



# RECORD OF DISCUSSION

## Planning & Zoning Commission

Thursday, September 1, 2022 | 6:30 pm

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

**1. Shihab Law Office Building at PID: 273-004511  
22-077INF**

**Informal Review**

Proposal: Construction of a one-story, 10,526-square-foot building for a law office on a 2.86-acre site zoned Planned Commerce District, Thomas Kohler, Subarea C.

Location: Northwest of the intersection of Woerner Temple Road with Emerald Parkway.

Request: Review with non-binding feedback of a Concept Plan under the provisions of Zoning Code §153.066.

Applicant: Gene McHugh, Design Collective; Charlie Driscoll, The Edwards Land Company; and Gus and Bebe Shihab, Shihab Law & Associates

Planning Contact: Taylor Mullinax, Planner I

Contact Information: 614.410.4632, tmullinax@dublin.oh.us

Case Information: www.dublinohiousa.gov/pzc/22-077

**RESULT:** The Commission expressed support for the proposed project noting the development is complimentary to the surrounding area. Support was expressed for the proposed uses, architecture, and signs. The Commission expressed concerns about the site layout and the viability of the northern parcel in regard to the proposed lot split and recommended a concept for the northern parcel that shall be provided at the applicant's Final Development Plan submission for context. Additional concerns were shared regarding the need for four-sided architecture, site access, distribution of parking, the amount of paving, and the future use of the proposed internal parking stalls. Lastly, the Commission recommended the applicant engage with surrounding residential neighborhoods on the proposed development.

**MEMBERS PRESENT:**

Lance Schneier	Yes
Rebecca Call	Yes
Mark Supelak	Yes
Kim Way	Yes
Warren Fishman	Absent
Jamey Chinnock	Absent
Kathy Harter	Yes

**STAFF CERTIFICATION**

DocuSigned by:  
  
D9CF1A1C484149E  
 Taylor Mullinax, Planner I





# MEETING MINUTES

## Planning & Zoning Commission

Thursday, September 1, 2022

### **CALL TO ORDER**

~~Ms. Call, Chair, called the meeting to order at 6:30 p.m. and welcomed everyone to the September 1, 2022 Planning and Zoning Commission meeting. She stated that the meeting also could be accessed at the City's website. Public comments on the cases were welcome from meeting attendees and from those viewing at the City's website.~~

### **PLEDGE OF ALLEGIANCE**

~~Ms. Call led the Pledge of Allegiance.~~

### **ROLL CALL**

~~Commission members present: Rebecca Call, Lance Schneier, Kathy Harter, Mark Supelak, Kim Way~~

~~Commission members excused: Warren Fishman, Jamey Chinnock~~

~~Staff members present: Jennifer Rauch, Jessie Shamp, Zachary Hounshell, Taylor Mullinax, Michael Hendershot~~

### **ACCEPTANCE OF DOCUMENTS**

~~Mr. Supelak moved, Mr. Way seconded acceptance of the documents into the record and approval of the minutes of the 08-04-22 meeting.~~

~~Vote: Ms. Harter, yes; Mr. Schneier, yes; Ms. Call, yes; Mr. Supelak, yes; Mr. Way, yes.~~

~~[Motion approved 5-0.]~~

~~Ms. Call stated that the Planning and Zoning Commission is an advisory board to City Council when rezoning and platting of property are under consideration. In such cases, City Council will receive recommendations from the Commission. In other cases, the Commission has the final decision-making responsibility. Anyone who intends to address the Commission on administrative cases must be sworn in. Ms. Call swore in meeting attendees who anticipated testifying on the evening's cases.~~

### **NEW CASES**

#### **1. Shihab Law Office Building at PID: 273-004511, 22-077INF, Informal Review**

Proposed construction of a one-story, 10,526-square-foot building for a law office on a 2.86-acre site zoned Planned Commerce District, Thomas Kohler, Subarea C, located northwest of the intersection of Woerner Temple Road with Emerald Parkway.

## **Staff Presentation**

Ms. Mullinax stated that this is a request for informal review and nonbinding feedback of a future Final Development Plan for the Shihab Law Office. Development for the site follows the Planned Commerce District process. In 1996, 120 acres were rezoned to Planned Commerce District – Thomas Kohler. The Preliminary Development Plan (PDP) and development text were established with the rezoning. This particular site is located within Subarea C of the parcel. This 2.86-acre site is located northwest of the intersection of Woerner Temple Road and Emerald Parkway and currently contains a row of mature trees and a shared used path along the west property line. A 75-foot landscape and bikepath easement, as well as a 30-foot utility easement, are located along the western property line, and a 30-foot utility easement extends along the eastern and southern property lines. The vacant site is proposed to be split into two parcels to construct a single-story, 10,526-foot building containing a law office and fitness center on the southernmost parcel. The application meets the maximum lot coverage and density requirements for Subarea C. If the lot split occurs, staff is concerned that the proposed northern lot will be challenging to develop per development standards due to its narrowness and inability to meet required building and pavement setbacks. The Commission's input is sought on the proposed viability of the remaining lot. A conceptual site plan has been provided for a single-story building on the southeast corner with frontage on Emerald Parkway and Woerner-Temple Road and access from each road. Internal drives are proposed connecting the two access points. Staff is concerned with the two proposed drive aisles due to the amount of pavement and car-centric design and recommends that the applicant proceed with just one of the drive aisles. If the drive aisle remains over the proposed lot split line, a Minor Text Modification will be required with the Final Development Plan (FDP) approval to permit pavement within the side and rear yard setbacks. The proposed curbcut along Emerald Parkway deviates from the PDP, where it was shown split between the proposed site and the Camden Professional office property to the north. Staff is supportive of the Emerald Parkway access point either remaining as shown on the PDP or removed from the proposal. Staff is also supportive of the applicant exploring the opportunity to obtain cross access from the property owner to the north in order to provide connectivity and access to the curbcut further north along Emerald Parkway. Code requires one (1) parking space per 250 square feet for general office use, or 43 parking spaces for a 10,526-square-foot building, as shown on the plans. Parking is shown to the side and rear of the proposed building and along the Emerald Parkway and Woerner Temple Road frontage. The proposal includes an internal 2-car garage located at the rear of the building for the purpose of storage or parking personal vehicles. The applicant is proposing internal sidewalks around the east, south, and west facades. While additional pedestrian connections are not required by the development text, the applicant is encouraged to consider provision of an additional sidewalk through the site and access to the signalized intersection at Emerald Parkway and Woerner Temple Road from the front entrance of the proposed building, and to also consider a pedestrian connection from the rear patio to the adjacent multi-use path. Landscaping details will be required with the Final Development Plan that will meet the Emerald Parkway Landscape Plan, the development text and the Code. Conceptual architecture images have been provided by the applicant. The building is comprised of two wings and a rotunda. The wing extending west will contain the law offices; the rotunda will contain the main lobby area; and the wing extending north will contain the fitness center. The application proposes architecture and materials that are consistent with the development text. Mechanical units will be fully screened by the building architecture and meet the screening requirements. Staff believes the applicant may wish to consider a second story for the proposed building, as they consider modifications to the site layout. The development text defers to the Zoning Code sign regulations, which permit either two wall or

two ground signs for corner lots. The following questions are provided to facilitate the Commission's discussion:

- 1) Does the Commission support the proposed site layout including building placement, (a second story), parking configuration, and drive aisles?
- 2) Is the Commission supportive of the proposed development with the surrounding established character and conceptual architectural design including roof style, materials (EIFS), colors, etc.?
- 3) Does the Commission find ground signs or wall signs to be more appropriate for the proposed development?
- 4) Does the Commission support the creation of two individual lots?

### **Commission Questions for Staff**

Mr. Schneier inquired to what extent the Commission should be taking into account potential development on the northern parcel.

Mr. Shamp responded that the Commission can consider the viability of the northern lot along with this application, because the lot split would occur prior to its development.

Mr. Supelak inquired if the proposed curbcuts were already established by existing plans.

Ms. Mullinax responded that the Preliminary Development Plan (PDP) provides for curbcuts on Emerald Parkway and on Woerner Temple Road, but neither exists at this time. The proposed curbcut for Woerner Temple Road is consistent with the PDP, but the proposed Emerald Parkway curbcut deviates from that plan.

Mr. Way stated that the curbcut on Woerner Temple would be a right-out, left-in turn. Would Woerner Temple accommodate that type of turning movement?

Ms. Mullinax stated that the applicant is showing a right-in, right-out and a left-in turn movement. The road does accommodate that movement.

Mr. Way inquired if there is an existing left turn lane on Emerald Parkway, which would be used to provide access to this site. [The question was deferred to Engineering staff.]

Ms. Call inquired if a gas station or automobile repair facility exists in this area.

Ms. Call responded that there is no gas station, but an auto repair shop is located north on Emerald Parkway.

Ms. Rauch noted that the auto repair shop has a different zoning than this site.

Mr. Way re-stated his earlier question regarding an existing left turn lane from Woerner Temple to Emerald Parkway.

Mr. Hendershot responded that there is an existing left turn lane.

Mr. Way inquired if this site would be taking advantage of that.

Mr. Hendershot responded that there is an existing curbcut, which would be utilized for full access.

Mr. Way inquired if in terms of traffic movement, it is acceptable to make an early left turn from an existing left turn lane.

Mr. Hendershot responded affirmatively.

### **Applicant Presentation**

Gus Shihab, 6618 Traquair Pl, Dublin OH 43016, stated that this development proposal is intended to house their law offices. He has practiced immigration law for nearly 30 years in downtown

Columbus, and they would like to relocate their practice to Dublin. Their current office space is limited. The proposed building will provide 6,000 square feet for their law practice, which will provide opportunity for them to grow their practice. They specialize in immigration employment, servicing technological companies, engineers, architects and colleges and universities. A portion of the proposed building will house an approximately 3,000-square-foot fitness center, which will contain showers.

### **Commission Questions**

Mr. Way inquired the reason the applicant is proposing to subdivide the site rather than developing the entire parcel.

Mr. Shihab responded that they are interested in developing only the corner site, which is attractive due to its prime location. To offset the cost of the site, the property owner has proposed to split the site, allowing the applicant to purchase the corner parcel for their proposed use; the owner would sell the remaining parcel to another user.

Mr. Way stated that the applicant is proposing two uses. He would suggest that rather than two buildings and potentially three tenants on the site, there could be one larger building that could accommodate three uses.

Mr. Shihab responded that the proposed L-shaped building fits their needs and their proposed uses. They could not afford the cost of developing the entire site.

Ms. Harter stated that staff referenced the possibility of adding a second floor to the proposed building. What is the applicant's intent in that regard? If it is to add a second floor, would it be possible, instead, to make the single-story building larger and utilize the entire site?

Mr. Shihab responded that they have no plans to add a second story. The two proposed uses, law office and fitness center, are not compatible in square footage or in use to one being located above the other. An L-shaped building on the corner would maximize the visibility for both uses.

Ms. Harter inquired the applicant's intent regarding signage.

Mr. Shihab responded that they would prefer wall signs. There is a precedence for wall signs within the area.

Ms. Call inquired what is the expectation for the two-car, rear-loaded garage.

Mr. Shihab responded that the garage space is proposed both as a parking convenience and storage space.

Charles Driscoll, The Edwards Land Company, 495 S. High Street, Ste. 150 Columbus OH 43215, indicated that he would address the site access issue. There is actually a significant access issue on the site. Although the Woerner Temple side works well, there is no way to access Emerald Parkway. The original intent was to have a right-in/right-out access, straddling the property line to the north, but a dumpster is located there. Consequently, they are proposing a right-in/right-out access entirely on their site, a distance from the dumpster. While staff agrees a problem exists, they do not agree on the solution. Staff would prefer to use the original right-in/right-out access, which runs into the dumpster, and determine a way to convince the property owner to move the dumpster and provide an easement. He does not believe that is an optimistic approach. Their proposed solution would involve moving the access point 12 feet onto their proposed site, where the site access will work appropriately. Staff, however, is concerned that the minor adjustment would impact the left turn lane for southbound traffic on Emerald Parkway to Woerner Temple Road. Currently, there is a stacking space of 279 feet, which accommodates 14 cars. Moving the

access 12 feet would continue to permit 13 cars to stack there. The turn lane on Emerald Parkway has existed for 25 years, so we are aware of the realistic impact. The City approved the site plan for the office building next door and the dumpster in that driveway without using the access provided on the original plan. If the original plan had been enforced with the previous development, the dumpster issue would not exist today. It is a problem for both this user and future users.

Mr. Hendershot stated the PDP shows the access point straddling the north property line. Although staff is not supportive of that location, they are respectful of the previous decision and approvals that were made. Shifting the access any further south would further perpetuate a condition that staff does not support. They are also concerned about potential traffic conflicts. If vehicle stacking is occurring here, a vehicle leaving the proposed site would introduce a conflict point. It would also be difficult for a vehicle leaving the site to traverse multiple lanes to access the southbound left turn lane. The existing location is not ideal and staff is not supportive of moving it even 12 feet further to the south.

Mr. Way inquired what was the possibility for moving the dumpster on the property to the north and accommodating the existing access.

Ms. Call inquired if the City had discussed that possibility with the property owner.

Ms. Mullinax responded that the City has not. However, it would be necessary to work with the property owner to relocate that dumpster.

Mr. Way inquired if there is another location on that site that would be appropriate for the dumpster.

Ms. Mullinax responded that there are multiple potential dumpster locations on the northern portion of the site.

Mr. Supelak inquired if the building to the north is already built.

Ms. Mullinax responded affirmatively.

### **Commission Discussion**

Ms. Harter stated that she likes the proposed uses and is supportive of the proposed wall signs. She is in favor of four-sided architecture. She is concerned that the four parking spaces next to the patio would detract from the patio experience; landscaping will be important. She is not opposed to the proposed garage. She is concerned about the viability of the proposed northern parcel.

Mr. Way stated that the Commission often receives proposals where only a portion of a site is being planned for development, which makes it very difficult to understand the context. He is struggling with the issue of the proposed lot split, leaving one site where we do not know what might happen. That site is extremely small, and there is little that would fit on it along with any supportive parking. He believes the applicant's desire to embrace the corner is logical, and he likes the fact that the proposed building would be multi-tenant with a mix of uses. However, the parking provided near the fitness center is minimal. He is concerned about the distribution of the parking. He assumes the fitness center area will experience in/out traffic movements throughout the day, while the law office would experience a lower volume of traffic movement, so its parking could be more discreet. The parking distribution needs to be explored further. A significant amount of paving is proposed for the site, almost duplicative of the need. It is difficult to evaluate this proposal without understanding the entire site, so the Commission will need to be shown more about what would happen for the entire site, not just the corner site. The applicant has indicated

they would not be interested in adding a second story. Perhaps the building could be made larger, so that another tenant could be accommodated. The site planning components – parking, access and circulation – need to be explored further. He has no concerns with the conceptual architecture, and either a ground or building-mounted sign could be done well. While he could support the lot split, he would be able to provide better feedback if a proposal were provided that showed development of the full site.

Mr. Supelak stated that he agrees that there are concerns about the site layout, due to the adjacent, remnant site. While that parcel is outside the applicant's purview of their own project, it is the responsibility of the Commission to protect all the land within the City. Therefore, it will be necessary to provide some preliminary thoughts of how that remnant side potentially could develop in concert with the proposed project site. The conceptual architecture is attractive and consistent with the adjacent neighborhood. He agrees that the proposed parking distribution does not work well with the fitness center and present site layout. The volume of parking associated with the spaces needs to be considered more robustly. While either a wall-mounted or ground sign would be appropriate, it would make sense to associate the signs with the canopies. The architectural palette is attractive. He would advocate adding tie-backs to the canopies. The rotunda addressing the corner is significant. The proposed design appears to differentiate the rotunda from the adjoining walls, which will cause the roofline to be adjusted in that space, as well. Providing four-sided architecture will be important; presently, the architecture of the rear façade is lacking. He reiterated the concern that the remaining lot will be "pinched" to an unusable size.

Mr. Schneier stated that he understands the applicant's position about a second story; but he would encourage them to work with staff to identify a configuration with the drive aisles that does not force a second story, which would result in different economics. The architecture is good; the rotunda complements the area. He has no concerns with the proposed signage. He is concerned with the lot split. Legal issues could result, if the Commission approves the development plan for one lot that would also create an orphan lot on which, hypothetically, no project would work. Although a master plan may not resolve that issue, some thought must be dedicated to that potentially orphan lot. He commends the applicant on the design.

Ms. Call stated that the Commission frequently sees lots that are too pinched to meet Code requirements, and often, the Commission is either forced to deny the project or set a precedent by "cutting corners." That should not be the expectation here in Dublin. In Dublin, the parking is placed at the rear of buildings, so that the view from larger roads is not a sea of parking lots. Because this lot is adjacent to larger thoroughfares, the parking should be provided within the site interior. She is concerned about the parking provided within the interior of the building, not as it relates to the law office, but in view of potential future tenants of the building. The development text states that, "the maximum number of free-standing restaurants within the entire 118.7-acre development shall be limited to five, and there shall be no more than one gas station and one automobile repair facility." Although the applicant does not anticipate relocating elsewhere, if they were to outgrow the building and move, an automobile repair use could find the building attractive, due to its interior parking stalls. From a planning perspective, the Commission must consider future uses as well as present uses. Providing a master plan for the entire site is not the responsibility of the applicant, but from the perspective of the current property owner, having a feasible master plan could enable them to market the second site. Although full design details are not provided at this point in the development review process, a vision should be provided that indicates the second site will work.

Mr. Way stated that reference has been made to a need for four-sided architecture. The Commission would not be supportive of EIFS in the back at the ground level.

Ms. Call inquired if the applicant needed any additional clarification.

Mr. Shihab referred to the reference regarding a potential future automobile repair use in the building. Could a limitation be added to the development on this site to exclude those uses?

Ms. Call stated that a Minor Text Modification to the development text would be necessary, which would impact 118 acres, not just this parcel.

Mr. Shihab inquired if there are other undeveloped lots within that 118-acre area.

Ms. Rauch responded that staff would look into that. However, text modifications to subareas or specific sites are possible, so it is possible to accommodate his suggestion.

Mr. Shihab referred to the concern expressed about the distance of the parking area from the fitness center. However, that should not be a concern for people seeking fitness. The Lifetime Fitness Center is very large and has an equally large parking area. This lot is only 1.86 acres and much of it is taken up by the pedestrian easement. The distance from the parking to the fitness center should not be significant. Staff advised them to place the building closer to the corner to eliminate parking visibility from the street. Redistributing any of the parking could result in some being closer to the street. Concerning the right-in/right-out access – they met with the property owner to the north 6 months ago. Since then, Mr. Driscoll has attempted to communicate with the property owner, who does not seem interested in working with them. An access should have been constructed when that property owner built his subdivision. Unfortunately, the City did not review that site from the perspective of an overall master plan, a need referenced by this Commission. They are faced with the consequences of that earlier decision. They are willing to move the access 12 feet to the south. He is a licensed professional engineer with the State of Ohio, and previously worked with the Ohio Department of Transportation. He does not believe that moving the driveway access 12 feet, which is half of a car length of 20 feet, would pose a traffic issue. The impact on the left-turn stacking lane and the need for vehicles exiting the site to traverse lanes to turn left would be minimal. If the City is able to convince the property owner to the left to facilitate a right-in/right-out on the adjoining property line, they would be willing to do that. However, they have no ability to force the property owner to do so and have proposed an alternative solution. In regard to the fitness center, the intent is that it be a neighborhood-oriented gym. It would be similar to a full-service, workout facility within a large hotel.

Ms. Call invited Mr. Hendershot to respond regarding an egress/ingress on Emerald Parkway.

Mr. Supelak inquired what would be ideal at this point, in view of the fact that the adjacent parcel could potentially have a second access point.

Mr. Hendershot stated that the requirements of Washington Township Fire Department in regard to number of access points must be considered, as well. City staff reviews proposed projects in concert with Washington Township Fire Department. City Transportation & Mobility staff were not supportive of shifting the access south 12 feet. As shown in the Preliminary Development Plan, it is not in an ideal location, because it is within the influence of that intersection. Staff understands the challenges with the property owner to the north not being willing to work with this applicant. However, the intent all along was for cross access to be provided, so that the northern access point on the north property could be utilized to turn southbound on Emerald Parkway.

Mr. Supelak inquired how best to engage with the northern property owner.



Ms. Call responded that perhaps the Commission could direct staff to work with the applicant and the adjacent parcel owner.

Mr. Hendershot stated that staff understands the challenges with the site layout and access points and access management, but they are also looking out for the public roadway network and health and safety of the public. In their professional opinion, staff would not be supportive of moving the access point.

### **Public Comment**

Ms. Call stated that the Commission received an earlier public comment on this case. No additional public comments were made.

Ms. Call summarized that the Commission appreciates the proposal and believes the use would be complementary to the surrounding area. The Commission believes it can be designed to be an acceptable project on the parcel and looks forward to seeing the applicant at future steps in the development process.

## **2. ~~Valentina's Sign at 4595 Bridge Park Avenue, 22-095MSP, Master Sign Plan~~**

~~A proposed amendment to a Master Sign Plan for an awning edge sign, projecting sign, and wall signs for an existing tenant space on a 1.30-acre site zoned Bridge Street District, Scioto River Neighborhood, located southeast of the intersection of Riverside Drive with Bridge Park Avenue.~~

### **Staff Presentation**

~~Mr. Hounshell stated that in October 2021, the Planning and Zoning Commission reviewed and approved a Minor Project for façade and site modifications to accommodate the Valentina's restaurant. The approval included storefront alterations, enclosed and covered patio spaces, and streetscape improvements. The Master Sign Plan (MSP) for Block B allows for a variety of building-mounted sign types permitted throughout the Bridge Park development, including wall signs, projecting signs, placemaking art signs, awning signs, and canopy edge signs. Signs that meet the requirements of the approved MSP are permitted to submit directly for sign permits. Amendments to the MSP for specific tenants may come back to the Commission for review. The proposed sign is a combination of two sign types – an awning sign and a canopy edge sign. Canopy edge signs are channel letter signs that are mounted on top, underneath, or to the face of a horizontal canopy structure. Awning signs are generally described as sign graphics printed on the canvas of a solid awning. The proposed amended Master Sign Plan is for an awning edge sign, a canopy edge sign and a projecting sign.~~

#### Awning Edge Sign

~~Proposed is a 42-square-foot (SF) awning edge sign on the west elevation of the tenant space. The sign will be mounted on the northernmost awning of the tenant space, adjacent to the northwest corner of the restaurant. The sign will be mounted at a maximum height of 12 feet – 10 inches from established grade. The inside surface of the 2.5-inch deep reverse channel letters is painted a dark yellow-green color (PMS 417 C), with the exterior of the letters painted white. The sign will be internally illuminated with exposed LED neon lights within the channel letters.~~

~~Staff is supportive of the proposed awning edge sign and amendment to the Master Sign Plan. This is a sign type that is not seen elsewhere within the District. It will contribute to the vibrancy of the District.~~

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

63-95 (AMD)

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_ 19\_\_

AN ORDINANCE PROVIDING FOR A CHANGE IN ZONING FOR 111.72 ACRES OF LAND LOCATED ALONG THE WEST SIDE OF I-270, IMMEDIATELY NORTH OF RINGS ROAD FROM: R, RURAL DISTRICT AND R-1A, RESTRICTED SUBURBAN RESIDENTIAL DISTRICT TO: PCD, PLANNED COMMERCE DISTRICT (THOMAS AND KOHLER PROPERTIES ON RINGS ROAD)

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 6 of the elected members concurring:

Section 1. That the following described real estate (see attached map marked Exhibit "A") situated in the City of Dublin, State of Ohio, is hereby rezoned to PCD, Planned Commerce District and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances) of the City of Dublin Zoning Code and amendments thereto.

Section 2. That application, Exhibit "B", including the list of contiguous and affected property owners, and the recommendations of the Planning and Zoning Commission, Exhibit "C", are all incorporated into and made an official part of this Ordinance and made an official part of this Ordinance and said real estate shall be developed and used in accordance therewith.

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 March, 1996.

  
\_\_\_\_\_  
Mayor - Presiding Officer

Attest:

  
\_\_\_\_\_  
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.

  
\_\_\_\_\_  
Clerk of Council, Dublin, Ohio

RECORD OF PROCEEDINGS

Held March 18, 1996

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Mrs. Boring, yes; Mayor Kranstuber, yes.

Correspondence

The Clerk reported that a notice to legislative authority was sent regarding a new DSA permit for the Stouffer Renaissance Hotel. A letter of explanation was provided by the applicant. There was no objection to the issuance of this permit.

Comments from Visitors

There were no comments from visitors.

Council Round Table

Mr. Zawatz:

1. Noted that he extended greetings on behalf of the Mayor and Council to the Daughters of the American Revolution convention group at Stouffer's on March 8.
2. Commented that the St. Patrick's Day festivities were great. He and his wife enjoyed meeting the tourists and visiting the new establishments along Bridge Street.
3. Urged all citizens to exercise their right to vote tomorrow at the primary election.

Mr. Campbell:

1. Added his congratulations to the entire staff for the outstanding St. Patrick's Day weekend events.
2. Reported that he attended the National League of Cities Congress of Cities meeting in Washington, D.C. recently. He was appointed by Columbus Mayor and NLC President Lashutka to serve on the NLC Public Safety and Crime Prevention Committee. The focus of the group this year will be juvenile justice, including such programs as D.A.R.E.; sentencing; disaster preparedness; and domestic violence. Copies of the NLC Board of Director's action agenda have been distributed to Council this evening. An additional focus of the entire Board over the next year is developing more respect in individuals for government.

Mr. McCash also conveyed his appreciation to staff for the St. Patrick's Day festivities.

Mrs. Boring commented:

1. Thanks to staff for the St. Patrick's Day Parade. This year she took photos of those who attended the parade which she will share when they are developed.
2. The recent accident data in the police report seems to indicate that the frequency of accidents at Bright and Riverside has decreased, while the Summitview and Riverside area has experienced an increase. She assumes that this is a result of the Hard Road extension altering traffic patterns.  
Chief Ferrell commented that accidents numbers in the corridor have not decreased, but the number of personal injuries has decreased.
3. Will there be discussion tonight regarding the State's issues with the recently established land acquisition fund?  
Ms. Grigsby responded that staff is working on this matter. She noted that the land acquisition funds are currently set aside in the capital improvements tax fund.

Mrs. Stillwell:

1. Added her congratulations to Lisa Perks for her hard work on the St. Patrick's Day events.
2. Congratulated Mr. Campbell and Mrs. Boring on their appointments to NLC Committees. This demonstrates Dublin's participation in national organizations.
3. She attended the NLC pre-conference sessions and meetings and will share the materials with staff and Council. The telecommunications materials are very interesting and timely.
4. She had the opportunity to speak at a recent Career Day for Dublin high school students and addressed government and volunteerism in her comments.

LEGISLATION

Tabled Legislation

Ordinance No. 63-95(Amended) - An Ordinance Providing for a Change in Zoning for 111.7 Acres of Land Located at the Northwest Corner of Rings Road and I-270 from: R, Rural District and R-1A, Restricted Suburban Residential District to: PCD, Planned Commerce District. (Thomas & Kohler Properties on Rings Road) (Applicant: The Edwards Company, c/o Jackson B. Reynolds III, 37 W. Broad Street, Suite 725, Columbus, OH 43215)  
(Third reading tabled until March 18, 1996)

Ms. Clarke noted that she has slides available showing the Rings Road traffic detail and the

12-029FDP

Thomas Kohler PCD, Subarea D  
Dublin Memory Care Facility  
Woerner-Temple Rd & Emerald Pkwy

# RECORD OF PROCEEDINGS

Minutes of Dublin City Council Meeting

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Meeting

Held March 18, 1996

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landscaping proposal if Council wants to see them.

She then explained the revisions made to the text:

1. At the top of the second page of the text, two words were removed, "and conditional". This permits that the office and institutional uses of the SO district and not the conditional uses are approved by right in Subarea A.
2. Several paragraphs of text have been added outlining the applicant's proposal for a major landscape emphasis along the freeway which he has committed he will bring forward to the Planning Commission for approval as a landscape master plan at the time of the first final development plan filing for the overall park.
3. The crematorium use was eliminated as a permitted or conditional use.
4. On page 4, regarding Subarea D, text has been reworded regarding the full service curb cut on Rings Road. Staff has been working on this issue with the developer and consultants, and staff believes this issue should be resolved at the time of preliminary plat and not as part of the rezoning document.
5. The developer has also submitted a new subarea classification table which is easier to read than the previous document.

Planning Commission approved this rezoning in January with 10 conditions. Due to some slight changes in circumstances since that time, she would propose modifying three of the conditions from the P&Z Record of Action:

1. Modify Condition #2 providing that the agreement between the developer and the City for the contributions to and installation of on-site improvements including provision of right-of-way, easements, utility installation, traffic improvements, and other infrastructure be in place prior to the effective date of the rezoning by City Council, with the agreement to include minimum performance standards by the developer. If the agreement is not approved within the 30-day period following rezoning approval, the zoning would be nullified as the condition would not have been met.
2. In condition #3 regarding access management, she suggests dropping the words, "along the arterials". The condition would thus read, "That access management be provided in general conformance with the attached memo from Randy Bowman, PE, dated October 27, 1995, or as approved as a part of the preliminary plat review."
3. Regarding Condition #7, revise this to state, "That the developer's latest revisions, dated 3/8/96, revising the 1/31/96 text be adopted."

She added that these three revisions address the landscape concerns brought up by Council, ensure that the turn lanes and access control are dealt with appropriately at the time of preliminary plat, and that the documentation corresponds to the overall case.

In regard to access management involving Subarea D to Rings Road, staff believes that, in the long run, access to Rings Road is very important for Subarea D. Although the decision is being postponed until the preliminary plat, staff believes that access to Rings Road is necessary for the subarea to work effectively. Staff is also proposing that the access be put in place at the time that the Woerner Temple connection is made to Avery Road.

She noted that the preliminary plat has been filed and is scheduled for review by Planning Commission on April 4.

Mr. McCash noted that within the general development standards, language regarding utilities states that connections and feeder lines should be placed underground. He proposes revising this language to shall be placed underground.

Ms. Clarke responded that this would be a preliminary plat issue, adding that developers are expected to install utilities underground.

Mr. Foegler commented that Council has varied this requirement from time to time, and staff would not recommend precluding the ability of Council to modify this under certain circumstances in the future by including the requirement in the zoning.

Mr. McCash asked about Subarea C where there is a provision stating that any other commercial use not listed above will require a conditional use permit. He asked for further clarification.

Ms. Clarke responded that staff wanted to ensure that the list of permitted uses under the zoning are those which are appropriate next door to single family uses. The band of permitted uses drawn up are very narrow and specific. She is confident that the Planning Commission will ensure the compatibility with adjacent single family homes of any future proposed conditional use.

Mr. McCash asked for confirmation that in areas B-1 and B-2, outside of the outparcels for restaurants, that there is no other conditional or permitted restaurant use.

Ms. Clarke responded that the neighbors were opposed to any restaurant uses west of Emerald Parkway. She believes that the Planning Commission appropriately has the discretionary decision on this type of conditional use. The neighbors have made their position very clear about food uses.

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and it is highly unlikely that any future Planning Commission would approve such a conditional use. Under the text, however, she acknowledged that it would be possible to have such a conditional use if approved by P&Z.

Mr. Zawaly requested that the modified conditions be provided to Council in writing prior to the meetings where a vote is scheduled.

Mayor Kranstuber requested that staff put the conditions in writing and distribute them to Council prior to the vote this evening.

Mrs. Boring stated that she met with Mr. Hunter and Mr. Fergus in regard to this application and reviewed drawings of proposed landscaping. She asked if staff is comfortable that this language provides for landscaping treatment along I-270 similar to what was established in the McKittrick rezoning.

Ms. Clarke responded that it does not require the developer to use the same scheme that was devised for the McKittrick property, but given the differences on this site, that would probably not be an appropriate treatment. The text does affirm the developer's desire to create a first-class image along I-270 for this office park. This developer's willingness to submit to an additional review process for a master plan for landscaping demonstrates his commitment to high standards.

Mrs. Boring asked if the language is flexible, and Ms. Clarke responded affirmatively.

John Fergus, representing the applicant, Edwards Company, 500 S. Front Street, Columbus, stated that Ms. Clarke has summarized the addendum to the text, and they support the modifications to the conditions as presented to Council.

Mike Baker, 5551 Barney Drive stated that he appreciates the time everyone has spent on the process. He believes that there are some issues yet to be resolved which involve the area west of the road adjacent to the single family homes. From the residents' standpoint, they will look to Council in the future to ensure that the promised roads - Woerner Temple, Avery, Tuttle to Avery, are completed to address traffic and signalization needs. The Rings Road curb cut will be dealt with in the future at the appropriate time. While the residents are not conveying their unconditional support, they will be back before Council to ensure that their interests are addressed throughout this process in the future.

Mr. McCash asked Mr. Fergus to comment on restaurant uses inside the office buildings.

Mr. Fergus responded that the issue involves whether a coffee shop/bookstore use would constitute a restaurant use.

Mr. McCash confirmed that the applicant does not intend nor desire that there would be uses within the 25 percent office use that are primarily centered around the preparation, serving or delivery of food, and that the preparation or serving of food which is incidental to a primary use, such as a bookstore, would not be viewed as a food use."

Mr. Fergus added that they agreed to restrict on the site as a whole the number of dedicated, full-service restaurants to five.

Mr. McCash asked if it would be feasible to vary the height in some locations of the 75-foot long buffer along the west property line.

Mr. Fergus responded that they have always planned on having some undulations in the buffer, but in terms of site fill and the mounding to be installed along 270, he is not certain if there will be an excess of fill material on the site.

Mr. McCash stated that discussion also has taken place regarding putting the bike path back in the 75-foot buffer area as opposed to along Emerald Parkway.

Mr. Zawaly added that he met with the neighbors on Sunday and shares their concerns with the protection of vistas. The residents do not want to look into the backs of some of the uses being created. Thus it is important at the final development plan stage to consider higher mounds, a little more in the way of screening, i.e., deciduous trees, to maintain the vistas of the neighborhood. He asked Mr. Fergus to comment.

Mr. Fergus responded that they have submitted a detailed plan which has been acceptable to all involved. He believes they can put some undulations in the mounds which are to be a minimum of 5 feet high. He also pointed out that the retail uses in subareas C and D are restricted to one story in height and they have agreed to orient them toward Emerald Parkway. With the kind of landscaping provided and given the site distances and locations, he believes the neighbors' concerns will be adequately addressed with the current plan.

Mr. Zawaly noted that he is requesting flexibility on the developer's part and that they be sensitive to the neighbors' concerns about vistas at the final development plan stage.

Jim Houk, 400 Metro Place North representing the applicant, stated that they have committed to

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installation of the buffer mound at the time of the Emerald Parkway construction which will allow for the landscaping to mature.

Mr. Zawaly again urged the developer to be receptive to and work with the neighbors to continue to protect the vistas.

Mr. Kranstuber stated that he has conveyed to Mr. Hunter and Mr. Fergus his concerns with architecture and the proximity of the buildings to the freeway. While this is a Planning Commission review item at the final development stage, he will pay close attention to these matters. He has full confidence in the capability of this company to do a quality project based on previous projects done in the area.

Mr. McCash added that the text has many safeguards included that the residents will ensure are complied with in the future review process.

Mr. Smith noted that an opinion has been given to the Development Department staff that in the event the modifications to Condition #2 are not met prior to the effective date of the rezoning, the rezoning is then nullified.

Mr. Fergus indicated that he has no objection to the modifications to the conditions as summarized by Ms. Clarke tonight.

Mr. Zawaly moved to approve Ordinance No. 63-95 with the conditions as adopted by Planning Commission, together with the modifications presented tonight by the Planning Director and referenced as Exhibit A.

Mr. Campbell seconded the motion.

Ms. Clarke pointed out that title of the ordinance needs to be amended to include the 111.7 acres and to delete the portion "and including a small parcel located on the southwest corner of Rings Road and Britton Parkway".

Mr. Zawaly noted that he has been informed that this item needs to be removed from the table as well.

Mr. Smith recommended that Council remove this from the table by motion.

Mr. Zawaly moved to take the ordinance from the table.

Mayor Kranstuber seconded the motion.

Vote on the motion - Mr. Campbell, yes; Mrs. Stillwell, yes; Mr. McCash, yes; Mrs. Boring, yes; Mr. Zawaly, yes; Mayor Kranstuber, yes.

Mr. Zawaly then amended his motion for approval to include approval of the amended ordinance as outlined by Ms. Clarke, and with the conditions adopted by the Planning Commission, together with the modifications to the conditions presented tonight by the Planning Director and marked as Exhibit A.

Mr. Boring seconded the amended motion.

Vote on the amended ordinance - Mrs. Stillwell, yes; Mr. McCash, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mr. Campbell, yes; Mayor Kranstuber, yes.

Mr. McCash requested that the minutes of the meeting be sent to Mike Baker, representing the residents involved in the rezoning.

Mr. Zawaly added his congratulations to all involved in this very long process in which the best interests of Dublin have been the overall focus. Many compromises have been made by all parties involved.

Mrs. Stillwell agreed and urged the residents to stay involved in the process. She pledged to continue to listen to the residents' concerns in the future.

Mr. McCash requested that staff keep Council apprised of the status of the roadway improvements involved with this project, i.e., Woerner Temple, Avery, the Tuttle extension, etc.

~~Ordinance No. 14-96 - An Ordinance Declaring Improvements to Certain Parcels of Real Property to be a Public Purpose, Describing the Public Infrastructure Improvements to be Made to Benefit Those Parcels, Requiring the Owners Thereof to Make Service Payments in Lieu of Taxes, Authorizing an Agreement with Duke Realty Limited Partnership and the Edwards Company with Respect to those Payments, Establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the Deposit of Such Service Payments, Authorizing a Related Amendment of an Agreement with the Dublin City School District, and Declaring an Emergency. (Third reading tabled until March 18, 1996)~~

~~Mrs. Stillwell moved to take this from the table.~~

~~Mr. Campbell seconded the motion.~~

~~Mr. Foegler noted that staff is requesting that this item be left on the table until the next meeting to allow time for resolution of issues relating to the economic development agr~~

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- alignments and street geometrics, including the bridge across the North Fork of the Indian Run, be designed to the satisfaction of the City Engineer;
12. That stormwater management basins be located outside the 100-year floodplain and be approved by the City Engineer.
  13. That no-parking areas be designated along one side of all 28-foot streets, as measured back-to-back of curb, on all plats, plans and building permits;
  14. That all changes be made to the preliminary plat to the satisfaction of staff prior to scheduling this application for City Council consideration; and
  15. That the boundaries of the electric and phone company service providers be shown on the final plat.

The overall density is 2 units per acre and is consistent with the Community Plan. The density in this portion is 1.76 units per acre.

Mayor Kranstuber noted that Council will be asked to approve the preliminary plat for this area as well at the third reading of the rezoning.

David Haid, 941 Chatham Lane stated that he is available for questions.

Mr. McCash pointed out that on the preliminary plat, it still refers to a fence detail on sheet two. He would suggest revising this to state that the fence detail is contained in the development text in order to provide a more clear understanding. Ms. Clarke agreed to do this.

There will be a third reading at the March 4 Council meeting and consideration of the preliminary plat.

### Third Readings

Ordinance No. 63-95 - An Ordinance Providing for a Change in Zoning for 111.7 Acres of Land Located at the Northwest Corner of Rings Road and I-270 from: R, Rural District and R-1A, Restricted Suburban Residential District to: PCD, Planned Commerce District. (Thomas & Kohler Properties on Rings Road) (Third Reading) (Applicant: The Edwards Company, c/o Ben Hale, 37 W. Broad Street, Suite 725, Columbus, OH 43215)

Mayor Kranstuber noted that the applicant has requested that this ordinance be tabled. Since the Planning Director will be out of town on March 4, he would recommend tabling until March 18, 1996.

Mrs. Boring moved to table the ordinance until March 18, subject to the concurrence of the applicant.

Mr. Zawaly seconded the motion.

Jeff Brown, representing the applicant stated this is acceptable.

Vote on the motion - Ms. Hide Pittaluga, yes; Mrs. Stillwell, yes; Mr. McCash, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mayor Kranstuber, yes; Mr. Campbell, yes.

Ordinance No. 04-96 - An Ordinance Accepting the Lowest & Best Bid for Sign Shop Materials, and Declaring an Emergency. (Third Reading)

Mr. Hansley stated that staff is requesting emergency action in order to have the materials available as soon as possible.

Mayor Kranstuber moved to treat this as emergency legislation.

Mrs. Stillwell seconded the motion.

Vote on the motion - Mr. McCash, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mayor Kranstuber, yes; Mr. Campbell, yes; Ms. Hide Pittaluga, yes; Mrs. Stillwell, yes.

Vote on the ordinance - Mr. Campbell, yes; Mr. Zawaly, yes; Mrs. Stillwell, yes; Mr. McCash, yes; Mrs. Boring, yes; Ms. Hide Pittaluga, yes; Mayor Kranstuber, yes.

Ordinance No. 05-96 - An Ordinance Accepting the Lowest & Best Bid for Furniture & Accessories at the Dublin Community Recreation Center, and Declaring an Emergency. (Third Reading)

Mr. Zawaly moved to treat this as emergency legislation due to the need to ensure timely delivery of the equipment for the recreation center.

Mrs. Boring seconded the motion.

Vote on the motion - Mr. McCash, yes; Mr. Zawaly, yes; Mrs. Boring, yes; Mayor Kranstuber, yes; Mr. Campbell, yes; Ms. Hide Pittaluga, yes; Mrs. Stillwell, yes.

Vote on the ordinance - Mrs. Stillwell, yes; Mr. Campbell, yes; Mayor Kranstuber, yes; Mr. Zawaly, yes; Mr. McCash, yes; Mrs. Boring, yes; Ms. Hide Pittaluga, yes.

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Mrs. Stillwell suggested more emphasis in the press releases regarding the mitigating circumstances of the overflow and the active steps Dublin is taking to solve the problems.

Mr. McCash:

1. Agreed that the media announcements regarding overflows should include the fact that Dublin is building a new sewer to solve the problems.
2. Attended D.A.K.E. graduation programs at Wright Elementary and Chapman Elementary and noted that this positive program staffed by the Dublin Police makes a strong impact on the future of Dublin's school children.
3. Noted concerns with trash in the streams from construction projects, especially in the Cramer Creek at Brighton Park. He asked that the appropriate staff work to minimize this problem.
4. Commented that a situation was recently brought to his attention regarding use of handicapped spaces by motorists without stickers. This resulted in a mother with a handicapped child having difficulty getting her child into a wheelchair. He asked that staff try to eliminate these kinds of situations where possible.

Mr. Hansley responded that Dublin Police are very aggressive in ticketing motorists who violate this ordinance as well as the ordinance prohibiting parking in fire zones.

Mayor Kranstuber:

1. Reported on behalf of the ad hoc committee from 1995 for the conference/training facility feasibility issue that the Danter study is now complete and suggested that a new ad hoc committee comprised of the Chair of the Finance Committee and the Chair of the Community Development Committee be appointed.

Mr. Zawaly and Mr. McCash agreed to serve on this Committee. There were no objections from other Council members.

Mr. Hansley noted that staff will contact the ad hoc committee members to schedule a meeting.

2. Asked for a volunteer from Council to serve on a committee to select a new City mascot. Mrs. Boring volunteered to serve.

## LEGISLATION

### Public Hearing

**Ordinance No. 63-95(Amended) - An Ordinance Providing for a Change in Zoning for 111.7 Acres of Land Located at the Northwest Corner of Rings Road and I-270 from: R, Rural District and R-1A, Restricted Suburban Residential District to: PCD, Planned Commerce District. (Thomas & Kohler Properties on Rings Road)(Public Hearing) (Applicant: The Edwards Company, c/o Ben Hale, 37 W. Broad Street, Suite 725 Columbus, OH 43215) Registered as proponents were: Ben Hale, 37 W. Broad Street; Jim Houk, 400 Metro Place N.; John Fergus, 500 S. Front Street; and Don Hunter, 6970 Shady Nelms Drive. Registered as opponents were: Toni Frere, 5869 Heather Glen Court and Mike Baker, 5551 Barney Drive.**

Ms. Clarke stated that this case was heard by the Planning Commission several times and was approved on January 4, 1996. The acreage has changed slightly and the title therefore needs to be amended to reflect this.

1. This rezoning provides for a series of office and retail uses on a large parcel located north of Rings Road and along the west side of I-270. Mr. Thomas owns the piece of property along 270 and Kohler now owns the former Ruscilli property on the western side. They are long deep parcels with current frontage along Rings Road.
2. There are two major capital improvement roadways that are essential for the execution of development within the southwest area - the extension of the Emerald Parkway and extending it 3,000 feet northward to the north property line. This site also provides an opportunity to put in the first segment of the Woerner-Temple/Rings connection.
3. She showed slides of the site and surrounding area.
4. Height restrictions on development are 120 feet within a 600 foot line from the freeway; the next area would be restricted to 80 feet; and everything else is limited to 35 feet in height, the standard for single-family height districts.
5. A 75-foot wide buffer is to be installed along the west property line and includes a 5-foot tall mound and variety of plantings.
6. Approximately half of the acreage is set aside for a major freeway related office project. For the land west of Emerald Parkway, there are several types of uses and restrictions on the amount of retail. The free-standing retail is limited to a maximum tenant size of 20,000 square feet. The total combined free-standing retail would be 50,000 square feet, and within office buildings, the overall retail use can be introduced into a building that is 75 percent office, in other words, it could be 25 percent retail. The total aggregate of all retail use

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cannot exceed 36,000 square feet and retail uses would be subject to conditional use approval by Planning Commission. All drive-through uses would also be subject to conditional use by Planning Commission.

She noted that the neighbors have also worked very hard on this application. The Planning Commission approved the application on January 4 by a vote of 5-0 with the following conditions:

1. That a plan for providing infrastructure improvements be adopted, with a financing mechanism, and implemented by Dublin to provide the needed level of roadway infrastructure in concurrence with development, as it takes place in the area; said plan to be adopted prior to submission of first development plan;
2. That an agreement be reached between the developer and the city, for contributions to and installation of on-site improvements, including provision of right-of-way, easements, utility installation, traffic improvements, and other infrastructure, prior to adoption of the rezoning by City Council, with said agreement to include minimum performance standards by the developer;
3. That access management along the arterials be provided in general conformance with the attached memo from Randy Bowman, P.E., dated October 27, 1995, or as otherwise approved by the City Engineer's office;
4. That the landscape plan for Emerald Parkway incorporate all aspects of the adopted plan including low dry-laid stone walls and plant species;
5. That an expanded tree preservation plan be submitted to supplement the information in Exhibit T and to include relocation of utility lines if necessary;
6. That the proposed relocation and realignment of the Cramer Ditch be subject to later review as outlined in the memo from Randy Bowman, P.E., dated October 27, 1995;
7. That the developer's latest revisions, dated January 4, 1996, be adopted (or that other revisions be made to the Subarea standards covering areas west of Emerald Parkway to increase compatibility with the residential property);
8. That the design of Emerald Parkway, Rings/Woerner-Temple Road, and the "Loop Road" (public or private), and Rings Road at Emerald Parkway be designed according to the requirements of the City Engineer;
9. That the design of private streets as described in the staff report meets the approval of the City Engineer; and
10. That all necessary changes, clarifications and corrections be made to the plan and text prior to scheduling the public hearing on this rezoning application.

Ms. Clarke further noted that this plan conforms with the Southwest Area Plan and with the recommendations in the Mt. Auburn study.

Ben Hale, 37 W. Broad Street, representing the Edwards Company and Duke Realty commented on the enormous success Duke has enjoyed in the Tuttle Crossing area. The large freeway portion of this site will be purchased by Duke Realty if this zoning is approved and they are prepared to move forward to construct the first building. The application has gone through extensive negotiations with the neighbors and the text has undergone many revisions. There is still some disagreement with staff over the interchange between the new Woerner-Temple Road and Rings Road into this site. They would prefer to have access off of Emerald parkway. They have worked hard to preserve Rings Road as a residential street. Duke Realty will develop the first building to the north to anchor the north side.

Jim Houk, 400 Metro Place North gave a brief presentation with graphics and highlighted the features of the plan. The Duke office site will contain approximately 58 acres. He noted that retail uses are limited to uses that would be in keeping with a corporate office park, i.e., office supply, book store, etc. There are extensive architectural standards which will replicate the same architectural treatment that has been done at Tuttle Crossing. Curb cut issues were worked out through negotiations with the neighbors who did not want curb cuts on Rings Road. Dublin staff did not support a curb cut on subarea D. Since 13 acres is too large an area to serve with one cut, the text allowed for another curb cut to be put in to be worked out with traffic, allowing for a curb cut along Rings Road.

Don Hunter, Duke Realty noted that Duke wants to continue their commitment to developing high quality corporate offices in Dublin. They hope to attract another major company to Dublin. This plan has been a cooperative effort among the neighbors, staff and the Planning Commission. This highly visible freeway location will have extensive landscaping and high quality building materials.

Toni Frere, 5869 Heather Glen Court addressed Planning Commission 19 months ago in opposition to a multi-family development proposed for the area. The plan was voted down after a petition effort by the neighbors. When they purchased their home, the City told them the plans for the area

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involved low rise office space similar to Frantz Road. This has now escalated into retail, hotels and restaurants which will be 100 feet away from their property line. They are Dublin taxpayers who cannot afford to move to Muirfield or Wedgewood to escape this development. They chose Dublin because of the high quality standards. She appealed to Council to reject this plan. Developers come and go, but good taxpaying residents are here to stay.

Mike Baker, 5551 Barney Drive termed the project a chameleon. Just this morning, he received the revised text before Council tonight. He provided a history of the proposal over the past year. The residents started out with a desire for two-story residential style office development west of Emerald Parkway and were willing to compromise. The residents' issues are with the curb cut on Rings, the retail use, the funeral home, the hotel use and the food use west of the roadway. The residents are very frustrated with the last-minute changes made to the text and their lack of time to review it.

Mr. Hale stated that the applicant wanted a full curb cut on Emerald Parkway to service the 13-acre portion. Staff would not permit a curb cut on Emerald Parkway and so they have shown a curb cut on Rings in order to provide adequate access to the site. They will still preserve the woods and creek along Rings Road, but there will be a curb cut.

Ms. Clarke stated that she understands the neighbors' surprise about the curb cut. At the January 4 meeting, Mr. Hale accepted all of the staff conditions, spoke only briefly, and mentioned nothing about an access off of Rings Road. The Engineering division's position on the Emerald Parkway curb cut is firm and was outlined in October. She added that the curb cut would be discussed within the context of the preliminary plat. The plan also shows taking a piece of Rings Road out of service, and that is also a separate issue to be considered at the preliminary plat stage.

Mr. Hale explained that their intention was to leave their options open regarding the curb cuts depending upon future uses.

Mr. Hunter responded to Mayor Kranstuber's question about income tax revenue generated by this type of development. At buildout, projections are for 2500 to 2700 employees with an average salary of \$35,000 per year each.

Mr. Foegler added that they estimate that Subarea A alone at full development could yield an annual revenue of \$2.8 million per year.

Ms. Hide Pittaluga asked if the project meets minimum standards for landscaping and the adequacy of the finish materials for this high quality office development.

Ms. Clarke responded that the architectural standards are within the text, but the architectural determinations will be done by P&Z at the development plan stage. The criteria within Dublin's landscape code have all been met with this development. The 75-foot buffer far exceeds any Code requirement for buffering.

Ms. Hide Pittaluga stated that she has some concerns with the amount of open space compared to developments such as Metro Center.

Ms. Clarke responded that Metro Center has a much lower square feet ratio of building per acre and has a concentrated amount of green space within its reserves - pond areas, etc. She would expect this development site to have a high square foot per acre ratio, a high parking per square foot ratios and lower landscaping.

Mr. Hunter commented that the renderings are the initial designs for the building. They will incorporate the elements in other buildings constructed in Dublin. They will meet the Dublin landscaping Code which is the most stringent code in the marketplace.

Mr. Baker provided some further testimony to Council regarding the neighbor's satisfaction level with the current plan. He emphasized that they still have the same issues expressed earlier tonight in his testimony. An important concern is the size of the retail. Also, the Southwest Area Plan calls for transitional uses between the single-family homes and intense office development. He does not consider 50,000 square feet of retail as transitional.

Mr. Zawaly commented that it appears there have been compromises on both sides. He applauded Mr. Baker for the leadership he has shown. Mr. Zawaly noted his concern with a text before Council dated January 31, 1996. Planning Commission approved a text dated January 4, and he asked why changes have been made, by whom, and under what authority.

Mr. Hale responded that they were told there would be staff discretion about whether the curb cut

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would be allowed and they were told to eliminate it.

Ms. Clarke added that Condition #10 of P&Z directs that text corrections all be made to the text prior to the public hearing.

Mr. Zawaly stated that his understanding of corrections to be made did not include substantive changes.

Mr. Baker commented that the Rings Road curb cut was never discussed - it showed up in the text he received today.

Mr. Campbell stated that Council should not be spending time tonight resolving these issues. This is a very significant project for the developer and owners of the property and also for the City. The projected revenues constitute nearly 10 percent of the current annual budget. He hopes that the issues can be resolved prior to the third reading so that Council is able to vote on the rezoning.

Mayor Kranstuber noted that Ms. Clarke has stated that the curb cut issue will be addressed at the preliminary plat stage. He defers to the judgment of P&Z on this rezoning as they have spent hours and hours on review.

Mrs. Boring congratulated Mr. Baker on his hard work on the plan. Her concerns are to resolve the curb cut matter, and the lack of a greenbelt feeling for this plan adjacent to the freeway. Mr. Hunter responded that they have committed to a water feature as part of the development. While they would like to have more greenspace, the marketplace imposes limitations on this.

Mr. Hale stated that they will work with staff to resolve the other issues.

Mr. McCash added that he, too, has concerns with the curb cut on Rings Road. He would like it worked out so that there is an option for a curb cut on Rings or Emerald Parkway. He asked about the setback for the free-standing retail.

Mr. Hunter responded that they agreed to put free-standing retail along Emerald Parkway with the parking behind. He also confirmed that the 75-foot buffer will be installed with the construction of the roadway.

Mr. McCash noted that he has concerns that Dublin maintain the sense of place that currently exists in terms of lot coverage, open space, etc.

Mr. Hale noted that the 30 percent of open space is very generous and the standard has not varied.

Mr. McCash added that the landscaped islands in the parking lot are included in that 30 percent. What Council members are suggesting is more continuity of the green space provided.

Mayor Kranstuber stated that he recalls that the Mt. Auburn study indicated that an appropriate place for dense development is along a freeway.

Mr. Foegler added that that is the trade-off here. The real estate close to an interchange should be one of the highest densities, but the parking requirements are also substantial. The only realistic way to add more greenspace under this scenario is structured parking which adds tremendous expense to the project.

Mr. Hunter added that their standard operating procedure as a corporation is to own, manage, lease and hold their properties and they are therefore committed to high quality.

Mayor Kranstuber noted that he believes they are entitled to the proposed density along the freeway. There has been much compromise in this case, and P&Z has done a tremendous job. This project will be a real asset to the Dublin economy.

Mr. Foegler clarified that it was his decision, not Bobbie Clarke's, to proceed with the advertisement for the public hearing with the expectation that the plans would be ready for review by Council. He apologizes for any difficulty this has caused in Council's deliberations tonight.

There will be a third reading at the February 20 Council meeting.

### Third Readings

Ordinance No. 02-96 - An Ordinance Amending Section 955.01 and Repealing Existing Sections 155.01 and Sections 955.01 - 955.04 with Respect to Cemeteries and Establishing a Dublin Cemeteries Guidebook. (Third Reading)

Mr. McDaniel introduced Peter Gross, Chairperson of the ~~Cem~~ 12-029HDP

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CITY OF DUBLIN

**DUBLIN PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
JANUARY 4, 1996**

The Planning and Zoning Commission took the following action at its regularly scheduled meeting:

**2. Rezoning Application Z95-014 - Thomas/Kohler Property**

**Location:** 111.7 acres located on the northwest corner of I-270 and Rings Road.

**Existing Zoning:** R, Rural District and R-1A, Restricted Suburban Residential District.

**Request:** PCD, Planned Commerce District.

**Proposed Use:** Office and retail uses.

**Applicant:** The Edwards Company, c/o Jackson B. Reynolds III, Smith and Hale, Suite 725, 37 East Broad Street, Columbus, Ohio 43215-4199, for property owners Frank E. Thomas, et al., 10070 Warner Road, Plain City, Ohio 43064; and F.A. Kohler Company, c/o Multicon, Suite 770, 500 South Front Street, Columbus, Ohio 43215.

**Staff Contact:** Barbara M. Clarke, Planning Director\*

**MOTION:** To approve this rezoning application because it generally conforms to the landuse, roadway and utility recommendations of the Southwest Area Plan, provides for acceptable roadway alignments, conforms to the recommendations of the Mt. Auburn study, represents an important income stream for the community, provides a funding mechanism for needed roadways within the area, continues the Tuttle Crossing office park, and provides for appropriate uses and suitable buffering compatible with the neighboring residences, with the following ten conditions:

- 1) That a plan for providing infrastructure improvements be adopted, with a financing mechanism, and implemented by Dublin to provide the needed level of roadway infrastructure in concurrence with development, as it takes place in the area; said plan to be adopted prior to submission of first development plan;
- 2) That an agreement be reached between the developer and the city, for contributions to and installation of on-site improvements including provision of right-of-way, easements, utility installation, traffic improvements, and other infrastructure, prior to adoption of the rezoning by City Council, with said agreement to include minimum performance standards by the developer;

**DUBLIN PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
JANUARY 4, 1996**

**2. Rezoning Application Z95-014 - Thomas/Kohler Property (Cont.)**

- 3) That access management along the arterials be provided in general conformance with the attached memo from Randy Bowman, PE, dated October 27, 1995, or as otherwise approved by the City Engineer's office;
- 4) That the landscape plan for Emerald Parkway incorporate all aspects of the adopted plan including low dry-laid stone walls and plant species;
- 5) That an expanded tree preservation plan be submitted to supplement the information in Exhibit T and to include relocation of utility lines if necessary;
- 6) That the proposed relocation and realignment of the Cramer Ditch be subject to later review as outlined in the memo from Randy Bowman, PE, dated October 27, 1995;
- 7) That the developer's latest revisions, dated January 4, 1996, be adopted (or that other revisions be made to the Subarea standards covering areas west of Emerald Parkway to increase compatibility with the residential property);
- 8) That the design of Emerald Parkway, Rings/Woerner-Temple Road, and the "Loop Road" (public or private), and Rings Road at Emerald Parkway be designed according to the requirements of the City Engineer;
- 9) That the design of private streets as described in the Staff Report meet the approval of the City Engineer; and
- 10) That all necessary changes, clarifications and corrections be made to the plan and text prior to scheduling the public hearing on this rezoning application.

\* Ben W. Hale, Jr., representing the applicants, agreed to the above conditions.

**VOTE:** 5-0.

**RESULT:** This rezoning application will be forwarded to City Council with a positive recommendation.

**STAFF CERTIFICATION**



Barbara M. Clarke  
Planning Director

Commission members interested in serving or their referrals. No schedule of their meetings has been established.

A revised timeline was provided to the Commissioner's at the meeting. Ms. Fierce said the revision was necessary because the parcel based landuse inventory had taken a longer time than anticipated. The expected adoption date of the plan has been moved to April 1997.

Mr. King said the LDR consultant would be conducting a February Steering Committee workshop. Then the subcommittees will actually begin doing their work.

Mr. Ferrara, as a member of the Steering Committee, said it had been an incredible experience. It is a very complex process. Much time, effort, and resources have been put forth.

Mr. Zawaly said the amount of time, effort, and dedication was great. The Visioning Statement was revisited because of his comments at Council. He expressed a tremendous amount of gratitude for the flexibility and rededicated effort. He said it is a very good solution.

Mr. Sutphen asked if the Community Plan would be adopted by City Council. Mr. Zawaly said yes. Mr. Sutphen wants it to be a "living document"--- one that could be flexible.

Mr. Peplow, seeing how things change, he agreed with Mr. Sutphen.

Mr. Ferrara made a motion to recommend adoption of the Visioning Process Report by City Council and Mr. Sutphen seconded the motion. The vote was as follows: Mr. Peplow, yes; Mr. Sutphen, yes; Ms. Chinnici-Zuercher, yes; Mr. Zawaly, yes; and Mr. Ferrara, yes. (Approved 5-0.)

## **2. Rezoning Application Z95-014 - Thomas Kohler Property**

Bobbie Clarke apologized for the delay in the staff report and the latest text. Ms. Chinnici-Zuercher called a 20 minute recess to permit everyone to review the Thomas Kohler staff report.

Ms. Clarke said this application had been heard by the Commission three previous times. Six neighborhood representatives have been working tirelessly with the developer to arrive at a fair compromise.

Ms. Clarke said the developer had issued a disclaimer saying that if there was not acceptance of the concessions on the part of the neighborhoods, the concessions would be withdrawn and the text and plan dated December 20, 1995, would stand. She said the concessions related to the west side of the road and the permitted retail uses in that area.

The staff recommendation had been changed relative to the site. Staff feels that many of the changes made to the text addressed one of the former conditions of approval and if the changes

are withdrawn by the developer, the text needed more work to provide other mechanisms that ensure a good transitional nature for the uses west of the parkway.

The rezoning involves two pieces of property on the north side of Rings Road. The site is flat and open with several tree lines and a creek running through the property. The Heather Glen woods backs up to Subarea B-1. Mr. Clarke said two restaurants were proposed in the northern portion abutting industrial property to the north. Generally speaking, Subarea A and B were office/hotel sites, except for the restaurants. Subarea C, north of Woerner-Temple and Subarea D both called for a combination of retail and office uses. The level of the retail nature has been the crux of the ongoing negotiations. Subarea E, approximately seven acres, is isolated from the rest of the site by surrounding roads and is proposed for retail.

Ms. Clarke said Emerald Parkway would be built with a median design. Woerner-Temple Road would be between three and five lanes in width, permitting left turn lanes. A loop road within Subarea A is expected, but not required by this zoning. Buildings up to 130 feet, will be located within 600 feet of I-270, and beyond that area, they would be limited to 80 feet in height. She showed a slide indicating proposed full service and right turn in/right out curb cuts. The full service curb cuts would have median breaks along Emerald Parkway. Curb cuts were an issue of contention between the staff and the developer covered by a memo included in the staff report.

The buffer will be 75 feet wide along the west boundary. The buffer includes a five-foot high mound with a combination of ornamental, shade and evergreen trees used. Any existing tree line will be maintained and the mound will be started outside the drip line.

The plan presented at the last Commission meeting, including two restaurant locations remains largely intact. Ms. Clarke said a 600-foot distance from a hotel to the closest lot on Gaelic and Scotia Courts had been negotiated with the neighbors of Heather Glen. The retail uses included free-standing uses within Subareas C and D, west of the parkway and north and south of the Woerner-Temple extension. The previously distributed text had a variety of retail uses, including department, drug, and hardware stores, etc., in addition to those uses more in line with an office park, such as a camera or office supplies store, etc. are provided. The latest revision limited the retail uses to those directly supporting office use (such as a photocopy or blueprinting shops), and home furnishings.

Ms. Clarke said the largest free-standing retail building could be 20,000 square feet. There could be up to two retail uses within the same building. She said that the developer had previously limited the buildings within the text to 60,000 square feet in Subarea D and 27,000 square feet within Subarea C, totalling 97,000 square feet. She said the latest revisions limit the retail area within Subarea D to 35,000 square feet and the overall free-standing retail limit is 50,000 square feet for both area. The maximum size of a tenant is 20,000 square feet. All retail buildings will be one-story and have frontage along Emerald Parkway to provide separation from the neighborhoods.

There is a potential to provide an additional 80,000 square feet of non-free standing retail, i.e. retail within an office building. Subareas B, C, and D permit up to 25 percent of the square footage to be used for retail use. There could be 80,000 square feet of this type of retail use west of the parkway. Staff feels that the retail components should be limited west of the parkway. The latest revisions limit those retail uses to 36,000 feet overall. Additionally, retail uses within office structures would be treated as conditional uses, subject to discretionary review by the Commission.

Ms. Clarke said additional changes to the text included drive-thru uses being conditional within all of the subareas and requiring all undeveloped land to be farmed or seeded.

Staff feels the latest revisions bring the entire project together and hopes that the developer and residents agreed.

Staff is recommending approval of this rezoning because they feel it will provide needed road improvements to the area, an acceptable set of land uses, the appropriate intensity of office uses along I-270, and timely infrastructure with the following ten conditions:

- 1) That a plan for providing infrastructure improvements be adopted, with a financing mechanism, and implemented by Dublin to provide the needed level of roadway infrastructure in concurrence with development, as it takes place in the area; said plan to be adopted prior to submission of first development plan;
- 2) That an agreement be reached between the developer and the city, for contributions to and installation of on-site improvements including provision of right-of-way, easements, utility installation, traffic improvements, and other infrastructure, prior to adoption of the rezoning by City Council, with said agreement to include minimum performance standards by the developer;
- 3) That access management along the arterials be provided in general conformance with the attached memo from Randy Bowman, PE, dated October 27, 1995, or as otherwise approved by the City Engineer's office;
- 4) That the landscape plan for Emerald Parkway incorporate all aspects of the adopted plan including low dry-laid stone walls and plant species;
- 5) That an expanded tree preservation plan be submitted to supplement the information in Exhibit T and to include relocation of utility lines if necessary;
- 6) That the proposed relocation and realignment of the Cramer Ditch be subject to later review as outlined in the memo from Randy Bowman, PE, dated October 27, 1995;
- 7) That the developer's latest revisions be adopted (or that other revisions be made to the Subarea standards covering areas west of Emerald Parkway to increase compatibility with the residential property);
- 8) That the design of Emerald Parkway, Rings/Woerner-Temple Road, the "Loop Road" (public or private), and Rings Road at Emerald Parkway be designed according to the requirements of the City Engineer;
- 9) That the design of private streets as described in the Staff Report meet the approval of the City Engineer; and



- 10) That all necessary changes, clarifications and corrections be made to the plan and text prior to scheduling the public hearing on this rezoning application.

Ms. Chinnici-Zuercher said the interest should be to keep moving on this application, if possible. She said she had agreed to accept the revised staff report at the meeting.

Mr. Zawaly asked about the 25 percent retail use per office within Subareas B1, B2, and C. The classification table distributed indicated it would be limited to 36,000 square feet. Ms. Clarke said the table needed to be updated, but the text was the controlling document.

Mr. Zawaly asked if Condition #7 was to be removed. Ms. Clarke said if the developer withdrew the latest concessions, more work would be necessary.

Ben W. Hale, Jr., 37 West Broad Street, Columbus, Ohio, representing the developer, said he agreed with all the conditions without reservation. He asked that Mr. Fishman be informed. He said the Duke development was a great economic opportunity for Dublin. They worked hard with the neighbors and believed a fair agreement had been reached.

Mr. Sutphen asked if Mr. Hale was aware that the private/public road had to meet with Dublin's engineering standards. Mr. Hale said yes.

Mike Baker, 5551 Barney Drive, said when he received a copy of a facsimile from Mr. Hale at 5 p.m. this day, he was shocked. Up to that time, he thought movement was being made towards something the neighbors could live with in the long run. The fax stated that if the neighbors would not give unconditional support to the application, the concessions would be withdrawn. Mr. Baker read the definition of "unconditional" as without conditions or limitations; absolute. He could not imagine any application for which every single citizen had unconditional support.

Mr. Baker said the Southwest Dublin Civic Association would support this revised rezoning application, but there were still concerns and "unconditional" was not a good word. He said they welcomed the development and Duke Construction.

Mr. Hale agreed that "unconditional" was not a good choice and retracted it.

Mr. Ferrara appreciated Mr. Baker's concern. As part of the subcommittee, he saw a tremendous amount of motion made by the developer and residents and felt concerns had been met.

Mr. Zawaly attended the last neighborhood, developer, commission and staff meeting and thought the effort was extremely productive with all parties working in good faith. He said the neighborhood process should have begun earlier. He congratulated everyone.

Mr. Peplow said the City and the neighborhoods should be very proud of the work they did on this rezoning. Ms. Chinnici-Zuercher agreed and said the project improved because of the

collaboration. She asked that the developer as this project moved forward, to include neighbors in discussions. Tonight is not the end, but the beginning of a relationship.

Mr. Sutphen made a motion to approve this rezoning because it conforms to the land use recommendations and accommodates the roadway and utility needs set out in the Southwest Area Plan, includes acceptable alignments for both Emerald Parkway and the Woerner-Temple roadway, planned uses and densities conform to the economic development recommendations of the Mt. Auburn report and represent an important income stream for the community, includes provision of a funding mechanism for needed roadway improvements within the area that can be directly tied to new development, continues the high-quality office park extending from Tuttle Crossing and provides for a successful ending point for the industrial uses to the north, and the standards provide for commercial uses of a transitional nature to be developed in a well-buffered and compatible manner with the neighboring properties. Woerner-Temple/Rings Road connector with the following ten conditions:

- 1) That a plan for providing infrastructure improvements be adopted, with a financing mechanism, and implemented by Dublin to provide the needed level of roadway infrastructure in concurrence with development, as it takes place in the area; said plan to be adopted prior to submission of first development plan;
- 2) That an agreement be reached between the developer and the city, for contributions to and installation of on-site improvements including provision of right-of-way, easements, utility installation, traffic improvements, and other infrastructure, prior to adoption of the rezoning by City Council, with said agreement to include minimum performance standards by the developer;
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- 8) That the design of Emerald Parkway, Rings/Woerner-Temple Road, and the "Loop Road" (public or private), and Rings Road at Emerald Parkway be designed according to the requirements of the City Engineer;
- 9) That the design of private streets as described in the Staff Report meet the approval of the City Engineer; and
- 10) That all necessary changes, clarifications and corrections be made to the plan and text prior to scheduling the public hearing on this rezoning application.

Ms. Clarke asked for clarification. She asked that Condition #7 be reworded to include the text dated January 4, 1996. Mr. Sutphen amended the motion to change Condition #7 to:

7) That the developers text, dated January 4, 1996, be the adopted version.

Mr. Zawaly seconded the motion and the vote was as follows: Mr. Ferrara, yes; Mr. Peplow, yes; Ms. Chinnici-Zuercher, yes; Mr. Zawaly, yes; and Mr. Sutphen, yes. (Approved 5-0.)