



RECORD OF ACTION

Planning & Zoning Commission

Thursday, April 18, 2024 | 6:30 pm

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

2. **Irish Village at 5735 and 5745 Avery Road and PID: 274-000032** **24-046INF** **Informal Review**

Proposal: Mixed-use development on three parcels totaling 11.86 acres.
 Location: Southwest of the intersection of Woerner Temple Road and Avery Road.
 Request: Informal review and non-binding feedback on a future development application.
 Applicant: Stavroff
 Greg Chillog, The EDGE Group
 Planning Contact: Bassem Bitar, AICP, Deputy Director of Planning
 Contact Information: 614.410.4635, bbitar@dublin.oh.us
 Case Information: www.dublinohiousa.gov/pzc/24-046

RESULT: The Commission was generally supportive of the overall mix of uses, layout and architectural theme, noting that they would be complementary to the surrounding communities and the character of Ballantrae. Commission members also expressed support for the “big house” concept for the residential portion of the site, but noted that the architectural details, including variations, will be important. Members indicated that park-like settings need to be maintained along the roadway frontages, either in the form of larger setbacks or the use of patios and other amenities that would activate the frontages while maintaining view corridors to the nearby parks. The Commission noted that the building heights should be limited to 2 stories, although occasional third floors could be utilized in strategic locations, if the overall character is maintained. Other items noted included the importance of pedestrian connectivity, architectural details, orientation towards the internal and external streets, and the possibility of replacing the residential building along the Avery Road frontage with an additional neighborhood commercial structure. The Commission expressed appreciation for the applicant’s outreach to the Ballantrae Community Association and encouraged continued dialogue with the neighbors as the project moves forward.

MEMBERS PRESENT:

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

STAFF CERTIFICATION

DocuSigned by:

 FEB125C5BED6456...
 Bassem Bitar, AICP, Deputy Director of Planning





SUMMARY OF ACTIONS

Planning & Zoning Commission

Thursday, April 18, 2024, 6:30 p.m.

MEMBERS PRESENT: Rebecca Call, Kathy Harter, Kim Way, Jamey Chinnock, Warren Fishman, Mark Supelak

ACCEPTANCE OF DOCUMENTS

MOTION CARRIED 6-0 TO ACCEPT THE DOCUMENTS INTO THE RECORD

CASE REVIEWS

- **~~Case #24-026INF - St. John Lutheran Church – Memorial Preserve~~**

~~Informal review and feedback on a future memorial garden and cemetery preserve to serve the neighboring existing church. The 5.39 and 5.47-acre sites are zoned R-2, Limited Suburban Residential District and R-1B (WTWP): Limited Suburban Residential District and are located southeast of the roundabout of Rings Road and Norn Street.~~

~~NONBINDING FEEDBACK PROVIDED. The Commission expressed support for the proposed memorial preserve, which would maintain the rural character envisioned in the Community Plan, and liked the modern interpretation of a cemetery. They appreciated that the applicant had met community members and encouraged them to continue that dialogue throughout the process. Commission recommendations included adding walking paths along the proposed drive between the church parking lot and the memorial reserve; the use of detention, instead of retention ponds; landscape buffering; and amenities such as restroom facilities and an enclosed shelter. The Commission noted the applicant should continue to work with staff on floodplain and traffic management concerns.~~

~~Public Comment: 2 public comments were provided.~~

~~Next Steps: The applicant may proceed to apply for a Concept Plan.~~

- **Case #24-046INF - Irish Village**

Informal review and feedback on a future mixed-use development on three parcels. The combined ±11.86-acre site is zoned R-1, Restricted Suburban Residential District and TF, Technology Flex District, and is located southwest of the intersection of Woerner Temple Road and Avery Road.

NONBINDING FEEDBACK PROVIDED. The Commission was generally supportive of the overall mix of uses, layout and architectural theme, noting that they would be complementary to the surrounding communities and the character of Ballantrae. Commission members also expressed support for the “big house” concept for the residential portion of the site, but noted that the architectural details, including variations, will be important. Members indicated that park-like

settings need to be maintained along the roadway frontages, either in the form of larger setbacks, or the use of patios and other amenities that would activate the frontages while maintaining view corridors to the nearby parks. The Commission noted that the building heights should be limited to 2 stories, although occasional third floors could be utilized in strategic locations, if the overall character is maintained. Other items noted included the importance of pedestrian connectivity, architectural details, orientation towards the internal and external streets, and the possibility replacing the residential building along the Avery Road frontage with an additional neighborhood commercial structure. The Commission appreciated the applicant's outreach to the Ballantrae Community Association and encouraged continued dialogue with the neighbors as the project moves forward.

Public Comment: 6 public comments were provided during the meeting and 2 were provided via email prior to the meeting.

Next Steps: The applicant may proceed to apply for a Concept Plan.

COMMUNICATIONS

- Individual discussion opportunities with staff regarding the draft Envision Dublin Community Plan are still available for PZC members.
- A joint Council-PZC work session is scheduled for Monday, April 29, 6:00-8:00 p.m. for discussion of the draft Envision Dublin Community Plan update.
- The next regular Commission meeting is scheduled for Thursday, May 2, 2024.

ADJOURNMENT

The meeting was adjourned at 8:52 pm.



MEETING MINUTES

Planning & Zoning Commission

Thursday, April 18, 2024

CALL TO ORDER

Ms. Call, Chair, called the meeting to order at 6:30 p.m. and welcomed everyone to the April 18, 2024 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: Jamey Chinnock, Warren Fishman, Kim Way, Mark Supelak, Kathy Harter, Rebecca Call
Staff members present: Bassem Bitar, Thaddeus Boggs, Taylor Mullinax, Tammy Noble

ACCEPTANCE OF DOCUMENTS

~~Mr. Supelak moved, Mr. Fishman seconded acceptance of the documents into the record.~~

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

~~[Motion carried 6-0]~~

~~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. Tonight, the Commission is hearing only Informal Reviews, so no swearing in for the purpose of taking public testimony is necessary.~~

CASE REVIEWS

- **Case #24-026INF - St. John Lutheran Church — Memorial Preserve**

~~Informal review and feedback on a future memorial garden and cemetery preserve to serve the neighboring existing church. The 5.39 and 5.47-acre sites are zoned R-2, Limited Suburban Residential District and R-1B (WTWP); Limited Suburban Residential District and are located southeast of the roundabout of Rings Road and Norn Street.~~

~~process with the church and the City.” He encouraged finding a way to make the cemetery a part of the church property without negative impacts to the surrounding neighborhood.~~

Commission Discussion

~~Ms. Call requested members to respond to the discussion questions that were provided.~~

~~Mr. Fishman inquired if the proposed road would connect to the nearby subdivision.~~

~~Ms. Call stated that the proposed road would connect only to the church.~~

~~Mr. Fishman stated that he had no objection to the proposed project.~~

~~Mr. Supelak stated that he likes the modern interpretation of the cemetery preserve. He believes it preserves the desired character of the area. He is supportive of the proposal. It is desirable to remove the honeysuckle and open up the creek view. It will be important to manage traffic for larger memorial services.~~

~~Mr. Way stated that he believes the proposal is an appropriate use for the property, as specifically related to the church. He likes the plans to locate different burial sites in particular locations. He was intrigued by the public comment/suggestion that the future church residence should be located on Rings Road rather than at the back. That idea might be worth exploring. He wonders if the proposed road alignment is correct. Would it be an improvement if the road swung further to the south, along the creek and came up to tie into the church? As opposed to walking along the road, perhaps there could be a dedicated path to the site. He believes the plan is heading in the correct direction.~~

~~Ms. Harter stated that she is supportive of the proposal. She likes the idea of providing a walkway, restrooms and a closed shelter in the event of inclement weather.~~

~~Mr. Chinnock expressed support for the proposal. The inspiration images are impressive. He would suggest providing more screening around the residence in the northwest corner.~~

~~Mr. Fishman noted that the pathway should be hard surface to accommodate wheelchairs.~~

~~Mr. Guappone responded that it would be.~~

~~Ms. Call stated that she was also supportive of the proposal. In regard to the suggestion to place residential along the roadway, the Community Plan currently foresees this area as rural. Having a landscape plan with berming and screening could accomplish the same thing as establishing and reinforcing the rural nature of the area. She noted that Schoedinger Funeral Home has a beautiful retention basin at the front of their site. Currently, this proposal contains only detention basins. She believes a designated walkpath should be included in the plan.~~

~~Ms. Call inquired if the applicant desired further input.~~

~~Mr. Robertson responded that the Commission has provided valuable feedback for consideration.~~

- **Case #24-046INF - Irish Village**

Informal review and feedback on a future mixed-use development on three parcels. The combined ±11.86-acre site is zoned R-1, Restricted Suburban Residential District and TF, Technology Flex District, and is located southwest of the intersection of Woerner Temple Road and Avery Road.

Applicant Presentation

Michael Fite, partner, Stavroff Land and Development, 6689 Dublin Center Drive, Dublin stated that their application encompasses three parcels. The first, 6-acre parcel is owned by Stavroff. They have a development agreement with the owner of the second parcel; that agreement expires at the end of this year. The other parcel is owned by a landscape company; they do not have an official agreement with them at this time. They have reached out to the neighbors, including the Ballantrae community, and shared with them four development options. The neighbors would like the proposed development to provide an enhancement to the Ballantrae community. The name Irish Village came from one of those neighborhood meetings. Their intent is to create a village community that is walkable and bikable with retail where the community can go for goods and services. One land use suggested to the community was village retail. There was some pushback from the neighbors. The second option was for a retail/office use. The third option was an interactive mixed use. The Ballantrae community was more supportive of that use. If they cannot come to an agreement for a mixed-use community, there is the option to extend the Technology Flex District with the uses permitted by Code. They have developed a conceptual plan incorporating village retail on the corner, a mixed-use building and a community asset building, such as an Irish Pub. To the south would be a residential component, either condominiums or apartments, designed to look like a large house. There will be a road network that connects to the pool. There will be two full-service curbcuts. They will take the elements from Ballantrae that give it a sense of place -- stone walls, water, rock ruins and white columns, and incorporate those elements into their development.

Staff Presentation

Mr. Bitar stated that this is an Informal Review to provide nonbinding feedback to the applicant. If it moves forward, it would be followed by a Concept Plan, PDP and Rezoning. The site consists of three parcels located southwest of the intersection of Avery and Woerner Temple Roads. The site has 686 feet of roadway frontage along Woerner Temple Road and 619 feet along Avery Road. The northern parcel is 5.85 acres in area and remains undeveloped. The parcel at 5745 Avery Road encompasses 5.04 acres and is used for industrial purposes. It is accessed through a curb cut along Avery Road and is developed with two warehouse structures that were built in 1987 according to the Franklin County Auditor data. The 0.98-acre parcel at 5735 Avery Road houses a landscape business with a commercial structure built in 1960 and accessed by a curb cut along Avery Road. The undeveloped parcel is zoned R-1, Restricted Suburban Residential District. Permitted uses within this district include single-family dwelling structures, home occupations, public and private schools, parks, Type B childcare, and accessory child and adult daycare. The southern two parcels are both zoned TF, Technology Flex District, which permits a variety of industrial, office, commercial, and civic uses. The site is bordered by the Dublin Community Pool South to the west and a logistics operation to the south. Ballantrae Community Park is located across Woerner Temple Road to the north. Balgriffin Park, a single-family residence and a carwash are located across Avery Road to the east. The Community Plan's Future Land Use (FLU) recommendation for the site is Mixed Use Neighborhood Center, mirroring the designation in the Avery Road Corridor Plan. The parcels included in this proposal are part of the Avery Road Corridor Plan, which envisions Mixed-Use Neighborhood Center for the entirety of the proposed development site. Such centers exclude auto-oriented uses, instead focusing on pedestrian-oriented retail uses, personal and convenience services nearby, and integrated residential neighborhoods. The Community Plan also envisions Neighborhood Office and limited medium-density Mixed Residential uses on the parcels to the south of the proposed project site.

The recommendations in the Community Plan include the utilization of pedestrian spaces, patios, and plazas within the neighborhood center, and a 100-foot setback along Avery Road to provide a green view/corridor into the park areas to the north. These mixed-use neighborhood centers are intended to provide daily retail uses and personal services for the convenience of neighborhoods in which they are located. Building heights generally range from one to two stories, consistent with surrounding residential development. Integrated residential uses are highly encouraged, and neighborhood centers should be integrated to coordinate with surrounding Low and Medium Density Mixed Residential uses to provide support and pedestrian activity.

Proposal:

The applicant is proposing a mixed-use development encompassing the approximately 12-acre site. The following four (4) alternative land use options were provided in the application materials:

Alternative A contemplates village retail in the northeast quadrant; anchor retail (ex. fuel, convenience store, grocery) in the southeast quadrant; retail/office/tech flex in the northwest quadrant; and office/tech flex in the southwest quadrant. Rezoning all parcels to PUD would be required.

Alternative B includes village retail in the northeast quadrant; an auto-oriented outparcel in the southeast quadrant; and office/tech flex/multi-family in the northwest and southwest quadrants. Rezoning to PUD would be required.

Alternative D envisions the entire site accommodating uses permitted within the TF, Technology Flex District, including a variety of commercial, office, institutional, civic, and industrial uses. Rezoning of the northern parcel to TF would be required.

Alternative C, the preferred option, envisions neighborhood retail uses in the northeast quadrant of the site, consisting of 1½-2 story buildings with a total square footage of 25,000-30,000. The northwest quadrant would be developed with two buildings: a 2-3 story structure with residential over commercial use and a 1-3 story building housing a community amenity on the first floor with residential and/or office uses above. All buildings within the two quadrants would line the adjacent streets and shared parking would be located within the interior of the site. While the building setbacks are not listed, it is unlikely that the 100-foot setback along Avery Road as noted in the Community Plan would be met. The southern half of the site would contain eleven 2-3-story multi-family residential structures with a total of 175-200 units. While each building would contain multiple units, the applicant has indicated that it would be designed to resemble a large house. However, the building footprints shown on the plan imply larger buildings, so it is unclear whether the proposed number of units could work with this design intent. Various site features are incorporated into the development with the intent of creating a unified design approach with the Ballantrae neighborhood and community park. These include stone walls and columns, a gatehouse, functional “ruins”, plazas, and meadow plantings. Two full-access points are proposed, one of which would share the existing community pool access from Woerner-Temple Road. The other one would be located near the southern property line, providing access from Avery Road. It would align with the existing carwash curb cut across Avery Road. A right-in/right-out curb cut along Avery Road is proposed between the retail and residential subareas. Street stubs to the south and west parcel lines are provided for future connections. An internal street network is shown across the site. As the proposal advances, consideration should be given to making the main connections public streets. Sidewalks and paths will also need to be added for bicycles and

pedestrian traffic. The proposed development would require rezoning of the site to PUD, which would trigger the need for a Traffic Impact Study (TIS). Through the study, access points would be determined along with the associated traffic control, and any intersection or site improvements would be identified. Staff has provided the following discussion questions:

- 1) Is the Commission supportive of the proposed uses?
- 2) If the Commission supports the proposed uses, is the Commission supportive of the proposed site layout?
- 3) If the Commission supports the proposed uses, is the Commission supportive of the proposed building height and character?
- 4) Any additional considerations by the Commission.

Commission Questions

Mr. Chinnock stated that the setback indicated by the Community Plan provides for an ample setback from Woerner Temple, consistent with the current greenspace character with the Woerner Temple entrance and adjacent park. The proposed plan eliminates that setback. Isn't there a greenspace requirement setback there?

Mr. Bitar stated that the Community Plan specifically mentions a 100-foot setback along Avery Road. It is silent regarding the setback along Woerner Temple except for a general note about preserving the views to the park. It implies a larger setback but is silent on the specific number.

Mr. Chinnock inquired if the Community Plan indicates a maximum building height of 2 stories. Mr. Bitar responded that the Community Plan envisions 1-2 story buildings.

Mr. Supelak inquired where the front doors would be on the residential units. Some of the units appear to have rear-loaded garages. They are set up to have the front door facing a roadway. Mr. Fite responded that the front doors would be on the front or the side. The garages are rear or side loaded. The garages cannot be seen at the front of the buildings. The idea is that the building look like a large home, not an apartment building.

Ms. Harter inquired if the residential buildings would all look the same, or would there be different scales of homes.

Mr. Fite responded that they provided only one image of a home, which is a representation of the concept, not the architecture. There might be 2-story buildings on the end and 3-story buildings in the middle.

Ms. Harter inquired if they would be different colors.

Mr. Fite responded that it was too early to consider colors. The concept is eclectic with a mix of building types.

Ms. Harter inquired about the potential business at the front of the development. The top story would be either office or residential. Would the ground story be designated for business use, or could it also be residential?

Mr. Fite responded that the intent is that the first floor would be retail, commercial or office. Either office or residential could be on the second floor. The intent is to have mixed use inside of one building.

Ms. Harter inquired if the TIS would also encompass the South Pool area.

Mr. Bitar responded affirmatively.

Mr. Chinnock stated that the D buildings are described as having 175-200 units. How many additional residential units are envisioned in the mixed use buildings (A, B and C)?

Mr. Fite responded that number is undetermined at this time.

Mr. Way inquired if a pedestrian walkway is envisioned that runs along private street B, connecting the pool with Avery Road. The proposal does not show one.

Mr. Fite responded that it is intended.

Public Comments

Public comments were received via email before the meeting:

Tyler Ma, 6599 Baronscourt Loop, Dublin: "I like the idea of adding more residential spaces in the area, but I do not think we need more retail or office spaces in the area. Check out all the empty office buildings in the City of Dublin and all the empty retail spaces in Tuttle Crossing Mall. We also have many empty retail spaces in the strip malls."

Tracey Smallwood, 6344 Dan Sherri Drive, Dublin: "I am opposed to a gas station/grocery store anchoring this development. The quality of the environment for walking and enjoying the park across the street would be diminished by such a structure. There are multiple grocery stores and gas stations in close proximity; therefore, this is not needed."

Mike Bacon, 5780 Baronscourt Way, Dublin: "(1) What level of residences or apartments are being planned for this area, especially with Option C. This seems to be an excessively high housing density for a small area and might reflect low-level housing below the character of the surrounding area. This could significantly affect Ballantrae, and (2) Have studies been done on the traffic impact of such a dense residential unit on this corner. This would seem to cause a significant bottleneck on Woerner Temple traffic turning left on Avery Road and a major increase in traffic within this area in general."

Public comments received in person during meeting:

Craig Wallace, 7016 Waters Edge Drive, Ballantrae, Dublin stated that the developers have met with Ballantrae community members 3 times, and they have had good discussions. The residents' primary concerns are appearance, traffic, noise and lighting. This area has been very nice greenspace but also industrial with Parker Drilling. The residents would be very pleased to have Parker Drilling replaced with something more appropriate. They discussed Options A and B being limited to 2 stories. They discussed low-rise, one-story retail/restaurants with outdoor seating along Woerner Temple with potential medical/financial service buildings with business hours usage; no gas stations. The residents objected to the number of units, which is very high. They believe condominiums with permanent residents as opposed to apartments with transient residents would be much better and would result in a fewer number of units. We also did not discuss having mixed use along Woerner Temple but on the southern edge. Traffic is certainly a significant concern, because this is the primary entrance to our neighborhood. We do not want traffic there to back up. Additionally, the residents would not want the development to involve any late night activities with the associated light and noise issues. The retail should include only office or some type of dining-in restaurant, not drive-through. The Community Plan contemplates bigger setbacks along Woerner Temple than is proposed by the developer, who is trying to mix income-generating businesses with residential. Whatever can be done to maintain the

appearance along Woerner Temple would be appreciated. Any buildings should be consistent with the Ballantrae character, as well as preserve greenspace and walking paths; this is very important to the residents. They look forward to working with the developer to develop something advantageous to the Ballantrae residents.

Kurt Smith, 6692 Roundstone Loop, Ballantrae, Dublin, stated that he is the president of the Lakes of Ballantrae condominium association. He does live in a multi-family dwelling. The majority of the housing in the Ballantrae community is single-family; however, there are some multi-family units. The concept of an upscale multi-family within an upscale neighborhood isn't totally reprehensible to him. He has participated in and is encouraged by the discussion the residents have had with the developers. This is a vastly different experience than the residents experienced with the Turkey Hill development on the corner of Avery Road and Shier Rings Road, when there was no discussion whatsoever with the community. Their community appreciated the previous discussions with the City of Dublin about the anticipated hospital development. Open interchange with the people who are proposing to make changes in the area makes the residents feel heard and enables the residents to welcome development, if they have been able to have some input. The concept of a gateway to Ballantrae could be wonderful, if done right. If the intent is to develop that area as Tech Flex, the residents will have a great deal to say about that. He believes the developers have listened to the concerns of the neighbors by focusing on Option C.

Jack Curtis, 6485 Ballantrae Place, Ballantrae, Dublin stated that they have been residents of Ballantrae single-family homes for 20 years. He did not participate in any previous discussions regarding the proposed development, although he did attend the Master Homeowners Association (HOA) meeting a week ago. There was minimal conversation about this, however, and he believes there are many more residents who would like to share their comments on this. Building height is a major concern, and he believes it will be for most residents. The Community Plan calls for 1 and 2-story buildings, and he believes it should be limited to that. A height of 3 stories will be obtrusive. South of the Ballantrae subdivision, on Avery Road toward Hilliard, there is a massive mish-mash of large apartment buildings. Because of what exists there, the Ballantrae residents are very concerned with the proposal for taller buildings here. He urges the Commission to consider requiring the 1-2 story height. The setback along Avery Road shown in the City's Community Plan is much better than permitting development along the street. It has been preserved as greenspace for some time. One of the conceptual building images shown by the developer does not look like Ballantrae at all. The Ballantrae development is comprised of stone, brick and natural materials. The image looks like the St. Andrews community on Frantz Road. He noted that he is a realtor and has sold many homes within Ballantrae and the Dublin community. The other images shown are more representative of Dublin.

Ben Noble, 5892 Baronscourt Way, Ballantrae, Dublin stated that he does not believe many members of the their neighborhood have not had the opportunity to weigh in on this proposal. He just found out about it on a very lively neighborhood Facebook discussion. He is disappointed that more of the residents could not be here tonight. The sentiment of that discussion is if the proposal is intended to provide services for their neighborhood, such as restaurant, bookstore or coffee shops – there is some acceptance. However, the overwhelming opinion was opposed to large residential buildings, particularly anything exceeding 2 stories. Their HOA meets only once a year so any discussions the developer has had with the HOA Board has left out the overwhelming majority of the neighborhood, who not being members of the Board, did not get opportunity to join in that discussion. He would encourage the effort be made to include a greater

number of community members to provide their comments. Since the developer indicates it is to be “in service of the neighborhood,” it would be important to hear what the neighborhood wants. Frankly, the existing gateway to Ballantrae is quite sufficient.

Cristian Cooney, 5835 Barronscourt Way, Ballantrae stated that he serves on a Ballantrae HOA Board. Stavroff reached out to the boards of the various HOAs within the community, including the Ballantrae Community Association, the Lakes of Ballantrae, the Villas of Ballantrae and the Glens of Ballantrae. All the HOA Boards were represented in the discussion. The developer wanted to limit the quantity of input, although the continuing process should include the overall input. There is a large amount of undeveloped land around Ballantrae. Stavroff pointed out the current zoning and asked the Board members what development they would prefer. After the first HOA board meetings, they forwarded a summary to the City to ensure the residents’ input was communicated to the City Planning Department. Maintaining the existing park-like feel is priority #1 to the community. Accordingly, the proposal to push up the setbacks to the bikeway versus what the Community Plan provides for this area is a concern. However, they do understand that the developer must end up with a profitable development or the result will be undesirable. He believes that having any buildings higher than 2 stories will be problematic in retaining the overall park-like feel of Woerner Temple. A couple of 3-story buildings at the back might not be visible from Woerner Temple. Priority #2 is retail. The residents would like to have some retail, such as a restaurant or coffee house. A use of the Parks Drilling site for something other than storage of cranes and metal would be appreciated. In regard to the residential component – everyone has a visceral reaction to apartments. If it truly looked like an Irish Village rather than a jarring variant to what exists would be critical. This is Ballantrae’s front door. If this area is developed incorrectly, it would have a significant negative impact on the Ballantrae community, the entrance drive up to the golf course, and the City’s investment in the traffic circle at Woerner Temple.

Commission Discussion

Mr. Chinnock stated that the Commission appreciates the developer meeting with the community. The Commission also appreciates the community’s feedback. He is generally supportive of the idea, but there are issues to work through, such as the building height. He agrees that having 3-story buildings would be overbuilt here. He also believes the activation along Woerner Temple will be a key issue. Either having patios to activate the streetscape or pulling them back to retain the park-like feel will be critical to the Ballantrae community. There are 3 gateway views or vantage points of the community that must be considered. He believes the proposal is consistent with Dublin’s intent to be a walkable community by adding retail destinations for the Ballantrae residents. There are specifics of the development, however, which will require some work.

Ms. Harter stated that she is supportive of the proposed project. This development should complement the Ballantrae community, taking its inspiration from the community. She has concerns about the site layout, connectivity and buffers. The large home, multi-family buildings should look different, similar to single-family homes in a neighborhood. They should not be greater than 2 stories. She urges that the view along the entrance into the community of the large hill with the bunny sculptures not be lost.

Mr. Way stated that this is a very special corner, and he appreciates that the developer has approached it with the vision of an Irish village. That sets an expectation of quality and

uniqueness. He agrees with the concept of a cohesive mixed-use project. From an urban design standpoint, the proposal achieves important things. There are urban edges on key streets, parking is internal and the residential component fronts the streets with parking behind. He is supportive of the use and the general layout. The issues are the building setbacks and building heights. It is possible to achieve great things with 1 and 2-story buildings. Perhaps tucking 3-story internally would be possible; the architecture will be important. Ballantrae has a look and feel; an Irish Village has a look and feel. One of the images shown definitely is not that, but the other images were more reminiscent of an Irish Village. As the architecture evolves, it should be with more stone. The setbacks need to be commensurate with the activity desired along Woerner Temple and Avery Roads. He believes the Building D should be replaced with a Building A. We do not want to locate residential along Avery Road. He is looking at the development as a village center, and it is important how it works together. He is supportive of the direction their project is headed.

Mr. Supelak stated that he also is generally supportive. It is a wonderful gateway corner. This project has the opportunity to be synergistic, serving the Ballantrae community and the Dublin community well. The site is in a good position as there are already buffers and transitions in place. He applauds the careful integration with the Ballantrae community and the Irish features, including stone and ruins. That aesthetic isn't possible everywhere, but it is wonderful to have pockets of that aesthetic in choice locations, such as here. The big house concept is compelling, if done well. He assumes the image of the white house was provided to depict scale and massing. The material palette will come from the Irish Village aspect. Although he is generally supportive of the proposal, execution, details and nuance will matter. He agrees with the concern expressed about 3 stories. With 3-story buildings, the big house appeal is lost. Suddenly, it is over scale and overbuilt with a greater need for parking spaces. The proposal contains some 3-story buildings. Typically, when 3-story buildings occur in Dublin, it is achieved with the appearance of attic space or dormer space on a single building. Although there could be select spots for 3-story here -- and it could work well, depending on the architecture -- the balance of the development needs to be 2 stories. A case would have to be made to permit a 3-story element. He reiterated that having 3 stories will be worrisome in the residential component, would undermine the big house concept and would be a concern along Woerner Temple. In regard to aesthetics, while the big house concept is great, it should be with the Ballantrae/Irish Village material palette. One item important to consider is the Woerner Temple frontage. He is not adverse to reducing the greenspace somewhat, but it would have to be carefully considered. There would still need to be some setback distance, nothing should be immediately adjacent to the roadway. The residential units are set up nicely to have front door access but be rear-loaded. That will require some on-street parking, however, so sensitivity in how that develops will be important.

Mr. Fishman stated that he is supportive of the proposal. He feels very strongly that the buildings should be limited to 2 stories, not 3 stories, which would be out of scale for this area. He would encourage the elimination of one of the D buildings, as it would open up more greenspace and achieve a more positive feel.

Ms. Call stated that she is supportive of the mixed-use, especially when it's integrated within the building. She also likes the large home concept. She recently visited a community complex in Nashville, where that was done well. In reading the Community Plan, the vision is to maintain the view corridor. She believes this particular parcel is over-programmed. It would be flipping a switch moving from a park environment to fully built. The idea was to integrate. Part of that

integration would be maintaining the setbacks, including a 100-foot setback along Avery Road and consistent with the development text, leaving the view corridor open up Woerner Temple Road. That offers an open view corridor into the Ballantrae community, into the park space and still allows for setback area to be utilized for patio space. She likes the rear-loaded parking, but some of the 100-foot setback could be used for integration of patio spaces. That would maintain the view corridor for vehicles, pedestrians and participants. If the setback is reduced, the patio experience is lessened. If patios are 20 feet from the roadway, it is a totally different experience. Private roads in a community have not led a positive experience in the community. Occasionally, private drives are not maintained and the HOA wants to turn them over to the City. The City won't accept them unless they are built to public standards. We are not opposed to private drives, but if they are built, they must be built to City standards. She agrees with fellow Commission members. The development text is purposeful, and it requires 1 – 2-story buildings. Having all 2-story buildings would be a problem. Having 1 and 2-story buildings with an occasional 3-story could be considered. There is some flexibility with waivers and text modifications. She appreciates that the applicant has reached out to the community, and the development process includes public input. In summary, she is supportive of the use, particularly integrated mixed-use, and she likes the large house concept. That type of product currently is missing in the Dublin community. She loves the Irish Village concept. There are different areas for different concepts, and she believes the developer found the right niche here. She noted that this is an Informal Review, so no action would be taken by the Commission tonight.

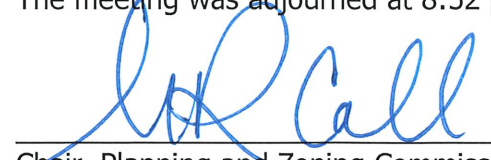
COMMUNICATIONS

Ms. Noble reminded Commission members of the following:

- Individual discussion opportunities with staff regarding the draft Envision Dublin Community Plan are still available for PZC members.
- A joint Council-PZC work session is scheduled for Monday, April 29, 6:00-8:00 p.m. for discussion of the draft Envision Dublin Community Plan update.
- The next regular Commission meeting is scheduled for Thursday, May 2, 2024.

ADJOURNMENT

The meeting was adjourned at 8:52 p.m.



Chair, Planning and Zoning Commission



Assistant Clerk of Council

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, 1470000019000, 273001905, 273002476, 273003679, 1470000019001, 273010461, 273001899, 1470000021000, 1471301001000, 1470000020000, 1470000021602, 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. Lecklider
Mayor - Presiding Officer

Attest:

Anna C. Clarke
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

DAYTON LEGAL BLANK, INC., FORM NO. 10148

June 27, 2011

Page 6

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-

**PLANNING AND ZONING COMMISSION
RECORD OF ACTION
MAY 19, 2011**

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

Zoning Map Amendment

000068, 274-000069, 274-000084, 274-000096, 274-000099, 274-000100, 274-000101, 274-000102, 274-000103, 274-000104, 274-000105, 274-000106, 274-000107, 274-000119, 274-000120, 274000122, 274000123, 274000128, 274000129, 274-000157, 274-000158, 273-000356

Applicant: Marsha I. Grigsby, City Manager, City of Dublin.

Planning Contacts: Carson C. Combs, AICP, ASLA, Senior Planner and
Claudia D. Husak, AICP, Planner II.

Contact Information: (614) 410-4600, ccombs@dublin.oh.us and chusak@dublin.oh.us

MOTION: To recommend approval to City Council of this Zoning Map Amendment.

VOTE: 5 – 0.

RESULT: Approval will be recommended to City Council of this Zoning Map Amendment.

STAFF CERTIFICATION

Carson C. Combs, AICP, ASLA
Senior Planner

- ~~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 Grooms 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 Grooms 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 Grooms 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 Grooms 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 Grooms 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 ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 89-90

Passed 19

AN ORDINANCE TO ACCEPT AN
ANNEXATION OF 733⁺ ACRES
IN WASHINGTON TOWNSHIP TO
THE CITY OF DUBLIN, OHIO

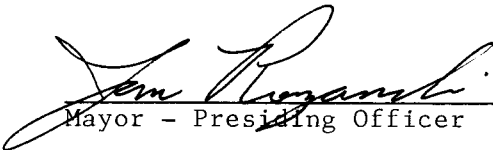
WHEREAS, said annexation has been approved by the Franklin County Commissioners, and Council is of the opinion that said territory should be annexed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 7 of the elected members concurring:

Section 1. That the petition for the annexation of 733⁺ acres (see attached legal description) to the City of Dublin, Ohio is hereby accepted.

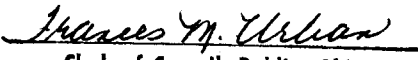
Section 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, morals and welfare of the citizens of Dublin, Ohio; and for the reason that revenues provided to the City from the territory sought to be annexed will be used 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 passage.

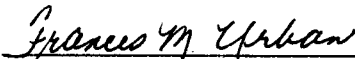
Passed this 15th day of October, 1990.


Mayor - Presiding Officer

Attest:

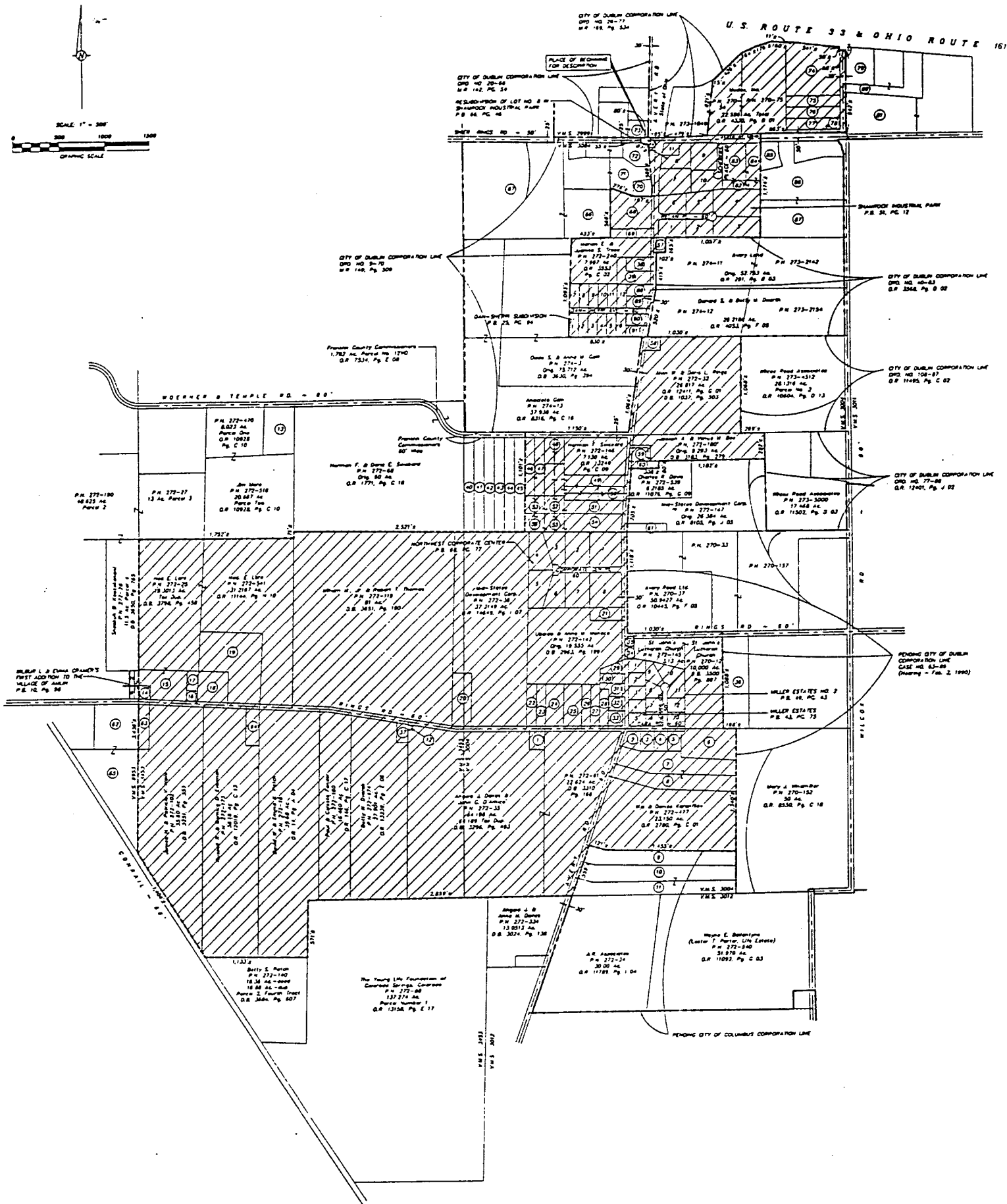
I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code.


Clerk of Council, Dublin, Ohio


Clerk of Council

I, Frances M. Urban Clerk of Council, hereby certify that the foregoing is a true copy of Ordinance/Resolution No. 89-90
duly adopted by the Council of the City of Dublin, Ohio, on the 15th
day of October, 1990.


Clerk of Council, Dublin, Ohio



RECORD OF PROCEEDINGS

Minutes of

Dublin City Council Meeting

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held October 15, 1990

19

Page Two

~~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. 10148

Held October 15, 1990

19

Page Three

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

19

Page Four

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 Codified 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.