

RECORD OF ORDINANCES

Ordinance No. 34-11

Passed _____, 20____

AN ORDINANCE REZONING APPROXIMATELY 105 PARCELS FROM R-1, RESTRICTED SUBURBAN RESIDENTIAL DISTRICT; SO, SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT; RI, RESTRICTED INDUSTRIAL DISTRICT; LI, LIMITED INDUSTRIAL DISTRICT; PCD, PLANNED COMMERCE DISTRICT; AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO TF, TECHNOLOGY FLEX DISTRICT. (TECHNOLOGY FLEX - AREA REZONING - CASE NO. 10-074Z)

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 5 of the elected members concurring:

Section 1. That the following described real estate (parcel numbers) 273000175, 273008179, 273008098, 273000351, 273000352, 273000331, 273000354, 273000356, 273000328, 273000343, 273000353, 273000355, 273000179, 273000176, 273000178, 273000326, 273000885, 273000297, 273001533, 273001534, 273001049, 273002144, 273001535, 273001585, 273001591, 273001592, 273001532, 273001593, 273001709, 273004509, 273004514, 273004515, 273004513, 273004544, 273006686, 273006687, 273006795, 273006956, 273006999, 273007012, 273007419, 273007469, 273005321, 273005369, 273005320, 273008089, 273008090, 273008092, 273008093, 273005322, 273005323, 273009605, 273011341, 273005582, 273005585, 273005581, 273005584, 273005586, 273005587, 273005588, 273005589, 274000153, 273011551, 274000158, 274000102, 274000107, 273012243, 273012244, 274000028, 274000068, 274000069, 274000015, 274000045, 274000103, 274000096, 274000100, 274000104, 274000105, 274000106, 274000120, 274000047, 274000084, 274000099, 274000101, 274000119, 273005720, 1460000015000, 14700000019000, 273001905, 273002476, 273003679, 14700000019001, 273010461, 273001899, 14700000021000, 1471301001000, 14700000020000, 14700000021602, 273001894, 273004516, 274000130, 274000157, 274000004, 274000047, and 274001317, (see attached map marked Exhibit "A") situated in the City of Dublin, State of Ohio, is hereby rezoned TF, Technology Flex District, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 2. That the following described real estate (parcel number) 274000001(see attached map marked Exhibit "A"), as defined by the western portion of the parcel delineated by a north extension of the western property line of parcel 274000047, situated in the City of Dublin, State of Ohio, is hereby rezoned TF, Technology Flex District, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 3. 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 said real estate shall be developed and used in accordance therewith.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 27th day of June, 2011.

Timothy A. Seckliden
Mayor - Presiding Officer

Attest:

Anna C. Clarke
Clerk of Council

RECORD OF PROCEEDINGS

June 27, 2011

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Held _____

20 _____

Mr. Smith stated that he has reviewed the new district created for SportsOhio, and discussed it with Mr. Hale. This new district will allow Mr. Shepherd, SportsOhio, to do everything in the new district that he is doing today. He asked Mr. Combs to confirm that.

Mr. Combs confirmed that is correct.

Jeff Brown, 37 W. Broad Street stated that Mr. Hale asked him to attend tonight and thank the staff and Council for a unique solution that addresses everyone's concerns.

Vote on the Ordinance: Mayor Lecklider, yes; Mr. Reiner, yes; Mr. Gerber, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 33-11

Authorizing the City Manager to Execute Necessary Conveyance Documentation for the Acquisition of a Combined 2.294 Acres, More or Less, Fee Simple Interest from Michael and Heather Harber.

Mr. McDaniel stated that a revised exhibit has been provided, correcting the street name and depicting the entire purchase and its relationship to the right-of-way and construction easements.

Vote on the Ordinance: Mr. Gerber, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mayor Lecklider, yes.

Ordinance 34-11

Rezoning Approximately 105 Parcels from R-1, Restricted Suburban Residential District; SO, Suburban Office and Institutional District; RI, Restricted Industrial District; LI, Limited Industrial District; PCD, Planned Commerce District; and PUD, Planned Unit Development District to TF, Technology Flex District. (COIC Technology Flex District Area Rezoning) (Case 10-074Z)

Mr. Combs stated that there have been no changes made since the first reading. There were no issues raised at the last Council discussion of this matter.

Vote on the Ordinance: Mr. Reiner, yes; Mayor Lecklider, yes; Mr. Gerber, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

Ordinance 35-11(Amended)

Rezoning Approximately 21 Parcels Located along Emerald Parkway from LI, Limited Industrial District and RI, Restricted Industrial District to SO, Suburban Office and Institutional District and PUD, Planned Unit Development District. (Coffman Park plan) (COIC Emerald Office Area Rezoning) (Case 10-073Z)

Mr. Combs stated that at Council's first reading, the discussion focused on property along Post Road. The rezoning proposes to convert some of the Restricted Industrial/Limited Industrial properties along Emerald Parkway, from Post Road down to Innovation Drive, to Suburban Office and Institutional District, with the municipal properties integrating with the Coffman Park PUD. The revised text prepared for this meeting includes modifications to the Coffman Park text to include the new properties. At the previous reading, a Post Road property owner raised issues regarding the placement of that property within the Suburban Office and Institutional District versus the Tech Flex District. Also provided in Council packets is a lengthy timeline, tracing the history of that site up to the current development proposal, which is under permit review. The Planning Commission has recommended approval of the rezoning as submitted.

Mr. Smith stated that Council directed staff to continue to work with Mr. Polis. A meeting was scheduled for last week, which Mr. Polis has rescheduled.

Mr. Keenan asked if there is a risk of timing for Mr. Polis in terms of securing building permit approval.



CITY OF DUBLIN,

Land Use and Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
Fax: 614-410-4747
Web Site: www.dublin.oh.us

Creating a Legacy

DRAFT

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

MAY 19, 2011

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

**4. COIC Technology Flex District Area Rezoning
10-074Z**

Zoning Map Amendment

Proposal: Rezoning 105 parcels comprising an area of approximately 371 acres from RI, Restricted Industrial District; LI, Limited Industrial District; SO, Suburban Office and Institutional District; R-1, Restricted Suburban Residential District; PCD, Planned Commerce District and PUD, Planned Unit Development District to TF, Technology Flex District to modernize the city's aging industrial districts, conform to the adopted Future Land Use Map and coordinate with plans for the Central Ohio Innovation Corridor.

Request: Review and recommendation of approval to City Council of a Zoning Map amendment under the provisions of Zoning Code Sections 153.232 and 153.234.

Location: Generally along the Shier Rings Road Corridor between Avery Road and Interstate 270 to the east, including outlying properties in the vicinity of Post and Holt roads; Liggett Road and Avery Road south of Woerner-Temple Road.

Affected Parcels: 1470000020000, 1470000019001, 1470000021602, 1470000021000, 1470000019000, 1470000019603, 273-000175, 273-000176, 273-000178, 273-000179, 273-000297, 273-000326, 273-000328, 273-000331, 273-000343, 273-000351, 273-000352, 273-000353, 273-000354, 273-000355, 273-000885, 273-001049, 273-001532, 273-001533, 273-001534, 273-001535, 273-001585, 273-001591, 273-001592, 273-001593, 273-001709, 273-001894, 273-001899, 273-001905, 273-002144, 273-002476, 273-003679, 273-004509, 273-004513, 273-004514, 273-004515, 273-004544, 273-005320, 273-005321, 273-005322, 273-005323, 273-005369, 273-005581, 273-005582, 273-005584, 273-005585, 273-005586, 273-005587, 273-005588, 273-005589, 273-005720, 273-006686, 273-006687, 273-006795, 273-006956, 273-006999, 273-007012, 273-007419, 273-007469, 273-008089, 273-008090, 273-008092, 273-008093, 273-008098, 273-008179, 273-009605, 273-010461, 273-011341, 273-011551, 273-012243, 273-012244, 273010593, 274-000001, 274-000004, 274-000015, 274-000028, 274-000045, 274-000047, 274-

- ~~9) That the applicant revise the plans to indicate the column spacing of eight to ten feet prior to building permit submittal.~~
- ~~10) That the applicant work with Planning to find alternative plant material to the proposed Japanese blood grass.~~

~~Mr. Goodman agreed to the ten conditions.~~

~~Mr. Fishman seconded the motion.~~

~~The vote was as follows: Ms. Amorose Groomes, yes; Mr. Budde, yes; Ms. Kramb, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes. (Approved 5 = 0.)~~

2. COIC Economic Advancement Zone Area Rezoning 11-012 Z

Zoning Map Amendment

Ms. Amorose Groomes introduced this application to amend the Dublin Zoning Map to reflect a rezoning of 64 parcels from zoning districts R, R-1, SO, PUD, PCD, PIP, RI, LI, GI, and High Density Pod to Research Office (ID-1) District, Research Flex (ID-2) District, Research Assembly (ID-3) District and Research Mixed Use (ID-4) District. The rezoning includes approximately 754 acres is part of the Economic Advancement Zone (EAZ) within the Central Ohio Innovation Corridor (COIC). She stated that the Commission will need to make a recommendation to City Council.

Carson Combs presented this application. He explained that the zoning request is a follow-up to the recently approved EAZ Plan and EAZ Innovation District code amendment. He said the purpose of the districts is to foster 'quick-to-build' construction of office and research uses throughout the area. He said the Future Land Use Map adopted in 2007 designated the area for this type of development. Mr. Combs said that the existing zoning includes a diverse range of categories. The purpose of the request is to consolidate zoning categories based upon the adopted Plan and the four identified districts.

Mr. Combs said that the first district along U.S. 33 is intended for larger research and office uses, moving further west, the districts change to include flexible space to accommodate growing companies and a wide range of uses. He said that larger assembly uses are planned for western portions of the EAZ. He said the Mixed Use district is focused on areas near Darree Fields and existing neighborhoods so that people can walk to the park amenities and to work. He said the district includes a mix of residential, office and live-work uses. Mr. Combs described areas near the interchanges as being targeted for support uses such as retail that can provide amenities for employees. He said the comprehensive EAZ Plan intends for the area to be placed within the established district structure.

Mr. Combs noted that one property owner request was received since the application was forwarded to the Commission. He said the property owner along Cosgray Road requests modifying the proposed district from ID-2 (Research Flex) to ID-3 (Research Assembly). Mr. Combs concluded that the application is consistent with the Community Plan and the EAZ Plan recently approved by the Commission. He said that the proposed map changes will pre-zone properties to facilitate development and Planning recommends approval to City Council of this City-sponsored area rezoning.

Ms. Amorose Groomes invited public comments regarding this application.

Ben W. Hale, Attorney, 37 West Broad Street, said he represents SportsOhio who requests that their facilities be placed into the ID-3 classification. He said that Mr. Shepherd also owns a 30-acre parcel to the east that the new main road will bisect. He said the proposed zoning for that

parcel is okay because it maintains consistency along the sides of the road. He noted that the facility includes the Chiller, soccer and other buildings constructed for recreational uses. He explained that the ID-3 District seemed more consistent with the existing building types and uses. Mr. Hale said that the architectural intent of the ID-2 District would require higher standards that would not work for this type of recreational development. He said that although the ID-3 buildings would be more expensive, they could be built.

Brian Stan, 6477 Eiterman Road, administrator for the First Apostolic Church of Dublin said that the proposed development would be a good thing for the church. He said that plans for the area encompassed the church, which is in Washington Township. He asked if the church would be annexed or if there were plans to move the congregation to another site.

Ms. Amorose Groomes explained that the Zoning Map Amendment is for long-term planning. She said that any existing structures would remain and would not be affected. She said that annexations would be initiated by property owners and assured him that plans do not have an immediate impact on the church, unless the church decided to no longer be there and redevelop the site. Ms. Amorose Groomes said the EAZ Plan involved longer visioning and would not hinder uses from proceeding as it exists today.

Jeff Winegarten, 7455 Cosgray Road, referred to the map and inquired why his property at the corner of Cosgray Road and SR 161 had been removed (was not indicated as being rezoned).

Mr. Combs explained that the properties being rezoned are those currently within the City of Dublin. He noted that his and other properties within Washington Township must comply with township zoning regulations until such time as they are annexed into Dublin.

Ms. Amorose Groomes explained that the Commission does not have the authority to rezone properties not within the municipality. She explained that the overall future zoning plan includes Mr. Winegarten's property, but that it cannot be included as part of this zoning request.

Mr. Winegarten said that his property was included within the visioning process, but that they were not asked if they wanted to be zoned. He asked if other properties along Cosgray Road were already in the City of Dublin.

Ms. Amorose Groomes said that those properties colored on the map are today within the City of Dublin.

Mr. Winegarten said he had no complaints and understood he can come back later. He noted that some of his neighbors did not want to be annexed. He noted that his real concern was for road improvements and its proximity that would impact his property and home.

Ms. Amorose Groomes encouraged property owners to stay engaged in the process and to provide input. She noted that the Commission was only voting to make a recommendation to City Council on the rezoning request.

Joe Budde asked Planning to comment on Mr. Hale's request about changing the delineation from ID-2 to D-3.

Mr. Combs said discussions were held this week with Mr. Shepherd. Based on the operation and use of the facility and how each is used to fund the next portion of the recreational plan, he said that Planning was comfortable zoning the facility to ID-3. He said that with redevelopment in the future, the site can be modified into the ID-2 District.

Ms. Amorose Groomes confirmed that in the ID-3 District, they could continue to build the buildings in a similar fashion as the existing structures. She said SportsOhio was a fantastic facility and she would like them to be able to continue in that fashion in an affordable way. She confirmed with the Commissioners that there was support to change the designation to ID-3. She asked if any hardships would be created with the EAZ Plan or other related work.

Mr. Combs said he thought the request was satisfactory. He said they would adjust the zoning request as it moves to City Council.

Ms. Amorose Groomes asked if a condition would be necessary in the motion for the change, or would it be an administrative change.

Steve Langworthy suggested the motion indicate that the plan will be modified as requested by Mr. Hale.

Motion and Vote

Mr. Zimmerman made the motion to recommend approval to City Council of this Zoning Map Amendment as discussed. Mr. Fishman seconded the motion.

The vote was as follows: Ms. Kramb, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes. (Approved 5 – 0.)

3. COIC Emerald Office Area Rezoning 10-073 Z

Zoning Map Amendment

Chris Amorose Groomes introduced this application involving an amendment to the Zoning Map to change the zoning of parcels comprising an area of approximately 102 acres from Restricted Industrial (RI) District and Limited Industrial (LI) District to Suburban Office and Institutional (SO) District and Planned Development (PUD) District as part of the Coffman Park Plan. She said the proposed zoning conforms to the adopted Future Land Use Map and will coordinate with plans for the Central Ohio Innovation Corridor (COIC). She said the Commission needed to make a recommendation to City Council for final action.

Carson Combs presented this second of three area rezoning requests. He said that as part of the COIC, the properties were located along Emerald Parkway in the area of Perimeter Drive and Innovation Drive. He said that the purpose of the Emerald Office Zone was to highlight office development along Emerald Parkway with high visibility along I-270. He said that properties within the Perimeter Service Area also included existing office buildings. He said that the Future Land Use Map denotes both office and park/municipal uses and the rezoning is intended to phase out older industrial zoning classifications. Mr. Combs noted that city properties were being included within the Coffman Park PUD as an expansion of the park area, and that other properties were being transferred to an office zone. He said that work is currently underway to create a master plan for the park expansion that would serve as the preliminary development plan and basis for final development plan approval.

Mr. Combs said that the zoning request was consistent with the Community Plan and larger land use goals of the City. He said the change is also consistent with business neighborhood concepts for the COIC and that Planning recommends approval to City Council of this rezoning.

Ms. Amorose Groomes invited public comment regarding this application.

Joe Polis, a principal partner of FJ&S and owner of a 1.85-acre site at 5375 Post Road, said that there were many uses within the Limited Industrial (LI) District that are outdated, and that he

liked the idea of updating the industrial codes. He said that the site was purchased in 1985 to build a child daycare center that was turned down by the City. He said in 1989, 1997 and 2000 conversations were held with the City at which they were discouraged from developing the site.

Mr. Polis said that in February 2010 he met with Planning to review the office warehouse project that was originally proposed in 1989. He said that following that meeting, they began to update their construction drawings. He said that Economic Development contacted them about a prospective client and including the adjacent municipal properties as part of the proposal to build a 35,000-square-foot flex building. He said that unfortunately the business decided in December that the project was not economically feasible to proceed at the site.

Mr. Polis said that in November and December he attended meetings about the industrial code update and that discussions included converting properties to the new Technology Flex District. He said that at that time, they were six months into the development of construction drawings and that Planning provided preliminary comments on the proposed development on February 24.

He said a meeting was set for March 2 to review the proposed development and timeline for the industrial district updates. He said that he was told at that time that the City was proposing to zone the area to Suburban Office instead of the new industrial district. He said the SO District does not include warehousing that was part of his project. Mr. Polis said that he applied for a permit on April 21, 2010 to build the office warehouses that complied with the Technology Flex (TF) District regulations. He said that comments were received on the drawings from the City, and that his company intended to make the changes and proceed with the project. Mr. Polis said he thought that the Technology Flex District concept was very good and that the Limited Industrial (LI) District was antiquated, but he was not in favor of Suburban Office and Institutional (SO) District on the site.

Joe Budde said he was troubled by Mr. Polis' situation. He asked Planning to comment about what transpired and Mr. Polis' request not to rezone his property to the SO District.

Mr. Combs said he could not speak to issues that occurred during past decades. He said that initial direction for the industrial code update was to rezone properties from the RI and LI Districts into a revised and updated zone. He said that as the process continued, direction changed to look at the larger framework of the Community Plan and to ensure consistency with the Plan. Mr. Combs noted that Mr. Polis had been engaged throughout the development of the Technology Flex Code and that Mr. Polis was informed as soon as direction for the area rezoning had changed. He said that Mr. Polis had submitted for building permits and has every opportunity to gain legal standing for the proposed office warehouse prior to the rezoning taking effect. Mr. Combs said that his initial permit application was disapproved, but that Mr. Polis can decide to move forward with the proposed development.

Ms. Amorose Groomes asked if the reason for not including this area in the Technology Flex District was its proximity to the interstate.

Mr. Combs said the Coffman Park Area Plan within the Community Plan identified the area for the development of office uses because of visibility to the U.S. 33/I-270 interchange. He said that recent construction of Delta Energy reinforces the idea for an office appearance along Emerald Parkway, consistent with business neighborhood concepts for the COIC.

Mr. Budde said the circumstances that Mr. Polis has faced in the time he has owned the property and where he was so far troubles him. He said it sounded as though Mr. Polis was moving along a process without discouragement.

Ms. Amorose Groomes said she agreed that the process seems confusing and that she is sympathetic to his position. She said she has difficulty, though, picturing a warehouse at that location coming from Frantz Road with Willow Grove and other surrounding uses.

Mr. Budde said his question was why Mr. Polis was not advised a long time ago if the City was working on this project.

Ms. Amorose Groomes asked for additional insight.

Mr. Combs explained that zoning and the Community Plan are two different issues. He said that Mr. Polis' property has industrial zoning that dates back many decades. He said that in asking the question of whether the property complies with zoning, Planning looks at the proposed development within the context of what the property is zoned. Mr. Combs said that as soon as it was determined that the City-sponsored area rezoning would consider the Community Plan, development character and the long-term aspects of the area, that information was conveyed to Mr. Polis. He said that Mr. Polis still has additional opportunity to submit for the office warehouse development until the new code and zoning go into effect.

Mr. Fishman said he did not understand the history, but agreed that it was not an ideal location for an office warehouse.

Ms. Kramb asked what options were available if the property was rezoned.

Mr. Combs explained that a property owner always has the right to request a rezoning in the future to any number of districts, including a Planned Development District. He said users could also be attracted that would fit within the SO District.

Mr. Fishman asked if he met the existing zoning.

Mr. Combs said that to date a permit has not been granted for the site, which is zoned Limited Industrial (LI) District.

Steve Langworthy clarified that the permit was denied for building code issues, not zoning. Ms. Husak added that the permit was denied because it did not meet building, engineering or landscape requirements.

Ms. Kramb asked if Mr. Polis would seek relief in the future should he have to submit new plans, considering that recently he was told that what he proposed was acceptable.

Mr. Combs said that if the property was zoned to the SO District, Mr. Polis would need to submit a permit application that complied with those standards.

Mr. Polis said he understood that if they made the appropriate modifications to the plans that his plan could be approved under the LI District zoning.

Jennifer Readler clarified that under case law, vesting is typically established at the filing for a building permit. She said that he had filed for a permit that was denied, so that filing is concluded. She said that this zoning request will need to be recommended to City Council for two readings, followed by a 30-day effective date. She said that in the interim, if a permit is applied for an approval, that filing would allow him to proceed with construction of the office warehouse.

Ms. Kramb asked if he had to file before City Council approved the rezoning.

Ms. Readler said that based on the timeline, Mr. Polis would have much more time.

Mr. Polis said that other communities when disapproving a permit normally provide a correction letter that allows the developer to move forward rather than getting a disapproval and requiring reapplication.

Ms. Amorose Groomes encouraged Mr. Polis to pursue his allowable right if he felt it was necessary.

Ms. Kramb referred to the Coffman Park PUD Text and asked if the Commission was approving changes as part of this request.

Mr. Combs said that the text addendum covers the new addition of properties into the PUD.

Ms. Kramb pointed out that the Justice Center was noted in the first paragraph, but not under the permitted uses.

Mr. Combs clarified that it would be considered a municipal facility.

Ms. Kramb suggested that language should be rewritten to better clarify the intent.

Ms. Amorose Groomes suggested referring to parcel numbers or street addresses instead of any building names.

Motion and Vote

Mr. Zimmerman made the motion to recommend approval to City Council of this Zoning Map Amendment as discussed. Mr. Fishman seconded the motion.

The vote was as follows: Ms. Amorose Groomes, yes; Mr. Budde, yes; Ms. Kramb, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes. (Approved 5 – 0.)

4. COIC Technology Flex District Area Rezoning 10-074Z

Zoning Map Amendment

Ms. Amorose Groomes introduced this application involving an amendment to the Dublin Zoning Map to rezone approximately 105 parcels comprising over 371 acres from the following zoning districts: Restricted Industrial (RI) District, Limited Industrial (LI) District, Suburban Office and Institutional (SO) District, Limited Suburban Residential (R-1) District, Planned Commerce (PCD) District, and Planned Development (PUD) District. She said the zoning to TF, Technology Flex District is proposed to modernize the City's aging industrial district, conform to the adopted Future Land Use Map and coordinate with plans for the Central Ohio Innovation Corridor (COIC). She said the Commission needed to make a recommendation to City Council for final action.

Carson Combs said this rezoning is focused along the Shier Rings Road corridor and includes some outlying parcels. He said the rezoning coordinates with the business neighborhood concept for the COIC. He said that based upon the Commission's recent review of the Technology Flex District ordinance, the focus of this request is to encourage flexible space and uses for portions of the city that have more traditional industrial development. He said that the Future Land Use Map calls for a mix of different uses that include office, research and development, municipal and neighborhood center uses. Mr. Combs said that the zoning will result in a more unified classification for the area that will simplify the zoning map for greater consistency.

Mr. Combs said that the proposed area rezoning is consistent with the Community Plan, the neighborhood concept for the COIC, and larger city-wide goals to encourage economic development. He said the zoning change will increase marketability with more flexible standards and provide a greater understanding of development requirements. Mr. Combs said that the zoning will also reduce nonconformities and illegal uses and that Planning recommends approval to City Council for this request.

Ms. Amorose Groomes invited public comments regarding this application. (There were none.)

Amy Kramb confirmed that nothing was being done with the code text and this was a rezoning.

Mr. Combs said the request is to recommend changing the zoning designations for properties to City Council.

Ms. Amorose Groomes invited any other comments or questions for the Commissioners. (There were none.)

Motion and Vote

Mr. Zimmerman made the motion to recommend approval to City Council of this Zoning Map Amendment. Mr. Fishman seconded the motion.

The vote was as follows: Ms. Kramb, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes. (Approved 5 – 0.)

Ms. Amorose Groomes adjourned the meeting at 8:03 p.m.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held October 15, 1990

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~~Mr. Hansley also noted that Council has said that should funds not be available, that the project may have to be phased.~~

3. ~~Mrs. Barbara Snyder on behalf of the Emergency Services Committee, said that the committee supports the Concord fire levy and want the levy to be passed, being desirous of Concord Township having increased fire services.~~

4. ~~Mr. Wilt said that he did not feel that, given the Council passed the ordinance as an emergency measure, that the voters would had voted against the issue previously were not given adequate opportunity to express their opinions, there not being an adequate forum for discussion provided.~~

~~He also said that he felt there should be a public vote on the issue.~~

~~Mr. Strip noted that representatives of the Concord Township Trustees and Concord Fire Department had been at two Council meetings, expressing their opinions regarding the issue, making presentations at two Council meetings.~~

Ordinance No. 89-90 - Ordinance Accepting an Annexation of 733⁺ Acres from Washington Township to the City of Dublin. Third Reading.

Mr. Stephen Smith noted that there have been inquiries from a number of people questioning whether or not the Ordinance could be passed as an emergency. Mr. Smith said that he had responded to those inquiries by saying that it has been the policy, unwritten though it may be, of the Dublin City Council not to pass legislation on annexations or zoning matters as an emergency measure(s).

He also noted that a situation had evolved in Washington Township in which an applicant involved in a rezoning had been granted the rezoning on the condition that he would not apply for a liquor permit. Subsequently a liquor permit has been applied for, noting that the application has been heard by the Department of Liquor Control but has not been ruled upon, the problem being whether the application will fall under the township quota system or the City of Dublin's quota system, that being dependent upon the timing of the passage of this ordinance and subsequent completed annexation of the 733 acres from Washington Township to the City of Dublin.

A summary of Mr. L. Eberhart's, a Washington Township Trustee, comments is as follows:

1. In early 1989 an application was made for a party house and a picnic grounds involving approximately 7 acres in the township.
2. The petition for the change of zoning was heard by the Mid-Ohio Regional Planning Commission (MORPC) who turned it down because they felt that it was not compatible with the rural/residential neighborhood of the area.
3. The application was heard by the Washington Township Zoning Commission. Objections were raised by the residents of the neighborhood. The application was not approved by the township zoning commission.
4. The request was then heard by the Washington Township Trustees.
5. It is very rare that the trustees overrule the zoning commission.
6. At the hearing objections from the residents were again raised.
7. The applicant at that time indicated that he would be willing "to go back to the drawing board" and come back and try to answer all of the objections.
8. The matter was tabled and at a subsequent meeting the applicant came back and agreed to a total of thirteen deed restrictions.
9. Those deed restrictions included no application for a liquor permit; no music after 10:00 P.M.; the park would close no later than 11:00 P.M., etc.
10. The provisions of the deed restrictions appeared to satisfy those persons who had previously objected.
11. The Washington Township Trustees approved the application, with the deed restrictions being spelled out in great detail.

RECORD OF PROCEEDINGS

Minutes of Dublin City Council Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Held October 15, 1990

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12. The deed restrictions were prepared by the township attorney and filed with Franklin County.
13. In August of this year, unbeknownst to the township trustees, the applicant filed for a liquor permit.
14. At the present time it appears that the caterers and/or users of the party house provide their own liquor.
15. Operating with a D1, D2, D3, etc. liquor permit, with the applicant in total control, would mean that they would have the opportunity to operate anything from a beer and wine carryout to a night club.
16. The Ohio Revised Code, the manner in which the Liquor Control Board reaches their decision, township zoning ordinances and deed restrictions are not applicable.
17. They do, however, take into consideration misrepresentation and the trustees do feel that there has been misrepresentation.
18. This same applicant also has an industrial park contiguous to this party house and picnic ground. After the plans and zoning were approved for this industrial park, one of the buildings became unoccupied and the applicant requested that this office building be converted into an indoor golf-type facility, and one of the deed restrictions was that there would be no application for a liquor permit. There is now a liquor permit for this facility.
19. The Washington Township Trustees opposed the application with an extensive hearing before the Liquor Control Board, but the application was granted.
20. Council, with action tonight, has the opportunity to control the entry into the City a second liquor permit; that the number of liquor permits available within the City of Dublin are somewhat limited at this point in time.

Mr. Amorose moved to amend the Ordinance as follows:

Section 3. "This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, morals and welfare of the citizens of Dublin, Ohio; and for the reason that revenues provided to the City from the territory sought to be annexed will be used to provide essential municipal services, including police protection services and fire/emergency medical dispatching services to the citizens of the City of Dublin and to those in the territory sought to be annexed, then this Ordinance shall take effect immediately upon its adoption."

Ms. Maurer seconded the motion to amend.

It was noted under the deed restrictions for the party house and park that the client would buy the liquor and provide it to the caterer; that there would be no sales to the public.

Mr. Eberhart noted again that the deed restrictions mentioned previously would not apply, and noted that the residents of the mobile home park across the road, many of those residents being retired and senior citizens, are concerned about their health, safety and welfare.

It was noted that deed restrictions are enforceable by adjoining property owners, but that it could cost these persons \$10,000 to \$12,000 to bring the applicant to court in order to enforce those deed restrictions.

Mr. Campbell said that he felt that Council needs to concentrate on what makes passage of the ordinance an emergency measure to the City.

Mr. Smith said that he felt that the amendment to the Ordinance substantiated the emergency nature.

Mr. Eberhart also noted that in recent months there have been advertisements in publications as well as flyers with information which indicates a complete violation of the deed restrictions; that there has been a very high degree of misrepresentation, not only with respect to the clubhouse and picnic grounds but also with respect to the indoor golf facility which now has a liquor permit.

RECORD OF PROCEEDINGS

Minutes of Dublin City Council Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held October 15, 1990

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Mayor Rozanski noted that Mr. Sutphen was now present.

Vote on the amendment: Mr. Strip, yes; Ms. Maurer, yes; Mrs. King, yes; Mr. Campbell, yes; Mr. Amorose, yes; Mayor Rozanski, yes; Mr. Sutphen, yes.

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

Ordinance No. 94-90 - Ordinance Authorizing Establishment of Law Enforcement Trust Fund. Third Reading.

Vote - Mr. Amorose, yes; Mr. Campbell, yes; Mrs. King, yes; Ms. Maurer, yes; Mr. Strip, yes; Mr. Sutphen, yes; Mayor Rozanski, yes.

Ordinance No. 95-90 - Ordinance Authorizing Establishment of the Mandatory Drug Find Fund. Third Reading.

Vote - Mr. Campbell, yes; Mrs. King, yes; Ms. Maurer, yes; Mr. Strip, yes; Mr. Sutphen, yes; Mayor Rozanski, yes; Mr. Amorose, yes.

Ordinance No. 96-90 - Ordinance Authorizing Establishment of Enforcement and Education Fund. Third Reading.

Vote - Mrs. King, yes; Ms. Maurer, yes; Mr. Strip, yes; Mr. Sutphen, yes; Mayor Rozanski, yes; Mr. Amorose, yes; Mr. Campbell, yes.

Resolution No. 48-90 - Resolution Adopting City of Dublin Council's 1990 and 1991 Goals. Second Reading.

There will be a third reading of the Resolution at the Council meeting on November 5, 1990.

Ordinance No. 99-90 - Ordinance Accepting Lowest/Best Bid for Frantz Road Street Trees. (E) First Reading.

Mr. Amorose introduced the Ordinance.

Ms. Paula Yetzer said that what is proposed is to have 286 street trees planned on the east and west sides of Frantz Road; that these will be planted from S.R. 161 south to Tuttle Road; that two species of trees were chosen (Green Ash and a Thornless Hawthorn); that they would be placed approximately 50 feet apart (the Green Ash); that the Hawthorns would be placed approximately 25 to 30 feet apart; that they would be planted in the right-of-way.

Mr. Amorose said that every property owner along the road should be contacted before the trees are planted, making sure that the planting is in keeping with what they have already done.

Mr. Amorose moved to do away with the three time reading rule and treat as an emergency.

Mrs. King seconded the motion.

Vote on the motion - Mr. Strip, yes; Mr. Sutphen, yes; Mayor Rozanski, yes; Mr. Amorose, yes; Mr. Campbell, yes; Mrs. King, yes; Ms. Maurer, yes.

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

Ordinance No. 100-90 - Ordinance Amending Chapter 181 (Income Tax) of the Godified Ordinances of the City of Dublin. (E) First Reading.

Mr. Strip introduced the Ordinance.

Mr. Steve Hoffman reported that the changes requested would serve to clarify the ordinance, following conversations with tax practitioners and tax payers.

It was noted that the Finance Committee had approved the recommended changes.