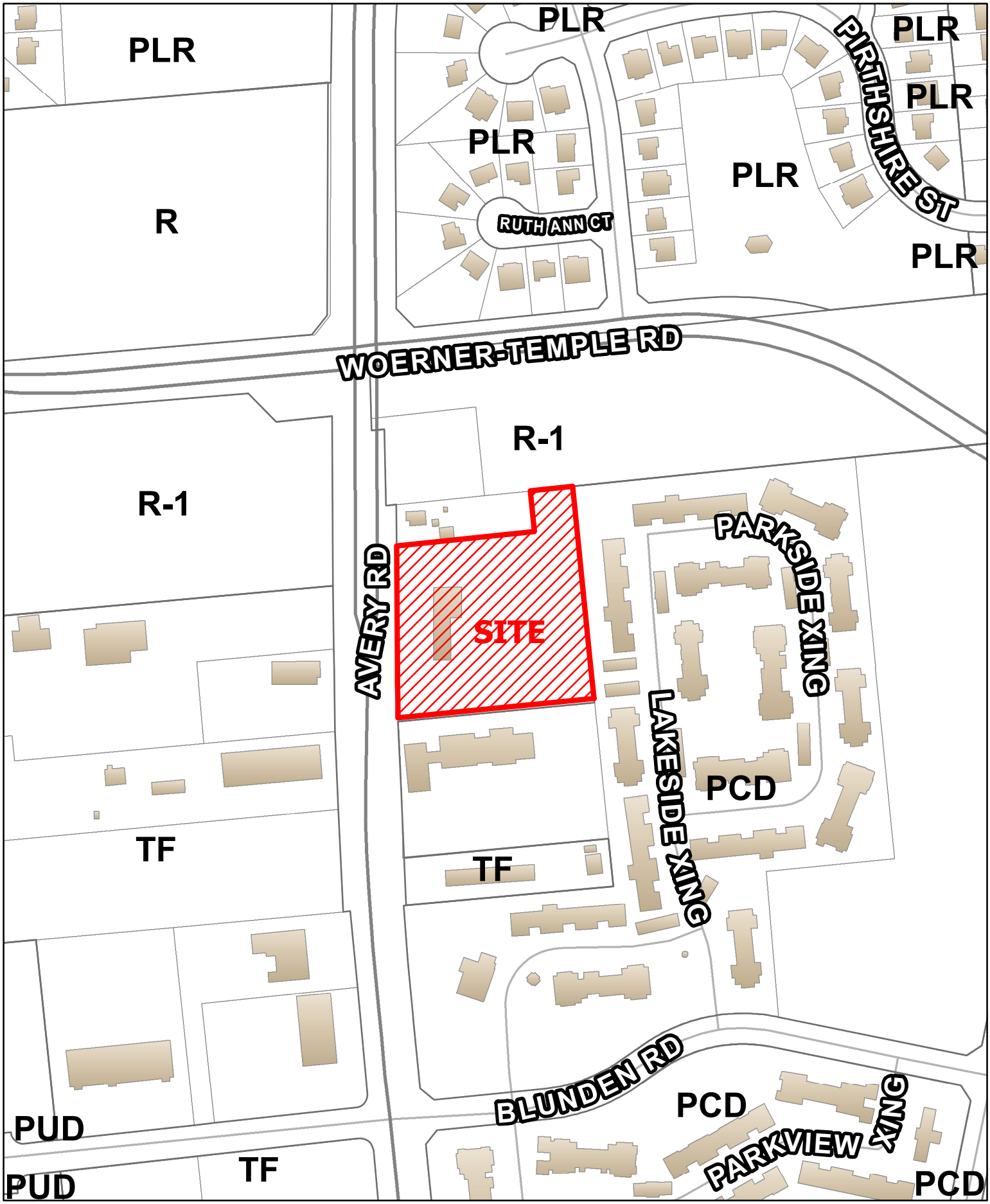

City of Dublin

16-023INF
Informal Review
Avery Road Car Wash
5740 Avery Road

0 150 300
Feet

N

..CITY OF DUBLIN

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

Phone/TDD: 614-410-4600
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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

AUGUST 14, 2003

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

6. Development Plan 03-004DP - Balgriffin PCD – Mid States Carwash – 5740 Avery Road

Location: 3.013 acres located on the east side of Avery Road, approximately 340 feet south of Woerner-Temple Road.
Existing Zoning: PCD, Planned Commerce District (Balgriffin plan).
Request: Review and approval of a development plan under the PCD provisions of Section 153.058.
Proposed Use: A 5,003-square foot carwash facility with two automatic wash bays, five manual bays, and five parking spaces.
Applicant: Mid States Development Corporation, c/o Randell Asmo, 5695 Avery Road, Dublin, Ohio 43016; represented by Shculer, Plank & Brahm c/o Catherine Cunningham, 145 E. Rich Street, Columbus, Ohio 43215-5240.
Staff Contact: Jamie E. Adkins, Planner.

MOTION: To approve this development plan because it is consistent with the original Balgriffin PCD text and the PCD standards of Section 153.058, and the proposed architecture blends with existing buildings in the area, with eight conditions:

1) That the overhead doors remain closed between wash cycles;
2) That a revised landscape plan be submitted that incorporates comments from this report, subject to staff approval;
3) That a five-foot sidewalk on the east side of Avery Road be installed with this development;
4) That a revised lighting plan be submitted that addresses the issues in the staff report;
5) That the applicant comply with the provisions of the Noise Ordinance;
6) That a dumpster be added if trash becomes problematic as determined by ongoing Code Enforcement inspection;
7) That the site complies with the Stormwater Regulations, to the satisfaction of the City Engineer; and

PLANNING AND ZONING COMMISSION
RECORD OF ACTION
AUGUST 14, 2003

6. Development Plan 03-004DP - Balgriffin PCD – Mid States Carwash – 5740 Avery Road (Continued)

8) That coin and vending machines shall be recessed or architecturally treated, subject to staff approval.

* Catherine Cunningham agreed to the above conditions.

VOTE: 4-2.

RESULT: This development plan was approved.

STAFF CERTIFICATION

Barbara M Clarke

Barbara M. Clarke
Planning Director

6. Development Plan 03-004DP - Balgriffin PCD – Mid States Carwash – 5740 Avery Road

Mr. Gerber swore in those indicating they wished to speak on this administrative case.

Jamie Adkins said this development plan was tabled on June 19 due to new information being presented at the meeting. This site is part of the Balgriffin PCD, Planned Commerce District. She gave a PowerPoint presentation concentrating on the revisions. An extensive number of trees were added since the previous meeting, including all of the 215 replacement tree inches and several evergreens on the east and sides. The proposed architecture has a limestone watercourse, Hardiplank siding, and dimensional shingles. Signage has not changed. She said staff is pleased with the changes and recommends approval with seven conditions:

1) That the overhead doors remain closed between wash cycles;
2) That a revised landscape plan be submitted that incorporates comments from this report, subject to staff approval;
3) That a five-foot sidewalk on the east side of Avery Road be installed with this development;
4) That a revised lighting plan be submitted that addresses the issues in the staff report;
5) That the hours of operation be limited according to the Noise Ordinance if noise complaints are raised by neighbors;
6) That a dumpster be added if trash becomes problematic as determined by ongoing Code Enforcement inspection; and
7) That the site complies with the Stormwater Regulations, to the satisfaction of the City Engineer.

Mr. Banchefsky said Condition 5 should not contain hours of operation, because that is not the intent of the Noise Ordinance. He said the Noise Ordinance operates prospectively. If there is a future noise problem, the City can pursue the enforcement procedures. He suggested that the applicant agree to comply with the Noise Ordinance provisions.

Ms. Boring asked why the hours of operation could not be regulated. Mr. Gerber said this is a permitted use, and Mr. Banchefsky noted the zoning text does not include that provision. Mr. Banchefsky said now, such a use would be conditional. Ms. Boring said she was surprised that anyone would want to jeopardize the community.

Mr. Gerber said it was very difficult to put "criminal sanctions" inside a PCD text. Mr. Banchefsky said Condition 5 indicated that hours of operation are controlled under the Noise Ordinance, and that is not the case. He recommended deleting it or revising it to say the applicant shall comply with the Noise Ordinance provisions. Mr. Gerber said the Commission wanted a condition stating that the applicant shall comply with the Noise Ordinance.

Mr. Banchefsky clarified that on Page 46 of the staff report, the last bullet point before Access and Traffic Management there was a provision that said "Carwash bays and equipment housed therein are considered service structures." He said they spoke to the Commission about that at the last meeting, and it was not the position that the Law Director takes legally – these are <u>not</u> service structures. He said nothing needed to be amended because it was not a condition of approval.

Mr. Ritchie asked Ms. Adkins to elaborate on landscape buffering between the carwash parking and the property line with the apartments. Ms. Adkins said on the east side of the property there is a 3½-foot mound required to screen the parking. On top of the mound, is a row of shade trees. Behind the mound is a staggered row of large evergreens. On the south and north portion, there are ornamental trees. She said the width was 35 feet from the pavement to the property line.

Ms. Boring asked about property maintenance requirements. Ms. Adkins said the Code requires landscape maintenance. Ms. Boring said she was referring to trash, etc. Ms. Clarke said Dublin has a maintenance code, but exterior maintenance and the buildings themselves are covered.

Ms. Boring said in a PCD, the number of Code required stacking spaces could not be modified at the development plan. Ms. Adkins agreed and said that would require rezoning.

Ms. Boring said in a PUD, the Commission could reduce the stacking. Mr. Banchefsky said it depended on what stage of the PUD. This could not be done at the final development plan; it would have to go back to amend the preliminary development plan, i.e. rezoning.

Ms. Clarke disagreed and said that has not been previous guidance. If it conforms to the spirit and intent of the preliminary development plan, the Commission has exercised that level of flexibility at the final development plan. This is a PCD and does not have any flexibility at all.

Ms. Boring said did not think there would be 72 cars there at once, and she wished the stacking could be reduced.

Catherine Cunningham, on behalf of the applicant, agreed to the above conditions, with the changes discussed to Condition 5.

Ms. Adkins said the vending machines are shown on the east elevation, on the back of the building between the automatic and equipment room doors. Mr. Asmo said they will be mounted to the wall. Ms. Boring said they should be more residential-looking. Ms. Adkins said they cannot be seen from the street, and they are relatively small.

Mr. Gerber said without landscape maintenance, they could become visible. Ms. Boring suggested putting the vending machines in an alcove, an overhang, or something less obvious. Mr. Zimmerman suggested they be recessed into the mechanical room. Ms. Boring agreed.

Mr. Asmo said the vending machines were not very deep. He said agreed to try to recess them into the building. If it is not possible, he will build some kind of box around them to give the appearance of being recessed. They will not extend beyond the overhang.

Mr. Messineo said they need some kind of architectural treatment to make them less obvious. There was some discussion of possible working of a condition.

Mr. Ritchie noted the four criteria for approval of a development plan include, "The proposal is consistent with sound zoning and planning concepts." By sound planning and zoning principles, he cannot see how a carwash can be compatible with adjacent residential. In his judgment, these two uses will never be compatible. Mr. Ritchie believes there are a lot of ways to improve this proposal. He said the number of bays could be reduced, the landscaping and buffer could be

increased, exchanging some of the stacking for landscaping and increased separation, and limiting the hours of operation are suggestions. While these things could be done, the proposed development plan is not consistent with sound zoning and planning principles.

Mr. Sprague agreed with Mr. Ritchie's concerns. He believes the building orientation is particularly problematic with the bays facing the street. He suggested rotating it 90 degrees.

Mr. Gerber agreed that this was not consistent with sound zoning or planning concepts. He said he would like to find a way to make this all work. He said this has been seen several times before and has been tabled by the applicant several times in efforts to try to make things work.

Mr. Ritchie said more buffering or landscaping could be provided by reducing the stacking. He said 72 stacking spaces are too many.

Mr. Banchefsky said the applicant is unwilling rezone the property to reduce the stacking. He said "compatible with sound zoning principles" could not be taken out of the legal framework. This property is zoned.

Mr. Gerber suggested that the Community Plan recommendations of finding strategies to retain the rustic character, protecting scenic roads, might also be part of the legal framework. Part of the Commissioner's responsibility is to apply that. Mr. Banchefsky responded that the Community Plan does not rise to the level of the underlying zoning.

Mr. Gerber said the Commissioners understand the text and still believe they have the flexibility and the right to make sure this is consistent with sound zoning practices and fits the community standard. Mr. Sprague agreed. Mr. Gerber said it is not the Commission's policy re-design projects. He was not inclined to table this case again.

Ms. Adkins said the staff investigated other layouts with the applicant. Due to the required traffic direction and required stacking, the proposed layout is the most efficient with the least possible pavement. She said the 12 space stacking requirement uses up a lot of the site.

Ms. Boring suggested that the Board of Zoning Appeals consider a variance to reduce stacking. Ms. Clarke said that was not an option in a PCD. The PCD text would need to be revised to do this, which requires the full rezoning process. However, if the "minor plan revision" is adopted into the Code, and the Commission determines this meets that definition, it could take this action. That Code revision is scheduled for City Council on August 18, taking effect in 30 days if approved.

Mr. Banchefsky said this application has the same criteria in effect as the rezoning.

Mr. Gerber said the zoning did not contemplate the number of bays or stacking. Ms. Clarke said the text did not set limits either. In the Balgriffin PCD, there was the opportunity to define architecture, building orientation, and layout, but they were not included. The residential property abutting this was the main focus of that application.

There was additional discussion between the Commissioners and Mr. Banchefsky about the application of sound zoning and planning for this case. Mr. Sprague said the question was of implementation, not whether a carwash is permitted.

Mr. Banchefsky said the applicant might desire to pursue a minor text amendment, assuming approval of the Code amendment by Council. That will take about 60 days.

Ms. Boring wanted some mechanism that would reduce pavement.

Ms. Clarke explained the pending Code amendment to define and implement a "minor plan modification" at the development plan or final development plan stage of the review process. After some discussion, Ms. Cunningham said her client is anxious to proceed with a vote tonight.

Mr. Gerber said typically a carwash is treated as a conditional use, and it is not in this case. He said staff had done a good job working with this applicant, on design, landscaping, etc. This may not be a perfect idea for this piece of property, but he could support it.

Mr. Ritchie could not support this for the reasons stated earlier. He thought work should be done to improve it.

Mr. Gerber made the motion to approve this development plan because it is consistent with the original Balgriffin PCD text and the PCD standards of Section 153.058, and the proposed architecture blends with existing buildings in the area, with eight conditions:

1) That the overhead doors remain closed between wash cycles;
2) That a revised landscape plan be submitted that incorporates comments from this report, subject to staff approval;
3) That a five-foot sidewalk on the east side of Avery Road be installed with this development;
4) That a revised lighting plan be submitted that addresses the issues in the staff report;
5) That the applicant comply with the provisions of the Noise Ordinance;
6) That a dumpster be added if trash becomes problematic as determined by ongoing Code Enforcement inspection;
7) That the site complies with the Stormwater Regulations, to the satisfaction of the City Engineer; and
8) That coin and vending machines shall be recessed or architecturally treated, subject to staff approval.

Mr. Banchefsky requested that any negative votes add the basis for that decision. Mr. Messineo seconded, and the recorded vote was: Mr. Sprague, no, because he did not believe the proposal is consistent with sound zoning and planning practices and concepts, as he previously stated; Mr. Zimmerman, yes; Ms. Boring, yes; Mr. Ritchie, no, because the proposal is not consistent with sound zoning and planning principles, the land use is not compatible in his judgment with residential development, and opportunities for mitigation have not been pursued to make it compatible; Mr. Messineo, yes; and Mr. Gerber, yes. (Approved 4-2.)

The meeting adjourned at 11:03 p.m.

Respectfully submitted,

Libby Farley, Administrative Assistant
Planning Division

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

JUNE 19, 2003

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

3. Development Plan 03-004DP - Balgriffin PCD – Mid States Carwash – 5740 Avery Road

Location: 3.013 acres located on the east side of Avery Road, approximately 340 feet south of Woerner-Temple Road.
Existing Zoning: PCD, Planned Commerce District (Balgriffin plan).
Request: Review and approval of a development plan under the PCD provisions of Section 153.058.
Proposed Use: A 5,003-square foot carwash facility with two automatic wash bays, five manual bays, and five parking spaces.
Applicant: Mid States Development Corporation, c/o Randell Asmo, 5695 Avery Road, Dublin, Ohio 43016; represented by Shawn McAllister Architects, Inc. c/o Shawn McAllister, 1010 Old Henderson Road, #204, Columbus, Ohio 43220.
Staff Contact: Jamie E. Adkins, Planner.

MOTION: To table the development plan because the Commission did not get the opportunity to review the documentation, memoranda, and explanations that are very critical for its consideration of this application.

VOTE: 7-0.

RESULT: This development plan was tabled.

STAFF CERTIFICATION

Barbara M. Clarke

Barbara M. Clarke
Planning Director

03-004DP
Balgriffin PCD
Mid States Carwash
5740 Avery Road

Mr. Woodings said the fence in the single-family condo area will be prefinished metal. He noted the parking ratio on the apartments was 2.5 spaces per unit.

Mr. Gerber agreed with the other Commissioners' comments. He emphasized gateway features and their importance at this entryway. He hoped the plan will "knock their socks off." It should be clear that this is in Dublin, and amenities are essential. Mr. Woodings said they made a commitment to do great gateway features.

Mr. Gerber asked if there could be an overarching theme to include the bikeway and walking paths, gazebos, areas to cookout, etc. He said the northern elevations needed diversity, more creative and varied elevations, side-loaded garages, and brick. The lighting should be soft. He said Subarea 4 should be redesigned to reduce the perceived density. Mr. Gerber agreed that the ponds needed to be water features. Mr. Woodings said the ponds had waterfalls.

Mr. Messineo suggested low impact nature walking trails through the woods.

Mr. Hale said they were not coming back with full engineering plans, but with another preview plan for the Commission to review. Mr. Gerber agreed to this approach.

Ms. Boring thanked everyone for all their work on this and restated to Mr. Woodings the importance of preserving trees.* Mr. Gerber agreed.

Mr. Gerber moved for approval of this administrative review, to adopt the 2003 proposal, and Mr. Zimmerman seconded. The vote was as follows: Mr. Ritchie, yes; Ms. Boring, yes; Mr. Sprague, yes; Mr. Saneholtz, yes; Mr. Messineo, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 7-0.) Mr. Gerber thanked the applicants and looked forward to the next meeting.

3. Development Plan 03-004DP - Balgriffin PCD - Mid States Carwash - 5740 Avery Road
Jamie Adkins presented this PCD development plan for a carwash on a three-acre site on the east side of Avery Road. She said a carwash facility is a permitted use in this text. The site is relatively flat with woods on the northern portion. Ms Adkins said the proposed carwash includes five hand-wash and two automatic bays. Traffic enters at Avery Road and circles the building. The building has gray Hardi-plank siding and a stone watercourse. The automatic bays have overhead doors and there are faux windows on the north and south elevations. She said the proposed sign uses the same stone and has white channel lettering.

Ms. Boring asked how a 35 square foot sign area was calculated. Ms. Adkins said Dave Marshall was present and could answer that later.

Ms. Adkins said staff recommends approval of this development plan with six conditions:
1) That the hours of operation be limited from 7 a.m. to 9 p.m. daily to minimize noise impacts on the adjacent apartments;
2) That the overhead doors remain closed between wash cycles;
3) That a revised landscape plan that complies with the service structure screening requirement be submitted, subject to staff approval;
4) That a five-foot sidewalk on the east side of Avery Road be installed with this development;
5) That a dumpster be added if trash becomes problematic, subject to staff approval; and

6) That the site comply with the Stormwater Regulations, to the satisfaction of the City Engineer.

Ms. Clarke said a letter from an adjacent surrounding property owner was distributed tonight.

Mr. Banchefsky said the applicant's counsel raised issues, and he wanted to assure these were understood. He said the Law Department's position is that, regarding Condition 3, 100 percent screening is not required because overhead garage doors do not constitute a service structure. He said this is a permitted use under the zoning text, not a conditional use, and it is difficult legally to limit the hours of operation. The criminal provisions in the Code to prohibit nuisance and Dublin's noise ordinance would apply, but they are not a basis for hours of operation. Without the agreement of the applicant, the Commission cannot prevent 24-hour operations next to a residential area. Mr. Gerber noted the nuisance or noise ordinances would still apply.

Mr. Messineo asked what level of screening is allowable. Mr. Banchefsky did not know.

Ms. Adkins said there are other areas of screening. The west side has a 3½-foot mound with deciduous trees. The north side has a 3½-foot mound plus 2½ feet of shrubs. The east side has a 3½-foot mound and 3½ feet of shrubs, plus trees. To screen vehicular areas, 3½ feet of mound, hedge or wall was needed. Service structure screening needs to be the height of the structure itself, and the staff requested using evergreens eight to twelve feet tall. On the south property line, there is also mounding with trees.

Ms. Boring asked if this were a conditional use. Mr. Banchefsky said it was a development plan, and the Commission is to assure this is a detailed refinement of the previously approved zoning. A carwash is listed as a permitted use in the zoning text. Ms. Boring did not think it was grandfathered like that. It should be a conditional use as an auto-oriented use as others had been.

Mr. Banchefsky said the Law Director's office issued an opinion that, in this situation, the applicant is vested in that use.

Ms. Clarke said in standard commercial districts, such as CC, Community Commercial District, a carwash or other auto-oriented use became a conditional use when the Code changed. She said this was the only text she knew of that spelled out carwash under permitted uses.

Mr. Banchefsky said he needed to review his memo. He believed the key was that it was specifically listed in the zoning text as a permitted use. That is the distinction in this case.

Catherine Cunningham, attorney for Mid States Development, said Balgriffin was zoned in 1993. for condos, apartments, and commercial uses. The approved allowable uses include office, light industrial and a carwash. A carwash, whether automated or self-serve, is specifically identified as a permitted use, plus other maintenance and restoration uses. At Balgriffin, the phasing was to develop the single-family first followed by the condos, multi-family, and then the commercial.

Ms. Cunningham said they have carte blanche on the colors and overall look of the facility. The staff recommended this color scheme. Material samples were presented. The siding is Hardiplank. The shingles will be dimensional shake.

Ms. Cunningham said the carwash Code standards were changed since the site was zoned. She said they show 12 stacked cars per bay. They also agree to install mounding and deciduous trees, skirting the whole perimeter. She said the scrubby hardwood trees will be cleared out, and they will plant as many replacement trees as possible. The remainder will have to be a donation. She said they had worked with the staff to replace as many trees as possible.

Ms. Cunningham said she would answer questions. This is not the usual conditional use. She said she had given Mr. Banchefsky a detailed legal memorandum on this administrative process. It outlines their position on the service structure screening. She said the staff respectfully disagrees with this and the issue of limiting the hours of operation. She said they agree to Conditions 4, 5, and 6 only.

Mr. Messineo asked why the legal memo was not provided in their materials on Friday. Mr. Banchefsky responded he became aware of it this morning from Ms. Cunningham. He said it is not a plan revision, but a statement of their legal position. The applicant to submit for the record.

Mr. Gerber said this was part of the presentation. Ms. Boring said it was too long to review tonight. She asked if the applicant would cooperate with screening between this use and the residential neighborhood behind him.

Ms. Cunningham said the zoning text required 75 percent screening be installed with the apartment construction. It was the apartments' obligation to screen. Mr. Gerber agreed. She said staff raised concerns about noise, and she disagreed about the ability to regulate it.

Bob Kinzel, BRD Noise and Vibration Control, said the vacuum cleaners will not be a problem. It is 295 feet to the property line, and the noise will dissipate to the level of the ambient noise in the area. The residents will probably not hear the vacuum cleaners when they are running. He said the ambient noise level was approximately 48 to 50 decibels. He said the noise reading extrapolated to 48-50m decibels at 295 feet. The vacuums will not be discernible.

Mr. Gerber asked about the blowers and carwash. Mr. Kinzel said he was not retained to determine their decibel levels.
Mr. Banchefsky said it was the Commission's prerogative to accept these documents and take them under consideration, or to table this case until they have reviewed the information.

Mr. Gerber said the Commission had a strict 15-day submission rule. This noise report should have been in the packets last Friday. This puts the Commission at a disadvantage because they cannot study this information tonight, and he would not accept the study into tonight's record.

Ms. Cunningham said she understood that the 15-day rule was for submissions of plans.

Ms. Boring was not prepared for this new information tonight. She made the motion to table the development plan because the Commission did not get the documentation, memoranda, and explanations that are very critical for its consideration of this application. Mr. Ritchie seconded the motion, and the vote was as follows: Mr. Messineo, yes; Mr. Saneholtz, yes; Mr. Sprague, yes; Mr. Zimmerman, yes; Mr. Gerber, yes; Mr. Ritchie, yes; and Ms. Boring, yes. (Tabled 7-0.)

Mr. Gerber asked that new materials should be forwarded to the Commission quickly. He asked that it be rescheduled as quickly as possible. He wanted a thorough set of documents next time.

03-004DP
Balgriffin PCD

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

MAY 15, 2003

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

6. **Development Plan 03-004DP - Balgriffin PCD – Mid States Carwash – 5740 Avery Road**
Location: 3.013 acres located on the east side of Avery Road, approximately 340 feet south of Woerner-Temple Road.
Existing Zoning: PCD, Planned Commerce District (Balgriffin plan).
Request: Review and approval of a development plan under the PCD provisions of Section 153.058.
Proposed Use: A 5,003-square foot carwash facility with two automatic wash bays, five manual bays, and five parking spaces.
Applicant: Mid States Development Corporation, c/o Randell Asmo, 5695 Avery Road, Dublin, Ohio 43016; represented by Shawn McAllister Architects, Inc. c/o Shawn McAllister, 1010 Old Henderson Road, #204, Columbus, Ohio 43220.
Staff Contact: Jamie E. Adkins, Planner.

MOTION: To table this development plan application as requested by Catherine Cunningham, attorney, representing the applicant, to permit the applicant to resolve outstanding issues.

VOTE: 7-0.

RESULT: This case was tabled without discussion.

STAFF CERTIFICATION

Barbara M. Clarke
Planning Director

03-004DP
Balgriffin PCD
Mid States Carwash
5740 Avery Road

the space. Every retailer makes that evaluation. He said most Chipotle customers have flexible lunchtimes, and many orders are faxed and then picked up by one person.

Mr. Saneholtz said 2½ years ago, a parking break was granted based on the condition that a second restaurant could not occupy the back building. He said he agreed with Ms. Boring that the previous Commission action was rational and should be supported.

Mr. Gerber said the traffic problem and flow have been there. He sensed the Commission was not convinced that the staff would overcome the concerns.

Mr. Messineo said the applicant has worked with staff and it has staff support, and perhaps the Commission should give the applicant another chance. Mr. Sprague said unless Condition 1 was accepted by the applicant, tabling would be futile. Mr. Zimmerman concurred. Mr. Saneholtz did not support tabling because the whole proposal is based on current practices.

Mr. Ritchie said he saw no solution to the problem, but he felt the Commission should respect the applicant's request. Ms. Boring was very concerned about the traffic flow as well. Mr. Walker said they are not coming back to the Commission unless there is a change. They will meet with McDonald's legal department to look at options. They will work hard on this.

Mr. Gerber questions if this will work in the future, even if it works now. If and when it stops working, how do the applicant and the City get out of it, from a safety and traffic flow standpoint? He can support a motion to table with the agreement that if parking and traffic flow can not be worked out, it should not be brought back. Mr. Heath and Mr. Walker agreed.

Mr. Saneholtz said when this application returns, he would like to know the number of vehicles (people being served by McDonald's) to provide some idea of the number of vehicles on site.

Mr. Gerber made the motion to table this rezoning application as requested by Mr. Walker for purposes of attempting to work out the traffic flow and parking issues. Mr. Ritchie seconded the motion, and the vote was as follows: Mr. Messineo, yes; Mr. Sprague, yes; Mr. Saneholtz, no; Mr. Zimmerman, no; Ms. Boring, yes; Mr. Ritchie, yes; and Mr. Gerber, yes. (Tabled 5-2.) Mr. Gerber thanked the applicant and hoped for a resolution.

6. Development Plan 03-004DP - Balgriffin PCD – Mid States Carwash – 5740 Avery Road

Catherine Cunningham, attorney, said since this case had been tabled at the last Commission meeting, they have worked out some issues with staff. New issues arose, and she requests tabling to resolve all of them. Mr. Gerber thanked her and made a motion to table this development plan. Mr. Zimmerman seconded, and the vote was as follows: Mr. Messineo, yes; Mr. Saneholtz, yes; Mr. Sprague, yes; Ms. Boring, yes; Mr. Ritchie, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Tabled 7-0.)

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

April 17, 2003

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

6. **Development Plan 03-004DP – Mid States Car Wash – 5740 Avery Road**
Location: 3.013 acres located on the east side of Avery Road, approximately 340 feet south of Woerner-Temple Road.
Existing Zoning: PCD, Planned Commerce District (Balgriffin plan).
Request: Review and approval of a development plan under the PCD provisions of Section 153.058.
Proposed Use: A 4,578-square foot car wash facility with one automatic wash bay, six manual bays, and five parking spaces.
Applicant: Mid States Development Corporation, c/o Randell Asmo, 5695 Avery Road, Dublin, Ohio 43016; represented by Shawn McAllister Architects, Inc., 1010 Old Henderson Road, #204, Columbus, Ohio 43220.
Staff Contact: Jamie E. Adkins, Planner.

MOTION: To table this development plan as requested by the applicant's attorney, Catherine Cunningham.

VOTE: 5 – 0.

RESULT: This development plan application was tabled without discussion.

STAFF CERTIFICATION

Barbara M. Clarke

Barbara M. Clarke
Planning Director

concerns, and the traffic impact. Mr. Zimmerman seconded the motion, and the vote was as follows: Mr. Saneholtz, yes; Mr. Sprague, yes; Ms. Boring, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Tabled 5 – 0.)

5. Rezoning 03-016Z – Riverside Hospital PCD – Subarea A

This case was postponed prior to the meeting. There was no discussion and no vote taken.

6. Development Plan 03-004DP – Mid States Car Wash – 5740 Avery Road

Catherine Cunningham, attorney with Shuler, Plank, and Brahm, representing Mid States Development Corporation, requested tabling of Case 6 for four weeks.

Mr. Gerber made a motion to table this development plan, and Mr. Zimmerman seconded. The vote was as follows: Mr. Sprague, yes; Ms. Boring, yes; Mr. Saneholtz, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Tabled 5 – 0.)

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Flora Rogers

Flora Rogers, Clerical Specialist II
Planning Division

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 26-03 *Passed* _____, 20____

AN ORDINANCE TO CORRECT THE TITLE OF ORDINANCE #06-93 IN CONFORMANCE WITH THE APPROVED DEVELOPMENT PLANS FOR BALGRIFFIN 1, THE VILLAGE OF BALGRIFFIN, THE CROSSINGS AT AVERY, AND THE BALGRIFFIN PCD (CASE NO. Z93-001 BALLGRIFFIN REZONING).

WHEREAS, the title of Ordinance 06-93 (amended) passed on September 20th 1993 was incorrect and called for a change in zoning for " ±74 acres of land located to the northeast of Avery and Rings Roads be rezoned from: PUD, Planned Unit Development District to: PCD, Planned Commerce District;" and

WHEREAS, the rezoning application, staff reports, Record of Actions and memos to Council regarding this rezoning application (Z93-001) all indicate that the zoning request was for a PUD, Planned Unit Development District and PCD, Planned Commerce District; and

WHEREAS, Condition 1 of the July 8, 1993 Planning and Zoning Commission Record of Action states "that a new legal description for the PUD and PCD areas must be submitted before this case is scheduled for review by City Council;" and

WHEREAS, facsimile documents received by the City indicate that legal descriptions for both the ±70.603 acre PUD parcel, and the ±6.322 acre PCD parcel were timely submitted by the applicant on July 8, 1993; however, the actual rezoning packet, submitted to City Council for the final reading on September 20, 1993, contained only one legal description (the ±70-acre PUD portion); and

WHEREAS, those developments, which included offices, houses and condominiums has been constructed according to the development standards as set forth by the Balgriffin development text, approved by City Council in 1993; and

WHEREAS, the error found in the original title of Ordinance #06-93(amended) was a drafting error; and

WHEREAS, the corrected title for Ordinance #06-93 (amended) should be rewritten to state: "An ordinance providing for a change of zoning of +/- 76.925 acres of land located to the northeast of Avery and Rings Roads, to be rezoned from: R-1B, Restricted Suburban Residential District, and LI, Limited Industrial District, to: PUD, Planned Unit Development District and PCD, Planned Commerce District; and

WHEREAS, the corrected title will accurately reflect the actual legislation recommended for approval by the Planning and Zoning Commission and approved by City Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, le of the elected members concurring:

Section 1. That the following Ordinance #06-93 (amended) is hereby corrected to read as follows:

"A change of zoning of +/- 76.925 acres of land located to the northeast of Avery and Rings Roads, to be rezoned from R-1B, Restricted Suburban Residential District and LI, Limited Industrial District (both Washington Township classifications) to: PUD, Planned Unit Development District (70.603

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acres) and PCD, Planned Commerce District (6.322 acres) (Case No. Z93-001 Balgriffin Rezoning)

Section 2. Council hereby finds that correcting this drafting error as set forth herein to reflect the previously approved rezoning does not constitute a rezoning of the subject property, and as such does not require a referral to the Planning and Zoning Commission.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 18th day of February, 2003.

Mayor - Presiding Officer

Attest:

Anne C Clark

Clerk of Council

Sponsor: Planning Division

I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code.

Asst. Judith K. Beal
Clerk of Council, Dublin, Ohio

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Held September 20, 1993 19

Ms. Newcomb stated that she has no additional information on the ordinance.
Vote on the Ordinance - Mr. Strip, yes; Mr. Amorose, yes; Mr. Kranstuber, yes; Mr. Campbell, yes; Mrs. King, yes; Mayor Rozanski, yes.

Ordinance No. 67-93 - An Ordinance Providing for a Change of Zoning of 45.18 Acres of Land Located on the East Side of Dublin Road Approximately Opposite River Forest Subdivision from: R-1, Restricted Suburban Residential District to: PUD, Planned Unit Development District. (Third Reading)
Ms. Fierce stated that staff has supplied a memorandum to Council with the amended conditions stated by Council at the last meeting.

Mr. Bowman added that the developer has requested in writing a detention waiver for this site. Staff still needs to work out some issues regarding the waiver with the applicant prior to a vote on the waiver.

Regarding the issue of cost sharing of lowering of Dublin Road, Mr. Bowman stated that the city is proposing to make a 20 percent contribution, with the developer paying for 80 percent of the cost. The agreement still needs to be finalized. Some details will be worked out during the detail design phase. He will report back to Council at a later date when more information is available.

Mr. Smith stated that he met with Mr. Foegler today to discuss the agreement, and an 80/20 arrangement was worked out as Mr. Bowman has stated. The issues of the road closing will have to be addressed as more engineering information is available. He and Mr. Foegler believe the 80/20 arrangement is both reasonable and fair.

Mr. Smith noted that Condition #13 should have an additional clause. It will thus state, "That the developer lower the elevation of Dublin Road at the development's entrance to the satisfaction of the City Engineer and shall contribute 80 percent of the cost for the same."

Mr. Driscoll, representing applicant Multicon Builders, Inc. commented that conditions 4 and 11 should be deleted as they only applied when there was not going to be open space in the front of the neighborhood.

Mr. Foegler agreed that it would be appropriate to delete conditions 4 and 11.

Mrs. King moved approval of the rezoning with the conditions listed in the September 16, 1993 memorandum to Council from Planning Staff with the deletion of condition #4, amending condition 11 to read, "That Reserve "B" be designated as public open space to be maintained by the homeowners' association" and amending Condition 13 to read, "That the developer lower the elevation of Dublin Road at the development's entrance to the satisfaction of the City Engineer and the developer shall contribute 80 percent of the cost for the same."
Mr. Campbell seconded the motion.
Mr. Driscoll stated that he is in agreement with conditions as stated by Mrs. King.

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

Ordinance No. 06-93 (Amended) - An Ordinance Providing for a Change of Zoning of +/-74 Acres of Land Located to the Northeast of Avery and Rings Roads, to be rezoned from: PUD, Planned Unit Development District to: PCD, Planned Commerce District. (Third Reading)
Ms. Fierce stated that an amended ordinance has been prepared with an acreage of 74 acres. Rob Meyer, representing the applicant, Avery Road, Ltd. has submitted a new text late today which was distributed to Council tonight. Clarifications have been made with regard to the bikeway improvements, tree protection, and buffering between adjacent uses to the satisfaction of staff. Mr. Smith will address the issue of the contribution for Woerner-Temple extension.

Mr. Smith stated that staff has had negotiations with Mr. Meyer and Appendix C sets forth that the developer will build 765 linear feet of Woerner-Temple relocated. The appendix sets forth the specs of 41 feet and outlines the details and various options. Staff is satisfied with the agreement and recommends that Appendix C, part of the amended text, should be incorporated as a condition of approval this evening.

Mr. Foegler stated that, effectively, the proposal calls for the developer to provide a 30 percent contribution for the Woerner-Temple extension from Avery to Wilcox as discussed at the last

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meeting.

Mr. Strip moved to accept the amended text and new Appendix C and to approve the rezoning with these conditions and the other 16 conditions stated at the previous Council meeting.
Mr. Kranstuber seconded the motion.

Discussion followed about the outcome of the proposal to require the developer to pipe the ditches along Rings Road and Avery Road. Mayor Rozanski stated that the developer has agreed to enclose the ditch along Rings in front of the single-family home area.

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

Ordinance No. 71-93 - An Ordinance Requesting Approval to Change the Name of Enterprise Drive to Innovation Drive in the City of Dublin, Ohio, and Declaring an Emergency. (Third Reading)
Mr. Foegler commented that this legislation will fulfill the inducement agreement as expressed in the tax increment financing agreement authorized by Council. Staff is requesting passage by emergency because the road construction will be initiated shortly.
Mr. Amorose moved to waive the three-time reading rule and treat as emergency legislation.
Mrs. King seconded the motion.
Vote on the Motion - Mr. Campbell, yes; Mr. Amorose, yes; Mrs. King, yes; Mr. Strip, yes; Mayor Rozanski, yes; Mr. Kranstuber, yes.
Vote on the Ordinance - Mr. Strip, yes; Mrs. King, yes; Mayor Rozanski, yes; Mr. Campbell, yes; Mr. Amorose, yes; Mr. Kranstuber, yes.

Ordinance No. 72-93 - An Ordinance to Amend Certain Sections of the Codified Ordinances of the City of Dublin Pertaining to Penalties for Driving Under the Influence and Licensing Violations, to Comply with Current State Law, and Declaring an Emergency. (Second Reading)
Mr. Smith commented that this ordinance will bring Dublin's Code into compliance with State Code. He is requesting passage by emergency.
Discussion followed about the State Highway Patrol sobriety checkpoint operation.
Mr. Amorose moved to waive the three-time reading rule and treat as emergency legislation.
Mrs. King seconded the motion.
Vote on the Motion - Mr. Kranstuber, yes; Mr. Amorose, yes; Mr. Strip, yes; Mr. Campbell, yes; Mrs. King, yes; Mayor Rozanski, yes.
Vote on the Ordinance - Mr. Campbell, yes; Mayor Rozanski, yes; Mrs. King, yes; Mr. Strip, yes; Mr. Amorose, yes; Mr. Kranstuber, yes.

Ordinance No. 73-93 - An Ordinance Declaring a Nuisance at 3940 Summitview Road and Declaring an Emergency. (Second Reading)
Mr. Smith stated that Mrs. Ailshire and some neighbors on Summitview Road approached city staff regarding a serious problem with barking dogs and unattended animals. Rather than amending the entire Code and following careful review, he believes the best way to handle this isolated incident is to have Council declare this situation as a nuisance and order that it be abated through litigation. He will request that Mrs. Ailshire address Council regarding the complaints. Mr. Smith further stated that the affected party has retained counsel, Mr. Chris Cline.

Discussion followed about the legal challenges which could be raised by this action. Staff believes that the city will be successful in litigation.

Mr. Smith further explained that he will request the court to order that the situation as it presently exists be altered so that the neighbors can enjoy their homes.

Mr. Strip clarified that this is not an "anti-dog" ordinance, but rather an ordinance to alleviate the noise and discomfort of the situation on Summitview Road.

Mr. Smith suggested that Council members visit the site to view the situation for themselves prior to the third reading. He confirmed that there has been no previous civil litigation regarding the situation by adjoining or neighboring property owners. Mr. Smith will provide a memorandum to Council regarding the legal issues prior to the October 4 meeting.

Becky Ailshire, 3946 Summitview Road, stated that her property is next door to the subject property. She has lived at her property for almost 17 years and has witnessed the evolution of 3 dogs to 30

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CITY OF DUBLIN

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AMENDED
RECORD OF ACTION
DUBLIN PLANNING AND ZONING COMMISSION
JULY 8, 1993

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

1. Rezoning Application Z93-001 - Balgriffin (Formerly known as Avery Road Mixed Use)

APPLICANT: Avery Road, Ltd. and Mid-States Development Corporation and Charles R. Davis, c/o Robert A. Meyer, Jr., Attorney, Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, OH 43215.

REQUEST: To rezone a 74-acre site located on the northeast corner of Rings and Avery Roads from R-1B, Restricted Suburban Residential District and LI, Limited Industrial District (both Washington Township zones) to PUD, Planned Unit Development District and PCD, Planned Commerce District to permit the construction of 60 single-family lots, 280** multi-family units, with 13.9 acres of parkland and 5.6 acres of office and light industrial use.

MOTION: To approve this rezoning application with the following fifteen condtions:

1) That a new legal description be submitted for the PUD and PCD areas before this case is scheduled for review by City Council;
2) That a bond or other legal tool be used to secure sidewalk improvements along the Avery Road frontage until the Avery Road Corridor Overlay is completed;
3) That the applicant submit revised text with development standards and preliminary development plan with all completed requirements within 30 days, including buffering between different uses, refined list of requested uses, architectural details, and coordination for the commercial site;
4) That streets, sidewalks and bikeways, utilities, easements, stormwater management, vehicular access and rights-of-way as described above be designed to the requirements of the City Engineer;
5) That street cross-sections and pavement design be submitted to the City Engineer and conform to the design standards of the City of Dublin;
6) That the maintenance of private streets and stormwater detention areas not in parkland be the responsibility of the homeowners association and be indicated as such on the final plat;
7) That the intersection of Rings Road and Malahide Road be designed for staged construction to the satisfaction of the City Engineer and that the funding for the ultimate alignment of that intersection be established in a manner acceptable to the City;

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8) That the construction or funding of the extension of Malahide Road north of Woerner-Temple be established and/or designed in a manner acceptable to the City;
9) That the applicant make a contribution to the construction of the Woerner-Temple extension;
10) That the applicant provide a traffic study to outline an appropriate level of roadway service for the construction of proportions of multi-family units, some of which may be built before road improvements. The scope of service is to be reviewed by the City Engineer;
11) That the number of curb cuts along Avery Road be limited to one where the proposed private access drive within the planned commercial piece is located;
12) That the need for traffic signals and/or street lights be addressed to the satisfaction of the City Engineer;
13) That Malahide Road be renamed Norn Road;
14) That all private streets be constructed to meet City Standards; and
15) That Norn Road be extended through the northeastern part of the parkland.

* Jeff Glavan, representing the applicant, agreed to the above conditions.
** The unit count in the request was corrected from 223 to 280 on June 20, 1996, and this revision should be reflected in the permanent record.

VOTE: 4-0.

RESULT: This rezoning application was approved with conditions.

STAFF CERTIFICATION:

Lisa Fierce 1/29/97
Lisa Fierce
Senior Planner

CITY COUNCIL NOTES:

The public hearing was conducted on September 13, 1993. The rezoning application (Ord. No. 06-93) was approved by Dublin City Council by a vote of 5-1 on September 20, subject to the 15 conditions listed above, plus two additional conditions:

16) That the developer construct a bikepath across the entire Rings Road frontage (north side), to Avery Road; and
17) That the amended text and Appendix C (referencing commitment to building 765 feet of roadway 41 feet in width) be incorporated into the rezoning text.

The Commission reconvened after the executive session at 7:20 p.m.

1. Rezoning Application Z93-001 - Balgriffin (formerly known as Avery Road Mixed Use)

Lisa Fierce presented the Staff Report. The case had been tabled in March so that the applicant could provide additional engineering and text detail. She emphasized that the applicant had been very cooperative throughout the process. The plan de-emphasized Rings Road and provides for a new north-south road (Malahide Road) and for rebuilding the intersection of Rings/Malahide. The Malahide Road should, in the view of Staff, align with Norn Street. The new Woerner-Temple/Rings Road Connection will provide for most of the east-west traffic movement in the area, and the Staff believes that this developer should contribute to this road construction, in addition to providing the right-of-way. The land uses proposed include 60 single-family lots on the east side of the site with a density of 3.1 units per acre. The minimum lot will be 70 feet by 120 feet, except along Rings Road where the abutting lots will have a minimum frontage of 100 feet. There will be 223 apartments and 57 condominiums, with no three-story units and natural materials. Additional text refinements are needed on the multi-family section. A planned commercial area of 5.6 acres that includes an existing office building is located on Avery Road. A private road onto Avery Road may be utilized for it as well as the multi-family to its east. Permitted uses include SO uses and some warehousing, wholesale and transportation uses. Architectural details are still needed. The required park dedication is 13 acres, and the proposal shows 13.9 acres including the woods at the center of the site. The bike paths proposed include the north side of Rings Road and the west side of Malahide Road. The project may begin next year probably with the single-family area.

Randy Bowman commented that Dublin will be building a 20-inch water line along the north side of Rings Road from Wilcox to Dublin Road. The developer will be extending it to Avery Road. The sanitary service will be provided by a 21-inch line currently at the corner of Wilcox and Rings.

Lisa Fierce stated the staff recommends approval based on the 12 conditions from the Staff Report:

1) That a new legal description be submitted for the PUD and PCD areas before this case is scheduled for review by City Council;
2) That a bond or other legal tool be used to secure sidewalk improvements along the Avery Road frontage until the Avery Road Corridor Overlay is completed;
3) That the applicant submit revised text with development standards and preliminary development plan with all completed requirements within 30 days, including buffering between different uses, refined list of requested uses, architectural details, and coordination for the commercial site;
4) That streets, sidewalks and bikeways, utilities, easements, stormwater management, vehicular access and rights-of-way as described above be designed to the requirements of the City Engineer;

5) That street cross-sections and pavement design be submitted to the City Engineer and conform to the design standards of the City of Dublin;
6) That the maintenance of private streets and stormwater detention areas not in parkland be the responsibility of the homeowners association and be indicated as such on the final plat;
7) That the intersection of Rings Road and Malahide Road be designed for staged construction to the satisfaction of the City Engineer and that the funding for the ultimate alignment of that intersection be established in a manner acceptable to the City;
8) That the construction or funding of the extension of Malahide Road north of Woerner-Temple be established and/or designed in a manner acceptable to the City;
9) That the applicant make a contribution to the construction of the Woerner-Temple extension;
10) That the applicant provide a traffic study to outline an appropriate level of roadway service for the construction of proportions of multi-family units, some of which may be built before road improvements. The scope of service is to be reviewed by the City Engineer;
11) That the number of curb cuts along Avery Road be limited to one where the proposed private access drive within the planned commercial piece is located; and
12) That the need for traffic signals and/or street lights be addressed to the satisfaction of the City Engineer.

Mr. Sutphen stated that the road should not change names in the middle--from Norn Street to Malahide Road.

Randy Bowman asked that two additional conditions be applied:

13) That Malahide Road be renamed to Norn Street; and
14) That the private streets be constructed to City standards.

Mr. Jeff Glavan introduced himself as the architect for the project and introduced Randy Asmo and the project engineer Jason Coffee. As a result of the extensive negotiation and resulting changes, they feel this is consistent with the Southwest Area Plan. The site is now smaller, being 74 acres. The plan includes 223 units of apartments, 57 condos, and 60 single-family lots. The total is 340 units, or 4.6 units per acre. The Southwest Area Plan shows 5 units per acre in this subarea.

Mr. Glavan said the residential area has expanded; it features a loop and cul de sac street arrangement internally and 100-foot lots along Rings Road. The condo area has 7 units per acre and is in the location requested by the neighbors. The parkland exceeds the requirement and includes the existing stand of trees. The 5.6 acres is light industrial along Avery Road. Right-of-way is provided for the Woerner-Temple connector. The developer will redo the Rings/Malahide intersection to interrupt Rings Road after the Woerner-Temple Connector is constructed. The east/west road (Blunden Road) will extend to Avery Road. Malahide Road

will be built to Blunden, but not through the park until later. Curb cuts on Avery Road will be limited to two. We appreciate Dublin's aesthetic concerns and expect to comply with them.

Mr. Steve Krzykoski of the Southwest Area Residents Association commented that the developer had cooperated with them. The land uses are the result of a compromise with the developer, but they continue to be concerned about the density.

Janet Jordan asked if the right-of-way shown on the east side of the park and the detention basin shown were included in the 13.9 acres of park and if a fee in lieu of land would be paid. Mr. Glavan said that the detention was not included in the park, and the road was about an acre--leaving the required amount.

Mr. Rauh disliked the detention pond shown on Wilcox Road. Mr. Jason Coffee, project engineer, stated this was the low point of the site, and this would be an outlet. The detention pond is needed for the single-family area. Over detention will be difficult on this site. The Staff Report recommends that this detention facility be maintained by the homeowners association.

Mr. Sutphen asked if the pipe in the area of Wilcox Road could be cleaned out. Mr. Coffee said it could be, and he said the Wilcox Road pond was expected to be a wet pond, an aesthetic feature. Mr. Sutphen asked when Norn would be completed to the north property line. Mr. Glavan stated that Norn would be built to Blunden in connection with the development, and only beyond that when the Woerner-Temple connection was done. Mr Glavan said that the construction of Blunden would be dependent upon other factors. He also stated that the Rings Road intersection would be redone once the new Woerner-Temple connection is completed. Mr. Sutphen said he thought the developer should build the road through the park at the time of development, not at some later date. Access is needed to the park. Mr. Glavan agreed to that.

Mr. Geese thanked the developer for agreeing to construct the proposed roads. He was displeased with the proposed detention basins and the maintenance for them. Mr. Glavan said that the pond could be expanded with next development. Mr. Coffee stated it would depend on the timing of development and what is to be developed to the east of Wilcox Road, mostly it is dependent upon the restricted outlet at that point.

Mr. Geese made a motion to approve Rezoning Application Z93-001 with the following fifteen conditions:

1) That a new legal description be submitted for the PUD and PCD areas before this case is scheduled for review by City Council;
2) That a bond or other legal tool be used to secure sidewalk improvements along the Avery Road frontage until the Avery Road Corridor Overlay is completed;

3) That the applicant submit revised text with development standards and preliminary development plan with all completed requirements within 30 days, including buffering between different uses, refined list of requested uses, architectural details, and coordination for the commercial site;
4) That streets, sidewalks and bikeways, utilities, easements, stormwater management, vehicular access and rights-of-way as described above be designed to the requirements of the City Engineer;
5) That street cross-sections and pavement design be submitted to the City Engineer and conform to the design standards of the City of Dublin;
6) That the maintenance of private streets and stormwater detention areas not in parkland be the responsibility of the homeowners association and be indicated as such on the final plat;
7) That the intersection of Rings Road and Malahide Road be designed for staged construction to the satisfaction of the City Engineer and that the funding for the ultimate alignment of that intersection be established in a manner acceptable to the City;
8) That the construction or funding of the extension of Malahide Road north of Woerner-Temple be established and/or designed in a manner acceptable to the City;
9) That the applicant make a contribution to the construction of the Woerner-Temple extension;
10) That the applicant provide a traffic study to outline an appropriate level of roadway service for the construction of proportions of multi-family units, some of which may be built before road improvements. The scope of service is to be reviewed by the City Engineer;
11) That the number of curb cuts along Avery Road be limited to one where the proposed private access drive within the planned commercial piece is located;
12) That the need for traffic signals and/or street lights be addressed to the satisfaction of the City Engineer;
13) That Malahide Road be renamed to Norn Street;
14) The private streets be constructed to City standards; and
15) That the road shown as Malahide be built to the northeast portion of the parkland.

Mr. Coffee asked for a clarification on the engineer's requirement regarding the pavement of private streets. Mr. Randy Bowman stated that the City would prefer these all to be curb and gutter design with the specified pavement thickness.

Mr. Rauh seconded the motion. The vote was as follows: Mr. Rauh, yes; Mr. Sutphen, yes; Mr. Manus, yes; Mr. Geese, yes. (Approved 4-0).

2. Preliminary Plat - Dublinshire Section 6

Tom Rubey presented slides of the site and the staff report. The site contains 9.9 acres located on the northeast and southeast corners of Muirfield Drive and Dublinshire Drive, mostly to the

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