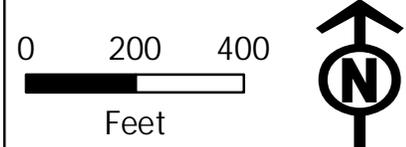


15-011Z  
 Rezoning  
 Sycamore Ridge Park  
 6720 Riverside Drive



**ADMINISTRATIVE REVIEW TEAM**

**RECORD OF DETERMINATION**

**MARCH 5, 2015**

The Administrative Review Team made the following determination at this meeting:

**4. Sycamore Ridge Park Rezoning  
15-011Z**

**6720 Riverside Drive  
Rezoning**

Proposal: Rezoning a 3.5-acre parcel from BSC Public District to BSD Residential District. The site is on the east side of Tuller Ridge Drive between Tuller Road and Sycamore Ridge Boulevard.

Request: Review and recommendation of approval to the Planning and Zoning Commission and City Council of a rezoning under the provisions of Zoning Code Section 153.234.

Applicant: Dana McDaniel, City Manager, City of Dublin

Planning Contact: Jennifer M. Rauch, AICP, Senior Planner

Contact Information: (614) 410-4690; [jrauch@dublin.oh.us](mailto:jrauch@dublin.oh.us)

**DETERMINATION:** Recommendation of approval to the Planning and Zoning Commission and City Council of this request for Rezoning.

**RESULT:** This application was forwarded to the Planning and Zoning Commission and City Council with a recommendation of approval.

**STAFF CERTIFICATION**

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Steve Langworthy, Planning Director

**4. Sycamore Ridge Park Rezoning  
15-011Z**

**6720 Riverside Drive  
Rezoning**

Jennifer Rauch said this is a request to rezone a 3.5-acre parcel from BSC Public District to BSD Residential District. She said the site is on the east side of Tuller Ridge Drive between Tuller Road and Sycamore Ridge Boulevard. She said this is a request for a review and recommendation of approval to the Planning and Zoning Commission and City Council for a rezoning under the provisions of Zoning Code Section 153.234. She said this request is presented in conjunction with the Tuller Flats project, and approval is necessary to allow the residential uses shown on this parcel proposed as part of that project.

Ms. Rauch said approval was recommended.

Steve Langworthy asked the ART if there were any questions or concerns regarding this application. [There were none.] He confirmed that the ART recommended approval of this rezoning application to the Planning and Zoning Commission.

DRAFT

## DETERMINATION

### 2. BSD Historic Core – Green Olive Company 15-008ARB-MPR

### 36 North High Street Minor Project Review

Jennifer Rauch said this is a request for a 5.4-square-foot projecting sign for a new tenant in an existing building at the northeast corner of the intersection of North High Street and Wing Hill. She said this is a request for review and recommendation of approval to the Architectural Review Board for a Minor Project under the provisions of Zoning Code Sections 153.066(G) and 153.170 and the *Historic Dublin Design Guidelines*.

Ms. Rauch said the main entrance door is flanked by two large storefront windows along the front façade with a front gable centered over the door. She said the proposed projecting sign will be above the entrance, centered on the gable wall above the door and attached with a decorative metal bracket. She stated the proposed sign consists of an aluminum panel with vinyl lettering with three colors: cream for the background; dark olive green for the outer border and text; and light olive green for the secondary image.

Ms. Rauch reported that the proposed wall sign meets all of the criteria for size, location, height, and color. She said approval is recommended to be forwarded to the Architectural Review Board with no conditions.

Steve Langworthy asked the ART if there were any questions or concerns regarding this application. [There were none.] He stated that a recommendation of approval will be forwarded to the ARB for their meeting on February 25, 2015.

## INTRODUCTIONS

### 3. Sycamore Ridge Park Rezoning 15-011Z

### 6720 Riverside Drive Rezoning

Jennifer Rauch said this is a request to rezone a 3.5-acre parcel from BSC Public District to BSD Residential District. She said the site is on the east side of Tuller Ridge Drive between Tuller Road and Sycamore Ridge Boulevard. She said this is a request for review and recommendation of approval to the Planning and Zoning Commission and City Council for a standard district rezoning under the provisions of Zoning Code Section 153.234. She said this request is presented in conjunction with the Tuller Flats project, and approval is necessary to allow the residential uses shown on this parcel proposed as part of that project.

Steve Langworthy asked the ART if there were any questions or concerns regarding this application. [There were none.]

### 4. BSD Residential - Tuller Flats 15-012DP-SP

### 4313 Tuller Road Development Plan/Site Plan Reviews

Joanne Shelly said this is a request for a multiple-family residential development consisting of 420 apartment units within 29 three-story apartment buildings, a community clubhouse, and associated streets and open spaces on approximately 20.44 acres south of Tuller Road, east of the intersection with Tuller Ridge Drive. She said this is a request for review and recommendation of approval to the Planning and Zoning Commission for this application for Development Plan and Site Plan Reviews under the provisions of Zoning Code Section 153.066(E)-(F).

# RECORD OF ORDINANCES

**08-12 (Amended)**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_

, 20\_\_\_\_

**AN ORDINANCE REZONING 388 PARCELS TOTALING APPROXIMATELY 808.7 ACRES FROM R, RURAL DISTRICT; R-1, RESTRICTED SUBURBAN RESIDENTIAL DISTRICT; R-2, LIMITED SUBURBAN RESIDENTIAL DISTRICT; R-4, SUBURBAN RESIDENTIAL DISTRICT; R-12, URBAN RESIDENTIAL DISTRICT; HB, HISTORIC BUSINESS DISTRICT; HR, HISTORIC RESIDENTIAL DISTRICT; LI, LIMITED INDUSTRIAL DISTRICT; SO, SUBURBAN OFFICE & INSTITUTIONAL DISTRICT; OLR, OFFICE, LABORATORY, & RESEARCH DISTRICT; CC, COMMUNITY COMMERCIAL DISTRICT; CBD, CENTRAL BUSINESS DISTRICT; CCC, CENTRAL COMMUNITY COMMERCIAL DISTRICT; PUD, PLANNED UNIT DEVELOPMENT DISTRICT; AND PCD, PLANNED COMMERCE DISTRICT TO BSC RESIDENTIAL DISTRICT; BSC OFFICE RESIDENTIAL DISTRICT; BSC OFFICE DISTRICT; BSC COMMERCIAL DISTRICT; BSC HISTORIC CORE DISTRICT; BSC HISTORIC RESIDENTIAL DISTRICT; BSC HISTORIC TRANSITION NEIGHBORHOOD DISTRICT; BSC INDIAN RUN NEIGHBORHOOD DISTRICT; BSC SAWMILL CENTER NEIGHBORHOOD DISTRICT; AND BSC PUBLIC DISTRICT. (CASE 11-021Z/ADM)**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Dublin,  
5 of its elected members concurring:

**Section 1.** That the following described real estate (parcel numbers) 273-008242, 273-008249, 273-008872, 273-008913, 273-009079, 273-009090, 273-009095, 273-009096, 273-009124, 273-009149, 273-009150, 273-009323, 273-011148, 273-012062, 273-012064, 273-012065, 273-012066, 273-012067, 273-012068, 273-012069, 273-012070, 273-012071, 273-012072, 273-012138, 273-012149, 273-012170, 273-012193, 273-012199, 273-012218, 273-012245, 273-012264, 273-012285, 273-012296, 273-012311, 273-012325, 273-012342 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-R, BSC Residential District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 2.** That the following described real estate (parcel numbers) 273-008244, 273-008245, 273-008246, 273-008247, 273-008381, 273-008802, 273-008827, 273-008908, 273-008958, 273-008995, 273-008998, 273-009080, 273-009099, 273-009101, 273-009155, 273-010154, 273-012295 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-OR, BSC Office Residential District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 3.** That the following described real estate (parcel numbers) 273-008275, 273-008279, 273-008284, 273-008285, 273-008296, 273-008304, 273-008305, 273-008306, 273-008307, 273-008308, 273-008309, 273-008310, 273-008311, 273-008312, 273-008375, 273-008805, 273-009145, 273-009146, 273-009147, 273-009148, 273-012175, 273-012176, 273-012181, 273-012182, 273-012183, 273-012184, 273-012185, 273-012198, 273-012251 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-O, BSC Office District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 4.** That the following described real estate (parcel numbers) 273-000257, 273-000258, 273-000270, 273-000274, 273-000321, 273-000329, 273-000794, 273-001348, 273-001349, 273-001350, 273-001530, 273-001976, 273-002457, 273-002458, 273-002459, 273-002460, 273-002463, 273-003800, 273-008243, 273-008261, 273-008264, 273-008266, 273-008269, 273-008280, 273-008358, 273-008361, 273-008831, 273-008832, 273-008833, 273-008834, 273-008838, 273-008856, 273-008857, 273-008858, 273-008859, 273-008867, 273-008868, 273-

# RECORD OF ORDINANCES

Ordinance No. 08-12(Amended)

Page 2 of 3  
Passed \_\_\_\_\_, 20\_\_\_\_

008869, 273-008907, 273-008994, 273-009971, 273-009972, 273-009973, 273-009974, 273-009975 273-012174, situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-C, BSC Commercial District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 5.** That the following described real estate (parcel numbers) 273-000002, 273-000003, 273-000005, 273-000007, 273-000008, 273-000012, 273-000014, 273-000016, 273-000018, 273-000022, 273-000023, 273-000024, 273-000027, 273-000028, 273-000029, 273-000032, 273-000034, 273-000035, 273-000036, 273-000037, 273-000040, 273-000042, 273-000043, 273-000050, 273-000051, 273-000052, 273-000053, 273-000054, 273-000056, 273-000061, 273-000062, 273-000063, 273-000066, 273-000068, 273-000069, 273-000070, 273-000071, 273-000072, 273-000073, 273-000074, 273-000075, 273-000084, 273-000085, 273-000086, 273-000087, 273-000088, 273-000089, 273-000092, 273-000093, 273-000094, 273-000097, 273-000098, 273-000099, 273-000100, 273-000102, 273-000104, 273-000105, 273-000107, 273-000111, 273-000112, 273-000138, 273-000177, 273-000259, 273-000310, 273-001940, 273-001978, 273-002075, 273-003680, 273-004077, 273-004078, 273-004079, 273-004080, 273-004081, 273-009979, 273-012158, 273-012200, 273-012260, 273-012261 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-HC, BSC Historic Core District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 6.** That the following described real estate (parcel numbers) 273-000013, 273-000015, 273-000019, 273-000031, 273-000033, 273-000039, 273-000045, 273-000046, 273-000047, 273-000048, 273-000059, 273-000060, 273-000067, 273-000078, 273-000079, 273-000080, 273-000081, 273-000083, 273-000090, 273-000091, 273-000101, 273-000106, 273-000109, 273-000118, 273-000121, 273-000123, 273-000125, 273-000126, 273-000127, 273-000128, 273-000129, 273-000130, 273-000131, 273-000132, 273-000133, 273-000134, 273-000135, 273-000136, 273-000139, 273-000141, 273-000144, 273-000256, 273-000262, 273-000286, 273-000315, 273-000324, 273-000415, 273-001684, 273-003411, 273-008206, 273-009732, 273-009733, 273-009734, 273-010207, 273-011175, 273-012300, 273-012301 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-HR, BSC Historic Residential District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 7.** That the following described real estate (parcel numbers) 273-008257, 273-008258, 273-008327, 273-008328, 273-008329, 273-008330, 273-008331, 273-008332, 273-008333, 273-008334, 273-008335, 273-008377, 273-008811, 273-008813, 273-008957, 273-009030, 273-009035, 273-009043, 273-009044, 273-009045, 273-009054, 273-009055, 273-009077, 273-009081, 273-009082, 273-009083, 273-009084, 273-009085, 273-009086, 273-009088, 273-009093, 273-009094, 273-009118, 273-009119, 273-009121, 273-009127, 273-009128, 273-009129, 273-009130, 273-009152, 273-009153, 273-009154, 273-009512, 273-010405, 273-010406, 273-010864, 273-012229 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-SCN, BSC Sawmill Center Neighborhood District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 8.** That the following described real estate (parcel numbers) 273-000004, 273-000049, 273-000108, 273-000205, 273-000206, 273-000207, 273-000208, 273-000209, 273-000210, 273-000211, 273-000212, 273-000213, 273-000214, 273-000215, 273-000216, 273-000217, 273-000313, 273-000785, 273-000786, 273-000989, 273-001186, 273-005564, 273-005565 situated in the City of

# RECORD OF ORDINANCES

Ordinance No. 08-12(Amended)

Passed Page 3 of 3, 20    

Dublin, State of Ohio, is hereby rezoned **BSC-HTN, BSC Historic Transition Neighborhood District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 9.** That the following described real estate (parcel numbers) 273-000110, 273-000114, 273-000269, 273-000273, 273-000344, 273-000788, 273-000797, 273-001308, 273-002474, 273-002485, 273-002892, 273-002893, 273-002895, 273-002897, 273-007473 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-IRN, BSC Indian Run Neighborhood District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 10.** That the following described real estate (parcel numbers) 212000129, 273-000001, 273-000010, 273-000020, 273-000025, 273-000038, 273-000044, 273-000057, 273-000077, 273-000096, 273-000113, 273-000122, 273-000124, 273-000137, 273-000143, 273-000170, 273-000405, 273-000787, 273-003410, 273-003513, 273-004507, 273-005566, 273-008277, 273-008286, 273-008287, 273-008288, 273-008313, 273-008314, 273-008315, 273-008316, 273-008373, 273-008820, 273-009322, 273-009324, 273-009749, 273-009750, 273-009978, 273-010936, 273-011235, 273-011236 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-P, BSC Public District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

**Section 11.** The application includes the list of affected property owners, the rezoning map and the recommendations of the Planning and Zoning Commission, are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance therewith.

**Section 12.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 9th day of April, 2012.

Timothy A. Secklider  
Mayor - Presiding Officer

ATTEST:

Anna Q. Clarke  
Clerk of Council

**Ordinance 08-12**

**Rezoning Approximately 388 Parcels Totaling Approximately 808.7 Acres from: R, Rural District; R-1, Restricted Suburban Residential District; R-2, Limited Suburban Residential District; R-4, Suburban Residential District; R-12, Urban Residential District; HB, Historic Business District; HR, Historic Residential District; LI, Limited Industrial District; SO, Suburban Office & Institutional District; OLR, Office, Laboratory, & Research District; CC, Community Commercial District; CBD, Central Business District; CCC, Central Community Commercial District; PUD, Planned Unit Development District; and PCD, Planned Commerce District to: BSC Residential District; BSC Office Residential District; BSC Office District; BSC Commercial District; BSC Historic Core District; BSC Historic Residential District; BSC Historic Transition Neighborhood District; BSC Indian Run Neighborhood District; BSC Sawmill Center Neighborhood District; and Public District. (Case 11-021ADM)**

Mr. Langworthy stated that this is a request for a rezoning of approximately 200 acres within the Bridge Street Corridor. Some of the Code provisions that Council approved at the March 26 meeting for the Bridge Street Corridor address properties as they exist today. He commented as follows:

1. "Existing Uses," Section 153.059(A)(6), are uses that exist as of the effective date of Ordinance 08-12. All those uses that currently exist can continue and will be continued as conforming uses, as long as they have operated 12 months prior to the effective date. It also permits uses to be established that were allowed in a zoned district that exists today prior to the BSC District being in place and to be considered conforming uses. Any of those existing use areas can be expanded with the approval of the ART, subject to certain guidelines. The only time the BSC zoning will apply to existing uses is in a case where the use is abandoned for a continuous period of twelve months. There are definitions/requirements for how a use is considered to be abandoned. These protections apply regardless of ownership changes.
2. "Existing Structures," Section 153.062 (B)(2), allows existing structures to expand up to 50% of their existing area, with some approvals by the ART. There are very few businesses that could take advantage of the 50% expansion, due to the limited area available on their site to meet parking requirements for an expansion. Therefore, the BSC Code provisions for structures apply only when the property owner makes a decision to demolish more than 50% of the gross floor area of the structure as it exists. The BSC Code provisions for structures apply only when the property owner makes a decision to demolish more than 50% of the gross floor area of the structure as it exists. Their existing building is allowed to stay in its current location. If an "act of God" or some other method outside the control of the property owner should cause a destruction of the building, it can be re-built in the same place it existed prior to the destruction. These protections apply regardless of ownership changes.

With a rezoning of this size and in view of the number of existing properties, uses and structures in place, extraordinary measures were necessary to ensure that they were protected under the new zoning. The zoning map recommended by Planning and Zoning Commission is dated February 2, 2012. It includes all 808 acres. The four areas highlighted in red are the areas of concern for Planning staff. Those areas have been re-evaluated, and staff has determined that there are two areas in particular that they would like Council to consider in tonight's discussion.

- The first area, which was discussed in previous meetings, is the zoning that has been recommended by the Planning and Zoning Commission (PZC) along the south side of SR 161, halfway between Riverside Drive

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

Held

April 9, 2012

Page 6

and Sawmill Road. PZC has recommended that area be zoned "BSC Commercial." Planning staff continues to recommend that these ten acres be designated "BSC Office."

- The second area of particular concern is across Village Parkway, where PZC has recommended an extension of the "Sawmill Center Neighborhood" district across Village Parkway into the previously planned BSC zoned districts. Planning staff recommends that particular area be returned to the originally proposed "BSC Residential" district.

As noted in the staff report, Planning received a couple of late requests from property owners of land located along Corbin's Mill Drive -- 48 Corbin's Mill Drive and 64 Corbin's Mill Drive (east side of Corbin's Mill) -- requesting a change in designation from "BSC Historic Transition Neighborhood" to "BSC Commercial." Due to the late receipt of these requests, they were not included in the Commission's considerations. Given the location and relative relationship to surrounding uses, Planning staff has no objection to these Corbin's Mill Drive changes should Council wish to consider them. With these changes, Planning staff recommends adoption of the February 2, 2012 zoning map, with the changes to the two areas that he has highlighted tonight where staff's recommendations are different from the Commission recommendations.

Mrs. Boring asked Mr. Langworthy to identify the location of the power substation on the map.

He pointed out the location of the substation and the service center adjacent to it.

Mayor Lecklider invited public testimony.

Jeff Brown, Smith & Hale, 37 W. Broad Street, Columbus, stated that Mr. Hale is out of town tonight. His client, Byers Realty, owns the one parcel out of the 388 parcels that Planning staff wants to change from what the Planning & Zoning Commission has recommended. The Byers property has been an automobile dealership since 1989. Over those years, the Byers have invested over \$10 million in improvements. They have an existing commercial zoning, and they would like to retain that. They believe changing it to a residential classification is not appropriate and will result in future problems with refinancing -- possibly in conjunction with some improvements they are considering -- and with any future sale. The Planning Commission spent significant time on the BSC text and zoning map. The PZC listened to the presentation of staff's recommendations, and they also listened to the property owners' requests. In this particular instance, the Planning Commission recommended that the Byers' property and the piece to the north be zoned Commercial. They hope that City Council will consider the time and effort the PZC invested in making that determination and approve the map as recommended by the Commission at their February meeting.

Mayor Lecklider asked Mr. Brown if he, too, shares the same concerns as those expressed by the Byers family.

Mr. Brown responded that he does. However, if Council adopts the map recommended by the Planning Commission, his client will not have an issue. With the PZC recommended map, an historically commercial-zoned property that is developed commercially would still retain a commercial zoning classification. That is a reasonable accommodation for a property owner who has had the dealership in place since 1989 and relied upon the existing zoning in the investments made since that time. He believes this should be a workable compromise when the City is creating an entirely new district and zoning map. A residential classification on that property is not appropriate. There were several property owners who requested a change from the proposed rezoning classification. At this time, Planning staff continues to object to the zoning change requested by the Byers property and for the property on the south side of SR 161. Originally, the Penzone's property was also recommended for a Residential zoning. Planning Commission's recommendation was that the Byers

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

April 9, 2012

Page 7

property, the property to the north, and the Penzone's property to the lower north of the power station be zoned commercial. Penzone's was fortunate, because staff is in agreement with retaining their current commercial zoning.

Mayor Lecklider clarified that the Byers can continue this existing use in perpetuity. Mr. Brown responded that he understands that, however there are numerous uses available under their commercial classification that they will no longer have if the property is zoned residential. There will be difficulty with refinancing or sale of the property as well. He believes it is appropriate to adopt the recommendation of the Planning Commission.

Mayor Lecklider stated that it was his understanding that Mr. Hale had suggested language for the City's BSC Code, which would address this concern with respect to future financing.

Mr. Langworthy responded that concern was raised at an early stage in regard to potential non-conformities that could arise, and extensive effort was made not only to declare them to be conforming -- both buildings and uses -- but to provide some extraordinary potential for expansions and additions to those buildings and uses, as well. Every protection possible has been included, and staff has also indicated to property owners that, should they receive a request from a financing or insurance industry, the City would provide them with a letter verifying their conforming uses and conforming buildings. Typically, the banks and insurance companies the City works with are more sophisticated and do not merely review a zoning map. They do take care to look into the Code text requirements and pay attention to the City's responses to their requests for information regarding conformities.

Mayor Lecklider noted that Mr. Brown's law partner, Mr. Hale, was involved in this BSC process to a great extent. What was Mr. Brown's understanding at the end of this process with respect to this language, which has been extensively revised to address this concern?

Mr. Langworthy responded that the attorneys were representing several clients with varying concerns. Mr. Hale was looking to the overall impact of the Corridor as a whole and suggesting language that would offer sufficient protections for the majority of the existing properties. Some clients will continue to have individual issues with the rezoning and the language because they do not fully grasp the consequences for the future.

Mr. Brown stated that they do not have an objection to the text, and he does not disagree with Mr. Hale's changes. They are comfortable with the text. Their concern is with the actual changes to the zoning. PZC considered this issue and recommended a map, which all their clients, including Byers, is comfortable with. The situation relates to the objection that staff continues to have with the PZC recommended map in regard to two properties, one of which is Byers, an automobile dealership. They do not believe that a residential zoning is an appropriate zoning based on how that property has been used and the expectations of the property owner when the zoning was initially put in place. They have no objection to the text of the Code.

Mayor Lecklider asked if their concern is primarily due to potential refinancing issues. Mr. Brown responded that they have multiple concerns in terms of a client buying a piece of property, having the property rezoned, developing it commercially, and then having value taken away from it because the City has restricted its future use. The existing use can continue, but if a potential future buyer would be interested in developing the property with another commercial use other than a dealership, such as a mixed use, there will be a problem. The overlying zoning would be residential.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

Held

April 9, 2012

Page 8

Mayor Lecklider asked again if his concern is primarily related to future refinancing. Mr. Brown responded that his experience with banks has been that, in today's financial climate, if there is something out of the ordinary that warrants a letter from the City to clarify the zoning – that will create a problem with financing. In this climate, if there is the slightest variant, banks are reluctant to lend money.

Mr. Langworthy noted one correction: the property owner does have the right to continue all the uses that are permitted under the existing zoning today – all the existing new uses permitted today can still be established new in the future. Mr. Brown responded that, in their case, the records are not clear in regard to what additional uses are permitted under the current zoning.

### Council Questions

Ms. Chinnici-Zuercher stated that for the Tuller Road corner, staff recommends it be zoned residential. PZC recommended it be zoned commercial, but they also recommended that another section farther west on Tuller Road be zoned residential, not office/residential. They were essentially "swapping" the area east on Tuller Road to farther west on Tuller Road.

Mr. Langworthy responded that it could be looked at in that manner, but staff's concern is with the location of it versus the acreage involved. Expanding the "Sawmill Center Neighborhood" zoning across Village Parkway would be an intrusion into what they are trying to maintain as a primarily residential corridor. This will allow a much wider range of uses to cross Village Parkway into that residential area.

Mayor Lecklider asked if Mr. Byers, or any other property owner in this district, could seek a rezoning in the future.

Mr. Langworthy responded that, as Mr. Brown indicated, there may be some lack of clarity regarding what additional uses are allowed under the existing zoning. It is a very old planned district, and the records are minimal in regard to what is permitted on that site. However, the owner could request a rezoning outside the BSC district.

Mr. Keenan stated that businesses are reticent to trust in that process, which he understands based on his experience. His office property was in a PUD that specified exactly what was permitted, but it required two or three years to resolve an issue. Businesses do not like such a situation, and they do have rights under the current commercial zoning. He understands the business owner's perspective and concern in regard to the impact on his existing development rights.

Ms. Chinnici-Zuercher stated that her concern is that, due to the age of the PUD, the permitted uses are very vague. It was not written with the newer, more specific language.

Mr. Langworthy responded that the assumption is that the car dealership is the permitted use, which would continue.

Ms. Chinnici-Zuercher stated that there were two areas PZC recommended for commercial – the neighborhood center, and along the south side of SR 161, where it is currently zoned commercial, up to Shamrock. Planning staff recommends that area be zoned office. She requested where the line of demarcation would be.

Mr. Langworthy responded that it would be between Tommy's and the Shoppes of River Ridge.

Vice Mayor Salay asked if the Shoppes at River Ridge would be designated as "BSC Commercial," and everything to the east would be "BSC Office."

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

DAYTON LEGAL BLANK, INC., FORM NO. 101-6

Held

April 9, 2012

Page 9

Mr. Langworthy responded that is staff's recommendation. That area consists of approximately ten acres.

Mayor Lecklider stated that on page three of Mr. Dixon's January 12<sup>th</sup> letter, he indicates in the second bullet point: "Conversely, less appropriate uses along Bridge Street that are not allowed under BSC Office, but are allowed under BSC Commercial include: service stations, sexually oriented business establishments, vehicle sales, rental and repair. Less appropriate building types along Bridge Street that are allowed under BSC Commercial, but not BSC Office, are commercial centers and large format commercial buildings." In regard to the Byers property, would the same less desirable uses be allowed as well in the "Sawmill Center Neighborhood" district?

Mr. Langworthy responded that in the "Sawmill Center Neighborhood," vehicle sales are a Conditional Use. The other two uses are not permitted.

Mrs. Boring stated that those uses are allowed under "BSC Commercial."

Mr. Langworthy responded that the two are different. In "Sawmill Center Neighborhood," they are not permitted.

Mrs. Boring asked if the uses would be allowed along SR 161/US 33.

Mr. Langworthy responded that they would, by securing approval of a Conditional Use.

Mrs. Boring stated that those uses would then be allowed at an entryway to the City, by obtaining a Conditional Use.

Mayor Lecklider pointed out that the uses would not be adjacent to residential.

Mr. Langworthy stated that, ultimately, PZC would be the approving authority.

Mayor Lecklider stated that the City has not resolved the discussion with respect to sexually oriented businesses. His understanding from staff is that it is not possible to eliminate them altogether, and therefore, theoretically, such uses will be permitted in some location in the City.

Vice Mayor Salay asked about PZC's rationale for the map they recommended to Council. Were all changes requested by businesses accommodated in the recommended map, or were criteria used in evaluation of the requests?

Mr. Langworthy responded that PZC did not conduct an analysis of them on an individual basis. There was some discussion, but in general, PZC agreed with the rationale that was submitted by the property owners in their letters of request.

Vice Mayor stated that she attended a PZC meeting at which the property owners were testifying, indicating that they essentially did not like the proposed zoning and did not want it. This map reflects the testimony she heard at that meeting. But she is curious whether or not there was further discussion or analysis done regarding the requests by the Planning Commission.

Mr. Langworthy responded that the minutes reflect the discussion. He does not believe there were any requests from property owners that were not satisfied by the Planning Commission.

Ms. Chinnici-Zuercher stated that staff also supported the majority of the requests and, accordingly, made some changes in the text of the Code. She does not see that staff responded any differently than PZC.

Mr. Langworthy responded that staff believed that there were some items that were appropriate to change, but others were not.

Vice Mayor Salay stated that staff has indicated that they feel strongly about the zoning for the two areas described by Mr. Langworthy tonight.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

Held

April 9, 2012

Page 10

Mr. Langworthy added that they are the ones of most concern, particularly with respect to the way the Vision Plan has laid out the concepts of what is intended to occur -- both along the Corridor and the core residential area. As Council is aware, Greystone Mews is already in place at a very low density compared with the other densities. Sycamore Ridge is also in place, so there is not much residential property in the area remaining to develop. Therefore, every parcel of land that can be designated for residential will be essential to create the critical residential mass that is desired.

Vice Mayor Salay stated that, for her, it is as much about the Vision Plan. In regard to the parcel under discussion, it does not seem to be the best location for a car dealership long term. Certainly, there are other places within the community where car dealerships are appropriate. When considering this area, auto dealerships do not fit long-term for the vision. She understands that they have the right to be in place as they currently exist into the future. If Council votes to include these parcels within a residential area, she would hope the City would be able to work with them if they want to relocate or otherwise. She has heard this process described as taking away the rights of the businesses, but the City is working with them, and she envisions that will continue.

Mrs. Boring stated that she has concerns and is disappointed she was not more vocal at an earlier stage.

- When this Vision Plan was first presented to Council, in which the zoning for the Shoppes of River Ridge area was changed, along with other areas, she expressed concern to Mr. Dixon. He assured her that they had spoken with the property owners, and they were all supportive. However, that was not the case.
- Instead of treating this like a blank canvas, she wishes modifications had been made around the existing businesses versus treating this as a redevelopment situation. She believes that the City should treat everyone the same. Some property owners have objected, and staff has changed their classification from "BSC Office" to "BSC Commercial." If the City's Code is written to guarantee and hold everyone to a standard, why are some being changed and not others? As recently as last week, at the request of the property owners on Corbin's Mill, changes were made. Either everyone should be treated the same or Council should adhere to the original Vision Plan.
- Staff referred to page 17 of the Vision Plan, which reads, "Planning Foundations. The market analyst anticipates demand for approximately 100,000 square feet of additional large footprint office space over the next ten years, primarily at locations with excellent access to and visibility from I-270." She compared this Plan with the City's Community Plan. They share some of the same views, including a great concept for Historic Dublin. (She read language from the Community Plan and several examples in the Vision Plan.) She is disappointed that there is a mile of frontage along I-270 that has only one office/residential area, no hotel site, and no site for large footprint office. She is not convinced that either of the proposed maps will result in giving the City the original Vision Plan.

Mayor Lecklider asked Mr. Langworthy to respond to those concerns.

Mr. Langworthy asked if she is focusing on the light purple area on the map, the "Indian Run Neighborhood" district.

Mrs. Boring responded affirmatively.

Mr. Langworthy stated that he is not certain why she believes that large office will not be allowed in this district, because that will certainly be a prime location. They have already had discussions with that particular property owner.

Mrs. Boring asked why it is being zoned "Indian Run Neighborhood."

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

Held

April 9, 2012

Page 11

Mr. Langworthy responded that "Indian Run Neighborhood" permits those types of office buildings.

Mayor Lecklider requested that Mr. Langworthy respond to the concerns about the "BSC Commercial" to the west.

Mr. Langworthy responded that has always been a difficult area. The location along Post Road and some of the redevelopment that occurs there is anticipated to be more favorable than exists today. The gateway that will occur is likely going to be past that point. Staff has always believed that the attention of the drivers at that location – from I-270 down to Frantz Road -- is concentrated on the roadway itself versus the sides of the roadway. The City has extensive landscaping in place, particularly along the north side, to shield those areas. Therefore, most of that orientation will be more toward Post Road than toward SR 161, because no access is permitted there as it is a limited access area. Past Frantz/SR 161 intersection is an area in which there is a need to transition high-speed traffic down into Historic Dublin in a very short length of roadway. The design of that area will focus on that need. The primary issue with the "BSC Commercial" is the type of buildings permitted. The only district that permits by right the building type of a low, one-story retail building -- shopping center buildings -- is the "BSC Commercial." Those will be locations in which there can be those types of buildings. The multi-story buildings will occur more within the neighborhoods and the "BSC Office/Residential" areas. There will be the potential for higher buildings and greater intensities of development, and that is what the City hopes will occur. There is nothing within the "BSC Indian Run Neighborhood" to preclude high-value, high building office development from occurring.

Mr. Gerber stated that the Community Plan had the vision of high-rise commercial buildings along the I-270 Corridor, which may be what Mrs. Boring is referencing. Mrs. Boring responded that is her reference point, although she understands this is being updated and the Community Plan will need to be updated accordingly. However, some of the Community Plan philosophies were sound and are still applicable.

Mr. Gerber stated that it was his understanding that those high-rise buildings were included in the BSC Vision Plan, although this map may not reflect that. The map would more accurately depict the Vision Plan if some of those commercial buildings were noted on the map, in keeping with the long-time policy for the I-270 Corridor.

Mr. Langworthy responded that it is necessary to coordinate the map with the text. It is difficult to make the necessary interpretations between the text and the map. This is a more complex zoning scheme, and requires a significant amount of coordination to determine the permitted building types and the uses permitted in those building types.

Vice Mayor Salay stated that there is also undeveloped land north of I-270 between Sawmill Road and the river, which will hopefully develop as office in the future.

Mr. Gerber stated Council has discussed the BSC Code and Area Rezoning for the past two months. He supports the PZC recommended zoning map, and has no objections to the zoning changes requested to accommodate the two properties on Corbin's Mill Drive. He is not certain what further discussion is needed before voting.

Mrs. Boring stated that although Mr. Langworthy's explanation is helpful, she does not understand how land will remain available for that type of freeway office development, given what else is permitted. If a development proposal is consistent with what the Code permits, she does not see how it could be disapproved.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

Held

April 9, 2012

Page 12

Mr. Langworthy responded that there is a large amount of available land in that location. What exists there today will not exist in the future; there will be a completely different arrangement.

Mrs. Boring stated that she remains concerned that the City will not achieve a "gateway appearance" with such one-story buildings. She is not convinced it will be possible to preserve land for hotels or office buildings along I-270 where these users can have the visibility and access they desire. It may be a permitted use, but what will happen if the land is already zoned? How is a balance of office/commercial use from the perspective of income tax revenue to be achieved in that area?

Mr. Langworthy responded that those will ultimately be future market-driven decisions, made by the property owners. The City can only allow for the possibilities to occur – it cannot force something to be built for which there is no market.

Mrs. Boring stated that the City typically "holds out" to obtain the highest/best use, because that is the City's vision. Now, the indication is that it will be entirely market-driven. She does not see how the City can assure that type of mix.

Mr. Gerber said that it will depend upon how the BSC is marketed. If someone else owns the land, the market will drive their decisions. The best chance to achieve what is desired to occur is with the map proposed by PZC. The area in which buildings are visible from I-270 is the "Indian Run Neighborhood" -- OCLC up to the northeast corner -- the "Sawmill Center Neighborhood." The area from Riverside/Tuller allows for that as well, but it is much less visible. He believes her concerns are addressed.

Ms. Grigsby stated that she does not believe the market will support or allow for all of that area to be residential or multi-family – this area is currently being closely reviewed. In the past, development in the City was of low density. Now that the City will allow higher densities in this corridor, more development will be possible. There is the potential for different types of development in that area. The property owners have had discussions with commercial office developers and others who are interested. There is a big demand for that type of development in that specific area. There will be a mix of development in order to support the vision.

Mrs. Boring asked why that cannot be depicted on the zoning map.

Ms. Grigsby asked if her desire is to make the "Indian Run Neighborhood" zoning district more restrictive.

Mrs. Boring responded that she would like to do that for the area along the freeway. A request for rezoning is always possible, so such a strip could be added along that area of the freeway.

Mr. Langworthy stated that staff could add a special notation in the Community Plan emphasizing what is desired along I-270.

Mayor Lecklider asked about the "BSC Commercial" to the west, along SR 161/33, west of Frantz Road, and the area just to the east of it. Does she believe that such zoning is not appropriate as the gateway?

Mrs. Boring responded affirmatively. The presentations and photos that have been provided to Council depicting this area depict something large scale. The Code indicates that it could be one-story, horizontal buildings – and that should be updated. She also objects to making changes to the zoning categories for some who have requested changes and not for others. She acknowledged that the Code does allow every business to continue as it exists.

Mayor Lecklider asked if she would support changing the "BSC Commercial" over staff's objections.

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

Held

April 9, 2012

Page 13

Mrs. Boring stated that it is not her intent to change something over staff's objections. However, she understood that the City had adopted a Vision, but is now approving something quite different for the freeway exit onto US 33/161.

Mayor Lecklider asked if her assumption is that the existing Kroger store and Roush Hardware would not object to a change in zoning designation on their parcels, as have the businesses east of the river, including Oakland Nursery, Tommy's Pizza, etc. Mrs. Boring stated that she is considering the property along I-270 and US33 -- not any properties on the east side of Frantz Road.

Mrs. Chinnici-Zuercher stated that perhaps the issue is more about broadening the definition than it is changing the Code. There are buildings now within that area that are not one story, so they are not currently meeting that definition.

Mr. Langworthy responded that the definition would not preclude them; it would include them as well.

Ms. Chinnici-Zuercher stated it was her impression that along the Corridor, or even along I-270 north of Tuller Road, the City's desire was ultimately to have something bold and different over time. The intent was that this area would have a "wow factor" -- a sense of difference -- and that living, working and entertainment in this area would have a different energy than exists in other parts of the community. As a result, it might attract different kinds of businesses and a broader segment of residential population. She does not know how that vision can be translated into this map. That does not mean Council should not vote on this map until that is accomplished. There have been many writers involved in this, and they have not been able to capture the comfort level that everyone desires. For that reason, there was some discussion about having a picture book, a visual available to everyone, which could help articulate what Council wanted to share with the community. People are looking for that in a community such as Dublin. Mrs. Boring seems to be concerned that the words and color designations on the map do not accurately depict the City's intent, but that is not easy to achieve. This is a "work in progress," and Council needs to move forward and approve this so the City can work with the development community as this unfolds.

Vice Mayor Salay stated that she is surprised with where Council now is with this initiative, given the importance of this matter and the time, money and energy that has been invested as a community with speaker series, the workshops, charettes, public comment sessions, consultant team and staff time. It has been a huge undertaking for the community, one that is receiving national attention. Dublin has an opportunity to lead the region and to be a national leader in how to develop and redevelop an outer-ring suburb. Dublin is poised on the edge of a great undertaking, but is not willing to take a risk. That willingness to take a risk, along with the partnerships in the community and Dublin's affinity for calculated risk -- is what set Dublin apart as a community. In her opinion, no opportunity has existed since any of the present Council members have been serving that could more positively impact the community than the Bridge Street Corridor. Council has approved the BSC Code, which is very different, very dynamic, with a different approach to development and re-development. This area is not a blank slate, which is challenging. The City has considered everything and listened to the property owners, which is a hallmark of this community. The City has considered their needs and concerns, and attempted to respond to their issues concerning financing and insurance. She believes that Council should support the staff recommended map as it will ensure the Vision that Council has adopted will be achieved. The BSC zoning text will accommodate existing businesses who want to continue as they presently exist. Goody-Clancy wrote a very thoughtful letter about why it is important that Council support what the staff and consultant have recommended. That is what is guiding her decision to support the

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

Held

April 9, 2012

Page 14

zoning map recommended by staff. She believes she is in the minority on this issue, however, based on the comments. She will be disappointed if Council chooses to do otherwise.

Mr. Keenan stated that it is not fair to characterize this as anything other than a work in progress. There will be changes as it moves forward. The PZC invested their time in reviewing the recommended map. He believes Council needs to act on this and move it forward, with changes made at a later date if needed.

Mr. Gerber stated that the Planning and Zoning Commission spent time and gave the residents an opportunity to be heard. That is a core value embraced in Dublin.

Mrs. Boring stated that there has been more than one vision circulated. But in the end, the vision must be Council's -- not the consultants' or the staff's vision. The BSC Code, which was recently approved, is something different for the City, and this will be something different as well. She is ready to vote on this matter.

Mr. Keenan moved to approve Ordinance 08-12 with the February 2, 2012 proposed zoning map recommended by the Planning and Zoning Commission, and including the additional zoning changes requested by the owners of the properties located at 48 and 64 Corbin's Mill Drive (from BSC Historic Transition Neighborhood to BSC Commercial).

Mr. Gerber seconded the motion.

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

Mr. Langworthy thanked Council for their time, patience and thoughtful consideration.

(Vice Mayor Salay left the Council Chambers at this point.)

(Mr. Reiner returned to Council Chambers at this point.)

## **Ordinance 17-12**

**Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.144 Acres, More or Less, Fee Simple Interest that is Present Road Occupied, and a 0.080 Acres, More or Less, Permanent Utility, Grading and Drainage Easement from Walter L. Shier and Carol Shier, William Sorden and Mary Ann Sorden, Robert E. Shier and Linda L. Shier, and Mark A. Shier and Rene E. Shier.**

Mr. Hammersmith stated that this is a proposed acquisition for the Cosgray Road/Shier Rings Road roundabout from property owned by the Shier family on the north side of Shier Rings Road, west of Holiday Lane for the appraised amount listed in the staff report.

There were no questions.

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

## **Ordinance 18-12**

**Amending Section 2 (Wage & Salary Structure/Administration), Paragraph A of Ordinance No. 73-06 ("Compensation Plan for Non-Union Personnel") for the Purpose of Incorporating Certain Job Classifications and Corresponding Pay Grades.**

Mr. Harding provided a memo to Council for the first reading. There are no changes to report. He offered to respond to questions.

There were no questions or comments.



**City of Dublin**  
**Land Use and Long**  
**Range Planning**  
 5800 Shier Rings Road  
 Dublin, Ohio 43016-1236  
 phone 614.410.4600  
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 www.dublinohiousa.gov

**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**FEBRUARY 2, 2012**

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

**2. Bridge Street Corridor – Area Rezoning  
 11-021Z**

**Area Rezoning**

**Proposal:** An area rezoning of 388 parcels totaling approximately 808.7 acres for the Bridge Street Corridor.

**Request:** Review and recommendation to City Council regarding proposed land use map amendments under the provisions of Zoning Code Section 153.232 and 153.234.

**Applicant:** City of Dublin, Marsha Grigsby, City Manager.

**Planning Contact:** Steve Langworthy, Planning Director.

**Contact Information:** (614) 410-4600 slangworthy@dublin.oh.us

**Affected Parcels:** 273-000016, 273-000071, 273-000003, 273-000797, 273-000040, 273-00102, 273-000088, 273-002457, 273-009973, 273-011148, 273-009093, 273-000028, 273-004081, 273-000027, 273-004079, 273-004080, 273-009147, 273-008995, 273-000104, 273-000093, 273-000094, 273-000039, 273-009972, 273-009124, 273-005565, 273-000068, 273-000042, 273-000073, 273-000107, 273-000048, 273-000012, 273-000035, 273-000024, 273-002459, 273-009044, 273-010405, 273-000086, 273-012325, 273-000108, 273-002485, 273-000029, 273-000123, 273-000415, 273-012260, 273-012261, 273-008868, 273-000033, 273-000099, 273-012295, 273-009088, 273-000794, 273-002460, 273-000321, 273-000121, 273-009734, 273-000109, 273-000079, 273-009155, 273-008958, 273-008280, 273-000106, 273-009119, 273-009971, 273-008872, 273-008329, 273-000020, 273-008373, 273-000037, 273-000062, 273-000787, 273-000143, 273-003513, 273-005566, 273-008309, 273-009322, 273-009324, 273-009749, 273-009978, 273-009979, 273-012181, 273-012182, 273-012183, 273-000002, 273-000018, 273-000111, 273-000310, 273-000208, 273-008277, 273-003680, 273-008316, 273-010936, 273-011236, 273-012066, 273-012067, 273-012068, 273-012069, 273-012070, 273-012071, 273-012072, 273-012200, 273-009055, 273-012174, 273-012175, 273-012176, 273-000032, 273-000098, 273-000010, 273-000038, 273-004507, 273-008286, 273-008287, 273-008288, 273-008313, 273-008314, 273-008315, 273-009750, 273-007473, 273-002895, 273-000269, 273-000025, 273-000077, 273-000096, 273-000113, 273-000044, 273-000008, 273-

**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
FEBRUARY 2, 2012**

**2. Bridge Street Corridor – Area Rezoning  
11-021Z**

**Area Rezoning**

Affected Parcels:						
000089,	273-008242,	273-008258,	273-008377,	273-008813,	273-	
009030,	273-008257,	273-000061,	273-009077,	273-008332,	273-	
008333,	273-000001,	273-000122,	273-000124,	273-008867,	273-	
000022,	273-000270,	273-000274,	273-001348,	273-001349,	273-	
001350,	273-008261,	273-000081,	273-000031,	273-000067,	273-	
000078,	273-008327,	273-008328,	273-000034,	273-010207,	273-	
009035,	273-000069,	273-008998,	273-000013,	273-000127,	273-	
009099,	273-000128,	212-000129,	273-009079,	273-009096,	273-	
009150,	273-000072,	273-008279,	273-012251,	273-008285,	273-	
008308,	273-008312,	273-012184,	273-012185,	273-009145,	273-	
000007,	273-001940,	273-012300,	273-012301,	273-008275,	273-	
000023,	273-000256,	273-000136,	273-009086,	273-000015,	273-	
000329,	273-012245,	273-000054,	273-000112,	273-003800,	273-	
012193,	273-000005,	273-008827,	273-009081,	273-008907,	273-	
008330,	273-009101,	273-012296,	273-000259,	273-000014,	273-	
000074,	273-000053,	273-000059,	273-000097,	273-008245,	273-	
000051,	273-000315,	273-008305,	273-010154,	273-000132,	273-	
000134,	273-000080,	273-000047,	273-008859,	273-000046,	273-	
012285,	273-008334,	273-000049,	273-000139,	273-009974,	273-	
009975,	273-000100,	273-001684,	273-000129,	273-009149,	273-	
000083,	273-008284,	273-008310,	273-008311,	273-009084,	273-	
000063,	273-012062,	273-012064,	273-012065,	273-012342,	273-	
000138,	273-000177,	273-000209,	273-000210,	273-000211,	273-	
000214,	273-000215,	273-000216,	273-000217,	273-000205,	273-	
000101,	273-000324,	273-011175,	273-010864,	273-012199,	273-	
000130,	273-000131,	273-000126,	273-000258,	273-000052,	273-	
000118,	273-000785,	273-000786,	273-009090,	273-008266,	273-	
001308,	273-000110,	273-000114,	273-000273,	273-000344,	273-	
000788,	273-000257,	273-001978,	273-008246,	273-009148,	273-	
008361,	273-009146,	273-008802,	273-000133,	273-000056,	273-	
009043,	273-000087,	273-000313,	273-000092,	273-000262,	273-	
000004,	273-004077,	273-004078,	273-005564,	273-000989,	273-	
001530,	273-002458,	273-002463,	273-000091,	273-012229,	273-	
008335,	273-000105,	273-000060,	273-008304,	273-012158,	273-	
008306,	273-008307,	273-008375,	273-012198,	273-000036,	273-	
000084,	273-000090,	273-012149,	273-001976,	273-002893,	273-	
000019,	273-000286,	273-002892,	273-002897,	273-008957,	273-	
000050,	273-000206,	273-000207,	273-009095,	273-000070,	273-	
009082,	273-009512,	273-000066,	273-009732,	273-009733,	273-	
012138,	273-008296,	273-009323,	273-000125,	273-012311,	273-	
012170,	273-008908,	273-008247,	273-008249,	273-008811,	273-	

**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
FEBRUARY 2, 2012**

**2. Bridge Street Corridor – Area Rezoning  
11-021Z**

**Area Rezoning**

Affected Parcels: 000075, 273-000135, 273-002075, 273-009083, 273-008269, 273-008244, 273-009080, 273-008381, 273-008358, 273-002474, 273-000043, 273-000057, 273-000137, 273-000405, 273-000170, 273-003410, 273-003411, 273-008820, 273-011235, 273-008243, 273-008831, 273-008832, 273-008833, 273-008834, 273-008838, 273-008856, 273-008857, 273-008858, 273-008869, 273-008994, 273-000045, 273-012264, 273-000212, 273-000213, 273-000141, 273-000144, 273-008206, 273-008264, 273-008805, 273-001186, 273-000085, 273-009118, 273-009121, 273-009127, 273-009045, 273-009054, 273-009094, 273-009128, 273-009129, 273-009130, 273-009152, 273-009153, 273-009154, 273-009085, 273-008913, 273-008331, 273-012218, 273-010406.

**MOTION:** To recommend approval to City Council of the Area Rezoning map dated February 2, 2012 and titled "Proposed BSC Zoning Map Recommended Changes from ARB and PZC Area Rezoning" with one condition:

- 1) That the six parcels on the north side of W. Bridge Street, west of North Riverview Street (addressed 17-53 North Riverview Street and 40 North Blacksmith Lane) be rezoned to the BSC-HC, BSC-Historic Core District.

**VOTE:** 6 – 1.

**RESULT:** Approval of this Area Rezoning is recommended to City Council.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Todd Zimmerman	Yes
Warren Fishman	Yes
Amy Kramb	No
John Hardt	Yes
Joseph Budde	Yes

**STAFF CERTIFICATION**

Steve Langworthy  
Planning Director



Ms. Amorose Groomes said she also agreed with the comments made about impropriety and things happening outside of the public realm. She said she realized there is a brief public input at the beginning of the phase, but certainly they all are experienced enough to know the vast amount of changes that happen from an informal review to a finished product. Ms. Amorose Groomes said she was not making any implication that any impropriety would occur, but the appearance would be there and that was far away from where they wanted to be.

### **Motion and Vote**

Richard Taylor made the motion to recommend approval to City Council of this proposed Zoning Code amendment to add Sections 153.057 through 153.066 as presented to the Commission on January 31, 2012 and to revise Section 153.002 with the minor modifications discussed at the meeting. Todd Zimmerman seconded the motion.

The vote was as follows: Mr. Hardt, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Mr. Budde, yes; Ms. Kramb, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

## **2. Bridge Street Corridor – Area Rezoning 11-021Z**

### **Area Rezoning**

Chair Chris Amorose Groomes introduced this application which involves an area rezoning of 388 parcels totaling approximately 808.7 acres for the Bridge Street Corridor. She said the Planning and Zoning Commission will review and make a recommendation to City Council on the proposed zoning map amendments.

Rachel Ray said there was no formal presentation, but asked if there were any questions regarding the Planning Report. She pointed out one additional property owner had submitted a letter since the previous review of the area rezoning map on December 8<sup>th</sup>, 2011. She said the property is located on Sawmill Road indicated on the map as #11, the former residence just north of Dent Magic, just south of the Waterbeds property. She stated the property owner was requesting a change from the BSC Office as recommended by Planning to the BSC Sawmill Center Neighborhood District which is included on the map the Planning and Zoning Commission was recommending.

Ms. Amorose Groomes confirmed the property owner's request was in line with the Commission's recommendation.

Ms. Amorose Groomes asked if there was anyone in the audience that would like to speak with respect to the area rezoning application.

Melanie Wollenberg, Equity, 445 Hutchinson Avenue, Columbus, said she represents Bridge Pointe Shopping Center. She said she agrees with Mr. Reiner and appreciates the Commission considering a more sensible area rezoning map that takes into consideration property rights and the investment the property owners have made in Dublin. She asked for further information regarding the study of a round-about at the Riverside Drive and the 161 intersection and the impacts to the Bridge Pointe site.

Ms. Wollenberg restated her request for BSC Commercial District zoning for the Bridge Pointe site and the reasons for the request, which include the long term uncertainty of a site with an existing use in conflict with the proposed zoning district, the inability to construct the outparcels as desired under the proposed code and the significant value it takes from their property, and the onerous building requirements under BSC Code for their retail shopping center.

Ms. Amorose Groomes asked if there were anyone else that would like to speak with respect to this application.

Jeff Brown, Smith and Hale, 37 West Broad Street, Columbus, 43215, thanked the Commission for all their effort and time. He said his applicants liked the Commission recommend map better than the map proposed by Planning. He said his firm was contacted by the Speedway property owners at the corner of 161 and Sawmill Road whom expressed concern the existing use was not permitted within the proposed Bridge Street Code. He asked the Commission to consider Bridge Street Commercial for the Speedway site on the corner, because it is the only classification in the new code that would allow the existing use. Ms. Amorose Groomes asked if there were any other comments regarding the proposed area rezonings. [There were none.]

Ms. Amorose Groomes asked for clarity regarding the two different area rezoning maps provided within the packet. Mr. Langworthy said the Commission will need to state which map they are voting on within their motion. He stated the proposed area rezoning map dated February 2<sup>nd</sup> is version that includes the modifications requested by the Planning and Zoning Commission.

Mr. Langworthy said it is the proposed Bridge Street Corridor Zoning Recommended Changes from ARB and PZC Draft February 2, 2012 which is also being displayed on the screen.

Mr. Langworthy said there is one change that needs to be made to the proposed map recommended by the Planning and Zoning Commission, which is to include the six properties located along North Riverview within BSC Historic Core. He said the Commission expressed a desire to include these six properties within the Historic Core, but the map does not accurately reflect this change.

Ms. Amorose Groomes asked what the other changes were. [There were none.]

Ms. Kramb said the Commission has tried to accommodate property owners requests and it is only fair to accommodate the request to permit the Speedway as BSC Commercial, because the property owner has used the same argument as other properties.

Mr. Hardt said he respectfully disagrees with Ms. Kramb and said the other properties where he supported a change was largely based on what was appropriate for those properties in the long term. He said with regards to the Speedway site the present use of the site and the proposed Code adequately provide the property owner the ability to maintain the gas station for as long as they choose.

Mr. Budde agreed with Mr. Hardt and said they can continue to operate in perpetuity, but the long term vision the City is creating with the Code and zoning map is for 30, 40, or 50 years from now.

Mr. Fishman said he wanted to ensure the Code does not prevent the property owner from remodeling and upgrading in the future. Ms. Readler said the property owner can maintain their existing use. Mr. Hardt said the property owner can maintain and remodel the existing structure and expand it up to 50 percent.

Mr. Brown said gas stations have a certain life and are typically demolished and rebuilt, which would not be permitted under the Sawmill Center requirements within the proposed Code. He said with the BSC Commercial District the property owner could obtain a conditional use.

Mr. Zimmerman agreed the Speedway site should remain Sawmill Center.

Ms. Amorose Groomes agreed it would fracture the map. She said other modifications to map were to incorporate parcels into surrounding districts rather than singling one parcel out. She said she has a hard time singling out this parcel as a standalone piece.

Mr. Taylor said it should remain Sawmill Center.

Ms. Amorose Groomes asked for other comments as it relates to the proposed area rezoning.

Ms. Kramb said she likes the Planning and Zoning Commission map to recommend to City Council; however, she did not support rezoning any properties until the Vision Plan is updated and until the Commission hears City Council's feedback about the proposed BSC Code. She said rezoning these properties is premature and too expansive given the properties will be reviewed under a brand new code that has not been used.

Mr. Langworthy said the Commission is only making a recommendation to City Council for the proposed rezoning map. He said City Council review the proposed BSC Code first and then they will review the proposed rezonings. He said if City Council identifies issues with the proposed Code they will have the opportunity to table Code and/or the rezoning map.

Mr. Fishman said he tended to agree with Ms. Kramb because he does not think they accommodated every existing business and he worries about the property owner's ability to remodel and expand existing businesses. He said he would support the area rezoning as it is only a recommendation to City Council.

Ms. Husak said the motion should refer to the map date and title, and the six properties on North Riverview Street addressed as 17 – 53 North Riverview Street and 40 North Blacksmith Lane be zoned to the BSC Historic Core District.

#### **Motion and Vote**

Mr. Taylor made a motion to recommend approval to City Council of the Area Rezoning map dated February 2, 2012 and titled "Proposed BSC Zoning Map Recommended Changes from ARB and PZC Area Rezoning" with one condition:

- 1) That the six parcels on the north side of W. Bridge Street, west of North Riverview Street (addressed 17-53 North Riverview Street and 40 North Blacksmith Lane) be rezoned to the BSC-HC, BSC-Historic Core District.

Mr. Zimmerman seconded the motion. The vote was as follows: Mr. Fishman, yes; Ms. Kramb, no; Mr. Hardt, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 6 – 1.)

Mr. Langworthy expressed appreciation from the staff and the Administration for all the hard work the Commission has done. He said he has worked with dozens of Planning Commissions over his career and he cannot think of many that have worked as hard as they have to pour their way through this difficult Code. He said we really appreciate the work and effort the Commission has put into it the review of the Code and stated we could not have created this Code without this level input and it is very much appreciated. He said the discussions between Planning and the Commission have made the Code better. He said the staff is very appreciative of all the Commission's efforts.

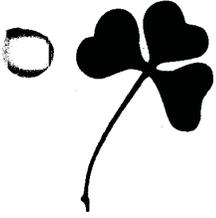
Ms. Amorose Groomes thanked him and staff.

Ms. Amorose Groomes said they are going to take a short break and will resume at 9:00 pm.

### **3. Avondale Woods 10-036CP**

### **Avery Road Concept Plan**

Chair Chris Amorose Groomes introduced this application which involves a request for further review and feedback regarding architecture of a concept plan for a residential development with approximately 130 single-family lots and 230 multiple-family units on a 120-acre site located on the west side of Avery Road



**DUBLIN PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
September 8, 1994**

CITY OF DUBLIN

The Planning and Zoning Commission took the following action in the application below at its regularly scheduled meeting:

**7. Final Development Plan - Sycamore Ridge**

**Location:** 30.8 acres consisting of two tracts located on the north and south sides of Tuller Ridge Drive.

**Existing Zoning:** PUD, Planned Unit Development District.

**Request:** Review of the final development plan as required under Section 1181.07.

**Proposed Use:** 120 garden unit and 150 townhouse apartments with 3.5 acres of parkland.

**Applicant:** Continental Real Estate Company, c/o Mark Pottschmidt, 150 East Broad Street, Columbus, OH 43215.

**MOTION:** To approve this final development plan because it meets the requirements of Chapter 1181.07 and is in substantial compliance with the approved Preliminary Development Plan subject to the following twelve conditions:

- 1) That the Final Development Plan be revised, to place the bikepath on the north side of Tuller Ridge Drive and the sidewalk on the south side of Tuller Ridge Drive, as approved by the Planning Commission;
- 2) That the Final Development Plan be revised to the satisfaction of the City Engineer relative to curb cuts proposed along Tuller Ridge Drive;
- 3) That only construction activity relative to the parking aisle be permitted within thirteen feet of protected trees, that no other construction activity will occur within no-build zones, that construction practices to protect trees (including orange fencing, tree trimming by a professional arborist, and other practices) be submitted for review and approval by Staff prior to construction, that the Final Development Plan be revised to indicate a 15-foot no-build zone along the south and east property lines, and that cross sections be preserved and provided to the landmark tree program of any 24-inch landmark tree proposed for removal on the site;
- 4) That the applicant submit typical cross sections of internal aisles for review and approval by the City Engineer, prior to submittal of the required plat;
- 5) That a park fee of \$130,820, fulfilling the requirements of Chapter 1109 of the Planning and Zoning Code, be paid to the City of Dublin prior to recording of the required final plat or issuance of the building permit, as applicable;
- 6) That the street tree plan be reviewed and approved by Staff prior to submittal of a building permit application and that the street trees are to be installed prior to occupancy;

**DUBLIN PLANNING AND ZONING COMMISSION**  
**RECORD OF ACTION**  
**September 8, 1994**

7. **Final Development Plan - Sycamore Ridge (Cont.)**
- 7) That a landscape plan be revised and submitted to meet the property perimeter requirements (especially east side), to augment the existing perimeter tree rows and to meet all other landscape requirements within 30 days for staff review and approval;
  - 8) That the predominant masonry material employed be Carriage Hill stone (stucco product) as it is more compatible with the area's development and the project architecture. This hand-laid stone shall have a texture similar to that used on the mortar joints in the Council Chambers at City Hall;
  - 9) That the applicant submit typical elevations for detached garages, indicating compatibility with the apartment structures;
  - 10) That the proposed gatehouses match the clubhouse facade and roof relative to architectural character and materials;
  - 11) That emergency vehicle access meet the requirements of the Perry Township Fire Department; and
  - 12) That the landscape plan submitted in lieu of a wet pond design at the entrance of the clubhouse is approved as submitted.

**VOTE: 6-0.**

**RESULT:** This final development plan was approved.

**STAFF CERTIFICATION**

  
\_\_\_\_\_  
Vince Papsidero  
Senior Planner

- 10) That a private water main be utilized for the development, with a master meter located within the right-of-way of either Wilcox Road or Perimeter Drive;
- 11) That a final plat be provided for this development indicating the location of public and private easements, vehicular access restrictions, no parking restrictions, and maintenance responsibilities for private utilities and streets, as approved by the City Engineer; and
- 12) That the site plan must be approved by the fire department regarding placement of fire hydrants and turning radii.

Mr. Cline agreed to the above conditions as amended.

Ms. Chinnici-Zuercher seconded the motion and the vote was as follows: Mr. Ferrara, yes; Mr. Zawaly, no; Ms. Chinnici-Zuercher, yes; Mr. Sutphen, yes; Mr. Fishman, yes; and Mr. Rauh, no. (Approved 4-2.)

## **7. Final Development Plan - Sycamore Ridge**

Vince Papsidero presented this case. It is a final development plan for Sycamore Ridge, rezoned earlier this year under the PUD, Planned Unit Development District for 270 multi-family units. It has 120 garden apartments and 150 townhouse units along with 3.5 acres of parkland. It is +30 acres in two tracts located on the north and south sides of Tuller Ridge Drive.

Mr. Papsidero said a substantial tree line is located along the southern property line of the site which will be protected during construction. The tree row located in the southwestern portion of the site will be removed as part of the construction. Staff has asked that a cross-section of the trunk of landmark trees be saved as part of the Kiwanis landmark tree program. Light trespass from the driving range has been field checked by Staff. It is believed that adding additional evergreens to the tree row and a privacy fence would reduce the light issue. Mr. Papsidero said there would be a series of three different buildings. He said the applicant had changed the wet pond at the entrance to a landscaped area. The City Engineer is requesting that two of the eight curbcuts be deleted. A bikepath along the northern side of Tuller Ridge has been previously approved, but this plan indicates it on the southern side. This needs to be corrected.

Mr. Papsidero said utilities will be outside a 20-foot no-build zone to help protect the tree line. The traffic aisles within the development are all private streets. The City Engineer has asked to review and approve a cross-section of the streets. An inverted crown cross-section was proposed. Some are 355 new are being proposed, with 128 evergreens to augment the tree line. A revised landscape plan is necessary to meet Code screening between uses.

Mr. Papsidero said stone and vinyl materials are proposed. On the end elevation, the only masonry was on the two chimneys and the protruding portion of the front elevation. Staff is recommending that brick is used instead of stone. Previous preliminary development plan submittal showed brick and/or stone. Based upon the building patterns in the area such as Dublin Village Center, adjacent office and uses to the north and south, and the project architecture brick is a more appropriate feature than stone on these elevations.

Mr. Papsidero said elevations were not provided for the detached garages and are need to check their compatibility. The clubhouse and apartment elevations are Georgian in character. Staff has requested that the two 17-foot high gatehouse entry features at the entrance to the clubhouse along Tuller Ridge Drive be compatible with the clubhouse structure in terms of building materials and roofing.

Staff is recommending approval with the following twelve conditions:

- 1) That the Final Development Plan be revised, to place the bikepath on the north side of Tuller Ridge Drive and the sidewalk on the south side of Tuller Ridge Drive, as approved by the Planning Commission;
- 2) That the Final Development Plan be revised to delete one set of the middle sets of curb cuts along Tuller Ridge Drive;
- 3) That only construction activity relative to the parking aisle be permitted within the first three feet of all no-build zones, that no other construction activity will occur, that construction practices to protect trees (including orange fencing, tree trimming by a professional arborist, and other practices) be submitted for review and approval by Staff prior to construction, that the Final Development Plan be revised to indicate a 15-foot no-build zone along the south and east property lines, and that a cross section be preserved of a 24-inch landmark tree located in the southwest corner of the site and that cross section be provided to the Landmark tree program;
- 4) That the applicant submit typical cross sections of internal aisles for review and approval by the City Engineer, prior to submittal of the required plat;
- 5) That a park fee of \$130,820, fulfilling the requirements of Chapter 1109 of the Planning and Zoning Code, be paid to the City of Dublin prior to recording of the required final plat or issuance of the building permit, as applicable;
- 6) That the street tree plan be reviewed and approved by Staff prior to recording of the required plat and that the street trees are to be installed prior to occupancy;
- 7) That a landscape plan be revised and submitted to meet the property perimeter requirements (especially east side), augment the existing perimeter tree rows and meet all other landscape requirements within 30 days for staff review and approval;
- 8) That the predominant masonry material employed be brick, as more compatible with the area's development and the project architecture;
- 9) That the applicant submit typical elevations for detached garages, indicating compatibility with the apartment structures;
- 10) That the applicant submit a clear design justification for deleting the wet pond from consideration by the Planning Commission;
- 11) That the proposed gatehouses match the clubhouse facade and roof relative to architectural character and materials; and
- 12) That emergency vehicle access meet the requirements of the Perry Township Fire Department.

Mr. Papsidero said Chief Bostic recommended sending a copy to Perry Township Fire Department for their review and comments. No comments have been received to date.

Mr. Ferrara asked if the existing Tuller Ridge Road did not go through, would there be only one entrance for 270 multi-family units. Mr. Papsidero said it was proposed to connect with Shamrock Boulevard. Mr. Ferrara could not see any provision for turnaround of fire trucks. Ms. Clarke said the Washington Township Fire Department had been involved since the application was filed as a rezoning a year ago. Staff has not received any comments from them that would indicate that any kind of major adjustment to the site plan was needed. Mr. Sutphen asked Staff to request a letter from the Washington Township Fire Department approving the plan.

Randy Bowman said storm water detention was proposed on the site and that there were dry detention areas between many of the buildings throughout the site.

Ms. Chinnici-Zuercher asked when the extension of Shamrock Court was to be completed. Mr. Papsidero said there was no timeframe at this point. Construction would depend upon development. Ms. Clarke suggested that the Commission compile a list of critical links, etc for consideration in the CIP.

Ben Hale, Jr., representing the applicant, agreed with Conditions #1, 3-7, and 9-12 listed above. A colored site plan with elevations was distributed to the Commission.

Joe Sullivan, Sullivan, Gray, and Bruck Architects, said the main entry feature originally included wet retention. It had been redesigned because it did not lend itself well to a wet water feature. Based upon the soil borings, a wet pond would be impractical. The form lends itself more appropriately to a landscape feature.

Mr. Sullivan said the use stone material was appropriate than brick. He proposed the use of cultured stone, a man-made project because it could be used in non-bearing situations which brick was not workable such as on chimneys. Stone can be used above the garages as well. Mr. Hale said the substitute of stone for brick was not a economic issue.

Mr. Zawaly agreed and was pleased that stone was proposed.

Mr. Sullivan said typically, the richest materials would be most in the visible areas.

Mr. Ferrara asked how the stone was manufactured. Frank Kass said it was individually laid like brick. Mr. Ferrara asked if the sample was the material proposed. Mr. Kass said yes.

Mr. Rauh said the historically stone houses had a butter joint and not a rack joint. Mr. Sullivan said it would probably be a wood strut joint. Mr. Rauh said when the joints were raked out a lot of deep shadow would be present. He suggested a butter joint similar to the wall of Council Chambers, as historically more correct. Mr. Fishman asked if the stone would wrap around. Mr. Sullivan said that at the large elements the stone would return, but on some stone elements it would just be a facade.

Mr. Sullivan said the end townhouse buildings were positioned so that the chimney and the entrance was on the end faces any visible drive-through point.

Mr. Fishman asked if the 3-inch caliper trees were going to be planted. Mr. Kass agreed.

Mr. Sutphen like the cultured stone better than brick.

Mr. Fishman did not like losing the water feature at the entrance and he asked if there could be a water feature elsewhere in the project. A lengthy discussion on an entryway pond ensued.

Ms. Clarke produced the stamped plan that showed the entry boulevard surrounding a wet pond when approved by Council.

Mr. Hale said a request had been made to close the two entries and rely only on the other two entries.

Jeff Cummings, of MS Consultants, Inc. the traffic consultant for this project clarified that the proposed number of access points would reduce the on-site circulation. It would be safer because it would have fewer pedestrian/vehicular conflicts internally. Another safety issue with the drives as proposed, is better fire access for the fire trucks. The closest drive spacing was 280 feet which was typical of a normal residential neighborhood. Each of the drives will serve 30-50 units. The traffic consultants, feel that the number of drives shown is appropriate for the size of the development and will pose no problems with traffic circulation or safety.

Mr. Rauh asked what Staff's reason was for recommending the deletion of two driveways. Randy Bowman said the concern of the City Engineer was traffic circulation, whether it is handled within a development or out on public roadways. Tuller Ridge Drive is a 36-foot street, it is a collector-type street not a residential street. Collector streets typically have a higher level of access restrictions on them than do residential streets.

Mr. Peplow said it seemed like the plan would work the proposed curbcuts.

Mr. Fishman said the reduction of curbcuts was a condition of approval at the rezoning state "to be approved by the City Engineer". Mr. Kass said it had been a point of contention for over a year. Randy Bowman is concerned that the spacing of intersection plays an important role in assuring safety for left turn movements.

Mr. Sutphen said that was not close together. Randy Bowman said the City Engineer's interpretation of traffic engineering standards said they were too close together.

Mr. Fishman suggested that a condition of approval be that the spacing of the drives could be resolved with the City Engineer. Mr. Kass said he could not work it out with him. He asked that the Commission vote favorably for the Final Development Plan so that construction could begin in October. Another long discussion ensued.

Mr. Ferrara said Georgian-type architecture had been presented to the Commission, and brick is the choice material for that type of architecture. He said there were no water features on the east side of Dublin, and water features made Dublin a special place. He wanted the development as it was initially represented. He felt the man-made materials would get thinner

and cheaper on future development, gradually deteriorating the area. Mr. Ferrara wanted the type of materials to be used documented as "X-thick" and hand-laid, etc. He felt uncomfortable voting for something without approval from the fire department and in which the City Engineer had a concern.

Mr. Zawaly understood that the project was to be stone. Mr. Sutphen agreed. He did not feel this was a major change. Mr. Zawaly shared Mr. Ferrara's concern regarding the water feature. He was originally against the rezoning. He felt this was a quality project, but was most concerned about the curbcuts and the traffic concerns of the City Engineer.

Mitch Banchefsky said the approved zoning plan from the January 6, 1994 Planning and Zoning Commission Meeting listed Condition #2: *That the City Engineer be satisfied relative to the number of curbcuts.* He said that was a condition of zoning.

Ms. Chinnici-Zuercher said the development looked better than the original plan. The developer had made a significant effort to bring it up to the preferred standards of the community. The Commission's challenge is assuring that the rest of the land gets developed that way.

Mr. Fishman agreed with Mr. Ferrara and said it was not the Commission's job to change the final development plan, but if the applicant could work out something different with the City Engineer that would be fine. He said the original plan dated February 4, 1994, did show retention and a water feature in the front. He would however like to see a water feature also.

Mr. Fishman said this application could be tabled to work out details with Staff or it could be voted upon as it is.

Ms. Chinnici-Zuercher said Condition #2 addressed the necessity of the curbcuts being approved by the City Engineer. Mr. Kass said the curbcuts would be worked out with Staff.

Mr. Sutphen made the motion to approve this final development plan with the following twelve conditions:

- 1) That the Final Development Plan be revised, to place the bikepath on the north side of Tuller Ridge Drive and the sidewalk on the south side of Tuller Ridge Drive, as approved by the Planning Commission;
- 2) That the Final Development Plan be revised worked out between the developer and the City Engineer regarding the curbcuts;
- 3) That only construction activity relative to the parking aisle be permitted within the first three feet of all no-build zones, that no other construction activity will occur, that construction practices to protect trees (including orange fencing, tree trimming by a professional arborist, and other practices) be submitted for review and approval by Staff prior to construction, that the Final Development Plan be revised to indicate a 15-foot no-build zone along the south and east property lines, and that a cross section be preserved of a 24-inch landmark tree located in the southwest corner of the site and that cross section be provided to the Landmark tree program;

- 4) That the applicant submit typical cross sections of internal aisles for review and approval by the City Engineer, prior to submittal of the required plat;
- 5) That a park fee of \$130,820, fulfilling the requirements of Chapter 1109 of the Planning and Zoning Code, be paid to the City of Dublin prior to recording of the required final plat or issuance of the building permit, as applicable;
- 6) That the street tree plan be reviewed and approved by Staff prior to recording of the required plat and that the street trees are to be installed prior to occupancy;
- 7) That a landscape plan be revised and submitted to meet the property perimeter requirements (especially east side), augment the existing perimeter tree rows and meet all other landscape requirements within 30 days for staff review and approval;
- 8) That the predominant masonry material employed be Carriage Hill Stone (stucco product), as more compatible with the area's development and the project architecture;
- 9) That the applicant submit typical elevations for detached garages, indicating compatibility with the apartment structures;
- 10) That the applicant submit a clear design justification for deleting the wet pond from consideration by the Planning Commission;
- 11) That the proposed gatehouses match the clubhouse facade and roof relative to architectural character and materials;
- 12) That emergency vehicle access meet the requirements of the Perry Township Fire Department; and

**Bases:**

- 1) The with the above conditions, the Final Development Plan meets the requirements of Chapter 1181.07 of the Planning and Zoning Code.
- 2) Subject to the above changes, the plan is in substantial compliance with the approved Preliminary Development Plan and related conditions of approval.

Several Commission members discussed the water feature and whether it constituted a central issue of the plan. Several concluded that it was not pivotal.

Mr. Ferrara said the water feature was a question of what Council approved. He had a problem with the application being changed. These details should have been worked out long ago, not at this meeting.

Mr. Fishman said the motion had been seconded, as approved by Council with the only change to the conditions being the brick material changed to stone.

Mr. Rauh asked that the motion be amended to approve this final development plan with a additional condition that the green area instead of the wet pond be approved.

Mr. Sutphen amended the motion as follows to include twelve conditions:

- 1) That the Final Development Plan be revised, to place the bikepath on the north side of Tuller Ridge Drive and the sidewalk on the south side of Tuller Ridge Drive, as approved by the Planning Commission;
- 2) That the Final Development Plan be revised to the satisfaction of the City Engineer relative to curb cuts proposed along Tuller Ridge Drive;

- 3) That only construction activity relative to the parking aisle be permitted within thirteen feet of protected trees, that no other construction activity will occur within no-build zones, that construction practices to protect trees (including orange fencing, tree trimming by a profession arborists, and other practices) be submitted for review and approval by Staff prior to construction, that the Final Development Plan be revised to indicate a 15-foot no-build zoning along the south and east property lines, and that cross sections be preserved and provided to the landmark tree program of any 24-inch landmark tree proposed for removal on the site.
- 4) That the applicant submit typical cross sections of internal aisles for review and approval by the City Engineer, prior to submittal of the required plat;
- 5) That a park fee of \$130,820, fulfilling the requirements of Chapter 1109 of the Planning and Zoning Code, be paid to the City of Dublin prior to recording of the required final plat or issuance of the building permit, as applicable;
- 6) That the street tree plan be reviewed and approved by Staff prior to recording of the required plat and that the street trees are to be installed prior to occupancy;
- 7) That a landscape plan be revised and submitted to meet the property perimeter requirements (especially east side), augment the existing perimeter tree rows and meet all other landscape requirements within 30 days for staff review and approval;
- 8) That the predominant masonry material employed be Carriage Hill Stone (stucco product), as it is more compatible with the area's development and the project architecture. This hand-laid stone shall have a texture similar to that used on the mortar joints in the Council Chambers at City Hall;
- 9) That the applicant submit typical elevations for detached garages, indicating compatibility with the apartment structures;
- 10) That the proposed gatehouses match the clubhouse facade and roof relative to architectural character and materials;
- 11) That emergency vehicle access meet the requirements of the ~~Perry Township~~ Fire Department; and
- 12) That the landscape plan submitted in lieu of a wet pond design at the entrance of the clubhouse is approved as submitted.

Amended  
by COMMISSION  
AT 10/6/94  
Meeting.  
lf

Mr. Ferrara seconded the amended motion and the vote was as follows: Ms. Chinnici-Zuercher, yes; Mr. Zawaly, yes; Mr. Sutphen, yes; Mr. Ferrara, yes; Mr. Fishman, yes; and Mr. Rauh, yes. (Approved 6-0.)

#### 8. Conditional Use Application CU94-008 - 5810 Shier-Rings Road - Carstar Autobody Shop

Mary Newcomb presented this case. This is a conditional use application for an automobile repair facility on 4.4 acres located on the north side of Shier-Rings Road. The site is located within a RI, Restricted Industrial District, and an auto repair facility is a conditional use. The site plan proposed will require approval by the Board of Zoning Appeals for a variance to a sideyard setback.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CD. FORM NO. 1024

Held April 18, 1994

19

with residents will be scheduled after the first soccer game to address any concerns.

Mr. Hansley advised that paving will commence tomorrow on the service road and parking lot for the games in order to comply with ADA requirements. Rented bleachers will be removed on July 25th, immediately following the last game. He added that the road behind Willow Grove will be used for service vehicles only. Staff will work with Mr. Fox of Willow Grove to address any issues that come up.

Mr. Zawaly thanked everyone for attending tonight to express their views. He noted that Council often must make a difficult decision based on what is in the best interests of all of the citizens of Dublin. He urges that citizens now focus on safety, traffic and buffering issues for the duration of the 10 scheduled games.

Mrs. Stillwell stated that Council will in the future be more sensitive to notifying residents who are affected by actions of Council. She stated that Council is hoping to work with the residents to ensure a pleasant summer for all.

Mayor Campbell stated that no one involved with this project made any effort to intentionally cause any harm to anyone. Council believed it was in the best interests of the city, and for this reason, endorsed the project by a unanimous vote. Council will work with staff to make every effort to mitigate any difficulties arising from the project.

\* Legislation

Ordinance No. 59-93 - An Ordinance Providing for a Change of Zoning of 30.891 Acres of Land, Located on the North and South Sides of Tuller Ridge Drive, to be Rezoned from: CC, Community Commercial District to: PUD, Planned Unit Development District. (Sycamore Ridge) (Third Reading Reconsideration) (Applicant: Hallmark Community, c/o Jeffrey L. Brown, 37 W. Broad Street, Suite 725, Columbus, OH 43215)  
Mayor Campbell provided a brief history of Council's previous consideration of this rezoning.

Ben Hale, Jr., representing the applicant, advised that the sewer situation has been clarified as outlined in a letter to Terry Foegler dated March 21, 1994. He also advised that the city's Economic Development Study indicates that this site is potentially more appropriate for residential use than commercial. He noted that Council has received a letter from the applicant assuring that no additional units will be added to the project in this quadrant.

Mr. Strip stated that, for the benefit of future developers, he wants to clarify that they would have a hard time convincing him to make a change from commercial to residential. Passage of the rezoning tonight should not be taken as a signal that Dublin is anxious to rezone good commercial property to residential, and the vote tonight does not represent any change in the city's policy of rezoning commercial property to residential. Tonight's vote is on the Sycamore Ridge proposal and takes into account the staff report, the P&Z recommendation, and the Mt. Auburn Associates recommendation.

Mrs. King noted that the key issue tonight is whether or not this site should be rezoned. The Mt. Auburn report is not finalized at this point in time, and therefore basing any recommendation on it would be premature. She is not concerned with having an 18 to 20 year supply of various land use types. She would welcome this project at a location that is already planned to be residential.

Mr. Zawaly agreed with Mrs. King's comments. Council has not yet digested the total impact and import of the Economic Development Study. He further noted that the Economic Development Study has not involved the public at this time, and it is premature to make decisions based on the report. This site is basically incubator land for future small businesses. Downzoning would be premature at this time.

Mr. Kranstuber noted that he accepts the recommendation of staff and P&Z, and does not believe that this area is viable as a commercial use.

Mrs. Boring expressed her concern that there is no comprehensive roadway system in place or even planned to support the development. She also believes that the information is premature and that a decision should not be based on this. Council should set policy and not staff.

Mrs. Stillwell stated that this is a land use that makes sense for this piece of property at this particular time. She commented that, based on the information provided to Council, this area would

Final Development Plan  
Sycamore Ridge Apartments  
History

RECORD OF PROCEEDINGS

Held April 18, 1994

not be viable as a commercial site.

Mayor Campbell gave a brief overview of the history, reports and issues relating to this zoning as discussed at recent Council meetings. He stated that, in his opinion, the sewer issue he previously raised has been addressed satisfactorily. He also noted that staff, P&Z, and the Dublin School Board have all supported this rezoning.

Vote on Ordinance 59-93 - Mrs. King, no; Mrs. Stillwell, yes; Mr. Strip, yes; Mr. Zawaly, no; Mrs. Boring, no; Mr. Kranstuber, yes; Mayor Campbell, yes. (Approved 4-3)

Ordinance No. 106-93 - An Ordinance to Accept an Annexation of 26.976 +/- Acres in Jerome Township, Union County to the City of Dublin. (Third Reading of Previously Tabled Ordinance)

Mr. Hansley stated that staff recommends this annexation based on the following:

- 1) The subject parcel is part of a larger tract, a portion of which is already located within the City of Dublin. Whenever possible a single parcel of land should be located within one jurisdiction to simplify issues of development control, permitting, service delivery, etc.
- 2) The City's existing and planned infrastructure for the area are adequate to serve the subject site for development at two units per acre or less. Obviously, the precise allowable density would be subject to Council approval through the future rezoning process.
- 3) As a matter of general policy, the City has generally tried to encourage assembling parcels of property for rezoning a proposed development due to the increased flexibility and potentially higher quality of larger scale development plans.
- 4) The property is located within the recently negotiated Columbus/Dublin sewer agreement.

Mrs. King asked for an explanation of Paragraph 5 in the Staff report regarding insufficient sewer capacity for this site.

Mr. Kindra responded that the report states in another portion that sewer studies will be done to determine the capacity to handle this type of development. Staff recommends that the annexation be approved, but prior to development, more detailed analysis should undertaken.

Mr. Hansley noted that the petitioner has been made aware of the density issue for future development proposals.

Ben Hale, Jr., representing the applicant, responded that the developer is aware of the sewer capacity situation and believes there will be no problem servicing the 1.85 dwelling units per acre in this development. The developer does understand that they have to follow through with staff at the time of development.

Mayor Campbell asked Mr. Hale to confirm that the telephone utility provider will be noted on the plat since it is GTE and not Ameritech.

Mr. Hale responded that they will make note of this on the plat.

Mrs. Boring asked if the golf course development is still a possibility.

Mr. Hale responded that it is still a possibility at this time.

Vote on Ordinance 106-93 - Mrs. Stillwell, yes; Mr. Strip, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mr. Kranstuber, yes; Mayor Campbell, yes; Mrs. King, yes.

Ordinance No. 21-94 - An Ordinance Amending the Annual Appropriations Ordinance for the Fiscal Year Ending December 31, 1994. (for Installation of traffic signal and left turn lanes at Bright Road/Riverside Drive intersection) (Third Reading)

Harriet Clark, 7200 Riverside Drive, stated that she would like to see the results of the traffic study and asked that the homeowners' concerns be considered before a traffic light is installed.

Mr. Strip gave an overview of the process for signalization of the intersection, adding that staff will monitor the intersection after installation of lights at Tuller Road and Hard Road to determine if the Bright Road signal is still needed.

Mrs. King asked that staff notify Mrs. Clark when the plans are prepared, prior to contract.

Mayor Campbell requested that Mrs. Clark be notified of any Council Committee the signalization plans for Bright and Riverside.

Final Development Plan  
Sycamore Ridge Apartments  
History

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1010B

Held March 21, 1994

19

The regularly scheduled meeting of the Dublin City Council was called to order by Mayor Joel Campbell at 7:30 p.m. on Monday, March 21, 1994. The Pledge of Allegiance was led by Mr. Kranstuber. Members of Council present for roll call were: Mrs. Boring, Mr. Zawaly, Mr. Kranstuber, Mayor Campbell, Mrs. Stillwell and Mrs. King. Mr. Strip was absent (excused). Mr. Hansley, Mr. Foegler, Ms. Grigsby and Mr. Smith were also present.

Approval of Minutes of March 7, 1994 Meeting

The clerk reported that the minutes from March 7 have not been completed at this time. The approval of the minutes was delayed until the next meeting of Council.

Correspondence

The clerk reported that there was no correspondence to Council.

Comments from Visitors

There were no comments from visitors.

Motion for Reconsideration

Mayor Campbell moved that Ordinance 59-93 (defeated on March 7) be reconsidered, then tabled indefinitely, and that two weeks advance public notice be given prior to any reconsideration of the ordinance. Mayor Campbell explained the factors which impact on his decision to move for reconsideration:

1. His previous concern was with the lack of adequate protection for the City of Dublin in respect to the East branch sewer capacity issue. He was given a letter today from the City of Columbus stating that Columbus is willing to reconsider their position on this type of development in this particular area under some conditions, and that at this point, Columbus believes further study is warranted.
2. Mr. Harrison Smith will further study the sewer capacity issue and will present to Council at a later date a resolution of the problem that will be satisfactory to Columbus.

Mrs. King seconded the motion.

Mrs. Boring expressed concern that it is too soon to abandon the idea of commercial development in this area.

Mrs. King commented that tabling the ordinance at this point would not obligate Council to approve or disapprove the rezoning at a later date. The three studies currently underway by the City - MSI Fee study, Community Plan Update, and Mt. Auburn Associates Economic Development Study - will help Council to make a more informed decision at a later date in regard to this rezoning.

Mr. Zawaly affirmed his opposition to the rezoning, stating that he has received overwhelming response from the community supporting Council's vote against a downzoning of commercial property to multi-family use. Regardless of when the ordinance is reconsidered, Mr. Zawaly will be opposed to the rezoning.

Vote on the motion - Mr. Kranstuber, yes; Mayor Campbell, yes; Mrs. King, yes; Mrs. Stillwell, yes; Mrs. Boring, no; Mr. Zawaly, no.

Mayor Campbell summarized that Ordinance 59-93 has now been tabled indefinitely; Council will provide two weeks public notice prior to another hearing on the matter.

Legislation

Ordinance No. 88-93 - An Ordinance Providing for a Change of Zoning of 111.203 Acres of Land Located on the East Side of Cosgray Road Approximately 1,000 Feet to the North of Shier-Rings Road from: PIP, Planned Industrial Park District to: PIP, Planned Industrial Park District. (Sports Ohio) (Public Hearing) (Applicant: Allen S. Shepherd III, 6295 Cosgray Road, Amlin, OH 43002) Registered as a proponent was Allen S. Shepherd, 6295 Cosgray Road. There were no registered opponents.

Ms. Clarke stated that this is a rezoning application for 111 acres located on the east side of Cosgray Road. The official name of the development is the Northwest Dublin Commercial Park, and it will house the Sports Ohio complex. She showed slides of the site and described the site. The text is being amended to provide a set of development standards appropriate for the type uses that are under construction and in operation in the area at the time the application was approved by the Planning Commission in November with

Final Development Plan  
Sycamore Ridge Apartments  
History

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council Meeting

Meeting

MAYOR LEGAL BLANK CO., FORM NO. 10448

Held March 7, 1994

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The regularly scheduled meeting of the Dublin City Council was called to order by Mayor Joel Campbell at 7:30 p.m. on Monday, March 7, 1994. The Pledge of Allegiance was led by Mr. Zawaly. Members of Council present for roll call were Mrs. Stillwell, Mr. Zawaly, Mr. Kranstuber, Mayor Campbell, Mrs. King, Mrs. Boring and Mr. Strip. Mr. Hansley, Mr. Foegler, Ms. Grigsby and Mr. Smith were also present.

Approval of Minutes of February 7 and February 21, 1994 Meetings

Mrs. Boring moved approval of the minutes of February 7. Mr. Kranstuber seconded the motion. Vote on the motion - Mr. Kranstuber, yes; Mayor Campbell, yes; Mrs. King, abstain; Mrs. Stillwell, yes; Mr. Strip, yes; Mrs. Boring, yes; Mr. Zawaly, yes. Mrs. Boring moved approval of the minutes of February 21. Mrs. King seconded the motion. Vote on the motion - Mayor Campbell, yes; Mrs. King, yes; Mr. Kranstuber, yes; Mr. Strip, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mrs. Stillwell, yes.

Correspondence

The clerk reported that Nate Gordon, attorney is here to address the notices to legislative authority read at the last meeting regarding Biddies, Inc. (D-1 at 86 S. High Street) and Continental Sawmill, Inc. (D-5 at Village Parkway at Shamrock Boulevard). Mr. Gordon stated that Biddies also has a pending application for a D-2 or wine permit at the same address. These applications have been on file for about 6 years, and will not be used until the D-2 application opens up. The applications may be used at a different address, as the owner of Biddie's no longer has tenancy at 86 S. High Street.

Comments from Visitors

There were no comments from visitors.

Legislation

Ordinance No. 59-93 (Amended) - An Ordinance Providing for a Change of Zoning of 30.891 Acres of Land, Located on the North and South Sides of Tuller Ridge Drive, to be Rezoned from: CC, Community Commercial District to: PUD, Planned Unit Development District. (Tabled Ordinance - Third Reading) (Sycamore Ridge) (Applicant: Hallmark Community, c/o Jeffrey L. Brown, 37 West Broad Street, Suite 725, Columbus, OH 43215)

Mayor Campbell asked staff to advise Council whether the applicant has addressed the four issues previously raised about this rezoning at the concept plan stage.

Ms. Clarke commented as follows:

1. The Economic Development Plan has not been completed at this time, however the final form is expected this week. Based on indications in the Plan, staff does not believe that this site is one for which protection would be in order in terms of potential for office and research and development facilities.
2. The developer has submitted a traffic analysis which addresses site generation requirements. The traffic consultant has met with the City Engineer and will now address specific design requirements in regard to curb cut spacing, adequacy of lanes, etc.
3. Regarding the infrastructure for this development, commercial uses would require a higher water flow than a multi-family use. Columbus has expressed some concern with regard to the capacity of the East branch interceptor, and staff is recommending that a condition #12 be added, "That the availability of sanitary sewer service to this project shall be subject to such restrictions or limitations as are mutually agreed to by the City of Dublin and City of Columbus."
4. The Area Plan update is not completed. Staff believes that a multi-family proposal in an area that is generally described in the community plan as an activity center would be an appropriate land use.

Mrs. King initiated discussion of the memorandum from the Development Department dated March 3. She does not believe that the conditions have been met. She questioned the level of service on SR 161 between 257 and Sawmill. She also noted that she has concerns since the Columbus Director of Utilities has discouraged multi-family uses in the area served by the East branch interceptor.

Discussion followed about whether or not to take the ordinance off the table.

Mayor Campbell moved to take Ordinance 59-93 off the table.

Final Development Plan  
Sycamore Ridge Apartments  
History

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. FORM NO. 10248

Held

March 7, 1994

19

Mr. Kranstuber seconded the motion.

Vote on the motion - Mrs. Stillwell, yes; Mr. Strip, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mr. Kranstuber, yes; Mayor Campbell, yes; Mrs. King, no.

Discussion continued about the conditions imposed at the time of concept plan approval by Council in November of 1993.

Frank Kass, representing Hallmark Communities expressed his appreciation to staff and the Planning Commission, but also noted that there was frustration with the length of time of the review process.

1. Mr. Kass again reviewed with Council the economic studies which demonstrate the income tax and real estate revenues generated by the \$14.5 million project.
2. He noted that this site is actually a third tier site in terms of Dublin's economic development consultants, and the headstart provided by \$14.5 million development on the tax duplicate in 1996 could never be recaptured with commercial development in the future.
3. Regarding the traffic study, it was submitted the first week of January and demonstrated that 270 apartments are a far less load than the current zoning. The issues related to curb cuts, etc. can be worked out at the final development plan stage.
4. Mr. Kass noted that they have worked with Mr. Joyce, Utilities Director from Columbus and are familiar with the letter sent on February 28 regarding concerns about multi-family zonings in the area. The developer is agreeable to phasing the project in accordance with Dublin and Columbus' requirements. Mr. Kass also believes that the new sewer trunk will be on line by the date the project is completed in late spring of 1996.
5. Bird & Houk prepared a general overview of the master plan for this area and presented it to staff five months ago. Dublin's original master plan indicated that this would be an acceptable multi-family site.

Cordell Schroeder, DataBase of Ohio, Tuller Road testified next. He expressed concern that their firm had conducted a lengthy search for a suitable site for their business which involves storage of highly sensitive records. They expected commercial development to surround their site, and believe that residential development will result in increased traffic, increased vandalism and crime, and pressure to reduce truck traffic into their business area.

Ms. Clarke responded that the property to the north and east of DataBase are not zoned commercial, but are zoned R-1. This information was shared with DataBase when development plans were first brought to the city.

Ron Geese, 5964 Brand Road stated that he is here tonight representing his family. He is supportive of this nearly \$15 million high quality development. He can now declare his support, since he no longer serves on the Planning Commission. The developers have received staff approval, P&Z approval, and also received Council approval at the concept stage. This development will generate tax dollars for Dublin and for the Dublin community which includes Dublin Schools and Washington Township. All three entities will be winners with this approval. Upon further questioning from Council, Mr. Geese stated that he had previously abstained from voting on the development because of a business relationship with Mr. Kass which no longer exists.

Randy Roth, 6987 Grandee Cliffs Drive representing the East Dublin Civic Association stated that two of their trustees have looked over the economic development study provided by the applicant. They concluded that the assumptions made are not optimistic about the future possibilities in this area of Dublin for commercial development. He added that CB Commercial monitors office space availability and projects additional office development needed for Dublin by the end of the year. This may affect the site under review tonight.

Bill Lavelle, Vice President of the Dublin Board of Education, and Board liaison to Council, stated that he believes the project makes sense. He invited Council to attend the School Board meetings, and Mr. Lavelle plans to attend more Council meetings in the future.

Michael Szolosi, 250 East Broad Street reported back to Council that his client, Mr. Vogel, owner of the property to the east, has amicably resolved his concerns with Mr. Kass and is not opposed to the development. He added that his client will continue to own the property.

Discussion then continued with Mr. Schroeder of DataBase regarding the company's expectation that the surrounding development would be commercial when they chose the Dublin site. Mr. Kass responded to concerns about the impact of the Sycamore Ridge development on the DataBase business. Wendy's, Mr. Vogel, and Schottenstein, all contiguous property owners, have

Final Development Plan  
Sycamore Ridge Apartments  
History

**RECORD OF PROCEEDINGS**

DAYTON LEGAL BLANK CO. FORM NO. 10788

Held March 7, 1994

19    

no opposition to the multi-family development. He added that if DataBase wanted an isolated site, they should have gone far north.

Mrs. King stated that her concerns tonight are with the procedure. She does not believe Council has all of the information necessary to make a decision - the information about how this project fits in to the overall community. This information will be available when the Economic Development Plan is completed. The condition related to the area plan has not been complied with. She wonders how much more multi-family residential would be necessary to make a viable neighborhood that is sought under condition #4. She does not believe in overriding the decision of P&Z without sound reasons. The city should continue to work with DataBase on the traffic patterns. She noted that the applicant should consider adding a 13th condition, agreeing to pace the development to accommodate any potential problem with sewage capacity on the East bank for reasons out of Dublin's control. If all other criteria are met, the decision must be a bottom-line one for the people of Dublin - she believes this is a very beneficial, tax generating use for the city and the schools.

Mr. Zawaly stated that he has concerns that the people of Dublin have not been integrated into this land use determination process. While the project is "top shelf", he feels it is premature for this particular site. The citizens of Dublin are concerned with the erosion of commercial property in Dublin and the rampant residential growth. He is dedicated to nurturing commercial growth in Dublin in order to maintain a balanced tax base. Council will set a bad precedent by downzoning this property at this time. He recalls that the mission statement for the city cautions Council and staff to provide the vision for managed growth. The property should be retained as commercial property.

Mr. Strip commented that he encourages the DataBase business to stay in Dublin and to grow rather than move out. Mr. Strip noted that he voted against the concept plan, and he is still skeptical about the idea of taking commercial property and rezoning it to residential. In the final analysis and in all fairness, he cannot find a substantial enough reason to vote against the project.

Mrs. Boring reminded Council that they can't look at just one project, as there are already 640 multi-family units already zoned in the area. Adding 270 units would put a major crunch on city services, and it is premature to do this now. Council would be shirking its responsibility to rezone this piece in light of the potential water service problems. This rezoning will place the city in a crisis management situation. She is concerned that residents have not been involved in the update plan. Testimony has been given that allowing multi-family in the area could result in a loss of commercial business. She is uncomfortable with the fact that the plan fits the developer's plan and not the community plan. Traffic problems will only be compounded. Large amounts of capital dollars will be needed to service the needs of this development.

Mrs. Stillwell noted that she has served on P&Z during the review process for this development. She believes the project makes sense. It is a private development and thus will not largely impact city services such as waste collection. This land use represents a responsible, managed growth approach. She supports this rezoning.

Mr. Kranstuber stated that, in this case, the data supports the application. It will generate taxes, it will encourage other commercial development in the area through the multi-use mix, it will be attractive architecturally, it will produce revenues to add 6 to 8 teachers for the schools, and the surrounding properties should benefit in terms of property value from this land use rather than as a third tier commercial/industrial use. He does not see any factors which would lead him to vote against the rezoning.

Mayor Campbell noted that he is still wrestling with this decision. The process in this case was not unduly long, as Mr. Kass has stated. At the time of concept plan in November, a non-binding approval was given. The four criteria established at the concept stage were to be met by the developer prior to the rezoning stage. Mayor Campbell believes that the four criteria have not been met at this time.

1. Staff is satisfied that although the economic development plan is not complete, the fiscal impacts of the proposed development should not be a major factor in this land use analysis since the supply of commercial and industrial land is abundant and the likely commercial marketability of the subject site is quite limited. Mayor Campbell accepts the recommendations of staff who have access to all of the available information.
2. Regarding the traffic issue, reports state that the proposed project will not adversely impact traffic any more than the present zoning. Staff, therefore believes that the traffic criteria has been met.

**Final Development Plan  
Sycamore Ridge Apartments  
History**

**RECORD OF PROCEEDINGS**

Held

March 7, 1994

19

3. The water demand for this project will be lower than that for commercial development. The sewer situation, however, is a critical issue. Council has received a copy of a February 28 letter from the City of Columbus Department of Utilities requesting that all new development on the east side of the Scioto River be reviewed on a case-by-case basis with an eye toward their impact on sewer capacity. The letter further states that multi-family uses in this area should be discouraged, single-family should be carefully reviewed, and commercial development, with the least impact on sewer capacity would be more favorably viewed. Mayor Campbell is concerned that approval of this project could use up some of the capacity in the East Branch sewer, potentially resulting in the loss of future commercial development. If the project is approved, he would want Mr. Kass to commit in writing that, in the event that Columbus or Dublin staff make any determination that the capacity of the sewer is jeopardized, the project would be halted and building permits not issued.
4. Mayor Campbell then noted that the process has moved along in a reasonable and timely manner. There has been no unreasonable delay in the process.
5. Regarding the area plan supporting this development, he agrees that multi-family would be appropriate in activity center areas.

Mayor Campbell closed by saying that he will support the rezoning if the developer is willing to accept a prohibition of building permits if the sewer capacity becomes in jeopardy.

Mrs. King asked Mr. Foegler to respond regarding the sewer capacity issue, and to address what will happen if the rezoning is granted and the city does not have the sewer capacity.

Mr. Foegler emphasized that the issue of capacity on the East Branch system is not an issue in the Dublin sewer collection system; the capacity issue lies much farther down in the Columbus portion of the system. Dublin is limited not by the capacity of the lift station to pump sewage to the East Branch, but by the capacity restriction that exists farther down in the Columbus system. Dublin's staff has been working cooperatively with Columbus on this issue. It was first raised with the high school and several developments proposed in the northeast quad. Columbus initially did not want Dublin to extend its trunk sewer to open up new areas for development north of Tuller Road because opening up this acreage raised the concern of impacts downstream. Dublin's restrictions from the EPA involve only development on the west side of the river. Dublin has agreed to restrict development north of Tuller Road to the high school and 200 homes until the West Branch interceptor is constructed. Based on Mr. Foegler's discussions with the Columbus Director of Utilities, the intent of the February 28 memo is that Columbus is most concerned with uses that add the most flow to the peak hour, i.e., residential and multi-family. Columbus, however, is not recommending that any development rights from pre-zoned property be taken away or put on hold because of sewer capacity. But in the context of rezonings, Columbus is requesting and Dublin staff has recommended to Council that the sewer flow be restricted to that allowed under the current zoning. The intention is that the rezonings, per se, do not create an immediate short-term problem for the sewer system. He added that construction of the West Branch Interceptor will likely begin at the end of this year or early 1995.

In regard to losing a more desirable user because of capacity problems following this rezoning, Mr. Foegler responded that under Columbus' current posture, the answer would be no. However, Columbus' posture could change. The other factor to note is that the vast majority of prime commercial land is located on the west side of the river.

Mayor Campbell stated that if the timeframes for construction of the project are dictated by sewer capacity, the tax benefits of the project to the schools may not be realized at the anticipated amounts. Mr. Kass responded that his understanding is that Columbus' phasing in of their capacity melds with the phasing in of the finished units. As units are phased in, the city's sewer capacity will be growing as the West Branch Interceptor is constructed. By the time the project is completed in mid-1996, there would be enough capacity that it would be neutral in terms of the project's impact. Mayor Campbell stated that the process of receiving income for the schools will not be significantly impacted by the delay necessitated for the sewer.

Mr. Kass responded that it all hinges on when the units are rented or when occupancy permits are issued.

Mayor Campbell then summarized that Columbus or Dublin could then stop the process at the building permit stage or the occupancy permit stage, if necessary, for sewer capacity reasons.

Mr. Kass responded that the developer will not begin this project until the sewer capacity and water capacity issues are worked out to the satisfaction of Columbus staff and Dublin staff, that the phased-in development will not adversely impact their sewer capacity as it is being expanded in the West Branch Interceptor. But while the project is under construction with bank financing, the developer will not halt a \$14 million project due to a sewer problem. Mr. Kass assured Mayor Campbell that they will get conclusive proof that the sewer capacity needs for the project will not impinge on

**Final Development Plan  
Sycamore Ridge Apartments  
History**

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. FORM NO. 10114

Held March 7, 1994

19

Dublin's commercial development criteria and needs as the West Branch Interceptor is extended.

Mayor Campbell expressed concern that if this project is approved and there are any unforeseen problems in the future with the West Branch Interceptor construction schedule, Dublin will have the overflow problems, the halt to other development, etc.

Mr. Kass responded that 270 units could be added today without causing any capacity problems.

Mr. Foegler stressed that the two logical control points for this project would be the Final Development stage and at the point where building permits are issued.

Mr. Kranstuber moved to approve Ordinance No. 59-93 with the conditions of Planning & Zoning and the additional condition #12, as stated by Mr. Smith, that the availability of sanitary sewer service to this project shall be subject to such restrictions and/or limitations as are mutually agreed to by the City of Dublin and the City of Columbus and imposed by either entity on this project. Mrs. Stillwell seconded the motion.

Vote on the Ordinance - Mrs. King, no; Mrs. Stillwell, yes; Mr. Strip, yes; Mr. Zawaly, no; Mrs. Boring, no; Mr. Kranstuber, yes; Mayor Campbell, no. (Ordinance defeated)

Mr. Kranstuber asked for clarification about the number of votes needed to overrule Planning Commission's approval of this rezoning. Mr. Smith confirmed that, according to the Charter, any ordinance must have four votes to pass, and thus the ordinance fails.

Mrs. King asked for clarification on procedure: Do those voting on the prevailing side have the right to bring a motion for reconsideration? Mr. Smith confirmed that those voting on the prevailing side could move to reconsider the ordinance at the next Council meeting.

Ordinance No. 106-93 - An Ordinance to Accept an Annexation of 26.976 +/- Acres in Jerome Township, Union County to the City of Dublin. (Tabled Ordinance) Mayor Campbell reported that a letter was sent by Mr. Hale on behalf of the applicant requesting that this item stay on the table until March 21.

Mrs. King moved to remove Ordinance No. 106-93 from the table. Mr. Strip seconded the motion. The motion was passed unanimously. Mrs. Stillwell moved to table this item again until March 21. Mr. Strip seconded the motion. Vote on the motion - Mrs. Stillwell, yes; Mr. Strip, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mr. Kranstuber, yes; Mayor Campbell, yes; Mrs. King, yes.

Mayor Campbell noted that Ordinance No. 01-94 which is shown on the agenda as a tabled item will remain on the table pending completion of the Personnel Board's review.

Ordinance No. 08-94 - An Ordinance to Accept an Annexation of 7.356 +/- Acres in Washington Township, Franklin County to the City of Dublin, Ohio. (Third Reading) Chris Cline, representing the applicant, stated that the houses planned for this land will be priced in excess of \$1,000,000 and represent the high quality of development Dublin desires. Vote on the Ordinance - Mr. Strip, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mr. Kranstuber, yes; Mayor Campbell, yes; Mrs. King, yes; Mrs. Stillwell, yes.

Ordinance No. 10-94 - An Ordinance Waiving the Separate Bidding Requirements of Ohio Revised Code Section 153.50-52, To Enable the City to Contract with a General Contractor. (Third Reading) Mrs. Boring asked if the section allowing the final decision by the city manager is appropriate - should the approval of Council be required? Mr. Zawaly stated that he had raised this issue previously, and the memo prepared by the Law Director's office has addressed this issue. Vote on the Ordinance - Mr. Zawaly, yes; Mrs. Boring, yes; Mr. Kranstuber, yes; Mayor Campbell, yes; Mrs. King, yes; Mrs. Stillwell, yes; Mr. Strip, yes.

Ordinance No. 17-94 - An Ordinance Granting a Franchise to Columbus Company to Construct, Maintain and Operate Lines, Appurtenances

Final Development Plan  
Sycamore Ridge Apartments  
History

RECORD OF PROCEEDINGS  
Dublin City Council Meeting

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10128

Held February 7, 1994

19

The regularly scheduled meeting of the Dublin City Council was called to order by Mayor Joel Campbell at 7:30 p.m. on Monday, February 7, 1994. The Pledge of Allegiance was recited by all in attendance. Members of Council present for roll call were: Mr. Kranstuber, Mr. Zawaly, Mayor Campbell, Mrs. Boring and Mrs. Stillwell. Mr. Strip and Mrs. King were absent (excused). Mr. Hansley, Mr. Foegler, Ms. Grigsby and Mr. Smith were also present.

Proclamation

Mayor Campbell read a proclamation in honor of Engineers' Week, February 20 - 26. A second proclamation was read honoring a former Dublin High School basketball star, Brad Baldrige who has subsequently enjoyed outstanding achievements in his basketball career at Wisconsin University and in the Continental Basketball Association. February 8, 1994 was proclaimed as Brad Baldrige Day in the City of Dublin.

Approval of Minutes of January 17, January 22 and January 24, 1994 Meetings

Mrs. Stillwell moved approval of the minutes of January 17, 1994.

Mr. Zawaly seconded the motion.

Vote on the motion - Mr. Zawaly, yes; Mrs. Stillwell, yes; Mayor Campbell, yes; Mrs. Boring, yes; Mr. Kranstuber, yes.

Mr. Kranstuber moved approval of the minutes of January 22, 1994.

Mr. Campbell seconded the motion, but noted that the minutes should be corrected, in that Mr. Kranstuber did not withdraw his motion, but rather discussion took place regarding withdrawal of the motion. There was then a motion to table the consideration of a resolution.

Vote on the motion - Mr. Kranstuber, yes; Mayor Campbell, yes; Mrs. Stillwell, yes; Mrs. Boring, yes; Mr. Zawaly, yes.

Mrs. Stillwell moved approval of the minutes of January 24, 1994.

Mr. Zawaly seconded the motion.

Vote on the motion - Mayor Campbell, yes; Mr. Kranstuber, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mrs. Stillwell, yes.

Correspondence

The clerk reported that there was no correspondence to Council.

Comments from Visitors

There were no comments from visitors.

Legislation

Mayor Campbell announced that due to the large number of public hearings scheduled this evening, staff and applicants will be given 10 minutes for presentations, and public comment will be limited to 5 minutes.

Ordinance No. 59-93 (Amended) - An Ordinance Providing for a Change of Zoning of 30.891 Acres of Land, Located on the North and South Sides of Tuller Ridge Drive, to be Rezoned from: CC, Community Commercial District to: PUD, Planned Unit Development District. (Sycamore Ridge) (Public Hearing) (Applicant: Hallmark Community, c/o Jeffrey L. Brown, 37 W. Broad Street, Suite 725, Columbus, OH 43215) Registered as proponents were Harrison Smith, Jr., 37 W. Broad Street, Columbus, OH 43215; Mark Potts Schmidt; and Joseph Sullivan, 23 N. 4th Street, Columbus, Ohio. Registered opponents were Randall Roth, 6987 Grandee Cliffs Drive, Dublin, and John Ferrara, 7653 Tamarisk Court, Dublin.

Michael Szolosi, attorney representing adjoining property owner, the Vogels stated that he has provided a letter to Council tonight regarding his client's concerns about the rezoning. Mr. Szolosi would like to have the opportunity to comment at the time of third reading if they are unable to resolve the conflict described in the letter.

Ms. Clarke stated that this is a rezoning application for 30.5 acres on the north and south sides of Tuller Ridge Drive. Property is currently zoned CC, Community Commercial, and the proposal is to change the zoning to PUD, Planned Unit Development District for a 264 unit apartment complex. She then showed slides of the site and described the surrounding area. The original rezoning application included 8 additional acres which was determined to be more appropriate as a commercial site. This portion was dropped from the rezoning. Planning Commission & City Council both approved this at the concept stage. As part of this approval process, staff committed to Planning

Final Development Plan  
Sycamore Ridge Apartments  
History

DATE: 1 FEB 1994

Held February 7, 1994

19

Commission that an analysis would be done as well as an update of the area plan for the Sawmill Road/161 quadrant. Planning Commission recommended approval of the preliminary development plan at their January meeting with the following conditions:

1. That 3.6 acres of public parkland as shown on the Preliminary Development Plan, in the project's northwest corner, be dedicated to the City and that a payment in lieu of land dedication totaling \$124,000 be paid to the City;

(Ms. Clarke noted that the developer has several areas shown outlined along Tuller Ridge Drive that he would like to use as parkland to meet this requirement. Staff has been working with him on an appropriate amount of improvement to that ground to compensate for the lack of public land. The ordinance currently permits acceptance of only land or money; private improvements cannot be used to meet the ordinance.)

2. That the city engineer be satisfied relative to the number of curb cuts;

3. That the city engineer be satisfied that sufficient right-of-way exists for Tuller Ridge Drive to meet all identified needs, and that additional land be dedicated to the city by the developer to provide for the 36-foot street;

4. That the developer construct an 8-foot bike path along the north side and a 5-foot sidewalk along the south side of Tuller Ridge Drive;

5. That a Street Tree Plan be submitted for Planning staff approval, with the trees to be installed by the developer prior to occupancy;

6. That the developer submit a Tree Survey prepared by an arborist to identify all trees six inches or greater in caliper existing on the site as of January 1, 1993;

7. That a traffic impact study be prepared prior to preparation of the Final Development Plan;

8. That the CDD pavement and building setback requirements be met by the Final Development Plan;

9. That appropriate screening be provided along the entire eastern property line and the north property line against other commercial uses;

10. That all building elevations (exterior treatment) include masonry on all elevations;

11. That the existing fence along the entire east property line south of Tuller Ridge Drive be augmented by evergreens subject to staff approval.

The Planning Commission vote was 4 in favor, none opposed, and 1 abstention.

Ms. Clarke added that the condition relating to street and "grid" trees imposed by Planning Commission has already been included in the development text.

Mr. Papsidero noted that there are 270 units instead of 264. He stated that staff has examined land issues, development issues, road system and utilities, and urban design issues. The map he presented summarized staff's recommendations in graphic form for the area bounded by Sawmill, 161, Tuller and Riverside Drive. Staff looked at trying to create an overall neighborhood, a balanced approach, recognizing a need for some additional multi-family while at the same time protecting the existing uses. There is a need to meet with the public to obtain more input on planning efforts for the area.

Mr. Kranstuber asked for clarification about the appearance of the buildings under the proposed rezoning.

Ms. Clarke stated that the concept plan elevations are still part of the proposal, and the elevations of the buildings have not changed markedly since the proposal was first discussed 6 months ago. The development will resemble the Christopher Wren development in Gahanna.

Mr. Kranstuber asked about conditions #10, and whether the rear, front and side elevations will have some component of masonry.

Ms. Clarke responded that most of the masonry is on the front of the building; there was none on the back and some on both ends of the building. Planning Commission made a condition of approval that masonry be included on all elevations.

Mr. Kranstuber asked if the landscape plan has been reviewed, and Ms. Clarke responded that it has been reviewed.

Mrs. Boring asked if any citizens have been involved with the quadrant update plan shown by Mr. Papsidero.

He responded that they have not been involved to date, but staff plans to invite all of the major property owners and public in the area to review what has been done so far. It is very preliminary at this point.

Mayor Campbell noted that since the economic development plan has not been finalized, it is not possible to make a determination of the advisability of this project in this location.

**Final Development Plan  
Sycamore Ridge Apartments  
History**

Held February 7, 1994

19

Mr. Papsidero responded that the consultant has not been asked to specifically review this project. During their inventory and analysis of the city's commercial sites, they view the general area as a third tier or least desirable commercial site given its location compared to other development sites throughout the city. In the second draft, the consultant indicates that other sites are preferable due to utilities and visibility to the interstate.

Regarding the infrastructure issues, Mayor Campbell asked about any engineering work to determine whether the East branch sewer line can sustain this type of development.

Mr. Foegler responded that discussions have taken place with Columbus regarding the East branch capacity issue. Columbus has not at this point indicated to staff any recommended action regarding this specific project, but Columbus has merely expressed a concern regarding available capacity in the East branch sewer and developments or rezonings that may further restrict that capacity. Mr. Foegler added that the issue may come up at the Final Development stage of whether Columbus will approve sewer tap permits. To date, there is nothing official in writing from Columbus about this issue.

Mayor Campbell repeated the four cautions that were stated with the motion to approve the concept plan in November of 1993:

1. That the city's economic development plan is finalized and affirms that this proposal is permissible and advisable in this location;
2. That the traffic studies can be done to support the fact that this project will not adversely affect the surrounding traffic;
3. That the infrastructure needs are addressed to the satisfaction of the staff and other experts;
4. That the area plan would support this development.

Mayor Campbell asked if the traffic studies have been done.

Mr. Kindra stated that preliminary traffic studies have been done by the developer, and staff has given comments and questions to the developer's engineer for response. No response has been received to date.

Mayor Campbell asked for clarification that the amended quadrant area plan would support this proposal.

Mr. Papsidero stated that at this point, a land use analysis has been completed, but since there has been no public participation process, the results are preliminary.

Mrs. Boring asked for an update on the water pressure situation for the proposed project.

Mr. Foegler responded that water pressures in this area are satisfactory to serve the proposed development.

Harrison Smith, representing the applicant responded to the four items enumerated by Mayor Campbell. Regarding land use, all studies point to the fact that this is the highest and best use of this particular piece of property. Secondly, in terms of economic issues, the \$13.5 million investment will produce revenues now. In view of the surplus of office and retail zoned properties - estimated at a 25-year supply - this project would produce \$6 million by the year 2015, while it would produce \$1.8 million under the existing zoning. Regarding infrastructure, a traffic study has been submitted with all of the information. The proposed zoning reduces the traffic by 80 percent compared to the existing zoning. There is no conceivable need for a light at Tuller Road. They agree with all of the conditions, and understand the concern about the sewer capacity. They have no problem with the elevations with stone. They have some concerns about the curb cuts under Condition #2, and would request that it be subject to the reasonable approval of the staff. Finally, with respect to the park, the developer believes that all 3 park spaces should be counted toward their requirements, and they would then owe about \$40,000. If the two others don't count, they will owe \$128,000. The developer believes that passive parks should also be counted in the parkland requirement totals.

Mrs. Boring expressed concern that instead of producing more revenues, this development would be a drain on the city's revenues since it would add 500 more citizens.

Mr. Smith responded that users, whether residents or non-residents, produce some sort of indirect cost. The primary beneficiary of property tax is the school district.

Frank Kass, Continental Realty commented further on the revenue issues in regard to the current market value of the land.

Discussion continued about the development possibilities for this "third tier" site.

Final Development Plan  
Sycamore Ridge Apartments  
History

RECORD OF PROCEEDINGS

Held February 7, 1994

19

Mayor Campbell asked that staff or the applicant provide more than preliminary information to Council in order that Council can make effectively a permanent decision. He also asked that the applicant recall that the vote at the concept stage was 5-2, and two of the yes votes are no longer on Council. Thus the applicant needs to address the issues adequately before the time of final vote

Mr. Kass responded that over the last 8 months, they have undertaken an exhaustive study of all of the issues. He pointed out that any traffic consultant will agree that 352 adults on this site will generate far less traffic than the current zoning will generate. A traffic study has been provided. If the applicant cannot get building tap fees from Columbus and Dublin for the project, it can be "unzoned". The rezoning can be conditioned upon obtaining those taps. The infrastructure is in place. The economic justification has been addressed extensively, and this project makes financial sense. The other quadrants of Sawmill/161 all have retail with apartment communities behind them. The site is not near the school system, so it will not draw families with children.

Mayor Campbell then invited opponents to speak.

Randy Roth, 6987 Grandee Cliffs Drive stated that the East Side Civic Association is concerned about the placement of the project, and what kind of economic development potential there is for the site. They are concerned about the ratio of multi-family to other development in the area. They were hopeful of having a nice office project in this location. He questions whether this site will be a third tier site in 10 years.

John Ferrara, 7653 Tamarisk Court expressed concern about creating an isolated community through this spot zoning. There are already hundreds of multi-family units approved on the east side of the river. It is important to look at the total picture.

Mr. Zawaly asked about the traffic study. He has not been given a copy to date.

Ms. Clarke responded that there was an economic development study prepared last year as part of the concept plan. This was not distributed to the new members of Council.

Mr. Smith agreed to provide another copy of the economic development study to all members of Council.

Mr. Kranstuber asked why the traffic study by MS Consultants was not forwarded to Council, and why Council was led to believe the study was not done.

Mr. Kindra responded that the developer never consulted with staff about the scope of the study. Staff has provided a letter, dated January 26, about what needs to be included in the study. He offered to go over the letter with Council.

Mayor Campbell suggested that Mr. Kindra provide a copy of his January 26 letter to Council.

Mr. Zawaly added that he would like to see what has been done to address the water pressure and fire protection issues previously raised by Chief Bostic.

Mr. Foegler will provide this information to Council.

Ms. Clarke stated that the traffic study was not distributed to Council because it was technical data and not the city engineer's recommendation. Secondly, regarding the landscape plan, it has been analyzed by the city; however, since this is not a final development plan, the plants included could change.

Mr. Kranstuber stated that the percentage of use of white pines disturbed him.

Mr. Smith requested that Council table the third reading until the March 7 meeting so that all of the issues can be adequately addressed. He added that he would also like to confirm his request that Council table Ordinance No. 06-94 until March 7.

Ms. Stillwell moved to table the third reading of Ordinance No. 59-93 from February 21, 1994 to March 7, 1994. Mr. Kranstuber seconded the motion.

In response to Mrs. Boring's question about reasons for the tabling, Mr. Smith stated that they need time to resolve a problem with the adjoining property owner, Mr. Vogel; Mr. Smith is unable to attend the February 21 meeting; the traffic study must address the city engineer's concerns; and the capacity concerns from Columbus must be addressed.

Vote on the motion - Mrs. Stillwell, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mr. Kranstuber, yes; Mayor Campbell, yes.

Final Development Plan  
Sycamore Ridge Apartments  
History



## RECORD OF ACTION

### DUBLIN PLANNING AND ZONING COMMISSION

JANUARY 6, 1994

The Planning and Zoning Commission took the following action in the application below at its regular meeting:

- 1. Rezoning Application Z93-007 - Preliminary Development Plan - Sycamore Ridge**  
**Location:** 30.8 acres consisting of two tracts, located on the north and south sides of Tuller Ridge Drive.  
**Existing Zoning:** CC, Community Commercial District.  
**Request:** PUD, Planned Unit Development District, review and approval of Preliminary Development Plan under Section 1181.07.  
**Proposed Use:** Development of 270 apartment units and  $\pm$  7.72 acres of parkland.  
**Applicant:** Hallmark Communities, c/o Mark Pottschmidt, 150 East Broad Street, Suite 505, Columbus, OH 43215, represented by Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Columbus, OH 43215.

**MOTION:** To approve this Preliminary Development Plan with the following 11 conditions:

- 1) That 3.6 acres of public parkland as shown on the Preliminary Development Plan, in the project's northwest corner, be dedicated to the City and that some combination of additional parkland and a payment in lieu of land would be negotiated between the developer and Staff;
- 2) That the City Engineer be satisfied relative to the number of curb cuts;
- 3) That the developer provide sufficient right-of-way to the satisfaction of the City Engineer, to accommodate the existing 36-foot pavement, an eight foot bikepath on the north side and a five foot sidewalk on the southside of Tuller Ridge Drive, two seven foot tree lawns, and two feet for curbs and gutters;
- 4) That a Street Tree Plan be submitted for Planning staff approval, with the trees to be installed by the developer prior to occupancy;
- 5) That the developer submit a Tree Survey prepared by an arborist to identify all trees six inches or greater in caliper existing on the site as January 1, 1994, to identify all landmark trees, to provide for a preservation plan and appropriate construction practices. The developer will be required to preserve all existing fencerows on the site and to locate utilities no closer than 15 feet;
- 6) That a traffic impact study be prepared prior to preparation of the Final Development Plan, as addressed above and as required by the City Engineer;
- 7) That the CDD pavement and building setback requirements be met by the Final Development Plan;

Page 1 of 2

Final Development Plan  
Sycamore Ridge Apartments  
History



CITY OF DUBLIN

**RECORD OF ACTION**

**DUBLIN PLANNING AND ZONING COMMISSION**

**JANUARY 6, 1994**

**Rezoning Application Z93-007 - Preliminary Development Plan - Sycamore Ridge (Cont.)**

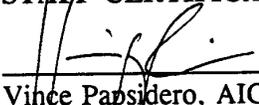
- 8) That appropriate screening be provided along the entire eastern property line, the northern property line to screen adjacent commercial uses, and adjacent to any other commercial property, as per the landscape code;
- 9) That all street and "grid" trees planted on site will have a minimum caliper of 3 inches with numbers verified on the Final Development Plan;
- 10) That all building elevations (exterior treatment) include masonry; and
- 11) That the existing fencerow along the entire east property line south of Tuller Ridge Drive be augmented by evergreens subject to Staff approval.

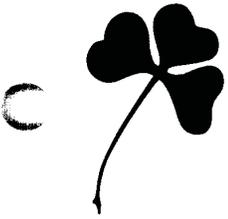
\*Harrison Smith, Smith and Hale, agreed to the above conditions.

**VOTE:** 4-0-1.

**RESULT:** This Preliminary Development Plan was approved with conditions.

**STAFF CERTIFICATION**

  
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Vince Papsidero, AICP  
Senior Planner



**MEETING MINUTES**

**PLANNING AND ZONING COMMISSION**

**January 6, 1994**

**CITY OF DUBLIN**

1. **Rezoning Application Z93-007 - Preliminary Development Plan - Sycamore Ridge (Approved 4-0-1.)**
2. **Revised Final Development Plan - Earlington Village - Asherton Apartments (Approved 5-0.)**
3. **Development Plan - Perimeter Center - Metatec Corporation - 7001 Discovery Boulevard (Approved 5-0.)**
4. **Rezoning Application Z93-025 - Bell Property (Amended to R-2; Approved 5-0.)**
5. **Rezoning Application Z93-016 - Amended Preliminary Development Plan - JALL Investments - McSwain Carpets (Approved 5-0.)**
6. **Rezoning Application Z93-026 - Preliminary Development Plan - Shannon Glen (Tabled 5-0.)**
7. **Rezoning Application Z93-024 - Revised Preliminary Development Plan - 6365 Riverside Drive - Neat Nests (Approved 5-0.)**
8. **Final Development Plan - 4935 Frantz Road - Frantz Road Family Medical Building (Approved 5-0.)**
9. **Final Plat - Trinity Park, Section 1 (Approved 5-0.)**

The meeting was called to order by Chairman Jim Manus at 6:30 p.m. Mr. Manus introduced the new Council liaison member, Chuck Kranstuber. Other Commissioners in attendance were Warren Fishman, George Peplow, and Ron Geese. Mr. Rauh was absent. Staff members present were Terry Foegler, Bobbie Clarke, Lisa Fierce, Mary Newcomb, Tom Rubey, Vince Papsidero, Balbir Kindra, Randy Bowman, Janet Jordan, Ken Johnstone, Mitch Banchevsky, and Libby Farley. The hearing procedure was explained.

Warren Fishman made a motion to approve the minutes of December 2, 1993. The motion was seconded by George Peplow. The vote was as follows: Mr. Fishman, yes; Mr. Geese, abstain; Mr. Manus, yes; Mr. Peplow, yes; and Mr. Kranstuber, abstain. (Approved 3-0-2)



1. **Rezoning Application Z93-007 - Preliminary Development Plan - Sycamore Ridge**

Vince Papsidero presented this case and display boards. This is a Preliminary Development Plan for rezoning of  $\pm 30$  acres from CC, Community Commercial District to the PUD, Planned Unit Development District for 270 dwelling units. The Commission had requested a Sawmill/161 area plan update; and, Staff has preliminary land use recommendations. Staff has conducted an inventory and analysis of: planning issues, land use, zoning, public services, thoroughfares, land suitability, and urban design to determine the appropriate future use for the area. He presented several study area maps showing undeveloped land and recommended land use. Focus

**Final Development Plan  
Sycamore Ridge Apartments  
History**

was on creating a neighborhood, and where additional multi-family development parks, roads and transitional uses might be appropriate. This area has previously been looked upon as one of substantial commercial development and whether multi-family would work here is a key question.

Staff felt there was a need to expand multi-family to create a focused neighborhood environment beyond one development. Staff supports the proposed development from a land use perspective; it makes sense in this location. It can be the focus for a large mixed-use neighborhood environment which is a goal of the current Community Plan.

Staff recommends approving the Preliminary Development Plan for 8.75 dwelling units per acre, with the following eight conditions:

- 1) That 3.6 acres of public parkland in the project's northwest corner, be dedicated to the City and that some combination of additional parkland and a payment in-lieu of land dedication (maximum \$124,000) be agreed upon between Staff and developer;
- 2) That the City Engineer be satisfied relative to the number of curb cuts;
- 3) That the developer construct an eight-foot bikepath along the north side and a five-foot sidewalk along the south side of Tuller Ridge Drive;
- 4) That the developer provide sufficient right-of-way to the satisfaction of the City Engineer to accommodate the existing 36-foot pavement, and eight foot bikepath on the north side, a five foot sidewalk on the southside, seven foot tree lawns, and two feet curb and gutter.
- 5) That the developer submit a Tree Survey be prepared by an arborist to identify all trees six inches or greater in caliper existing on the site as January 1, 1994, to identify all landmark trees, to provide for a preservation plan and appropriate construction practices. The developer will be required to preserve all existing fencerows on the site and to locate utilities no closer than 15 feet;
- 6) That a traffic impact study be prepared prior to preparation of the Final Development Plan, as addressed above and as required by the City Engineer;
- 7) That the CDD pavement and building setback requirements be met by the Final Development Plan; and
- 8) That appropriate screening be provided along the entire eastern property line, the northern property line to screen adjacent commercial uses, and adjacent to any other commercial property, as per the landscape code;
- 9) That all street and "grid" trees planted on site will have a minimum caliper of 3 inches with numbers verified on the Final Development Plan;
- 10) That all building elevations (exterior treatment) include masonry; and
- 11) That the existing fencerow along the entire east property line south of Tuller Ridge Drive be augmented by evergreens subject to Staff approval.

Mr. Peplow asked how many acres were being considered. Mr. Papsidero said there were approximately 45 acres appropriate for multi-family use.

The applicant has revised the plan based on meetings with Staff. The parkland was placed in the northwest corner, with additional openspace in two other locations. Staff would like to work more with the applicant to resolve what the parkland requirement should be to the City and a

balance in lieu fee. The density has been changed to 8.74 dwelling units per acre from 8.55 due to the location of the parkland being changed.

Mr. Manus asked that if being incorporated within a commercial development area made the parkland more critical to the overall success of the development. Mr. Papsidero agreed and said the Code provided that a certain amount of private recreation space could be credited towards the mandatory requirement of 7.6 acres. Mr. Manus felt that if it were being used as a marketing tool, no one would have access to it for recreation. Mr. Papsidero said it still needed to be resolved before going to Council.

Mr. Papsidero said other unresolved issues were the width of the right-of-way along Tuller Ridge Drive, submission of a tree survey and a street tree plan, a traffic impact study, meeting Corridor Development District pavement and building setback requirements, and screening along the property line adjacent to the Data Base. In regards to the Final Development Plan, the off-street parking is short. It has 2.2 parking spaces per dwelling unit and under Code 2.5 spaces are required.

Mr. Kranstuber asked if this was correlated with the Mt. Alburn Associates and their preliminary findings. Mr. Papsidero said the entire area had been discussed as part of their overall economic analysis of the City. They felt this area, because of its poor visibility, did not have commercial marketability comparable to Tuttle Crossing, Perimeter Center, or Metro Center. Because of this and the large supply of commercial land, some residential development might occur in this area based on the City's prior planning policy stated.

Harrison Smith, Smith and Hale, 37 West Broad Street, represented the applicant. He said he would send a letter of agreement to the conditions of approval to the City the next week.

Mr. Smith said, based on the findings their consultant, Claire Sawaya Hazucha of Project Control Systems, from an economic standpoint, this is a better product for the City and its school district. The land use issue would in terms of the same people, the consultant, Staff, and the applicants, be an acceptable and permissible use in this location. He said twenty years ago, Muirfield was done on a handshake. Quality always is desirable.

Mr. Smith said the parkland will have facilities for the public. There is an eight-foot bikepath. When totaling all this area, the parkland requirement is met. He questioned whether there would be a credit for either area as parkland contribution. Mr. Smith understood that an in lieu fee would be necessary.

He understood the condition regarding the number of curb cuts, but he reserved the right to discuss how many were necessary. They do not want to force internal circulations which are irrational and unnatural in this area.

The wider right-of way for Tuller Road is not a problem according to Mr. Smith. They know it has to include a certain highway width, a sidewalk, and an eight-foot bikepath. He agreed to provide the bikepath, the street tree plan and tree survey.

Mr. Smith said a preliminary traffic impact study by Jim Bixby, of MS Consultants indicated that the rezoning would reduce the number of trips out of the area by eighty percent. A traffic signal would be warranted for 8 hours, and the intersection did not meet one hour. There was no numeric reason for a traffic signal. The traffic impact study will be completed by the Final Development Plan stage and he favors requiring a uniform traffic impact study be submitted for all Final Development Plans.

Mr. Smith said they counted parking spaces as being the correct number and the screening was appropriate. Mr. Kass will address these items later.

Mr. Smith said a letter of agreement would be sent to the City stating that the applicant understands and acknowledges Conditions #1 through 10, as explained by the Staff. He noted that the specific amount of money in condition #1 was unresolved.

Mr. Frank Kass of Continental Real Estate Companies, said 7.6 acres of parkland was being provided. The \$124,000 figure given in the Staff Report did not account for the children's park on site, thus computing a four acre shortage. He agreed in concept but wanted a definition of public or private park from Staff.

In addition to the 2.2 parking spaces per unit shown on the plan, Mr. Kass said there was an additional 150 parking spaces behind the attached garages (in driveways) for the 150 townhouses. Sixty units will not have garages. This makes the parking spaces per unit 2.8.

Mr. Kass said the density had changed to 8.7 dwelling units per acre from 8.5 on the previous plan because of the parkland requirement. Mr. Fishman was disappointed that it was still over 8 dwelling units per acre.

Mr. Fishman asked if the detention basins could be made wet basins. Mr. Kass did not think they would hold the water.

Mr. Cordell Schroeder, General Manager, Data Base of Ohio, said it is an off-site data security company that services banks and insurance companies. They moved to Dublin because of the Community Commercial zoning which would prevent any other type of business or development from diminishing the value of their property. Data Base is strongly opposed to the rezoning of this property. A multi-family development would significantly reduce their ability to market their service to their customers who have bought a certain quality and location based on the conditions presented. If the apartments were there before Data Base chose their site, they would not have built here. A letter presented to the Commission by Mr. Schroeder went into more detail. A residential area would be less appealing because of added traffic activity. Data Base has traffic in and out of their facility 24 per day and this would not be attractive to residential neighbors.

Mr. Kranstuber felt that if this property were developed into a high-quality multi-family development that it would protect the property values. Mr. Schroeder said it might increase the property value but it would definitely diminish the value of the business.

Mr. Michael Szolosi, Attorney, represented Jack Vogel whose property adjoins the proposed development. He said Mr. Vogel is opposed to this rezoning. Mr. Szolosi requested that the Commission take no action until discussed with the adjoining landowners. There were many unanswered questions. A large tax base should not be abandoned quickly; it was carefully planned. Efforts to develop commercial land owned by Mr. Vogel will be diminished if this land is down zoned to the multi-family use. Mr. Szolosi requested meeting with the applicant. He said the screening issue had not been resolved. Mr. Vogel did not want the screening on his property. Mr. Szolosi asked if Tuller Ridge Road was to be extended for a fire safety issue. Mr. Vogel feels there are unresolved drainage problems. Water still pours through his property from the Dublin Village Center. The water creates a gully which empties onto the property. The buffer zone on the east end of this development needs to be addressed. Is it on their property?

Vince Papsidero clarified Conditions #3 and 4. Condition #3 was a misstatement and he requested that it be deleted. Condition #4 should be revised to state "That the developer provide sufficient right-of-way to the satisfaction of the City Engineer to provide for existing 36-foot street width, an eight-foot bikepath, a five-foot sidewalk, two seven-foot tree lawns and two feet for curb and gutter (one foot for each side)." A 65 foot right-of-way is what it turns out to be. Mitch Banchevsky said this would meet the legal description requirements.

Ms. Clarke said this is a Preliminary Development Plan which combined a rezoning application and a preliminary plat. Architectural plans have already been submitted by the developer with the Concept Plan.

Mr. Banchevsky said the City Charter required four affirmative votes for recommendation of a rezoning to Council. Mr. Kranstuber reminded Mr. Smith that Council would appoint new members next month and with seven members it might be more fair. Mr. Banchevsky said the applicant knew and elected to go forth.

Mr. Smith said the road extension is Mr. Vogel's responsibility when he develops his property. A condition for screening has been given already. Mr. Smith said neither Wendy's nor Schottensteins has any problem with the rezoning.

Mr. Manus asked if there had been any dialogue with either adjacent property owner. Mr. Kass said Mr. Vogel was not in attendance at the November meeting but his son and a representative from the Galbreath Company was. Mr. Kass spoke with them briefly and they said they were not opposed to this proposal. Mr. Kass said these were public meetings and when the neighbors had a complaint, their comments should be made at the meeting and they would be addressed then. Mr. Kass then asked for a vote.

Mr. Fishman asked what the buildings would look like. Mr. Kass presented renderings of the project. Joe Sullivan of Sullivan and Gray Architects said stone would be used in lieu of the brick shown. It was estimated that the structures would have 45 percent masonry, but there would be a sensitive mix. Mr. Fishman was concerned that the rear elevations had vinyl siding.

Mr. Kass said the grass from parking lot to building had been doubled from 10 to 20 feet and there was masonry on the rear of every building.

Mr. Fishman asked if the buffer between Mr. Vogel and this property would be on the applicant's property. Mr. Kass said it would be.

John Reiner of Oakland Design Associates, said the buffer would be mounded and heavy with trees. Mr. Fishman asked if every tree shown on the plan would be there and what caliper they were. Mark Potts Schmidt agreed that the trees shown would be 3 inches in caliper. Mr. Reiner said a mound would be built up to protect the neighbors' properties and white pine trees would be placed on the mound. He said the screen would be a minimum of eight feet with the mound.

Ms. Clarke asked where the eight-foot screen would be placed. Mr. Reiner said it would be placed along the entire east property line.

Mr. Kranstuber asked where the white pines would be placed. The white pines should be as a supplemental screen, not in the interior. Mr. Reiner said it would be a deciduous forest to tie into the architecture of the buildings and actually London Planes would be used.

Mr. Kranstuber asked if there was more parking than necessary. Mr. Reiner agreed. Ms. Clarke said this should be studied at the Final Development Plan stage. It was not a rezoning issue.

Mr. Szolosi re-addressed the Commission and requested that this application be tabled.

Mr. Kranstuber made the motion to approve this Preliminary Development Plan with the following eleven conditions:

- 1) That 3.6 acres of public parkland as shown on the Preliminary Development Plan, in the project's northwest corner, be dedicated to the City and that a payment in-lieu of land dedication totaling \$124,000 be paid to the City;
- 2) That the City Engineer be satisfied relative to the number of curb cuts;
- 3) That the developer provide sufficient right-of-way to the satisfaction of the City Engineer to accommodate the existing 36-foot pavement, and eight foot bikepath on the north side, a five foot sidewalk on the southside, seven foot tree lawns, and two feet curb and gutter.
- 4) That a Street Tree Plan be submitted for Planning staff approval, with the trees to be installed by the developer prior to occupancy;
- 5) That the developer submit a Tree Survey be prepared by an arborist to identify all trees six inches or greater in caliper existing on the site as January 1, 1993, to identify all landmark trees, to provide for a preservation plan and appropriate construction practices. The developer will be required to preserve all existing fencerows on the site and to locate utilities no closer than 15 feet;
- 6) That a traffic impact study be prepared prior to preparation of the Final Development Plan, as addressed above and as required by the City Engineer;
- 7) That the CDD pavement and building setback requirements be met by the Final Development Plan;

- 8) That appropriate screening be provided along the entire eastern property line, the northern property line to screen adjacent commercial uses, and adjacent to any other commercial property, as per the landscape code;
- 9) That all street and "grid" trees planted on site will have a minimum caliper of 3 inches with numbers verified on the Final Development Plan;
- 10) That all building elevations (exterior treatment) include masonry; and
- 11) That the existing fencerow along the entire east property line south of Tuller Ridge Drive be augmented by evergreens subject to Staff approval.

Mr. Harrison Smith agreed to the additional conditions of approval and said a letter of acknowledgement from he and Mr. Kass would be sent to the City stating such.

Ms. Clarke clarified the intent of the last four conditions with Mr. Kranstuber.

Mr. Peplow seconded the motion. The vote was as follows: Mr. Fishman, yes; Mr. Geese, abstain; Mr. Manus, yes; Mr. Peplow, yes; and Mr. Kranstuber. (Approved 4-0-1)

## **2. Revised Final Development Plan - Earlington Village - Asherton Apartments**

Tom Rubey presented this case and slides of the area. This is a revised Final Development Plan for the last two villages of the Asherton Apartments. The request is a change in the building materials and exterior elevations for several buildings. The complex is 88 acres, with five villages containing twelve buildings each. The Final Development Plan was approved in July 1986 for 538 apartments. The first phase of 322 units was built in 1986. Each village contains three building designs: A, B, and C. The site plan and layout will remain as previously approved. The type of apartment units in the A buildings and some of the exterior elevations and building materials the B buildings are being modified.

This application was heard and tabled at the December 2, 1993 meeting so the applicant could respond to concerns raised. The entrances to these buildings will no longer be accessed from the side elevations but from the front. The applicant said one of the concerns was the proposed elimination of the bay windows. He has proposed to replace the bay window element with a masonry-type section. Two small masonry gable elements break up an extended vertical plane. The stairwell has been reset and the gable roof has been extended forward. The side elevation has changed dramatically. The majority of the front elevation of the second building design is masonry, and there will be three recessed stairwells. The chimneys have masonry in addition to three masonry elements.

Staff is recommending approval of this revised Final Development Plan with five conditions:

- 1) That water lines and hydrants be tested and accepted to meet the requirements of the Fire Chief;
- 2) That the applicant submit a final plat for the Asherton Development that includes the location of all private streets, easements, and the dedication of Brand Road;

Final Development Plan  
Sycamore Ridge Apartments  
History

RECORD OF PROCEEDINGS

DAVISON LEGAL BLANK CO. FORM NO. 10188

Held November 15, 1993

19

Mayor Rozanski asked for clarification of Condition #7.

Ms. Clarke stated that lots 28-31 are to have driveways that go onto Balfoure Circle and no driveways that go onto Brand Road. The plat shows no vehicular access from these lots onto Brand Road.

Mr. Campbell thanked the developer for his efforts in moving the trees to improve the appearance along Brand Road.

Mr. Sutphen moved the addition of Condition 11 calling for the replacement of trees which die within one year from the date of approval of the final plat with 8-foot trees of a similar species.

Mrs. King seconded the motion.

Vote on the motion - Mayor Rozanski, yes; Mr. Campbell, yes; Mr. Amorose, yes; Mrs. King, yes; Mr. Kranstuber, yes; Mr. Sutphen, yes.

Mrs. King moved to approve the final plat with the 11 conditions stated.

Mr. Sutphen seconded the motion.

Vote on the motion - Mr. Amorose, yes; Mrs. King, yes; Mr. Kranstuber, yes; Mr. Sutphen, yes; Mr. Campbell, yes; Mayor Rozanski, yes.

Final Plat - Wyndham Village Section 2 (Applicant: M/I Schottenstein Homes, c/o Bill Westbrook, 41 S. High Street, Suite 2410, Columbus, OH 43215)

Ms. Clarke noted that this final plat is for 20 acres located northwest of Avery Road and Wexford Drive consisting of 52 lots. This plat was approved by Planning Commission in February with several conditions:

1. Submission of a street tree plan subject to staff approval;
2. Demonstration of the developability of Lots 97, 99, 102, 117, 134, and 135 without variances or reconfiguration of same;
3. Demonstration that the park land set aside shall meet the plan approved for the rezoning and the preliminary plat;
4. Modification of the drawing to indicate its title as a final plat;
5. Installation of a concrete bike path where it runs in front of homes;
6. Provision of easements for all public utilities located outside the right-of-way; and
7. Design of streets, rights-of-way (as explained), grading plans, utilities, and drainage to be in accordance with City of Dublin standards, MORPC guidelines, and as approved by the City Engineer.

There was also a waiver of Section 1107.04 to permit the reconfiguration of the right-of-way at intersections, and this has been incorporated on the plat.

Staff recommends approval with these conditions.

Mr. Sutphen moved to approve the final plat with the conditions stated above.

Mr. Amorose seconded the motion.

Vote on the motion - Mr. Kranstuber, yes; Mr. Campbell, yes; Mrs. King, yes; Mayor Rozanski, yes; Mr. Amorose, yes; Mr. Sutphen, yes.

Concept Plan - Sycamore Ridge (Applicant: Hallmark Communities, c/o Mark Pottschmidt, 150 East Broad Street, Suite 505, Columbus, OH 43215, represented by Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Columbus, OH 43215.)

Ms. Clarke stated that there has been a rezoning application filed on this property for some time. It involves part of the old Bash Golf course. The rezoning application started out as three sites, including one that had frontage on Tuller Road. After one discussion at the Planning Commission, the application was amended to request PUD zoning and to delete the portion that fronted on Tuller Road. The two tracts combined are 30.8 acres and the current zoning is Community Commercial district. Immediately to the north of the site are office warehouses and some agricultural property. To the west is the Bash Driving Range, to the south is Wendy's International, and to the east is an undeveloped residential parcel for which there are commercial proposals. This is a downzoning, and Planning Commission reviewed it on several occasions. Planning Commission requested information from the developer related to the economic potential and benefit to be derived from this property if it were developed either commercially or as the developer is currently proposing. This proposal calls for 264 multi-family units, similar in design to a project called "Christopher Wren" on Morse Road in Gahanna. Planning Commission recommended approval of the concept plan with five conditions:

1. That active parkland be provided adjacent to the western property line south of Tuller Ridge Road to provide for future expansion if adjacent properties develop in a residential use;
2. That access drives be consolidated along Tuttle Ridge Drive;

Final Development Plan  
Sycamore Ridge Apartments  
History

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. FORM NO. 1014B

Held November 15, 1993

19

3. That buffering be provided meeting Code to mitigate land use conflicts on the east, north, northeast, and west property lines;
4. That a sidewalk be indicated along the north and east side of Tuller Ridge Drive including in front of the Data Base of Ohio property and a bikepath be indicated on the south and west sides, subject to the approval of the Parks Director. Both improvements are to be constructed by the developer; and
5. That prior to submission of the preliminary Development Plan, the City will complete to a satisfactory level the economic study and an area plan update that will allow the determination whether this development should proceed further.

Ms. Clarke noted that staff believes the biggest problem with this application is that planning documents for this area are outdated. The area that is commercially zoned in the Community Plan was designated for commercial purposes. While this area meets the criteria established for location of multi-family projects, it was not an area where multi-family was designated as a desired use. The staff is willing to update the Plan in the most expeditious fashion possible, and the developer has offered his assistance in providing an outside consultant to assist staff in the Plan update. In terms of quality of development, staff believes that this project is clearly one which would benefit the Dublin community. She added that the concept plan is a non-binding review, and if approved, the applicant will proceed to submit a formal rezoning application.

Harrison Smith, representing applicant Hallmark Communities, stated that Frank Kass is the major investor in this quadrant of the city. The site is currently zoned retail and office and the applicant has this under contract at \$48,000 per acre.

At this point (9:45 p.m.), Mr. Strip arrived at the meeting.

Mr. Smith stated that they have been working over the past few months to determine the future of this piece within the existing zoning. There is an enormous supply of property zoned in this way in the City of Dublin - nearly 100 years of supply, in fact. He noted that Claire Sawaya Hazucha will now present information about this proposal and its effect on the school system and the city.

Claire Sawaya Hazucha, consultant from Project Control Systems stated that they were retained by the developer to study the economic impact of this project consistent with staff's request. She thanked Mr. Foegler for sharing preliminary information from the City's economic development consultants. She pointed out that Council has received a copy of the tax and demographic projections they have compiled and proceeded to review the contents of the report. In summary, she stated that the most recent municipal and school district data serve to confirm that development of Sycamore Ridge will be of significant positive benefit to the City of Dublin and its schools.

Mr. Harrison stated that the school conclusions were shared with the schools last week, and they do not take any exception to the conclusions. Tentatively, staff and the developer agree that \$13.5 million spent in the next year on a project such as this produces revenue to the schools and to the city that is of a sufficient size, timed right, that the projections for office and retail development would never catch up. He commented further on the likelihood of commercial or retail development on this site. He added that the Planning Commission has approved this concept plan unanimously. He understands thoroughly that this approval is non-binding.

Joel Sullivan, Sullivan and Gray Architects stated that Christopher Wren in Gahanna recently won an award from the City of Gahanna as the finest project constructed in the multi-family category. This project will be very similar to Christopher Wren, but stone will likely be used for the finish instead of brick. They are working closely with staff to respond to issues of traffic and parks. He pointed out the various features on the concept plan. He offered to answer any questions from Council.

Mr. Campbell stated that he would like to know under what assumptions the projected income tax figures were generated in the chart from Project Control Systems.

Ms. Hazucha responded that based on the demographic data at Christopher Wren with respect to how close residents of the project work in relation to their residence, an arbitrary assumption was made that 25 to 30 percent of the residents will potentially work in Dublin. They made no attempt to include the approximately \$150,000 of income tax related to the actual construction labor. They did not try to estimate the impact of @\$13,000,000 in annual income to be spent somewhere, presumably a large percentage would be spent in the surrounding area.

Mr. Campbell noted that the pending preliminary economic development study basically waves red

Final Development Plan  
Sycamore Ridge Apartments

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held November 15, 1993

19

flags to the city regarding additional single-family development and to letting go of any remaining commercial land inventory in order to maintain current levels of city services. The issue is whether to sacrifice theoretically money-producing commercial land for multi-family.

Ms. Hazucha responded that they were pleased that the general direction of their data is consistent with the preliminary findings of the economic development study.

Frank Kass, developer stated that the Christopher Wren units in Gahanna are one mile east of the Limited headquarters. Presently about 15 percent of the residents are Limited employees. Apartments are usually occupied by people moving into town who are not ready to commit to buying a permanent residence. In the Dublin location, they anticipate people who move to Dublin for a job would choose the Sycamore Ridge location based on the proximity to Dublin retailing. He submitted a copy of a letter noting that the Tuller Road land was revalued for tax purposes in an appeal filed by Squires, Sanders on behalf of National City Bank. The land was revalued in half at @\$75,000 per acre. It is now under contract at \$48,000. The contiguous property owners - Wendy's, Schottenstein - are all in favor of a high quality multi-family development. He also commented that this project will actually cost about \$14.5 - \$15 million.

Mr. Amorose expressed concern about the traffic generated from this type of development in consideration of the delays in the widening of 270 and 161.

Mr. Smith responded that this is a downzoning and will produce less traffic than development under the existing zoning. Much of the traffic will be internal due to the proximity of retail establishments, restaurants, etc. He recognizes that at a later stage, they will have to produce traffic studies that determine the developer's obligations.

Mr. Kranstuber asked if the developer is willing to construct this project without vinyl siding. Mr. Kass responded that vinyl siding is what they have used on this particular product. He suggested that Council look at the vinyl siding in its application with the stone and brick.

Mr. Kranstuber asked if they plan to meet the parkland requirements or contribute cash plus a smaller park space.

Mr. Smith responded that they have looked at two different programs for parkland. They are willing to do either plan, but prefer Plan A located along the frontage.

Mr. Kass then proceeded to locate the site on an area map and described the land uses around the property. He added that Wendy's is considering putting the land behind their office building on the market for office space and as part of that, expand Shamrock onto Tuller Ridge. Secondly, the Vogels who own the land to the east are considering commercial use on the eastern part of their property and are considering expanding Tuller Ridge Road from Penzone's on down. Thus, development in the area will spur additional development and road connections.

Mr. Kranstuber stated that the quality of the project appears excellent. The decision to be made is whether Council is willing to rezone this piece.

Discussion continued by Mr. Smith and Mr. Kass about the economic advantages of this downzoning.

Mr. Strip asked Chief Bostic to comment about adequate water pressures for the area. Chief Bostic commented that in November of last year, they worked with the Engineering Department to develop standards for the City of Dublin. Within multi-family, there is a requirement of 2,000 gallons per minute. He believes that the capacity exists, but he would like to work with the developer to make sure that pressures are adequate.

Mr. Strip took issue with the argument that the property would generate \$2,000 per student - that would be true no matter where the units were built. It is not site driven. Secondly, the real issue is whether the city is willing to wait for commercial development in this area. If apartments are built, it will never be commercial. He also takes issue with the income tax generated - the income tax is driven by where people work, not by where they live.

Mrs. King commented that Council is not ready to make decisions based on the preliminary report from Mt. Auburn Associates as that report is not yet in final form. Secondly, Council would be pleased to have this product somewhere in Dublin - but perhaps not at the proposed location. She added that the traffic issues cannot truly be resolved until 270 is widened. She urged the developers to work to speed up the widening of 270 and the widening of 161.

Final Development Plan  
Sycamore Ridge Apartments

History

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. FORM NO. 10128

Held November 15, 1993

19

Mr. Sutphen commented that he does not question the quality of the proposal, but he has a problem with changing this from commercial zoning. This area is suitable for the start-up small businesses coming to Dublin. The traffic is already a major problem on Sawmill and 161, and he is concerned about adding additional traffic in this already overcrowded area.

Mayor Rozanski commented that the current comprehensive plan for the city does state that limited multi-family is permissible in this area.

Ms. Clarke stated that the Community Plan states that the appropriate places for multi-family are on the perimeters of activity areas, and the Dublin Village Center and entire Sawmill area was one of the areas designated as a high activity area.

Mayor Rozanski believes that if this project spurs commercial development in the area, then it will be a plus as there is currently no development taking place in the area.

Marcia Wood, 4300 Bright Road offered comments on the proposal, stating that Sycamore Ridge represents a major shift in the area's land use. Downzoning to PUD opens the way to downzone the remaining acres of undeveloped land adjoining this piece. Approval of this land use will set a precedent for other developers. She is hopeful that the residents of east Dublin are included in the process of updating the area plan. She does not want a developer updating the master plan. Council should not dump this commercially-zoned land, but should instead draw commercial construction starts to Dublin. She noted that the east side has not yet felt the impact of the already approved 640 multi-family units north of this area between Sawmill and Riverside Drive. There are an additional 486 units on the drawing board in Columbus off of Billingsley Road. She pointed out the existing roadway problems of the area. She asked that Council give the Tuller Road area to recuperate before any decision is made to downzone. The entire issue is really whether there should be multi-family in this location at all. She asked that Council give the developer a resounding "no" vote.

Mr. Kass commented that they are tonight seeking a vote on a concept that would need to be substantiated by the infrastructure study, a traffic study, economic impact study, and the impact on the entire area plan.

Mr. Kranstuber moved approval of the concept plan.

Mr. Campbell seconded the motion, with incorporation of the following cautions:

1. That the city's economic development plan is finalized and affirms that this proposal is permissible and advisable in this location;
2. That the traffic studies can be done to support the fact that this project will not adversely affect the surrounding traffic;
3. That the infrastructure needs are addressed to the satisfaction of the staff and other experts;
4. That the area plan would support this development.

Mr. Kranstuber accepted the amendment to his motion.

Mr. Strip commented that it is important to note that if all of these criteria are met, it does not necessarily follow that Council will approve the plan at the next stage.

Mr. Campbell emphasized that the vote is a non-binding one on a concept plan. He added that if any one of the four conditions is not met, the development will not take place.

Mayor Rozanski cautioned that the new Council in January may also take a different approach to the proposal.

Vote on the motion - Mr. Campbell, yes; Mrs. King, yes; Mr. Kranstuber, yes; Mr. Strip, no; Mr. Sutphen, no; Mr. Amorose, yes; Mayor Rozanski, yes.

**Discussion of Representative to Dublin Convention & Visitors Bureau Appointment**

Mayor Rozanski noted that Council members received a copy of a letter sent to him regarding a change in the composition of the Convention Bureau's board. In the past, City Council had two representatives, but the new composition calls for one representative to be appointed by Council each year. The DCVB is requesting that Council modify their previous appointments by the end of November.

Mr. Campbell asked how this decision could be unilaterally made by the Convention Bureau - shouldn't Council have some input on this?

Mr. Strip stated that, as he understands it, some of the terms were eliminated during the term itself - and he is troubled by this.

**Final Development Plan  
Sycamore Ridge Apartments  
History**

RECORD OF PROCEEDINGS

DATION LEGAL BLANK CO. FORM NO. 1014E

Held November 15, 1993 19    

Mr. Campbell stated that he assumes this is a statutorily created body where terms are set by ordinance.

Mr. Amorose commented that as a member of Finance Committee, he is disturbed about this situation. The Finance Committee does an extensive review of all of the bed tax applications, yet the DCVB is funded each year by over \$200,000 of bed tax funds with no accountability for the funds. He has concerns about the DCVB having less representation from Council and the hotels, having so many representatives appointed by the Bureau itself.

Mr. Smith commented that he has not read the organization's bylaws. He is not certain that the Bureau can unilaterally end the terms of representatives appointed by elected officials in the middle of the terms.

Mayor Rozanski suggested that the Law Director and staff research the issue of what powers Council does have over the Board. He also suggested that a representative from the Bureau come to the next Council meeting to provide some background on why the board composition was changed.

Mr. Strip pointed out that there are 13 seats in total under the new composition and 9 will be appointed by the Bureau itself. This is not a healthy situation.

Mr. Amorose commented that Council has a responsibility to make certain that the DCVB is accountable for funds given to them. Promotion efforts by the City and the Convention Bureau should be coordinated to avoid duplication. An overview from staff would be helpful.

Mr. Strip stated that he will obtain a copy of the Convention Bureau's last financial statements. He will then send copies to Council.

Mr. Amorose asked why Council has never been given a copy of any type of an audit.

Mr. Hansley stated that under State statute, the Bureau is given a percentage of the 6 percent hotel/motel taxes collected. The DCVB is not accountable to the City.

Discussion followed.

Mrs. King suggested that Council focus on the fact that the Bureau has been doing a job that Council wanted done. She suggested that Council and the Bureau meet to discuss what the Bureau is trying to achieve with the change of their Board composition. She agrees with the request to have legal staff investigate this. Council does have two appointed members on the DCVB and perhaps they could provide some feedback to Council.

Mayor Rozanski directed the Clerk to invite a representative from the DCVB to attend the next Council meeting.

Mr. Amorose requested that the requested information be provided to Council ahead of the Council meeting.

Mr. Hansley clarified that the Law Director should research the statutory requirements and the bylaws of the Bureau.  
Mayor Rozanski confirmed this.

**Reports from Council Committees**

Mrs. King, ~~Safety Committee~~ stated that the Committee met recently. Minutes will be forthcoming. Discussion took place on a number of issues, including the Bright Road/257 intersection. A second meeting has been scheduled to discuss the results of the visibility triangle study for Bright/257 on December 7 at 7:30 p.m.

**Comments from Staff**

~~Mr. Hansley~~ stated that the cost of sidewalks on the north side of Tuller Road, previously estimated to be \$7,500, will be higher and will be discussed during the next budget hearing.

~~Mr. Foegler~~ reported that the property on the north side of Post Road is secured under contract at this point for the Community Center. A landscape architect has been retained to assist with layout of a conceptual Coffman Park plan to properly locate the building on the site and proceed with schematic design. Secondly, staff received today a unique economic development opportunity

Final Development Plan  
Sycamore Ridge Apartments  
History

Alan Shepherd, of Steele Land Company, agreed with the conditions of the Staff Report. He mentioned that in the reworking of the road plan the traffic circulation pattern was left the same. Part of the road has been changed from public to private in order to provide more parking. The light industrial zoning is still required by lending institutions. Because of the uniqueness of the concept, they will not lend on a sports facility unless it can later be turned into a warehouse.

Ms. Stillwell complemented Mr. Shepherd's creativeness of this concept.

Mr. Rauh moved that this rezoning application be approved with the following conditions:

- 1) That all applicable conditions from the rezoning and platting process shall continue to apply and be binding, until or unless, they are properly modified;
- 2) That the text be modified further regarding commercial use, building square footage, lighting, signage, architecture, etc. to maintain a coordinated park, as approved by Staff;
- 3) That the developer submit a revised preliminary plat for consideration within 90 days; and
- 4) That the documents referenced in the text be submitted prior to the Council hearing.

Mrs. Stillwell seconded the motion. The vote was as follows: Mr. Fishman, yes; Mr. Geese, yes; Mr. Manus, yes; Mr. Peplow, yes; Mrs. Stillwell, yes; Mr. Rauh, yes; and Mr. Sutphen, yes. (Approved 7-0.)

##### 5. Rezoning Application Z93-007 - Sycamore Ridge - *Concept Plan*

Vince Papsidero presented this previously tabled case. It is a rezoning request for approximately 30 acres in two tracts located north and south of Tuller Ridge Drive. The request is from CC, Community Commercial District, to PUD, Planned Unit Development District, for 264 apartments. The applicant's economic impact study was reviewed by Staff and further discussions were held. Staff agrees that this development will have a positive revenue impact on both the City and the school district when compared to a lower density commercial development. Land use planning is a more critical issue and Staff supports the change in use. An incomplete draft area plan was submitted to the City. Staff recommends as part of the Preliminary Development Plan that an update to the area plan be prepared by the City.

Mr. Papsidero stated that several issues which were not addressed in the Concept Plan have been listed as conditions. The Preliminary Development Plan is less complete, and Staff recommends tabling due to the numerous issues listed. Staff recommended approval of the Concept Plan based on the following four conditions:

- 1) That active parkland be provided adjacent to the western property line south of Tuller Ridge Road to provide for future expansion if adjacent properties develop in a residential fashion;
- 2) That access drives be consolidated along Tuttle Ridge Drive;
- 3) That buffering be provided meeting Code to mitigate land use conflicts on the north, northeast, and west property lines; and
- 4) That a sidewalk be indicated along the north and east side of Tuller Ridge Drive including in front of the Data Base property and a bikepath be indicated on the south and west sides.

Final Development Plan  
Sycamore Ridge Apartments  
History

subject to the approval of the Parks Director. Both improvements are to be constructed by the developer.

Staff recommends tabling the Preliminary Development Plan because it fails to meet the submission requirements. Tabling is requested due to the 13-issues listed in the Staff Report:

- 1) That the above cited additions to the Concept Plan be met in the Preliminary Development Plan;
- 2) That the provision of storm water management meet Code requirements. Staff is unable to determine at this time whether an adequate solution is proposed to manage on-site drainage;
- 3) That utility information be provided to the satisfaction of the City Engineer;
- 4) That parkland dedication be finalized;
- 5) That all preliminary plat requirements and submittal requirements be met, as required by Code, including preparation of an engineered drawing including contours and dimensions and all typical pavement cross sections, subject to the approval of the City Engineer;
- 6) That all private streets and utilities be maintained by the owner and be so noted on the final plat;
- 7) That the landscape plan identify and preserve existing trees and incorporate them into the design;
- 8) That the pond in front of the clubhouse be designed as a water feature with a high level of aesthetics;
- 9) That emergency vehicle access meet the requirements of the City Engineer and the Washington Township Fire Department;
- 10) That pavement and street design, utilities, driveway access points (both location and reduction in number), evaluation of the need for turn lanes/traffic signals, storm water management plan, easements, etc., be designed to meet the requirements of the City Engineer;
- 11) That an economic study of the implications of residential development in the area acceptable to the Commission be submitted by the applicant;
- 12) That the developer submit a traffic study, with a scope of services as approved by the City Engineer, to address the impact of this development on the need for signalization at Tuller Road and Tuller Ridge Drive; and
- 13) That the application be fully updated, including appropriate legal description, prior to submission to City Council for Review.

The issue of preliminary utility engineering and storm water management is not sufficiently addressed. A condition of the Commission for the economic study has not been resolved. The Engineering Division has requested a traffic study concerning signalization at Tuller Road and Tuller Ridge Drive. Staff is suggesting that an updated area plan be prepared based on a charette format, to expedite the process (estimated to take two months) to provide a more up to date and precise planning policy. Without a current area study, Staff cannot reasonably support the change of zoning.

Judi Stillwell asked what district was actually requested. Mr. Papsidero said it was for a Planned Unit Development District, and that the Staff Report would be corrected.

Final Development Plan  
Sycamore Ridge Apartments  
History

Harrison Smith, representing Hallmark Communities, said that from an economic standpoint, the City, the developer, and the consultants agree that this project has substantial financial advantages. The revenue which would be produced immediately from this project could solve the park problem. He said they are willing to do it either way it has been proposed, as drive-by private open space or by providing a larger public park.

Mr. Smith said that four of the five intersections are aligned and spaced in excess of requirements. He asked Staff to indicate how the circulation system could be improved.

He said a bikepath had been planned on the south side of Tuller Ridge Drive and it was suggested that it be paralleled on the north side with another bikepath. They would agree to that if requested. He asked that other developments be similarly required to provide bikepaths to allow continuation to shopping and other destinations.

Mr. Smith said signalization is not necessary. Traffic should be reduced by a multi-family development from any reasonable commercial projection. Mr. Frank Kass said their density is low in terms of car trips, but if a signal is needed and everyone in the area participates in the solution, they would not object. He said he would be happy to install the sidewalk if it were going somewhere. He would like to see this project connected with Dublin Village Center.

Mr. Kass said all studies indicate that there will not be many school-aged children in this development, although there will be a number of toddlers. He believes the vehicular access points indicated promote the safety of children.

Mr. Kass asked for approval of the Concept Plan by the Commission at this meeting, Council consideration on November 15, and scheduling the Preliminary Plan at P&Z in December.

Mr. Foegler said an ongoing economic development study by Mt. Auburn Associates has been underway for about six months. The study has many objectives, including estimating the amount of land set aside by the City for commercial/industrial purposes, the rate of absorption, predicted future absorption, the quality of available industrial and office space, the required industrial and office space needed to support projected population growth, and the necessary strategies the City must embark upon to attain that level of economic growth. In the initial presentations, it is clear that Dublin has more zoned land set aside for commercial and office purposes than could be developed or would ever be needed. This consultant is prioritizing all the Class 1 and Class 2 office sites, and this site was not designated as either. This is preliminary data which the City has not adopted. There will be more forthcoming at a later date.

Marcia Wood, of 4300 Bright Road, asked that rezoning not be granted. She said the Community Commercial District zoning is consistent with the surrounding area. To the north is office/warehouse, to the south is Wendy's International, and to the east is the Data Base of Ohio facility. It represents a definite erosion in the commercial tax base of Dublin. The impact of 646 multi-family units already approved north of I-270 is yet to be seen. The Borror Corporation in Columbus has proposed 486 units off of Billingsley Road. There will be many multi-family units on the east side of the Scioto River. The cost to the school system, the infrastructure, and level of service will be great. The Dublin School system predicts a \$8M

deficit by 1995 with the current school population. There is a problem on Riverside Drive with speed, visibility, and traffic volume. The arterial system is overloaded and down zoning to multi-family will not help the situation. Mr. Smith has stated that multi-family zoning was needed to keep people living and working in the same area, thus reducing traffic. Ms. Wood doubted that at \$900 per month rent, many people working in nearby restaurants and retail businesses could afford it. Ms. Wood said it is a gorgeous site and at \$48,000 a acre, it is a great buy for a young growing company looking to build its own offices and warehouses. That business will generate a payroll that pays Dublin taxes without using the Dublin School system. Tuller Road is open, and the rest of the road system planned will foster commercial development in less than 20 years.

Richard Myers, Senior Real Estate Consultant of the Galbreath Company, spoke on the behalf of the adjoining property owners of the area. He noted that the Staff recommended conditions included buffering on the north, northeast, and west property lines. He said Mr. Vogel would appreciate the buffering along the east property line to provide adequate shading and/or shielding for future commercial use. A sidewalk is planned by Mr. Vogel for the extension of Shamrock Boulevard and Tuller Ridge Drive, and he is concerned about the cost if it is to be extended. He feels the value of the adjacent piece will be affected by the down zoning. Mr. Galbreath has no opposition to apartments next door.

Mr. Sutphen agreed with Ms. Woods' statements and expressed his concern that the entire area was to be affected by this zoning.

Mr. Kass said it made sense to have multi-family housing opportunities near retail and offices and have them blend in by connected roads and walkways, creating a place for people to go. He said their similar apartments rent for \$820 per month for a two-bedroom townhouse and \$550-\$600 per month for a one bedroom flat.

Mrs. Stillwell said the Concept Plan was a non-binding vote and is supposed to give direction. She felt she would approve the Concept Plan.

Warren Fishman said this project made sense for this location, but felt it will lead to even more apartments. He predicted 1,000 units in ten to twenty years. Apartments change character over the years and contribute to the blight of an area, such as around Northland Mall. He said the duplicate of the apartments, Christopher Wren, in Gahanna was beautiful.

Dick Rauh said Council expressed the desire not to lose commercial tax base. He suggested approving the Concept Plan but not making a decision on the Preliminary Development Plan until the economic study was completed, because it might not support multi-family use.

Mr. Foegler stated that the partnership committee of the private sector, area developers, Chamber of Commerce members, utility representatives, and Council members, hoped to have a draft of the report within four weeks.

Mr. Foegler said the study indicates that the economic development issue in Dublin is not a lack of high quality zoned commercial land. There is an abundance of high-quality

commercial/industrial land. There is in excess of 2,000 acres zoned which are viewed as being superior to this site. The focus is on the best land where the most job intensive activities will take place. They are also looking specifically at what types of economic activity generate different types of revenue returns, which vary dramatically. This land does not rate highly in any category.

Mr. Fishman asked that if these 268 units were developed here, how many more would follow. Mr. Foegler said an area plan was needed to define how many more multi-family units should be developed and where. Site characteristics including the topography and slope need to be considered to judge how realistic commercial development would be.

Mr. Kass said there would be more apartments located in the area. He said these were the highest quality of apartments.

Mr. Smith said the process needs to begin somewhere. This is the central piece that has the least potential for office use. If approved, it will go to Council. Will Council be of the opinion that some multi-family is okay? The predicted condition for any application or approval of a Preliminary Development Plan is that the study to determine how much (multi-family) and its location be completed before this goes forward to an actual rezoning. Only a favorable vote of this Commission would allow this Concept Plan to be heard by City Council.

Bobbie Clarke agreed that this is the central piece and Staff believes that this project is good. The density is below 9 units per acre. Staff would like to see this project built somewhere in Dublin and believes this is a good site for it. If the decision is that some multi-family should be built in this area, we must update the Sawmill/SR 161 Plan. It is suspected that this might not be the only appropriate piece for multi-family development. She does feel that more than 264 units will be developed, but far less than the 1,000 units discussed earlier.

Mr. Manus asked how these 264 units totalled together with the proposed development in the northeast quadrant factored into the whole area, as far as inventory of multi-family units. Ms. Clarke said the plan update would answer that question. This area has more retail development along the Sawmill Road and SR 161 corridors than elsewhere in Dublin. Staff believes the circumstances and characteristics of this environment may be different from what is found in other areas in Dublin.

Mr. Kass said if a master plan were developed for this area, it would probably show that within this central area (SR 257, Sawmill Road, Tuller Road, and SR 161) there was room for more than 264 units.

Dick Rauh moved that the Concept Plan be approved with the following five conditions:

- 1) That active parkland be provided adjacent to the western property line south of Tuller Ridge Road to provide for future expansion if adjacent properties develop in a residential fashion;
- 2) That access drives be consolidated along Tuttle Ridge Drive;
- 3) That buffering be provided meeting Code to mitigate land use conflicts on the east, north, northeast, and west property lines;

Final Development Plan  
Sycamore Ridge Apartments  
History

- 4) That a sidewalk be indicated along the north and east side of Tuller Ridge Drive, including the front of the Data Base of Ohio property and a bikepath be indicated on the south and west sides, subject to the approval of the Parks Director. Both improvements are to be constructed by the developer; and
- 5) That prior to submission of the Preliminary Development Plan, the City will complete to a satisfactory level the economic study and an area plan update that will allow the City to determine whether this development should proceed further.

Mr. Smith agreed to these conditions.

Mrs. Stillwell seconded the motion. The vote was as follows: Mr. Fishman, yes; Mr. Peplow, yes; Mr. Sutphen, yes; Mr. Geese, abstain; Mr. Manus, yes; Mr. Rauh, yes; and Mrs. Stillwell, yes. (Approved 6-0-1.)

A motion was made by Mrs. Stillwell to table the Preliminary Development Plan pending the satisfaction of the prior conditions for the Concept Plan. Mr. Rauh seconded the motion. The vote was as follows: Mr. Fishman, yes; Mr. Geese, abstain; Mr. Manus, yes; Mr. Peplow, yes; Mr. Rauh, yes; Mrs. Stillwell, yes; and Mr. Sutphen, absent. (Tabled 5-0-1.)

**6. Rezoning Application Z93-012/Concept Plan - Sandy Corners formerly known as Raintree**

Lisa Fierce presented this case and slides of the site. The subject site is 28 acres located on the east side of Avery Road. It is a rezoning from R1B, a township zoning classification permitting large lot residential to PLR, Planned Low Density Residential District, for 72 lots. To the south is the rezoned but undeveloped Balgriffin subdivision. Land to the north is zoned for restricted industrial type uses. Across Avery Road is undeveloped zoned rurally property. The proposed gross density is 2.5 dwelling units per acre, consistent with Heather Glen, Brighton Park, and the Balgriffin subdivisions. Several structures exist on the property on the southwest corner and northwest corner. There are three tree lines along the north, east and south property lines.

One entry point is proposed from Avery Road. A connection will be made to Heather Glen Phase 3 to the east. The lot width is between 65 and 70 feet with standard sideyards and 25-foot setbacks. The main street, (Lothian Street) has a 25-foot setback, but Staff recommends a 30-foot setback, given the collector function of that street. The typical lot depth is 125 feet and many lots back up to Avery Road, Woerner-Temple, and industrial ground along the north side. A landscape buffer has been proposed which is approximately 20 feet in width. Staff believes 50 feet would be a more appropriate width. Parkland is proposed along the southeastern portion of the site which includes a detention basin. The Code requirement is 4.5 acres which has been met with this proposal.

Randy Bowman said Avery Road will be widened from four to six lanes, requiring further analysis. Avery Road right-of-way is expected to be 120 feet. Staff believes that a left turn lane should be provided on Avery Road at the entrance to this project, and on the entry road. Proposed Woerner-Temple Road runs across the south side of the site and its right-of-way is

## RECORD OF ACTION

### DUBLIN PLANNING AND ZONING COMMISSION

NOVEMBER 4, 1993



CITY OF DUBLIN

The Planning and Zoning Commission took the following actions in the application below at its regular meeting:

**5. Rezoning Application Z93-007 - Sycamore Ridge**

**Location:** ±30.8 acres consisting of two tracts, located on the north and south sides of Tuller Ridge Drive.

**Existing Zoning:** CC, Community Commercial District.

**Request:** Review and approval of combined Concept and Preliminary Development Plan under the PUD, Planned Unit Development District regulations of Section 1181.07.

**Proposed Use:** Development of 96 garden and 168 townhouse multi-family units and ± 7.72 acres of parkland.

**Applicant:** Hallmark Communities, c/o Mark Pottschmidt, 150 East Broad Street, Suite 505, Columbus, OH 43215, represented by Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Columbus, OH 43215.

**MOTION #1:** To approve this Concept Plan with the following five conditions:

- 1) That active parkland be provided adjacent to the western property line south of Tuller Ridge Road to provide for future expansion if adjacent properties develop in a residential fashion;
- 2) That access drives be consolidated along Tuttle Ridge Drive;
- 3) That buffering be provided meeting Code to mitigate land use conflicts on the east, north, northeast, and west property lines;
- 4) That a sidewalk be indicated along the north and east side of Tuller Ridge Drive including in front of the Data Base of Ohio property and a bikepath be indicated on the south and west sides, subject to the approval of the Parks Director. Both improvements are to be constructed by the developer; and
- 5) That prior to submission of the Preliminary Development Plan, the City will complete to a satisfactory level, the economic study and an area plan update that will allow the determination whether this development should proceed further.

Harrison Smith, Smith and Hale, agreed to the above conditions.

**VOTE:** 6-0-1.

**RESULT:** This Concept Plan was approved with conditions.

**RECORD OF ACTION**  
**DUBLIN PLANNING AND ZONING COMMISSION**

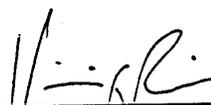
**NOVEMBER 4, 1993**

**5. Rezoning Application Z93-007 - Sycamore Ridge**

**MOTION #2:** To table the Preliminary Development Plan pending the prior conditions for the Concept Plan being met.

**VOTE:** 5-0-1.

**RESULT:** This Preliminary Development Plan was tabled.

  
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Vince Papsidero, AICP  
Senior Planner