

Planning Report

Thursday, July 7, 2016



16-047ADMC/CU

Vineyard Church – Rezoning/Conditional Use – 4140-4150 Tuller Rd

Case Summary

Agenda Item	5
Case Number	16-047ADMC/CU
Proposal	An amendment to the Zoning Code to allow Religious and Public Assembly as a conditional use in the BSD-Office Residential District and a proposal for an existing 17,000-square-foot tenant space, on the north side of Tuller Road west of Village Parkway, to be used as a religious assembly use.
Request	Review and recommendation of approval to City Council for a Standard District Rezoning under the provisions of Zoning Code Sections 153.232 and 153.234 and a request for review and approval of a Conditional Use for a religious assembly use under the provisions of Zoning Code Section 153.236.
Site Location	4140-4150 Tuller Road, Suites 122, 130 & 131
Applicant	Scott Engebretson, Vineyard Columbus
Case Manager	Claudia D. Husak, AICP, Senior Planner (614) 410-4675, chusak@dublin.oh.us
Planning Recommendation	<p><u>Approval of a Zoning Code Amendment</u> Recommendation of approval from ART to recommend approval to City Council of this request for an amendment to the Zoning Code to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District.</p> <p><u>Approval of a Conditional Use</u> In Planning's analysis, the operation of the proposed use is consistent with the applicable review criteria of a conditional use. Planning recommends approval of this Conditional Use with one condition.</p>
Condition	1) That the conditional use not be in effect until after the Zoning Code Amendment for the "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District is in effect.



 <p>City of Dublin</p>	<p>16-047Z/CU Rezoning/Conditional Use Vineyard Church 4140-4150 Tuller Road, Suites 122, 130 & 131</p>	<p>0 150 300 Feet</p> 
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Facts	
Site Area	9.72-acre with a 17,000-square-foot building.
Zoning	BSD-OR, Bridge Street District Office Residential
Surrounding Zoning & Uses	North: I-270 East: BSD-SCN, Bridge Street District Sawmill Center Neighborhood (hotel use) South: BSD-SCN, Bridge Street District Sawmill Center Neighborhood (vacant parcel) West: BSD-OR, Bridge Street District Office Residential (multi-tenant office use)
Site Features	There is approximately 940 feet of frontage along Tuller Road. Site access is provided by two drives located on the southwest and southeast portion of the parcel. There is no vehicular cross access through the site. There are 397 parking spaces on the site, with main building access along the south and north façade of the building.

Facts	Zoning Code Amendment
Case Summary	This is a request for review and recommendation of approval to City Council to amend portions of the Zoning Code to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District. This addition will align the use of "Religious or Public Assembly" with the rest of the BSD Zoning District, exclusive of the Historic Residential District.
Background	<p>The applicant approached Planning earlier this year with the intent to relocate from an existing tenant space in Dublin Village Center to a new tenant space in an existing building along Tuller Road. During these conversations, staff discovered that "Religious or Public Assembly" was not included as a conditional use in the BSD Office Residential District. The use is permitted as a conditional use in all other BSD Zoning Districts, except BSD Historic Residential. Based on research, it is not clear why the use was not included in this district, particularly given the minimal differences between this and the other BSD Zoning Districts.</p> <p>The case was introduced at ART on June 23, 2016 and recommended for approval on June 30, 2016.</p>

Details	Zoning Code Amendment
Process	Code Section 153.232(B)(9) provides the Planning and Zoning Commission with “other powers and duties” which includes making recommendations to City Council for amendments to the Zoning Code. Code Amendments in the Bridge Street District require a recommendation from the ART to the Planning and Zoning Commission, who will make a recommendation to City Council. The Commission will simultaneously consider a conditional use request for a 17,000-square-foot tenant space to be used as a church. ART is not required to make a recommendation on the Conditional Use. The Commission should review the modifications, provide input, and vote on the changes. The proposed amendment will be forwarded to City Council for its consideration. The following sections summarize the major components and considerations of each section of the zoning regulations proposed for the amendment.
153.059 Uses	<ul style="list-style-type: none"> • Amending the Table of Permitted and Conditional Uses in the BSD Office Residential District to add C/S (Conditional Use/Size Limited) to the Religious or Public Assembly row in Table 153.059-A for the Office Residential District. • No modifications are proposed to the applicable Use Specific Standard, Section 153.059(C)(2)(g) which limits the size of the use to 100,000 square feet. This standard will apply to this use.

Analysis	Zoning Code Amendment
Review Considerations	The Zoning Code does not provide for specific review standards for Zoning Code text amendments. However, there are certain considerations that are appropriate when considering an application for these amendments. These are provided below, along with relevant analysis. The Commission is not limited to these considerations, and may choose to give each its own weight as part of the deliberations for a recommendation to City Council.
<i>Intent and Purpose</i>	<p><i>Whether the amendment is consistent with the intent and purpose of this Chapter and the Community Plan.</i></p> <p>Guideline Met</p> <p>All of the Zoning Districts within the Bridge Street District were created based on a vision for a vibrant, walkable environment at the center of the city, with a dynamic mix of land uses and housing types that enhances the city’s long-term sustainability while preserving and highlighting the natural features that tie the Corridor together. The Vision also reinforces the Dublin’s long-term competitiveness and promotes fiscal health and adaptability by creating new environments and amenities that can attract and retain the next generation of employees and businesses.</p>

Analysis	Zoning Code Amendment
<i>Error or Omission</i>	<p><i>Whether the change is the result of an error or omission in the original text.</i></p> <p>Guideline Met.</p> <p>Given the complexity of the BSD Code, it is difficult to know why the use was included in all of districts, except for Office Residential, when it is included in the Residential District. Given the development pattern within the Historic Residential District, it is clearer why this use was excluded from the BSD-HR District. t</p>
<i>Area Effects</i>	<p><i>The potential effects on areas that are most likely to be directly affected by the change.</i></p> <p>Guideline Met.</p> <p>The proposed amendment does not include any use that would affect the exterior of a building or site and the use can be accommodated within the confines of the existing buildings in the District.</p>
<i>Creation of Nonconformities</i>	<p><i>Whether the change might result in the creation of significant nonconformities on properties in the city.</i></p> <p>Not Applicable</p>

Recommendation	Approval
Approval	<p>Recommendation of approval to City Council of this request for an amendment to the Zoning Code to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District.</p>

Details	Conditional Use
Proposal	<p>Section 153.059 (C)(2)(G) requires Conditional Use approval of religious or public assembly. The applicant is proposing to use three tenant spaces in an existing office building for a church. The use-specific standard related to churches limits their size to less 100,000 square feet. The proposal is for approximately 17,000 square feet.</p>
Operational Details	<p>The church will operate mainly on Sundays for church services. There will be classrooms within the tenant space for group studies, which mainly take place during evening hours.</p>
Parking	<p>There are 397 parking spaces on-site. The use requires 122 parking spaces per Code.</p>

Analysis	Conditional Use
Process	Section 153.236 of the Zoning Code identifies criteria for the review and approval of a conditional use (full text of criteria attached).
1. Harmonious with the Zoning Code and/or Community Plan. Condition 1	Criterion met with condition: This proposal is consistent with the requirements of the Zoning Code and the Community Plan. Approval of an amendment to the Zoning Code is required to permit the conditional use. Staff recommends conditional use not be in effect until after the Zoning Code Amendment for the “Religious or Public Assembly” as a conditional/size limited use in the BSD-Office Residential District is in effect.
2. Complies with applicable standards.	Criterion met: No modifications to the site or the building are proposed.
3. Harmonious with existing or intended character in vicinity.	Criterion met: The proposed use will not alter the essential character of the area and is compatible with surrounding uses.
4. Will not have a hazardous or negative impact on surrounding uses.	Criterion met: Proposed operations will not have an adverse effect on surrounding uses.
5. Will provide adequate services and facilities.	Criterion met: The church will provide adequate services and facilities.
6. Will not harm the economic welfare.	Criterion met: This proposed use contributes positively to the economic climate of the city.
7. Create no use or characteristic that is detrimental to the surrounding uses.	Criterion met: The use will not be detrimental to the surrounding area. The site has adequate access, parking and the proposed church fits with the commercial uses already permitted on the site.
8. Vehicular circulation will not interfere with existing circulation.	Criterion met: The site has ample parking and circulation. No additional changes are proposed.

Analysis	Conditional Use
9. Not detrimental to property values in the vicinity.	Criterion met: This proposal will not be detrimental to property values.
10. Will not impede the development or improvement of surrounding properties.	Criterion met: This proposal uses are contained on site and will not impede development or improvement to the surrounding properties.

Recommendation	Conditional Use
Approval	In Planning’s analysis, the operation of the proposed use is consistent with the applicable review criteria of a conditional use. Planning recommends approval of this Conditional Use with one condition.
Condition	1) That the conditional use not be in effect until after the Zoning Code Amendment for the “Religious or Public Assembly” as a conditional/size limited use in the BSD-Office Residential District is in effect.

CONDITIONAL USE REVIEW CRITERIA

Section 153.236(C) sets out criteria for the review and approval of a Conditional Use.

- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
- 3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
- 5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- 6) The proposed use will not be detrimental to the economic welfare of the community.
- 7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- 8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
- 9) The proposed use will not be detrimental to property values in the immediate vicinity.
- 10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.