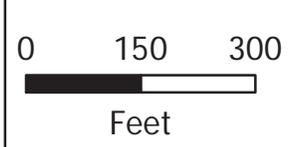


33EB



14-117AFDP
 Amended Final Development Plan
 Coffman Park PUD - Skate Park
 6565 Commerce Parkway



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Mr. Smith stated that he has reviewed the new district created for SportsOhio, and discussed it with Mr. Hale. This new district will allow Mr. Shepherd, SportsOhio, to do everything in the new district that he is doing today. He asked Mr. Combs to confirm that.

Mr. Combs confirmed that is correct.

Jeff Brown, 37 W. Broad Street stated that Mr. Hale asked him to attend tonight and thank the staff and Council for a unique solution that addresses everyone's concerns.

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

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 33-11

Authorizing the City Manager to Execute Necessary Conveyance Documentation for the Acquisition of a Combined 2.294 Acres, More or Less, Fee Simple Interest from Michael and Heather Harber.

Mr. McDaniel stated that a revised exhibit has been provided, correcting the street name and depicting the entire purchase and its relationship to the right-of-way and construction easements.

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

Ordinance 34-11

Rezoning Approximately 105 Parcels from R-1, Restricted Suburban Residential District; SO, Suburban Office and Institutional District; RI, Restricted Industrial District; LI, Limited Industrial District; PCD, Planned Commerce District; and PUD, Planned Unit Development District to TF, Technology Flex District. (COIC Technology Flex District Area Rezoning) (Case 10-074Z)

Mr. Combs stated that there have been no changes made since the first reading. There were no issues raised at the last Council discussion of this matter.

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

Ordinance 35-11(Amended)

Rezoning Approximately 21 Parcels Located along Emerald Parkway from LI, Limited Industrial District and RI, Restricted Industrial District to SO, Suburban Office and Institutional District and PUD, Planned Unit Development District. (Coffman Park plan) (COIC Emerald Office Area Rezoning) (Case 10-073Z)

Mr. Combs stated that at Council's first reading, the discussion focused on property along Post Road. The rezoning proposes to convert some of the Restricted Industrial/Limited Industrial properties along Emerald Parkway, from Post Road down to Innovation Drive, to Suburban Office and Institutional District, with the municipal properties integrating with the Coffman Park PUD. The revised text prepared for this meeting includes modifications to the Coffman Park text to include the new properties. At the previous reading, a Post Road property owner raised issues regarding the placement of that property within the Suburban Office and Institutional District versus the Tech Flex District. Also provided in Council packets is a lengthy timeline, tracing the history of that site up to the current development proposal, which is under permit review. The Planning Commission has recommended approval of the rezoning as submitted.

Mr. Smith stated that Council directed staff to continue to work with Mr. Polis. A meeting was scheduled for last week, which Mr. Polis has rescheduled.

Mr. Keenan asked if there is a risk of timing for Mr. Polis in terms of securing building permit approval.

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Mr. Smith stated that, provided Mr. Polis is making progress, he is permitted to continue the permit approval process.

Mr. Keenan asked if Mr. Polis will be permitted to continue in the process if this ordinance is approved tonight and becomes effective in 30 days.

Mr. Smith responded affirmatively.

Mr. Keenan asked at what point his vesting rights would terminate.

Mr. Smith responded that he has forwarded to Council a memo concerning property owners' vesting rights. If the application were inactive for a year, and if staff had sent him numerous letters requesting that he complete the process, at that point his rights would terminate.

Mr. Keenan asked if the application provides a termination date.

Mr. Combs responded that, after staff has reviewed the permit application and forwarded a response letter to the applicant, the applicant has up to six months to respond. Provided that Mr. Polis is actively pursuing permit approval and making necessary modifications to secure approval, the process would continue.

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

Ordinance 36-11(Amended)

Rezoning Approximately 62 parcels from R, Rural District; R-1, Restricted Suburban Residential District; RI, Restricted Industrial District; LI, Limited Industrial District; GI, General Industrial District; SO, Suburban Office and Institutional District; PUD, Planned Unit Development District; PIP, Planned Industrial Park District; PCD, Planned Commerce District and HDP, High Density POD District to ID-1, Research Office District; ID-2, Research Flex District; ID-3, Research Assembly District; ID-4, Research Mixed Use District; and ID-5, Research Recreation District. (COIC/EAZ Innovation District Area Rezoning) (Case 11-012Z)

Mr. Combs stated that this area is located west of Avery Road, between Shier-Rings Road and SR 161. Based on the request of the property owner, the Planning Commission recommended the facility be included in the ID-3 District. Based on Council's subsequent discussion on June 13, the ordinance has been amended to include the new ID-5 District for the 70 western acres of the SportsOhio facility.

Mayor Lecklider noted that a distinction is made for the 30-acre parcel of soccer fields. He requested clarification of the exact location.

Mr. Combs noted the location on the map as depicted on the slides. The property owner is satisfied with that particular portion of the facility being placed within the ID-1 and ID-2 Districts. The existing use standards in that text permits their continued use as soccer fields, and the area is zoned for future development, which may occur as the main road is extended through the area.

Ms. Chinnici-Zuercher asked if the current use as soccer fields is discontinued, would the area then convert to this zoning?

Mr. Combs clarified that it will already have that zoning in place, but the existing use language in the legislation permits the continued use as soccer fields as long as desired.

Ms. Chinnici-Zuercher stated that the text then permits the current property owner and any future property owners the continued use of that property as soccer fields.

Mr. Combs confirmed that is correct. They can also apply at any time for any of the other uses, and comply with the standards of the ID-1 and ID-2 Districts.

Mr. Keenan noted that the principle of highest and best use will apply in this case.

Mr. Combs responded that is correct. Over time, as the property obtains access from major roads, development will likely occur.

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

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Rezoning Approximately 105 Parcels from R-1, Restricted Suburban Residential District; SO, Suburban Office and Institutional District; RI, Restricted Industrial District; LI, Limited Industrial District; PCD, Planned Commerce District; and PUD, Planned Unit Development District to TF, Technology Flex District. (COIC Technology Flex District Area Rezoning) (Case 10-074Z).

Mr. Gerber introduced the ordinance.

Mr. Combs stated that this is one of a series of rezonings that will implement some of the Plan work done over the past year. This rezoning is primarily located within the Central Ohio Innovation Corridor in the Shier Rings area, between Avery Road and I-270. The purpose of the Tech Flex District is to provide for a large range of flexible industrial spaces that can accommodate Office as well as Research & Development uses. The future Land Use Map in this area calls for a mix of light and heavier Research and Office uses, as well as Office and Municipal uses. This area contains a variety of existing zoning districts; the ordinance proposes to consolidate those into one consolidated district that will provide a broader range of uses and more flexible standards to make the properties more marketable. The rezoning also includes some outlying industrial properties along Avery Road, as well as up toward the Post Road interchange. All of the properties will be placed into the Tech Flex District. Based on the Community Plan, the future Land Uses Map, and the Business District model for the COIC, staff believes the proposed rezoning will address those long-term plans for the City, as well as address many nonconforming and illegal uses.

Mr. Gerber asked if the Law Director's office has reviewed this document.

Mr. Smith indicated that they have reviewed it; however, the Law Department always conducts another review prior to the second reading. They are attempting to ensure all property owners' concerns are addressed. They anticipate providing a report to Council at the next hearing regarding the resolution of those issues.

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

Ordinance 35-11

Rezoning Approximately 21 Parcels Located along Emerald Parkway, from R-1, Restricted Suburban Residential District; LI, Limited Industrial District; and RI, Restricted Industrial District to SO, Suburban Office and Institutional District; and PUD, Planned Unit Development District. (Coffman Park plan) (COIC Emerald Office Area Rezoning) (Case 10-073Z)

Mr. Gerber introduced the ordinance.

Mr. Combs stated that this is the second portion of the conversion of the old industrial districts. This is a rezoning of areas around Perimeter Drive and Emerald Parkway, as well as some properties along Innovation and Emerald Parkway. Those coincide with the Emerald Office Zone and the Perimeter Service Area within the Central Ohio Innovation Corridor (COIC). The purpose of those two districts is to provide for a broad range of office uses, as well as additional services. The Future Land Use Map for the areas in question identifies those areas as Office as well as Municipal and Park facilities. The existing zoning of the properties is a combination of Restricted Industrial and Limited Industrial. The proposed zoning would modify those to Suburban Office and Institutional, consistent with both the COIC and the Future Land Use Map in the Community Plan. In addition, the municipal properties would be included in the Coffman Park PUD.

He reported that an update of the Coffman Park PUD text is provided in the meeting materials. It provides for the expansion properties to include a variety of municipal and park-related uses. The Coffman Park Master Plan specifically addresses this area. The development text for Coffman Park has been revised to include general language for the expansion land and Justice Center site. The rezoning text was reviewed by the Planning and Zoning Commission on May 19, 2011, and they voted to recommend approval to Council. If adopted, the Coffman Park Master Plan will serve as the Preliminary Development Plan for that portion of the park. Any future approvals would be reviewed by the Planning Commission as a Final Development Plan, and would then move to the permitting stage. At the Planning Commission meeting, there was comment from one property owner regarding a pending building permit application for

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an industrial office development along Post Road. The Planning Commission considered the property owner's request for Tech Flex or alternate zoning for the property. Based on the timing and the fact the property was under permit review, the Planning Commission recommended changing the map to Suburban Office and Institutional with the understanding that the property owner would have additional time to submit and secure approved permits while the actual rezoning is in process.

Staff believes this rezoning is consistent with the Community Plan and the COIC District Corridor concept. This rezoning will also address many nonconformities, particularly in some of the older office developments, where there are uses that are not expressly permitted in the current Code.

Joe Polis, FJ&S, 75 E. Wilson-Bridge Road, Worthington stated that they own property at 5375 Post Road, a vacant site of 1.58 acres, which is currently zoned Limited Industrial (LI). They purchased the property 26 years ago, in 1985, to build a KinderCare Daycare Center. At that time, however, their plan was rejected by the City of Dublin. They returned to the City with other project proposals in 1989, 1997 and 2000. Those projects also did not proceed due to discouragement and/or City disapproval. In 2008, the City had the property appraised – he assumes because the property abuts two parcels that are owned by the City of Dublin. In February 2010, he asked to meet with Ms. Husak and some other City staff members to review an office warehouse project that they had submitted to the City in 1989. He was attempting to solicit City input before retaining an architect and engineer to upgrade the plan. The plans have now been updated.

In the months following the meeting with Planning staff, he was contacted by Ms. Gilger, Economic Development. She asked if the property owners would be interested in working with a potential prospect for the site. They agreed and began working with this prospect. Eventually, the project expanded to include the two adjoining parcels that are owned by the City. The project is now a 35,000 square foot Tech Flex building and a \$5 million project. Unfortunately, in December, that company decided that the price of \$5 million was too high for them, and they chose to rent warehouse space elsewhere in Dublin. Meanwhile, he was invited to attend two public meetings on the Tech Flex District, conducted by Mr. Combs, on December 13 and 17, 2010. That proposed zoning would affect their property, and they thought it would work well with their warehouse concept. He provided copies of their plans to Mr. Combs and received some general comments from Mr. Combs on February 24, 2011. On March 2, he met with Mr. Combs and Ms. Gilger to discuss the comments on their revised plans for an office-warehouse project, the pending Tech Flex Code, and the proposed area rezoning. At that meeting, however, he was advised that his parcel was no longer being recommended for Tech Flex, but instead, Suburban Office. With that zoning, warehousing would not be permitted. He spoke with Mr. Combs at the April 7 PZC meeting and told him they were too far along with their plans and would proceed with their project. They applied for a building permit on April 21, 2011, and subsequently received a disapproval, marked-up plans and comments. They have worked to make those changes and plan to meet with staff to review those changes. They are financially committed to completing this project and respectfully request that their property, which is zoned LI, be zoned into the Tech Flex District, as originally proposed.

Mayor Lecklider invited Mr. Combs to respond.

Mr. Combs responded that the PZC minutes outline the same discussion. When staff began work on the Tech Flex District, they met with any of the property owners who had industrial zoning and who attended the public meetings. As the rezoning phase developed, staff further evaluated its fit with the Community Plan, the COIC Districts and the new Delta Energy development, which establishes a certain character at that key interchange. Staff decided that it would be more consistent to consider Suburban Office and Institutional for those properties.

Mayor Lecklider asked if this particular property would be grandfathered, based on the fact that the permit has been filed and reviewed.

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Mr. Combs responded that it is currently LI, and when Mr. Polis requested staff input, they did give him feedback as to whether his plan complied with the LI District, as well as the Tech Flex zoning, which was under development at that point. The question is whether that provides the applicant with any legal standing. It is his understanding that they are in the permit submission process, and until the point the rezoning becomes effective, they need to meet the legal requirements for obtaining the building permit.

Mayor Lecklider noted that would be the existing requirements for Limited Industrial (LI), because this rezoning has not yet been approved.

Mr. Smith stated that the issue relates to when the property owner's rights are vested. He has provided previous legal opinions on that subject, and will forward a copy for the next Council packet. Mr. Polis was assured of his standing, unless his building permit has been pulled.

Mrs. Boring asked if Mr. Polis has filed for a permit, and if it was denied.

Mr. Combs responded that his permit was denied based on engineering and building issues. He has the opportunity to continue re-applying until he has obtained the permit.

Mayor Lecklider asked if the denial is based on other issues, and not zoning.

Mr. Combs responded that he believes the denial is based upon building, engineering and landscaping issues, which Mr. Polis may resolve, and then re-submit his application.

Mr. Keenan asked if Mr. Polis' project then will continue to move forward.

Mr. Combs responded that is his understanding.

Mr. Keenan stated that the City has a duty to act responsively and quickly if another permit request is made, and not have it delayed because of the rezoning in process.

Mr. Combs responded that when a permit request is submitted, standard review procedures are followed in terms of schedules.

Mr. Keenan asked if there is an issue related to the schedules.

Mr. Combs responded that he is aware of none.

Mayor Lecklider stated that he assumes that all the parties are fully aware of the status of this matter.

Mr. Keenan stated that it is essential to ensure that everyone has fair consideration. He has been aware of an issue with this particular property for 15-20 years. Mr. Polis has testified about the many different times he has attempted to bring this forward.

Ms. Grigsby noted that the major issue with this property has always been access. Based upon where it is located, full access is very difficult resulting in engineering issues.

Mr. Smith noted that, over the years, he has participated in other meetings concerning the development of this site. Safe ingress/egress and line of sight have been the issues.

Mr. Gerber asked if in that respect the applicant has worked with the City to resolve those issues, and whether a fair "give and take" has been provided.

Mr. Smith responded that he believes that definitely has occurred.

Ms. Chinnici-Zuercher stated that until very recently, the City believed this area was appropriate for the Tech Flex zoning.

Mr. Combs responded that when staff began the process, the intent was to convert the RI and LI Districts to Tech Flex. As the process advanced, staff evaluated its fit with the Community Plan; the long-term implications of those particular areas that are specifically identified as Office in the Community Plan and the COIC Districts; and its frontage on I-270. Those were placed in the Suburban Office category.

Ms. Chinnici-Zuercher asked when that decision was made, because it seems Mr. Polis has had recent conversations with the City that indicated his property would be included in the Tech Flex District.

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Mr. Combs responded that the Tech Flex District was being discussed in public meetings during the November-December 2010 timeframe. Staff did not begin to consider the rezoning phase until the beginning of 2011.

Ms. Chinnici-Zuercher noted that it was relatively recent that the City changed its mind. In relation to the type of building that is proposed, how does it integrate with the IGS building, Delta Energy and other buildings that have been constructed in that general vicinity?

Mr. Combs responded that it is much more of an industrial type of use, lacking the office appearance that IGS or Delta would have as frontage properties.

Mr. Reiner asked if that was part of the rationale for this change in zoning – to upgrade this area visually.

Mr. Combs responded that was the intent, which was based on the Future Land Use Plan, as well as the Coffman Park Area Plan.

Mr. Keenan noted that it does seem the Tech Flex District would be a better option than an LI zoning for this area in terms of the use and results. What is staff's opinion?

Mr. Combs responded that he agrees that Tech Flex would be an upgrade from the Industrial zones currently existing.

Mr. Keenan stated that because this property was not included in the Tech Flex District, the owner can continue to proceed under the current LI zoning.

Mr. Combs responded that with any area rezoning, the property owners would still have the opportunity to do that.

Mayor Lecklider noted that there are challenges with this particular site.

Ms. Chinnici-Zuercher stated that situation will not change with this property. She is interested in how the re-design of Frantz, SR 161 and Post Road might impact this site. It is important to make sure this property is not negatively impacted by that re-design.

Ms. Grigsby stated that the realignment will impact properties to the east of that intersection – on the other side of the Post Road overpass over I-270. It will not impact the west side.

Ms. Chinnici-Zuercher stated that the owner has proceeded according to input received from the City. She would like to encourage the owner, even within the LI zoning, to take steps to make this visually compatible with the surrounding development – Cardinal Health, Delta Energy, and the Justice Center -- and enhance the area.

Mayor Lecklider invited Mr. Polis to respond.

Mr. Polis stated that they have considered rezoning the LI to Tech Flex to be a step forward, and they were very supportive of a Tech Flex District in all meetings they had with Mr. Combs. Mr. Polis was not aware until March 2 that the City would no longer support the Tech Flex zoning for this property, but would be proposing Suburban Office instead. They had been working on this project for nine to 12 months – too advanced to change. This project would have been completed much earlier, but when Mr. Combs and Mrs. Gilger involved him in a proposal with the prospective user, he put his plan on hold for three to four months. Again, the plan City staff was discussing with that prospective user was for a 35,000 square foot Tech Flex building. Their plan was not for a Suburban Office building. In March, their design was essentially complete, and they were ready to proceed to the permitting stage, which they initiated the following month. He purchased this property 26 years ago, and is running out of time. It is time for him to do something with this property.

Mr. McDaniel stated that the City worked on a couple of projects in an attempt to steer Tech Flex type uses to that site. One of the obstacles they encountered was the cost of the land, and they contemplated leveraging City-owned land adjacent to that site. They were not able to bring down the price of the land. In addition, Tech Flex use is difficult for this site, as there would be some level of truck traffic. If the property next to it were to develop – the “bow tie” piece -- there would be access in that location. The recently revised Community Plan reflected a higher use than LI or Tech Flex. However, the area was never rezoned to match the intent of the Community Plan. This

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is what staff is now attempting to do. This particular site next to the "bow tie" piece is highly visible from the highway, and should attract a high-end user. It has been undeveloped for 26 years, but if the economy takes a positive turn, the City can attempt to attract a user. They believe that a Tech Flex use will be difficult to house on the site. Staff's recent recommendation to change the zoning was the result of unsuccessful attempts to make a Tech Flex use work in this location.

Mrs. Boring stated that she does not disagree that Suburban Office would work well on the site, but if staff was working with Mr. Polis on a Tech Flex use until spring and it was then changed, it seems there was either a lack of communication or foresight.

Ms. Gilger stated that she worked closely on the economic development opportunity with the prospective user. They were primarily an office user that needed a flexible warehouse space in the back of the facility. The blended use seemed to fit with the site; however, the only way it was feasible was to combine the site with the adjacent City-owned land. Staff was trying to identify the right type of zoning areas for the potential user, considering RI and LI sites and potential new Tech Flex sites. Although over 50 percent of the prospective use was Office, some flexible space was also needed. When the user attempted to engineer the turning radius for their truck, they recognized the site was not large enough. Because these issues existed even when combining the adjacent City-owned parcels to make the site a Tech Flex use, removing the City-owned land would leave this site with even more challenges for a Tech Flex use.

Mr. Gerber stated that he understands there might be a more appropriate zoning classification for this property, but what he finds troubling is that, despite those negotiation difficulties, this applicant has not been deterred from proceeding with an LI application while staff was discussing other classifications. He has heard of this type of issue with some other property owners. There is a need to engage the property owners and thoroughly discuss these situations. The applicants should not be misled with false expectations. If Mr. Polis will not have his permit approved in the next few weeks, that should be communicated.

Mr. McDaniel stated that some clarification is needed. The Tech Flex use staff was proposing related to an active economic development prospect. The permit that Mr. Polis has submitted is for two metal warehouse buildings.

Mr. Polis responded that the two buildings are pre-engineered buildings, but they are not all-metal buildings. They have 35-40 percent office, and the balance is warehouse. There are no loading docks, so they would appeal to a small, incubator-type company with that type of combined use. There are small drive-in doors, but no loading docks. All the units are small, 2,200-2,300 square foot units. These are the building plans that were discussed with Mr. Combs last year in November, and the plans on which Mr. Combs provided input on February 24.

Mr. McDaniel clarified that staff has not denied his application. He can pursue the building permit, if he wishes.

Mr. Reiner stated that this has now become an upscale corridor, so he is hopeful this project will be in keeping aesthetically with the rest of the community. One reason people build in this community is that they can be confident the buildings next to them will be of equal value, and that their investment will be protected.

Mayor Lecklider stated that it is assumed the dialogue will continue between Mr. Polis and staff. Council looks forward to receiving the memo that Mr. Smith has indicated he will circulate.

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

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Rezoning Approximately 62 Parcels from R, Rural District; R-1, Restricted Suburban Residential District; RI, Restricted Industrial District; LI, Limited Industrial District; GI, General Industrial District; SO, Suburban Office and Institutional District; PUD, Planned Unit Development District; PIP, Planned Industrial Park District; PCD, Planned Commerce District; and HDP, High Density

Ms. Amorose Groomes confirmed that in the ID-3 District, they could continue to build the buildings in a similar fashion as the existing structures. She said SportsOhio was a fantastic facility and she would like them to be able to continue in that fashion in an affordable way. She confirmed with the Commissioners that there was support to change the designation to ID-3. She asked if any hardships would be created with the EAZ Plan or other related work.

Mr. Combs said he thought the request was satisfactory. He said they would adjust the zoning request as it moves to City Council.

Ms. Amorose Groomes asked if a condition would be necessary in the motion for the change, or would it be an administrative change.

Steve Langworthy suggested the motion indicate that the plan will be modified as requested by Mr. Hale.

Motion and Vote

Mr. Zimmerman made the motion to recommend approval to City Council of this Zoning Map Amendment as discussed. Mr. Fishman seconded the motion.

The vote was as follows: Ms. Kramb, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes. (Approved 5 – 0.)

3. COIC Emerald Office Area Rezoning 10-073 Z

Zoning Map Amendment

Chris Amorose Groomes introduced this application involving an amendment to the Zoning Map to change the zoning of parcels comprising an area of approximately 102 acres from Restricted Industrial (RI) District and Limited Industrial (LI) District to Suburban Office and Institutional (SO) District and Planned Development (PUD) District as part of the Coffman Park Plan. She said the proposed zoning conforms to the adopted Future Land Use Map and will coordinate with plans for the Central Ohio Innovation Corridor (COIC). She said the Commission needed to make a recommendation to City Council for final action.

Carson Combs presented this second of three area rezoning requests. He said that as part of the COIC, the properties were located along Emerald Parkway in the area of Perimeter Drive and Innovation Drive. He said that the purpose of the Emerald Office Zone was to highlight office development along Emerald Parkway with high visibility along I-270. He said that properties within the Perimeter Service Area also included existing office buildings. He said that the Future Land Use Map denotes both office and park/municipal uses and the rezoning is intended to phase out older industrial zoning classifications. Mr. Combs noted that city properties were being included within the Coffman Park PUD as an expansion of the park area, and that other properties were being transferred to an office zone. He said that work is currently underway to create a master plan for the park expansion that would serve as the preliminary development plan and basis for final development plan approval.

Mr. Combs said that the zoning request was consistent with the Community Plan and larger land use goals of the City. He said the change is also consistent with business neighborhood concepts for the COIC and that Planning recommends approval to City Council of this rezoning.

Ms. Amorose Groomes invited public comment regarding this application.

Joe Polis, a principal partner of FJ&S and owner of a 1.85-acre site at 5375 Post Road, said that there were many uses within the Limited Industrial (LI) District that are outdated, and that he

liked the idea of updating the industrial codes. He said that the site was purchased in 1985 to build a child daycare center that was turned down by the City. He said in 1989, 1997 and 2000 conversations were held with the City at which they were discouraged from developing the site.

Mr. Polis said that in February 2010 he met with Planning to review the office warehouse project that was originally proposed in 1989. He said that following that meeting, they began to update their construction drawings. He said that Economic Development contacted them about a prospective client and including the adjacent municipal properties as part of the proposal to build a 35,000-square-foot flex building. He said that unfortunately the business decided in December that the project was not economically feasible to proceed at the site.

Mr. Polis said that in November and December he attended meetings about the industrial code update and that discussions included converting properties to the new Technology Flex District. He said that at that time, they were six months into the development of construction drawings and that Planning provided preliminary comments on the proposed development on February 24.

He said a meeting was set for March 2 to review the proposed development and timeline for the industrial district updates. He said that he was told at that time that the City was proposing to zone the area to Suburban Office instead of the new industrial district. He said the SO District does not include warehousing that was part of his project. Mr. Polis said that he applied for a permit on April 21, 2010 to build the office warehouses that complied with the Technology Flex (TF) District regulations. He said that comments were received on the drawings from the City, and that his company intended to make the changes and proceed with the project. Mr. Polis said he thought that the Technology Flex District concept was very good and that the Limited Industrial (LI) District was antiquated, but he was not in favor of Suburban Office and Institutional (SO) District on the site.

Joe Budde said he was troubled by Mr. Polis' situation. He asked Planning to comment about what transpired and Mr. Polis' request not to rezone his property to the SO District.

Mr. Combs said he could not speak to issues that occurred during past decades. He said that initial direction for the industrial code update was to rezone properties from the RI and LI Districts into a revised and updated zone. He said that as the process continued, direction changed to look at the larger framework of the Community Plan and to ensure consistency with the Plan. Mr. Combs noted that Mr. Polis had been engaged throughout the development of the Technology Flex Code and that Mr. Polis was informed as soon as direction for the area rezoning had changed. He said that Mr. Polis had submitted for building permits and has every opportunity to gain legal standing for the proposed office warehouse prior to the rezoning taking effect. Mr. Combs said that his initial permit application was disapproved, but that Mr. Polis can decide to move forward with the proposed development.

Ms. Amorose Groomes asked if the reason for not including this area in the Technology Flex District was its proximity to the interstate.

Mr. Combs said the Coffman Park Area Plan within the Community Plan identified the area for the development of office uses because of visibility to the U.S. 33/I-270 interchange. He said that recent construction of Delta Energy reinforces the idea for an office appearance along Emerald Parkway, consistent with business neighborhood concepts for the COIC.

Mr. Budde said the circumstances that Mr. Polis has faced in the time he has owned the property and where he was so far troubles him. He said it sounded as though Mr. Polis was moving along a process without discouragement.

Ms. Amorose Groomes said she agreed that the process seems confusing and that she is sympathetic to his position. She said she has difficulty, though, picturing a warehouse at that location coming from Frantz Road with Willow Grove and other surrounding uses.

Mr. Budde said his question was why Mr. Polis was not advised a long time ago if the City was working on this project.

Ms. Amorose Groomes asked for additional insight.

Mr. Combs explained that zoning and the Community Plan are two different issues. He said that Mr. Polis' property has industrial zoning that dates back many decades. He said that in asking the question of whether the property complies with zoning, Planning looks at the proposed development within the context of what the property is zoned. Mr. Combs said that as soon as it was determined that the City-sponsored area rezoning would consider the Community Plan, development character and the long-term aspects of the area, that information was conveyed to Mr. Polis. He said that Mr. Polis still has additional opportunity to submit for the office warehouse development until the new code and zoning go into effect.

Mr. Fishman said he did not understand the history, but agreed that it was not an ideal location for an office warehouse.

Ms. Kramb asked what options were available if the property was rezoned.

Mr. Combs explained that a property owner always has the right to request a rezoning in the future to any number of districts, including a Planned Development District. He said users could also be attracted that would fit within the SO District.

Mr. Fishman asked if he met the existing zoning.

Mr. Combs said that to date a permit has not been granted for the site, which is zoned Limited Industrial (LI) District.

Steve Langworthy clarified that the permit was denied for building code issues, not zoning. Ms. Husak added that the permit was denied because it did not meet building, engineering or landscape requirements.

Ms. Kramb asked if Mr. Polis would seek relief in the future should he have to submit new plans, considering that recently he was told that what he proposed was acceptable.

Mr. Combs said that if the property was zoned to the SO District, Mr. Polis would need to submit a permit application that complied with those standards.

Mr. Polis said he understood that if they made the appropriate modifications to the plans that his plan could be approved under the LI District zoning.

Jennifer Readler clarified that under case law, vesting is typically established at the filing for a building permit. She said that he had filed for a permit that was denied, so that filing is concluded. She said that this zoning request will need to be recommended to City Council for two readings, followed by a 30-day effective date. She said that in the interim, if a permit is applied for an approval, that filing would allow him to proceed with construction of the office warehouse.

Ms. Kramb asked if he had to file before City Council approved the rezoning.

Ms. Readler said that based on the timeline, Mr. Polis would have much more time.

Mr. Polis said that other communities when disapproving a permit normally provide a correction letter that allows the developer to move forward rather than getting a disapproval and requiring reapplication.

Ms. Amorose Groomes encouraged Mr. Polis to pursue his allowable right if he felt it was necessary.

Ms. Kramb referred to the Coffman Park PUD Text and asked if the Commission was approving changes as part of this request.

Mr. Combs said that the text addendum covers the new addition of properties into the PUD.

Ms. Kramb pointed out that the Justice Center was noted in the first paragraph, but not under the permitted uses.

Mr. Combs clarified that it would be considered a municipal facility.

Ms. Kramb suggested that language should be rewritten to better clarify the intent.

Ms. Amorose Groomes suggested referring to parcel numbers or street addresses instead of any building names.

Motion and Vote

Mr. Zimmerman made the motion to recommend approval to City Council of this Zoning Map Amendment as discussed. Mr. Fishman seconded the motion.

The vote was as follows: Ms. Amorose Groomes, yes; Mr. Budde, yes; Ms. Kramb, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes. (Approved 5 – 0.)

4. COIC Technology Flex District Area Rezoning 10-074Z

Zoning Map Amendment

Ms. Amorose Groomes introduced this application involving an amendment to the Dublin Zoning Map to rezone approximately 105 parcels comprising over 371 acres from the following zoning districts: Restricted Industrial (RI) District, Limited Industrial (LI) District, Suburban Office and Institutional (SO) District, Limited Suburban Residential (R-1) District, Planned Commerce (PCD) District, and Planned Development (PUD) District. She said the zoning to TF, Technology Flex District is proposed to modernize the City's aging industrial district, conform to the adopted Future Land Use Map and coordinate with plans for the Central Ohio Innovation Corridor (COIC). She said the Commission needed to make a recommendation to City Council for final action.

Carson Combs said this rezoning is focused along the Shier Rings Road corridor and includes some outlying parcels. He said the rezoning coordinates with the business neighborhood concept for the COIC. He said that based upon the Commission's recent review of the Technology Flex District ordinance, the focus of this request is to encourage flexible space and uses for portions of the city that have more traditional industrial development. He said that the Future Land Use Map calls for a mix of different uses that include office, research and development, municipal and neighborhood center uses. Mr. Combs said that the zoning will result in a more unified classification for the area that will simplify the zoning map for greater consistency.