have attempted to concentrate it in areas that could build on one another, creating clusters.

Mr. Keenan inquired if a BSC transition exists at the Robson property, housing the Marathon station, near Monterey Drive.

Mr. Langworthy responded that there is, and that use also falls under the expansion provisions for existing uses.

Mr. Keenan inquired if Mr. Robson is permitted to make improvements or changes to that facility.

Mr. Langworthy responded that the only limitation is he cannot remove the building and start over again. He is permitted up to 50 percent demolition. It would be necessary to interpret what the use area is. For example, he likely could replace the main building with a new convenience center, or something similar, if he wants to maintain that use. They are making their best effort to protect the investments that people have made.

Mayor Lecklider stated that, looking to the future, as the land increases in value, it is hopeful that the development will be realized that completes this vision.

Vice Mayor Salay stated that she is having difficulty with the extension of the commercial, as suggested. There are existing businesses, but their concerns have been addressed. Mr. Hale has helped craft this language. It is wonderful that the property owners are investing in this community and have a retail center that will continue in perpetuity. As the same time, they also have the value afforded by the designation of the BSC Office. With the density that will be permitted, this will become a much more valuable piece of property as BSC Office than the retail center that exists today. This seems to be a "win-win" situation. Council has also preserved its vision, and taken steps not to strip out SR 161. Looking at the 40-year vision, she would prefer to see an office use here, rather than commercial/retail, in the long-term.

Jeffrey L. Brown, Smith & Hale, 37 W. Broad Street, Columbus stated that the applicant is supportive of the map that was approved by PZC. They believe the changes that were made make sense, given the historic use of the property, the investment people have made in these properties, and the expectations they had when they bought the property with the existing zoning. He understands Mr. Hale worked on the language, but as part of

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that there was also consideration of changing the map. When looking at this map and how it was developed, it is confusing.

- In regard to Ms. Wollenberg's property, the Shoppes at River Ridge across the street -- their direct competition -- ended up with a Commercial designation. Somehow, as a result of discussions with the consultant, property on the other side of the street that has historically been Commercial, and just had a \$2 million dollar improvement, is suddenly an Office use. There are property rights, and there are issues. With staff's preferred map, the property owners whom they represent have tremendous problems. The changes that were made and approved by the Planning Commission reflect their understanding of what the owners have done, what their expectations were, and what makes sense, given the overall map.
- Their office was contacted by Speedway, which has an existing station at Sawmill and SR 161. Because the contact was late, there is not a letter on file, as Mr. Langworthy referenced with the other changes that were made by PZC. There is a problem in the Historic District with the existing gas station uses. If they want to raze and rebuild, they cannot do so, and that is what typically occurs with that use. With that situation in the Historic District and at this particular corner, the current zoning proposed by staff does not permit their use. Even if it were placed in the Sawmill District, it still is a conditional use that must be approved. The property owners' concerns are understandable -- they have been told that their use is no longer permitted in the classification proposed for their sites. Therefore, they request that the Commercial designation be extended on that corner for the gas station.
- Overall, they like the new map proposed by the Planning Commission, who spent a lot of time discussing what is appropriate. They are comfortable with the Commission's recommendations regarding the Use section and map, when they are considered together.

Mayor Lecklider inquired if PZC's recommended map permits a complete razing at the Speedway site.

Mr. Brown responded that it does not.

Mr. Langworthy clarified that it does, but it would require that PZC approve a conditional use for the site.

Mr. Keenan stated that would be the same issue as with the Marathon station, correct?

Mr. Langworthy responded that it is not the same issue. However, Mr. Brown is requesting that the Speedway site be designated BSC Commercial.

Mr. Keenan stated that Mr. Brown has indicated they cannot raze and rebuild that structure, which is typical for such a site.

Mr. Langworthy responded that Planning's version would not permit that, but the PZC version would permit that to occur for Speedway.

Mr. Keenan inquired if it could occur for Speedway, but not for the Marathon, is that because Marathon is in the Historic District?

Mr. Langworthy responded that it is because it is in a different district. It would be permitted only under "the act of God" provision.

Mr. Langworthy the noted that he misspoke. Under the Sawmill Center District, the site would have to be Commercial, and under Commercial, it would require a conditional use.

Therefore, to raze and rebuild, the site would need to have a BSC Commercial zoning, and it does not. Staff did not receive this request until the last meeting.

Mr. Brown indicated that, unfortunately, their client called them at the last minute. They discussed it with the Planning Commission, but the Commission did not have sufficient time to consider it. However, because of this client's issue, he is obligated to raise their issue regarding the designation on that particular corner.

Mayor Lecklider stated that Mr. Brown has have indicated their endorsement of PZC's recommendation.

Mr. Brown responded that they endorse the recommendation, but for this one issue, raised at the last minute by their client -- Speedway.

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Mrs. Boring stated that it has been noted that the BSC Office designation would make the land more valuable. If the property owner determines in the future that is the case, couldn't they request a rezoning at that time?

Mr. Langworthy responded that they could do so. Their concern, however, is that the property owner wouldn't realize that value and build something that would remain for the long-term, disrupting what the City is trying to accomplish along the Corridor.

Mayor Lecklider stated that it all relates to the vision, and some of the existing businesses are not consistent with that vision.

Mr. Langworthy encouraged Council to read Mr. Dixon's (Goody Clancy) analysis of the different zonings. That analysis is located behind the initial memo at the front of this packet item.

Mrs. Boring stated that she understands the desire to consider the vision, but Council has also talked about retaining current businesses. This restaurant has been in existence for a long time.

Vice Mayor Salay responded that it can continue to exist.

Mrs. Boring responded that it should remain within the Commercial District and not required to undergo any laborious process in the future. Does the City really want to encourage economic development and expansion of its existing businesses, or drive them out? She wants to maintain the current retail zoning designation.

Mr. Langworthy stated that staff can provide any additional information needed prior to the second reading on February 27.

There will be a second reading/public hearing at the February 27 Council meeting.

Ordinance 09-12

Adopting and Enacting a Supplement (S-31) to the Code of Ordinances for the City of Dublin, Ohio.

Mr. Gerber introduced the ordinance.

Mr. Smith stated that this is housekeeping legislation accepting and adopting an update to the City's Code of Ordinances.

Ms. Chinnici-Zuercher moved to dispense with the public hearing.

Mr. Reiner seconded the motion.

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

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

Ordinance 12-12

Appropriating a 0.049 Acres, More or Less, Fee Simple Interest; a 0.249 Acres, More or Less, Fee Simple Interest; a 0.156 Acres, More or Less, Permanent Easement; a 0.187 Acres, More or Less, Permanent Easement; a 0.304 Acres, More or Less, Temporary Construction Easement; and a 0.211 Acres, More or Less, Temporary Construction Easement from BRE/COH OH LLC (Blackstone).

Mr. Gerber introduced the ordinance.

Mr. Hammersmith stated that on January 23, Council authorized legislation for intent to appropriate these two properties now owned by Blackstone, who purchased these properties from Duke Realty of Ohio. These are the last two remaining right-of-way acquisitions necessary for the improvement of Emerald Parkway. The appropriations from Parcel 9, 6500 Glendon Court, are valued at \$120,755. The appropriations from the second parcel, Parcel 11, 6377 Emerald Parkway, are valued at \$183,000, for a total of \$303,755. This is a first reading of the legislation. Discussions with Blackstone will continue in an effort to secure donation of the land, similar to that which occurred with Duke Realty.

Mr. Keenan stated that, as noted at the last meeting, he would like an estimated cost of Dublin's provision of traffic control services in this portion of Emerald Parkway.

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Ms. Grigsby responded that the information was included in the packet for this meeting. The total amount identified in the EDA is \$20,000 per year, but to date, the City has not received a request for such reimbursement.

There will be a second reading/public hearing of Ordinance 12-12 at the February 27 Council meeting.

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 11-12

Accepting the Lowest and Best Bid for the Dublin Road 0.5 MG Water Tower Project and Authorizing the City Manager to Enter into a Contract for the Project. (No. 12-005 CIP)

Mr. Gerber introduced the resolution.

Mr. Hammersmith stated that a water tower on Dublin Road was included in the Community Plan update and discussion of the project was initiated two years ago. Construction of the project was accelerated, per Council's direction at the CIP discussion. The City has already acquired the property for the project. Bids for the project were opened on January 25. The Engineer's estimate is \$2.3 million. Of the four bids received, Caldwell Tanks, Inc. submitted the lowest/best bid of \$2,184,000. The references received regarding this company were very good. The 12-inch waterline for the project has already been constructed. Staff recommends Council acceptance of the bid and authorization for the City to enter into the contract for the project.

Mr. Keenan inquired when construction would begin.

Mr. Hammersmith responded that construction would not begin until April or May. The anticipated completion date is August 1.

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

Resolution 12-12

Authorizing the City Manager to Amend the Cooperative Design and Right-of-Way Acquisition Agreement with the City of Columbus for the Improvement of Emerald Parkway between Tuttle Crossing Boulevard and Rings Road.

Mr. Gerber introduced the resolution.

Mr. Hammersmith noted that included in Council's packets is a copy of a news article from October 2006, which noted that, at that time, Dublin had been discussing this project with the City of Columbus for two years. Columbus and Dublin are now ready to proceed. This legislation involves a requested amendment to the design and right-of-way acquisition agreement, which Dublin entered into with the City of Columbus for this project in May 2010. In December of 2011, a cooperative construction agreement was also entered into for this project. As Council is aware, there is an Ohio Public Works Commission grant of \$4.4 million for the project. The total project cost is nearly \$7.8 million. Because of the current experience with the acquisitions and a re-design of the project to incorporate roundabouts instead of traffic signals, Columbus has requested Dublin's assistance in their right-of-way costs and potential additional utility relocation costs. The request from Columbus is for \$350,000 for overages in right-of-way acquisition. Columbus had budgeted \$575,000 for right-of-way acquisition and, currently, their costs exceed \$881,000. For utility relocation costs, they had budgeted \$250,000 and their costs are currently \$146,000. The proposed agreement provides for Columbus to reimburse Dublin for the additional design costs, increasing the Columbus share of the re-design costs from \$350,000 to \$410,000. Initially, \$350,000 was provided for documented right-of-way acquisition and utility relocation costs. Up to an additional \$650,000 will be provided for those same documented expenses. It will be Dublin's discretion of whether to fund those. The understanding is that these amounts provided to Columbus would be offset in the future, either on another project, such as the Sawmill and Hard Road intersection improvements, or the Avery Road improvement between Tuttle Road and Hayden Run. Staff recommends approval of the amended agreement to permit the construction schedule to proceed, in accordance with the OPWC grant award requirements.

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Mayor Lecklider inquired if the potential costs of this amendment could be \$1 million.

Mr. Hammersmith responded that is correct.

Ms. Grigsby responded that staff has had this discussion with Columbus for some period of time. Originally, Columbus did not have the funding for construction programmed. However, after the OPWC grant was received, Columbus programmed the project for construction. When staff learned that the right-of-way and utility relocation costs could be higher, this agreement was proposed in order to facilitate the project to proceed. This was based upon the importance of this project to Dublin's areas of economic development. When the original TIF agreement was established for this area in the mid-90s, it assumed the potential that Dublin would pay for a portion of the roadway or some of the related costs for the extension from Rings Road to Tuttle Crossing. At one point, Dublin also considered the possibility of paying for some items, such as bikepaths and medians, which Columbus would not fund, in order to have a continuous bikepath connection from Dublin to Tuttle Crossing. Because there have been previous discussions concerning the possibility of Dublin paying for additional costs related to the project, when the funding challenges for Columbus arose, Dublin proposed to them the possibility of offsetting these costs with the costs related to the Sawmill/Hard Road and the Hayden Run projects.

Mayor Lecklider responded that their efforts are appreciated, but what is the probability of that actually occurring.

Ms. Chinnici-Zuercher asked where that commitment is memorialized. These projects are not a priority of Columbus, which is surprising given the amount of economic development that occurs in their portion of that roadway system. Because this project is important to Dublin, she supports this proposal. However, a formal agreement memorializing their commitment to offset these costs with those future projects is essential.

Mayor Lecklider inquired about the possibility of a commitment from Columbus.

Ms. Grigsby responded that staff can begin to work on a formal agreement to that effect. In addition, without this being a joint project with Columbus, Dublin would not have received the OPWC grant. Columbus was the lead on that grant request, which is the reason the grant was awarded. A separate agreement will be drafted for Council's consideration at a later date.

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

STAFF COMMENTS

Ms. Grigsby stated that a memo was provided in Council's packet regarding the four areas the Economic Development regional working group is currently studying. The mayors from strong mayor governments and city managers met last week to review the information compiled by the various entities. Two policies, listed as numbers one and four, have been put on hold. Policy #2 is the current focus, regarding the issue of incentives based upon income tax or payroll performance. Staff pointed out that Dublin would be at a disadvantage, because those entities with community reinvestment areas (CRAs) are not giving financial incentives based upon payroll. Staff has suggested some modifications or restrictions on the CRAs. Discussion will continue at the next meeting regarding the various issues/concerns of the jurisdictions.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Ms. Chinnici-Zuercher:

1. Stated that, based on Mr. Guion's comments earlier tonight, she wants to make certain of the timing in which Council receives the information regarding the possible public art locations under consideration. It is important that Council has that information in sufficient time to permit an appropriate discussion and site selection.

Mr. Hahn responded that the list of recommended sites for Council's consideration would be provided for either the February 27 or March 12 Council meeting.

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Vice Mayor Salay stated that, previously, there was an issue with the site selected -- not regarding Council's approval of the site, but related to the lack of engagement of the surrounding residents in the selection process.

Mr. Hahn responded that after the list is provided, Council can give staff direction regarding any public engagement desired.

2. Noted that at 2:00 and 3:00 p.m. on Sunday, she was on Banker's Drive where the new Piada restaurant opened. Their parking lot was full, and there were resulting traffic issues on Sawmill Road and Banker Drive in that immediate vicinity. Have the arrangements been made by the restaurant to secure parking at the bank as discussed?

Ms. Grigsby responded that staff would provide a follow-up report. Piada's approval was contingent upon their receiving easements for additional off-site parking. Because there were no vehicles parked in the bank parking lot, it appeared to be a problem similar to that occurring in the Historic District -- employees using the limited on-site parking of the business.

Mrs. Boring stated that signage for the additional parking space is needed.

Mr. Langworthy stated that the additional parking is not intended for customer parking, but for employee parking.

Mr. Reiner stated that the Bicycle Friendly City application date is approaching. He believes Dublin meets all the criteria, and he asked that the application be submitted.

Ms. Martin responded that on Friday, Jeff Stephens of *Consider Biking* met with staff members to review the criteria. Mr. Stephens suggested that staff compile the information and assemble a strong application to submit in the fall. Staff will work on having the Bicycle Ambassador program and on-web facilities in place before the application is developed and submitted.

Mr. Reiner inquired the anticipated timeframe for a response.

Ms. Martin responded that within a couple of weeks after the application is submitted, some indication of the City's standing should be received, certainly before the end of the year. Mr. Stephens would likely be able to give staff a good sense of the City's placement, as he reviews all of the applications from Ohio.

Vice Mayor Salay stated that Council Members received an email today from the facilitator for the goal-setting retreat. The facilitator is willing to communicate with Council Members via email or phone or meet with them to receive their input prior to the retreat.

Mayor Lecklider:

1. Thanked staff for the memo concerning platform tennis, which can be discussed at a later time.
2. Thanked Planning and Engineering staff and everyone associated with the Bridge Street Corridor review for their hard work.

ADJOURNMENT

The meeting was adjourned at 11:21 p.m.



Mayor – Presiding Officer



Acting Clerk of Council