

Planning Report

Thursday, December 4, 2014

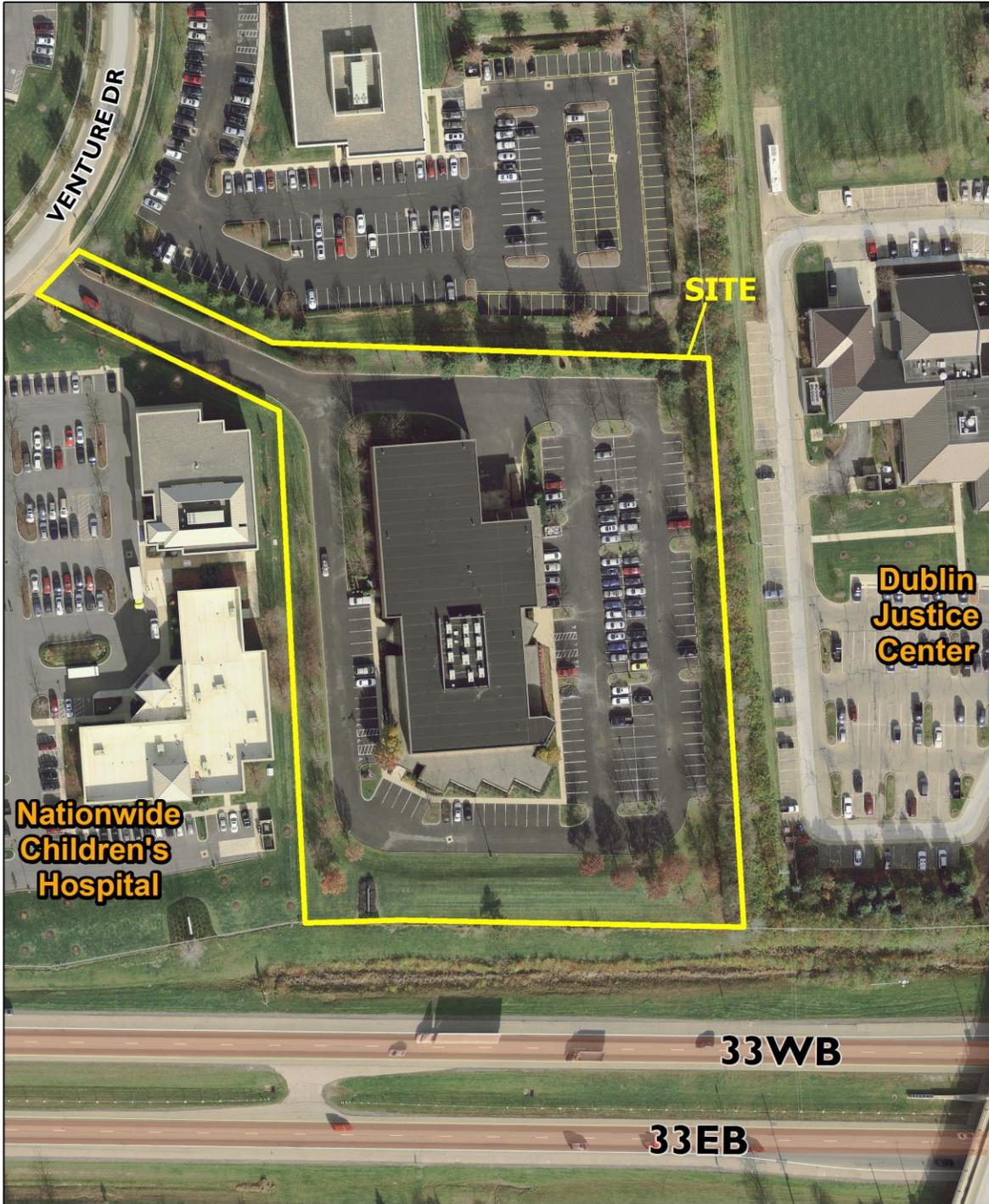
**Perimeter Center PCD, Subarea K
Gordon Flesch Company
5655 Venture Drive**

Case Summary

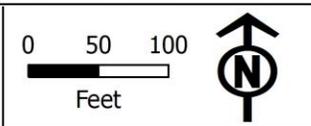
Agenda Item	4
Case Number	14-113AFDP
Proposal	Modifications to an approved development text to reflect pavement setbacks and a modified sign location affected by right-of-way acquisitions.
Request	Review and approval of an <u>amended final development plan</u> and a <u>minor development text modification</u> under the Planned District provisions of Zoning Code Section 153.050.
Site Location	5655 Venture Drive South side of Venture Drive, north of US 33/SR161.
Applicant	Tom Flesch, represented by City of Dublin.
Case Manager	Claudia D. Husak, AICP, Planner II (614) 410-4675 chusak@dublin.oh.us
Planning Recommendation	<u>Approval of Minor Text Modification</u> In Planning's analysis, the proposed minor modification to the development text will allow the applicant to continue operating in compliance with zoning requirements. The requested modification is to modify the development text to: 1) Decrease the pavement setback to 35 feet along US33/SR161 2) Decrease the sign setback to 2 feet for the existing sign (to be relocated) along US US33/SR161

Approval of Amended Final Development Plan

In Planning's analysis, the proposal is consistent with the criteria for an amended final development plan with the approval of a minor text modification. Approval of this proposal is recommended without conditions.



14-113AFDP
Amended Final Development Plan
Perimeter Center, Subarea K -
Gordon Flesch



Facts	
Site Area	4.27 acres
Zoning	PCD, Planned Commerce District (Perimeter Center, Subarea K)
Surrounding Zoning and Uses	North: PCD, office in Subarea D of Perimeter Center East: PUD, (Coffman Park plan) City of Dublin Justice Center PCD South: US 33/SR 161 West: PCD, (Perimeter Center plan, Subarea M), Nationwide Children's Hospital medical offices
Site Features	<ul style="list-style-type: none"> • Flag lot with 60 feet of frontage along Venture Drive to the northwest and 370 feet along US 33/SR 161 to the south • Building centrally located on the parcel south parking on the east, south and west

Details	Amended Final Development Plan
Proposal	This proposal includes the temporary and permanent relocation of a ground sign and a change in the pavement setback due to right-of-way changes for US 33/SR 161.
Plan Overview	<p>The application includes a request for a minor development text modification to align pavement setback requirements which are affected by the right-of-way takes required by the Ohio Department of Transportation (ODOT) for improvements to the US33/I-270 interchange.</p> <p>The proposed interchange improvements require the removal of the existing sign from its current location, so the application proposes changes to the sign location along the same right-of-way. The application is requesting approval of 2 sign locations, a temporary location while the work is being performed and a final sign location for when work is completed.</p>
Setbacks	The development text for this Subarea requires a 60-foot setback for pavement along US33/SR161. This site was developed with the pavement at this setback line. ODOT is working with its design consultant and the City of Dublin to complete the plan design for the US33/I-270 interchange upgrade. Construction of Phase 1 is projected to begin in 2015. To begin construction, right-of-way acquisition must be completed and Gordon Flesch Company has been informed that required right-of-way take affects the required pavement setbacks.

Details		Amended Final Development Plan
Setbacks	<p>The pavement setbacks comply with the text, however, the right-of-way take will make bring the site out of compliance. The City of Dublin is processing this request (as it will be for all similar requests related to this improvement) for a minor modification to the development text that decreases the pavement setback requirement from 60 feet to 35 feet. ODOT estimates that the setback encroachment will be approximately 20 feet. Planning suggests the setback be decreased by 25 feet to provide flexibility should ODOT requirements change during construction.</p>	
Signs	<p>The site has two ground signs, one along Venture Drive and the other along the US33/SR 161 frontage must be removed permanently from the existing location as part of the interchange improvements. The sign was specifically approved as part of a rezoning and revised final development plan in 2007. The sign was approved to be 50 square feet.</p> <p>The owner intends to reuse the existing sign after the required removal by ODOT. Two locations are proposed:</p> <p><i>Temporary Location</i> During construction, additional, <u>temporary</u> right-of-way is required and the applicant is proposing to locate the existing sign perpendicular to US33/SR161 behind the temporary right-of-way.</p> <p><i>Permanent Location</i> Once the project is complete, the new <u>permanent</u> right-of-way will be reduced approximately 20 feet north of the existing right-of-way. Given the length of the sign and the existing mounding, the owner is proposing to locate the sign 2 feet from the new right-of-way rather than the 8 feet as required by Code.</p>	

Analysis		Minor Text Modifications
Overview	<p>The development text requires a 60-foot setback for pavement for this PUD along the southern property line. Right-of-way takes required by ODOT will decrease this setback.</p> <p>One ground sign is permitted in the development text for Subarea K along the southern property line and the proposed interchange improvements will require the removal of the sign from its existing location. The proposal includes two sign locations for approval with the permanent location requiring a text modification to permit a setback of less than 8 feet.</p>	

Analysis	Minor Text Modifications
Process	<p>Code Section 153.053(E)(2)(b)4 b permits the Commission to approve a modification to the development text and Zoning Code if they determine that all of the appropriate provisions are satisfied (full text of criteria attached). The requested modification is to modify the development text to:</p> <ol style="list-style-type: none"> 1) Decrease the pavement setback to 35 feet along US33/SR161 2) Decrease the sign setback to 2 feet for the existing sign (to be relocated) along US US33/SR161

Recommendation	Minor Text Modifications
Approval	<p>Planning supports the minor modifications to the development text as they will the applicant to continue operating in compliance with zoning requirements, as amended by the modifications.</p>

Analysis	Amended Final Development Plan
Process	<p>Section 153.050 of the Zoning Code identifies criteria for the review and approval for an amended final development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.</p>
<p>1) <i>Consistency with the approved preliminary development plan.</i></p>	<p>Criterion met with Minor Text Modification: This proposal is consistent with the requirements of the proposed development text, as modified with this proposal and the final development plan.</p>
<p>2) <i>Traffic & pedestrian safety</i></p>	<p>Criterion met: All pedestrian and vehicular safety requirements are met.</p>
<p>3) <i>Adequate public services & open space</i></p>	<p>Not applicable</p>
<p>4) <i>Protection of natural features & resources</i></p>	<p>Not applicable</p>
<p>5) <i>Adequacy of lighting</i></p>	<p>Not applicable</p>
<p>6) <i>Signs consistent with preliminary development plan</i></p>	<p>Criterion met with Text Modification: The proposal is for the use of the existing sign, which meets the preliminary development plan. If approved by the Commission, the text modification will ensure the sign meets setback requirements.</p>

Analysis	Amended Final Development Plan
7) <i>Appropriate landscaping to enhance, buffer, & soften the building and site</i>	Not applicable
8) <i>Compliant stormwater management</i>	Not applicable
9) <i>All phases comply with the previous criteria.</i>	Not applicable
10) <i>Compliance with other laws & regulations.</i>	Criterion met: The proposal complies with all other known applicable local, state, and federal laws and regulations.

Recommendation	Amended Final Development Plan
Approval	In Planning's analysis, this proposal complies with the proposed development text and preliminary development plan, the final development plan criteria and existing development in the area. Planning recommends approval of this request without conditions.

Minor Text Modification (Section 153.053(E)(2)(b)4,b)

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

AMENDED FINAL DEVELOPMENT PLAN

The purpose of the Planned Unit Development process is to encourage imaginative architectural design and proper site planning in a coordinated and comprehensive manner, consistent with accepted land planning, landscape architecture, and engineering principles. The PUD process consists of up to three stages:

- 1) Concept Plan (Staff, Commission, and/or City Council review and comment);
- 2) Zoning Amendment Request (Preliminary Development Plan; Commission recommends and City Council approves/denies); and
- 3) **Amended/Final Development Plan (Commission approves/denies).**

The intent of the final development plan is to show conformance with and provide a detailed refinement of the total aspects of the approved preliminary development plan (rezoning). The final development plan includes all of the final details of the proposed development and is the final stage of the PUD process. The Commission may approve as submitted, approve with modifications agreed to by the applicant, or disapprove and terminate the process.

Review Criteria

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

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