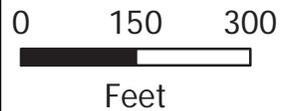


14-019CU
 Conditional Use
 Bates Property Management
 5560 Shier Rings Road





City of Dublin

Land Use and Long
Range Planning

5800 Shier Rings Road
Dublin, Ohio 43016-1236

phone 614.410.4600

fax 614.410.4747

www.dublinohiousa.gov

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

APRIL 3, 2014

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

**1. Bates Property Management
14-019CU**

**5560 Shier Rings Road
Conditional Use**

Proposal: Truck and Automotive Rentals and Leasing for a 9,022-square-foot building on a property zoned TF, Technology Flex District. The site is on the east side of Dublin Industrial Lane, north of the intersection with Emerald Parkway.

Request: Review and approval of a conditional use under the provisions of Zoning Code Section 153.236.

Applicant: Paul Bloomfield of Kohr, Royer & Griffith Inc.

Planning Contact: Tammy Noble-Flading, Senior Planner.
(614) 410-4649, tflading@dublin.oh.us

MOTION: Joseph Budde moved, John Hardt seconded, to table this Conditional Use application at the request of the applicant.

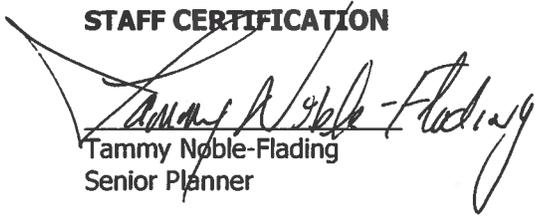
VOTE: 5 – 0.

RESULT: This Conditional Use application was tabled.

RECORDED VOTES:

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

STAFF CERTIFICATION



Tammy Noble-Flading
Senior Planner



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PLANNING AND ZONING COMMISSION

MEETING MINUTES

APRIL 3, 2014

AGENDA

- 1. Bates Property Management** **5560 Shier Rings Road**
14-019CU **Conditional Use**
(Tabled 5 – 0)
- 2. Zoning Code Amendment – Notification and Adult Family Home Amendments**
14-006ADMC **Administrative Request**
(Tabled 5 – 0)

Richard Taylor called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Amy Kramb, Joe Budde, Victoria Newell, and John Hardt. Chris Amorose Groomes was absent. Vice Mayor Richard Gerber was present. City representatives were Gary Gunderman, Claudia Husak, Jennifer Readler, Tammy Noble-Flading, Alan Perkins, Yazan Ashrawi, and Flora Rogers.

Vice Mayor Gerber conducted the oath of office for reappointed Commissioner Amy Kramb and she signed a Code of Conduct for the new term of office.

John Hardt moved to accept the documents into the record as presented. Victoria Newell seconded. The vote was as follows: Ms. Kramb, yes; Mr. Budde, yes; Mr. Taylor, yes; Ms. Newell, yes; and Mr. Hardt, yes. (Approved 5 – 0.)

Mr. Taylor asked if there were comments on the March 13, 2014 meeting minutes. [There were none]. He said he had one change on page 13, within the top paragraph to change the word "tact" to "tack". Mr. Budde had already provided his edits to the meeting minutes prior to the meeting. Victoria Newell moved to approve the March 13, 2014 meeting minutes as amended. Joseph Budde seconded. The vote was as follows: Mr. Taylor, yes; Ms. Kramb, yes; Mr. Hardt, abstain, Mr. Budde, yes; Ms. Newell, yes. (Approved 5 – 0.)

Mr. Taylor said there was a case eligible for consent and said the order of the cases would be heard as published on the agenda and briefly explained the rules and procedures of the Planning and Zoning Commission.

- 1. Bates Property Management** **5560 Shier Rings Road**
14-019CU **Conditional Use**

Mr. Taylor said the following application is a request for truck and automotive rentals and leasing for a 9,022-square-foot building on a property zoned TF, Technology Flex District located on the east side of Dublin Industrial Lane, north of the intersection with Emerald Parkway.

Mr. Taylor swore in the witnesses.

Ms. Tammy Noble-Flading said the applicant contacted her late this afternoon and requested the application be tabled to make additional modifications to the proposal.

Jackson Reynolds, Smith and Hale, 37 West Broad Street, Columbus, Ohio, representing the applicant, said the applicant's requests additional time to better define the use of the property and return to the Commission with a more defined plan.

Motion and Vote

Mr. Budde moved to table the application based on the applicant's request. Mr. Hardt seconded. The vote was as follows: Ms. Kramb, yes; Mr. Taylor, yes; Ms. Newell, yes; Mr. Hardt, yes; and Mr. Budde, yes. (Tabled 5 – 0.)

2. Zoning Code Amendment – Notification and Adult Family Home Amendments 14-006ADMC Administrative Request

Mr. Taylor said the following application to modify the Zoning Code regarding the notification requirements for public hearings and requirements for Adult Family Homes was an administrative request.

Mr. Taylor swore in witnesses that intended to address the Commission on this case.

Ms. Jennifer Readler said the Law Director's office is proposing several amendments and presented an overview of those amendments. She said the first revision is to add adult family homes as a permitted use in single-family residential districts, which is permitted and required by the Ohio Revised Code. She said the proposed modifications are intended to update the Code to reflect the State Law. She said this is the same for the second set of facilities, the adult care facilities, which is permitted and required by the Ohio Revised Code. She stated an adult care facility is a larger facility that is permitted in multiple family districts. She said the proposal also adds a 500-foot minimum distance requirement between these types of facilities, which is the one stipulation the Ohio Revised Code states municipalities are able to include.

Ms. Readler said an unrelated amendment is to revise the notice requirements for rezoning hearings to add additional methods of publication.

Ms. Readler said the Ohio Revised Code provides that anyone can operate an adult family home that provides accommodations and personal care services for up to 5 unrelated individuals in any single-family residential district. She said adult family homes must follow all Code requirements that pertain to single family homes. Ms. Readler said these types of facilities do not include alcohol or drug addiction services, facilities licensed to provide methadone treatment, or homeless facilities.

Ms. Readler said municipalities are permitted to adopt zoning regulations under our police power. She said cities cannot adopt any regulation that would conflict with a general law. She stated general laws are areas the State governs and general laws preempt local laws. She said the Ohio Attorney General has given an opinion that adult family home regulations are general laws, so State Law prevails over local law. She said adult family homes have to comply with fire, building restrictions, locations of accessory uses, and can be governed exactly as any other single-family homes.

Ms. Readler said the Ohio Revised Code gives municipalities one additional power, which is to restrict the density or the concentration of these homes. She said the specific Code Section of the Revised Code says they can adopt regulations that limit the excessive concentration of such facilities. She said they have been directed by City Council to prepare a dispersal ordinance, but want to ensure the distance will be upheld in court. She stated a court within Ohio has held that 500 feet is a permissible minimum distance between these facilities, which is recommended with the proposed modification. She showed a slide of

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

101-13 (Amended)

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, 6 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

RECORD OF ORDINANCES

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)

RECORD OF ORDINANCES

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, or Wilcox Road, or on any lot that abuts or is directly across the street from a residential district or use.

(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 27th day of January 2014.


Mayor - Presiding Officer

ATTEST:

Clerk of Council

101-13 (Amended)

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:

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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.

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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.

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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.

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(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)

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, or Wilcox Road, or on any lot that abuts or is directly across the street from a residential district or use.

(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

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

January 27, 2014

Page 3 of 17

Held

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Council in August, they have continued to work with staff on some issues and improving the site plan. He emphasized that the client believes that this parking is needed if the building is to be rented. For some period of time, the client has been trying to rent this building, but without success. A condition of the Planning & Zoning Commission was that the applicant agreed not to do the improvements unless a tenant was secured who needed the parking and subject to staff approval. The applicant believes they truly need this parking in order for this building to achieve its potential. They believe that the report forthcoming will support this and also point out other buildings in Dublin that face these challenges. Such buildings are not only an asset of the owner, but also an asset of the City as the economics of these buildings drive the City. The owners and the City needs to be partners and work together to achieve the highest use possible for these buildings. He will return on February 24, and he assured Council that they would not do the parking improvements unless they are needed. There is much more greenspace than required by Code, and their desire is to have a parking number that makes sense – not to maximize to the 70 percent allowed. They are hopeful when they return with a new site plan that they will obtain Council's support.

Ms. Salay moved to postpone Ordinance 10-13 to the February 24 Council meeting.

Mr. Gerber seconded the motion.

Vote on the motion: Mr. Peterson, yes; Mr. Lecklider, yes; Vice Mayor Gerber, yes; Mayor Keenan, yes; Ms. Chinnich-Zuercher, yes; Ms. Salay, yes.

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 101-13 (Amended)

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)

Mr. Gunderman noted that this Code amendment was originally requested by Mr. Hale on behalf of their client to permit some truck and van rental. Planning staff has redrafted the language from what was originally submitted. The ordinance is fairly simple and straightforward, but an error in the original drafting of the ordinance was made. The updated version is on the dais tonight and includes a sentence that was inadvertently omitted when the first draft was done. This language was part of the Planning and Zoning Commission recommendation.

Mr. Gunderman summarized the provisions:

1. Added definition of truck and van rental.
2. Included this in the Technology Flex District as a conditional use
3. Specific use standards – 20,000 square foot minimum.
4. Not permitted on lots bordering either the freeway, arterial roads, or residential property.
5. Designated for rental vehicle parking area.
6. Maximum of a 26-foot length for the largest truck that can be utilized on the property.
7. Servicing the vehicles, other than minor washing and cleaning, will be indoors.
8. Screening is already provided for in the Tech Flex District for Outdoor Storage.
9. A cross reference to the Landscape section of the Code is included.

He shared an area map that delineates the Tech Flex Zoning where this can apply – those areas are outlined. A large part of it is along Shier-Rings Road. The red and green reflects the major arterials onto which these activities cannot be fronted. This reduces the number of potential locations.

The truck sizes range from a 10-foot van to a 26-foot truck. He shared photos of examples of these truck sizes.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 107143

January 27, 2014

Page 4 of 17

Held

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He noted that this amendment was reviewed by the Planning and Zoning Commission and they recommended approval. He reviewed the examples of the areas where this would not be permitted as this is drafted. After the limitations of residential property and frontage on arterials, only small areas remain.

He offered to respond to any questions.

Ben Hale, Jr., 37 W. Broad Street, Columbus stated that he represents Bates Property, which is the family that owns Stanley Steemer. They have a number of buildings in that area that they want to reposition in the market. There are two buildings to the north of this, one of which is currently occupied by My Three Sons moving company. The company will move out by the end of the February. The building fronts the freeway. One of the buildings is leased to AT&T, and for the other building, once it is vacant, they are fairly certain that AT&T will lease it. Each of those buildings will house approximately 50 employees – technicians who install their cable, etc. He pointed out one totally interior site, where the company has had a long-standing relationship with Stanley Steemer. They are currently located in Mansfield and would like to have a site in Central Ohio, closer to a large part of their client base. This is a company that largely supplies trucks to businesses, not individuals. Therefore, they do not need a location that is highly visible to the public. The applicant has worked with staff and the Commission on the screening of the lots so that the trucks will be in a six-foot high screened area. There is a building that has been used over the years by Stanley Steemer and they have done some light repair in that building, washing of trucks, etc.

The applicant is requesting that Council approve the Code amendments. The applicant would then have to return to Planning & Zoning Commission to obtain a conditional use.

Ms. Salay asked why the decision was made to put this as a conditional use in the entire Tech Flex area, given this one application. She does not believe this is a business that the City would want to attract throughout the Tech Flex area. Some of the locations are of concern in terms of only six feet of screening. It seems a "door is being opened," and she is not sure why.

Mr. Gunderman responded that the principle reason for the conditional use was to limit the number of these.

Ms. Salay stated she does not yet understand why the entire Tech Flex District would be amended versus one portion.

Mr. Gunderman responded that Tech Flex is a straight zoning district, so the City cannot specify subareas as is done in planned developments. The provisions included, such as limiting frontage on arterials, freeways and residential areas, are things that can be done in a straight zoning district. This land has been in a straight zoning district for some period of time, and there is not an option to do that.

Ms. Salay asked if there is any way that this could be limited along Wilcox Road, given the office complex "Offices at Wilcox Place" that was up zoned from Industrial use years ago. It does not seem desirable to have a truck rental across the street. This roadway leads to a residential area, and a truck rental is not a welcoming presence in this location.

Mr. Gunderman stated that to achieve the square footage required by Code, it would be necessary to assemble a couple of parcels along Wilcox. He doubts that assemblage would extend back to the east, further than those particular lots. This is not likely to occur, but it is possible. A provision to eliminate the adjacency to Wilcox Road could be included, if that is Council's desire.

Ms. Salay indicated she would support this.

Ms. Salay asked if there are businesses in Dublin that are anticipated to use this facility, or is this directed more to out of town users.

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Mr. Hale responded that Stanley Steemer uses this, but they also believe other businesses in the area will use it.

Ms. Salay asked how many trucks will be part of this operation.

Mr. Hale responded that he has not reviewed a layout, but most of the trucks are out in the field at clients – not on site.

Ms. Salay asked for confirmation that the trucks are rented for a period of time and are not in and out throughout the week.

Mr. Hale responded that is correct. The great majority of their business is commercial – not individuals renting the trucks. Adding Wilcox Road to the list of areas where this use is not permitted frontage would address the concerns.

Ms. Salay asked for clarification about the screening. The minutes of the Commission were somewhat confusing on this matter.

Mr. Gunderman responded that the screening ends up at six feet. There may be other provisions in the Landscape Code that apply as well.

Ms. Salay asked if the Commission could require a higher screening for a conditional use approval.

Mr. Gunderman responded affirmatively. However, based on experience, it is difficult to provide long-term, effective screening above the six feet height. For exceptional circumstances, perhaps mounding or other means can be effective.

Mr. Lecklider noted that the moving company Mr. Hale referenced has on many occasions strategically parked their large trucks along the freeway, which is essentially advertising. He believes that circumvents Dublin's regulations with respect to signage and advertising.

Mr. Gunderman responded that nothing in these amendments addresses that, and it has been an ongoing discussion over the past few years regarding the City's sign code.

Mr. Smith added that the City has cited people, including the company mentioned who is moving out by the end of February, for such violations and has secured enforcement. These violations do recur on a regular basis and require ongoing enforcement. Over the past two to three years, the enforcement has been generally successful.

Mr. Lecklider recalled that a radio station had parked trucks at a lot in Metro Center as well.

Mr. Hale noted that the moving company has continued to park trucks in the visible locations along the freeway, but by the end of February, they will be gone.

Mr. Lecklider summarized that what he is hearing from staff is that this cannot be addressed in the Code.

Mr. Gunderman responded that he does not believe there is anything in this Code section that would be applicable. He is aware that there may be refinements to the sign code that might better address this topic, but the discussion has not occurred for some time at staff level.

Mr. Smith added that these Code amendments somewhat remove the view from arterials or the freeway and the screening requirements address the other issues. This enforcement requires constant monitoring in every community. The shopping center owners also are effective in removing vehicles from their private property.

Wallace Maurer, 7451 Dublin Road noted that the Code language indicates the length of the truck shall not exceed 26 feet. He is not aware of the volume of traffic, and 26 feet is half the legal length of a trailer pulled by a semi. Is there anticipation of semi-trucks?

Mr. Gunderman responded there is not. The maximum vehicle size is 26 feet in length.

Ms. Salay moved approval of Ordinance 101-13 with the amendments to the last sentence of Section 3, (14) (a) as provided to Council on the dais tonight and as discussed:

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"To minimize views from adjacent streets, this use shall not be permitted on a lot abutting an arterial street or freeway, or Wilcox Road, or on any lot that abuts or is directly across the street from a residential district or use."

Mr. Lecklider seconded the motion.

Vote on the Ordinance as amended: Vice Mayor Gerber, yes; Ms. Salay, yes; Mr. Peterson, yes; Mr. Lecklider, yes; Mayor Keenan, yes; Ms. Chinnici-Zuercher, yes.

Ordinance 01-13

Accepting the annexation of 4.6 Acres, More or Less, from Washington Township to the City of Dublin. (Petitioner: Jay B. Eggspuehler, 7250 Coffman Road, Dublin, Ohio)

Mr. Gunderman stated that this is an annexation for the Eggspuehler property, which is located just east of Coffman Road and north of Forest Run. The access point to the property is from Nature Drive. The petition was approved by Franklin County on October 15 as an expedited 2 annexation process. The county approval is followed by a 60 day required waiting period after the transcript is received by the City; that has now been completed. With passage of this ordinance, the annexation will be effective in 30 days. A rezoning petition has been filed for this same property, which will be reviewed following approval of this ordinance. The rezoning proposal is for four lots to be rezoned as R2, Suburban Residential. The lots are in conformance with the requested rezoning.

Ben Hale, Jr., 37 West Broad Street, Columbus stated that they were contacted by an individual interested in purchasing the property on which to build a home. The individual intends to use the largest of the four lots for that purpose and sell the other three lots.

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

Ordinance 02-14

Petitioning the County Commissioners of Franklin County, Ohio for Annexation of Approximately 3.6 Acres of Land Located at 190 N. High Street to the City of Dublin.

Ms. Grigsby stated that last fall, the City purchased two parcels of property from John Kibury. The lots are located along the Scioto River on the east side of Dublin Road and will be part of the future park. The southern parcel is located within the City; the northern parcel is located in Washington Township. This ordinance will authorize the City Law Director to file an annexation petition in Franklin County to incorporate the second parcel into the City of Dublin.

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

Ordinance 03-15

Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire 0.018 Acres, More or Less, Permanent Multi-Use, Utility, Grading, Utility and Drainage Easement and a 0.011 Acres, More or Less, Temporary Easement from James A. Harden and Catherine T. Harden, and Declaring an Emergency.

Ms. Ott stated that this is the first of several acquisitions related to the construction of the final phase of the Dublin Road South bikepath. A few years ago, construction of the bikepath began on Dublin Road at Tuttle Road and has continued north along Dublin Road for the past two years. The overall project involves 15 property owners; some are within the township and some are within the City limits. The project itself consists of 3,500 linear feet -- one of the City's longest bikepath sections to be

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SECOND READING/PUBLIC HEARING – ORDINANCES

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)

Ms. Grigsby noted that as outlined in the packet memo, the applicant's representative has requested that the legislation be postponed until the January 27, 2014 Council meeting.

Ms. Chinnici-Zuercher asked for the location for the truck and van rental establishment desired in this District.

Mr. McDaniel stated that the location is on Shier-Rings Road, east of Emerald Parkway. The building is currently owned by Stanley Steemer. The proposed location would front Shier-Rings Road, and is not the location where a moving company has been located along US 33. Further, it does not involve that same company.

Ms. Chinnici-Zuercher moved to postpone Ordinance 101-13 to January 27, 2014.

Ms. Salay seconded the motion.

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

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 05-14

Authorizing the Appropriation of a 1.437 Acre Parcel, More or Less, Fee Simple Interest from Peace Hanson LLC Located at 6570 Riverside Drive, City of Dublin, County of Franklin, State of Ohio.

Vice Mayor Gerber introduced the ordinance.

Ms. Grigsby stated this legislation is in follow-up to the Resolution of Intent to appropriate that was adopted by Council in October of 2013. This legislation relates to the relocation of Riverside Drive project that has been approved in the City's 2014-2018 Capital Improvements Plan. This is one of the properties that the City needs to acquire to relocate the roadway. This is the first step of the appropriation process for eminent domain. City staff continues to work with the property owners on resolution of this matter. However, the adoption of this legislation allows the City to be in a position to file an appropriation case with the Court, if that becomes necessary. There were no questions.

There will be a second reading/public hearing of the ordinance at the January 27, 2014 Council meeting.

Ordinance 06-14

Authorizing the Appropriation of a 0.34 Acres, More or Less, Fee Simple Interest of Which 0.116 Acres, More or Less, Is Present Road Occupied from Jen-Josh LLC, Located at 6694 Riverside Drive, City of Dublin, County of Franklin, State of Ohio.

Vice Mayor Gerber introduced the ordinance.

Ms. Grigsby stated that this is related to the relocation of Riverside Drive project as well and this property is in the same area. The comments regarding Ordinance 05-14 apply to this legislation as well.

There were no questions.

There will be a second reading/public hearing of the ordinance at the January 27, 2014 Council meeting.

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CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road, Dublin stated that:

1. He was shocked sometime ago and still is by a decision made by the U.S. Supreme Court – that corporations are persons. Elections can be "bought and sold" with it. It defies all common sense. During the past few months, he has been preparing for piano concerts and his social life has been very restricted. Since corporations have been determined to be persons, he may even decide to date a corporation! However, they are not persons. He is still shocked by the Court's decision.
2. He is the only person in the area who regrets mightily that the Football University coaches are returning to Dublin for a camp in the face of the scandal regarding concussions in the game. There are now two scores to keep in a football game – one is the score of the game, and the other is the score of concussions.

Mayor Lecklider added that he had some conversation with Josh Bricker of the DCVB, and one of the primary objectives of the football camp that is returning to Dublin again is to teach participants techniques for safe play. This will help avoid concussions. It is unlikely that the sport of football will disappear anytime soon, but a primary objective is to teach proper techniques so that players do not suffer these injuries. Mr. Bricker can share more information, should Mr. Maurer be interested.

Mr. Maurer responded he would be happy to speak with Mr. Bricker. The game will have to change, and will likely become tag football. Quarterbacks are now at risk in the posse plays in football designed to take them down. He believes that football should be abolished in universities, as he has indicated previously.

CONSENT AGENDA

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

Vice Mayor Salay stated that she does not want to remove any items, but wants to draw attention to the liquor permit for WAF79 LLC and Patio, located on the former Mary Kelley's site. She wants to ensure that the patio referenced is the patio space at the front of the building, not the side patio.

Mayor Lecklider noted that this is the corporate name of the business entity.

Mr. Smith reassured everyone that the permit is for the front patio – not the side one.

Mayor Lecklider moved approval of the actions requested for the five items on the consent agenda.

Mr. Gerber seconded the motion.

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

- Notice to Legislative Authority re. Transfer of D5A and D6 permits from Castrop Wolfe Development Co. to Interstate Management Company LLC, 600 Metro Place North & Patio, Dublin, OH 43017
- Notice to Legislative Authority re New D5I permit to WAF79 LLC and Patio, 7148 Mulrfield Drive, Dublin, OH 43017
- **Ordinance 101-13 (Introduction/first reading)**
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) (Second reading/public hearing January 13, 2014 Council meeting)



City of Dublin

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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 Krumb Yes
John Hardt Yes
Joseph Budde Yes
Victoria Newell Yes

STAFF CERTIFICATION

Steve Langworthy
Director of Planning

Motion and Vote

Richard Taylor moved, Warren Fishman seconded, to table this Amended Final Development Plan application at the request of the applicant. The vote was as follows: Mr. Harit, yes; Ms. Amorose Groomes, yes; Ms. Newell, yes; Mr. Budde, yes; Ms. Krumb, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Tabled 7 – 0.)

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

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 be a 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, except 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 not 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 be a Conditional Use. Mr. Langworthy said yes, it would still be part of the Conditional Use application.

Ms. Kramb 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. Kramb 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. Kramb 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 Hldaka'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.]

Ms. Amorose Groomes called a five-minute recess at 8:37 p.m.