



City of Dublin Planning and Zoning Commission

Planning Report

Thursday, February 6, 2014

Llewellyn Farms PUD - MathWizard
211 Bradenton Avenue

Case Summary

Agenda Item	1
Case Number	14-004AFDP/CU
Proposal	Text modification to add tutoring services as a conditional use within the existing development text and a conditional use application to permit tutoring services to operate within an existing office building within the Llewellyn Farms Planned Unit Development.
Request	Review and approval of an amended final development plan application under the provisions of Zoning Code Section 153.050, and a request for review and approval of a conditional use under the provisions of Zoning Code Section 153.236.
Site Location	211 Bradenton Avenue South side of Bradenton Avenue; east of Frantz Road and west of Chatterfield Drive.
Owner/Applicant	Parag Singhal.
Case Manager	Jennifer M. Rauch, AICP, Planner II (614) 410-4690 jrauch@dublin.oh.us Jordan Fromm, Planning Assistant (614) 410-4654 jfromm@dublin.oh.us
Planning Recommendation	<u>Approval of a Minor Development Text Modification</u> Planning recommends approval of a minor text modification, as the proposed use is compatible with existing uses in the area:

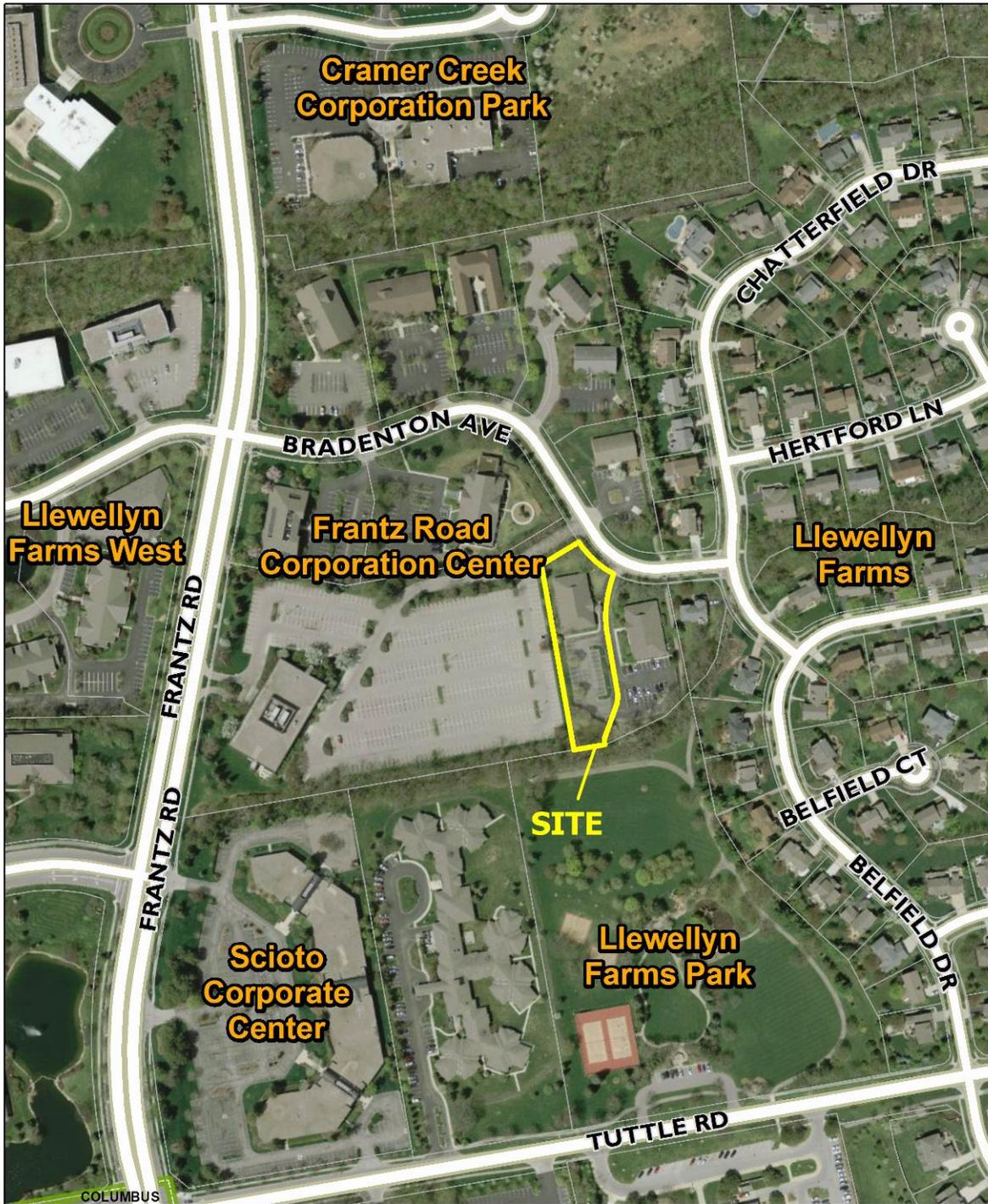
To modify the development text to include a provision to allow tutoring services as a conditional use for the office building existing at the time of this application on the south side of Bradenton Avenue, 200 feet west of the intersection with Chatterfield Drive in the Llewellyn Farms PUD.

Approval of the Amended Final Development Plan

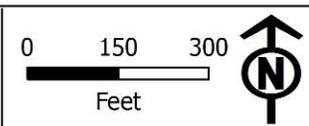
Planning recommends approval of this amended final development plan as it complies with the applicable review criteria, with no conditions.

Approval of the Conditional Use

Planning recommends approval of this conditional use as it complies with the applicable review criteria, with no conditions.



14-004AFDP/CU
Amended Final Development Plan/Conditional Use
Math Wizard
211 Bradenton Avenue



Facts	
Site Area	0.889 acres
Zoning	PUD, Planned Unit Development District (Llewellyn Farms PUD).
Surrounding Zoning	All surrounding properties are also located within the Llewellyn Farms PUD and are primarily office uses, with exception of Llewellyn Farms Park located to the south.
Site Features	<ul style="list-style-type: none"> Frontage: 95 feet on Bradenton Avenue The 5,972-square-foot building is in the northern portion of the site with parking south of the building. The site has 24 parking spaces, with one ADA accessible space. A single access point is provided off Bradenton Avenue.
Case Background	<p>October 8, 1987 Final development plan approved by the Planning and Zoning Commission to construct the existing building.</p> <p>December 15, 1980 Rezoning approved by City Council for the Llewellyn Farms PUD.</p>

Details	Amended Final Development Plan
Proposal	The proposal includes a modification to the conditional uses outlined for the Llewellyn Farms PUD. The applicant is proposing to add a provision to allow tutoring services as a conditional use on this site. The modification will be limited to this site and will not affect the entire Llewellyn Farms PUD.
Development Standards and Uses	The site is within Llewellyn Farms PUD, which is one of the City's older Planned Unit Development Districts. The ordinance establishing zoning for this site dates to 1980 and did not include a development text. In such instances, Planning defaults to the most compatible Zoning Code section to define the development requirements. For this site that district would be the Suburban Office and Institutional District (SO), which does not include tutoring services within the list of permitted or conditional uses.

Details		Amended Final Development Plan
Text Modification	The applicant is proposing to modify the text to add a provision to allow tutoring services as a conditional use on this site, which is compatible with the surrounding office uses. The text modification will be limited to this parcel and no changes are proposed to the building exterior or the site.	

Analysis		Minor Text Modification
Process	Code Section 153.053(E)(2)(b)4b permits the Commission to approve a modification to the development text and Zoning Code if they determine that all of the appropriate provisions are satisfied. The requested modification is: <i>To modify the development text to include a provision to allow tutoring services as a conditional use for the office building existing at the time of this application on the south side of Bradenton Avenue, 250 feet west of the intersection with Chatterfield Drive in Llewellyn Farms PUD.</i>	

Recommendation		Minor Text Modification
Approval	The proposed use is compatible with the existing office uses within the surrounding area and Planning supports the minor modification to the development text to permit tutoring services as a conditional use in Llewellyn Farms PUD for this site.	

Analysis		Amended Final Development Plan
Amended Final Development Plan	Section 153.050 of the Zoning Code identifies criteria for the review and approval for an amended final development plan. Following is an analysis by Planning based on those criteria.	
1. Consistency with the approved preliminary development plan.	<i>Criterion met with minor text modification:</i> The proposed addition of the tutoring service as a conditional use is compatible with the existing office uses within the surrounding area. No changes are proposed to building exterior or existing site.	
2. Traffic and pedestrian safety	Not applicable.	
3. Adequate public services and open	Not applicable.	

Analysis	Amended Final Development Plan
<i>space</i>	
4. <i>Protection of natural features and resources</i>	Not applicable.
5. <i>Adequacy of lighting</i>	Not applicable.
6. <i>Proposed signs are consistent with approved plans</i>	Not applicable.
7. <i>Appropriate landscaping to enhance, buffer, and soften the building and site</i>	Not applicable.
8. <i>Compliant stormwater management</i>	Not applicable.
9. <i>All phases (if applicable) comply with the previous criteria.</i>	Not applicable.
10. <i>Compliance with all other laws and regulations.</i>	Criterion met: The proposal complies with all other known applicable local, state, and federal laws and regulations.

Recommendation	Amended Final Development Plan
Approval	Based on Planning's analysis, the proposal meets the amended final development plan review criteria and the development character of the surrounding area. Planning recommends approval for this proposal with no conditions.

Details		Conditional Use
Proposal	The proposed use is for a 5,972-square-foot, existing office building within an existing office building within the Llewellyn Farms PUD to be used as a tutoring service.	
Operational Details	<p>No exterior modifications are proposed. The use will operate from 4:30 pm to 8:00 pm on weekdays and Saturday mornings from 11:00 am to 3:00 pm. There is also office space within the building which will be used during the other times.</p> <p>The MathWizard property will be used to serve students from Pre-Kindergarten through 12th grade, and will tutor the students in Math, English, and Science. The space will be set up to provide tutoring services to an average of 25 students at a time and a maximum of 37 at any one time. There will be 5 to 8 employees at a time to serve the students. Students will not be at the center to study before or after a tutoring session.</p> <p>Parents or guardians are responsible for providing transportation to and from the facility.</p>	
Traffic and Parking	No modifications are proposed to the existing parking. The site contains 24 parking spaces, which meets Code. Adequate access and circulation is provided from the single curb cuts off Bradenton Avenue with drive aisles and parking on the eastern and southern sides of the building.	

Analysis		Conditional Use
<i>Process</i>	Section 153.236 of the Zoning Code identifies criteria for the review and approval of a conditional use (full text of criteria attached).	
1) <i>Harmonious with the Zoning Code and/or Community Plan.</i>	Criterion met: This proposal is consistent with the requirements of the Zoning Code and the Community Plan.	
2) <i>Complies with applicable standards.</i>	Criterion met with text modification: This proposal is consistent with the requirements of the Zoning Code with approval of the proposed text modification.	
3) <i>Harmonious with existing or intended character in vicinity.</i>	Criterion met: The proposed use will not alter the essential character of the area and is compatible with surrounding uses.	

Analysis	Conditional Use
4) <i>Will not have a hazardous or negative impact on surrounding uses.</i>	Criterion met: Proposed operations will not have an adverse effect on surrounding uses.
5) <i>Will provide adequate services and facilities.</i>	<i>Not applicable</i>
6) <i>Will not harm the economic welfare.</i>	Criterion met: This proposed use contributes positively to the economic climate of the city, by providing an additional amenity for residents.
7) <i>Create no use or characteristic that is detrimental to the surrounding uses.</i>	Criterion met: The use will not be detrimental to the surrounding area..
8) <i>Vehicular circulation will not interfere with existing circulation.</i>	Criterion met: The site has effective circulation and no changes to circulation are proposed.
9) <i>Not detrimental to property values in the vicinity.</i>	Criterion met: This proposal will not be detrimental to property values.
10) <i>Will not impede the development or improvement of surrounding properties.</i>	Criterion met: This proposal uses are contained on site and will not impede development or improvement to the surrounding properties.

Recommendation	Conditional Use
Approval	Planning recommends approval of the proposal as it complies with the conditional use review criteria with no conditions.

MINOR TEXT MODIFICATION (Section 153.053(E)(2)(b)4,b)

4. Compliance with the preliminary development plan. In reviewing the application, the Planning and Zoning Commission shall determine if the final development plan substantially complies with all specific requirements, the purposes, intent and basic objectives of the preliminary development plan, and any commitments made or conditions agreed to with the adoption of the preliminary development plan and if it represents an expansion and delineation of the approved preliminary development plan.
 - a. Planning and Zoning Commission may determine that the proposed plan complies with the preliminary development plan and may proceed to review the Final Development Plan in accordance with the procedures of this section.
 - b. The Planning and Zoning Commission may, in reviewing the final development plan, approve a modification of a provision of the development standards text if they determine that all of the following provisions are satisfied:
 - (i) The Planning and Zoning Commission determines that, for this PD, the code compliance is not needed in order to ensure that the PD is consistent with the Community Plan and compatible with existing, approved, or planned adjacent development;
 - (ii) Planning and Zoning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Community Plan;
 - (iii) The proposed modification results in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);
 - (iv) The principles of § 153.052(B) are achieved; and
 - (v) The development, as proposed on the final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
 - c. Any proposed modification to a preliminary development plan that fails to meet the above criteria shall require a zoning amendment to the preliminary development plan according to § 153.234.

AMENDED FINAL DEVELOPMENT PLAN REVIEW CRITERIA

Review Criteria

In accordance with Section 153.055(B) Plan Approval Criteria, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.

CONDITIONAL USE REVIEW CRITERIA

Section 153.236(C) sets out criteria for the review and approval of a Conditional Use.

(C) Action by the Planning Commission. The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following requirements:

- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- 3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- 5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- 6) The proposed use will not be detrimental to the economic welfare of the community.
- 7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- 8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
- 9) The proposed use will not be detrimental to property values in the immediate vicinity.
- 10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.