

**RECORD OF PROCEEDINGS**  
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

October 13, 2014

Held

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**CALL TO ORDER**

Mayor Keenan called the Monday, October 13, 2014 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

**ROLL CALL**

Members present were Mayor Keenan, Vice Mayor Gerber, Ms. Chinnici-Zuercher, Mr. Lecklider and Ms. Salay. Mr. Reiner arrived at 6:35 p.m.

Staff members present were Ms. Grigsby, Mr. Smith, Mr. McDaniel, Ms. Mumma, Mr. Foegler, Ms. Puskarcik, Chief von Eckartsberg, Mr. Wagner, Mr. Hammersmith, Mr. Langworthy, and Ms. Husak.

**ADJOURNMENT TO EXECUTIVE SESSION**

Mayor Keenan moved to adjourn to executive session to discuss land acquisition, legal matters, collective bargaining matters and personnel matters related to the appointment of a public official.

Ms. Chinnici-Zuercher seconded the motion.

Vote on the motion: Vice Mayor Gerber, yes; Mr. Lecklider, yes; Ms. Chinnici-Zuercher, yes; Mr. Peterson, yes; Mayor Keenan, yes; Ms. Salay, yes.  
(Mr. Reiner joined the session in progress.)

The meeting was reconvened at 7:15 p.m.

**PLEDGE OF ALLEGIANCE**

Mr. Peterson led the Pledge of Allegiance.

**CITIZEN COMMENTS**

There were no citizen comments.

**CONSENT AGENDA**

Vice Mayor Gerber moved to approve the five items on the consent agenda.

Ms. Chinnici-Zuercher seconded the motion.

Vote on the motion: Mr. Peterson, yes; Mr. Lecklider, yes; Ms. Salay, yes; Mr. Reiner, yes; Vice Mayor Gerber, yes; Mayor Keenan, yes; Ms. Chinnici-Zuercher, yes. (Mr. Lecklider noted that his vote excludes the approval of the minutes of 9-22-14 meeting, as he was not present.)

- Approval of Minutes of Regular Meeting of September 22, 2014
- Notices to Legislative Authority of New D5A liquor permit for MCR2 Dublin Tenant LLC, dba Hilton Garden Inn, 500 Metro Place North, Dublin, Ohio and Transfer of D5A and D6 permits from HSC Hospitality Inc., dba Hilton Garden Inn Dublin, 500 Metro Place North to MCRT2 Dublin Tenant LLC, dba Hilton Garden Inn Dublin, 500 Metro Place North, Dublin, Ohio
- **Ordinance 104-14 (Introduction/first reading)**  
Authorizing the City Manager to Enter into a Contract for Public Health Services with the District Advisory Council of the Franklin County General Health District for 2015. (Second reading/public hearing October 27 Council meeting)
- **Ordinance 105-14 (Introduction/first reading)**  
Amending Ordinance No. 107-97, Passed August 11, 1997, to Supplement the Description of Eligible Infrastructure Improvements

Payable from Tax Increment Financing Funds, Pursuant to that Ordinance. (Second reading/public hearing October 27 Council meeting)

- **Resolution 84-14 (Introduction/vote)**  
Authorizing the City Manager to Enter into an Infrastructure Agreement with Homewood Corporation for the Avondale Woods Development.

## **SECOND READING/PUBLIC HEARING – ORDINANCES**

### **Ordinance 99-14**

**Rezoning Approximately 120 Acres Located on the West Side of Avery Road, South of the Intersection with Rings Road at the Southern City Limits from R, Rural District to PUD, Planned Unit Development District (Avondale Woods Plan) to Facilitate the Future Development of up to 360 Single and Multi-Family Housing Units and 37 Acres of Open Space.** (Case 12-084Z/PDF/PP)

Ms. Husak stated that this ordinance rezones 120 acres on the south side of the City for a planned unit development for multi-family and single-family housing as well as significant open space. There were some questions at the first reading regarding private drives/public streets within this proposed subdivision. She shared a locator map of the site, and the proposed preliminary development plan. The packet included the proposed development text, which establishes all the development standards for the various subareas, the clubhouse with pool available to all residents within the area, as well as a description of all the open spaces within the development.

All single-family units within the development are accessed by public streets. The main access point at this time is Avondale Woods Boulevard, off Avery Road on the east side of the development.

Staff is recommending approval of the rezoning. Staff has proposed one additional condition for Council's consideration as part of the approval: that the development text be modified to include maintenance requirements and responsibilities for all private drives within the development. The private drives are essentially those accessing the apartments and potential condominium units. This condition also states that the property owner, including any potential future new developer or condominium owner is responsible for the maintenance of all private drives. The condition specifies that the City of Dublin shall not be responsible for the maintenance of any of these street improvements.

In addition, a memo regarding private streets is included in the packet. This memo was prepared by the Engineering Department a couple of years ago.

She offered to respond to questions. The applicant and his team are also present.

Mr. Smith stated that he has provided the Mayor with a copy of the state statute, Section 5311 of the Ohio Revised Code that governs, should the apartment portion be converted to condominiums at some future date. They would be required to have a forced and funded association and cannot be approved to convert until that is all in place.

There was no further discussion.

**Vote on the Ordinance:** Mr. Reiner, yes; Mayor Keenan, yes; Mr. Peterson, yes; Ms. Chinnici-Zuercher, no; Vice Mayor Gerber, yes; Mr. Lecklider, yes; Ms. Salay, yes.

Mr. Reiner expressed his concern with this rezoning, noting he hopes that there will be no future proposals developed in this manner in the future. This development is not conducive to improving the financial strength of the City and this type of planning is really out of date. There are other opportunities that could be pursued to provide a much more creative lifestyle for the citizens.

Ms. Chinnici-Zuercher noted that she has voted against this ordinance for the reasons outlined by Mr. Reiner.

**Ordinance 100-14**

**Rezoning Approximately 2.9 Acres, Located on the North Side of Perimeter Drive, Between the Intersections with Avery-Muirfield Drive and Hospital Drive from PUD, Planned Unit Development District (Riverside PCD North, Subarea A3) to PUD, Planned Unit Development District (Riverside PUD North, Subarea A3) to Facilitate the Development of a Coffee Shop with Drive-Thru. (Case 14-069Z/PDP/FDP)**

Ms. Husak noted this legislation was introduced on September 22. This application relates to a Starbucks coffee shop with a drive-thru in the Perimeter Retail Center. The construction of the Center on the north side of Perimeter Drive was recently completed. She shared the approved site plan from the 2012 rezoning. As proposed, the applicant is suggesting a Starbucks coffee shop for the easternmost tenant space, with the required stacking circulating around the eastern portion of the site.

The plan accommodates 12 stacking spaces, as the Zoning Code requires. On the elevations, a minor change has been made for the drive-thru canopy on the eastern portion of the building. This was previously intended to be a patio space. A patio space could still be accommodated on the south side of the building on Perimeter Drive.

The Commission took three actions on this application at their August meeting, recommending approval to Council of the rezoning/preliminary development plan with one condition; approval of the final development plan with two conditions; and approval of a conditional use with two conditions.

Planning staff is recommending approval of this ordinance to Council with one additional condition, based on the first reading discussion regarding the circulation and stacking. The proposed condition requires employees to park in the northern parking area to reduce conflicts for circulation in the stacking area.

The applicant has also included some graphics of drive-thrus within the City. She shared a graphic of the proposed coffee shop drive-thru, depicting the 12 stacking car space required by Code and depicting in red additional stacking that would potentially block the on site parking spaces. The McDonald's restaurant near this site stacks 11 vehicles on site, and beyond that, the vehicles are stacked within drives used by the public. The nearby Tim Horton's restaurant is required to have eight stacking spaces on site, which was the requirement at the time the restaurant opened. Anything over eight cars in line results in potential stacking on the public road.

Mr. Lecklider asked about the Starbucks rendering of the potential stacking, noting that it results in the other 12 parking spaces on site nonfunctional. They would not be accessible, given the stacking of vehicles in the drive-thru.

Ms. Husak responded that the assumption is that the stacking vehicles would not be stopped for a long time within the drive-thru area. She acknowledged that the stacked vehicles will result in some delays for those who want to enter and exit parking spaces on site.

Mr. Lecklider stated that during the busiest times of operation, when people desire to park as close as possible to the doors, that is presumably when stacking will be at its peak – making access to parking spaces difficult. Is that a logical assumption?

Ms. Husak responded affirmatively, but added that there are spaces immediately adjacent to the restaurant that are available – especially if employees are required to park in a separate area of the site. This may address the concerns. The applicant has also provided some use data, which indicates that 60 visitors in total (drive-thru and walk-in customers) are expected in the busiest hour, based on another Starbucks location with much heavier traffic than what is anticipated at this location. Staff is therefore comfortable that the cars will either park or move through the drive-thru fairly quickly.

Ms. Chinnici-Zuercher stated that, based on her experience in Historic Dublin, there has been a lot of discussion over the years about employees parking in the public

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spaces designated for the patrons to use. The employees continue to park immediately adjacent to where they work without regard to the requests to park elsewhere. The City has generally not been successful with this kind of expectation. This results in loss of customers due to the parking issues.

Mr. Lecklider noted that the current zoning text for this Center explicitly prohibits drive-thru uses and also prohibits fast food. Starbucks sells food items as well as coffee. What is the demarcation point where Starbucks qualifies as an establishment that serves food versus a coffee shop?

Ms. Husak responded there was much discussion at the Commission and staff level about this. In the end, the Commission felt comfortable that a coffee shop in general would not fit the category of fast food, given that one does not go to a coffee shop to eat, but rather for a beverage. In the conditional use approval, the Commission specifically required the conditional use to be applicable only to a coffee shop, which alleviated the concerns expressed in the coffee shop/fast food discussion.

Ms. Chinnici-Zuercher stated this is an interesting point, given there are other merchants in this Center that provide food and might be considered fast food, since the food is purchased and the patron leaves. The concept of what constitutes fast food is quite different from 25-30 years ago. Starbucks could locate in this Center now under the current zoning; the only reason this application is before Council is because of the request for a drive-thru. Council could disapprove the drive-thru request and Starbucks could then decide if they want a coffee shop without a drive-thru in this Center.

Mayor Keenan commented that he has heard from many, including Dewey's Pizza, that they are excited with the opportunity to have a Starbucks in this location. They felt the drive-thru would help give the Center visibility, given the back of the buildings face Perimeter. Having additional traffic at the Center with Starbucks would bring more customers to the Center and would not impact their operations, since the other businesses open later in the morning.

Mr. Lecklider stated he appreciates this viewpoint. However, at the time this rezoning was approved, drive-thru uses were explicitly prohibited. What is different today than at the time it was first zoned?

Ms. Salay added that Council never would have approved this rezoning, had a drive-thru been included.

Mr. Lecklider commented that Starbucks is certainly a great tenant and attraction for the Center. But again, this Center was specifically zoned to prohibit drive-thru uses for this beautiful building with four-sided architecture. It is unfortunate that a menu board and car stacking will now be the features noticeable on site, if this rezoning is approved.

There was no further discussion.

Vote on the Ordinance (including all conditions of Planning and Zoning Commission as well as the condition recommended by staff): Ms. Salay, no; Mr. Lecklider, no; Vice Mayor Gerber, yes; Mr. Peterson, yes; Mayor Keenan, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, no.

**INTRODUCTION/FIRST READING – ORDINANCES**

**Ordinance 101-14**

**Rezoning Approximately 4.91 Acres, on the East Side of Avery-Muirfield Drive, Approximately 500 Feet North of the Intersection with Tara Hill Drive, from PUD, Planned Unit Development District (Indian Run Meadows Commercial) to PUD, Planned Unit Development District (Indian Run**

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**Meadows Commercial Revised) to Revise the Development Text to Permit up to 1,680 Square Feet of Outdoor Patio Space in Front of an Existing Restaurant within the Shops on Muirfield Shopping Center. (Case 14-077Z/PDP/FDP)**

Mr. Reiner introduced the ordinance.

Ms. Husak stated that an application for use of this same patio was brought to Council a couple of years ago for the former Mary Kelley's Restaurant. Mary Kelley's is now out of business. Staff has been working with the shopping center owners and tenants to determine a way to create patio space that would least interfere with the adjacent residential uses in the area. There were complaints over time about operations of the center and deliveries. Ultimately, the concept of a patio space at the front of the restaurant was proposed. The previously approved development text was only for Mary Kelley's and they were the only entity entitled to use the patio space in front of the restaurant space. Shade on Muirfield has taken over that tenant space and is seeking approval to use of the patio space in front of the restaurant, as was previously approved for Mary Kelley's.

The proposal continues to be for two phases:

1. Retaining landscaping, immediately adjacent to the restaurant building and patio space and tables in front of that;
2. Removal of landscaping and having more tables and chairs within that area.

The only change will be a corner cutout to accommodate an existing fire hydrant. Two trees are being retained; all the patio amenities are the same; the operational details are the same. It is simply a development text amendment to allow the Shade on Muirfield tenant to use the patio space.

Planning and Zoning Commission approved the application at their August meeting. There were two conditions appended by the Commission as part of the final development plan, which were the same as those in place for Mary Kelley's. These relate to the storage of the furniture during the off season, and removal of the patio if the restaurant was no longer in business.

The applicant has worked with adjacent residents and their representative and no complaints have been forwarded.

Staff is recommending approval at the second reading/public hearing on October 27.

Mr. Peterson noted that the staff report indicates that the only access to the patio is through the front door of the restaurant. Will that be problematic, given patrons will be entering and wait staff bringing food through the doors at the same time?

Ms. Husak responded it is somewhat awkward in terms of circulation, but in order to keep the patio spaces outside of the front of the restaurant and have no changes to the external elevation, this was the only option.

Mr. Lecklider commented that the Dublin Village Tavern operates in the same manner.

Ms. Chinnici-Zuercher recalled that when the patio fence was installed, it was not installed properly and takes up too much space.

Ms. Husak responded it does appear that way, especially in this area where there is a landscape bed and fire hydrant. In addition, there is no access for pedestrians or wheelchairs through there.

Ms. Chinnici-Zuercher asked if that would be modified.

Ms. Husak responded affirmatively.

Mr. Lecklider followed up regarding the staff report, which indicates there is a six-foot minimum width from fence to curb.

Ms. Husak responded that is correct – they are trying to maintain that minimum width.

Mr. Lecklider asked if they are actually required to maintain this minimum width.

Ms. Husak responded that with this proposal, the six feet would not be in place currently, given the landscape bed that cuts out a small area.

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Mr. Lecklider asked if staff believes this is an adequate width for people to pass through.

Ms. Husak responded that three feet is the requirement per the Building Code.

Jill Tangeman, Vorys, Seymour, Sater & Pease, 52 E. Gay Street, Columbus, OH noted that she represents the applicant and can respond to any questions. As staff has indicated, this application is simply to allow Shade on Muirfield to use the patio approved for use by the previous tenant, Mary Kelley's.

Mr. Lecklider asked if the applicant's representative would object to passage of the ordinance by emergency at this time for the convenience of all parties involved.

Ms. Tangeman responded that they have no objections.

Thomas McCash, 55 S. High Street, Dublin, OH noted that he represents two of the adjoining property owners. They have worked with the applicant, and the changes needed to allow Shade on Muirfield to use the patio are minor. He does believe that the adjustment of the fence in the back corner is necessary to access a door; the patio will be accessed through that door as opposed to the front door. His clients are agreeable to having this ordinance passed as an emergency and dispensing with the public hearing.

Mr. Lecklider stated he has suggested dispensing with the second reading and passing by emergency so that the neighbors do not have to return to another meeting on this same matter.

Vice Mayor Gerber moved to dispense with the public hearing and treat this as emergency legislation.

Ms. Chinnici-Zuercher seconded the motion.

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

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

## **Ordinance 102-14**

**Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.182 Acre, More or Less, Permanent Easement and a 0.191 Acre, More or Less, Temporary Easement from Millennium Office Complex, LLC, at the Property Located on Frantz Road, for the Relocation of Overhead Utilities Underground along Frantz Road, and Declaring an Emergency.**

Vice Mayor Gerber introduced the ordinance.

Mr. Hammersmith stated that this is the last of the easements necessary for the burial of the overhead electric and telecommunication lines along Frantz Road. This property is located on the west side of Frantz Road, north of Blazer Parkway. Staff has reached agreement with the owner on the value of the acquisition at \$48,000 and staff recommends that Council dispense with the public hearing and approve this as emergency legislation.

Ms. Chinnici-Zuercher moved to dispense with the public hearing and treat this as emergency legislation.

Vice Mayor Gerber seconded the motion.

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

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

**Ordinance 103-14**

**Adopting and Enacting a Supplement (S-36) to the Code of Ordinances for the City of Dublin, Ohio.**

Vice Mayor Gerber introduced the ordinance.

Mr. Smith stated this is a housekeeping measure necessary to update the Code with the legislation passed by Council and by the State. These Code supplements are prepared twice per year.

Mr. Reiner moved to dispense with the public hearing.

Mr. Lecklider seconded the motion.

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

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

**STAFF COMMENTS**

Ms. Grigsby noted the following:

1. Staff has prepared and submitted to Council a draft of a non-binding Letter of Intent with the Casto Organization for the proposed Tuller Flats project in the Bridge Street District. At last week's workshop with Council, there was a review of the project and some of the proposed terms of the letter of intent. As the project moves forward, this Letter of Intent would be the basis for a development agreement with the project developer. As discussed at the work session and as identified in the staff memo, any of the significant developments within the Bridge Street District will require significant participation by the City with regard to public infrastructure. Tuller Flats is such a project where significant improvements, such as the John Shields Parkway through the development and out to Tuller Parkway, will be included as part of this development agreement and the internal roadways. Based on Council's direction on October 6, staff has prepared a non-binding Letter of Intent. She noted staff is available to respond to any questions.

Mr. Peterson stated that there was discussion at the work session about mixed-use and that dynamic, and how it was limited in this area. A paragraph in the Letter of Intent states that the developer agrees that they will incorporate more mixing of uses in the integration of a wider variety of housing design. That provision is not applicable to the area where the Tuller Flats project will be, correct?

Ms. Grigsby responded that is correct. The exhibit shows Phase 1. The future mixed uses would be part of a Phase 2 development, if this developer were to move forward. Phase 2 is further to the east and closer to the Dublin Village Center.

Mr. Peterson asked if the drawings address the other phases.

Ms. Grigsby responded that those discussions have not taken place yet with the developer in terms of that level of detail for other phases.

Mr. Peterson stated that this is therefore intended as a suggestion of what the City is interested in for future phases.

Ms. Grigsby responded that is correct.

Ms. Chinnici-Zuercher noted that the area now shown as apartments/residential in the three boxes was the location where the Planning Commission supported retail or mixed uses. Yet in the plan before Council, those areas are shown as 100 percent residential. If Council votes to approve this Letter of Intent tonight, does it give the developer permission not to have any mixed use in that area?

Mr. Foegler responded that is correct. Part of what staff presented to Council last Monday was the applicant's view, shared by staff, that retail, office and other uses are not appropriate in that location. The developer has indicated they will consider live/work units that would front on the street. The developer has committed to the

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mixed use and changing design ideas for the next phase. It is important that there be design changes as well as mixing of uses in the next phase.

Mayor Keenan asked how a live/work unit differs from an incidental business or residence.

Mr. Foegler responded that there are aspects of the frontage of live/work units that would be more engaging to the public. These are architectural details to be worked out through the review process. The intent would be to have an engaging first floor to interact with professional service clients. This will need to be reviewed by the Commission.

Mayor Keenan asked if there are additional parking issues associated with live/work units.

Mr. Foegler responded that would be another aspect that would need to be reviewed by the various City review bodies.

Ms. Salay asked for clarification that this discussion relates to only the southwestern portion, or if this only relates to everything south of John Shields Parkway.

Mr. Foegler responded that this discussion relates to everything in Phase 1, including all properties south of John Shields Parkway. There are no other uses aside from residential contemplated in all of Phase 1.

Ms. Salay asked if the live/work units would be integrated into what is shown as a red box in the southwest portion.

Mr. Foegler responded that live/work units would be integrated into the apartment portion. The idea was to have those limited to the properties that front the south side of John Shields Parkway.

Ms. Salay noted that she was not present this summer for discussion at the Commission regarding the area on the south side of John Shields Parkway. What was important for the Commission was not to have greenspace on the south side of this roadway; that the buildings be left blank for the future possibility of some type of mixed use; and that not all the land be committed for residential only. She was not clear about this previously, and wanted to clarify the Commission's intent.

Mr. Foegler apologized if staff did not make that clear. Staff mentioned that the Commission felt this portion should be set aside in the event some future commercial, retail or other uses would occur in that location. The Commission was not supportive of greenspace in this location, and had particular concerns with the dog park concept that was part of it.

Ms. Salay responded that there was discussion about the need for an edge, and the Commission's suggestion was that the edge should be some type of mixed-use retail – perhaps residential on upper floors with retail/mixed-use on the first floor.

Mr. Foegler responded that staff and the consultants do not believe that would occur – that it would remain greenspace for a long time if waiting for a viable first floor retail or commercial activity.

Ms. Chinnici-Zuercher stated that her concern with the first phase being all residential use is that the draw of living in the District was to be the retail and restaurants. Absent that, it is simply another apartment complex. At this point, there are no retail or restaurant uses incorporated.

Mr. Foegler stated that it is important to be very strategic about where retail/commercial use is located. The reason the City's plan for the District calls for this portion to be all residential is the recognition that this is a poor location for those types of activities. This residential use will generate the population needed to walk to and support the development the City hopes occurs to the east and the development under review to the west of this project. Even that, with tremendous visibility on a major arterial and lots of density, still has a very modest amount of restaurant/retail activity in it. The intention is to have a few key locations where this type of development can be successful. It has been a national challenge to have successful

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first floor uses. Staff and the developer concur that this is not the location where that type of use would be successful. It would be a hidden secondary kind of location, given where restaurants or other retail want to locate. They were even modest with the amount of non-restaurant retail in their 2 million square foot project. Part of the reason is to ensure the retail is successful, has good visibility, and has lots of density around it. The residential density for this Phase 1 will support the other uses along the strong edges, which will be portions of Bridge Pointe, portions of Dublin Village Center that redevelop, and similar things that may happen in the future along 161.

Mayor Keenan noted that a restaurant was previously located behind Craughwell Village, but never succeeded. All of the other activities at Perimeter and Giant Eagle have been supported by the residential use in the area. One of the advantages of living in Craughwell is being able to walk to the restaurants and stores.

Vice Mayor Gerber asked for clarification of Exhibit B and the reference to architecture. Mr. Foegler responded that these are the renderings included in the packet and the same ones that were shared with Council at the work session. The only reference suggested in the agreement is general conformance with the character of the renderings shared with Council and the Planning & Zoning Commission.

Vice Mayor Gerber recalled that Council recently approved a Zoning Code amendment that limited fiber cementitious siding to no more than 20 percent of the exterior of buildings in the Bridge Street District. Do these renderings reflect that?

Mr. Foegler responded that they still must comply with that restriction. There is no reference in the renderings to the type of materials shown; the renderings are intended to reflect a variety of materials, architectural style, and the way the buildings engage the street. The materials must comply with the Code or the applicant must seek waivers, which would be evaluated on their own merits.

Vice Mayor Gerber stated that his preference would be for the document to state this as opposed to attaching exhibit B.

Mr. Foegler responded that there are many aspects of Code compliance that are not addressed in the Letter of Intent, as well as aspects of detailed designs and development agreements. A statement can be added to clarify that any waivers required need to be pursued by the developer and shall be evaluated on their merits. It can be added to the architectural statement, if Council prefers. This is not meant to imply concurrence with any particular materials or use of them.

Vice Mayor Gerber stated that it is his understanding that -- aside from setbacks and items of that nature so that the roadways can begin to be defined -- the architecture and such matters would still be reviewed through the established process of the ART, Planning Commission, and Council as defined in the Code.

Mr. Foegler agreed, noting that windows and all of those details on materials and requirements still would apply.

Vice Mayor Gerber noted that the renderings presented to Council and attached to this Letter of Intent may or may not reflect the actual appearance of the project.

Mr. Foegler agreed, noting these renderings were the iteration prepared by the applicant in response to concerns from Council and the Commission about varying the architecture in the project. They were generally received positively by both bodies and they are to reflect the character of development. All of the details of architectural review, materials, Code compliance still apply. Staff can add language to the Letter of Intent to clarify this for everyone.

Mr. Peterson agreed that this language would be helpful. The exhibits are referenced for a reason, and if they are not reflective of what Council expects to see, it is important to clarify that.

Vice Mayor Gerber agreed. The project will be reviewed to ensure it is consistent with the Code, whether that review is done at staff level at the ART or by the Commission. Attaching the renderings as exhibits implies that these are acceptable.

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Mr. Peterson added that the image is more powerful than the words in the Letter of Intent.

Mr. Smith suggested that Council approve the Letter of Intent with direction to the Legal Department to draft some additional language addressing these concerns, specifically stating that all Code compliance requirements, architectural review, etc., are not part of the LOI and will be reviewed in the process. He will share the language with Council when it is drafted. He believes that Council can move forward with the LOI, if that is their desire.

Ms. Salay stated that it is important that this be memorialized for the developer, for the Commission and for staff so that everyone is aware of Council's expectations.

Mayor Keenan asked what action is being requested of Council at this time. Is staff going to bring back the amended LOI for Council's review?

Ms. Grigsby responded that staff can add the language in the LOI to clarify that the applicant must seek waivers for any portions that do not meet Code. If Council is comfortable with the rest of the LOI with the addition of this language, Council can direct staff by motion to execute the modified LOI.

Ms. Chinnici-Zuercher moved to direct staff to execute the LOI, with the additional language to address the concerns expressed by Council tonight.

Ms. Salay stated that she is less comfortable with the language indicating Council expects the applicant to seek a waiver for items not compliant with Code. Perhaps the language should state that the project must comply with Code.

Mr. Smith responded that the applicant would still need to seek waivers if the project does not comply with Code.

Ms. Chinnici-Zuercher stated it is not necessary to include this language in the LOI. This is the process already established by the City. The applicant is expected to meet the Code and understands the process to be followed if they cannot do so.

Ms. Grigsby stated that if the project does not meet Code, they must seek a waiver under the Code. However, if Council wants to clarify this to ensure everyone has the same understanding, and that the LOI does not supersede what is in the Code, the language can be added that they are required to seek waivers for items that do not meet Code.

Mr. Lecklider stated that Council will meet again in two weeks.

Mayor Keenan asked if this item can be held over for the next meeting.

Mr. Foegler stated that this LOI is purely non-binding and there is nothing about it that triggers anything from a regulatory perspective review.

Vice Mayor Gerber stated he would prefer to review the final document for this item.

Mr. Foegler noted that this discussion relates to the question of to what extent does staff begin to bring before Council draft development agreements before the developer begins to make the next level of investments in reviews.

Mayor Keenan responded that he believes Council wants staff to bring back the document with the revisions suggested for review at the next meeting.

Ms. Chinnici-Zuercher withdrew her motion.

Staff will prepare amendments to the LOI for review at the October 27 Council meeting.

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Ms. Grigsby continued:

2. Information was included in the Items of Interest memo that leaf collection begins this week. This service began today and will continue through December 1. Information is on the website about the various zones and times for pick-up.
3. A flyer was prepared by ODOT for the I-270/33 interchange improvements project and was distributed on the dais tonight. Ms. O'Callaghan and ODOT representative Thom Slack spoke at the DCVB meeting today to provide information and an update on this project as well as the SR 161/Riverside Drive roundabout. A City-generated update about the SR 161/Riverside Drive roundabout was also distributed on the dais and was shared with the DCVB.
4. Introduced Ms. LeRoy to update Council on the City awards received recently at the International Festivals and Events Association (IFEA).

Ms. LeRoy stated that the Dublin Irish Festival received nine IFEA awards for various categories, including the social media, the annual report and others. For the second consecutive year, the City received the International World Festival and Event City Award. The other cities who received this award included Philadelphia, PA; Dubai, United Arab Emirates; Newcastle, New South Wales, Australia; Sao Paolo, Brazil; and Sydney, Australia. She presented the International World Festival and Event City Award to Council.

Mayor Keenan thanked staff for all their hard work and achievements, which brought this recognition from IFEA.

Ms. LeRoy added that the annual Dublin Irish Festival meeting will take place on Tuesday, November 4 and the volunteer awards will be done at that time.

5. Noted that a memo was included in the packet regarding snow preparedness. A Snow Go Event was held recently, and Ms. Salay participated and drove a snowplow!

[A short video of the Snow Go Day was shared with the audience.]

Ms. Grigsby commented that staff appreciates Council's support. At the first meeting in November, staff will provide an update regarding the new GPS information on snow plowing that will be on the City's website this winter.

6. Invited Mr. McDaniel to provide a quick update on the proposed Costco development in Jerome Township.

Mr. McDaniel stated that on Friday, he, Mr. Hammersmith and Mr. Langworthy attended a meeting that was initiated and hosted by Jerome Township in an effort to learn more about the proposed Costco at the northwest corner of Industrial Parkway/SR 161/Post Road. The Union County Administrator, Economic Development Director and Engineering office were also present as were representatives of the developer.

Gary Smith, Jerome Township Administrator gave a presentation on the project and efforts at the meeting were focused on understanding the details of what is being proposed; the process going forward; and a sense of the process in place to assess the potential traffic impacts of the project and impacts on infrastructure as well. All present agreed that a traffic study is certainly warranted and that Union County, ODOT, the City of Dublin, Jerome Township and the developer will need to continue to work together to understand the impacts of the development.

Today, the Jerome Township Trustees met in a Special session to consider a final development plan for the proposed Costco project. Mr. Langworthy and he attended the meeting and submitted a letter for the record, a copy of which is on the dais. In addition, he was permitted to testify. He indicated that the City of Dublin recognizes that this site has long been zoned for retail use. However, he stated that the City continues to express concerns regarding a retail use on this site; the intensity of the development; the long-term impact on the character of the area; the traffic impacts

and requirements needed regarding necessary infrastructure improvements; when the improvements will be made; and who will fund the improvements. He requested that the Trustees delay their consideration of this final development plan until more information is understood about the specific impacts of the project. Although they appreciated Dublin's concerns, the Trustees felt that the impacts on infrastructure would need to be addressed by Union County and ODOT. The Trustees did proceed with approval today of the final development plan for the project.

Staff is currently determining the next steps regarding this project. A traffic study will be conducted by the Union County Engineer and ODOT with significant involvement by the City of Dublin. Dublin has agreed to partner in this analysis in order to aggressively communicate, given that Dublin has projects ongoing in this area as well. A determination will be made about whether this project will be reviewed by the Logan/Union/Champaign County (LUC) Regional Planning Commission. Staff is working to verify the process going forward and will provide a memo to Council with background and up-to-date information about the proposed Costco project and specifically, the anticipated additional development on the entire site.

Mayor Keenan stated that his understanding, based on these comments, is that Union County still has some involvement with this project and will need to provide approval with respect to the traffic plan.

Mr. McDaniel responded that is correct. He noted that the overall proposal for the site is 100,000 square feet less than what has previously been approved, which is good news.

Mayor Keenan stated that Mr. Hammersmith serves on the LUCRPC and Mr. Lecklider serves as Council's representative to the LUCRPC. It will be important to attend any future meetings at the LUCRPC regarding this project.

Ms. Salay asked if Dublin is still trying to understand the township process for such project approval. For the City, a final development plan would have required a traffic study impact at an earlier point.

Mr. McDaniel stated that the township process is quite different from the City's. However, the Union County Engineer and ODOT will be heavily involved. There was some misunderstanding about whether this application will actually be reviewed by the LUCRPC. The Township Zoning Administrator seemed to believe it would go to the LUCRPC, but the developer seems to disagree.

**COUNCIL COMMITTEE REPORTS**

Ms. Salay, Council representative to the Planning and Zoning Commission reported that at their last meeting, the Commission discussed the modifications to commercial signage regarding vacant space as referred to them by Council. In the course of discussion, it was determined as a result of the Director of Development's input that the City may be open to phasing out these temporary signs altogether. This is somewhat different from the staff input at the Council discussion. The Commission is therefore studying this matter in depth and staff will bring back additional information to the Commission. The Commission will forward a recommendation to Council at a later date.

Vice Mayor Gerber, Administrative Committee Chair noted that a schedule has been distributed tonight of the status of the board and commission appointments for 2015 – those eligible for reappointment and those who are term limited. Council will move forward with recruitment efforts in February of 2015.

Ms. Chinnici-Zuercher, Finance Committee Chair noted that the Committee met earlier this evening. She reported that the City has had a very successful financial year to date. The Finance Director and City Manager are therefore recommending that the projections for revenue be adjusted to five percent higher than last year, based on the

quarterly results. This is an excellent condition for the City to be in, and she applauded the City Manager and the Economic Development and Finance departments for the teamwork that has achieved these results. Council's leadership and direction have been key, focusing on economic development and financial stability as the highest priority goal for each year. The City's positive financial condition will enable having sufficient funds available for the major capital improvements on the horizon.

Ms. Salay, Public Services Committee Chair commented on her experience with driving a City snowplow at the Snow Go event last week. She has always respected the snow plow drivers, but is now in awe of these professionals who keep the streets safe!

**COUNCIL ROUNDTABLE**

Mr. Peterson noted there was a memo in the packet regarding the Avery-Muirfield Drive/Tullymore project. He assumes the intent is to have motorists who desire to turn left from Valley Stream Drive onto Avery-Muirfield instead use the traffic light at Tara Hill/Muirfield Drive for left turns.

Ms. Grigsby responded affirmatively, noting that is one of the changes that will occur as a result of the improvements.

Mr. Peterson stated that there is a traffic calming device at the Tara Hill intersection with Fallen Timbers, where the Valley Stream traffic would be directed. Should that device be revisited, if the intent is that more traffic will be directed to this intersection?

Ms. Grigsby stated that staff can obtain information about the number of vehicles anticipated at the intersection of Tara Hill and Fallen Timbers.

Mr. Hammersmith stated that staff will review this to determine the number of vehicles making those turning movements.

Mr. Peterson responded that he is not suggesting there should be a change in the plan, but he has personal experience based on his previous residency in that area.

Mr. Hammersmith noted that he has not heard any complaints about that location in terms of maneuvering, as several motorists already make that movement to access Tara Hill each day.

Ms. Chinnici-Zuercher reported that:

1. Last week she attended the Ohio Municipal League annual conference. She asked the Clerk to place the materials from the conference in Council's conference room. She noted that Ms. Crandall joined her in presenting a workshop regarding boards, commissions and task forces. It was very well received and communities wanted information about how Dublin attracts many candidates for appointment to the various groups.
2. She and Mr. Lecklider had an opportunity today to tour Fuse. Both of them were unable to attend the recent open house. It is a very interesting facility, and she thanked Mr. Stidhem for arranging the tour. She encouraged those who work in traditional workspaces to tour the facility.
3. Council is receiving e-mails again from the Historic Dublin Business Association members regarding the bridge and roundabout project. A number of people who frequent the retail businesses in the District have indicated to her that the business owners are stating that the City projects will negatively impact their businesses. She is aware that a Communications committee is being established, but it is important to have residents participate in this effort as well. They can serve as ambassadors for the City about the projects and share good information.

Mr. Lecklider stated that:

1. The U.S./Australian Rules Football Championship was held in Dublin this weekend. It was unfortunate that the attendance was not higher, as it was a very interesting event. The DCVB worked very hard to attract this event to Darree Fields in Dublin. He visited the event on Saturday and observed

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everyone having a very enjoyable day. There were also teams from throughout North America at the games. He noticed in the recent HDDBA petition sent to Council that some of the out of the area or out of the country guests at this Tournament signed the petition. Apparently, some of the proprietors were encouraging them to sign this petition, even though these participants may not return to Dublin!

2. There was a story in today's *Dispatch* about the road salt supply and a local community preparing their citizens to adjust to a different standard this winter due to the lack of road salt. Dublin staff has provided a memo to Council about the supply on hand and the amount for which Dublin has commitments for from suppliers.

Mr. O'Callaghan responded that Dublin is in a fairly good situation, although it is not the 8,000 tons of salt the City had hoped to have available. The City is taking measures to ensure the City is prepared to use other materials, such as liquids, and installing wetting systems on plows so that all trucks can be apply this liquid. It is spread on roads before the salt and helps the salt to stick to the roads. The City is also considering use of liquids such as Beet Heat, which other communities have used in the past.

Mr. Lecklider asked how Dublin has managed to secure a supply of 7,000 tons, while other communities are short in their supplies.

Ms. O'Callaghan responded that Dublin was fortunate to have participated in two contracts – the ODOT contract, which will give access to 4,400 tons; and an additional 300 tons will be available from the SWOP4G contract. The City also has 2,500 tons on hand from last year's supply.

Mr. Lecklider asked how many tons of salt were used in Dublin last year.

Ms. O'Callaghan responded that 13,000 tons were used last year. Liquids have not been used in the past, however, and using liquids from the start of the season will help reduce the supply of salt needed this year.

Ms. Grigsby added that Dublin typically budgets for 8,000 tons of salt each year, as the amount needed varies from year to year.

Ms. O'Callaghan added that the salt companies are working to replenish the low supply resulting from last year's demand, and they hope to be able to accommodate the needs later in the season.

Mr. Reiner:

1. Noted that he attended the U.S./Australian Rules Football tournament over the weekend, and it was a wonderful event. He, too, had hoped more spectators would attend.
2. Commended Mr. Hammersmith and the Engineering staff for the solution they have identified to address the traffic issues at the Avery-Muirfield-Tullymore intersection.

Vice Mayor Gerber:

1. Reported that the Fall 2014 Neighborhood Association Leadership meeting will be held on Wednesday, October 15 at the Heartland of Dublin, 4075 W. Dublin-Granville Road. An optional tour is available at 6:30 p.m., and the meeting begins at 7 p.m. He encouraged all Council members to attend.
2. Thanks Ms. O'Callaghan, Mr. Hahn and Ms. Karagory for the Grounds of Remembrance maintenance update. He is very anxious to hear of the resolution to the issues. Many of the veterans are anticipating the improvements and hope they can be done as soon as feasible.

Mayor Keenan commented that the students present tonight to meet their government class requirements of attending a public meeting picked a good meeting, given its length!

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## **ADJOURNMENT TO EXECUTIVE SESSION**

Mayor Keenan moved to adjourn to executive session at 8:23 p.m. for personnel matters related to the appointment of a public official.

Vice Mayor Gerber seconded the motion.

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

The meeting was reconvened at 9:45 p.m. and formally adjourned.

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Mayor – Presiding Officer

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Clerk of Council