



To: Members of Dublin City Council
From: Marsha I. Grigsby, City Manager *MLG*
Date: December 5, 2013
Initiated By: Steve Langworthy, Director of Land Use and Long Range Planning
Re: Ordinance 101-13 – Amending Chapter 153.044, “Technology Flex (TF) District,” of the Dublin Code of Ordinances (Zoning Code) to Permit Commercial Vehicle Rental as a Conditional Use, and Section 153.002, “Use Definitions,” to Add a Use Definition for “Truck and Van Rental Establishments.” (Case 13-104ADM)

Summary

At its November 7th meeting, the Planning and Zoning Commission recommended approval of an application by Bates Property Management for revisions to §153.044, *Technology Flex (TF) District*, to provide for Truck and Van Rental Establishments as a conditional use. The conditional use included several Use Specific Standards, described below. Another recommended amendment added a definition to §153.002 Uses Definitions for “Truck and Van Rental Establishments.”

Background

The Technology Flex (TF) District was established in 2010 to provide a greater range and variety of uses with more specific development requirements to facilitate business needs while preserving high standards of quality. The District is intended to provide a broader range of uses and more appropriate requirements to better retain growing companies and to attract businesses needing more cost-effective, flexible space with nearby highway access.

This request was originally submitted by the applicants to amend portions of the Zoning Code to provide for a new use in the Technology Flex (TF) District for “Truck and Automobile Rentals and Leasing.” Planning requested that this be modified to better fit the objectives of the TF District. Accordingly, the use was changed to “Truck and Van Rental Establishments” and the potential for the rental of automobiles was removed.

Summary of Modifications

Three elements of the Code are proposed for amendment: §153.002, Uses Definitions; §153.044(B)(4) Table of Uses; and §153.044(B)(4) Use Specific Standards.

Use Definitions: §153.002 (A)

Along with the many other uses provided for in the Code, a use definition is proposed for Truck and Van Rental Establishments. It reads: “A business that deals in the retail and/or wholesale rental of trucks and commercial vans used for such purposes as moving and storage, transportation of goods, and other similar uses.”

Table of Uses: §153.044(B)(4)

“Truck and Van Rental Establishments” was added to the Table of Uses as a conditional use permitted in the TF District. This provides that any application for this use must be approved by the Planning and Zoning Commission.

Use Specific Standards: §153.044(B)(4)

The Table of Uses includes provisions for Use Specific Standards that must be met prior to approval. Several Standards are included in this proposed amendment.

- Minimum lot size: Any conditional use proposed must be for a lot that has a minimum lot size of 20,000 square feet. The TF District has no other minimum lot size requirements. In addition, if the proposed use has more than 10 vehicles for rent, there must be another 1,500 square feet. However, no more than 40 vehicles are permitted under any condition. A lot size of approximately 1.5 acres would be needed to get the maximum number of vehicles.
- The use may not be placed on lots abutting an arterial street or freeway, nor can it be on a lot that abuts or is directly across the street from a residential district or use.
- Parking areas for rental vehicles must be separately designated (not just part of a parking lot). No service except washing and cleaning is permitted outside of an enclosed building.
- Rental vehicles cannot exceed 26 feet in length.
- Screening must be at least six feet high and meet the other screening requirements for service structures of Section 153.133 (C)(1).

Recommendation

Planning recommends City Council approval of Ordinance 101-13 at the second reading/public hearing on January 13, 2014.

RECORD OF ORDINANCES

101-13

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE MODIFYING CHAPTER 153.044, TECHNOLOGY FLEX (TF) DISTRICT, OF THE DUBLIN CODE OF ORDINANCES (ZONING CODE) TO PERMIT COMMERCIAL VEHICLE RENTAL AS A CONDITIONAL USE, AND AMENDING SECTION 153.002, USE DEFINITIONS, TO ADD A USE DEFINITION FOR "TRUCK AND VAN RENTAL ESTABLISHMENTS" (CASE 13-104ADM).

WHEREAS, it is necessary from time to time to amend Dublin's Zoning Code to protect the health, safety and welfare of the citizens of the City of Dublin, and

WHEREAS, Dublin City Council adopted the Technology Flex District in 2010 to provide a greater range and variety of uses with more specific development requirements to facilitate business needs while preserving high standards of quality,

WHEREAS, Section 153.232 of the City of Dublin Zoning Code empowers the Planning and Zoning Commission to review and recommend amendments to the Zoning Code, and

WHEREAS, the Planning and Zoning Commission reviewed and discussed the proposed amendments on November 7, 2013; and recommended to the City Council its adoption because it serves to improve the health, safety and welfare of the citizens of the City of Dublin,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, _____ of its elected members concurring, that:

Section 1. Section 153.002 (A)(19), Uses Definitions - T, of the City of Dublin Zoning Code is hereby amended and shall provide as follows:

(19) Uses Definitions – T

(a) Transportation

1. Park-and-Ride

A facility providing parking and shelter for transit passengers or carpooling that typically includes parking lots and associated structures located along or near public transit routes.

2. Transit Station

When a transit station is the principal use of the property, it is a facility where public transit vehicles load and unload patrons, and where patrons may transfer between public transit lines,. This use does not include park and ride or ride-sharing facilities, transit vehicle repair or maintenance facilities, bus stops located on public property, or bus stops accessory to a principal use of the property.

3. Transit Stop

An incidental area, either along the public right-of-way or on a private site, with shelters or other related amenities for patrons waiting for buses or other forms of public transportation. A transit stop shall not include a transit station, park-and-ride, or other major transit facility.

(b) **Truck and Van Rental Establishment**

A business that deals in the retail and/or wholesale rental of trucks and commercial vans used for such purposes as moving and storage, transportation of goods, and other similar uses.

Section 2. Section 153.044 (B)(4), Technology Flex District, District Uses, Table of Uses of the City of Dublin Zoning Code is hereby amended and shall provide as follows:

(A) *District purpose and intent.* The Technology Flex (TF) District provides for a broad

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range of research, office, laboratory and clean manufacturing uses that will foster a well-rounded and diverse economy for the city. The TF District supports appropriate light-industrial options, while encouraging greater opportunity for research and office uses that will improve Dublin's competitive edge within the region. Flexible architectural spaces are desired that will accommodate the expansion and changing operations of small to medium size companies.

(B) *District Uses.* Uses in the TF District are as shown on the following table. Descriptions and characteristics of use categories can be found in §153.002(A) -Uses Definitions. Additional development requirements for particular uses are contained in §153.044(C) as referenced below within the "Use Specific Standards" column.

(1) *Permitted uses.* Uses denoted as "P" in Table 153.044(B)(4) indicate that the land use is allowed by right, subject to compliance with the use-specific standards referenced in the final column of the use table and all other applicable provisions of Chapter 153.

(2) *Conditional uses.* Uses denoted as "C" in Table 153.044(B)(4) indicate that the land use is allowed only upon approval of a conditional use permit as required by § 153.236, compliance with use-specific standards referenced in the final column of the use table and all other applicable provisions of Chapter 153.

(3) *Size or time limited uses.* Uses denoted with an "S" or "T" in Table 153.044(B)(4) indicate special limits regarding size or time duration of the use and are subject to compliance with the use-specific standards referenced in the final column of the use table and all other applicable provisions of Chapter 153.

(4) *Table of uses.*

P=Permitted C=Conditional S=Size Limited T=Time Limited		
PRIMARY USES	USE CONDITIONS	USE SPECIFIC STANDARDS
Commercial Uses		
Animal Care- General Services	P,T	153.044(C)(1)
Animal Care- Veterinary Offices	P,T	153.044(C)(2)
Animal Care- Veterinary Urgent Care and Hospitals	P,T	153.044(C)(2)
Data Center	P	
Entertainment and Recreation- Indoor	C	
Medical and Diagnostic Laboratory	P	
Office- General	P	
Office- Call Centers	C	
Office- Flex	P,S	153.044(C)(3)
Office- Medical	P	
Parking Structures	C	
Personal, Repair and Rental Services	P	153.044(C)(4)
Retail	P	153.044(C)(4)
Transportation- Park-and-Ride	P	153.044(C)(5)
Truck and Van Rental Establishments	C	153.044(C)(14)
Civic, Public & Institutional Uses		
Day Care- Child	P	
Educational Facility	P	153.044(C)(6)
Government Services- General	P	
Government Services- Safety	P	
Government Services- Service	P	
Parks and Open Space	P	
Industrial Uses		
Construction and Contract Service Trades	P	
Manufacturing and Assembly	P	153.044(C)(7)
Mini-Storage	C	
Motor Vehicle Repair- Major	P	153.044(C)(8)
Research and Development	P	
Utilities- Renewable Energy Facilities	C	153.044(C)(9)
Utilities- Electric Substation	C	153.044(C)(10)
Utilities- Essential Services	P	
Utilities- Wireless Communications	see Chapter 99	153.044(C)(11)
Wholesaling and Distribution	C	153.044(C)(11)
Residential Uses		
Dwelling- Single-Family	P	153.044(C)(12)

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P=Permitted C=Conditional S=Size Limited T=Time Limited		
ACCESSORY/TEMPORARY USES	USE CONDITIONS	USE SPECIFIC STANDARDS
Accessory uses are permitted only in connection with a permitted or approved conditional use on the same property and must be clearly subordinate and incidental to that use. No accessory use may be operated when a permitted or approved conditional use does not exist on the property. Permitted primary uses are permitted as accessory uses.		
Bicycle Facilities	P	
Day Care- Child	P,S	153.044(C)(13)
Community Activity	T	
Construction Trailer/Office	T	
Corporate Residences	P	
Entertainment and Recreation- Indoor	C	
Parking Structures	P	
Special Event	T	
Transportation- Transit Stop	P	
Utilities- Renewable Energy Equipment	P	
Utilities- Renewable Wind Equipment	P	
Vehicle Charging Station	P	
Wholesaling and Distribution	P	

Section 3. Section 153.044 (C)(14), Technology Flex District, District Uses, Use Specific Standards of the City of Dublin Zoning Code is hereby amended and shall provide as follows:

(14) Truck and van rental establishments.

(a) The minimum lot size shall be 20,000 square feet. For uses that have more than 10 vehicles for rent, an additional 1,500 square feet of lot area shall be required for each additional vehicle over 10, provided that not more than 40 vehicles may be displayed on any site. Permitted vehicles shall not exceed 26 feet in length. To minimize views from adjacent streets, this use shall not be permitted on a lot abutting an arterial street or freeway.

(b) Areas specifically set aside for parking of vehicles for rent shall be specifically designated on the site plan submitted with the application. Trucks and vans for rental shall not be parked in any other area, except as may be needed for the staging of vehicles for customer use. Minor servicing may be permitted on site provided it is done within an enclosed facility, not including vehicle washing or cleaning which may be permitted within the designated parking areas.

(c) The designated parking area for trucks or vans for rental shall meet the requirements of Section 153.044(E)(2), provided that the required screening shall be a minimum of six feet in height and further provided that the remainder of Section 153.133(C)(1) be satisfied.

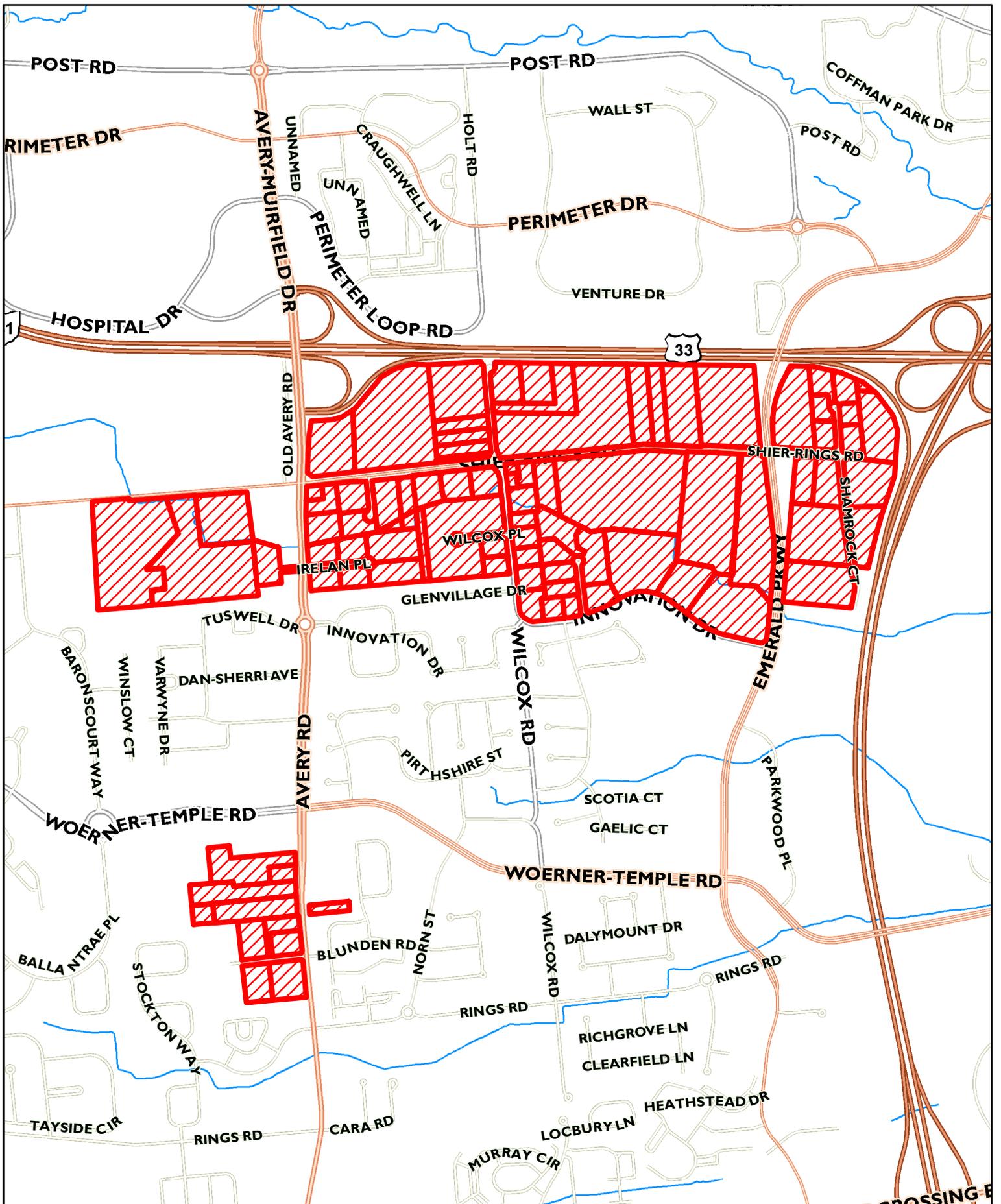
Section 4. This ordinance shall be effective on the earliest date permitted by law.

Passed this _____ day of _____, 2014.

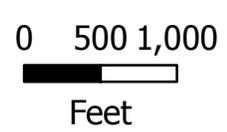
Mayor - Presiding Officer

ATTEST:

Clerk of Council



13-104AMC
 Administrative Request- Zoning Code Amendment
 Technology Flex Zoning District



PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 7, 2013

The Planning and Zoning Commission took the following action at this meeting:

**4. Zoning Code Amendment – Technology Flex Zoning District
13-104ADMC Administrative Request -Zoning Code Amendment**

Proposal: Amending Chapter 153.044, Technology Flex (TF) District of the Dublin Code of Ordinances (Zoning Code) to permit commercial vehicle rental as a conditional use within the district.

Request: Review and recommendation regarding amendments to the Zoning Code under the provisions of Code Section 153.232 and 153.234.

Applicant: Bates Property Management Co.; represented by Smith and Hale LLC.

Planning Contact: Steve Langworthy, Director.

Contact Information: (614) 410-4600, slangworthy@dublin.oh.us

MOTION: Richard Taylor moved, Victoria Newell seconded, to forward a recommendation of approval to City Council for this Administrative Request-Zoning Code Amendment as modified.

VOTE: 7 – 0.

RESULT: This Administrative Request – Zoning Code Amendment will be forwarded to City Council with a recommendation of approval.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes
John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	Yes

STAFF CERTIFICATION

Steve Langworthy
Director of Planning

**4. Zoning Code Amendment – Technology Flex Zoning District
13-104ADMC Administrative Request -Zoning Code Amendment
(Approved 7 – 0 - Positive Recommendation to City Council)**

Chair Chris Amorose Groomes introduced this administrative request to amend Chapters 153.002 and 153.044, Technology Flex (TF) District of the Dublin Code of Ordinances (Zoning Code) to permit commercial vehicle rental as a Conditional Use within the district. She said City Council is the final authority of this application.

Steve Langworthy said this is an applicant-submitted request for a Code amendment to the new Technology Flex District to allow truck and van rental establishments as a Conditional Use within the District. He summarized the provisions of the proposed amendment giving the specific use standards that would be included, and a definition for Truck and Van Rental establishment. He said previously, when the Commission began with the Innovation and Technology and the Bridge Street Districts, they broke the definitions out into Use Definitions and Non-Use Definitions. He said this is an addition to the Use area definitions for Truck and Van Rental Establishment. He said this applicant originally submitted for the Truck and Van Rental to also include Automobiles, and Planning is proposing a modification to eliminate the Automobile Rental portion of it, as they felt this being in an industrial district, and having automobiles rented would be more of a commercial retail establishment than would a be truck rental.

Mr. Langworthy said the use specific standards included a minimum basic lot size of 20,000 square feet. He said the applicant originally requested 40 maximum vehicles to be parked on the property at any one time. He said Planning was supportive, but thought it would be necessary to add for every truck over ten, an additional 1,500 square feet of lot area to accommodate those 40 vehicles. He said this use, as proposed would not be permitted on lots bordering freeway or arterial streets. He said the rental vehicles would have a designated parking area, unless they were being staged for rental pickup. Mr. Langworthy said a 26-foot maximum length vehicle would be permitted to prevent tractor trailers rental. Mr. Langworthy said any servicing done on the vehicles is to be done indoors, expect washing and cleaning which can be done in the designated parking area.

Mr. Langworthy said the Technology Flex District has an effective outdoor storage screening requirement that refers back to the landscaping provisions of the Zoning Code regarding Service Structure Screening. He said in the Service Structure Screening it is to be screened one-foot above the highest portion of the equipment stored, but Planning thought given the height of the trucks that could be fairly tall, and determined it was not. Mr. Langworthy said the maximum screen height being proposed is six feet, rather than one-foot above the total height.

Mr. Langworthy presented a map showing the three locations of the Technology Flex District, by Post Road and the Interchange, on Avery Road by Woerner-Temple Road, and the majority, along Shier-Rings Road between the highway and the property south to Innovation Drive. He pointed out no property bordering the freeway or arterial are permitted to have this use on it, even with the Conditional Use provision. He offered to present a map showing which of the properties within the three major areas would qualify for this use. [No one requested to see the map.]

Mr. Langworthy said the small commercial trucks and vans would be ten to twenty-six feet in length. He presented photographs to demonstrate what the different truck sizes would look like to provide a sense of scale.

Mr. Langworthy said the Zoning Code does not have a text provision with set of criteria like there is normally for review criteria, so Planning developed Technology Flex District criteria for review considerations for a text:

1. Whether the amendment is consistent with the intent and purpose of this Chapter and the Community Plan;
2. Whether the change is the result of an error or omission in the original text;
3. The potential effects on areas that are most likely to be directly affected by the change;
4. Any changes or enhancements in physical or economic conditions or development practices that justify the proposed change; and
5. Whether the change might result in the creation of significant nonconformities on properties in the city.

Mr. Langworthy said the first three guidelines were applicable and the other two did not seem applicable in this case. He said Planning recommends the Commission recommend approval of this amendment to City Council.

John Hardt asked if this Conditional Use application was for an existing or proposed business.

Ben Hale, Jr., Smith and Hale, LLC, (37 West Broad Street, Columbus, Ohio); said he represented the applicant/owner, the Bates Property, who owns Stanley Steemer and Enterprise Rental is the company that wants to rent the building owned by the Bates Property. He said the existing building has been used in the past to store trucks and for light repair of the trucks. He said Enterprise Rental is a client of Stanley Steemer who rents trucks to them. He said most of the trucks will be rented to businesses, but they will also rent trucks to individuals. Mr. Hale said when the Code was originally created for Tech Flex there was not a provision for truck rental. He said he understood this was considered a Conditional Use and the applicant will have to return to discuss the fencing, where exactly the trucks will be stored on the site, and the other issues.

Mr. Hardt said one of his concerns was that typically when a business owner identifies a property they want to do something on and the Code does not directly permit it, they come in for a variance or rezoning, but in this case they are talking about the whole district. He asked why that approach was used in this case. He said he thought there were one or two existing businesses in this area that already rented trucks, which he suspected are covered as non-conforming uses under the Code. He said he was concerned the provisions that prohibit these businesses from being along arterials for freeways might create a problem for the existing businesses.

Mr. Langworthy said that was true, but although they would become non-conforming, they would not be required to be removed. He said it also happens that those uses mentioned in these areas were probably going to be part of the highway interchange at some point. He said one of them was near Avery Road.

Mr. Hardt said the other existing truck rental he thought of was located on SR 161. He said he just wanted to be cautious they were not creating a problem while solving one, and he was also curious why they were addressing this as an entire district instead of one parcel.

Mr. Langworthy said that provision was added because there had been complaints about parked trucks being visible from those major roadways. He said they could have created a PUD for a single property to include this use, however it seems as though the use itself is legitimate to be placed in the Technology Flex District, and there are not that many sites that are going to qualify in the long run. He said the Code would also include the provision requiring a conditional use would also limit the locations where these might be located in the future.

Mr. Langworthy explained a use variance would have been another potential method, but meeting the review standards for a use variance would be unlikely because one of the main use variance standards is that there is no other use available for the property. He said it seemed to him they would have a hard time meeting that standard.

Mr. Hardt said the Technology Flex District has approval procedures in place that mirror what previously was in place in the Bridge Street Corridor, in the sense the Administrative Review Team reviews applications as a default.

Mr. Langworthy said that was incorrect and explained Technology Flex was a standard district.

Mr. Hardt asked who was the reviewing body. Ms. Husak said it was a standard district where there was no reviewing body. She said an applicant would file for a building permit.

Mr. Taylor referred to the restrictions on location and asked to see the Technology Flex District map. He asked if they were also adjacent to residential and stated he would like 'This cannot be adjacent to residential' be added to the proposed language. He said across the street would be okay.

Mr. Langworthy agreed.

Ms. Amorose Groomes said she would not want to live across the street from a truck rental facility.

Mr. Fishman suggested it say, 'Adjacent to and across the street.'

Mr. Taylor said the map showing the areas of the Technology Flex Districts were existing parcels and said someone could create a parcel that did not abut an arterial.

Mr. Langworthy said they still would have to meet the 20,000-square-foot minimum, and the extra area needed for parking, so there are size limitations to be met.

Mr. Taylor said he agreed this use should not be adjacent to or across the street from residential. He said if this were approved it would still be a Conditional Use. He said if someone wanted to do something across the street from residential, it still could be considered under the Conditional Use guidelines.

Mr. Langworthy said if the prohibition was put in, then they would have to meet the provision. He said there is the ability in the Conditional Use provisions to modify those provisions on their individual bases.

Mr. Taylor said he thought that would give the Commission the most flexibility. He asked if they should have a minimum screen height instead of a maximum screen height.

Mr. Langworthy said the maximum as currently written identifies the height not having to be the entire six feet.

Ms. Amorose Groomes said a 6-foot screening height was high enough to hide the top of a truck cab where there may be advertisement lettering seen.

Mr. Taylor said that was why he suggested a minimum screening height, and depending upon the size of the truck, it could be adjusted.

Ms. Krumb said as originally written, the screen height was to be 5 to 12 feet.

Ms. Amorose Groomes asked if it said ‘... as it relates to the building’.

Mr. Taylor referred to an old discussion when they created the Technology Flex District and discussed the U-Haul facility and rentals being an accessory use to something else. He asked if this would fall into that category if someone had another type of business and could have an accessory use renting trucks. Mr. Langworthy said yes, it could be treated that way, as long as it was not a primary use.

Mr. Taylor asked if it was an Accessory Use, would it still would be a Conditional Use. Mr. Langworthy said yes, it would still be part of the Conditional Use application.

Ms. Krumb referred to 14(C), It shall meet the requirements of E(2), the section that talks about up to 12 feet.

Mr. Langworthy said what he was trying to do was to not exclude them from the interior parking. He said they have the designated parking areas, but not excluding them from having interior landscaping in the parking areas.

Ms. Amorose Groomes said she could not imagine parking lot islands in a truck rental storage lot.

Ms. Husak said all parking areas there would require interior landscaping per the Landscape Code. Ms. Husak quoted E(2): *Outdoor storage- Exterior storage shall be screened in accordance with Section 153.133. Storage must be located to the side or rear of all buildings and shall not be visible from adjacent properties or from the public right-of-way.*

Ms. Amorose Groomes said she was not in favor of excluding this from that provision. Ms. Husak said it was not excluded.

Ms. Krumb said that it was saying that ‘it shall mean that’ and then it went on to say ‘provided that the required screening shall be six feet, and provided that the interior parking lot landscaping requirements.

Ms. Amorose Groomes said she did not want it to be seen from the adjacent property.

Ms. Krumb said she was not sure that the ‘provided that’ is getting across what is wanted. She suggested it was trying to say ‘except that the required screening is six feet’ or ‘also.’

Mr. Langworthy said Section 153.044(E)(2) requires a screen to the height of the one-foot above the building. He said that you do not have to meet that requirement.

Ms. Husak said that Section 153.133 was for screening of service structures. She said that proposed Section C says ‘It shall provide’ meaning it shall be applicable here.

Mr. Langworthy said without accepting that, there would be conflicting provisions.

Mr. Hardt said that Section 153.044(E)2 should say ‘except that’ instead of ‘provided that’.

Ms. Amorose Groomes said she would apply the ‘cannot be visible from adjacent property’ for the screening. She said those were the two things she wanted.

Ms. Husak confirmed Ms. Amorose Groomes did not have an issue with the six-foot tall screening.

Ms. Amorose Groomes said she was confused about what was being said. She said to her, it meant that they are limiting the screening to be six feet tall, and she did not agree with that. She said she would like it to be not visible from the adjacent property.

Ms. Kramb said the thing is that they are saying that applies only to the structure, not moving vehicles.

Mr. Hardt said he almost agreed. He said his issue was with the phrase 'adjacent property'. He said he did not think the trucks should be visible from the public right-of-way and roads, but if they are visible from a warehouse next door, he did not care.

Ms. Amorose Groomes said she expected a lot of businesses in the Technology Flex District to be very interested in the appearance of their buildings and they would not want to see rental trucks next door.

Mr. Fishman said it should be written they cannot be adjacent to street thoroughfares or residential uses, and they are going to be screened from adjacent properties. He said if he had a beautiful building like Hidaka's, he would not want to look at rental trucks all day. He said they had to be screened above which was a lot of screening.

Mr. Hale suggested it be 'at least six-feet' without a maximum, and then when they return for a Conditional Use, those individual situations could be dealt with based on what is located next to it.

Mr. Taylor said he thought it should be a minimum of six feet, and if it needs to be taller, it could be a condition for the Conditional Use.

Mr. Fishman said he would like the minimum screening to be higher than six feet because the trucks are higher.

Ms. Newell said this was the perfect reason why there is a Conditional Use. She said it is because it can be discussed with the Commission. She said the surrounding properties and what is being built against is going to have an impact on the decision made.

Mr. Hardt said if someone came in with a fence over six feet high, the Commission would be unhappy with it. Ms. Amorose Groomes said she was expecting it to be landscaping. Mr. Fishman said 'screening' could be many things.

Mr. Taylor said he thought it was fine to say, 'Screening, minimum six feet.' Ms. Kramb added, '...shall be a minimum of six feet in height'.

Ms. Amorose Groomes said then the Conditional Use will have to come in for approval, although we are giving them the assumption that they could put up a fence before they come to the Commission. She said she would say 'landscaping' instead of 'screening'.

Mr. Fishman suggested it say 'mounding and landscaping'.

Ms. Amorose Groomes said to say, 'a minimum of six-feet', and then they would be handled by the Commission on a case-by-case through the Conditional Use.

Ms. Amorose Groomes invited public comments in regards to this application. [There were none.]

Ms. Husak confirmed the reference to Section 153.044 would remain and then it should state, '...provided the required screening shall be a minimum of six feet in height'.

Ms. Husak said there was a typo in the last section in that Section 153.042(B) is supposed to be Section 153.133 (C)(1) which is the Interior Landscaping requirement and it also is under the Screening for Service Structures, which includes continuous wall, planting, hedge, fence, earth mound; any of those things are allowed to be used to screen and the height of the screening material shall be one-foot above, but not higher than twelve feet.

Ms. Amorose Groomes and Mr. Fishman said that they could live with that.

Ms. Kramb said that did not apply to truck storage.

Mr. Fishman suggested adding the word 'trucks'.

Ms. Amorose Groomes said it could say that this section applies to Truck Storage.

Ms. Amorose Groomes said that section should be referenced and state that it applies to the storage facility.

Ms. Husak suggested, 'Shall be the minimum height of six feet, and for the provided screening for service structures as required by Section 153.133 (C)(1), this also does satisfy'.

Ms. Amorose Groomes confirmed that language was okay. She asked if 'adjacent and across the street' was there.

Ms. Newell said it should be 'abutting and across the street.'

Mr. Taylor asked if 'across the street' was a technical zoning term.

Ms. Newell said it was written in the text, and it generally is 'adjoining property and directly across the street'.

Ms. Amorose Groomes asked if there were additional comments. [There was none.]

Motion and Vote

Richard Taylor moved, Victoria Newell seconded, to forward a recommendation of approval to City Council for this Administrative Request-Zoning Code Amendment as modified.

The vote was as follows: Ms. Kramb, yes; Mr. Fishman, yes; Mr. Budde, yes; Mr. Hardt, yes; Ms. Newell, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Mr. Hale said he had been coming to Board and Commission meetings for almost 45 years. He said that next year, he was not going to attend any meetings after six o'clock.

Mr. Taylor asked Mr. Hale if he would like the meetings to be earlier.

Mr. Hale said if they were at one o'clock in the afternoon, he would come to the meetings. He said it had been a pleasure, and he thanked the Commission.

Ms. Amorose Groomes said the Commission would miss Mr. Hale. She said he had been a delight to work with in the past.

[The Commissioners all thanked Mr. Hale.]

RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

DAYTON LEGAL BLANK, INC. FORM NO. 10148

May 9, 2011

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Held

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LEGISLATION

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 18-11(Amended)

Adopting Section 153.044 of the City of Dublin Codified Ordinances (Zoning Code) to Establish the New Technology Flex Zoning District. (Case 10-064ADM)

Mr. Combs stated that Ordinance 18-11 was introduced at the April 25, 2011 City Council meeting. Among the issues raised by Council were concerns about the review process and the proposed landscape compliance language. Council requested that Planning revise the ordinance to include language regarding compliance with the landscaping requirements of the Zoning Code. The ordinance has been modified accordingly, and staff recommends Council approval of Ordinance 18-11.

Mrs. Boring stated that at the previous meeting, the issue of trim color was discussed. However, although mentioned in the memo, it has not been effectively addressed in the revised ordinance. There is no definition addressing the size, detailing or limitations. This is an important issue in view of the potential of a large box retail store seeking to develop in this area, and potentially requesting a full roof in its accent color. Specifics are needed, including a clear definition of the amount of trim permitted.

Vice Mayor Salay concurred. At the previous meeting, she had cited a couple of examples. She had hoped this issue would be addressed in the revisions. What is staff's view concerning this issue? Does staff believe the building on Innovation Drive that was referenced to be acceptable?

Mr. Combs responded that like architecture, it is a subjective matter. Staff heard some opposing viewpoints, but not necessarily clear direction. It would be possible to add a percent limitation that could provide a general framework.

Vice Mayor Salay referred to the Perio Building, which has bright orange trim. What percent of the front elevation is trim?

Mr. Combs responded that he would estimate 10 to 15 percent -- a very minimal use of color in terms of the overall structure.

Vice Mayor Salay stated that she does not object to a color, but it can overwhelm a building. A couple examples of that currently exist in the City, and she does not believe more of that is desired. The intent is to focus on the use of base colors and use color as an accent. Language that is more prescriptive can be added.

Vice Mayor Salay responded that "accent" could range from 10 to 35 percent. She would prefer that the accent be closer to 10 percent.

Mr. Combs stated that the Code requires that the materials be 80 percent primary and 20 percent secondary. Therefore, 20 percent or less for accent trim would be consistent with that general intent.

Mayor Lecklider asked how that would be measured.

Mr. Combs responded that a percentage would be applied to the full surface area of the elevations.

Mrs. Boring asked if 20 percent of the building is a secondary material, does that qualify as a trim. In her view, that is too high of percentage for accent. She would support specification of a percentage.

Vice Mayor Salay suggested that schematic drawings with sample architecture could be used as a basis for determining that percentage. Twenty percent would be one-fifth of the total elevation, which would constitute more than an accent.

Mayor Lecklider asked if 20 percent of the total area of all four sides could result in the front elevation being all trim color.

Vice Mayor Salay responded that would be determined by how it was measured. Would 20 percent of the trim be permitted in color, or 20 percent of the entire building elevation?

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Mr. Combs responded that it would be measured against the total building elevations. That is why he has suggested that 10 to 15 percent would be more appropriate.

Vice Mayor Salay stated that she prefers to limit it to 10 percent. It is in keeping with the entire community. The City restricts use of corporate colors to a more subdued palette, such as at the Perimeter Center. It provides the corporate identification, although the permitted color may not match the exact shade of the corporate color. A palette would provide her some assurance regarding the intent of this legislation.

Mayor Lecklider responded that it would be impossible to create a palette with all the potential corporate colors.

Vice Mayor Salay responded that the intent would not be to include all the corporate colors. Use of the blue color would be limited to a "Perimeter Center blue," for example. There are specific shades of the other main colors included in the palette that also must be used. It would be helpful to her to view some schematics, as well as existing examples with their total elevation and percentage of accent. She would like to see an example of a building with 10 percent in a bright accent color.

Mr. Combs responded that staff would provide those examples.

Mayor Lecklider stated that, given where this Tech Flex zoning would apply, he would prefer to have the issue addressed by percentage versus a color palette.

Mr. Reiner asked if there is architectural review language that would apply.

Mr. Combs responded that, based on the Code, there is general intent language that would apply. That specifies the base level of architecture that is expected.

Mr. Reiner responded that most of this issue would be addressed in that manner.

Mrs. Boring responded that it would not, if the proposal met the Code. If it meets the Code requirement, Council cannot arbitrarily determine the amount is too much. That is the objective of this district – if an application meets the Code, it is approved administratively. Therefore, it is important to be definitive at this point.

Mr. Keenan stated that this zoning is intended to be an economic development tool. He could agree to limit the use to a percent, but not to a particular color palette.

Mr. Reiner agreed. If the City's objective is to attract businesses into Dublin, it is important not to restrict their corporate identity.

Mr. Gerber stated that when the City was doing primarily planned developments, it was desirable that the aesthetics of the development relate to the surrounding area. If this remains the intent, where are such examples within this Code? He is primarily concerned about the evaluation of the aesthetics in comparison to the surrounding area.

Mr. Combs responded that the Code provides general language relating to the architectural intent, providing specific examples of that graphically. One example in this corridor is Hidaka. Hidaka uses corrugated metal with exposed fasteners, but because of the size, it is broken up well. It has windows to provide fenestration and changes in the roofline. Those major elements have been incorporated into an industrial building to distinguish it from a plain, rectangular box. Another example in this corridor would be the detailing used on the Smith Medical building.

Mr. Gerber asked if the Code would prohibit a company from using its corporate identity if the logo is, for example, bright blue.

Mr. Combs responded that the Code is written to permit those colors to be used as an accent, to a limited extent, for that type of purpose. Depending on the detail of the architecture and its design, it would be reviewed in terms of where it is most appropriate in identifying the entrance or the office component of the building.

Mr. Gerber asked if it would also take into consideration surrounding buildings and the surrounding area, ensuring that it blends in aesthetically.

Mr. Combs responded affirmatively. The fact that the Code requires the use of neutral colors for a minimum of 80 percent of the building establishes the overall character of

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the building. Application of an accent color would be for minor detailing to highlight entry points, similar to the Perio building or the Stanley Steemer building on Innovation Drive.

Vice Mayor Salay asked about Stanley Steemer and the percentage of accent color used.

Mr. Combs responded that he would estimate it to be approximately five percent – a minor application of accent color.

Ms. Chinnici-Zuercher noted that on page 8, under "Color," it is stated that it must be "harmonious with the surrounding area." Could an additional sentence simply be added that specifies "not more than" or "up to" a certain percentage?

Mr. Combs responded that it could be added. Based on what is currently occurring in the corridor, ten percent or less would be acceptable.

Ms. Chinnici-Zuercher recommended, in the interest of moving this legislation forward, that language be added to Item 4B: "....to identify main public entrances... *not to exceed ten percent.*"

Vice Mayor Salay responded that would be acceptable.

Mr. Gerber suggested additional language: ".....and subject to the discretion of the Director." In some instances, ten percent may be acceptable; in others, it might be too great.

Ms. Chinnici-Zuercher agreed, but noted that the specification of "up to" implies that determination would be part of the process of approval, whether administratively or through the Commission. The language could mean both "can be less" and "can be required to be less."

Mr. Gerber responded that it would depend upon whether it is interpreted and applied in that way.

Mr. Combs stated that he believes that "ten percent or less" would accomplish that goal, based on the examples of Perio and Stanley Steemer.

Mayor Lecklider requested the Law Director to comment on the recent discussion and inclusion of the suggested language.

Mr. Smith responded that if it reads, "not to exceed ten percent and subject to the discretion of the Director," it would achieve the objective. That language does not automatically provide the applicant with ten percent, but prohibits it from being more than ten percent. However, issues could arise depending upon how the discretionary language is written. Therefore, it is important to draft the language very specifically. If the majority of Council believes this to be an important issue, it would be preferable to draft that language and provide it for consideration at the next Council meeting.

Ms. Grigsby requested that staff confirm that if the staff review on this issue would identify a percent lower than 10 percent as appropriate, the applicant would still have the right to the appeal process.

Mr. Combs confirmed that is correct. The applicant could appeal the administrative decision to the Board of Zoning Appeals.

Mayor Lecklider asked if it is the consensus of Council to request that staff prepare amended language for the next Council meeting. Further, is there adequate time for staff to prepare the documents?

Mr. Combs responded that staff could do so.

Mr. Smith summarized that Council's direction is that the language clarify that the trim cannot exceed ten percent; that there is some discretion for staff in determining that amount; and that the applicant has the right of appeal to the Board of Zoning Appeals. Council is also requesting that examples be provided.

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Mrs. Boring requested clarification – is this a percent of the front elevation or a percent of the total building surface?

Mr. Combs responded that it would be determined based on the entire surface of the four wall elevations.

Vice Mayor Salay moved to postpone Ordinance 18-11 (Amended) to the May 23 Council meeting.

Mrs. Boring seconded the motion.

Vice Mayor Salay stated that she also has questions about the landscaping provisions. She will contact staff for clarification prior to the next reading.

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

Ordinance 19-11

Authorizing the City Manager to Execute a Mutual Aid Agreement with the City of Delaware, City of Powell, City of Westerville, Village of Ashley, Village of Ostrander, Village of Shawnee Hills, Village of Sunbury, Genoa Township, Delaware County Preservation Parks Authority, Ohio Wesleyan University Police, and the Ohio Health Network.

Chief von Eckartsberg stated that this updates the City's mutual aid agreement with entities in Delaware County. The ordinance is unchanged from the first reading. Staff recommends approval.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 22-11

Amending the 2007 Dublin Community Plan to Incorporate the Economic Advancement Zone (EAZ) Plan as a Refinement of the U.S. 33 Corridor Area Plan for Areas South of SR 161/Post Road. (Case 11-010ADM)

Vice Mayor Salay introduced the ordinance.

Mr. Combs stated that this is a refinement of the US 33 Area Corridor Plan for the southern portion of the Central Ohio Innovation Corridor (COIC). The purpose of the plan is to define the general development pattern and character for the area west of US 33. This will provide a guide for an administrative zoning process for the area, help to plan infrastructure, and establish a zoning and development framework to match the plan. This will be used to market and facilitate development of properties within the area. The key planning goals in the document are derived from the Community Plan and, in general, have not changed since creation of the area plan. Those include focus on an employment center for the area that maximizes the visible areas along US 33; integrating and providing additional housing options; looking at the streetscape and pedestrian environment of the area; and ensuring that natural features are preserved and enhanced within the area through high quality and flexible design standards.

The land use plan in the document includes a multi-tiered approach to research and technology development, including higher profile Research Office development for areas along US 33; moving westward toward CSX railroad and Houchard Road there would be Research Flex of one to two-story flexible development space; further to the west, there would be more assembly type of development.

Around the Darree Fields area will be a mixed-use tech category, providing for a mix of residential and office uses. Along Avery Road, with future redevelopment, there is a potential option of support services for the overall EAZ.

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and a 0.129 Acres, More or Less, Temporary Construction Easement from TALG, Ltd.

Mr. Hammersmith stated that relates to acquisition of land at 7672 Fishel Drive North for a sewer extension project. Total compensation for the easement will be \$11, 361.

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

Ordinance 17-11

Authorizing the City Manager to Execute Necessary Conveyance Documentation for the Acquisition of a 0.117 Acres, More or Less, Sanitary Sewer Easement, and a 0.086 Acres, More or Less, Temporary Construction Easement from Fishel Investments, LLC.

Mr. Hammersmith stated that this is related to the next portion of an easement necessary for the Central Ohio Innovation Center sanitary sewer Phase Two. This acquisition and easement are from Fishel Investments, LLC, located at 7680 Fishel Drive North. The compensation for the easement is \$9,045.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 18-11

Adopting Section 153.044 of the City of Dublin Codified Ordinances (Zoning Code) to Establish the New Technology Flex Zoning District. (Case 10-064ADM)

Ms. Gilger, Economic Development Manager stated that in the Dublin Code, Restricted, Limited and General Industrial zoning districts have limitations that have hampered economic development. In order to remain competitive, the City needs diverse building stock at varying price points and predictability of process and end building results. By broadening the uses in a Tech Flex district, small-sized businesses can become competitive by keeping a growing operation under one roof in a flexible environment. This will facilitate expansion and modernization of uses, which maintain diversity in the building product.

Mr. Combs, Senior Planner stated that when staff reviewed the industrial districts, they found that those districts date back to the 1970s and have not been updated. Businesses have changed significantly since that time period. In upgrading these districts, three goals were identified: (1) to ensure that the Industrial Districts match the uses preferred in the corridors; (2) to ensure that the standards are sufficiently flexible to accommodate the growth of a business and their need for additional space without adding substantial approval time to the development timelines; and (3) to determine if modest architectural requirements could be included in the process and yet continue to maintain economic competitiveness. The proposed Code for the Central Ohio Innovation Corridor (COIC) addresses the area around Shier Rings from Avery to I-270, as shown in the PowerPoint. He identified the properties that will be within the Restricted Industrial District and the Limited Industrial District; those that will be within the new Tech Flex District; and those that will be addressed by the Bridge Street Corridor or the Economic Advancement Zone. The proposed Code will also provide for a much broader range of uses. An attempt has been made to match those with the processes underway for Bridge Street and the EAZ to ensure the ability to have the desired uses in that corridor, which are Office, Laboratory, Research and Flex space. The Code also includes Accessory and Temporary uses, so there is more predictability for the developers. They have also addressed Additional Use standards, depending on the use, to achieve the desired requirements, depending upon what that use might have in terms of impact. The proposed Code also includes an upgrade to building heights, as there is currently no limitation within the district. The height will be set at 56 feet. A greater height would require Conditional Use approval. That height will be regulated via setbacks, which will be a tiered structure based on the height of the buildings. As the building height increases, there is an established setback

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required. Currently, the Industrial Districts have a sliding formula, so it is difficult to convey to the developer exactly what setbacks they need to adhere to, depending on the type of building they are considering. They essentially have to create the architecture and then determine if it can be accommodated on the site. The intent is to keep the residential buffers consistent, but also clarify the pavement setbacks, so that it is possible to demonstrate clearly to developers what the requirements are. Included in the proposed Code are also Outdoor requirements. One of the key implementation items is the requirement that overhead doors are on the side or rear of the structure, for overall aesthetic reasons. The major component studied and discussed with residents, property owners and the Planning Commissioners was the intent of architecture for that district. The goal was to find a minimal level that would provide the City with a higher quality but still maintain competitiveness within the region. The regulations initially proposed focused primarily on additional requirements to the elevations that face public streets or residential districts. However, the Planning Commission believed there was a need for more discretion for architects to have design flexibility. Planning and Economic Development believe this is a good route, giving them flexibility while still having an architectural intent in the Code that can be applied. Therefore, the Commission recommended a generalized approach that addresses all four elevations and allows designers to have more flexibility rather than prescriptive requirements. Significant feedback was received from property owners and developers regarding the materials requirements. Currently, the Code as it is drafted would require architectural metal, prohibiting the standard corrugated and ribbed metal as a building material. The architectural metal panels shown on the PowerPoint generally have a much higher cost than the traditional ribbed construction because of the application of it and costs. That created concerns for the property owners and for Economic Development and Planning in maintaining viability for the types of businesses desired in the Technology Flex District. The corrugated/ribbed metal is typically a vertical or horizontal application of ribs, generally having exposed fasteners. However, those are usually not seen from the right-of-way because of the coloration of the materials. Most of the area that will be zoned for Tech Flex is already developed with that metal construction, and so in large part, the requirement would primarily apply to minor additions and upgrades to buildings. The Tech Flex District will accommodate small to midsize start-up businesses that need to grow in place up to a certain level. An example would be the Hidaka building, which has the ribbed metal construction. There are other industrial uses toward the interchange area that have more concrete slab or tilt-up type of construction. (He shared examples of these styles.) Ribbed metal construction can be done in an aesthetically pleasing manner.

In the larger picture, this District will correlate with the Economic Advancement Zone underway, which will include three tiers of districts. Along US 33 where there is interstate visibility, larger office development is desired, which will include some of the architectural metal panel work, as well as glass and other primary materials, but will have an office focus. The corollary to the Tech Flex would be the Research Flex District within the EAZ. A variety of different metal architecture/metal panel applications, as well as some other materials, will be permitted. The final correlating district within the EAZ would be the Research Assembly District, which will be located to the west. This will include a focus on architecture for Industrial Assembly uses. A mix of the architectural panel as well as the ribbed/corrugated materials will provide a mix of price points.

The Code also addresses base colors, making those generally consistent. The Code also waives full site compliance for landscaping. There is currently a 25 percent rule, whereby if an upgrade to the outside of the building exceeds 25 percent, it triggers compliance with upgrading the entire site to meet all Code requirements. This is fairly onerous in view of maintaining the older buildings in the district. Therefore, the Code proposes waiving that for exterior finish upgrades. The Code also requires that Accessory Structures have coordinating design and materials. It also addresses integration of renewable energy as part of the site design standards.

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Based on the considerations in the Code, staff believes that with minor adjustments to the materials, the proposed Code is a great improvement over the existing Code. Much positive input has been received from property owners. It will keep the City more marketable with other industrial areas and suit the needs of growing businesses. Therefore, staff recommends approval with two modifications to ensure Dublin's economic competitiveness:

- (1) That Section 153.044(F)(1) be modified to remove "concealed fasteners;" and
- (2) That Section 153.044(F) (4) (a) (5) and 153.044(F) (4) (b) (3) be modified to state the following: "Use of corrugated or long span, high-profile fluted or ribbed metal panels is not encouraged."

Included in Council's meeting materials tonight is a copy of a letter from a business owner who could not attend tonight's meeting. The letter addresses the materials issue. In addition, there may be some business owners in the audience who would like to testify.

Mayor Lecklider invited public comment.

Rich Irelan, Dublin Building Systems, 6233 Avery Road stated that they support the new zoning text. As a developer, business owner and owner of vacant land in this district, the new zoning will make it much easier to attract new businesses and for them to be aware of the requirements. Without the modifications that staff has recommended, the materials requirement would prohibit buildings such as Hidaka and Applied Innovation in this area. Therefore, they strongly support the modifications recommended by staff.

Mark Chaffin, Hidaka USA stated that they also support staff and Dublin Building Systems' position. The Hidaka building is constructed of the material in question. They could expand on approximately half of their land, but if they could not do so with the same type of material, it would create a problem for them.

Council Comments

Vice Mayor Salay stated that a couple of businesses in this area have recently remodeled, using some very garish colors – a very bright gold and bright orange. She is somewhat confused about the color palette encouraged. She would prefer the use of more subdued colors, in keeping with the overall Dublin look. She asked staff to comment.

Mr. Combs stated that the philosophy of the proposed Code keeps that particular requirement as flexible as possible for the designers to work out. The proposed Code provides for the use of a neutral or earth-tone base color, but permits the use of brighter colors for detailing and trim. If there is an issue with the overall chroma of the colors, perhaps the review process can include a means to mute that.

Vice Mayor Salay indicated that a more subdued color palette is her preference. An exception is always possible, but she would prefer the regulation include a more neutral color palette.

Mrs. Boring concurred. Trim can be of different sizes, and therefore, she would prefer that the issue be further examined.

Vice Mayor Salay suggested that Planning discuss the matter with Economic Development staff to ensure modification of the color requirement will not cause issues. In regard to landscaping, there was a slide shown as an example, and in this case, she believes perimeter landscaping would make the building more attractive. What are the landscaping requirements in the proposed Code?

Mr. Combs responded that the Code generally defers to the Landscape Code. What is shown on the slide is an older building constructed prior to adoption of the current Landscape Code.

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Vice Mayor Salay stated that the building shown was constructed in the mid 1990s. The front is landscaped, but the side that face Innovation Drive is not landscaped. There is also another building in this location. The buildings are acceptable, but would be more attractive with the addition of landscaping. There is another issue she has observed related to outdoor display. At the corner of Shier Rings and Avery Road, large equipment is on display, and some of it is rusting. This is a primary corner, and that is not the appearance desired for this location. How is that type of issue addressed in the Code?

Mr. Combs responded the area on the west side of Avery Road would be included in the Economic Advancement Zone district. That Code amendment will be forthcoming. Vice Mayor Salay noted that, based on past experience, she assumes the existing business would be grandfathered, if a new district is created. If this business relocates, any future development on the site would have to comply with the new regulations.

Ms. Chinnici-Zuercher referred to the Landscaping provisions on page three, which state that the Technology Flex District would allow exteriors to be upgraded without full landscape compliance, as long as the building footprint is not expanded. In that type of situation, the site would never be brought into compliance with the landscape code. It would seem desirable to require the landscape code to be met if there is an upgrade to the building, even if the footprint does not change. Why is it being suggested that an applicant could upgrade the exterior but still not meet the landscape code?

Mr. Combs responded that many of the properties were developed some time ago and have lot coverage substantially beyond what would be permitted today. When an older building is upgraded, the Code requires them to install all of the perimeter buffers and interior landscape islands for the entire property. When the property owner is attempting to upgrade a building, to repair the deteriorating skin of a building to attract companies to locate into the building, it can be onerous to be required to do more. The concern is that property owners will allow the buildings to go into decline if the City does not provide an avenue whereby they can upgrade the exterior.

Ms. Chinnici-Zuercher inquired if a phasing situation for landscape would be a possibility. Perhaps there needs to be a special landscape code exclusive to this area, not as extensive as the existing landscape code, due to the industrial nature of the area. She understands the cost issue, but it would seem the process would work toward a totally improved appearance. At a minimum, she would like to have discussion about a phased-in approach.

Mr. Combs responded that staff review this, and based on the different criteria in the Landscape Code, determine which requirements could be more easily met in the short term, and identifying a way to implement that in revised text for a second reading.

Ms. Chinnici-Zuercher stated her understanding is that, originally, the text was more prescriptive in architectural requirements, but the proposed text would be more flexible. She is not certain how that achieves the goal of reducing the length of the process by providing clear instructions to interested developers.

Mr. Combs responded that instead of being prescriptive and providing quantitative requirements, a generalized approach will be taken. This will enable staff to work with the developer upfront to ensure they come in with a complete proposal through the permit process. It doesn't add any additional review time. It allows Planning and Development Review staff to work directly with the developer to quickly achieve a desired look, and then move them quickly through the permit process. That philosophy is consistent with the EAZ zone as well.

Ms. Chinnici-Zuercher inquired if the difference is that the process does not include a review by the Planning Commission.

Mr. Combs confirmed that is correct. This is a standard district, so it would be an administrative review process that staff would work through

Ms. Chinnici-Zuercher asked how a level of integrity and consistency is ensured in the process, when there is no overview involved. Various staff members may analyze a case differently. What is "the look" that this is designed to attain?

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Mr. Combs responded that whenever dealing with architecture, there would be opportunity for interpretation. The intent is to compile a working set of various architectural examples. If at any point in time, there is disagreement with this process, there is the Administrative Appeal process available.

Mr. Gerber stated that with the COIC process, if an application meets requirements and criteria, the application proceeds with permitting, subject to the review of staff. If it does not meet the criteria, it is forwarded to the Planning and Zoning Commission for further review. What occurs in a case where staff and the architect do not agree on an issue?

Mr. Combs responded that when there is disagreement, the applicant has the right to appeal. It would be an Administrative Appeal of a staff decision. Those generally go to the Board of Zoning Appeals.

Mr. Gerber asked if it would be reviewed by the Planning Commission.

Mr. Combs responded that it would not, unless specific language is written in the Code to direct that.

Mr. Reiner stated that he is in agreement with the proposed text. An applicant using rolled metal, assuming it is framed correctly, can be an attractive look. Who is responsible for ensuring that the City obtains the attractive appearance?

Mr. Combs replies that it would be the permit review staff, a combination of staff members from different divisions – planners, engineers, Fire Department – the same people who would typically review a building permit. There would also be the capability of adding architects to the review process, if desirable.

Mr. Reiner stated that the opinion about color palette is subjective. He is not certain that only neutral colors are desirable. Adding striping to some buildings can enhance them. In regard to the landscaping issue, many of the older buildings do have extensive landscaping, including large trees. It would not be desirable to discourage a client from expanding a building, as such an expansion would improve the City's tax base. Is there a means of conducting an analysis on a building? In some cases, it wouldn't be necessary to lock the applicant into a landscape code when updating their building. However, if the building appearance were beginning to deteriorate, the existing landscape would provide a good service in screening the building until a new tenant buys it and makes improvements. The City should not require anyone to add a lot of plant material that is not necessary, if it has adequate landscaping from an older installation.

Mr. Combs responded that staff would also evaluate that aspect, and consider how best to address it in the revision that is brought back for the second reading.

Mr. Gerber stated that with a planned district, the City would certainly have some criteria regarding aesthetics, architecture, fit within a community, etc. How can that be codified in some manner? While the process may work well for many cases, there may be some when the application does not fit within the given area. Is there something else that could be included to address that situation?

Mr. Combs responded that it would depend on the type of approach Council prefers to take. Given that this is within a standard district with a building permit process, the desire is to find a way to stay within that process in terms of the overall timelines. There are different processes available. The Economic Advancement Zone has a special architectural review team. The Bridge Street Corridor Plan implements some of the same philosophy. That is handled by an administrative team, as well, so it would serve the same function as what is proposed through the building permit process. The issue is whether Council desires to establish a different approach to any appeals, if there is disagreement about the proposed architecture.

Ms. Chinnici-Zuercher stated that in this draft, there is redlined language proposed by Planning Commissioner Hardt as alternative architectural language. Is that part of the draft that staff is requesting feedback from Council tonight?

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Mr. Combs responded that it is the language that was crafted into the final ordinance. Most of the language in the green color was reviewed by the Planning Commission, except for the architecture portion. The architecture language in green addresses the elevations that face public streets or residential districts, and contains specifics, regarding fenestration and office components. The Planning Commission approach, which is in red type, is a more generalized approach. It allows the designers for the property owners to devise a workable solution, to address the details based on the specific needs of the flex space, which can change over time. The proposed ordinance has the red language. Adopting the ordinance will adopt that language – including the modification to permit ribbed or corrugated metal, which is the typical construction method at this time. It is staff's opinion that modification is necessary in order to remain economically competitive for the types of uses that would be proposed for these buildings along the Shier Rings corridor.

Mayor Lecklider stated that there are strictly defined boundaries to this district, beyond which this type of construction would not be seen. This language appears primarily to capture what Council has been trying to achieve in this location. This ordinance will provide much more guidance to development than what currently exists.

Mr. Combs responded that is correct. Currently, the Restricted Industrial and Limited Industrial districts have no architectural requirements. The intent is to provide a minimum level of requirements. It is hoped that this ordinance, in combination with allowing more office uses as permitted by right, will provide the opportunity for more office-level architecture to be integrated. The Code is flexible in terms of the overall materials, allowing those that are common for industrial architecture.

Mr. Keenan requested the slide be displayed that depicts the remaining area to be developed versus the area to be rezoned into the Flex District. He asked if the ribbed metal is already incorporated into that area.

Mr. Combs responded that it exists in most of the area. This legislation will address primarily minor building additions. Hidaka and Mr. Valentine, who owns the property next to the 5800 Building, are considering the possibility of future expansion of their industrial-type operations. That expansion could hinge upon the permitted building materials.

Ms. Chinnici-Zuercher asked if those businesses expanded, wouldn't they upgrade from the existing building material, as matching the existing material would not be possible.

Mr. Combs responded that, in general, the buildings have the traditional ribbed metal construction, which can be custom matched. Achieving a match for an addition to an existing building is not usually difficult. Staff's concern is that businesses will be encouraged to undertake expansions, because it is cost efficient to do so.

Ms. Chinnici-Zuercher stated that the hesitancy is due to the fact that this is a major departure from what has been the practice in Dublin. She anticipated the Code would be more prescriptive. Her only concern, however, is the extent to which the timeframe of the process has been reduced. A primary goal was to allow development to reduce the timeframe substantially from the outset to completion. Can it be anticipated that, with this change, months could be reduced from the current approval timeframe?

Mr. Combs responded that the real time savings is reflected in how permitting of a Conditional Use is addressed. Currently, most of the preferred uses in Industrial Districts require a Conditional Use permit. That additional public process can add three months or more to the process. Often, retaining a tenant who desires to expand their space by a few hundred square feet involves side yard/rear yard and other development standards requiring Board of Zoning Appeals variance approval. In the past, there have been a few economic development agreements that hinged on their ability to obtain approval of variances, which could require a couple of months to obtain. This is where a timesaving can be achieved. Staff is also reviewing the architecture, because the Code currently has no requirements. It would be desirable to achieve a base level agreement, which staff can then use to work with the developers to obtain a quality appearance.



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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

APRIL 7, 2011

The Planning and Zoning Commission took the following action at this meeting:

**9. Code Amendment – Technology Flex District
10-064ADM**

Zoning Code Amendment

Proposal: The addition of Section 153.044 to the Dublin Zoning Code to establish a new Technology Flex District.

Request: Review and recommendation to City Council of approval of amendments to the Zoning Code under the provisions of Code Sections 153.232 and 153.534.

Applicant: Marsha I. Grigsby, City Manager, City of Dublin, 5200 Emerald Parkway, Dublin, Ohio 43017.

Planning Contact: Carson Combs, AICP, ASLA, Senior Planner.

Contact Information: (614) 410-4669, ccombs@dublin.oh.us

MOTION: To recommend approval to City Council of this amendment, as modified to establish a new Technology Flex District by adding Section 153.044 to the Dublin Zoning Code.

VOTE: 7 – 0.

RESULT: This Zoning Code Amendment, as modified, was recommended for approval to City Council.

STAFF CERTIFICATION

Carson Combs, AICP, ASLA
Senior Planner

Motion and Vote

Ms. Kramb made a motion to table this Zoning Code Amendment as requested by the applicant. Mr. Fishman seconded the motion.

The vote was as follows: Mr. Fishman, yes; Ms. Amorose Groomes, No; Mr. Budde, yes; Ms. Kramb, yes; Mr. Hardt, yes; Mr. Zimmerman, yes; and Mr. Taylor, No. (Tabled 5 - 2.)

9. Code Amendment – Technology Flex District 10-064ADM

Zoning Code Amendment

Chris Amorose Groomes introduced this application which involves modification to the Dublin Zoning Code to establish a new Technology Flex District to replace the RI, Restricted Industrial District, and LI, Limited Industrial District. She said the Commission will need to make a recommendation to City Council for final action.

Carson Combs presented this proposed Zoning Code Amendment and provided the project goals, which includes modernizing uses in the Industrial Districts to match the desired development within this area of Dublin. He said the proposed requirements are intended to be flexible and reduce the timelines for approval, and also include modest architectural requirement while still maintaining economic competitiveness. Mr. Combs said the proposed Code will be utilized with the Central Ohio Innovation Corridor, COIC in the Shier Rings Flex District.

Mr. Combs said the names of the categories in the primary uses table in Paragraph B were changed based on the format used for Bridge Street Code. He said the time and size limited requirements have been added. He said a major change was the removal of animal breeding and boarding uses, because it does not meet the intent of the District. He noted day care uses will be permitted to ensure an existing daycare is not made non-conforming within the District.

Mr. Combs said the proposed accessory or temporary use category was modified to match the Bridge Street Code with a few notes. He stated the entertainment and recreation uses were limited to indoor use only, because outdoor use can become more intensive. He said the Code also proposes Transit stops as permitted uses. He said based on the overall goal to implement transit throughout the City in the long term, the Code permits the use through site plan review.

Mr. Combs said Park and Rides are currently limited to one shelter per bus route within the Zoning Code, with the proposed TF Code park and rides were broadened out to include one bus shelter per route.

Mr. Combs said with regard to substations, the existing substation on Shier Rings Road would become non-conforming and be allowed to run and operate as it exists. John Hardt said he brought up the issue and he wondered what would happen if that substation needed to be expanded.

Mr. Combs explained the expansion would have to go through the variance process. He said in the EAZ planning area, City Council has dedicated five acres for the creation of a new substation. He said it was up to the Commission to decide if additional use requirements were necessary.

Mr. Hardt said he wanted to ensure adequate facilities are available to serve the COIC. Mr. Combs said a potential Code modification could be to review the buffer requirement and reduce it enough to gain additional expansion area. Steve Langworthy agreed with the proposed modification as a means to address Mr. Hardt's concern.

Mr. Combs said based on the Commission's discussion at the last meeting, the proposed Code was modified to provide corporate residences as both an integrated area within a building or as a detached unit.

Mr. Combs said based on the last meeting's discussion regarding building height, the Code was modified to state that buildings over 56 feet in height would require conditional use approval by the Commission.

Mr. Combs said in terms of the side and rear setbacks, again the required setback was reduced in the second category from 25 feet to 20 feet, based on additional analyses. He said the proposed Code continues to require a 25-foot setback from residential districts, as is in the current Code. Mr. Combs noted very few TF properties were adjacent to residential districts with the two largest properties owned by the city or the school district.

Mr. Combs said the Outdoor Requirement language has been clarified to reflect that the Director would determine what is harmonious, consistent with the existing Code in terms of nuisance regulations.

Mr. Combs said large service doors are required on the side or rear of the building, so the office components of the structure can front the street.

Mr. Combs said under the Accessory Structure section there needed to be discussion about whether accessory structures should be similar in material style, quality, and appearance or should be identical. He said he would like to understand the Commission's preference at this meeting.

Mr. Combs explained the Definitions section has been modified to match the format for the Bridge Street Corridor. He said all the definitions generally refer to facilities, because it is buildings or the components of the site as well, the use or activity on the site. Mr. Combs said they tried to incorporate as many of the other comments provided by Commissioners.

Mr. Combs said Architecture was the biggest topic for the Commission to address. He said they are trying to find some level of architecture. He said the current RI and LI Districts have no architectural requirements in the Code. He said Planning is looking for a baseline that would maintain Dublin's competitiveness with the other Central Ohio areas, but not become cost prohibitive for developers. He noted most of the areas planned for rezoning to the Tech Flex District are developed, so these buildings are primarily use the new Code for expansions. Mr. Combs said the undeveloped parcels were highlighted to show the parcels available for new construction.

Mr. Combs said the proposed Code provides two different approaches to architectural design within the proposed District, which the Commission needed to provide direction. He said the first approach was based on the comments provided at the last meeting, which focused on the design elements that faced the public street or the residential district. He said another approach was highlighted in the Code and boxed in red, which focuses on the general intent and materials, colors, and minor design elements. He said Planning is open to the approach in red, but had one concern about the Materials section, addressing the item that dealt with Metal. He requested feedback from the Commission.

Ms. Amorose Groomes invited public comment with respect to this application. (There was none.)

Richard Taylor said in regards to the two approaches to architecture, his preference was the direction that Mr. Hardt proposed, which was proposed in red, although he did not know if the

proposed language was sufficient. He said he liked it because in a very basic sense, it allows the designers to design and had the greater potential for great architecture, as opposed to a building that meets Code. He said there is more room for invention.

Joseph Budde, Warren Fishman, and Todd Zimmerman said they had no comments.

Amy Kramb preferred the recommended version provided by Mr. Hardt. She said she already provided corrections to Planning.

John Hardt said he did not expect his approach to be brought forward literally, but it was okay that it was. He said for the benefit of those who did not see the exact response he gave Mr. Combs, his fundamental concern was similar to Mr. Taylor's in that he was afraid if they put in prescriptive architectural requirements such as 'must have a cornice at the top of the wall', he thought the tendency will be to provide those things so that you can check the box and say you provided it, regardless of whether that particular item is appropriate for a given building. He said his intent was buildings that can be built out of any number of materials, all of which are affordable, but are designed and details are paid attention.

Mr. Hardt said on the rest of the text, he thought it had vastly improved since last time they saw it and he appreciated all Mr. Combs' work.

Mr. Hardt referred to Use Specific Standards, Item 8, Motor Vehicle Repair, Vehicles may not be stored for more than 30 days, and said it sounded like there could not be vehicles on the site for more than 30 days, and he said it should read 'any one vehicle cannot be on-site for more than 30 days.' He referred to the same section, Item 12 - Dwellings -Single Family Dwellings, 'Only residential uses existing as of the effective date of this ordinance are permitted. Once removed, no further uses shall be permitted.' He said that sounded like once you took the single-family home away, you cannot do anything else with the site and he said it should read 'no more residential uses are permitted'.

Mr. Hardt said regarding the identical versus similar materials for accessory structures, he suggested the words 'identical materials and similar style' be used. He explained an accessory building should incorporate the same brick as the principal building. He clarified a dumpster enclosure did not need to have windows just because the building had them. Ms. Amorose Groomes agreed.

Mr. Combs said the remaining issue was the discussion of the corrugated metal versus the metal panels. He said Planning had discussed it and did not have a preference.

Mr. Hardt referred to the graphic showing a continuum of an affordable building versus a high-end office building. He said he thought corrugated metal panels were indicative of pre-engineered metals buildings that should continue to be permitted on existing buildings and used for those building expansions, but new buildings should not be permitted to use it. Ms. Amorose Groomes said she had seen some attractive metal buildings.

Mr. Hardt said the use of an architectural metal panel was the finish was different and it is not an industrial finish, but an architectural finish with sheen to it and a color range that provides a greater number of options. He said the fastening system is concealed and the joint pattern is specific in design, rather than accidental. He said in the meeting packet, the Fiat case included a good architectural example, even though it was not part of their review. He said the building is very simple, straightforward, and affordable. He said someone had clearly paid attention to how the joints in that material aligned with the edges of the windows and the pattern of the window aligned. He said those panels were architectural metal panels that had been designed, which he thought was different that the corrugated engineered.

Ms. Amorose Groomes asked if the Commission was being asked to vote on this tonight. Dana McDaniel asked if the Commission wanted to see the changes before voting. Ms. Kramb said the Commissioners had seen the revised version indicated in red and they could vote accepting the red version.

Mr. McDaniel said he appreciated everyone's effort on the Code and the Commission's understanding of vision for the area, particularly as it relates to the uses. He thanked especially, Mr. Hardt for the proposed architecture language and also from preventing the City from hurting ourselves by trying to be too prescriptive.

Motion and Vote

Mr. Taylor made the motion to recommend approval to City Council of this amendment, as modified to establish a new Technology Flex District by adding Section 153.044 to the Dublin Zoning Code. Mr. Zimmerman seconded the motion.

The vote was as follows: Ms. Kramb, yes; Mr. Hardt, yes; Mr. Fishman, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes.

Administrative Business

Ms. Amorose Groomes announced that given the length of this Agenda and the swearing in of the new Commissioner, the leadership of the Commission for the next year will be delayed until the next meeting.

Ms. Amorose Groomes adjourned the meeting at 10:56 p.m.



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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

MARCH 3, 2011

The Planning and Zoning Commission took the following action at this meeting:

**1. Code Amendment – Technology Flex District
10-064ADM**

Code Amendment

Proposal: Modifications to the Dublin Zoning Code to establish a new Technology Flex District to replace the RI, Restricted Industrial District and LI, Limited Industrial District.

Request: Review and recommendation to City Council of approval of amendments to the Zoning Code under the provisions of Code Sections 153.232 and 153.534.

Applicant: Marsha I. Grigsby, City Manager, City of Dublin, 5200 Emerald Parkway, Dublin, Ohio 43017.

Planning Contact: Carson Combs, AICP, ASLA, Senior Planner.

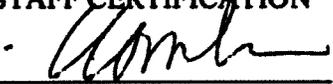
Contact Information: (614) 410-4669, ccombs@dublin.oh.us

MOTION: To table this Code Amendment to give Planning additional time to refine definitions based on input from the Commission and to modify architectural standards to ensure that they achieve the quality of the images presented.

VOTE: 7 – 0.

RESULT: This Code Amendment was tabled.

STAFF CERTIFICATION


Carson Combs, AICP, ASLA
Senior Planner



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DUBLIN PLANNING AND ZONING COMMISSION

MEETING MINUTES

MARCH 3, 2011

1. Code Amendment – Technology Flex District 10-064ADM

Code Amendment

Chris Amorose Groomes introduced this Code Amendment for the Technology Flex District.

Carson Combs presented this case. He said in October 2010, this was before the Commission for feedback regarding the updates to the Industrial Codes. He said the general goals Planning worked from were to make sure that Dublin's industrial districts are more in tune with what businesses are looking for, given the current economic situation. He said they were looking for a code that will provide for broader uses that still match the character of the district with more flexible standards that are more proactive for business needs. He said that Planning discussed this intent extensively in public meetings and looked at whether there are minimal architectural standards that might be employed with the new district.

Mr. Combs presented an overview map showing the current industrial properties in the RI, Restricted Industrial and LI, Limited Industrial categories, most of which are located along Shier-Rings Road. However, he said there are other pockets around the City. He said that they are trying to align a lot of Dublin's zoning with the larger concepts for the Central Ohio Innovation Corridor (COIC).

Mr. Combs explained a graphic with a pyramid that presented provided a sense of the overall development approval timeline. He said that they were trying to provide for different levels of speed in terms of the development process. He said on the base of the pyramid is the Planned Development District (PUD), which is the primary development process that was used for projects within Dublin's perimeter service area and the Emerald Office Zone along I-270. Mr. Combs said two standard districts are in the middle of the pyramid, the OLR, Office, Laboratory, and Research District primarily in the Blazer Research District and the TF, Technology Flex in the Shier-Rings Flex District. Mr. Combs explained that at the top of the pyramid, the Innovation District or Economic Advancement Zone (EAZ) is the portion of the City that City Council has targeted for the Administrative Approval for the quick-to-build type of development.

Mr. Combs said in the Shier-Rings Flex District, the focus is on flexible architecture, broader uses and the capability for small to medium sized businesses to change over time as needed, so that Dublin can retain businesses. He presented examples of smaller flex-type development and larger manufacturing and clean assembly in the City. Mr. Combs said the Emerald Office Zone is an area where they are striving primarily for office development because of its proximity to I-

270 and the Emerald Parkway Corridor. Mr. Combs said the EAZ will be focused on quick-to-build development on the western periphery of the City.

Mr. Combs explained that this proposed Code is the first step of the project to update the Industrial Districts and the Commission will look at the Technology Flex Code tonight. He said once the Code is implemented, Planning will return with a series of area rezonings. He said the first will be the Technology Flex area rezoning which will focus on the areas indicated in dark purple on the map, aligning the Shier-Rings Corridor with the COIC concept. He said the second area rezoning will be the Emerald Office rezoning identified in pink along Emerald Parkway which is those where the Suburban Office and Institutional District will be requested to align those properties with that particular portion of the corridor. Mr. Combs said the properties shown in green were City-owned that will be rolled into the Coffman Park Planned District.

Mr. Combs said the three component process laid out for City Council to approve the Technology Flex District is the Code, the area rezoning to the Tech Flex District, and the Emerald Office area rezonings which will come in sequence over the next few months.

Mr. Combs said that from the last time the Commission reviewed this Code Amendment, there was a series of public meetings where a lot of input was received that provided insights as to what the business owners are thinking.

Mr. Combs said the Administrative Guide previously seen by the Commission has been revised as requested and simplified definitions have been added to the definition section of the Code. He said based on the work with Bridge Street, a full definition section is being implemented within the Code, so Planning is trying to accommodate and match the formatting and process used for that so that they are consistent in the list of uses for the Code.

John Hardt asked if the definitions before the Commission and those being generated for the Bridge Street Corridor would end up in the same Code section.

Mr. Combs said that Code Section 153.002 – Definitions would be broken into general terms and then a specific use section with the land uses noted in the Code that require definitions will be in that section.

Mr. Combs said based on previous Commission discussion and much of the public input obtained, there is a list of seven different definitions, which for various reasons, have been pulled from the district, just because of the overall character they were trying to achieve. He said they also looked in the Use Definition section, at the question, what is the difference between Office and Flex versus Industrial. He said a graphic in the Definition section will help explain where those differences are. He said in terms of office, Delta Energy would be a good example of where there is basically a building designated towards office uses, it may have some small storage components, but in general those spaces are being used to help facilitate the operation of the office. He said the Office Flex category; they are particularly looking for application in the Tech Flex as well as the EAZ, a combination of uses within the building. He said that this use has flexible architecture, at least 30 percent office, but the remaining 70 percent can be any combination of warehouse, research, laboratory space, and other things as well, based on the Use

Table. He said that allows those companies to switch spaces around and be as flexible as possible as they are developing products and changing the way they do production.

Mr. Combs said the last category in the Code will be Manufacturing Assembly and the Wholesaling and Warehousing, the more traditional type of use. He said they are also looking at it in terms of difference of architecture and scale.

Mr. Combs said only two changes were made in addition to the Use section. He said Single Family and Retail was added to address some of the existing non-conformities that Dublin has. He said they are trying to make sure that things are being made as conforming as possible. He said the Corporate Accessory Residence changed to a Permitted Use instead of a Conditional Use, which is something they would like encouraged but do not expect much of that. He said the Midwestern Auto Group (MAG) was the only example that might have a component of that.

Mr. Combs referred to the Additional Use Standards in paragraph C and said the section provides more limitation on what those particular uses in the table can do. He said the Office Flex specifies the 30 percent gross floor area for office is required, allowing up to 70 percent of other uses. He said as part of that 70 percent, associated retail is allowed up to 10 percent of the gross floor area so that the front office area can showcase the products to clients. He said it was kind of a quasi-retail area, but they were not limiting that for businesses.

Mr. Combs referred to Major Motor Vehicle Repair and said a good example of it along the Shier-Rings Corridor would be the existing body shop adjacent to the 5800 Building. He said one limitation in the current Code that is included here is to limit the outdoor storage of parts and vehicles to 30 days, screened per Code.

Mr. Combs said that Manufacturing and Wholesaling provides the ability to showcase products, up to 10 percent of the gross floor area.

Mr. Combs said regarding Lot Coverage, it is still maintained as 70 percent as in the existing Code. He said some businesses requested that the Lot Coverage be increased to 75 percent.

Mr. Combs said regarding Building Height, at the last Commission meeting, they discussed 45 feet based on the height of Hidaka. He said however, after further discussion with the Commissioners and business owners, it would be left as it is in the current Code, based on the setbacks and other site requirements which will give flexibility if they do have a component of their warehouse or something that would need to be higher.

Mr. Combs said at the last Commission discussion of this proposed Code, a density cap was suggested based on the Community Plan. He said after discussion with some of the business owners and having a mix of office versus industrial, that triggers different density levels which creates some inequity. He said based on that, they were considering removing that from this proposal, however all the sites would be limited by all the site requirements.

Mr. Combs said in the current RI and LI Districts, there are difficult sliding formulas used. He said at the last Commission discussion, it was suggested that the setbacks be considered three

dimensionally. He said after discussing it with the business owners, the setbacks have been modified as shown on the graph provided. He explained that traditionally, the way setbacks have been measured was that if a parcel had multiple buildings, the largest building that would provide the greatest setback would be the required setback line. He said based on the discussion, they are now looking in at the individual structure, so based on the height of each individual building, the setback would be determined. He said if an existing building had a height that would require a 25-foot setback and they wanted to add on a smaller addition that was lower in height, they could actually potentially meet a 15-foot setback to be able to do that as long as all the lot coverage and other requirements are met. Mr. Combs said that gave added flexibility, but it still kept things in scale with the adjacent properties. He said in terms of the setback adjacent to residential, it is proposed to be kept at 25 feet which is the current setback for the RI District. He said given that they are primarily looking along Shier-Rings Road, almost all those properties are RI, so they are trying to keep the standards at least the same or more flexible so as not to create a lot of non-conformity.

Mr. Combs said pavement setbacks have not been changed since the Commission last saw the proposed Code Amendment, a five-foot side yard and a ten-foot rear yard setback. He said adjacent to residential uses, it would be 25 feet.

Mr. Combs said an allowance for shared access is included in the proposed Code which is typical. He said however, they would like to clarify that in the Code to include services areas because Planning is seeing from developers a lot of industrial development where they actually share the loading dock or service space so that they can be hidden in between buildings. He said that would help in screening, and Planning would like to add that to the Code as it moves to City Council.

Mr. Combs said the outdoor requirements were generally the same as the current Code. He said the one addition made was the fourth paragraph where language from the RI Code was added to address the screening of service structures. He said language from the RI and LI Code was pulled into that.

Mr. Combs said the last major section which was new since the last time the Commission discussed architecture in October was derived from input from business owners who attended the meetings. He said they were trying to find something that would provide a baseline, but given the overall scale of architecture from industrial to premium office, trying to make sure that they come up with some minimum of standards that will give us better appearance, but still not be cost prohibitive. He said first in the General Requirements, they are looking to have those regulations apply just to new construction. He said they were encouraging that an addition to an existing building should have flexibility so that business owners can match their current building, so that there is consistency. Mr. Combs said in the General Requirements, Planning wants to make sure that the facades that face public streets or residential properties have some element of visual relief and components on the building that are proportional to the size of the building.

Mr. Combs said regarding Materials and Colors, the Code is trying to provide for a broad mix. He said one not in the current Code that was pointed out by some of the business owners was the potential for allowing EFIS as a primary material. He suggested that it be discussed at this

meeting. He said they were trying to be as broad as possible in terms of colors, as long as the colors were muted and blend in and they have been widened to include white, off-white, and neutrals which can include anything from white-to-gray-to black, and then earth tones, which in general can be all sorts of browns, oranges, or reds, as long as they are very muted and earthy type of tone. He said that gives a lot of flexibility, also allowing for some brighter accent colors as requested by the Commission for trim, detailing, or entry features to help enliven or enhance the overall appearance of the buildings.

Mr. Combs said if the roof is pitched, it is proposed to have a minimum 12-inch overhang and encouraging steeper roofs, allowing for that flexibility, based on the internal needs and the type of structure. He said flat roofs, typical to the current Code, incorporating parapets or screening for rooftop mechanicals. He said they would like to see some kind of decorative trim or cap on flat roofs to set off the top of the building. He said there are a number of examples in Dublin where that has been done on top of the buildings to provide a little depth.

Mr. Combs said other key elements of this proposed Code Amendment include making sure those accessory structures use either similar materials, styles, quality, or appearance as is being used on the principle structure for consistency. He said looking at the ability to also be able to upgrade the exterior of the building without having to bring the full site into compliance for landscaping. He presented a photograph of an example of an older building built a long time ago that did not have the landscaping required by Code currently, but they may in the future want to upgrade the architecture, the exterior colors, and materials of the building. Mr. Combs said currently, if they do more than 25 percent of the outside of the building, they are required to bring the full site into compliance, and at that point it becomes so cost prohibitive that they are not willing to put investment into the buildings. He said that they want to ensure that some of Dublin's older buildings are actually able to be maintained and leasable.

Mr. Combs said in terms of Alternative Energy, Planning receives more inquiries about it every day. He said they are looking to permit wall-mounted and roof-mounted solar, as well as ground-mounted solar, as long as those are being located according to the required setbacks on the property so that there is enough screening. He said if they have visible brackets, that they be screened around the side and back in some manner. Mr. Combs said wind turbines in commercial has been considered and given the Technology Flex where it would be applied, they do not think that large commercial turbines like on Sawmill Road are appropriate, but they may have instances where businesses might want a residential type of unit. Mr. Combs said that they are proposing that they are permitted as well, as long as they are placed with appropriate side and rear yard setbacks. He said any kind of alternative design methods are encouraged. He said examples that would be encouraged would be bio retention rain gardens, rooftop gardens, and alternative stormwater designs.

Mr. Combs concluded his presentation and said given the proposed Code and the considerations in it, Planning thinks this is something that is going to be much more beneficial to the businesses in the Corridor, still maintaining the character and quality that Dublin is looking for, but make the City more marketable in terms of the regional economy. He said Planning recommends approval of this proposed Code amendment.

Ms. Amorose Groomes invited public comment from those wishing to speak in regards to this proposed Code Amendment. [There was no one.]

Amy Kramb said the concept was great and she understood the intent, but she did not think it was reflected in the Code. Ms. Kramb pointed out that the numbering of the proposed Code because they did not reference the right things. She said for example, the District in their packet is Section 153.037, and she noticed in the presentation slides that it was called Section 155.004.

Ms. Kramb said she understood why Planning wanted to place the definitions altogether, then, they will apply to all the other current Code sections and they use different terms. She said for example, in the Suburban Office and Industrial District, under Permitted Uses, it talks about something called Fitness and Recreational Sport Centers, Physical Fitness Centers, Gyms and we are adding a new definition for Recreation, Health and Fitness Facilities. She suggested that if these uses only apply and they are being defined for this Tech Flex District, that these definitions in this section clarify that, She said otherwise, they all those other sections need changed, because of multiple titles in different places. She said they need to have one set of uses.

Steve Langworthy said that the same idea was discussed with the Bridge Street Corridor definitions. He said they probably will do as Ms. Kramb suggested.

Kevin Walter confirmed that what Mr. Langworthy was saying was that the definitions in this section would remain and when the definitions for other sections are complete, that there could be a project to coordinate and move all the definitions into a general section.

Ms. Kramb said regarding the new uses being termed, she preferred commas not be used to delineate for example – *Municipal Facilities, General*. She suggested a hyphen or parentheses be used as with other uses such as, *Transit, Stops and Shelters*.

Ms. Kramb pointed out that on the illustration graphic including Office, Office Flex that those definitions again did not match the definitions provided, and they needed to be exactly the same. She referred to page 6 and said she did not think that was a good location for the small diagram.

Ms. Kramb said the *Dublin Zoning Code and Supplemental Administrative Guide* was mentioned on page 12, under B. She said the Commission had not seen it and could not comment on it.

Mr. Combs explained that it would now reference Code Section 153.002.

Ms. Kramb reiterated that the definitions should look and read the same. She said that they some have full sentences and others have combinations of fragments. She said a *use* is a verb so they all should be verbs. Ms. Kramb suggested the definitions should use the same kind of pattern. She said she thought the definitions should be numbered instead of putting them in all the paragraphs because it was harder to reference. She said she thought each definition should be numbered, and underneath could be A, B, and C, like bullet points or the fragments could be stuck together as long as they are readable so the intent or meaning of what you are trying to say is lost.

Ms. Kramb suggested *Animal Care Facilities, General Services- General Animal Care Facilities* be reworded, “It is a business that operates between normal business hours, providing household pets’ basic services such as grooming and daycare.” She said page 15, Number 14, *The use shall be limited to no more than ten percent*, could be simplified by saying ‘The use shall not exceed ten percent.’ She suggested on page 15, Number 13, *It shall be located no less than 50 feet away*, could be simplified by saying ‘must be at least 50 feet away.’ Ms. Kramb suggested some of the wordiness should be eliminated and things should be shortened to make it more clear and not lose the intent.

Richard Taylor said the definitions do not say what they wanted them to say. He said it seemed like they were trying to make them into sentences and readable like a book. He said Code should be really boring, factual, and direct. He said that he did not think it appropriate to use the term that was being defined in the definition itself.

Mr. Taylor pointed out that different terms were used to describe *building* which included building, facility, establishment, business, premises, locations, and residences. He said if they are talking about buildings, they should be very specific. He said the current definition, *Above ground pool – Any confined body of water*, is what it should read instead of *Above ground pool – A pool in which ...* He reiterated that the term needed to be taken out of the definition for the term. He suggested that very quick bullet points be used. Ms. Amorose Groomes agreed. She said then it would read more like a dictionary.

Mr. Taylor referred to *Industrial Services – Businesses providing repair or service industrial business or consumer machinery*, and suggested that if that included lawn mower or computer repair, they were very different kinds of businesses.

Mr. Taylor asked why *Manufacturing and Assembly* on page 3 was changed.

Mr. Taylor referred to *Municipal Facilities*, where in all three categories, municipal facilities and government buildings were included. He said because *municipal* implied government, he did not think *government* needed to be repeated. He referred to *Municipal Facilities – Safety* and said if township facilities were under their jurisdiction, but they were not municipal facilities. He suggested that it needed to be addressed.

Mr. Taylor said that the graphic on page 6 added a layer of confusion because it included definitions that do not exactly match what is defined earlier in the Code and it provided two interpretations of the same thing. Mr. Taylor suggested *Hair Salons, Nail Salons* instead of read *Personal Services...worn or carried about the person or a physical component of the person*. He referred to page 8 – *Transient Park N Rides*, and found the definition confusing and too wordy.

Mr. Taylor said in all the categories with ‘*Energy*’ in it, and he used *Utilities Alternative Energy Facility* as an example. He said there are non-traditional ways of generating energy. He suggested it say, *Commercial scale operations for the generation of energy by non-traditional means, such as solar or wind*.

Mr. Taylor referred to page 15, Number 10, *Parking Structure* where Section 153.220 was referenced, and suggested it should be Section 153.200. Mr. Combs said he would check.

Kevin Walter questioned why some uses are allowed over other uses and some uses have changed. He referred to the *Use Table* on page 12, and pointed out that *Corporate Accessory Residences* changed from a Conditional to a Permitted Use. He asked what the rationale for the change was.

Mr. Combs explained that if there is an office or flex building it can constantly change internally. He said change would be inside an existing structure and it could not be seen if it was different from anything else happening inside, and there really are no off site impacts other than the provision of onsite parking.

Mr. Walter said there may be some external uses for a corporate accessory residence that may have impact to adjacent properties and he was not sure that all of them will be as well done as the MAG one is where most of Dublin will not know it is there, but he could see a tech flex space being converted to a corporate residence internal that maybe has a single story, has a basketball hoop, their camper is stored there, and cars are parked there. He said whether that was appropriate or not, he thought it should remain as a conditional use, so those things can be reviewed. He asked to hear the other Commissioners' comments regarding it.

Mr. Walter said regarding the elimination of the outdoor retail displays, he recalled a discussion about outdoor play equipment businesses. He said he was okay with maintaining that as a conditional use, but he wanted to hear feedback from the other Commissioners.

Mr. Walter said he thought *Major Motor Vehicle Repair* should stay as a conditional use. He said there is too much potential in that kind of business to do things that would be impactable to neighboring properties if it was not a conditional use. He said depending on the business, a variety of criteria could be added as conditions to the use and the Commission should have the ability to continue to do that.

Mr. Walter referred to page 18, *Architecture, F) 1. Applicability – Architectural requirements as specified by this section shall apply to all new construction, unless determined to the satisfaction of the Director that the requirements would conflict with the architectural design or the interior functions of the business operation.* He said he did not find that as an acceptable way to determine whether the architecture standard should be applied to the building. He said that provides future directors the opportunity for too much discretion for that to apply to architectural standards. Mr. Walter said he would like to see an elimination of that.

Mr. Walter asked that Mr. Comb comment further about density.

Mr. Combs referred to page 16, *(D)(1)(c) Development Intensity.* He said last time the Commission reviewed the Code, the language made reference to having a density cap in conformance with the Future Land Use Map. He said if it was an office or industrial use, depending where it was on the map, that the Land Use Map would set the density. He said when they talked to business owners, they felt giving the flexibility of uses in this district, how that

would be applied industrial versus an office use created some inequities, not knowing where you might have office versus industrial. Mr. Combs explained that because of that and because we do have all the other site development requirements that would limit the intensity of development, that section was stricken. He said as well, the Land Use Map can change over time, which also creates some inconsistency. He said limitations would be all the setback requirements, parking requirements and all the other development standards that would apply.

Mr. Walter said he agreed with Mr. Combs. Mr. Walter asked about the setback to the residential property being retained at 25 feet. Mr. Combs said it was as currently shown in the RI Code because most of the area that will be rezoned to the Tech Flex District. He said they did not want to make a lot of properties non-conforming.

Mr. Walter asked how many existing properties that would be covered in the Tech Flex District could potentially be adjacent to residential properties.

Mr. Combs said examples were provided in the packets. He said primarily, it was a southern line between the industrial properties and the area of Heather Glen. He said it might be upwards of ten to twelve properties. He said one of the original goals of the Code Update was to make sure that they are not creating more limitations. He said if nothing else, they are keeping it the same as it is.

Mr. Walter said he would like to recognize the desire to not to make properties non-conforming and to do the same thing that was done with the others, which is to say properties that were developed or that had an occupancy permit as of the date of this Code be permitted. He said however, he thought there should be some relief on those properties that are abutting residential properties and move the setback line off the residential property a little.

John Hardt said he understood and supported what they were trying to do. He said it was great for businesses. He said he agreed with the comments previously made in terms of the wording and potential for misinterpretation.

Mr. Hardt referred to page 3, *Manufacturing and Assembly*. He said there was language in the old definition about dust, fumes, and odor which was an important component that should be maintained.

Mr. Hardt referred to pages 5 and 7. He compared the definitions of *Office Flex* and *Research and Development* and said the distinction between them is potentially quite blurred, maybe conflicting and unclear. He said if 30 percent of a building was occupied by people sitting at desks with computers doing payroll and out doing business functions, and the rest of the building was occupied by a research lab, he did not know if it was an office flex building or a research building. He said the two definitions seemed to overlap or conflict.

Mr. Hardt said on page 6, he agreed with the earlier Commissioner comments about the table and the examples. He said the photographs were very problematic because they imply that the type or style of building is somehow inherently relevant in the definition of the uses. He did not think that was their intent.

Mr. Hardt referred to *Utilities and Electric Substations*. He said electric substations tend not to involve generation, and it seemed that *electric* should be removed. He said electrical generation stations are entirely different than what they are talking about in this District. He said also in this definition, *switch stations for backup power, are something that often exists in or on or next to large commercial properties*, should be stricken because it exists all over the place and is not part of an electrical substation.

Mr. Hardt said he agreed with Mr. Walter's comments regarding the table on page 12 and 13 and *Major Vehicle Repair*. He said not only are mangled vehicles, but the potential for spray booths and odors and that kind of equipment involved, and that it should remain as a conditional use.

Mr. Hardt referred to pages 14 and 15 *Veterinary Offices*. He recalled that the requirements for Veterinary Offices and requirements for Animal Care Facilities and Veterinary Hospitals used to be different, and now they are the same. He said they have been changed to 500 feet, 50 feet from the property line, and currently 7 am to 9 pm in both cases and he was not sure why they were distinguishing between the two uses.

Mr. Combs explained that at the last meeting it was shown differently, and a request was made to make both of them the larger buffer of the two.

Mr. Hardt said if the requirements, setbacks, and everything else for both are the same he did not know why they were being defined differently. He suggested they be one category.

Mr. Combs explained that the definitions were being looked at in terms of a broader application as well, so while grooming, pet sitting, pet daycare, and those kinds of things may seem the same in this particular district, it may be something that they would find inappropriate or appropriate in other districts. He said they want to make sure they have the flexibility for that.

Mr. Hardt referred to page 17, Setbacks. He asked if in Mr. Combs' presentation he showed a slide or something that said there was a potential for a setback as small as five feet. Mr. Combs said that was regarding pavement.

Mr. Hardt confirmed that the smallest building setback anywhere would be 15 feet as proposed. He pointed out that generally, in the Building Code when within 20 feet or so or sometimes within 30 feet of a property line, the fire ratings come into play on the sides of buildings to protect them from adjacent buildings. He said they have a potential where a building starts to get 15 feet away from the property line, they probably will end up with a windowless façade. He said that he did not think that was what they wanted, but they might potentially get it.

Mr. Taylor asked if Mr. Hardt interpreted the chart on page 17 that *Greater than 35 feet, as long as it was 50 feet back*, as allowing unlimited height, and is that something they wanted.

Mr. Hardt said taken by itself that was the way he would interpret it. He asked if there was provision in the Code that would put an ultimate cap on things.

Mr. Combs said based on the Commission's last discussion, there was a lot of talk about what if there was a lot of specialized equipment with extra high lifts that might go beyond 45 or 50 feet. He said because of that and not knowing what that might be it was left open-ended. He said if there is specific industrial equipment that might have components that are higher, or if higher base ceilings are needed. He said in the case of office, you are getting into multiple floors that deal with parking and the setbacks to limit the overall mass of the building.

Mr. Taylor said his concern was because on the chart, if you had a building that stepped back, then a 50-foot building might not look too bad, but it could be only at 50 feet, so they could have a 50-foot or 100-foot tall wall that was set back 50 feet. He asked if the height of buildings were limited elsewhere in the Code.

Mr. Combs said in the Residential Code, the height is limited to 35 feet. He said that was why at the last meeting, they proposed 45 feet because it was based off Hidaka, which is the tallest existing use in that particular district.

Mr. Taylor suggested they think more about it so that they do not have situations where they can have a tower that is not a building.

Mr. Walter said this might be one that they would not necessarily want to conditional use, but one that the Administrative Officer could use judgment.

Mr. Hardt suggested a threshold of above a certain generous height be used and above that height, it be considered as a conditional use. Ms. Amorose Groomes suggested 70 feet or above.

Mr. Walter said the reason he was saying not a conditional use is to respect what they are trying to do with the Code, and provide some sort kind of secondary approval, and an Administrative Approval probably would be okay because if they looked at a 300-foot tower, they would probably say that was not what we want.

Mr. Taylor said it would be more likely that if the requirements of the internal use of the building required a 70-foot tall building, then that might be something a check in the box for 'Yes' could be used. He said if that was an architectural bit on the building that was obviously there just to draw attention to the building, in that instance they would say there was no really good reason for that.

Ms. Amorose Groomes asked if a communication tower or device located on top of a building counted towards the building height. Mr. Combs explained that it would be regulated under Chapter 99 – *Wireless Communication*. Ms. Amorose Groomes asked if it was a water tower. She said she was trying to maintain the intent of what they were trying to do, but provide some protection for dealing with weird things.

Mr. Walter said a 200-foot tower could easily be built with a top opening with communication towers at the top. He said they needed to cover that in some way.

Mr. Combs said looking at the Shier-Rings Corridor, they are really looking more to the small to medium sized flexible space. He said if they were getting more of the intensive use that might go to 70 feet in height, they probably want them to be farther west into the EAZ where they are more proximate to the rail line where manufacturing and larger scale assembly is more appropriate. He said looking at the existing properties in the district, Hidaka is the biggest example and he did not think they wanted to see anything larger. He said the patterns of undeveloped properties are small overall, so there is not the capacity to do something the size of Hidaka.

Mr. Walter referred to the picture provided of Irelan Place which had a 30-foot setback. He said if moved 20 feet from the road and 20 feet the other way, there was a spot for a huge tower. He said they cannot predict what may happen and so specificity is needed.

Ms. Amorose Groomes pointed out that parcels are often assembled into one. She said it would be very short sided of the Commission to be ill prepared to deal with that.

Ms. Amorose Groomes suggested it be subject to a review of some sort if it was over 100 feet.

Mr. Hardt referred to page 17. He suggested that the stricken section, *...facades greater than 100 feet in length, possibly increasing the setback...remain*, and 'continuous' be added. *A setback of 75 feet is required for principle structures where a continuous building façade greater than 100 feet.* He said that was a large façade and some kind of relief ought to be encouraged.

Mr. Taylor agreed that probably the intent was to prevent a continuous one, but if it was broken up and variegated, it was more appropriate.

Mr. Hardt said his biggest concern was in the *Architecture* section of the proposed Code. He said the images provided are fantastic with examples of high bay, efficient, affordable buildings that look great. He said there was nothing in the proposed Code that told them that was what they would get. Mr. Hardt said he was not in favor of a prescriptive approach and he did not think they should try to regulate architecture, but he thought they should make an attempt to describe the quality of architecture that is expected. Mr. Hardt said there was nothing included that prevented someone from building a metal or a brick box. He said the proposed Code was devoid of any details. He said he knew these buildings were different than those in other areas in Dublin, and they are not after faux residential architecture, but the Commission is looking for quality buildings. He said the Code should describe what we want.

Mr. Hardt commented about *Materials* on page 19 under 3) a). He said metal was listed, and although he had no problem with it, but there were different kinds of metal. He suggested it say 'architectural metal panels,' because the panels have designed and regular joints with a finish that protects against fading, chipping, and rusting. Mr. Hardt suggested *Decorative Block* be changed to *Decorative Masonry*, which could be any number of masonry products. Mr. Hardt referred to paragraph B, *Building trim or detailing may use brighter accent colors*. He said the word 'brighter' should be stricken. He referred to paragraph 4)B) where it talked about four-inch overhangs. He said he preferred more descriptive language that describes the quality of architecture they are after and avoid the descriptive paragraph. He said it was the only thing in

the entire Code that said a building must have this detail and it seemed out of place. He said it was also a residential-centric requirement which would not apply to most of these buildings.

Ms. Amorose Groomes noted that most of the buildings shown did not have overhang treatments.

Mr. Walter asked if the Architectural section and the attempt to describe it was based upon the types of building preferred by the Commission. Mr. Combs explained that it was based on the Commission discussion in October and meetings with property owners. He said what is seen is a distillation of the things that were commonly seen as okay or not significantly impacting them.

Mr. Hardt said there was nothing in this proposed Code that would prevent a pre-manufactured metal building, as long as it had a 12-inch overhang, it met the height and width requirements, and had a trim piece around the top. He said he understood there were existing buildings which they wanted them to be able to add onto in a way consistent with the existing building. He said he wanted to ensure undeveloped sites are developed or redeveloped in a significant way. He said the images provided show the intent.

Mr. Taylor said good architecture is extremely hard to codify, however he recalled the Commission identifying the desire for the front of a larger manufacturing facility to contain an office or entrance with a much higher level of architecture than the rear of the building.

Mr. Hardt reiterated that there could be an intent statement included in the proposed Code. He recalled the Commission discussed the *Administrative Guide* as an appropriate location for some examples, therefore he was comfortable with it because he knew there would be a document to reference. He said if that had gone away, he did not think this proposed code would get the wanted results.

Todd Zimmerman referred to page 16, Number 15 – *Corporate Accessory Residences*. He said he had friends that used freestanding corporate residences near their office complexes. He said he did not want to preclude detached corporate housing.

Ms. Amorose Groomes summarized the Commissioner's comments and concerns regarding grammar and clarity issues, expectation of the quality, and consistency of the text. Ms. Amorose Groomes said the Commission will continue to think critically about the proposed Code language to ensure the best outcome. She said she appreciated the work done on this and she did not want to belittle that in any way. She said if they are to achieve their end of having a 'speed to build' process, the Commission needs to ensure it is appropriately designed. Ms. Amorose Groomes asked what more can the Commission do to help.

Mr. Combs said a lot of good feedback was received that will allow them to go back and take another look at the proposed Code. He said given the number of Commission comments made he requested a tabling so they would have time to address the issues and get it into a polished form.

Motion and Vote

Mr. Fishman made the motion to table this Code Amendment to give Planning additional time to refine definitions based on input from the Commission and to modify the architectural standards to ensure they achieve the quality of the images presented.

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



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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF DISCUSSION

OCTOBER 21, 2010

The Planning and Zoning Commission took no action on the following at this meeting:

**1. Code Amendment – Industrial District Modifications
10-064ADM**

Code Amendment

Proposal: Modifications to the Dublin Zoning Code to establish a new Technology Flex District to replace the RI, Restricted Industrial District and LI, Limited Industrial District.

Request: Review and feedback regarding proposed amendments to the Zoning Code under the provisions of Code Sections 153.232 and 153.534.

Applicant: Marsha I. Grigsby, Interim City Manager, City of Dublin, 5200 Emerald Parkway, Dublin, Ohio 43017.

Planning Contact: Carson Combs, AICP, ASLA, Senior Planner.

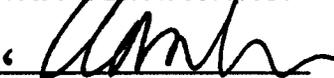
Contact Information: (614) 410-4669, ccombs@dublin.oh.us

MOTION: To table this Code Amendment.

VOTE: 7-0.

RESULT: This draft Code Amendment was tabled after discussion. The Commissioners requested that the proposed zoning district be amended as discussed. Based upon comments from the Commission, Planning will proceed with stakeholder meetings to obtain public input prior to final review and recommendation from the Commission.

STAFF CERTIFICATION


Carson Combs, AICP, ASLA
Senior Planner

**1. Code Amendment – Industrial District Modifications
10-064ADM**

Code Amendment

Chris Amorose Groomes introduced this application for informal review and feedback regarding proposed amendments to the Dublin Zoning Code under the provisions of Code Sections 153.232 and 153.234.

153.044(A) Purpose

Carson Combs said a brief overview of the amendment was provided at the last meeting to explain the intent for updates to the industrial districts. He said the meeting packets include the current LI, Limited Industrial District and RI, Restricted Industrial District provisions, the Planning Report with a section-by-section review and a supplemental guide that describes some of the terminology used within the draft regulations. He said Planning is requesting general feedback that can be combined with public input at upcoming meetings to develop a final version of Code language for formal review in the future.

Mr. Combs said the LI and RI Districts are standard zoning districts in the Code that are generally not reviewed by the Commission. He said property owners can directly submit for building permits to begin construction. He said the Commission has seen a number of conditional use requests in the past and the Board of Zoning Appeals has had to address many variances over the years.

Mr. Combs said there are a number of goals associated with modernizing the Code. He said the proposed uses will be expanded to match more of what is seen, versus what was in the Code decades ago. He said the standards must also be more straightforward. Mr. Combs said requirements are now difficult to administer, given the formulas in the Code. He said providing some minimal acceptable architecture standards are being considered that would provide a baseline for new construction.

Mr. Combs said uses in the current Code are more detailed, but focus on traditional manufacturing, wholesale and warehousing. He said for economic development purposes, a greater focus is needed on office and laboratory uses. He said office has traditionally been acceptable adjacent to residences, so there should not be concern for its inclusion in industrial areas. He said flexible space is also becoming more important over time.

153.044(B) District Uses & 153.044(C) Additional Use Regulations

Mr. Combs said the proposed code includes a list of uses that look holistically at all potential uses to determine what would be appropriate within an industrial area. Given that determination, further consideration is provided as to whether the use should be permitted or conditional or even have additional development requirements. He said the old Code refers to the Standard Industrial Code, which includes a general category; however, the way subcategories are selected in the Code seems somewhat random, making administration difficult. He summarized the proposed regulations would focus more on office, laboratory and flex space, as well as clarifying some of the service-type uses.

Kevin Walter asked if there was guiding language that would explain the difference between Major and Minor Motor Vehicle Repair. He also asked how the Administrative Guide would be made available to the general public.

Mr. Combs said the Supplemental Guide provides an explanation based on the intensity of the mechanical work that would be completed. He said battery stores or oil change shops where **there is minimal repair would be considered as “minor” versus establishments like body shops.** He noted the proposed categories were developed keeping in mind their application to other **zoning districts in the future. He said the “minor” category would include lighter intensity.** Mr. Combs said as the Code goes forward, a determination would be made as to what venues such as the City website would be made available for the Guide.

Amy Kramb said she realized the intent of the proposed Code, but the Guide is not all-inclusive of some of the uses in the existing Code. She said as an example that the existing Code includes a section on Service Industries (i.e. builders, contractors, plumbing, heating and air conditioning) that is now called Construction and Contract Service Trades. She questioned whether the Guide is an all-inclusive list or just a suggestion because many things are not in that list that she thought would be still acceptable.

Mr. Combs said no matter how much detail is placed into a definition, uses will fall into a gray area. He said the Guide is intended to be used by the Zoning Administrator to make a final determination as to what category a use will fall.

Ms. Kramb said she thought the uses were okay, but she has issues with the Administrative Guide. She said the uses were extremely broad and would be very hard to enforce.

Mr. Walter questioned whether the Guide was part of the Code, and Mr. Combs clarified that it is more of a separate handbook to help interpret.

Mr. Walter referred to definitions like “Animal Care Facilities – Facilities providing for the indoor sale of household pets or pet related items greater than 25 percent of the gross floor area.” He asked if the definitions were administrative, could a future administrator say that the percentage could instead be 50?

Steve Langworthy clarified that both points made by Ms. Kramb and Mr. Walter occur today. He said there are continual interpretations in administering the Code. He said the definitions part of an administrative guide would allow for some degree of flexibility. He said if changes were needed, an ordinance amendment process would not be required every time.

Ms. Kramb said she had problems with creating new terms such as “Office Flex” that are not defined in the Code.

Mr. Langworthy said that kind of feedback is desired by Planning as the Code moves forward.

Mr. Walter questioned the need for a new system when the federal government has developed the NAICS, which is very specific. He said businesses are required to report what they are, and the Code should reflect the classification system. He said the NAICS gives the opportunity to roll up a level and have the specificity, but does use general categories.

Mr. Langworthy said Planning is trying hard to get away from that type of system because applying the former SIC has really hampered the City in the past. He said the uses are so specific that if one is forgotten, you need an ordinance to add it. He said if the Code is that specific, you cannot deviate if a particular use is mentioned somewhere else in another district.

Mr. Langworthy said the system should not be used in a Code because every single use must be listed. He also said you cannot refer to a system if not everyone has the document. He said if one desires uses in the 800-series, every single one must be listed. He said Planning does not want a Code that requires going through 400 to 500 uses to determine which 300 should be listed in the document. Mr. Langworthy said using a general category can allow for some interpretation that will allow for new technologies and uses that come along that are not thought of now.

Mr. Combs clarified the federal government created the system as a means to quantify industrial activity. **He said while it's a very detailed system, it may not suit what is desired here in Dublin.** He said with layers of specificity comes difficulty in trying to tailor everything to what is appropriate for the community.

Ms. Kramb pointed out that other Code sections include definitions. She said adding definitions would make her more comfortable. **She also noted "Wireless Communications" in the use table** did not indicate the reference for the asterisk. She also noted that some wording appeared to be missing from the Office category. She said while she liked the use categories, she had a problem with not defining them in the Code, particularly those that are new.

Ms. Amorose Groomes suggested that instead of defining the terms, something regarding the intent could be inserted. Ms. Kramb said some of the supplemental definitions need to be in the Code, but not necessarily for every common use and practice.

Mr. Walter said it should either be specific or general, but the Guide includes a combination of both. Mr. Langworthy suggested the terms be more generalized, and Mr. Walter agreed.

John Hardt said including specific numbers such as 25% within the Administrative Guide makes it feel more like a Code. Ms. Amorose Groomes asked if he would rather see more general **verbiage such as "not a majority of the business."** Mr. Hardt suggested if specific numbers were necessary, it be placed in the Code.

Ms. Kramb estimated the intent of the language was to be specific enough to prevent businesses from needing to come back every time a building is changed. She said the language should not be left completely general.

Mr. Hardt noted the districts do not come to the Commission now for approval.

Mr. Langworthy said to clarify that Ms. Kramb meant coming back to the Commission in terms of changes to the Code. He said that if the Code was very specific, if something was not covered in the language the regulations would need to be changed every time.

Todd Zimmerman said the Commission was not talking about altering the square footage of the building. He said the discussion about uses impacts and what goes on in the interior of the building. He questioned how much the Commission wanted to control that aspect. Ms. Amorose Groomes said the exterior will be designed to suit what goes on inside the building, so the uses do affect more than just what goes on inside the building.

Mr. Zimmerman asked whether a business would be required to come back to the Commission to request going from 70% to 72% in lot coverage. Mr. Langworthy explained that such issues are how Planning starts to divide between what is recommended as a permitted use versus

conditional. He said permitted uses do not really have major external impacts, but conditional uses have a potential affect neighboring properties with traffic or other issues. He said higher levels of intensity would warrant extra scrutiny, as opposed to uses that one may pass by and not know what was necessarily happening inside.

Warren Fishman said what is expected of the developer has been raised as a complaint in the past. He said it seems as though expectations have depended upon who is the administrator.

Mr. Walter said the Guide should be descriptive and anything else with specificity should be in the Code. (Mr. Fishman agreed).

Mr. Langworthy noted that specifics are noted in Paragraph C, “Additional Use Regulations.”

Ms. Krumb said all new terms and ones where specifics are needed should be added to the Code.

Mr. Walter referred to the permitted use “Veterinary Urgent Care and Hospitals” and “Animal Care Facility-General Services.” He recalled the Commission had previously discussed impacts on neighbors and suggested the use be listed as conditional. He asked for an explanation of “Outdoor Retail Displays.”

Mr. Combs said many industrial uses may have an accessory retail component as part of their front office. He said in some cases, an outdoor display area may be desired, depending upon the type of products being produced. He said Planning is trying to clarify those types of issues with the new use classifications. Mr. Combs said outdoor displays could have visual impact and should have some parameters.

Ms. Amorose Groomes said it sounded like the furniture store on Cosgray Road and its outdoor gazebo display. She said uses like that should be conditional. She asked for clarification if the **new construction at MAG was considered a “Corporate Accessory Residence.”** Mr. Combs agreed and said Nestle in Marysville is another example where the facility has a couple of homes closely attached as a support use for travelling employees or other business guests.

Richard Taylor said he concurred with the comments made by Ms. Krumb and Mr. Walter.

Mr. Combs clarified for Mr. Zimmerman that “Animal Care Facilities” would be covered as a conditional use. Mr. Combs clarified that particular uses may need some additional limitations that are clearly proposed in the Code.

Mr. Zimmerman referred to the proposed distances from residences for Animal Care Facilities and asked for clarification on the different buffers (350 feet versus 500 feet). He said he recalled prior discussions about urgent care hospitals and overnight boarding. He recalled a project in Muirfield where the dogs still needed to be walked and exercised.

Ms. Krumb noted one had outdoor facilities and the other did not. Mr. Zimmerman said all three animal care categories should be the same at either 350 feet or 500 feet. He said he prefers 500 feet because of the potential noise.

Mr. Walter asked about the implications of having specified buffers if the uses were changed to conditional status. He also noted hours of operation and said he had concern that putting limitations in the Code would make the conditional use review a moot point.

Mr. Langworthy explained as a conditional use, the Commission would have the authority to modify the distances as part of their review. Mr. Hardt said if business owners have to wait until they get to the Commission to find out whether 350 feet is acceptable, a great deal of time and money has been wasted.

Mr. Fishman concurred and said the required distance should be clear. He asked whether other cities had similar standards that could be reference. Mr. Langworthy said there are many examples because zoning codes differ throughout the country. He said the Code should reference what is appropriate to Dublin.

Mr. Walter suggested the requirement be more restrictive with a clause stating “unless reduced by the Commission.” He said he did not want to be in a situation where a greater buffer is necessary because of circumstances, but the Commission had no ability to request.

Mr. Hardt referred to Section 10 under *Animal Care Facilities – Breeding and Boarding* and noted an inconsistency between the 500 foot buffer requirement and the 350 foot buffer noted in the previous paragraph regarding Outdoor Pet Services.

Mr. Walter suggested rewriting those sections noted above.

Mr. Hardt asked whether there was a presumption that no more than one of these uses would exist in any facility at one time. He said for example that Industrial Flex and Office Flex would not exist in the same place at the same time.

Mr. Walter asked where a warehouse facility with 20% office would fall. Mr. Combs said percentages were used to try to find areas where it goes from being solely Office to Office Flex to something else. He said the warehouse use with 20% office would be considered as warehouse. He said Planning would revisit the definitions to ensure better coordination and agreed the definitions needed better synchronization.

Ms. Kramb suggested they be listed in a table for comparison.

Mr. Hardt said he was not sure why Outdoor Retail Display would ever be desirable. Mr. Langworthy said there is an example on Avery Road where the carwash sells papers in a small area in the back.

Mr. Walter asked if a U-Haul rental could exist as a minor repair facility if they have all of the typical aspects of a rental facility. He said Outdoor Retail Displays allow for the outdoor display of products, vehicles and equipment for sale or lease, but the proposed language also requires display areas are fully screened from adjacent properties. Mr. Langworthy clarified that a rental facility would be covered under **“Truck, Trailer and RV – Sales, Rental and Repair.”**

Mr. Walter asked why it was not an outdoor display. Mr. Langworthy explained that as an ordinance one cannot use a general term to describe one that is more specific. He said someone could not argue an **“Outdoor Retail Display”** when they are in fact renting vehicles or trailers.

Mr. Walter asked if they were an auto shop with U-Haul rentals being an accessory use. He also inquired how the accessory would be calculated. Mr. Langworthy said Planning would look comparatively at the size of the auto shop versus the U-Haul rental. He said this example demonstrates for the Commission the types of interpretive elements that Planning has difficulty with all the time.

Mr. Walter asked if the intent is to discourage this type of facility. Mr. Langworthy said if it was encouraged, it would be a permitted use rather than conditional. He said the idea is that if uses have external displays, they will come to the Commission for review.

Mr. Walter said he agreed, but did not agree that display areas should be fully screened from adjacent properties. He said that it may be too restrictive.

Ms. Amorose Groomes said it depended upon what they were trying to sell. She asked for an example of what he would not want to see screened. Mr. Walter said he would not want the U-Haul trucks screened and would appreciate the fact that he knew the business was there. He said the proposed language would discourage such businesses. He said it should depend on the specific circumstances.

Mr. Langworthy said 'if required by the Commission' could be added.

Ms. Krumb said the use was shown as a conditional use, and asked why that needed to be stated. She suggested that screening be determined as part of the conditional use process.

Mr. Hardt said if a conditional use came before the Commission, and they did not want it screened, they would not have that latitude because the Code required it to be screened. Mr. Langworthy said the Commission currently has the ability within the Code as one of the conditional use provisions to modify any of the requirements of the Code. He said if the Commission determines that the screening is not necessary or should not be done, it would have the ability to modify the requirement.

Mr. Combs said the language treats outdoor displays similarly to the screening of service structures.

Mr. Langworthy clarified how the screening would be required, but could be modified by the Commission as part of the conditional use process.

Ms. Amorose Groomes said she thought the more restrictive language should be left in because it is easier to ease restrictions than to request more.

153.044(D) District Uses

Maximum Lot Coverage

Mr. Combs said the first portion of Paragraph D addresses lot coverage. He said the Code currently permits a 70% maximum. He presented a chart demonstrating lot coverages from **comparable suburbs**. He said based on the age of Dublin's industrial areas, many lots and structures have non-conforming site development issues. He said a small increase is recommended to allow minor modifications that would accommodate business growth and upgrades that could help retain businesses.

Mr. Taylor confirmed lot coverage includes building, parking and other improvements. Mr. Combs confirmed that it includes all impervious surfaces.

Ms. Kramb and Mr. Fishman said that 70% was too high. Ms. Kramb said she would prefer a lower lot coverage, so it should be kept at 70%.

Ms. Amorose Groomes asked about impervious parking and suggested that the entire site could be covered. She said she was not in favor of raising the lot coverage. She asked if there is the ability to get a waiver from the lot coverage requirement.

Mr. Combs said other site requirements such as landscaping, buffering and stormwater must also be accounted in the site design and would limit development. He said any waiver would be granted by the Board of Zoning Appeals.

Mr. Walter said he understands the intent to provide flexibility, but thinks that the change will result in larger buildings.

Mr. Taylor inquired as to what types of additions are sought. Mr. Combs said the type varies. He said the expansion of Battelle is one example where a small addition was needed for expanding operations. He said trying to keep small to medium size companies in the City as they grow is a concern and if businesses run into obstacles and are required to get variances, the ability to expand is left up to the Board of Zoning Appeals. He said there is a significant potential for companies to leave Dublin and find space in other municipalities that is readily available.

Ms. Kramb said she was worried about new businesses building larger buildings.

Ms. Amorose Groomes said the Code provides the possibility for a great deal of redevelopment and that it would be less likely to see buildings with additions.

Ms. Kramb suggested the City somehow accommodate by waiving fees for businesses it is trying to remain in Dublin.

Mr. Zimmerman pointed out that Dublin is competing with other cities for the business dollar and 5 percent can be a big issue.

Ms. Amorose Groomes reminded the Commission that the charge of the Commission is to address the visual impact of the community, not economic impacts. She said 70% is visually very appropriate, and that 75% coverage like in New Albany is not what she would want.

Mr. Hardt said 70% seems better; however, in order to get any relief a business would need to go to the BZA and prove a practical difficulty. Ms. Amorose Groomes suggested that maybe the appeal process should be changed rather than the lot coverage.

Mr. Walter said the Commission heard a case this year where someone said their architect told them to say one thing and then come back in later to get more. He said changing the process will encourage more.

Mr. Fishman said Dublin has a lot of land, so you make the building fit the site and allow for expansion. He said increasing the percentage will result in developers buying just what they can get by with and everyone will be at 75%.

Maximum Building Height

Mr. Combs said the current Code has no specific maximum height and is regulated through other development regulations. He said a 45-foot maximum is proposed for simplicity. He said whether or not the 45 feet would be necessary depends upon the type of operation, whether a high bay facility is needed for particular activities or if multiple story office is proposed.

Mr. Fishman was concerned all buildings would be built to the maximum and asked if the current limitation was 35 feet. Mr. Combs confirmed 35 feet was the maximum for residential districts. Mr. Langworthy also explained that industrial uses would need a reason such as specialized equipment to build higher. He said increased height does not increase industrial square footage; however, he said office uses were different.

Mr. Taylor said he thought a more complex definition of height using a three-dimensional envelope was needed to serve both the City and the building owner. He said a stepped interval based on heights would address some of the previous discussion about lot coverage. He said if someone was limited by the 70%, they could take existing office on the first floor and convert to manufacturing by adding additional office space back internal to the site. He said he assumes one of the goals trying to be achieved is to ensure as much as possible that manufacturing facilities and warehouses do not look so. He said the more buildings can be stepped, the more visual interest can be a good design factor. He said he could not picture a 45-foot tall building, but it would be a monolith that is not desired.

Mr. Fishman recalled when the Hechinger's building was demolished at Dublin Village Center. He said BJ's Wholesale had to have a higher building to accommodate their stocking equipment. He asked if there was a mechanism in the Code that would allow a higher building if architecture was visually pleasing and the business needed it, instead of just raising the maximum.

Mr. Combs said Planning would look further. He recollected that Hidaka was the model upon which the 45-foot height was determined.

Ms. Amorose Groomes said in her experience, buildings that are higher usually involve conveyor systems for sorting. She asked what relief option would be available if more than 45 feet was needed. Mr. Combs reiterated as a standard district in the Code, the Board of Zoning Appeals would have review over variances.

Mr. Hardt said Dublin will not get a new company if they know the BZA is where they have to start.

Mr. Walter said he had no problem with the 45-foot height, but did have issues with the setbacks. He said if the setbacks were greater, there would not be as great an issue.

Ms. Amorose Groomes agreed if businesses realized that they would need to go to the BZA to allow desired construction, they would look elsewhere. She said that may eliminate some companies the City would like to have.

Mr. Zimmerman noted a 45-foot building would not be built if it was not needed. Mr. Langworthy said there are regulations where a base number is established, and then for every foot taller, there are increased setbacks. He referred to Paragraph 2(c) where additional setbacks for buildings are based on height. Ms. Amorose Groomes said that might achieve a more aesthetically pleasing building that the Commission would like to have.

Mr. Taylor said he did not have a problem with the setbacks, but if there are allowances for taller buildings, he said it should be done similar to cities that have Codes to protect light corridors by stepping the building back as it gets to a certain height.

Mr. Walter questioned whether that approach is realistic and suggested that if a building has to be 45 feet tall, that a larger piece of land is needed.

Ms. Amorose Groomes requested that some form of relief for taller buildings be integrated, but that the bar be set high to achieve the kind of architecture that would be interesting.

Mr. Hardt referred to the Planning Report and said that he did not think that linking the building setback to the building height as provided would eliminate the need for variances. He said developers will build up to the maximum and ask again for a variance because they are at the limit. He suggested provisions to exclude rooftop mechanical changes that will allow businesses to do what they need to complete modifications without altering the height of the building.

Mr. Langworthy indicated that no matter the regulation, there will be a need for variances.

Mr. Combs said the current Code uses two variables that fit into an equation. He said unless a specific floor plan is not known, the setback cannot be determined. He said in contrast, a sliding scale where the numbers are set would not cover every circumstance, but would be more straight-forward.

Mr. Taylor said a three-dimensional approach to setbacks and building heights would encourage rooftop mechanicals to be located in the center of the building so they are less visually apparent.

Ms. Kramb said a setback of 10 feet was too low when the old Code had 15 feet as a minimum. She said the setback should be at least 15 feet and she believes that number is too close anyway.

Mr. Hardt also asked if there were any buildings in Dublin with setbacks less than 10 feet. Mr. Combs said many existing industrial buildings along Shier Rings have limited setbacks. He said that collected data could be reviewed further to see how many would fit that category. He said many cases of nonconforming setbacks occur where industrial properties are located side-to-side and not adjacent to residential uses.

Ms. Amorose Groomes said many of the industrial buildings have gravel lots, which are considered as impervious.

Mr. Walter referred to the residential component for setbacks: *“Required side and rear yard for principal and accessory structures shall be 50 feet from any residential zoning district, and 75 feet is required for principal structures with a façade greater than 100 feet.”* He said the setbacks were too small.

Mr. Combs said the Code would apply to all existing structures as well as new development. He said the concern was making sure properties can actually be economically viable. He said examples could be looked at for examples of measurements.

Ms. Amorose Groomes said Shier Rings Road is adjacent to residential uses, and Mr. Fishman said that 50 feet was very close. Mr. Langworthy reminded the Commission that residential properties also have setbacks. He also noted that there are required landscape buffers that must be installed between uses.

Ms. Kramb said pavement can be 35 feet away from residential properties. Mr. Langworthy said that happens quite frequently. He said the Commission must keep in mind that Planning does not want to create a significant number of non-conforming buildings. He said there are examples of these situations already existing, but the Commission must be careful about how big they make the distances. Mr. Langworthy said he did not know why 100 feet between the building and property line would be needed.

Mr. Walter voiced concern that the Code is being built around the existing buildings and not really what the Commission wants to do. He said a better way to handle the transition was needed. Mr. Langworthy suggested that enhanced landscaping could address **the Commission's** issues.

Ms. Amorose Groomes suggested that prior to the next review of the Code, that Commissioners take the opportunity to visit examples to make a more educated decision. Mr. Langworthy added that Planning can provide examples with distances marked.

Mr. Zimmerman said he did not think that changing from 20 to 25 feet would have much of a visual impact. He said however, Mr. Walter said that 25 feet would make more landscaping possible.

Intensity Provisions

Mr. Combs said the proposed Code includes a section that incorporates the adopted Future Land Use Map from the Community Plan as a density cap, based upon completed modeling. He said that areas south of Shier Rings are generally 9,500 square feet per acre and along the interstate at 16,500 square feet per acre.

The Commission had no comment.

Lot Width and Front Setbacks

Mr. Combs said the Code requires a minimum lot width of 60 feet, typical to other Districts. He said this requirement avoids precluding the future extension of public streets as property develops. He said front setbacks for building and parking will also continue to be measured according to the Code as specified in the general development standards.

The Commission had no comment.

Side and Rear Setbacks

Mr. Combs said the Code now uses a sliding formula of one-third the height plus the sum of the height and the width or depth (depending upon the property line). He said it is difficult to answer inquiries without having specific architecture. He said if someone is completing a preliminary assessment of the site or a general information call, Planning cannot say what the

required setback would be. Mr. Combs showed a slide noting that other area suburbs have very defined and straight-forward standards that make administration easier. Those setbacks primarily range from 15 to 30 feet, with additional provisions adjacent to residential districts. He said that the proposed Code includes stepped setbacks that increase as the building height increases.

Mr. Langworthy confirmed that Ms. Krumb did not want to see the minimum setback of 15 feet reduced. Ms. Krumb verified that direction, and Mr. Fishman concurred.

Mr. Taylor recalled when the Commission looked at the parking regulations, they discussed calculations **and that it was the developer or architect's job to do the math. He said it was the same here.**

Mr. Hardt said design professionals would have no problem because you have the formula and can sit down and figure it out. He said as an architect you know how the building design will impact the setbacks. He said, however, if you are a property owner or realtor without any design team and are just trying to investigate, then the Code can be problematic.

Ms. Amorose Groomes said the individual would have access to meet with Planning. Mr. Langworthy said Planning would not know what to tell them because the first question would be **"how high is the proposed building."** He said just wanting to know how much building they could fit on a property, the City could not answer that question.

Mr. Taylor asked with that in mind, which of the two methods would be the most onerous: one setback that gives more of an increase, or one that gives the City more flexibility in making a building that steps back. Mr. Langworthy said is what was proposed in Paragraph C. He said he believes that the same thing has been accomplished, Planning is just proposing that someone calculate it once a building is known.

Mr. Hardt said as a realtor, he would still not be able to figure it out without knowing the building height. He said with four categories, he said the difference between a 24-foot tall building and one that is 25 feet would likely get some interesting architecture. Mr. Hardt said the compromise might be to fix the setbacks more rigidly so that the land owner knows how much building they can put on the site in terms of area, but to have the building height tied into the architecture to encourage more step backs and interesting massing.

Mr. Langworthy said right now, setbacks are measured to the nearest foundation for the principal structure. He said it could be measured according to proportions of the building, so that a building may be 30 or 35 feet from the nearest property line, but the building could then get higher the farther the distance from the property line. He said it means that the minimum measurement is made to the first wall, but the actual building height could be measured according to a portion of the building.

Mr. Taylor said that more complexity might be part of the answer to all this. He said he was talking about a three-dimensional envelop that they building could fit into. He wondered if going to this type of regulation would help businesses to put in the building they wanted or if it would make it harder to construct a less preferred building.

Mr. Langworthy said he did not think setbacks could prevent "bad" buildings. He said one problem experienced with this calculation was the Battelle building. He said by the time the

setback calculation was applied, Battelle was required to have a 100-foot setback from the property line, giving them only a 40 to 50-foot wide development envelope. He said they could not have built the building at all.

Ms. Amorose Groomes confirmed Planning would look at some three-dimensional kind of articulation. Mr. Taylor said lot coverage, setbacks, height, and architecture are linked together.

Mr. Hardt wondered if architecture was really the key to what was being discussed. He said if someone wants to build a warehouse that is a box, but it is highly articulated with a nice façade and materials, he would be fine with that. He said when talking about industrial uses, he wondered if trying to force three dimensional articulation would prove to be a problem. He suggested it is the architectural treatment that is key.

Mr. Langworthy said he was not thinking so much in terms of architecture as is the ability to manipulate height so the closer you are to the property line, the lower the building height. He said it may or may not result in interesting architecture; however, it provides flexibility for what could be built.

Mr. Taylor said he was in favor of making it easier to market and use land, but he did not want to make it simpler to construct plain boxes in a community that has expectations for architectural quality. Mr. Langworthy noted that the proposed Code would give them an advantage by considering some basic architectural guidance. He said right now the Code has none that must be followed.

Pavement Setbacks

Mr. Combs said the proposed Code includes a five-foot sideyard setback along internal lot lines when industrial uses abut. He said this is consistent with the general development standards of the Code. He said the rear yard setback is 10 feet or is 30 feet if adjacent to residential. He said on any sideyard, the setback to residential will also be 30 feet.

The Commission had no comment.

153.044(E) Additional Outdoor Requirements

Mr. Combs said the proposed Code generally addresses outdoor operations, storage and similar things to ensure that activities do not impact the surrounding area.

Mr. Walter referred to the proposed language and asked if an operation with bulk-type goods would have to containerize materials. Mr. Combs said the language was intended to discourage more intensive general industrial uses that handle lots of raw materials such as gravel or concrete.

Mr. Walter further asked if pallets of materials would be satisfactory. He said he found it curious that this type of restriction was called out. Mr. Combs said Planning would consider the language further and change any references to the old industrial districts.

153.044(F) Architectural Requirements

Mr. Combs said Planning was seeking preliminary feedback about a variety of architectural topics to see how future Code language could address visual quality. He cautioned the Commission that the intent of the Code is to provide a minimum standard that could be reasonably incorporated while still being competitive in the marketplace.

Materials and Color

Mr. Combs said initial thoughts were to require muted earth tones as a base color or framework with the ability to utilize some element of accent colors that would add more visual variety to the elevations. Mr. Combs showed example images.

Mr. Walter said he thought color helped businesses to articulate individual branding and wayfinding and was a positive aspect.

Ms. Amorose Groomes liked the example in the middle (Perio-6156 Wilcox).

Mr. Taylor said the accent color can help focus on the entrance. He said he would like to see **'earthtone' taken out because it is an overused term that results in a boring form of beige or brown and stone.** He said he understands that a bright red building is not wanted, but a building painted black could look fantastic. He said that earthtone limits the palette to dull colors. He said the ability for brighter accent colors can help identify a company and can identify places where the public interacts with the building. Mr. Taylor said the image on the right (Stanley Steamer-5800 Innovation Drive) was attractive with just enough color to distinguish the building, even though it is a warehouse/industrial-type structure.

Roofs

Mr. Combs presented an overview of roofs and indicated that some basic variation is sought to add variety to buildings, whether by parapets, change in roofline, type of roof, or incorporating smaller components such as bump-outs.

Mr. Hardt said he did not think varied rooflines are necessary. He said a complicated roofline and complicated massing will drive up the cost of a building.

Mr. Taylor said good design is hard to legislate. He said he has concern that being too specific will result in a checklist that would still result in bad architecture.

Mr. Hardt said roofs are almost always ugly on industrial buildings. He said he would rather see a building with four quality sides. He said he would be fine with a flat-roofed building that looked really great.

Mr. Combs asked for consideration of pitched roofs and whether any type of minimum overhang requirement should be considered to add depth and shadow to the building. He also asked if any minimum pitch requirements should be contemplated. Mr. Taylor said Mr. Hardt had already addressed that question.

Mr. Combs asked whether minimum requirements for parapet detailing should be considered such as requirements for trim or other element that would provide depth.

Mr. Langworthy clarified the discussion was focused toward whether particular design details are required for a particular roof type not whether the Commission desired a particular type of roof.

Mr. Taylor said the upper right picture is a good example of a big building where little money was spent on the industrial part, but the office looks great. Mr. Walter said the left example looks as if the designer is trying to hide a warehouse, but the right example is true to what it is.

He said the trim/color band along the office component of the right example makes a huge difference.

Mr. Zimmerman said the entrance on the left example is more clearly visible. Mr. Langworthy said he liked the parapet cap used on the upper left photograph. He said in Dublin we are lucky because with most recent buildings, developers generally recognize the character of the city and start with a pretty good building.

Mr. Combs clarified for Ms. Krumb that proposed architectural language would be placed within the Code as a regulation.

Ms. Krumb said she thought this was way too much detail to include. She said the private sector should design it themselves.

Horizontal & Vertical Elements

Mr. Combs said the incorporation of some horizontal elements can help break up the mass of the façade as you look from the base to the roof. He said examples include watercourses, rows of windows, material changes, pin stripes and other color changes.

Ms. Amorose Groomes said she was not a fan of banding or the appearance of the Dublin Service Center. She said she did not find them at all attractive.

Mr. Hardt said any design approach could be good or bad. He said he was afraid the Code could get too specific and become a checklist. He suggested talking more generally about articulation and the surface of the façade, letting people come up with creative ways to design.

Mr. Taylor suggested the Code be a general statement that Planning uses to meet with developers at which point, examples can be shown.

Mr. Hardt suggested examples be put in the administrative guide.

Mr. Walter asked how to get rid of a particular building example that is constructed with a block base and windows that creates a distinct visual separation line from the metal exterior of the upper two-thirds of the façade. He said too many of the industrial buildings do that. He asked if language could be included to limit that type of severe treatment.

Entryways

Mr. Combs said the idea of highlighting the public entrance portion of the building can provide a unique element separate from the rest of the building.

Mr. Zimmerman suggested that public art could serve the same architectural purpose, and Mr. **Taylor said “The Cabin in the Woods” building has a great entry with an inverted roof similar to the hospital.**

Mr. Fishman asked if different districts had different permitted materials. He asked if metal buildings would be permitted everywhere.

Mr. Combs said as a flexible district focused on clean industrial and research uses, metal would be permitted. Mr. Langworthy reminded the Commission that metal can be used in any of the standard zoning districts (this would include office, industrial, commercial and residential).

Mr. Hardt asked if other comparable communities with similar districts allowed these types of buildings to be built without design oversight. He said there are other areas in Central Ohio having great results, but he wondered if it was due to zoning requirements or process requirements.

Mr. Combs said Planning would research other Codes, but it was highly unlikely. Mr. Fishman said he had concerns that metal buildings would discourage building anything more interesting. He said even with architectural restrictions, if metal buildings are the most economical, Dublin will soon have all metal buildings. He said one can only make a metal building so attractive.

Mr. Langworthy said the discussion from the slides should be taken as a package and the Code is not about just picking out one of the features. He said even materials like EIFS can be made attractive, if done properly.

Mr. Taylor said a significant proportion of buildings will be industrial and metal will be appropriate. He said he is not opposed to metal if used properly. Ms. Amorose Groomes said it would depend on where it was used.

Landscaping

Mr. Combs said the last topic addresses landscaping as a potential cost-effective way to break up larger building facades.

Ms. Amorose Groomes said the width of landscape beds should be discussed as part of the Landscape Code. She said planting beds must be wide enough to support mature trees.

Mr. Fishman said what bothered him was substantial landscaping that has to be cut down because it is affecting foundations or sidewalks. Mr. Zimmerman agreed.

Mr. Taylor said he did not want landscaping used to cover a poor building.

Public Input

Mr. Combs said Planning expects to begin a dialogue with property owners and to place information on the website for additional feedback. He said the Code will be revisited based on comments, and Planning will bring back an updated ordinance in the future. He said following adoption of the Code, a City-sponsored rezoning will move forward.

Ms. Amorose Groomes invited the audience to speak in regards to this application.

Vic Irelan, Chairman of the Board, Dublin Building Systems and DBS Development, said he was not aware of the proposed changes until he read the Agenda in the newspaper. He said he was disappointed that landowners and builders/developers were not previously notified. He commended the Commission for working on the Code because builders, contractors, and developers find it difficult to work with clients without knowing for sure what can be done. He said the Code would really help clear up things, particularly with setbacks. He also noted the proposed uses are much better than the ones now that are 40 years old.

Mr. Irelan suggested Planning work with landowners to get input about thoughts for future development. He said half of the land along Shier Rings Road is already developed under

existing Codes and the Commission should be concerned about existing businesses that want to expand. He said the architecture will be controversial because everyone has different opinions and existing buildings may be impacted. He said the existing building design must be considered to avoid terrible architecture additions.

Mr. Irelan continued, saying that from an economic development view, the Code will be good because it is more clear to prospective buyers. He said clearer requirements eliminate wasted time. He said projects are now slowed by the amount of time needed to get approval, and buyers in this economic climate cannot wait that long and will go elsewhere.

Mr. Walter asked whether Mr. Irelan believes that a segment of his client base would be attracted to Dublin because of standards, or will it have a negative effect.

Mr. Irelan said he thought the Code is heading in the right direction, because if it is too specific, it will become cumbersome. He noted no one will rent U-Haul trucks if they cannot be seen.

Mr. Walter recommended key stakeholders such as Dublin Building Systems (DBS) meet with Planning. He said there should be a balance between what is needed for current development versus what is desired long-term. He said he did not have the experience in these matters as would someone like Mr. Irelan.

Mr. Langworthy said Planning and Economic Development have been talking with site selectors and various people in the community. He said he did not like taking a Code out to the public and saying it is what is under consideration without the Commission providing general direction/guidance.

Mr. Irelan said they could get by with more than a 10-foot setback, and 15 feet was pretty close. He said the height setback was good and he agreed that as the building height increases, the further it should be from the sideline. He said he was not sure that it could not be 50 feet, but that the discussion should focus on the general effect.

Ms. Amorose Groomes thanked Mr. Irelan for coming and sharing his thoughts.

Supplemental Administrative Guide

Ms. Kramb said the grammar and writing style of the supplemental guide should be reviewed. She said the intent is fine, but the document should be improved.

Mr. Langworthy said the focus at this point has been on the general content and intent of the **Code. He asked for Ms. Kramb's mark-ups** for detailed comment. Ms. Kramb declined.

Ms. Amorose Groomes asked when the Commission would see what they worked on tonight back. She said her expectation was the next time the Commission sees the Code the review **would be relatively short. She said given the Commission's comments**, it is an appropriate time to meet with stakeholders. She suggested using a multiple color method with changes made this evening, as well as stakeholder changes marked so the Commission can weigh different options.

Mr. Fishman asked if formal meetings would be set for the stakeholders. Mr. Combs said individual property owners and key stakeholders will be notified.

Mr. Langworthy suggested that a motion to table was needed because it was a case.

Motion and Vote

Mr. Walter made a motion to table this application. Mr. Fishman seconded the motion.

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



PLANNING AND ZONING COMMISSION

RECORD OF DISCUSSION

OCTOBER 7, 2010

CITY OF DUBLIN.

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

Phone/TDD: 614-410-4600
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Creating a Legacy

The Planning and Zoning Commission took no action on the following at this meeting:

**3. Code Amendment – Industrial District Modifications Informal Discussion
10-064ADM Code Amendment**

Proposal: Modifications to the Dublin Zoning Code to establish a new Technology Flex District to replace the RI, Restricted Industrial District and LI, Limited Industrial District.

Request: Informal discussion of a future request for review and feedback regarding proposed ~~amendments to the Zoning Code~~ under the provisions of Code Sections 153.232 and 153.534.

Applicant: Marsha I. Grigsby, Interim City Manager, City of Dublin, 5200 Emerald Parkway, Dublin, Ohio 43017.

Planning Contact: Carson Combs, AICP, ASLA, Senior Planner.

Contact Information: (614) 410-4669, ccombs@dublin.oh.us

RESULT: Planning and Economic Development provided a brief update to the Commission outlining the need for modifications to the City's industrial zoning districts. This case will be scheduled at an upcoming meeting to review proposed Code language.

STAFF CERTIFICATION

**Carson Combs, AICP, ASLA
Senior Planner**



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DUBLIN PLANNING AND ZONING COMMISSION

MEETING MINUTES

OCTOBER 7, 2010

3. Code Amendment – Industrial District Modifications 10-064ADM

Informal Discussion Code Amendment

Ms. Amorose Groomes introduced this informal discussion which was a general overview of objectives for a future request for modifications to the Zoning Code regarding the Industrial Zoning District requirements to create a new zoning district to address changing development trends.

Dana McDaniel said that he initiated this Code Amendment due to the competitive environment that is faced in economic development. He classified the health of Dublin's economy as good, compared to some of its peer communities, because of the sound foresight from past Councils and Planning and Zoning Commissions. He said Dublin is competing within the region, statewide, nationally, and globally. He said one of Dublin's best tools over the years has been the ability to be agile in our response to opportunities, especially when it came to investing in infrastructure. He said there are many job ready sites available elsewhere to contend with in other communities. He pointed out that because of the recession; financing for new buildings has been turned upside down. Mr. McDaniel said that the good news is that Dublin has a vacancy rate of about 13 to 14 percent, which is where we want to be, yet as product becomes less available, there are fewer choices available in Dublin and some of those opportunities will leak to other communities, which is a challenge for us.

Mr. McDaniel said tonight's discussion is about how Dublin stays competitive in this kind of environment. He said that the City always wants to live up to its high quality standards and will never let that go. He said the Commission needed to discuss how particularly around RI, Restricted Industrial, and LI, Limited Industrial Districts, the zoning prohibits Dublin from being as competitive as it could be.

Mr. McDaniel explained that Council's goal was to attract and retain high technology based jobs. He said high tech today, is different from light industry of the past. He said similarly when the Commission reviewed the WD Partners building about a year ago, it was probably one of the most expensive, most beautiful distribution facilities found in the Country, however it sits empty today because the zoning was so tight around it, that the definition needed to be opened up a little to provide other opportunities. Mr. McDaniel said while it still sits empty, since the zoning has been changed, there have been exciting possible projects that could be marketed to that facility. He said also, as one of Council's goals, the City needs to diversify our economy a little. He said he believed that Council agreed that for the long run, we cannot be a community just based on Class A office buildings. He said some companies look for flex warehouse space once in while, they may need a truck for deliveries, and those kinds of things.

Mr. McDaniel said the current trend in Dublin is a front office, a corporate administrative office with a scientist or two doing research or inventing new medical products, but in the back of their office, they are producing and manufacturing medical devices. He said medical devices are not like building new trucks and automobiles or creating smokestacks, but it is high tech knowledge workers doing very small component nano tech assembly and things of that nature that are high paying jobs. He said that Dublin wants to attract and retain that kind of company. He said such a company can exist on Tuller Road and Shier Rings Road. He said it was surprising how much laser technology was happening in Dublin where it is used to harden metal for advanced military equipment and to test polymers and resins that mask the outside of aircraft. He said those need to be housed in what the City considers traditional light industry, restricted industrial type buildings. Mr. McDaniel said we have to change up our definition a little. He said for informational technological type companies, medical type manufacturing, nano technology and those kinds of activities going on in Dublin, we have to have the ability to keep that and more so to attract it. Mr. McDaniel said that this discussion and dialogue is about that.

Carson Combs talked in detail about the Code changes that Planning expects to bring forward to the Commission. He said the wide variety of different companies in Dublin range from small startups to the very large international headquarters and corporations. He explained that Planning is trying to look at diversifying the City's business space so that no matter what the company is or what size they are, somewhere in Dublin, we are promoting, advertising, and marketing sites that can meet any particular type of business need. He said in particular, with the Industrial Code update, they are looking to focus on the Shier Rings Corridor area where there is a lot of smaller industrial, easily modifiable space that can meet a variety of different needs for businesses that are not only growing, but are also in the very important technology areas.

Mr. Combs said copies of the current industrial district codes were included in the meeting packets. He said the three zones were RI, Restricted Industrial, LI, Limited Industrial, and GI, General Industrial. He presented maps showing where the properties in the City fell within those zoning classifications. Mr. Combs said if a developer complies with all the development requirements, they could simply come to the Building Department and submit for permits, and when approved, begin construction. He said the hope was to simplify the process and meet the changing needs of businesses. He said a key issue was the fact that a wholesale change of Dublin's industrial districts has never been done. Mr. Combs said they dated back to 1970 in the Code approved at that time. Mr. Combs said these were codes very typical to a variety of townships and other jurisdictions throughout Central Ohio. He said they are trying to position Dublin into being more competitive and to get ahead of the curve in terms of these particular types of uses and buildings.

Mr. Combs said Dublin's Zoning Code also uses a very outdated Land Use classification system. He said the Code refers back to the 1954 SIC Code. He said while it has some advantages in breaking out uses very specifically, the fact that Dublin is using a system that old does not really address all the change and types of businesses we now have. He said something better needed to be found that matches the present economy. Mr. Combs said there are also many industrial uses within the three districts that are never seen in Dublin, for example: Canning and Preserving of Seafood, Greeting Card Manufacturing, Textile Dying, and Rental of Railroad Cars. He said our Code needs to address the types of uses that we are trying to attract, not what was prevalent in the 1950s.

Mr. Combs said Planning is also looking at working with the types of spaces that have changed over time. He said there are many industrial zoned properties that have subdivided tenants that actually do not comply with Dublin's zoning regulations. He said there are a lot of small offices and small startup spaces that are not specifically allowed by our Code. He said they have no impacts on surrounding properties, and so the intent with this proposed Code is to make the uses more flexible to address not only what is in the field, but what the City wants to attract as well.

Mr. Combs said our Code has some significant technical issues that hamper what can be done. He said Dublin's side and rear yard setback requirements are based on a formula that is a sliding scale, depending on the building height and depth. He said over time, tenants go into a building and as they develop and grow, they need to expand their office component or some of their clean manufacturing or lab space. He said the current Code hampers development by limiting the ability to add rooftop mechanicals or add bump outs to accommodate manufacturing or business processes. He said that results in many unnecessary trips to the Board of Zoning Appeals to gain variances just to remain in business and stay in Dublin.

Mr. Combs said that as part of the project, they are looking at matching uses to meet the needs of businesses. He said currently, Office is a conditional use, so all those uses must come before the Commission for approval. He said laboratories are given more scrutiny as well, but given in the 1970s, *laboratory* meant a giant place with lots of scary equipment, but now, mobile labs can be rented and pulled into an overhead door that allows businesses to be very flexible and constantly changing. Mr. Combs said that the current Code does not address that flexibility. He said also flex space is more open space, more easily transferrable so that as businesses grow, the office component can grow or shrink, and likewise, that the warehousing, storage space, or lab space needs to be interchangeable and flexible. Mr. Combs said that the Code amendment will try to address those uses and needs as well.

Mr. Combs said they are also looking to have more straightforward and flexible development standards, getting away from the sliding scale to something that is appropriate, but more straightforward so that businesses know upfront exactly what their standards are. He said they are also looking at some very moderate architectural requirements so that while it is an industrial area, per se, there will be minimal requirements to ensure that they definitely meet Dublin's quality expectations, not only for architecture, but for also landscaping.

Mr. Combs explained that as part of the Code amendment, they are going to be looking at the following objectives: 1) Adopting regulations for the new flex district that will address all these issues just reviewed, and 2) Following that adoption, initiating a City sponsored rezoning to look at changing zoning on properties shown on the map from the RI and LI Districts to the new Flex District so that there is one consistent set of standards for all industrial properties, and looking at a couple of the remaining GI District properties that are not going to be addressed specifically, redeveloping over time and phasing out the GI District as well.

Ms. Amorose Groomes said she thought it was very important for the Commission to be able to work with today's business model. She asked when this language would come to the Commission. Mr. Combs said that it would be introduced at either the next or the following meeting.

Richard Taylor noted that one area shown on the map was part of the Bridge Street Corridor. Mr. Combs said that they were having lengthy discussions as to how to work with OCLC and which process they will be placed.

Amy Kramb suggested that the need for a lot of wireless communication equipment and towers be addressed. Steve Langworthy explained that was a separate ordinance in Chapter 99 where there is an administrative process for most of those. He said the ability to construct new towers is limited, but new towers go through more of a conditional use process, but most of the co-locations and the smaller wireless kinds of new upgrades that telephone systems are using are being done administratively.

John Hardt said he was supportive of the intent. He said he had personal experience with a small Dublin company in the past that made a laser based aiming system for all the World's militaries, and it moved out of town without talking to anyone because they could not find a building that suited their growth. He said he thought this was a great thing to do. He said he would like to know how a change in the zoning districts will affect any existing planned districts where the allowable uses default to Code.

Mr. Langworthy said that was a problem now because other planned districts refer to a previous Code, so the whole numbering system and some of the language will be different.

Kevin Walter asked whether some of the new industry was actually supportable in the commercial office district, such as assembly, research, and things like that. He said you might say it was an industrial use, when it could also work fine in an office district. He said he was curious to see how uses are talked about and where those uses go.

Mr. McDaniel mentioned that some of these bench level nano technology type labs, assembly, medical devices could very well go into office settings. He said they like to look at Class A office setting because they want a nice environment for their employees.

Todd Zimmerman asked if the Parking Code would be affected when three base uses were in one building. He said sometimes, that their parking requirement was a lot less. He asked if something in the code would be adapted to that type of use.

Mr. Combs said when they look at the Parking Code, it was broken into different types, and depending upon how the Code is interpreted, it can be done as kind of a summation of the different uses. He said that they would check and verify them as this moves forward. He said that Dublin's traditional office parking requirements have been 1 per 200 or 250 square feet, but for warehousing and storage space, it is 1 per 1,000. He said it created challenges that will have to be considered.

Mr. Walter said that it would be difficult to put hard and fast rules on the parking requirements, because each one of those businesses does something different and the same footprint could have 100 or 3 employees.

Ms. Amorose Groomes said that was not different from any of Dublin's office spaces. She said some have converted to call centers. She said the Commission looked forward to that kind of insight into those things. She invited public comments with respect to this application. [There

was none.] She said the Commission looked forward to seeing the proposed code language and to come up with something fantastic.