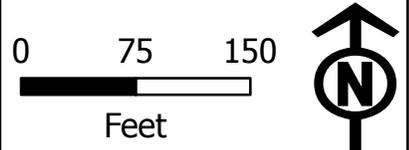
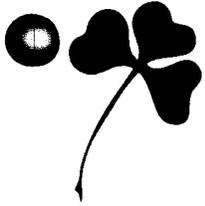


15-017BPR
 Basic Development Plan/Basic Site Plan Review
 Home 2 Hotel
 5000 Upper Metro Place





PLANNING AND ZONING COMMISSION

RECORD OF ACTION

JANUARY 8, 2004

CITY OF DUBLIN.

Division of Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/TDD: 614-410-4600
Fax: 614-410-4747
Web Site: www.dublin.oh.us

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

3. **Area Rezoning 03-099Z - Inner Circle I-270 Commercial Area Rezoning**

Location: 46 parcels comprising an area of approximately 411 acres as annexed from Washington Township between 1965 and 1969, southeast of I-270, west of Dublin Road, north of Rings Road.

Request: Review and approval of ordinance to establish Dublin CC, Community Commercial, OLR, Office, Laboratory, and Research, SO, Suburban Office and Institutional and LI, Limited Industrial Districts.

Property Owners: (To the LI District) OCLC Online Computer Library Center Inc., 6565 Frantz Road; OCLC Online Computer Library Center Inc, 5000 Post Road; Midwestern Enterprises LLC, 6540 Frantz Road; **(To the OLR District)** Delphineus Associates LLC, 5151 Blazer Parkway; Ashland Oil & Refining Tax Dept., P.O. Box 14000, Lexington, Kentucky 40512; Metro Medical LLC Bradford Investment Co, 5050 Blazer Parkway; William and Lujean Bay, 5178 Paul G. Blazer Parkway; City Of Dublin, c/o Jane S. Brautigam, 5200 Emerald Parkway; Great Lakes Reit L P, 655 S. Metro Place Road; Great Lakes Reit L P, 823 Commerce Drive, Suite 300, Oakbrook, Illinois 60523; Randal Garvey, 5142 Paul G. Blazer Parkway; Susan Park, 5158 Paul G. Blazer Parkway; Kendall-Dublin LLC, 5100 Rings Road; Pizzuti Properties, 2 Miranova Place, Suite 800, Columbus, Ohio 43215; Duke Construction LP, 5600 Blazer Parkway, Suite 100; Tugys Ltd.; and National Tax Search LLC, PO Box 81290, Chicago, Illinois 60681-0290. **(To the CC District)** Dublin Plaza LP, 225 W. Bridge Street; Dublin Plaza LP, 221 W. Bridge Street; Heartland Bank, 6500 Frantz Road; Carolyn Nash, 220 Bridge Street; Carolyn Nash, 252 Monsarrat Drive; Host Restaurants, 5175 Post Road; NRS Equities, 5131 Post Road; Red Elm LLC, 5125 Post Road 43017; Realty Income Corp., P.O. Box 460069, Escondido, Ca 92046; West Bridge Street Associates, 200 W. Bridge Street; 5151 Post Road LLC, 5151 Post Rd.; Mid-America Properties, 5105 Post Rd.; Bef Reit Inc, 5067 Post Rd; Brentlinger Real Estate Company LLC, 5035 Post Rd.; Cooker Restaurant Corp, 5000 Upper Metro Place; Dublin Suites Inc, 5100 Upper Metro Place; Live Oak Properties Ltd, c/o Ohio Equities LLC, 605 S. Front St Suite 200, Columbus, Ohio 43215; Krisjal LLC, 9011 Fields, Ertel Road, Cincinnati, Ohio 45249; Richard Roby, 5200 Post Road; First American Tax L J Melody Co Inc., P.O. Box 560807, Dallas, Texas 75356-0807; and Sullivan Acquisition LLC, 218 W. Bridge

**PLANNING AND ZONING COMMISSION
RECORD OF ACTION
JANUARY 8, 2004**

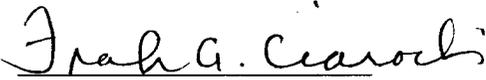
3. **Area Rezoning 03-099Z - Inner Circle I-270 Commercial Area Rezoning**
Street. (To the SO District) 250 Bridge Group. *All addresses are located in Dublin, Ohio 43017 unless otherwise noted.*
Applicant: City of Dublin, c/o Jane S. Brautigam, City Manager, 5200 Emerald Parkway, Dublin, Ohio 43017.
Staff Contact: Anne Wanner, Planner.

MOTION: To approve this area rezoning because it will provide an appropriate Dublin zoning classification for land within the City limits to provide for the effective administration of development standards, procedures, etc., and will maintain the established development pattern that has been in place for many years and establishes land uses consistent with those listed in the Community Plan.

VOTE: 7-0.

RESULT: This area rezoning was approved. It will be forwarded to City Council with a positive recommendation.

STAFF CERTIFICATION


Frank A. Ciarochi
Acting Planning Director

Mr. Saneholtz said if he owned his property for 30 or 40 years and he did not know what the zoning was; why should he care or expect that it changed in any way. He understood they were not trying to change what the City had interpreted the zoning to be, but it is still the City's interpretation versus the property owner's and there is no documentation that supports either position (other than staff saying that it has been on the map for a period of years).

Mr. Gunderman said the only point that Mr. Saneholtz was missing was that the average citizen's most likely point of contact is simply to come to City Hall and look at the map. That is the dominant communication tool that happens for the regular citizenry. Most of the time, nothing else ever happens that would create a need for any information from the City. Mr. Banchefsky added ...other than when you buy your house.

Mr. Saneholtz asked Mr. Wood when he acquired these properties. Mr. Wood guessed 25 to 30 years ago. Mr. Gunderman said from the City's point of view, it was not relevant.

Mr. Wood said the cemetery is adjacent to this site and the property across the street is park, so there is a buffer area. He was sure that eight-family units could not be built. He said the intent was just to keep the twin singles, but he did not think it could ever conform on R-2 zoning.

Further discussion took place regarding the type of zoning a property has when it is annexed into the City. Ms. Reiss knew that the township had a zoning ordinance in the early 60s, so annexed properties would have had some kind of zoning. She believed Ms. Wanner was not able to find records, but some kind of zoning would have been in place at the time of annexation.

Mr. Banchefsky said it is a non-conforming use right now, but it may not have been a non-conforming use under township zoning. He said staff assumes it was a lawfully existing non-conforming use, although it is not known to be true. It could have been illegal at the time it was built. They are being given the benefit of the doubt by staff.

Mr. Messineo made a motion to approve this area rezoning because it will provide an appropriate Dublin zoning classification for land within the City limits to provide for the effective administration of development standards, procedures, etc., and will maintain the established development pattern that has been in place for many years, and establishes land uses consistent with those listed in the Community Plan. Mr. Zimmerman seconded the motion, and the vote was as follows: Mr. Gerber abstained, because his wife owned a property in this area for which he paid a mortgage; Ms. Boring, yes; Ms. Reiss, no; Mr. Sprague, yes; Mr. Saneholtz, no; Mr. Zimmerman, yes; and Mr. Messineo, yes. (Approved 4-2-1.)

3. Area Rezoning 03-099Z - Inner Circle I-270 Commercial Area Rezoning

Anne Wanner said this area rezoning is comprised of 46 parcels totaling approximately 411 acres. Most of the parcels are located on the inside of I-270. Properties listed in this application include several commercial, retail, and office establishments, including Ashland Incorporated, Embassy Suites, and OCLC. She showed an aerial slide indicating the proposed zonings. The zones proposed for these properties are: OLR, Office Laboratory Research District; LI, Limited Industrial District; CC, Community Commercial District; and SO, Suburban Office and Institutional District. She said these parcels have been shown on the Dublin Zoning Map for the last 15 to 20 years and the parcels range in size from 0.5 acre to 40 acres. The Post Road

properties that are being rezoning are located on the south side. She said the MAG Dealerships and the Field of Corn are also included in this application.

These sites were annexed into Dublin between 1965 and 1969. Ms. Wanner said an informational meeting was held and several property owners attended. She had also spoken to property owners by phone. Ms. Wanner said staff is recommending approval of this application.

Ms. Reiss asked why LI was wanted along the freeway. Mr. Gerber said for the same reason given for the previous case. She said if the Commission recommended this, someone could come in tomorrow and put light industrial there.

Ms. Wanner said those two parcels were fully developed with LI development standards as the OCLC Campus. The sideyards and rear yards are dictated by the building height and depth. She said the development standards are not as strict in the LI District as they are in SO or OLR Districts. If something different was assigned to these parcels, it could potentially create non-conformities for OCLC that do not exist today.

Mr. Gerber made the motion to approve this area rezoning because it will provide an appropriate Dublin zoning classification for land within the City limits to provide for the effective administration of development standards, procedures, etc., will maintain the established development pattern that has been in place for many years and establish land uses consistent with those listed in the Community Plan. Mr. Zimmerman seconded the motion, and the vote was as follows: Mr. Messineo, yes; Mr. Sanholtz, yes; Mr. Sprague, yes; Ms. Boring, yes; Ms. Reiss, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 7-0.)

4. Area Rezoning 03-105Z - Inner Circle I-270 Residential (South Dublin Road) Area Rezoning

Anne Wanner presented this area rezoning which is comprised of 74 parcels totaling approximately 136 acres. It is located on the Inner Circle of I-270. She showed a slide of the area to be rezoned. The parcels are south of Longview Drive, north of Hayden Run, east of Paul G. Blazer Parkway, and west of the Scioto River. This application includes several established neighborhoods including Llewellyn Estates, and Hayden Run Additions 1 and 2. The Thomas Elementary School, the Rings Road Water Tower, and a single-family residence are also included. She said all these properties are proposed to be zoned R-1, Restricted Suburban Residential District. Staff is recommending approval of this area rezoning.

Mr. Zimmerman made a motion to approve this area rezoning because it will provide an appropriate Dublin zoning classification for land within the City limits to provide for the effective administration of development standards, procedures, etc., will maintain the established development pattern that has been in place for many years, and establish land uses consistent with those listed in the Community Plan. Mr. Messineo seconded the motion, and the vote was as follows: Mr. Sanholtz, yes; Mr. Sprague, yes; Ms. Boring, yes; Mr. Gerber, yes; Ms. Reiss, yes; Mr. Messineo, yes; and Mr. Zimmerman, yes. (Approved 7-0.)



**BOARD OF ZONING APPEALS
BOARD ORDER**

JUNE 25, 1998

CITY OF DUBLIN

The Board of Zoning Appeals heard the variance application shown below on this date. Based on its finding, the Board took the following action:

1. **Variance 98-040V - Cooker Bar and Grille - 5000 Upper Metro Place**
Location: 2.563 acres located on the southwest corner of Frantz Road and West Dublin-Granville Road.
Existing Zoning: CC, Community Commercial District.
Request: A variance to Sections:
 - 1) 153.159(B)(5) to permit the use of one wall sign in combination with one ground sign; and
 - 2) 153.164 to increase the height of the wall sign from 15 feet to 18.5 feet.**Proposed Use:** A proposed restaurant of approximately 7,000 square feet with a 50 square foot wall sign 18.5 feet in height and a 50 square foot ground sign. Both signs bear the copy "Cookeer Bar and Grille."
Applicant: Mark Fisher, Cookeer Restaurant Corporation, 5500 N. Village Boulevard, Suite 2000, West Palm Beach, Florida 33419; represented by Jim Hartley, Signcom, Incorporated, 527 West Rich Street, Columbus, Ohio 43215.

MOTION: To approve this variance with five conditions:

- 1) That the ground sign be integrated with the approved landscape plan for Upper Metro Place and be set back to conform with Code, subject to staff approval;
- 2) That the two signs utilize the same color scheme;
- 3) That no exposed neon tubing be utilized;
- 4) That the site meet Landscape Code requirements and provisions from the TIF agreement, subject to staff approval; and
- 5) That the lighting of the ground and wall signs be turned off during non-business hours.

* Bob Albright, attorney representing the applicant, agreed to the above conditions.

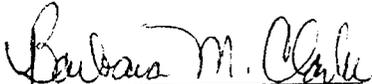
VOTE: 3-1

RESULT: This variance application was approved.

RECORDED VOTES:

Brent Davis	Yes
Chester Porembski	Yes
Ruth Meeker Reiss	Not Present
Amy Salay	No
William Sherman	Yes

STAFF CERTIFICATION


 Barbara M. Clarke
 Planning Director



**BOARD OF ZONING APPEALS
BOARD ORDER**

APRIL 23, 1998

CITY OF DUBLIN

The Board of Zoning Appeals heard the variance application shown below on this date. Based on its finding, the Board took the following action:

- 4. Variance 98-040V - Cooker Bar and Grille - 5000 Upper Metro Place**
Location: 2.563 acres located on the southwest corner of Frantz Road and West Dublin-Granville Drive.
Existing Zoning: CC, Community Commercial District.
Request: A variance to Sections:
1) 153.159(B)(5) to permit the use of one wall sign in combination with one ground sign; and
2) 153.164 to increase the height of the wall sign from 15 feet to 18.5 feet.
Proposed Use: A proposed restaurant of approximately 7,000 square feet with a 50 square foot wall sign and a 50 square foot ground sign.
Applicant: Cooker Restaurant Corporation, c/o Mark Fisher, 5500 North Village Boulevard, Suite 2000, West Palm Beach, Florida 33419.

MOTION: To table this variance.

*Jim Hartley of Sign Com, representing the applicant, requested tabling.

VOTE: 4-0

RESULT: After a lengthy discussion, this variance was tabled. The Board requested: additional information about the grading and/or landscaping proposed along S.R. 161, elevations of all building facades, and consideration of a lower, monument-design sign along S.R. 161.

RECORDED VOTES:

Brent Davis	Absent
Chester Porembski	Yes
Ruth Meeker Reiss	Yes
Amy Salay	Yes
William Sherman	Yes

STAFF CERTIFICATION

Barbara M. Clarke
Planning Director