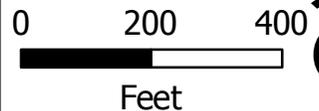
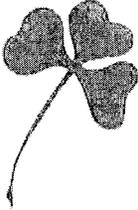


City of Dublin

15-039V
 Variance - Setback
 Crane Residence
 5600 Dublin Road





BOARD OF ZONING APPEALS

BOARD ORDER

AUGUST 25, 2011

**Land Use and
Long Range 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 Board of Zoning Appeals took the following action at this meeting:

1. Crane Residence – Accessory Structure Height Variance 11-050V **5600 Dublin Road Non-Use (Area) Variance**

Proposal: Non-use (area) variance to permit a detached accessory structure to exceed the maximum height permitted by the Zoning Code by five feet. The site is zoned R-1, Restricted Suburban Residential District, and is located on the east side of Dublin Road at the intersection with Hertford Lane.

Request: Review and approval of a variance to Zoning Code Section 153.074(D) under the provisions of Zoning Code Section 153.231.

Applicant: Dr. Robert Crane, property owner.

Planning Contact: Rachel S. Ray, AICP, Planner I.

Contact Information: (614) 410-4656, rray@dublin.oh.us

MOTION: Victoria Newell made a motion, seconded by Patrick Todoran, to approve a variance of five feet to permit a detached accessory structure to exceed the maximum height permitted, because the request meets the required non-use (area) variance standards.

VOTE: 5 – 0.

RESULT: This non-use variance was approved.

RECORDED VOTES:

Victoria Newell	Yes
Patrick Todoran	Yes
Brett Page	Yes
Kathy Ferguson	Yes
Brian Gunnoe	Yes

STAFF CERTIFICATION

Rachel S. Ray, AICP
Planner I



BOARD OF ZONING APPEALS

MEETING MINUTES

AUGUST 25, 2011

City of Dublin, Ohio
Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236
Phone/ TDD: 614-410-4600
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AGENDA

- 1. Crane Residence – Accessory Structure Height Variance** **5600 Dublin Road**
11-050V **Non-Use (Area) Variance**
- 2. Green Development Techniques and Strategies** **Presentation**

Administrative Business

Chair Victoria Newell called the meeting to order at 6:34 p.m. Other Board members present were Patrick Todoran, Brett Page, Kathy Ferguson and Brian Gunnoe. City representatives present were Steve Langworthy, Rachel Ray, Tammy Noble-Flading, Jamie Adkins, Alexis Dunfee, Tori Proehl, Rachel Beck, and Flora Rogers.

Motion and Vote

Ms. Newell made a motion, seconded by Mr. Page, to accept the documents into the record. The vote was as follows: Ms. Ferguson, yes; Mr. Todoran, yes; Mr. Gunnoe, yes; Mr. Page, yes; and Ms. Newell, yes. (Approved 5 – 0.)

Motion and Vote

Ms. Newell made a motion, seconded by Mr. Todoran, to approve the June 30, 2011 Meeting Minutes as presented. The vote was as follows: Ms. Newell, yes; Mr. Todoran, yes; Mr. Page, yes; Ms. Ferguson, yes; and Mr. Gunnoe, yes. (Approved 5 – 0.)

Communications

Rachel Ray pointed out that the Court decision on an appeal to the Board's determination to affirm Planning's decision to deny a sign permit for a Chase Bank in the Avery Square Shopping Center (Case 08-108AA) case was included in the meeting packet.

Ms. Ray said that one of this year's Items of Interest will be covered tonight with a presentation on Green Development Techniques by Jamie Adkins, Dublin's Sustainability Administrator. She asked the Board to begin thinking of items to place on next year's list so that they can be discussed at the September meeting.

- 1. Crane Residence – Accessory Structure Height Variance** **5600 Dublin Road**
11-050V **Non-Use (Area) Variance**

Chair Victoria Newell swore in those wishing to speak in regards to this case including the applicant, Shannon Crane, and City representatives.

Rachel Beck presented this request for a five-foot height variance on a 3.4-acre site on the west side of the Scioto River, zoned R-1, Restricted Suburban Residential District. She said the surrounding uses are also residential. She said located through the center of the site is a Scioto River tributary which creates significant grade changes. She said the lowest portion of the site is approximately 60 feet lower towards

the river than the grade at Dublin Road. Ms. Beck said currently, a rope bridge connects the house from the north side across the ravine to an existing observation deck to which the proposed tree house will attach.

Ms. Beck said the Code limits accessory structures to 22 feet in height on lots between one and five acres in area, and the proposed tree house is 27 feet in height. She said due to the steep grade changes on the site, the base of the tree house is approximately 25 feet lower than the grade at Dublin Road and approximately 10 feet lower than the actual grade of the house. Ms. Beck said that the roof of the tree house will be lower than the roof of the house when it is completed.

Ms. Beck presented elevations showing how the shape of the tree house fits into the shape of the tree, which was selected because of its proximity to the existing observation deck. She noted the way that the limbs are shaped, and the way that the tree house has to be built into the tree. She said the shape of the tree is primarily what caused the tree house to be taller than the permitted 22 feet.

Ms. Beck said that the significant grade of the site and the fact that it was significantly larger than other properties in the area creates special conditions for this property. She said the application was not a result of any action or inaction on the part of the applicant and is due to the existing natural conditions of the site. She explained that the intent and purpose of the accessory structure regulations is to limit the height of accessory structures so that they are subordinate to the principal structure. She said because of the topography of the site and the large amount of separation from the tree house and the principal structure, Planning believes that the intent of the regulation is met.

Ms. Beck explained that of the last four criteria, at least two need to be met, and this proposal meets three of the four. She said the unique circumstances of the property do not result in any special privileges, this is not a recurrent request such that a Code modification would be warranted, and does not affect the delivery of governmental services. Ms. Beck said that the variance request does not meet the final standard because it is possible to choose another tree which would allow a tree house to be built at a lower height, but the location would not be as favorable to the applicant's needs. Ms. Beck said based on meeting the required standards, Planning is recommending approval with no conditions.

Ms. Newell asked if the tree house would be reviewed for a building permit.

Ms. Beck explained that a Certificate of Zoning Plan Approval would be required, which will be reviewed by Planning and Engineering to make sure it meets all requirements. She said because the structure was less than 200 square feet and there was not a foundation footer, it was determined by the Building Department that a building permit was not needed.

Ms. Newell referred to the elevations and noted that there are posts down to the ground. She said she was concerned about safety in terms of the guardrail height and the assembly. She said the posts would require a footing to be properly done according to the Building Code.

Rachel Ray clarified that the Chief Building Official had reviewed the application, and it was his determination that it did not require a building permit. She said however, Planning would check and clarify his position.

Shannon Crane, 5600 Dublin Road, said the structure was not actually attached to the tree, which is why there are posts going into the ground to support the structure.

Motion and Vote

Victoria Newell made a motion, seconded by Patrick Todoran, to approve a variance of five feet to permit a detached accessory structure to exceed the maximum height permitted, because the request meets the required non-use (area) variance standards.

The vote was as follows: Ms. Ferguson, yes; Mr. Page, yes; Mr. Gunnoe, yes; Mr. Todoran, yes; and Ms. Newell, yes. (Approved 5 – 0.)

2. Green Development Techniques and Strategies

Jamie Adkins presented information regarding green building techniques and benefits. Ms. Adkins explained that green building is a systems approach which looks at the entire impact of a building and its associated site on natural resources. She said with a systems approach, because of its impacts, it is a little different than the traditional building process, where a site is selected, a building is planned, and then the impacts are dealt with as they arise. She stated that impacts can be minimized from the start if buildings and sites are viewed more holistically.

Ms. Adkins said buildings use about 40 percent of the energy in our country, and there are other staggering statistics regarding the cost of energy and electricity, which will probably continue to rise. She said for example, in Ohio, our electricity is primarily from coal burning power plants, and since coal is a finite resource, it will go away some day and we will have to find alternative sources.

Ms. Adkins said buildings are also the number one emitter of carbon dioxide worldwide, which is another reason that we build green. She said that building green can reduce many things in positive ways such as energy use, CO₂, water, and especially solid waste, not just through recycling in a traditional sense, but actually in materials recycling as opposed to throwing construction debris into the landfill, it is recycled into the building process.

Ms. Adkins said that LEED (Leadership in Energy and Environmental Design) buildings are healthier for their inhabitants. She said that studies say not just in terms of inner air quality, but that people that work in LEED certified buildings and in green buildings are happier as well because they know that they are part of something that is having a more positive impact. Ms. Adkins said there was a real financial argument in terms of jobs and construction benefits, as well as direct financial benefits to building owners and those that construct buildings.

Ms. Adkins said there are many rating systems, but LEED is the most commonly recognized. She said that it is the national standard in green building, and it has had positive results. She explained that LEED looks at the full life cycle, systems approach of a building from the beginning with construction and then throughout the operation of the building to make sure that the operation is doing what it supposed to be doing. Ms. Adkins said that LEED updates itself every couple of years adding different certification levels such as neighborhood development. She said for example the City might look at the criteria for LEED certification for existing buildings and operations maintenance for some of our buildings since we probably won't be building any new buildings any time soon.

Ms. Adkins explained that the top level of the four LEED certifications was Platinum, which IGS on Emerald Parkway had received. She said the IGS corporate headquarters building was the first LEED Platinum building in Central Ohio and one of a handful in the state, and Dublin was very proud of them. She said some buildings have been built to LEED standards but have not gone through the expensive certification process.

Ms. Adkins said Ohio was probably not in the top five nationally in the states encouraging LEED certification, but it has a fair number of LEED certified buildings. She said when a LEED project is begun, the site itself is looked at as an important component. She said the site context and what impacts the site and what the site impacts is much more important. She said then, the overall drainage systems of the site are considered. She said the focus should be on helping the existing natural systems do their job better. Ms. Adkins said with the building, you really look at how the building impacts itself, its different systems and its energy use and creative ways to use different spaces in the building.

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Ms. Salay stated that perhaps additional space can be added on either side to store the receptacles without changing the garage door size.

Ms. Brautigam stated that in the pilot project, staff has been very flexible in regard to the kind of trash containers used. They have worked with residents to accommodate their needs with 33, 64, or 96-gallon containers. Not fitting in the garage has not been a problem for either of the pilot areas.

Mr. Reiner moved for passage of the amended Ordinance 59-03.
Ms. Salay seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Mr. Reiner, yes; Mr. Keenan, yes; Mayor Chinnici-Zuercher, yes; Mr. McCash, yes; Mrs. Boring, yes

REZONINGS

The Clerk read the titles of Ordinances 94-03 (Amended), 108-03 (Amended), 109-03 (Amended) and 119-03 into the record.

Mr. Gunderman stated that, for the most part, these are area rezonings and involve corrections to the zoning map. He showed a map delineating the various rezonings. He noted that there have been few difficulties encountered in the review process of informal meetings with area residents. As is the case with other area rezonings, they are principally composed of land that either showed up on the previous zoning maps of the City as a City zoning classification, but where research did not demonstrate proper records supporting the zoning classification. In other cases, the areas were shown as township zonings, and based upon the recommendation from the Law Department, the desire is to assign City zoning classifications closest to the existing township zoning classification.

Ordinance 94-03 (Amended)

Establishing Dublin Zoning for 83 Parcels Comprising an Area of Approximately 142 Acres as Annexed from Perry Township in 1961 and 1972, South of I-270, West of Sawmill Road and East of the Scioto River, to R-1, Restricted Suburban Residential, R-2, Limited Suburban Residential, or R-4, Suburban Residential Districts. (Case No. 03-080Z - CDD, Residential Area Rezoning).

Mr. Gunderman stated that most of these are areas that showed up as City zoning districts, with a couple of exceptions. Some locations had shown up as R-4, permitting multi-family. The neighborhood meetings indicated a desire not to retain the R-4 which permits single family and multi-family. While this is somewhat of a discrepancy from the policy followed in other areas, based on the neighborhood's desire, staff did not see any reason not to assign the R-2 zoning.

Ordinance 108-03 (Amended)

Rezoning 50 Parcels Comprising an Area of Approximately 400 Acres as Annexed from Washington Township between 1965 and 1969, Southeast of I-270, West of Dublin Road, North of Rings Road, to: CC, Community Commercial, OLR, Office, Laboratory and Research, SO, Suburban Office and Institutional, and LI, Limited Industrial Districts. (Case No. 03-099Z - Inner Circle I-270, Commercial Area Rezoning)

Mr. Gunderman stated that this is the inner circle commercial area. There was no particular discussion on these, except for the LI district. It was pointed out that if changes were considered to this, much of the development pattern in the area would be non-conforming.

Ordinance 109-03 (Amended)

Rezoning 75 Parcels Comprising an Area of Approximately 136 Acres as Annexed from Franklin County and Washington Township between 1980 and 1999, Southeast of I-270, West of the Scioto River, North of Hayden Run Road, to: Dublin R-1, Restricted Suburban Residential District. (Case No. 03-105Z - Inner Circle I-270, Residential Area Rezoning - South Dublin Road)

Mr. Gunderman noted that these were fairly straightforward and had shown up as R-1 on the zoning map.

Ordinance 119-03

Rezoning Approximately 29 Parcels Comprising an Area of Approximately 43 Acres as Annexed from Washington Township between 1881 and 2001 South of Brand Road, North of West Bridge Street, East of Coffman Road, West of the Scioto River,

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to: R, Rural District or R-1, Restricted Suburban Residential District, or R-2, Limited Suburban Residential District. (Case 03-120Z Indian Run et al. Area Rezoning)

Mr. Gunderman stated that this area is a bit more complicated. A portion of the residential lots had been in the City previously and the City had zoned it to an R-2 classification, which, given the reduced size of the lots made sense. Portions came in more recently, and for the most part, R-1 was the closest district to the previous township zoning. Others had been on the books for sometime in the classifications seen.

He noted that these four rezonings were recommended by P&Z on January 8 by a 7-0 vote on the first three, and a 6-1 vote for the last. He offered to respond to questions.

Mayor Chinnici-Zuercher asked about the participation of citizens in the hearings.

Mr. Gunderman responded that he does not have a good number on these. In the area along Martin Road, participation at the first meeting was lacking and a second meeting was scheduled after the residents contacted staff. For the rest, he does not believe there was a great deal of participation at any of the meetings. The planner assigned to the case has dealt with many of the property owners by phone and was able to address their concerns.

Scott Haring, 3280 Lilymar Court noted that he attended the second meeting at the community church. He was surprised at the R-4 categories of properties along Riverside Drive. He was please that staff ultimately concurred with the R-2 classification for most of the corridor, in keeping with the desire of the neighbors on Lilymar and Martin Road. The largest square of R-4 category zoning has two homes and the R-4 is the appropriate category. But the other ones above that seem to be similar to the R-2 classifications throughout the corridor. Today, he printed off the recommendations from P&Z and the staff report for tonight's meeting and tried to compare the addresses. It seems that the color-coding in some portions of the map is not fully consistent with what is listed as the recommendation from P&Z. He would like further clarification. He had expected an R-2 broad-brush classification for the entire corridor, except for the largest lot which has the special consideration and the R-4 south of Martin Road, which is the new condominium development.

Mr. Gunderman stated that the map being shown is what was recommended by the Commission. In terms of the logic of a couple of the properties, he is not in a good position to speak to the details about what was or was not said about those. It was staff's intent and the recommendation forwarded to the Commission, and generally consistent with what the residents wanted, to utilize this configuration. He understands Mr. Haring's point about the particular lots, and if they did not participate in the discussion, the tendency was to retain the R-4 zoning.

Ms. Salay asked what is currently existing on the lots.

Mr. Gunderman responded that they are single-family homes.

Ms. Salay asked why the City would want to assign a more intense zoning than what is existing. It does not make sense, other than it fits with the map.

Mr. Gunderman stated that the bottom line is that it fits with the existing zoning map.

Ms. Salay asked if that is also the bottom line explanation for the OCLC campus being Limited Industrial?

Mr. Gunderman responded affirmatively. In addition, the actual construction of OCLC took place under LI rules. Placing another zoning district on that property would make some characteristics of the property non-conforming, such as setbacks.

Ms. Salay stated that she has major issues with the inner circle I-270 rezoning and cannot support it. The OCLC campus should be an SO or an OLR. She is concerned with assigning an LI rezoning to valuable commercial frontage that is Class A office space, just for the sake of matching up with the map.

Mayor Chinnici-Zuercher stated that her understanding of the criterion for the process was to match to the degree possible the current existing zoning.

Mr. Gunderman responded that the difficulty in some cases such as this one was that records did not exist for the zoning classification that was assumed to have been assigned to the property. Over the years, staff has been administering the areas as though these zoning classifications were in place. To that end, to the extent that staff had used a zoning map in the past that indicated these districts, staff is trying to follow through using that logic. There was a lot of discussion at P&Z, but in the end, the position taken was

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the one being presented tonight. For most of these properties, in the interest of fairness to the property owners, this is the logic to be followed.

Mayor Chinnici-Zuercher asked if this parcel were to be categorized as Ms. Salay is suggesting, what would that mean to the current owner in terms of expansion or sale of the property?

Mr. Gunderman responded that if the current owner wanted to sell the property to a different user, there are more potential users for the LI district versus the SO. In terms of expansion, the current zoning would allow this. For the SO district, they could do everything in their current LI zoning that is permitted in the SO as well as some conditional items.

Ms. Salay asked if this parcel might warrant revisiting in terms of a planned district because taking this valuable commercial property and assigning it to LI does not make sense.

Mrs. Boring noted that the LI zoning permits the uses which were previously housed on the site at the time it housed Midwestern Volkswagen. Removing the LI would limit their ability for that type of use. Her concern is with limiting what OCLC has done in the past or will want to do in the future.

Mayor Chinnici-Zuercher asked if OCLC participated in any dialogue regarding this rezoning.

Mr. Gunderman responded that he does not believe they had any direct participation.

Ms. Salay asked for confirmation that the City consulted with OCLC on this matter.

Mr. Gunderman responded that correspondence was sent to OCLC, similar to what was sent to others in these rezoning actions.

Mayor Chinnici-Zuercher noted that they did have the opportunity to participate in the dialogue. Did the correspondence indicate what the recommended rezoning classification would be?

Mr. Gunderman responded that it did.

Mayor Chinnici-Zuercher stated that the assumption was then that they were in agreement with this zoning classification.

Mr. Gunderman concurred.

Mr. Lecklider noted that he would not want to restrict OCLC's ability to expand or restrict their uses. However, he would be concerned with a future user other than OCLC having the ability to do something under the LI zoning that perhaps would not be as desirable. Is there another option available?

Ms. Salay suggested a planned district for this parcel.

Mayor Chinnici-Zuercher asked if they are proposing a motion to remove this parcel from the ordinance and refer it back to Planning Commission for further discussion.

Ms. Salay stated that she is willing to propose that motion. She believes a planned district is appropriate. To have had no dialogue with this major corporate citizen about their future plans for this industrial park, which constitutes valuable commercial office space along I-270 is unfortunate.

Ms. Salay moved to remove the OCLC parcel from Ordinance 108-03 and to open up dialogue with OCLC to learn if a planned district could be designed for their campus.

Mr. Lecklider seconded the motion.

Vote on the motion: Mrs. Boring, no; Mr. Keenan, no; Mr. Reiner, no; Ms. Salay, yes; Mayor Chinnici-Zuercher, no; Mr. Lecklider, yes; Mr. McCash, no.

Mr. McCash stated that he is trying to determine what the underlying charge was with these area wide rezonings. His understanding was that they were reviewing properties annexed to the City, reviewing what the existing township zoning classification was, and placing it into a category in the current zoning code that closely resembles what it was in the township zoning. But what he is hearing now, for some of the residential properties, is that they are actually rezoning those or downzoning those components, changing OCLC from LI to SO, PUD or PCD. On the outside of I-270 along Emerald Parkway extended, on both sides of that, is limited industrial along Post Road. He would not want LI for that open, vacant land. It would permit self-storage units, for example, along the freeway, which makes no sense. What is the intention with this effort? If the City is now

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considering downzoning or rezoning land to fit what the City wants it to be, this did not occur with the other area rezonings. Those would need to be redone also. Mr. Gunderman responded that the difficulty arises with some of the oldest annexation areas. Staff tried to ascertain the City action on every parcel ever annexed to the City. The difficulty with the older annexations is the lack of records at the township for zoning. Therefore, staff then reviewed how the properties were treated in terms of zoning since the time they were annexed. For these tracts, the City administered zoning as though they had these categories - whether it was OCLC or other business. This is the only logical direction staff could take, once it was determined that the township zoning classification could not be verified in their records.

Mr. McCash stated that if the City cannot determine what the zoning was in the township records, how much active dialogue took place with the residents or property owners to see if they would have any records regarding the zoning of their properties?

Mr. Gunderman responded that some property owners have come to a hearing with this type of information about their township zoning. Staff has then investigated further. But for the most part, that has not happened, and the ownership of the properties has changed several times since the time of annexation.

Mr. McCash stated that there was an adopted 1980 zoning map that listed the zoning classifications on these properties. In essence, then, weren't these properties rezoned with the adoption of that zoning map including the classifications on that map? How is the City then down zoning various pieces of property?

Mr. Gunderman responded that he does not believe the City is down zoning any properties, other than the few residential properties pointed out. What is being presented is generally consistent with any of the maps staff has uncovered, and if staff had found a particular map that was adopted as a map, he does not believe it is being dealt with at this particular time.

Mayor Chinnici-Zuercher called for a vote on the ordinances.

Vote on Ordinance 94-03(Amended) - Mrs. Boring, yes; Mr. Keenan, yes; Mr. Reiner, yes; Ms. Salay, yes; Mayor Chinnici-Zuercher, yes; Mr. Lecklider, yes; Mr. McCash, no.

Vote on Ordinance 108-03(Amended) - Mayor Chinnici-Zuercher, yes; Mr. Keenan, yes; Mr. Reiner, yes; Mr. McCash, no; Ms. Salay, no; Mr. Lecklider, no; Mrs. Boring, yes.

Vote on Ordinance 109-03(Amended) - Mr. Keenan, yes; Ms. Salay, yes; Mr. Lecklider, yes; Mr. McCash, no; Mrs. Boring, yes; Mr. Reiner, yes; Mayor Chinnici-Zuercher, yes.

Vote on Ordinance 119-03 - Mr. Keenan, yes; Mr. Reiner, yes; Mayor Chinnici-Zuercher, yes; Mr. McCash, no; Mrs. Boring, yes; Ms. Salay, yes; Mr. Lecklider, yes.

Ordinance 146-03

Rezoning Approximately 43.55 Acres Located on the East Side of Riverside Drive and the South Side of Hard Road, Approximately 900 Feet from the Riverside Drive and Hard Road Intersection, from: R-1, Restricted Suburban Residential District, to: PUD, Planned Unit Development District. (Case No. 03-155Z - Riverside Woods).

Mr. Gunderman stated that this rezoning is located on the east side of Dublin, close to the corner of Hard and Riverside Drive. It is proposed as a PUD, and is surrounded by residential PUD to the east, the high school PUD, and a PCD zoning for the fire station at the intersection of Hard and Riverside. The site plan in the packet reflects the current tree patterns on the property. The site consists of 43.5 acres and is proposed for 54 single-family lots of 90 feet in width. It was reviewed by Planning Commission on February 5 and approved by a vote of 6-0 with 17 conditions. He has another suggested condition which is related to the tree waiver listed on the agenda tonight.

Mayor Chinnici-Zuercher asked if Council would like to review the tree waiver at this time.

Mrs. Boring stated that, legally, the zoning should be considered prior to consideration of any tree waiver for the site.

Mr. Gunderman responded that the reason he has suggested this is that if staff's recommendation for the tree waiver is adopted, a correction would be needed to the text which would then become Condition #18.

Mrs. Boring stated that she would not want to grant a tree waiver to the developer before having the zoning approval for the land.

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Crane Residence

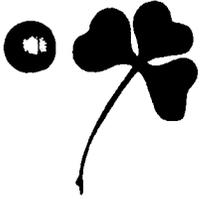
Accessory Structure Height Variance

5600 Dublin Road

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:

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

Location: 74 parcels comprising an area of approximately 136 acres as annexed from Franklin County and Washington Township between 1980 and 1999, southeast of I-270, west of the Scioto River, north of Hayden Run Road.

Request: Review and approval of ordinance to establish Dublin R-1, Restricted Suburban Residential District.

Property Owners: Valli Lukeman, 5336 Dublin Road; Norman Baker and Marie Bosca, 5474 Dublin Road; Mary Denk, 5430 Dublin Road; Jean Jesinger, 5436 Dublin Road; Thomas & Marsha Phillips, 5380 Dublin Road; Eileen Lynn, 5300 Dublin Road; Betty and Fredrick Stalter, 5356 Dublin Road; William Moloney, 5400 Dublin Road; Robert Hein, 5354 Dublin Road; Christopher & June Waldo, 4940 Dublin Road; Brad and Jennifer Seaholm, 4960 Dublin Road; Harvey Helmbright, 4980 Dublin Road; Daniel and Kim Otanicar, 5000 Dublin Road; Stephen Anderson, 5020 Dublin Road; Nor-Woods Limited, 2601 Sandover Road, Columbus, Ohio 43220; Karen Gagel, 5060 Dublin Road; Susanne Nay, 5080 Dublin Road; Elsa Giammarco, 5107 Thornhill Lane; Clayton and Betty Rose, 5075 Thornhill Lane; William and Sandra Mahoney, 5055 Thornhill Lane; Samuel and Anna Hawk 5035 Thornhill Lane; Richard and Nancy Halvorsen, 2588 Sonnington Drive; Melvin and Florence Rings 4961 Thornhill Lane; Marilyn and John Moro, 4949 Thornhill Lane; William and Rebecca Campbell, 4937 Thornhill Lane; Marilyn Saad, 4938 Thornhill Lane; John and Judith Forgos, 4350 Hayden Run Road; Timothy Fleming, 4320 Hayden Run Road; David Borrer, 4280 Hayden Run Road; Thomas and Brenda Obrien, 4954 Thornhill Lane; Charles and Joy Lattanner, 4972 Thornhill Lane; Christopher and Jennifer Corso, 4988 Thornhill Lane; Helen Gantner, 5000 Thornhill Lane; Allan and Jane George, 5020 Thornhill Lane; Michael and Kathryn Sheehan, 5040 Thornhill Lane; Francine Jacobs, 5050 Thornhill Lane; Patricia Jones, 5074 Thornhill Lane; Kevin and Heath Distefano, 5090 Thornhill Lane; Priscilla Llewellyn, 5100 Thornhill Lane; Thomas Murray, 5124 Thornhill Lane; Susan Kolb, 5120 Dublin Road; Thomas and Kathryn Murnane, 5150 Dublin Road; Pierre-Marie Wilson, 9042 Maggie Court, San Antonio, Texas 78240; Rise Shack, 5241 Locust Hill Lane; Stephen & Jean Cattaneo, 5281 Locust Hill Lane; Gerald & Julia Speranza, 5300

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

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

Locust Hill Lane; James & Peggy Garrison 5290 Locust Hill Lane; Peter Czerwinski, 5280 Locust Hill Lane; Laura Enlow, 5240 Locust Hill Lane; David Haid, 5200 Locust Hill Lane; Richard & Marcia Olson, 5130 Locust Hill Lane; Marcia Olson, 5130 Locust Hill Lane; Joel Mccuen, 5456 Dublin Road; Anthony Sigler, 5480 Dublin Road; Douglas Borror, 5500 Dublin Road; Phyllis Gerace, 5522 Dublin Road; Peter and Edith Korda, 5544 Dublin Road; Elizabeth Stechschulte, 5566 Dublin Road; Mary Iacono, 5590 Dublin Road; Valli Lukeman, 5336 Dublin Road; Brent and Elizabeth Crawford, 6028 Dublin Road; Dublin Local School Board of Education, Attn: Joe Riedel, 7030 Coffman Road; City of Dublin, c/o Jane S. Brautigam, City Manager, 5200 Emerald Parkway; Washington Mutual, Transamerica Re Tax Svc., 1201 Elm Street, Suite 400, Dallas, Texas 75270; Robert Crane III, 5600 Dublin Road; Jeffrey and Lisa Edwards, 5680 Dublin Road; and Timothy Schiff, 6016 Dublin Road. *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.

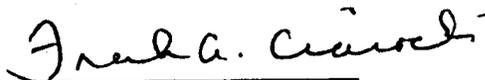
Staff Contact: Anne Wanner, Planner.

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., 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.

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

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.)

11-050V

Non-Use (Area) Variance

Crane Residence

Accessory Structure Height Variance

5600 Dublin Road

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Held

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of the next 120,000 square foot building. The second component relates to the future growth of Cardinal Health. Cardinal has been aggressive in terms of pursuing acquisitions and may have opportunities to bring additional employees to Dublin. These annual incentive payments are therefore designed to encourage them to direct that future growth in Dublin. Once Cardinal reaches established target income tax withholdings as outlined in the agreement, anything over and above will be provided to them in the form of incentive payments. The intent is that when Cardinal has the opportunity to expand, they will expand in Dublin based upon the incentives offered to the company for bringing additional employees to Dublin. This can potentially provide a significant increase in the local income tax revenues and accelerate their need to begin construction on the next building, providing additional service payments from the existing TIF and allowing acceleration of the construction of Emerald Parkway east of Riverside Drive.

Mr. Lecklider noted that the provisions indicate that these payments are to be made solely from non-tax revenues. He asked for further clarification.

Ms. Grigsby responded that in all of the City's economic development agreements, any incentives are made from non-tax revenues. This relates to certain restrictions placed upon tax revenues. Non-tax revenues include such items as interest income, building permits, fines and forfeitures from courts. Language is included regarding carry forwards or balances not paid to cover a situation where in a given year, there are not sufficient non-tax revenues to fund the payments to Cardinal. At this time, such a situation is not anticipated, but this is a standard provision contained in economic development agreements for the City.

Mr. Lecklider asked if staff is comfortable then with adding this obligation.

Ms. Grigsby responded that the annual cap is a protection for the City as well. She does not anticipate any problems with available non-tax revenues, based upon the City's history.

There will be a second reading/public hearing at the October 6 Council meeting.

ZONING

Ordinance 107-03

Establishing Dublin Zoning for 119 Parcels Comprising an Area of Approximately 69 Acres as Annexed from Franklin County and Washington Township between 1881 and 1960, North of Rings Road, South of West Bridge Street, East of Frantz Road, West of the Scioto River To: Dublin R-2, Limited Suburban Residential and R-4, Suburban Residential Districts. (Case No. 03-098Z - Inner Circle I-270 Residential Old Dublin Area Rezoning)

Mr. Kranstuber introduced the ordinance and moved referral to Planning & Zoning Commission.

Mrs. Boring seconded the motion.

Vote on the motion: Mrs. Boring, yes; Mr. Kranstuber, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mayor McCash, yes; Mr. Lecklider, yes; Ms. Salay, yes.

Ordinance 108-03

Rezoning 48 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, To: CC, Community Commercial, OLR, Office, Laboratory and Research, SO, Suburban Office and Institutional and LI, Limited Industrial Districts. (Case No. 03-099Z - Inner Circle I-270 Commercial Area Rezoning)

Mr. Kranstuber introduced the ordinance and moved referral to Planning & Zoning Commission.

Mr. Reiner seconded the motion.

Vote on the motion: Mr. Kranstuber, yes; Ms. Salay, yes; Mrs. Boring, yes; Mr. Lecklider, yes; Ms. Chinnici-Zuercher, yes; Mayor McCash, yes; Mr. Reiner, yes.

Ordinance 109-03

Rezoning Parcels Comprising an Area of Approximately 136 Acres as Annexed from Franklin County and Washington Township between 1980 and 1999, Southeast of I-270, West of the Scioto River, North of Hayden Run Road, To: Dublin R-1, Restricted Suburban Residential District. (Case No. 03-105Z- Inner Circle I-270 Residential South Dublin Road Area Rezoning)

Mr. Kranstuber introduced the ordinance and moved referral to Planning & Zoning Commission.

Mr. Reiner seconded the motion.

Vote on the motion: Mrs. Boring, yes; Mayor McCash, yes; Ms. Salay, yes; Mr. Kranstuber, yes; Mr. Reiner, yes; Mr. Lecklider, yes; Ms. Chinnici-Zuercher, yes.

11-050V

Non-Use (Area) Variance
Crane Residence

Accessory Structure Height Variance
5600 Dublin Road