

Motion and Vote – Amended Final Development Plan

Mr. Zimmerman made the motion to approve this Amended Final Development Plan because this modification is compatible with existing approved and planned adjacent development and will have no adverse impact upon the surrounding properties. Mr. Freimann seconded the motion. The vote was as follows: Mr. Walter, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Mr. Freimann, yes; and Mr. Zimmerman, yes. (Approved 5 – 0.)

Work Session:

Mr. Zimmerman explained the Work Session purpose and procedures. He advised that all comments by the Commission are informal and non-binding, and are intended only to provide general guidance to the applicant regarding the application.

**3. Tartan Ridge – Section 2
08-004FDP/FP**

**9756 Hyland-Croy Road
Final Development Plan/Final Plat
WORK SESSION**

Claudia Husak presented this request for informal review and comments on a Final Development Plan/Final Plat application for 45 single-family Estate and Manor lots in Section 2 of the Tartan Ridge subdivision. She described the site location and description of this 41-acre site within Subarea A of Tartan Ridge. She said 11-acres of parkland/open space are included in this section. Ms. Husak suggested the Commissioners address the following discussion point:

Does the submitted plan substantially comply with the preliminary development plan?

Chris Amorose Groomes noted an easement between Lots 125 through 130 and asked if it was a utility easement. Charlie Driscoll, The Edwards Company, the applicant said he thought there was one storm sewer between Lots 127 and 128, but they were primarily electric easements in the rear yards. Ms. Amorose Groomes asked if residents would be permitted to plant in those easements. Mr. Driscoll said he thought it was allowed.

Kevin Walter asked what was the topography next to Lots 119 and 120 and why there was not another lot there. Mr. Driscoll said they were trying to preserve the woods next to Lot 120.

Mr. Walter noted that on Harlan Court, Lots 141 through 144 a No Disturb Zone was indicated but the tree preservation plan indicated that the tree line was not dense and was in fair condition. He suggested that a No Disturb Zone there might be too restrictive. Ms. Husak agreed to look at that.

Todd Zimmerman, Warren Fishman, and Flite Freidman had no comments or questions to add on this Work Session item.

**4. Avery and Post Professional Office Complex
06-148Z/PDP**

**6344 Post Road
Rezoning/Preliminary Development Plan
WORK SESSION**

Jennifer Rauch presented this request for an informal review of a proposed Rezoning/Preliminary Development Plan to change the current zoning from R-1, Restricted Suburban Residential District to a Planned District to permit a 30,000-square-foot L-shaped office development on a

3.15-acre site at the northeast corner of Post Road and Avery-Muirfield Drive. She said this application was originally submitted in November 2006 during the 2007 Community Plan Update. Ms. Rauch stated the future land use designation within the 1997 Community Plan identified this site as Medium Density Residential and the recently approved Future Land Use Map continues to classify this site as Mixed Residential Low Density, which emphasizes a mix of housing options to provide a transition from existing single-family neighborhoods with a maximum density of three du/ac. She said based on this information the proposal for an office use does not meet the Future Land Use map.

Ms. Rauch stated there have been numerous meetings and the residents have voiced their opposition to this proposed change in land use from residential to office. She said the concerns expressed are that allowing the purposed change in use on the site would further encourage similar types of commercial uses to creep east along Post Road into their single-family area and the potential negative affects on adjacent and nearby residential uses.

Ms. Rauch said during the Community Plan Update process, the owner made a request for either a reconsideration of a residential classification for the property or an increase in the maximum density, should this property remain residential. She said public comment and information regarding the applicant's proposal was provided to City Council on several occasions. Ms. Rauch reported that at the December 3, 2007 City Council meeting, Council members discussed this request and voted to retain the Future Land Use designation as residential.

Ms. Rauch said additional considerations related to this site include the roundabout improvements at the intersection of Post Road and Avery-Muirfield Drive and its impact on the site. She said traffic modeling was based on a residential use and the proposed office use would create a potential for increased traffic generation which may be further complicated by the provision of the single access point from the site onto Post Road.

Ms. Rauch reiterated that the proposed use is inconsistent with the Future Land Use Map designation and the 2007 Community Plan, and suggested the following discussion point:

Is there any new information that exists which warrants a deviation from the Community Plan and if so, what would be considered as an appropriate land use or density, should that be modified.

Michael Close, Wiles, Boyle, Burkholder & Bringarder, LPA, representing the owner/applicant pointed out that this proposal began in November 2006. He asked that the Commission not look at the building, massing, and materials now, but strictly discuss the issue of land use. He said if the two parcels are not developed together, the parcel closest to the intersection of Post Road and Avery-Muirfield Drive becomes virtually unusable, by the process of residential zoning and the location of the roundabout. Mr. Close said based on the du/ac specified for this site there could be nine housing units located on the site, but with the cost of land the houses would not be affordable.

Mr. Close pointed out that the Community Plan is not a zoning document, but a general idea for an area. He said in this context the decision for this property to remain residential simply does not work because there is commercial on the other three corners and a roundabout in the middle.

He said from a planning perspective it makes no sense that this site should remain residential and that nothing made sense at this location except commercial development.

Mr. Zimmerman called those in the audience who were interested in speaking in regards to this case forward.

Sandra Augustine, 6300 Post Road, president of the Post Road Residents' Association, noted that this property and the adjoining parcels on the north side of Post Road have been designated as residential in the 1988, 1997, and 2007 Community Plans. She said prior to the final approval of the 2007 Community Plan, a special vote was taken by City Council for this property and the vote was 6 – 0 with one abstention that this property remain residential in the plan. She said the expectation for this property has been a gateway to the entire northern residential area. She said in December 2007 the residents met with Mr. Riazzi and Planning to discuss this plan for the property and saw a high-density commercial use adjacent to single-family homes, which was a stark contrast to a gateway application. Ms. Augustine said their immediate concerns were related to the degradation of their property values, but they also saw the bigger picture and potential commercial creep that would eliminate the ability of their properties to serve as a residential buffer for the homes to the north. She said the proposed plan was not only for an undeveloped property, but also involved the demolition of a single-family home and the rezoning of this property from R-1 to commercial. Ms. Augustine said this single-family home is included in the same residential deed restrictions as other nearby homes.

Ms. Augustine said they were opposed to the plan, not only because of the affects it would have on their homes, but also because they think it is poor land use. She said their association believes that the land use adopted by City Council is appropriate and should be followed. She said those plans provide for residential use of up to three units per acre for the corner parcel. She said when visiting the site, it can be observed that it is bordered by successful single-family uses that have been significantly upgraded, based on the belief that the neighborhood would remain residential. Ms. Augustine said the north side of Post Road had a lovely character with wildlife, mature trees, expanses of green grass, and the Indian Run Creek. She said the importance of the residential and park setting was reaffirmed by the Coffman Park Plan. She said this illustrates the desirability of the location for single-family residential use on the corner site is not any less desirable, especially with the added density allowed by the new Community Plan.

Ms. Augustine said they believe these decisions should be made based on the Community Plan, sound planning practices, and in the best interest of the entire community. She said that they ask that the Commission please affirm the designated land use from the Community Plans by deciding against this inappropriate proposal.

Rollie Cruze, 6316 Post Road, said he wondered if it would be wise to do anything before the approved roundabout was completed. He said he felt this kind of intensive development would further exasperate pedestrian traffic to the three existing commercial corners and expressed concern about pedestrian safety and the roundabout. He said he hoped the corner lot use would invite people to walk from this property to the commercial areas to the south. He said the Community Plan update was a very deliberative process and he joined Ms. Augustine and the rest of the residents in supporting the Community Plan. He said the proposed use is too intense and would have a very negative impact on the remaining residential. He added that he would like to see that Dublin keeps its promise as it has been made to the area residents for many years.

Flite Freiman asked Ms. Augustine if she would be opposed to multi-family for condominiums or patio homes on this site.

Ms. Augustine said patio homes were beautiful, but it would depend upon the density. She said that was her opinion only, and would have to ask the other residents what they thought.

Mr. Freiman said he was sympathetic to Mr. Close's comment about the Community Plan being more of a blueprint, and he was not 100 percent opposed to this proposal. He said there are other aspects in the Community Plan, outside of the Future Land Use Map and he recalled one of them being Dublin's rural character. He said Ms. Augustine spoke eloquently about the park like setting and the greater setbacks on the north side of Post Road. He said he was slightly concerned about the mass of this large office building amongst residential homes on Post Road. He said he was not opposed to saying only single-family low density homes can be located on this site, but he did not feel that this sort of project, as it is laid out reflects the vision of the Community Plan.

Mr. Walter noted that the architecture had a long way to go. He said the access to the existing offices on the southeast corner was horrible and he saw a similar pattern happening with this proposal. Mr. Walter said he agreed with Mr. Close that the site is almost undevelopable in its current configuration. He said he was not opposed to commercial development on this site, but he did not like the present layout. He said the parcels needed to be expanded to be more usable and be sensitive to its surroundings and the Indian Run Preserve made a wonderful transition to the neighborhood to the north. He said he thought it was time that they might recognize that the changing face of this part of the community is a reality. He said although he did not like this proposal as it was, he was not opposed to more conversation about it.

Chris Amorose Groomes said she echoed many of Mr. Walter's comments. She said the Community Plan was a liquid document, and it is something that should be reviewed and revised on a more regular basis than the original 1997 Community Plan was. She said she thought it was appropriate to look at the land uses again and re-evaluate the land uses in light of different roadway structures including the roundabout, which was not considered with the Community Plan. She added that the roundabout will undoubtedly increase the Post Road traffic coming from the north and northwest to access places like the Dublin Community Recreation Center. She said she did not think it was appropriate to retain residential on the corner. She said the proposal might not be the perfect solution to the currently vacant property, but she could entertain the thought of a low use commercial facility in light of the adjacent residential, the addition of the roundabout and the increased traffic that will happen.

Mr. Walter recalled the Commission's Community Plan conversation about this particular section and said the traffic study was done without the roundabout and they were specifically directed to look at no left turns at that intersection as it sits today. Ms. Amorose Groomes recollected that it was in the early considerations, but it was a long-term improvement.

Steve Langworthy pointed out that the roundabout will be constructed this year, which means it would have to have been designed at least two years ago. Mr. Walter clarified that he did not doubt that was the case, but the conversation during the Community Plan was specifically, not to consider a roundabout at that point. Mr. Zimmerman said he did not recall that.

Mr. Walter said he could be mistaken, but as he remembered, the conversation was that the roundabout was not engineered or designed or to be a consideration. Mr. Langworthy agreed to look into it for Mr. Walter.

Mr. Fishman said several good points were made about commercial development on this site and proposed residential density at nine units would be difficult. He said a residential development would have to be very creative with patio homes or the addition of another parcel. He said he knew the Community Plan was liquid, but on the other hand, he thought that Ms. Augustine made an excellent point that it was what was expected after they came to the meetings and saw what it was. Mr. Fishman said if there was going to be commercial zoning on this corner, it would have to match the southern corner, with one-story, low-density offices. He said he feared if commercial went on this corner some type of buffer would have to be incorporated so it would not creep down Post Road.

Ms. Amorose Groomes said she did not want it to be believed that she was in favor of an office building or something that looked like this. She said she wholeheartedly agreed that it would have to be something that would look more transitional, probably single-story. She said this is a clashing of two corridors.

Mr. Fishman said the only thing that would keep him from saying to duplicate across the street is the fear of the creeping down Post Road. Mr. Walter agreed. Mr. Fishman suggested that the owner create something that would make the residents happy and make the corner transitional.

Mr. Walter said he could not see how to get residential on it or viable commercial use as it sits today and that was the struggle.

Mr. Fishman said there is a good demarcation here and he would be in favor something creative residentially or something really creative commercially that would not allow it to creep down Post Road.

Ms. Rauch clarified that the Future Land Use designation would allow for a mix of housing options including multi-family. Mr. Fishman said he did not want to see high-density residential on the corner.

Mr. Zimmerman said the opportunity was there for City Council to change this area when they voted on the Community Plan and they did not do it. He said as a group in the different work sessions, the Commission never brought up changing the use of this site. He said the Community Plan has been adopted and not to go against it.

Ted Sanholtz said he recalled through the Community Plan process that he did not understand why this site should remain residential. He said he thought it was impractical and the site was more naturally a low intensity, low density commercial site. He said the site has some commercial potential, but it would have to be extremely sensitive to the home sites around it. He referred to the corner at Sells Mill Road and Muirfield Drive, across from an elementary school, where there was a large two-story office building and the house to the east of it was approximately 40 feet from the parking lot. He said those residents still seem to be able to live in that neighborhood. Mr. Sanholtz agreed this was a challenging parcel. He said he did not agree with retaining the residential zoning on this corner when the Commission was going through the

Community Plan process. He agreed that it was discussed, but he said there was not a lot of contention that he recalled around this particular site. He said he thought it had nothing but commercial potential, but that it was a difficult and sensitive site to develop.

Ms. Amorose Groomes said she completely agreed with Mr. Saneholtz. She said the roundabout is not shown within the Community Plan and stated that some updates would be needed to show future improvements.

Mr. Fishman summarized that this is a very sensitive site and the Commission has to look at the individual proposals. He repeated his fear of the commercial creeping down Post Road and stated that a creative proposal will be needed for this site, whether residential or commercial.

Mr. Walter said the proposal was not the type of development they were looking for here.

Mr. Freimann asked Mr. Close if there had been any other discussion between the applicant and residents as to the kind of uses that would be supported besides the office complex. Mr. Close said no. He said he had limited contact with the property owners.

Ms. Rauch asked if the Commissioners, based on their feedback, wanted to address any additional discussion points including the massing of the building and architecture, etc.

[The Commissioners agreed that additional feedback on this proposal would not be necessary.]

Judy Hollingshead, 6810 Avery-Muirfield Drive, said when they purchased their property in 1996 everything around them was residential and they felt secure in going ahead and building the house. She said they had concerns about this site being commercial and the lack of buffer between the site and her residence. She said there really needs to be some kind of buffer from the commercial property whatever is done.

Mr. Freimann asked if Ms. Hollingshead would be open to something that was multi-use or low density. Ms. Hollingshead said she preferred multi-residential and not anything commercial. She said she would love it to be a park.

Mr. Freimann asked if Ms. Hollingshead would be open and amenable to townhomes. Ms. Hollingshead cautiously said yes, speaking for herself.

Mr. Walter clarified for Ms. Hollingshead that the meeting tonight was informal feedback for the applicant and that the applicant will have to come before the Commission for a formal review and vote on the application. Mr. Zimmerman explained that the work session was non-binding on both sides. He said it was an opportunity for the applicant and Planning to hear the Commissioners speak and gain feedback regarding a particular project in beginning stages of the process.

Mr. Langworthy emphasized that when the formal application came back, the neighbors would be notified.

Mr. Cruze asked if the City of Dublin would be interested in purchasing this parcel as a park. Mr. Zimmerman advised that it was a question for City Council, not the Commission.

Mr. Close thanked everyone and said he appreciated their comments on this proposal.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,



Libby Farley
Administrative Assistant

RECORD OF ORDINANCES

Ordinance No. 84-03(AMENDED) Passed 20

AN ORDINANCE TO ESTABLISH DUBLIN ZONING FOR 26 PARCELS COMPRISING AN AREA OF APPROXIMATELY 112 ACRES, AS ANNEXED FROM WASHINGTON TOWNSHIP IN 1966 AND 1973, GENERALLY ALONG THE NORTH AND SOUTH SIDE OF POST ROAD, BETWEEN AVERY-MUIRFIELD DRIVE AND SR 161/I-270, AS R-1, RESTRICTED SUBURBAN RESIDENTIAL DISTRICT OR LI, LIMITED INDUSTRIAL DISTRICT (CASE NO. 03-073Z - POST ROAD/AVERY ROAD TO I-270 REZONING).

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

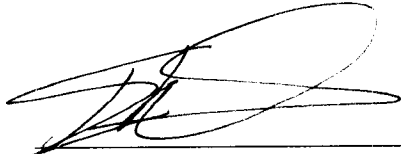
Section 1. That the following described real estate (listed as parcel numbers) 273000370, 273000400, 273000406, 273000408, 273000413, 273000431, 273000438, 273000440, 273000441, 273000789, 273000790, 273000791, 273000795, 273000886, 273001306, 273001944, 273002156 (see attached map marked "Exhibit A Post Road, Avery Road to I-270 (Case 03-073Z)") situated in the City of Dublin, State of Ohio, is hereby rezoned R-1, Restricted Suburban Residential 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 (listed as parcel numbers) 273000356, 273010590, 273010591, 273000287, 273000293, 273000294, 273000307, 273003966 (portion including the Dublin Justice Center), and 273003995 (see attached map marked "Exhibit A Post Road, Avery Road to I-270 (Case 03-073Z)") situated in the City of Dublin, State of Ohio, is hereby rezoned LI, Limited Industrial, 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 20th day of October, 2003.



Mayor - Presiding Officer

Attest:

Anne C. Clarke
Clerk of Council

Sponsor: Planning Division

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

Judith K. Seal
Deputy Clerk of Council, Dublin, Ohio

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

October 20, 2003

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Held

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However, this rezoning has not taken place yet, so there is no need to change the basic recommendation from P&Z to approve the ordinances as submitted.

He noted that Ordinance 66-03 on the Buckner property is located in the middle of the Muirfield area. It is an old farmstead and is proposed to change to the R-1 classification. In the township zoning class, it was listed as an FR1. Because the City did not have a comparable zoning, staff selected an R-1 zoning as the long-existing zoning maps had indicated such. Although staff reviewed all of these in public meetings, Mr. Buckner, the property owner did not have a full understanding of the change. Mr. Buckner and his son met with staff today and have indicated their preference for an R-Rural classification. There are many similarities between the R-Rural and R-1 classifications. Both require 40,000 square feet for a single family home. Using the rural classification on this property would limit them in terms of the number of lots they could create, should they want to use the zoning classification in place. Mr. Buckner indicated a desire to retain the ability to keep some horses on the property, and therefore prefers the R-Rural category. Staff does not see a problem with changing this. Council could by motion amend Ordinance 66-03 to change these two parcels from the proposed R-1 classification to the R-Rural classification.

Mr. Reiner moved to amend Ordinance 66-03 to provide an R-Rural zoning for the two parcels under discussion.

Mrs. Boring seconded the motion.

Vote on the motion: Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Kranstuber, yes; Ms. Salay, yes; Mr. Lecklider, yes; Mayor McCash, yes; Mrs. Boring, yes.

Mr. Gunderman noted that Planning Commission, by a vote of 7-0, recommended approval of the other four ordinances.

Mayor McCash noted that two speakers have signed in to testify on this ordinance, Mr. Buckner and his son.

They were present in the audience and declined to speak, indicating their satisfaction with Council's motion to amend.

Vote on the Ordinance as amended: Mr. Lecklider, yes; Ms. Salay, yes; Mr. Kranstuber, yes; Mrs. Boring, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mayor McCash, yes.

Ordinance 84-03

Establishing Dublin Zoning for 26 Parcels Comprising an Area of Approximately 112 Acres, As Annexed from Washington Township in 1966 and 1973, Located Generally Along the North and South Sides of Post Road, Between Avery-Muirfield Drive and SR 161/I-270, as R-1, Restricted Suburban Residential District and LI, Limited Industrial District. (Case No. 03-073Z – Post Road/Avery Road to I-270 Rezoning)

Vote on the Ordinance: Mr. Reiner, yes; Mr. Kranstuber, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Ms. Salay, yes; Mayor McCash, yes; Mr. Lecklider, yes.

Ordinance 85-03

Establishing Dublin Zoning for 12 Parcels Comprising an Area of Approximately 83 Acres, as Annexed from Washington Township in 1965, 1973, 1980 and 1988, Located Generally on the South Side of Brand Road, East of Coffman Road and West of Dublin Road, as R-1, Restricted Suburban Residential District and R, Rural District. (Case No. 03-072Z – Coffman Road to Dublin Road, Between Brand Road and I-270)

Vote on the Ordinance: Mr. Lecklider, yes; Mr. Reiner, yes; Mayor McCash, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mr. Kranstuber, yes; Ms. Salay, yes.

Ordinance 86-03

Establishing Dublin Zoning for 13 Parcels Comprising an Area of Approximately 24 Acres, as Annexed from Washington Township in 1973, Located Generally on the South Side of Brand Road, West of Coffman Road, as R-1, Restricted Suburban Residential District. (Case No. 03-071Z – Coffman Road/Brand Road)

Vote on the Ordinance: Mr. Kranstuber, yes; Mrs. Boring, yes; Mayor McCash, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Lecklider, yes; Ms. Salay, yes.

Ordinance 87-03

Establishing Dublin Zoning for 18 Parcels Comprising an Area of Approximately 150 Acres, as Annexed from Washington and Jerome Townships in 1973 and 1999,



PLANNING AND ZONING COMMISSION

RECORD OF ACTION

SEPTEMBER 18, 2003

CITY OF DUBLIN

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

Phone/TDD: 614-410-4600
Fax: 614-761-6566
Web Site: www.dublin.oh.us

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

6. Area Rezoning 03-073Z – Post Road/Avery Road to I-270

Location: 26 parcels comprising an area of approximately 112 acres, as annexed from Washington Township in 1966 and 1973, generally along the north and south sides of Post Road, between Avery Road and the State Route 161/I-270 ramp.

Existing Zoning: Washington Township Districts.

Request: Review and approval of an ordinance to establish Dublin R-1, Restricted Suburban Residential and LI, Limited Industrial Districts.

Property Owners: City of Dublin, c/o Jane S. Brautigam, City Manager, 5200 Emerald Parkway; Christopher and Deborah Cline, 6060 Post Road; Edith and Bill Driscoll, 6230 Post Road; Gerald Fogle, 6336 Post Road; Albert Gagliardi and Yvonne Bucholtz, 6316 Post Road; Wynn and Judy Hollingshead, 6810 Avery Road; Gary Kinman, 10171 Olentangy River Road, Powell, Ohio 43065; Joseph and Mary Mazza, 6344 Post Road; Julia Phelps, 6290 Post Road; Richard and Linda Pomante, 6800 Avery Road; Albert and Florence Schoby, 6233 Post Road; and Stephen and Cheryl Wall, 6296 Post Road; Mdt Real Estate Mngmt Lp, 9232 Stratton Lane; Dorothy Thomas, 5494 Cara Court; Fj&S Investments, Polis & Simon, 75 E. Wilson Bridge Road, Worthington, Ohio 43085-2362; Continental Real Estate Accounting Dept, 150 E. Broad Street, Columbus, Ohio 43215; John Mckitrick, Vizcaya Suite 1C3, 2333 Gulf of Mexico Drive, Longboat Key, Florida 34228. The above addresses are located within Dublin, Ohio unless otherwise noted.

Applicant: City of Dublin, c/o Jane S. Brautigam, City Manager, 5200 Emerald Parkway, Dublin, Ohio 43017.

Staff Contact: Anne Wanner, Planner.

MOTION: To approve this area rezoning because it will apply an appropriate Dublin zone, will provide for effective development administration, will maintain the established development pattern, and is consistent with the Community Plan.

VOTE: 7-0.

RESULT: This area rezoning was approved. It will be forwarded to City Council with a positive recommendation.

STAFF CERTIFICATION

Barbara M. Clarke, Planning Director

~~Mr. Zimmerman made the motion to approve this rezoning application because it will apply an appropriate Dublin zone, will provide for effective development administration, will maintain the established development pattern, and is consistent with the Community Plan. Mr. Messineo seconded, and the vote was: Mr. Ritchie, yes; Mr. Gerber, yes; Ms. Boring, yes; Mr. Sprague, yes; Mr. Sanholtz, yes; Mr. Messineo, yes; and Mr. Zimmerman, yes. (Approved 7-0.)~~

6. Area Rezoning 03-073Z – Post Road/Avery Road to I-270

Anne Wanner said these 112 acres involve the properties along Post Road, including 12 homes. Several parcels are now part of the expanded Coffman Park. This proposal is to establish the R-1, Restricted Suburban Residential District for areas to the north of Post Road and LI, Limited Industrial District to the south consistent with the historical zoning map. Ms. Wanner said six people attended the informational meeting. This case includes the Dublin Justice Center, some farmland, and other vacant land. She said staff recommends approval.

Joe Polis, said F, J & S Investments owns 5375 Post Road, and the LI allowable uses are totally contrary to what Dublin really wants. For over ten years, staff has been pushing for park, offices, and hotels. They bought this in 1986 for a proposed KinderCare which was disapproved. In 1989, they applied for a building permit to build an office/warehouse, but Pat Bowman and Bobbie Clarke asked them not to pursue it. Staff's reason was that the City had plans for a park and a new City office complex in the area, and the proposed office/warehouse was not compatible. Mr. Polis said they acquiesced and withdrew the permits.

In 1986, Dublin notified them that it was considering rezoning for several Post Road properties to PLOR, Planned Laboratory, Office, and Research District. Dublin approved the Perimeter Mall project in 1988, and that plan shows their site as a potential hotel. Mr. Polis said attorney Harrison Smith said then, and it is still true, that the existing zoning, which was a combination of LI and GI, is inappropriate. He presented some written documentation.

In 1997, Children's Hospital was interested in this site, but they built on Venture Drive because the staff put them off. In 2000, Office Suites Plus wanted to build an office building, and staff again discouraged them. Later, the staff wrote them a letter saying that office and hotel were appropriate. He referred to the Dublin Community Plan and the Civic Center area plan, none of which recommend the uses permitted in LI. Mr. Polis said the LI zone, given everything that has happened, did not make sense. Based upon prior Dublin input, he thought 99 percent of the LI permitted uses would be discouraged. The conditional uses provide for even more unwanted uses. In his opinion, enacting the proposed LI district would do nothing for the property, the owner, the area, or the City. Proper uses would be office, hotel, community commercial, institutional, laboratory, or research. He said that was the only usable zoning.

Ms. Clarke said Mr. Polis' comments reflect her recollection of these many events. The staff believes that LI uses "stink," but the goal here is to establish clear Dublin zoning, not to take away existing property rights. Dublin's zoning map has showed this property as LI for 20 years, but staff cannot find an ordinance that conveyed LI zoning. This is also true for all "area rezoning" cases. The staff was told to methodically establish Dublin zoning, as separate from township or county zoning. She said staff would be happy to work with Mr. Polis to zone the parcel as SO, or an appropriate classification. That would be preferable, but that is not today's assignment.

Mr. Gerber said if Mr. Polis wanted to change the zoning, he would have to file a rezoning application. Ms. Clarke agreed.

Mr. Banchefsky said by ordinance, that upon annexation, Dublin is supposed to establish appropriate zoning. While everybody agrees that LI is inappropriate, that is how this property has always been shown. This project was undertaken because of municipal court decision. The Law Director requested staff to check the entire City to make sure that it had established a Dublin zoning category on every parcel. This is a housekeeping measure.

Mr. Sprague said since so much time has elapsed and so many changes have taken place, it might be argued that it is now time for Dublin to establish a more appropriate zone. Perhaps the LI zone at one time made sense, but that does not reflect current and likely future realities.

Mr. Banchefsky responded that typically, a landowner requests rezoning to a planned district. He said a City-sponsored rezoning could not propose a planned district, with no text, etc. City Council has the ability to apply a straight zoning district, if it chooses.

Mr. Sprague asked if this owner undertook a more appropriate rezoning, would the Commission waive the application fee. Ms. Clarke said City Council decides fee waivers, but a recommendation for approval could be forwarded. Another option might be another City-sponsored rezoning at the request of the Commission.

Ms. Boring asked for more information on the 1986 zoning appeal cited. Ms. Clarke said a subcommittee drafted a new district, the POLR District, to be used here. It caused an uproar and did not go forward. Later, the Perimeter PCD rezoning (for the Ruscilli, Old Post Properties, Metatec and McKitrick parcels) down-zoned the western two-thirds of this industrial area. It also zoned residential uses close to Avery-Muirfield Drive. These pieces are the remnants.

Ms. Boring said she appreciated the explanation. However, if this gets official LI zoning, what will restrict a U-Store-It? Ms. Clarke said for practical purposes, it has had LI zoning for many years. It was that way on the zoning map since before she was hired. She said the development standards are very difficult on a small parcel such as this.

There was some discussion of the planned district rezoning process in Dublin.

Mr. Gerber asked why Dublin had rejected Mr. Polis' proposals. Ms. Clarke responded that two daycare centers' rezoning applications had been defeated in 1984 or 1985, shortly before she was hired. She thought there had been resident opposition. Another complication arose from the traffic study done for the Community Plan. It shows a fuzzy dashed line around the interchange, indicating a future interchange improvement. She said the I-270/US 33 interchange is expected to break down in the future; it needs added capacity. One way to add capacity is to build grade-separated ramps, but it might end up looking like a freeway in Los Angeles. That image was too hard for Dublin to accept in the center of town during the Community Plan, and the result was a dashed line around the interchange. Ms. Clarke did not know what the long-term answer was.

Ms. Clarke said this one-acre lot is not a commercial-sized piece, and it has difficult access due to the proximity of the Post Road bridge over I-270. Even with these difficulties, she did not

think it would become a park without government intervention. There are several parcels that could be joined for a development, perhaps an office or hotel.

Mr. Gerber said this was a housekeeping chore, and the site has been treated as LI for many years. This application merely fixes that problem. He wanted to assure that Mr. Polis had the use of his property for development. In fairness, he wondered if this should be tabled to allow the staff and Mr. Polis to work through the issues.

Mr. Sprague asked if it was possible to exclude one parcel from the application this evening. Ms. Clarke and Ms. Wanner agreed any parcel could be eliminated.

Ms. Boring appreciated the history, but anything other than LI will have a long process and much discussion associated with it. It has been LI on the books for many years.

Mr. Sprague said adopting the LI, formalizes the “pickle factory” potential, and another solution is needed. Ms. Boring said the other solution would be a PUD, natural materials, brick, etc.

Mr. Banchefsky said he discussed a similar situation with a member of City Council about a different parcel. That property owner also wanted “usable” zoning, not what was shown in the area rezoning. He cautioned that excluding one parcel may lead to many others.

Mr. Messineo said this request did not seem to be fully thought out.

Mr. Polis said they would very much like to work with staff to come up with a workable rezoning. He and the abutting owners want to cooperate to come up with something workable. He understands what the current zoning is, but they keep running into brick walls. He said they understand that the Commission is not interested in many of the LI uses. For many of the uses, their site is too small, even in conjunction with the abutting properties.

Ms. Boring said R, Rural or R-1, Restricted Suburban Residential District, would be acceptable to her. She did not want to set up false expectations, because this site will need to go through the full zoning process. The Dublin zoning process is very comprehensive.

Mr. Polis understood. He said they have no perspective use. Their last use was for a two-story office building on their site, the McKitrick site, and the Continental Real Estate site. They would like the proper zoning for an office or hotel use, then they could attempt to find a use.

Mr. Ritchie did not see what would be gained if this were tabled or the parcel excluded. If the staff cannot devise another district, this area rezoning should be approved. Ms. Clarke feared that any other acceptable zone might be interpreted by the owner as a taking. Both R-1 and R are acceptable, but those would not solve the landowner’s problem in trying to develop the land.

In response to a question from Mr. Sanholtz, Ms. Clarke said staff started with the zoning map that had been in use for many years. Anne Wanner then spent hundreds of hours meticulously tracking every legal description in every rezoning ordinance approved by Dublin’s Village Council or City Council. The ordinances were all mapped, and the remaining parcels have been compiled geographically into these area-rezoning applications. The area rezonings include old

subdivisions, scattered homes, City-owned land, churches, schools, and some parcels such as this with non-residential zoning on the map. These parcels have no zoning paper trail.

Mr. Gerber asked if the landowner can make an appointment in the Planning Division to review their property for future development. Ms. Clarke said staff does that a dozen times a week. She said the best guidance available is given by City Council, and that is largely consolidated in the Community Plan. The staff provides whatever background and examples are available.

Ms. Clarke said she had consulted with Mr. Hammersmith during the meeting about access restrictions that apply to this site. She said they believe there are three or four parcels fronting on this section of Post Road that will need to use one combined curbcut. There needed to be coordination among the three or four property owners for access.

Mr. Polis said that easement/access is in place for those three properties, and it was on his site.

Mr. Gerber agreed these were tough cases. He said this is a housekeeping measure, and the land has been treated as industrial for many years. He did not think this property owner would find the R or R-1 Districts to be acceptable. He said it was unlikely this site will stay industrial forever. Mr. Polis agreed and said he wanted some type of zone with a proper use for the site. He said he understood the need for the housekeeping measure, but he wanted it done right.

Mr. Sanholtz proposed tabling this so the staff could work with Mr. Polis. Ms. Wanner said the staff has promised to complete these area rezonings this year if at all possible.

Ms. Boring said this should go forward. She recounted the problems Dublin encountered in putting SO zoning at the corner of Post Road and Avery-Muirfield Drive. She sympathized with Mr. Polis, but she thought he needed to go through the usual zoning process to get his land zoned for appropriate development. This is an important area, as defined by the Community Plan. She appreciated Mr. Polis updating her. Since it is housekeeping, she was ready to vote.

Mr. Messineo agreed. He did not want to assume the responsibility of a perceived taking.

Mr. Sprague said from an administrative perspective, this should be handled tonight. There should be an understanding that staff needs to work with Mr. Polis. Mr. Zimmerman agreed. Mr. Ritchie supported this and thought they should move forward.

Mr. Gerber suggested a concept plan or an informal review to get Commission feedback. He encouraged Mr. Polis to talk with the staff about his ideas.

Mr. Ritchie made the motion to approve this area rezoning because it will apply an appropriate Dublin zone, will provide for effective development administration, will maintain the established development pattern, and is consistent with the Community Plan. Mr. Messineo seconded, and the vote was as follows: Mr. Sanholtz, yes; Mr. Sprague, yes; Mr. Zimmerman, yes; Ms. Boring, yes; Mr. Gerber, yes; Mr. Messineo, yes; and Mr. Ritchie, yes. (Approved 7-0.) Mr. Gerber asked Mr. Polis to keep the Commission apprised. Mr. Polis thanked the Commission. Mr. Gerber thanked Ms. Wanner for her hard work on these area rezonings and good staff report.

Mr. Gerber called a short recess at 7:45 p.m.

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

July 21, 2003

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Held

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Vote on the motion: Mr. Reiner, yes; Mrs. Boring, yes; Mr. Lecklider, yes; Mayor McCash, yes; Mr. Kranstuber, yes; Ms. Chinnici-Zuercher, yes.

Ordinance 84-03

Establishing Dublin Zoning for 26 Parcels Comprising an Area of Approximately 112 Acres, as Annexed from Washington Township in 1966 and 1973, Generally on the South Side of Brand Road, East of Coffman Road, and West of Dublin Road, as R-1, Restricted Suburban Residential District and LI, Limited Industrial District (Case No. 03-073Z - Post Road/Avery Road to I-270 Rezoning).

Ordinance 85-03

Establishing Dublin Zoning for 12 Parcels Comprising an Area of Approximately 83 Acres, as Annexed from Washington Township in 1965, 1973, 1980, and 1988, Generally on the South Side of Brand Road, East of Coffman Road, and West of Dublin Road, as R-1, Restricted Suburban Residential District and R, Rural District (Case No. 03-072Z - Coffman Road to Dublin Road, between Brand Road and I-270).

Ordinance 86-03

Establishing Dublin Zoning for 13 Parcels Comprising an Area of Approximately 24 Acres, as Annexed from Washington Township in 1973, Generally on the South Side of Brand Road, West of Coffman Road, as R-1, Restricted Suburban Residential District (Case No. 03-071Z - Coffman Road/Brand Road).

Ordinance 87-03

Establishing Dublin Zoning for 18 Parcels Comprising an Area of Approximately 150 Acres, as Annexed from Washington and Jerome Townships in 1973 and 1999, Generally on the North Side of Post Road, between Hyland-Croy and Muirfield Drive, as R-1, Restricted Suburban Residential District and R, Rural District (Case No. 03-070Z - Post Road to Brand Road, West of Muirfield Drive and East of Hyland-Croy Road).

Ms. Chinnici-Zuercher introduced Ordinances 84-03, 85-03, 86-03 and 87-03 and moved referral to the Planning & Zoning Commission.

Mr. Lecklider seconded the motion.

Vote on the motion: Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mr. Kranstuber, yes; Mayor McCash, yes; Mr. Reiner, yes; Mr. Lecklider, yes.

OTHER

Requests for waiver of requirement to connect to water system

Ms. Grigsby stated that on April 7, Council reviewed a number of requests for waiver of connection requirements to water and sewer. Staff was directed to seek additional information and perform on-site review for three of the properties and reports the following:

- Jack D. Walters, 4434 Bellaire Avenue

Ms. Grigsby reported that Mr. Walters attended the April meeting and expressed concern about limestone conditions. Staff looked at the site and was not certain that the limestone would present any problems. Staff therefore requested that Mr. Walters obtain a quote. The actual cost to install the line and pay the connection fees was less than what staff had projected. Staff does not believe there is sufficient support to justify granting a waiver in this case. This has been communicated to Mr. Walters, and he does not have an issue with this recommendation.

Mrs. Boring asked what happened with the issue of the landmark tree on this property.

Ms. Grigsby stated that when staff reviewed the site, it was determined that the installation would not impact that tree.

Mr. Kranstuber moved to deny the waiver request for 4434 Bellaire Avenue.

Mr. Reiner seconded the motion.

Vote on the motion: Mr. Lecklider, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mayor McCash, yes; Mrs. Boring, yes; Mr. Kranstuber, yes.

- Jack Walters, 7652 Dublin Road

Ms. Grigsby stated that the concern with this site is the location of the tap, crossing the neighbor's property to install the line, and the sinkhole issue. Staff had previously recommended a three-year waiver for this property, but based upon investigation is now recommending a five-year waiver for this site.

Mrs. Boring stated that in five years, the cost of connection might be higher.

Ms. Grigsby responded per Council's policy adopted April 7, the property owner is required to pay the Dublin tap fee by the end of 2003 in conjunction with the granting of