



City of Dublin

Land Use and Long Range Planning

5800 Shier Rings Road  
Dublin, Ohio 43016-1236

phone 614.410.4600

fax 614.410.4747

www.dublinohiousa.gov

## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

**AUGUST 21, 2014**

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

**3. U-Haul  
14-038CU**

**6419 Old Avery Road  
Conditional Use**

Proposal: This is a proposal for the use of an existing building as a retail space, warehouse and storage space for U-Haul, located on the south side of US 33, west of Avery Road.

Request: Review and approval of a conditional use based on the previous zoning under the provisions of Zoning Code Section 153.236.

Applicant: Carlos Vizcarra, Amerco Real Estate Company.

Planning Contact: Gary P. Gunderman, Planning Manager.

Contact Information: (614) 410-4683, ggunderman@dublin.oh.us

**MOTION:** Richard Taylor moved, Todd Zimmerman seconded, to approve/disapprove this conditional use application because it complies with the applicable review criteria, with one condition:

- 1) That the plans be modified in the south western corner to include a sidewalk connection from the paving area to the adjacent property west of the site. Subject to staff approval.

\*Dean Haske agreed to the above condition.

**VOTE:** 6 – 0.

**RESULT:** The Conditional Use application was approved.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Amy Kramb	Yes
John Hardt	Yes
Todd Zimmerman	Yes
Victoria Newell	Absent
Amy Salay	Yes

**STAFF CERTIFICATION**



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Gary P. Gunderman  
Planning Manager

3. U-Haul  
14-038CU

6419 Old Avery Road  
Conditional Use

The Chair, Chris Amorose Groomes, introduced this application for a request for the use of an existing building as a retrieval space, warehouse and storage space for U-Haul, on the south side of US 33, west of Avery Road. The Chair swore in anyone intending to address the Commission on this case.

Ms. Amorose Groomes said a presentation was not needed as the case was on the Consent Agenda. She

invited public comment to speak with respect to this application. [Hearing none.] She said there is one condition proposed by Staff and asked the applicant to please step forward. Ms. Amorose Groomes read the condition:

1) That the plans be modified in the southwestern corner to include a sidewalk connection from the paving area to the adjacent property west of the site, subject to Staff approval.

The Chair asked the applicant if they agreed with that condition. Dean Haske, 2980 Morse Road, Columbus, Ohio, responded affirmatively. Motion and Vote Mr. Taylor moved, Mr. Zimmerman seconded, to approve the conditional use application with one condition. The vote was as follows: Ms. Salay, yes; Ms. Krumb, yes; Ms. Amorose Groomes, yes; Mr.

Hardt, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 6 – 0) 4. Stansbury at Muirfield Village  
10799 Drake Road  
14-009FDP/FP Final Development Plan/Final Plat

The Chair, Chris Amorose Groomes, said this case was postponed prior to the meeting.

5. Houchard Road –Preliminary Plat/Final Plat Houchard Road & SR 161 14-079PP/FP

Preliminary Plat/Final Plat The Chair, Chris Amorose Groomes, introduced this application for a request to subdivide approximately 98 acres into three lots and provide right-of-way for a new public street for a site at the southeast corner

of the intersection of Houchard Road with State Route 161. She said the Commission will forward the recommendation on this to City Council for the Preliminary Plat and Final Plat.

Ms. Amorose Groomes asked if there was anyone present to speak with respect to this application. [Hearing none.] She said there is one condition proposed by Staff and asked if the applicant was present. Claudia Husak said she was representing the applicant.

Ms. Amorose Groomes confirmed that the applicant agreed to the condition:

1) That the future lots owners install a bikepath along State Route 161 and Houchard Road as part of the future site development, subject to approval by Engineering.

Motion Vote Ms. Salay moved, Mr. Hardt seconded, to recommend approval to City Council for this Preliminary and

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is what staff is now attempting to do. This particular site next to the "bow tie" piece is highly visible from the highway, and should attract a high-end user. It has been undeveloped for 26 years, but if the economy takes a positive turn, the City can attempt to attract a user. They believe that a Tech Flex use will be difficult to house on the site. Staff's recent recommendation to change the zoning was the result of unsuccessful attempts to make a Tech Flex use work in this location.

Mrs. Boring stated that she does not disagree that Suburban Office would work well on the site, but if staff was working with Mr. Polis on a Tech Flex use until spring and it was then changed, it seems there was either a lack of communication or foresight.

Ms. Gilger stated that she worked closely on the economic development opportunity with the prospective user. They were primarily an office user that needed a flexible warehouse space in the back of the facility. The blended use seemed to fit with the site; however, the only way it was feasible was to combine the site with the adjacent City-owned land. Staff was trying to identify the right type of zoning areas for the potential user, considering RI and LI sites and potential new Tech Flex sites. Although over 50 percent of the prospective use was Office, some flexible space was also needed. When the user attempted to engineer the turning radius for their truck, they recognized the site was not large enough. Because these issues existed even when combining the adjacent City-owned parcels to make the site a Tech Flex use, removing the City-owned land would leave this site with even more challenges for a Tech Flex use.

Mr. Gerber stated that he understands there might be a more appropriate zoning classification for this property, but what he finds troubling is that, despite those negotiation difficulties, this applicant has not been deterred from proceeding with an LI application while staff was discussing other classifications. He has heard of this type of issue with some other property owners. There is a need to engage the property owners and thoroughly discuss these situations. The applicants should not be misled with false expectations. If Mr. Polis will not have his permit approved in the next few weeks, that should be communicated.

Mr. McDaniel stated that some clarification is needed. The Tech Flex use staff was proposing related to an active economic development prospect. The permit that Mr. Polis has submitted is for two metal warehouse buildings.

Mr. Polis responded that the two buildings are pre-engineered buildings, but they are not all-metal buildings. They have 35-40 percent office, and the balance is warehouse. There are no loading docks, so they would appeal to a small, incubator-type company with that type of combined use. There are small drive-in doors, but no loading docks. All the units are small, 2,200-2,300 square foot units. These are the building plans that were discussed with Mr. Combs last year in November, and the plans on which Mr. Combs provided input on February 24.

Mr. McDaniel clarified that staff has not denied his application. He can pursue the building permit, if he wishes.

Mr. Reiner stated that this has now become an upscale corridor, so he is hopeful this project will be in keeping aesthetically with the rest of the community. One reason people build in this community is that they can be confident the buildings next to them will be of equal value, and that their investment will be protected.

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**POD District to ID-1, Research Office District; ID-2, Research Flex District; ID-3, Research Assembly District; and ID-4, Research Mixed Use District. (COIC/EAZ Innovation District Area Rezoning) (Case 11-012Z)**

Mr. Gerber introduced the ordinance.

Mr. Combs stated that this is the third phase of planning efforts for the Economic Advancement Zone (EAZ) within the Central Ohio Innovation Corridor (COIC). This deals primarily with the area of the Innovation Corridor where they are expecting the administrative approval process to provide speedy approvals. Based on the Future Land Use Map, the entire area is generally designated for Research and Development uses. There are a variety of districts, which would be consolidated.

Proposed zoning changes were reviewed by the Planning and Zoning Commission on May 19, 2011. They considered the applicant's request to adjust the proposed district designation for the SportsOhio complex on Cosgray Road. As recommended by the Commission, the 73-acre development (not including the eastern 32.5 acres used for soccer fields) was moved from the Research Flex (ID-2) District to the Research Assembly (ID-3) District to match the general building types of the sports complex. At the first reading of Council, the property owner also requested that the complex be allowed to retain its current Planned Industrial Park (PIP) zoning or that most of the complex be placed within the ID-3 District. At that meeting, some architectural and landscaping issues were raised. Staff has reviewed the specifics of the PIP text in an attempt to address those issues, and it has become apparent that some of the standards and uses in the ID-2 District are more consistent with the PIP text. On that basis, it is proposed that SportsOhio be placed within the ID-2 District. Before the next Council meeting, discussions will be held with the property owner to work through the various issues. Staff anticipates it will be possible to accommodate all the PIP standards within the ID-2 District, and that the issues will be resolved.

Mayor Lecklider asked if staff's original recommendation was that this area be placed in the ID-1 District, but the property owner is requesting an ID-3 District.

Mr. Combs stated that, based on the architecture and materials, staff believed it could fit within the ID-3 District for the short-term; in the long-term, it could be considered for a rezoning into the ID-2 District. However, evaluating the issues raised at the first reading revealed difficulties with an ID-3 zoning.

Mr. Smith stated that staff has been working with Mr. Hale, the attorney for Mr. Shepherd, on this issue. Mr. Hale is currently out of town but will return next Monday. They will then meet with him and attempt to find solutions to the issues.

Bill Westbrook, 1974 Keswick Drive, Columbus, representing the applicant stated that they have been working with staff, but are not close to resolution. They disagree with staff's recommendation to the Planning Commission for ID-3 District, which the Commission did approve. They believe it should be ID-3 as it relates to the City's zoning map. They have proposed to staff that the SportsOhio portion that is within the portion staff proposed for ID-3 be permitted to operate under its present Planned Industrial Park (PIP) zoning, so that it can continue to develop as a sports park. If it were to be changed from a sports park, then it would be an appropriate use for the ID-2. With the existing market conditions, the sports park cannot meet the standards of

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facilities. It is important to work with them and keep that facility viable. Staff is trying to identify appropriate language whereby this "island" within the greater acreage can continue to thrive. The applicant's willingness to work with staff with a zoning modification to the eastern portion of their site is appreciated. It is hoped this will provide the property owner with some great opportunities, as well. Staff requests this ordinance be postponed to the June 27 Council meeting to resolve the issues.

Mrs. Boring asked what is the issue with the ID-3 zoning category that the applicant requested and the Planning and Zoning Commission recommended.

Mr. Combs responded that at that point in time, staff's understanding was that the key issue for the applicant was architectural materials. For that reason, the Commissioners discussed at length the use and application of corrugated metal, including the appropriate percentages for use. However, when the Code proceeded to Council for consideration, public input indicated that there were additional issues regarding the architecture, as well as landscaping and other elements of the PIP text. Based on the issues raised at the Council meeting, staff reviewed the specifics of the PIP text and looked at the ID-3 District as well as the ID-2 District. Based on the uses and the development standards, it fits more comfortably with the text proposed for the Flex District, not the warehousing district, due to the standards and narrow frame of permitted uses. As the redlined text in Council packets indicates, staff has addressed for the applicant the issue of existing uses, existing structures, and added clarification to the architecture to allow for considering future development in that area under the ID-3 District, even though the facility would have an ID-2 District. The ID-2 text, as revised, can

comfortably achieve most of what the PIP district provides. This fits within the larger picture. If, however, this area were to be placed in the ID-3 District, there would be a significant level of issues with the proposed uses and the impact on the larger plan.

Mr. McDaniel stated that staff will continue to work on this to determine how it can meet all of the PIP provisions.

Mr. Gerber stated that is encouraged to hear that staff will continue to work toward resolving these issues with the landowner.

Mr. Keenan asked if there would be any issue with rebuilding a facility within this district, if the existing building were lost due to an unexpected event. This discussion has occurred in relation to the Bridge Street Corridor.

Mr. Smith responded that there are no such issues with this district to his knowledge.

Ms. Chinnici-Zuercher asked if the City wants this designated as a sports area, why not have a district specifically for that use, versus all of these district names?

Mr. Keenan agreed, noting it can be carved out to accommodate this desire.

Mr. Combs responded that, based on their understanding of the long-term intent for the area, they have attempted to provide a zoning that would be appropriate for future uses for the area.

Mr. Keenan stated that in discussing the COIC or Tech Flex district in general, a sports facility use would seem to fit long-term with the young professionals who would be working in this location.

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Mrs. Boring stated that she appreciates the concept of carving out a specific use, but if Mr. Shepherd should ever want to sell the property for a higher use, would it not be preferable if it were not limited to the current use?

Ms. Chinnici-Zuercher stated that it is Council's decision about whether they desire to have a sports complex in that location. It could be zoned exclusively for a sports complex, if that is Council's desire.

Mr. Keenan stated that staff has indicated they will continue to work with the applicant in the next two weeks, and discussion can occur about all of the points brought up tonight.

Ms. Chinnici-Zuercher pointed out that the question may be how it can be zoned as a sports complex now, with the language to allow another use in the future.

Mr. Smith stated that a future buyer could propose a new use and file for a rezoning, with the land contract contingent upon obtaining the rezoning. This is standard practice.

Mr. Keenan stated that he is supportive of carving out this area for the sports use as suggested.

Mr. Reiner stated that this allows the owner to have a long-term option for the property, while allowing the owner to continue to exist as a sports park.

Mayor Lecklider stated that what staff is proposing is not an elimination of an existing use or that use in the future, but provides for an eventuality far into the future. That is the focus of this entire effort. He appreciates Council's interest in maintaining this land as a sports use and how it complements the overall community, but that is not necessarily at odds with what is being proposed.

Ms. Chinnici-Zuercher stated that she has heard from property owners that the challenge is that for someone with undeveloped land, or for someone who wants to add to an existing development, change it, sell it, or obtain financing, when the City zones the land something other than the current zoning, it is difficult to sell or obtain financing. Mr. Shepherd was concerned about a future expansion of the sports facility, should that be desired. Council's interest in looking forward should not be detrimental to property owners.

Mr. McDaniel noted that all of these Code changes will establish different zonings that are anticipated to help property owners develop their land -- bridging solutions between the current use and future development. The property owner should not lose the viability of the present use, nor be prevented from developing their land.

Mrs. Boring stated that the other concern is diluting the zoning to such a degree to accommodate the current use that it limits future potential for anything new and different in this location. In that case, it would be preferable to carve out a separate area for the specific use.

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they believe about 200,000 people visit the park approximately 20 times a year, resulting in about 4 million visits per year. Their building costs today would be approximately \$50 per square foot. Under the proposed ID-3 District, the building costs would increase an additional \$20 per square foot. Under the ID-2 District, the costs would increase an additional \$40-\$50 per square foot. Currently, there is a metal building of 50,000 square feet, with 20 percent of the front in split-face block, and landscaping of 6,000 pine trees. If the City proceeds with its proposed zoning, no one will purchase land and build next to an all-metal building with the upgraded specifications of the proposed rezoning. Therefore, he would not be able to sell each parcel in the park. He is currently in discussions with an NBA player interested in constructing a basketball facility in this location. There is another popular option across the country – an upscale bowling alley/restaurant/arcade family facility. It meets a community need. Realtors visit his park weekly to show off this community amenity to clients. They are attempting to improve the profitability of the sports park. It does serve the community. If the City subjects this land to the proposed standards, and a tornado destroys one side of the building, he will not be able to rebuild it. He cannot rebuild it to meet either the ID-2 or ID-3 specifications and remain competitive. They have submitted some suggestions to staff. They have requested to be opted out of the area rezoning. Mr. Hale has offered a solution that he had previously offered, which has proven successful in another city. He disagrees with Mr. McDaniel -- in his opinion, he and staff are a long distance apart.

Mayor Lecklider stated that staff will continue to work with the applicant on a solution for the second reading/public hearing on June 27.

## **Ordinance 37-11**

### **Amending the 2007 Dublin Community Plan to Incorporate the Hyland-Croy Road Corridor Character Study as a Refinement of the Northwest/Glacier Ridge Area Plan and Expanding the Planning Area to Include the Neighborhoods along Hyland-Croy Road. (Case 10-053ADM)**

Mr. Goodwin stated that this ordinance requests incorporation of the Hyland-Croy character study as a revision to the Northwest/Glacier Ridge Area Plan, and an expansion of that planning area. The goal of the effort was to provide more specificity to the Community Plan's rural roadway character guidelines, specifically in the northwest area of the City. The desire was to provide specific applications for preserving and enhancing rural roadway character in the context of rapidly changing land use areas, additional residential development and some potential commercial development. The process included extensive public involvement. He shared a PowerPoint with slides comparing the existing area plan boundary and the proposed amendment to the Northwest Area Plan boundary. This revision broadens the planning boundary to include properties and neighborhoods on both sides of Hyland-Croy Road. They believe the roadway should not be considered a barrier to the neighborhoods, but a means to cross between the Metro Park and the neighborhoods on the east side of the road. He reviewed the changes in the plan. On May 5, the Planning and Zoning Commission voted to recommend that Council approve the revised plan. The Commission made suggestions for improving the document in terms of usability, and to communicate the relationship between the long-range vision of the Plan and the City's capital improvements programming process and overall development public review