

RECORD OF ORDINANCES

Ordinance No. 12-17

Passed _____, 20____

AN ORDINANCE REZONING APPROXIMATELY 0.67 ACRES AT THE NORTHWEST CORNER OF THE INTERSECTION OF SUMMIT VIEW ROAD AND SAWMILL ROAD, FROM R-1, RESTRICTED SUBURBAN RESIDENTIAL DISTRICT TO SO, SUBURBAN OFFICE AND INSTITUTIONAL DISTRICT. (CASE 16-100Z)

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

Section 1. The following described real estate, (see attached legal description), situated in the City of Dublin, State of Ohio, is hereby rezoned SO, Suburban Office and Institutional 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. The application, including the list of contiguous and affected property owners, and the recommendations of the Planning and Zoning Commission, are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance there within.


Section 3. This Ordinance shall take effect upon the earliest date permitted by Law.

Passed this 27th day of February, 2017.



Mayor - Presiding Officer

ATTEST:



Clerk of Council

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SECOND READING/PUBLIC HEARING – ORDINANCES

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Rezoning an Approximately .67-Acre Parcel Located at the Northwest Corner of the Intersection of Summit View Road and Sawmill Road, from R-1, Restricted Suburban Residential District to SO, Suburban Office and Institutional District. (Case 16-100Z)

Mr. Stang stated that the Ordinance was introduced on February 13 and at that time, there were items for which Council requested additional information. There were three main topics for clarification:

- The developable area of the site (illustrated in Exhibit A of the agenda packet);
- Potential access points that could service the property (illustrated in Exhibit B of the agenda packet); and
- Public sewer extension and onsite treatment feasibility (illustrated in Exhibit C of the agenda packet).

Mr. Stang noted that the final Exhibit in the packet is reference materials provided by the Ohio Environmental Protection Agency (OEPA) for designing an onsite treatment facility. The applicant would need to work with OEPA to evaluate the site against OEPA's requirements and determine if it is something that could be pursued.

Staff recommended that a condition be added to this rezoning to require that any future development on this site shall connect to public utilities at the earliest possible time based on the completion of this extension and at such time should forfeit the use of any onsite treatment system. The applicant has been made aware of this recommended condition.

Ms. Alutto inquired if it is feasible for the applicant to have an onsite treatment facility. Mr. Stang stated that the applicant would have to work with the OEPA. Without reviewing the proposal, it cannot yet be determined if an onsite treatment facility would be feasible or not.

Ms. Alutto stated that they had heard complaints about parking issues and wanted to know how many parking spaces are being contemplated.

Mr. Stang said that is dependent upon the size of the structure.

Mr. Keenan stated that it seems ironic that Council is working to extend water and sewer lines to eliminate septic systems, yet now there is a project before them that anticipates use of a septic system.

Mayor Peterson stated that it fits within the area plan previously approved. However, there is a large section of that area plan that has detached from Dublin into Perry Township. It may be time to revisit the area plan, given the City's plans for extensions of utilities throughout the City.

Ms. Alutto stated that, according to PZC minutes, revisiting that area plan would be two years in the future. She agrees, however, that revisiting the area plan would be more appropriate to do now. It would be an unfair expectation to make decisions on an area plan that has changed to such an extent.

Akhil Patel, the applicant, stated that as soon as the utilities become available, they agree to connect to City services. But until the City services become available, it is not his fault that they are not available. He is hopeful they will be available before 2024. Although things have changed with respect to some of the land nearby, this is still a corridor of Dublin. He stated that Council has asked about what he plans to build, but he was informed by the City that rezoning is required before addressing other things. He desires to build an office building on this site and locate his law office in the building as well as other tenants. He would like to have as large a building as is permissible on the site.

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Ms. Salay inquired about the process going forward if the rezoning is approved.

Mr. Stang responded that the process is as follows:

- Applicant would work with architect to prepare a site layout;
- Contact OEPA regarding requirements for onsite sewage treatment;
- Move forward to secure access from Sawmill Road or establish a cross access easement on the adjacent residential property; and
- File for building permits with the City of Dublin.

In response to Ms. Salay regarding the development code for appearance, landscaping and signage, Mr. Stang stated that the applicant is locked into the Code. He then illustrated on a map the nearby area of land that detached from Dublin. It totals about 46 acres and now lies in Perry Township.

Ms. Salay stated that this is a gateway site. From a land use standpoint, what would be more desirable than having an office building on this site? There has been a shift in expectations and what can be planned on. If there is a nice office building developed, it will set the tone for the future development that will be in the City. For what can be controlled at this point, this land use does not seem problematic.

Ms. Amorose Groomes stated that, typically, when development occurs in the City and a parcel doesn't have utilities available, it is incumbent upon the developer to bring utilities to the site. She asked why this would not be the requirement for this landowner as it is for other developers who wish to develop a site.

Mr. McDaniel stated that he shared the same concern, but felt the condition recommended by staff about connection when utilities are extended to the site was a good compromise.

Ms. Amorose Groomes stated that if that were standard practice, there would be holding tanks and septic systems throughout the City. She asked about the motivation behind deviating from the normal course of action.

Mr. McDaniel stated that he believed from a legal perspective that the City could not necessarily prevent the development. However, staff wanted to make sure that the agreement to connect to available utilities was secured via the condition.

Ms. Readler stated that most developers would not want an onsite treatment system and it is likely that the OEPA would be leery to grant such a permit, so realistically this is usually not an issue. The condition provides some concession.

Ms. Alutto inquired what the applicant would do if he secures the rezoning, but the OEPA does not grant the permit for a septic system.

Mr. Patel stated that he would wait to develop, although he views that as unfair. Property taxes are being paid on this land and he would like to use it. Staff and PZC have recommended approval, this is consistent with the future use plan, and therefore he believes that Council should approve the rezoning. It is currently zoned R-1. Nothing is preventing him from building a house on the site and installing a septic system. However, the better option for the City is an office building.

Mr. Lecklider stated that Council's preference would be for a combination of parcels to address issues, not the least of which is the curb cut issue, and that something more comprehensive is accomplished. He recognizes that it is not entirely within the applicant's power to accomplish all these issues. He recalled the comments of the Law Director at the last meeting, and doesn't believe Council can legally deny this application.

Ms. Readler stated that the current Community Plan provides for this use as a future land use, but as noted, there has been a substantial change in this area recently. Council could give staff direction to study this special area in the Community Plan to make sure it is still consistent with the City's vision, due to the recent changes in the area.

Mr. Lecklider stated that from the applicant's perspective, there is a timing and fairness issue.

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Ms. Amorose Groomes stated that she would be willing to table this application until a study could be completed.

Ms. Alutto stated that she would also be supportive of that.

Mayor Peterson addressed the applicant, noting it is being suggested that Council postpone this item so other questions can be answered. The other option is for Council to vote on the ordinance at this time.

Mr. Patel inquired as to the timeframe for a postponement.

Mr. Papsidero stated that staff can commit to an analysis of land use and what is appropriate in terms of the current condition, but staff does not have the capacity to do an updated area plan with public input this year.

Mr. Keenan stated that not much can be done in the Perry Township area. He is questioning what a study would accomplish.

Ms. Salay stated that for her it is a fairness issue. The big picture for zoning and land use is to do no harm. She doesn't believe having an office building on this corner would do anyone harm, assuming the applicant can obtain the proper approvals from the OEPA.

Mr. Patel stated that he started his own law practice and purchased this land so he could build an office building. He would like Council to vote tonight and not postpone the ordinance. He agrees that he doesn't know what a study would do. It is better to have an office building on this site than a house.

Vote on Ordinance 12-17 with condition: Ms. Alutto, yes; Mr. Keenan, yes; Mayor Peterson, yes; Ms. Amorose Groomes, yes; Mr. Lecklider, yes; Ms. Salay, yes.

Ordinance 13-17

Amending Section 153.065(H) of the City of Dublin Codified Ordinances (Zoning Code) to Amend the Bridge Street District Sign Regulations. (Case 16-107ADMC)

Vote on Ordinance 13-17: Ms. Amorose Groomes, yes; Mayor Peterson, yes; Ms. Alutto, yes; Mr. Lecklider, yes; Ms. Salay, yes; Mr. Keenan, yes.

Ordinance 14-17(Amended)

Amending the International Property Maintenance Code and Relocating the Nuisance and Health/Safety Related Sections of the Codified Ordinances of the City of Dublin to Section 153.076, Public Nuisance Regulations. (CASE 16-036ADMC)

Mr. Stang stated that at the first reading on February 13, Council had concerns regarding the addition of attached garage space for home occupational use. Council also requested statistics regarding home occupation permits that had been approved. Mr. Stang provided a table illustrating to Council the number of home occupations permits, both issued and renewed, since 2004. Home occupation permits are issued for two years and can be renewed in subsequent two-year periods. Currently there are six active home occupation permits, however there is the potential of many home occupations that have either not obtained a permit or residents who work from home and are not required to obtain a permit.

Council raised concerns about the impacts that using an attached garage space could have on the residential character of both the home and the neighborhood. Staff recommended amending the text to read as follows:

“(d) The space devoted for use of the home occupation must be within the main dwelling or basement. Accessory buildings such

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POSTPONED ITEMS – ORDINANCES

Ordinance 57-16

Authorizing the City Manager to Execute a Development Agreement and Other Necessary Documents with the Columbus Metropolitan Library ("CML") to Facilitate the Building of a Parking Garage, Library and Adjacent Streets on the Current Library Site in the Historic District.

Based on staff's recommendation, Mayor Peterson moved to postpone the Ordinance to the February 27 Council meeting.

Mr. Keenan seconded the motion.

Vote on the motion: Mr. Keenan, yes; Mr. Lecklider, yes; Mayor Peterson, yes; Ms. Amorose Groomes, yes; Vice Mayor Reiner, yes; Ms. Alutto, yes.

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 11-17

Amending the Annual Appropriations for the Fiscal Year Ending December 31, 2017.

Ms. Mumma stated that in 2016, Council adopted a formal policy for the General Fund Balance. This memorialized the practice of maintaining a General Fund balance at a minimum of 50 percent of the expenditures of the year; to the extent that the fund balance is in excess of 75 percent, 25 percent of that amount in excess would be transferred to the Capital Improvements Tax Fund. Council retains the right to deviate from that policy at any time, if desired by the majority of Council. Based on the December 31, 2016 year-end General Fund balance of nearly \$56.7 million, representing approximately 85.6 percent of the expenditures for the year, the amount in excess of 75 percent is \$1,747,693. Staff is proposing to transfer this amount to the Capital Improvements Tax Fund, in accordance with the adopted policy. This ordinance supplementally appropriates this dollar amount in order to facilitate the transfer to the Capital Improvements Tax Fund.

Ms. Amorose Groomes asked if the \$1,747,693 amount is earmarked for a specific project, or does it simply go to the Capital Improvements Tax Fund, which would be offset by bonds the City would not sell.

Ms. Mumma responded that this amount goes to the Capital Improvements Tax Fund. When staff presented the 2017-2021 CIP, staff contemplated an amount slightly higher than that to go into funding for the overall projects and programs for 2017. Any of the cash allocation does not change as it pertains to debt, and this would not allow the City to issue more debt by transferring this amount to the Capital Improvements Tax Fund.

Ms. Amorose Groomes asked if this money is already programmed in the CIP budget.

Ms. Mumma responded that it was included as an estimated resource for the year when taking into account all of the projects to be funded. When staff brought forward the proposed list of CIP projects for 2017, staff indicated the various resources that would fund those projects. Included in that was a transfer amount from the General Fund and all of the expenditures to come up with a positive variance at the end of 2017.

Vote on the Ordinance: Mr. Keenan, yes; Ms. Alutto, yes; Mayor Peterson, yes; Ms. Amorose Groomes, yes; Vice Mayor Reiner, yes; Mr. Lecklider, yes.

INTRODUCTION/FIRST READING - ORDINANCES

Ordinance 12-17

Rezoning an Approximately .67-Acre Parcel Located at the Northwest Corner of the Intersection of Summit View Road and Sawmill Road, from R-1, Restricted Suburban Residential District to SO, Suburban Office and Institutional District. (Case 16-100Z)

Mr. Lecklider introduced the ordinance.

Mr. Stang, Planner noted that this proposal is to a standard district rezoning in the northeast portion of the City. The site is located on the northwest corner of the intersection of Summit View and Sawmill Roads. The property is approximately two-thirds of an acre in size, and is currently undeveloped. The property in the surrounding

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area is not currently served by public utilities, and there are no utility extensions planned in the Five-Year CIP.

- The applicant proposes rezoning the property from R-1, Restricted Suburban Residential to SO, Suburban Office and Institutional District.
- The current zoning permits only single-family dwelling units, and the proposed zoning classification permits a number of professional and administrative uses, including general office, medical office and legal services.
- The SO District also outlines a number of conditional uses, such as beauty and barbershops and animal services.
- Upon approval of this rezoning, any future development proposals would be subject to the City's zoning code and the applicant would file directly for building permits.
- The Community Plan designates the future land use as Neighborhood Office and Institutional for the entire northwest corner of Summit View Road and Sawmill Road.
- This classification is identified for areas adjacent to residential, where land transitions and buffers are necessary.
- Development intensity would be low, due to greater setbacks and extensive landscaping, and would usually not exceed 9,500 square feet per acre.
- The proposed zoning classification permits uses that correspond with this future land use designation.
- The Thoroughfare Plan identifies both Sawmill Road and Summit View Road as corridors of interest. Summit View is designated as a collector, with a planned right-of-way and an existing right-of-way of 60 feet.
- Sawmill Road is designated as a major arterial, with a planned right-of-way of 160 feet. However, because Sawmill Road lies within the City of Columbus jurisdiction, any improvements or right-of-way dedication would have to meet the Columbus Thoroughfare Plan, which only calls for 120 feet of right-of-way. Based on a recent survey, Sawmill Road currently contains 80 feet of right-of-way, leaving a 40-foot deficit. This means that the applicant would be required to dedicate approximately 20 feet of right-of-way to the City of Dublin before this property could be developed.
- The property is also located within a Special Area Plan, as shown on the slide. These area plans contain conceptual design recommendations for areas of interest throughout the City with the intent of guiding future development.
- The Summit View/Sawmill Area Plan has a few recommendations that pertain to this site:
 1. A recommended setback of 100 feet for office development.
 2. A sensitive placement of office development within the existing trees and natural features.
 3. The use of a green corridor as an amenity to both office and residential development as well as a buffer for the office development from adjacent residential uses.

The Summit View/Sawmill Area Plan recommendations are based on a larger scale commercial development, as shown on the slide displayed. This was the projected course of development for this Neighborhood Commercial component. The large development would remove a number of site constraints that exist for developing the single property. However, the proposed rezoning meets the intent of this commercial component and would be the first step toward achieving this land use as outlined in the Area Plan.

The Planning and Zoning Commission recommended approval of this rezoning on January 5, but expressed concern that this rezoning prevents a number of Special Area Plan recommendations from being achieved. The ideal plan would be a larger scale rezoning and an associated development with that.

Staff recommends approval of this ordinance at the second reading/public hearing on February 27. He offered to respond to questions.

Mr. Reiner asked if sewer and water service is available to this property.

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Mr. Stang responded serves are not currently available, and the future planned extensions are not in the Five-Year CIP. The closest extension at the corner of Riverside and Summit View Road is planned in 2021.

Mr. Reiner asked staff if there is adequate setback planned in view of future widening of Sawmill Road. There have been many widening projects for Sawmill in the past years. The site plan shows a green buffer and retention basin on the front, but this would erode with a future widening of the roadway. He noted that the City attempted to require a 200-foot setback several years ago, but it met with resistance from developers. He asked Mr. Stang if the setback is appropriate, given this information.

Mr. Stang responded that he believes the 100-foot setback is appropriate for this area of the City. However, the only way to achieve that is to develop a number of the properties all together. With what the applicant is proposing for this site, he would be subject only to the zoning setbacks that are set by the right-of-way. With 120 feet, this is measured from the centerline of Sawmill, resulting in 60 feet from the property line after dedication. Ideally, the City would desire the larger setbacks with the greenspace. This area is the northeast gateway of the City, and it is desirable to have more greenspace. There is also a potential connection of greenspace to Emerald Fields to the south, benefitting the community and surrounding property owners.

Mr. Keenan asked about the distance from this property to the closest sewer line.

Mr. Stang responded that he believes the sewer line will be extended up to the corner of Riverside Drive and Summit View in 2021. There is no extension currently programmed to this property or others at the far eastern edge of Summit View Road.

Ms. Amorose Groomes noted there is water and sewer service available in Campden Lakes and the development to the east of that.

Mr. Stang responded that those developments are served through existing main lines. This future extension would be a main line up Riverside and along Summit View. The City would extend a main line along Summit View in the future and all of these properties could tap into it --but that extension is not programmed.

Mr. Lecklider asked about access to this site.

Mr. Stang responded that Engineering has reviewed this. The applicant owns the adjacent property on the west side, and one potential is for a shared access easement, with access shared between the residential property he owns and this commercial development. The other option is working to provide access from Summit View or Sawmill Road, but either of those would likely be limited to right in, right out. Staff has notified the applicant of these potential options for access.

Mr. Lecklider asked if Dublin would control the Sawmill Road access or Columbus.

Mr. Stang responded that Dublin would have to work with the City of Columbus on this, as Sawmill is technically under their jurisdiction. Given its proximity to the intersection, access from Sawmill Road would be very difficult.

Mr. Lecklider stated that he cannot imagine the City would do this in any other location.

Mr. Stang responded that the City does need to provide access to this property if the owner wants to develop it. The ideal approach is the shared access with the residential property. The traffic engineers are evaluating this, which seems to be the best approach.

Mr. Lecklider asked if anyone lives in the home to the west.

Mr. Stang responded affirmatively, adding that a number of improvements have been made to that house.

Ms. Amorose Groomes stated that she agrees with Mr. Lecklider about access to Sawmill Road, as well as Summit View. This individual parcel would be difficult to develop in and of itself with the access and other issues. Is it Planning's opinion that they support this rezoning because it begins the process of rezoning all of these parcels in order to achieve ultimately something akin to the Community Plan?

Mr. Stang responded affirmatively. While it is difficult to develop a single property, it is in keeping with achieving the Community Plan goals. It meets the intent of the Special Area Plan and it meets the future land use as outlined in the Community Plan. For

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standard district rezonings, the consideration for reference is what was outlined and approved in the Community Plan. This would work toward achieving that neighborhood commercial component and, ideally, could help drive other properties to seek rezoning to the commercial zoning.

Ms. Amorose Groomes asked if there are drawings available from the applicant for the intended near-term development. This could help determine whether the property is developable in the fashion the applicant desires.

Mr. Stang responded that he has not seen those. Staff has looked at this from a zoning perspective, and it is possible to fit what the applicant has discussed doing on this property. If this rezoning were approved, the applicant would file directly for building permitting and all of the zoning aspects of reviews for that would be handled with the permitting process. There would not be another public review to discuss the design and the site layout. It would all be reviewed under the established Zoning Code.

Ms. Amorose Groomes stated that she would need to have information about the access on Summit View -- or at least the portion Dublin can control -- because this parcel is very near Sawmill Road. Have the traffic engineers looked at this to determine where a commercial use curb cut could be accommodated along Summit View this close to Sawmill?

Mr. Stang responded that Engineering has not reviewed this to define the exact location of it, but they have reviewed the site. When the applicant first approached staff about developing this property, Planning reached out to Engineering and they outlined several options. It partially depends on what the applicant is looking to do. If the applicant wants a separate curb cut on Summit View, it would likely be at the western edge of that property to keep it as far from the intersection as possible. If he plans to use the existing curb cut from the adjacent residential property, that is another option to pursue. That would prevent adding to the access points near the intersection.

Mr. Lecklider stated that it appears the reality of this is speculation. With utilities not being imminent -- at least not in the near term -- the timing strikes him as early. Perhaps the applicant wants to have the rezoning approval in hand.

Ms. Amorose Groomes stated that her concern is that with approval of the rezoning, the applicant goes directly to obtain building permits. There is no further level of review for Council or the community at large.

Mr. Lecklider stated that this begs another question for a future date -- within what period of time after building permit issuance is development to occur.

Mayor Peterson summarized that if the City does not rezone this, the property remains as residential zoning. However, the straight rezoning application does not permit a further review process through PZC.

Mr. Keenan stated that sewer would be required to develop this property.

Ms. Amorose Groomes stated that it not necessary. Many commercial businesses operate without public water and sewer such as Martha Vance.

Mr. Keenan asked for further comment from staff about this issue.

Mr. Stang responded that the county regulates septic systems. Without public utilities, it is unlikely the property could be developed.

Ms. Amorose Groomes stated that she believes a septic system could serve this property. Mayor Peterson stated that the challenge is that the Community Plan specifies this as office use. Council is supportive of this type of land use, but desires that this be part of a larger rezoning. However, this applicant wants to rezone his property now.

Ms. Amorose Groomes noted that the intent of the property owner is to develop a business on this site in the near term, according to the information provided.

Mr. Keenan asked if there has been any effort by the property owner to assemble a larger rezoning.

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Mr. Stang responded that he believes the applicant has reached out to several adjacent property owners, but at this time none are interested in pursuing a mass rezoning.

Mr. Keenan asked if Council has options available.

Ms. Readler responded that when Council reviews a rezoning application to a straight zoning district, the primary reference point is the Community Plan and the Area Plans. All of these plans recommend this type of zoning. The City cannot compel the property owner to file a planned district application, or to assemble land for a rezoning application. The actual development will require utilities and will be in compliance with the Dublin Zoning Code.

Mayor Peterson invited the applicant or his representative to address Council.

Akhil Patel, Ari Investments, 6516 Ballantrae Place, Dublin stated that his company owns the subject property. The company purchased this property, together with the adjacent house in May of 2016. He is an attorney who owns his own law firm. His intent with this property is to build a law office and perhaps a doctor's office as well. This parcel is rather small in terms of acreage, but it is feasible, based on his meetings with staff, an architect and a contractor. The property can accommodate a building and parking space, and can be served by a septic system. He does not believe there is anything in the Dublin Code that requires use of public utilities. The adjacent house purchased with this has an existing septic system. Most of the surrounding residential properties have septic systems. The electric service is available, and water can be obtained otherwise. His plan is for a small office building of 4-5,000 square feet. He has not proposed a plan because of the cost investment should the rezoning not be approved. The application process and plan preparation is expensive. That is the only reason a plan has not been prepared. If rezoning were conditional upon having a plan, he would have obtained one. In terms of the suggestion of rezoning a larger number of properties at the same time, there is a diversity of ownership in terms of the residential properties. In his opinion, if nothing begins at a smaller scale, the area will remain the same as it now exists 25 years out. On both sides of this property are houses – one on Sawmill and one on Summit View. For the last five to ten years, the houses have been empty. The adjacent house he purchased was in poor condition. He does not believe the City of Dublin desires to have empty houses at the entrance to Dublin. The Sawmill house is empty and appears to have been so for quite some time. It makes sense to get things started. He is aware that some residents may be present tonight who attended the Planning and Zoning Commission meeting and who are not in support of this rezoning. Their concerns are legitimate in terms of increased traffic, etc. But at the same time, this property is 2.2 miles from a WalMart on one side and .5 miles from a Target. The property should be developed, as otherwise it is unsightly. The greenspace can be accommodated; on the Sawmill side there will be at least 60 feet of setback. On the Summit View side, at least 30 feet of setback is provided. There are established trees on the site and none would be removed. If this rezoning were to be approved, they would work with the City. In response to concerns about no further review by Council, citizens or PZC, the City permitting process is not an easy one. He offered to respond to questions.

Ms. Alutto stated that he indicates he owns property with an existing house to the west, and that this house is vacant.

Mr. Patel responded it is currently vacant, but he is remodeling the house. It is an extensive remodeling and will be a beautiful property. If this rezoning is approved, he may seek rezoning for the adjacent property, and may develop an office building in that location.

Ms. Alutto stated that the question is why he would not rezone these two properties at the same time.

Mr. Patel responded that he began to rehab the house because of the extensive time the rezoning process has taken. If he had been aware of the timeframe, he would likely have torn down the house and rezoned the properties together.

Ms. Alutto asked about the timeline for improvements to the property being rezoned.

Mr. Patel responded that he does not believe the utility issue is insurmountable, as this business would use less water and sewer than a home.

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Ms. Alutto asked if he has completed the renovations on the house next to this.

Mr. Patel responded the renovations are nearly complete.

Ms. Alutto asked if he plans to rent or sell the home.

Mr. Patel responded he plans to sell it. However, it is still possible he will seek commercial rezoning for that property.

Ms. Alutto stated that she is struggling with the proposed rezoning, and if the plan is to sell the property next door after the remodel, it is unlikely a new buyer will pursue rezoning.

Ms. Amorose Groomes asked if the house on the property to the north is vacant.

Mr. Patel responded he believes it is vacant. That lot is owned by a person who also owns property on Summit View. From its appearance, the house has been vacant for some period of time and is in need of painting.

Mr. Reiner recalled that years ago, someone tried to combine the properties around that corner in keeping with the long-term plan of the City. Is there any interest by neighbors to do something on a larger scale, or is his entire focus on the properties he owns?

Mr. Patel responded that there was no progress on combining the properties for development over the years. He did speak to a neighbor in the area who indicated that a number of people have tried to initiate such a proposal. He is not aware of the interest of neighbors in redevelopment. He is a real estate attorney and owns commercial property. He would be willing to pursue a larger development if others had interest.

Mr. Reiner stated it is surprising, as it seems that packaging a group of properties for a rezoning would make sense. There are challenges in this small parcel and the City's expectations in the Community Plan for commercial development and the entryway to the City.

Mr. Patel reiterated there is a diversity of ownership among all of these houses. Even if financially feasible, it is challenging to persuade individual property owners to do something collectively. He does believe this rezoning will spur things. The house to the north on Sawmill is vacant. He believes the property owner may be waiting for a developer to take action. However, a developer would not be able to develop a large group of properties without utilities. A single property owner could develop with a septic system.

Mr. Reiner asked when this area is scheduled for utility extensions by the City.

Mr. Stang responded that it is beyond 2021 – perhaps 2024-2025 is the likely timeframe for utility extension to this far edge of Summit View.

Ms. Amorose Groomes noted that the timeframe could change if certain criteria were met or if conditions changed, allowing them to advance this extension in the CIP funding process.

Mr. Keenan asked about the cost of extending a sewer line from Riverside Drive to this location.

Mr. McDaniel responded that he recalls it is substantial, based on estimates from a few years ago.

Ms. Amorose Groomes stated that the decision for Council is deciding between the Community Plan recommendations for setbacks, gateways, etc. versus the rezoning of this property for immediate development.

Ms. Readler stated that, fundamentally, in reviewing a rezoning proposal, Council's frame of reference is the Community Plan. Once a rezoning is approved to a straight rezoning district, there is no further review. There are Code requirements to meet, but there is no further review.

Ms. Amorose Groomes stated that, essentially, Council would not be following the Community Plan and the Area Plan if this rezoning is approved.

Ms. Readler responded that the rezoning is consistent with the Community Plan. The graphic representation is a Special Area Plan.

Mr. Stang stated that the Area Plan is a series of recommendations – there is no guarantee that development would appear as the conceptual plan. This is just a

RECORD OF PROCEEDINGS

Held

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rendering of how this could appear, based on what the Community and the City are looking to see on this site.

Mr. Peterson asked if Council requests any additional information prior to the second reading on February 27.

Ms. Amorose Groomes requested information about the feasibility of curb cuts along Sawmill and Summit View. She requested graphic representations of setbacks, the buildable area, height restrictions and potential square footage of any structure that could be built on this parcel.

Mayor Peterson summarized that the information desired is what a straight zoning would allow for all of these items. He thanked Mr. Patel for the information presented.

Perhaps now is the time if there is momentum to regroup and work for something larger. Mr. Patel responded that he will speak with the neighbors as suggested.

Mayor Peterson invited public testimony.

Dr. Tara Haid, 8280 Bibury Lane, Dublin stated that several residents in her area, Wedgewood Glen, are opposed to this proposal. The public utilities are not the only issue. Sawmill Road is already congested. While there is a WalMart, Target and Kroger near this property to the north and south, what is immediately adjacent are homes – homes to the south and across Sawmill as well. There are condominiums across the street, between this road and the WalMart. There are also single-family homes between this intersection and Kroger, and more single-family homes are under construction near Emerald Fields and the high school. The desire of their community is for more single-family homes – not more congestion and not more commercial development. There is plenty of commercial development to the north and to the south. This rezoning will not benefit or increase the quality of the neighborhood. She speaks in opposition to this plan. She also believes this plan “puts the cart before the horse” based on all of the future plans mentioned tonight in this discussion.

Mr. Reiner stated that because this proposal involves placing an office building on what is now a residential lot, he wants to understand how the curb cuts will work. He does not believe the setbacks are adequate to make this a workable plan -- either on Sawmill or on Summit View.

Mayor Peterson added that Council would like more visualization of this plan.

Mr. Stang responded that staff can provide a site plan, outlining all of the setback requirements, etc., based on the zoning district proposed. This information will be prepared for the next reading.

There will be a second reading/public hearing at the February 27 Council meeting.

Ordinance 13-17

Amending Section 153.065(H) of the City of Dublin Codified Ordinances (Zoning Code) to Amend the Bridge Street District Sign Regulations. (Case 16-107ADMC)

Mr. Lecklider introduced the ordinance.

Mr. Papsidero stated that a joint Council and Planning Commission work session was held mid-year in 2016 on this topic.

- ~~The proposal is to modify the Bridge Street District Code to require that pre-existing commercial uses in some specific subdistricts meet the sign requirements that were in place at the time of the adoption of the Bridge Street Code.~~
- ~~The Bridge Street sign provisions are pedestrian oriented, reinforcing a walkable environment. Since adoption of the Code, pre-existing auto-oriented businesses in many cases have benefitted from these newer standards. Because the Code itself was silent relative to this interim condition – that of outdated building forms not meeting the urban aspect of the Bridge Street District – they were able to take advantage of more signs and more diversity of signs on their properties.~~
- ~~The Bridge Street Code itself as drafted applies to these structures that conform to its form-based Code to create a more urban character.~~



RECORD OF ACTION

Planning & Zoning Commission

Thursday, January 5, 2017 | 6:30 pm

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

3. **Summit View Road Rezoning 16-100Z**

Summit View Road Standard District Rezoning

Proposal: Rezoning a 0.68-acre parcel from R-1, Restricted Suburban Residential District to SO, Suburban Office and Institutional District. The site is located on the north side of Summit View Road, at the intersection with Sawmill Road.

Request: Review and recommendation of approval to City Council for a Standard District Rezoning under the provisions of Zoning Code Sections 153.232 and 153.234.

Applicant: Akhil Patel, Ari Investments LLC.

Planning Contact: Logan Stang, Planner I.

Contact Information: (614) 410-4652, lstang@dublin.oh.us

MOTION: Ms. Mitchell motioned, Ms. De Rosa seconded to forward a recommendation of approval to City Council for the Standard District Rezoning because the proposed rezoning meets the future land use designation of the Community Plan, the thoroughfare plan, and the special area plan.

VOTE: 6 – 0.

RESULT: The Standard District Rezoning will be forwarded to City Council with a recommendation of approval.

RECORDED VOTES:

Victoria Newell	Yes
Amy Salay	Absent
Chris Brown	Yes
Cathy De Rosa	Yes
Robert Miller	Yes
Deborah Mitchell	Yes
Stephen Stidhem	Yes

STAFF CERTIFICATION


Logan Stang
Planner I



**2. Perimeter Center, Subarea C1 – The Spot Athletics
16-102CU**

**7007 Discovery Boulevard
Conditional Use**

The Vice Chair, Chris Brown, said the following application is for a 21,000-square-foot fitness use within an existing building in Subarea C1 of Perimeter Center. He said the site is on the west side of Discovery Boulevard, at the intersection with Post Road. He noted this is a request for a review and approval of a Conditional Use under the provisions of Zoning Code Section 153.236.

Mr. Brown swore in anyone interested in addressing the Commission regarding this case.

Lori Burchett said there is potential for an accessory use of massage services, which is also permitted in the development text.

Claudia Husak said Planning recommends approval of the Conditional Use with a parking alteration from 84 to 20 spaces for the fitness and personal service uses with no conditions.

Motion and Vote

Mr. Stidhem motioned, Ms. Mitchell seconded, to approve the Conditional Use with a parking alteration and no conditions. The vote was as follows: Ms. De Rosa, yes; Mr. Brown, yes; Mr. Miller, yes; Ms. Mitchell, yes; and Mr. Stidhem, yes. (Approved 5 – 0)

**3. Summit View Road Rezoning
16-100Z**

**Summit View Road
Standard District Rezoning**

The Vice Chair, Chris Brown, said the following application is for a Rezoning of a 0.68-acre parcel from R-1, Restricted Suburban Residential District to SO, Suburban Office and Institutional District. He said the site is on the north side of Summit View Road, at the intersection with Sawmill Road. He said this is a request for a review and recommendation of approval to City Council for a Standard District Rezoning under the provisions of Zoning Code Sections 153.232 and 153.234.

Logan Stang presented an aerial view of the site and noted the property is approximately two-thirds of an acre in size and is currently undeveloped. He added the surrounding properties are not currently serviced by public utilities and there are no plans to extend utilities in this area in the five-year CIP.

Mr. Stang restated the applicant is proposing to rezone this property from R-1, Restricted Suburban Residential to SO, Suburban Office and Institutional. He stated the current zoning only permits single-family dwellings while the proposed zoning classification permits a number of professional and administrative uses such as general office, medical office, and legal services. He said the Suburban Office district also outlines a number of conditional uses such as beauty or barber shops and animal services. Upon approval of this rezoning, he stated any future development proposals would be subject to the requirements of the City's Zoning Code and applicants would file directly for building permits. He clarified Standard Districts do not require additional zoning approval like the PUD process.

Mr. Stang presented the Community Plan – Future Land Use Map. He noted The Community Plan identifies a Future Land Use designation of Neighborhood Office/Institutional for the entire northwest corner of Sawmill & Summit View Roads. He said this classification is identified for areas adjacent to residential where land transitions or buffers are necessary. Furthermore, he said development intensity would be low due to greater setbacks and extensive landscaping and would usually not exceed 9,500 square feet per acre. He stated the proposed zoning classification permits uses that correspond with this future land use designation.

Mr. Stang presented the Community Plan – Thoroughfare Plan. He said Summit View Road is designated as a “Collector” with a planned right-of-way of 60 feet. He said Sawmill Road is designated a “Major Arterial” with a planned right-of-way of 160 feet; however, since Sawmill Road lies within the City of Columbus’ jurisdiction any improvements or right-of-way dedication would have to meet Columbus’ thoroughfare plan, which only calls for 120 feet of right-of-way. Based on a recent survey, he pointed out that Sawmill Road currently contains 80 feet of right-of-way leaving a 40-foot deficit from the planned width, which means the applicant would be required to dedicate approximately 20 feet of right-of-way to the City of Dublin before development could occur on this parcel.

Mr. Stang presented the Community Plan – Summit View/Sawmill Area Plan. He highlighted that these area plans contain conceptual design recommendations for areas of interest throughout the City with the intent of guiding future development.

Mr. Stang noted the Summit View/Sawmill Plan has a few recommendations that pertain to this site; the first being a recommended setback of 100 feet for office development. Second, he said is sensitive placement of office development within existing trees and natural features. And the third, he said is the use of a green corridor as an amenity for office and residential development and to buffer the office development from adjacent residential uses. He noted that these recommendations are based on a larger scale commercial development as shown in the plan, which was the projected course of development for the neighborhood commercial component. He said the large development would remove a number of site constraints that exist for developing this single property; however, the proposed rezoning meets the intent of the neighborhood commercial component along that entire northwest corner.

Mr. Stang said the proposed rezoning meets the future land use designation of the Community Plan, the Thoroughfare Plan, and the special area plan; therefore, Planning recommends that the Planning and Zoning Commission recommend approval of this application to City Council.

Phil Hartmann indicated this is the first straight zoning that this Commission has seen; it is not a planned district so there will not be conditions and it does not lend itself to debate.

The Vice Chair invited the applicant to present his case.

Akhil Patel, 6516 Ballantrae Place, said he and his wife own Ari Investments LLC, which purchased this corner lot and the adjoining lot on Summit View Road with the intent of rezoning the corner lot and adding an office building there for his law practice. He said the new office building would be an asset as the lot is currently vacant. He stated they have already made substantial improvements to the adjoining lot that contains a house. He said the house was very rundown and they replaced the gravel drive with a concrete driveway.

The Vice Chair invited public comment.

Ira Maurer, 8421 Glenree Place, Dublin, said he has resided there for 25 years. He said development would contribute to traffic issues. Through discussions of the Community Plan over the years, he said they concluded to maintain the neighborhood. He said this has been a more rural area and he enjoys the wildlife. He indicated he is concerned with development that will come with lit up parking lots and noise from trucks. He said he welcomes development in the area but wanted everyone to be mindful of the neighbors as they have been there for a long time, raised their kids there, love to be there, and he built his own house there. He asked everyone to take into consideration, quality of life for these residents, especially when the Community Plan states maintaining the feel of neighborhoods in Dublin.

Trina Holmberg said she is the pastor of the Church of the Redeemer across the street at 3883 Summit View Road. She stated her concern is that the area stay a neighborhood. She also said she is concerned the church will gain overflow parking from this new development.

Joanne Crockett, 3840 Summit View, said her property is immediately west of this proposal and has resided there for 38 years. She indicated she had sent questions to Mr. Stang about this property ahead of this meeting. She asked how many commercial buildings are permitted in Dublin without access to a sewer system as there is no access here. She questioned how this is to be a defined gateway as stated in the Community Plan. She said recently, 43 acres behind her property was annexed to Perry Township. She said Perry Township could build anything they want there, including a strip mall. She said that will impact her and everyone else who lives there. She asked if this property is spot zoned, if she will be entitled to the same for her property if she chooses to follow what Perry Township does.

Tara Haid, 8280 Bibury Lane, said she is opposed to this property being rezoned. She said she likes the current neighborhood feel and while she has only been a resident a few years, she had planned on living there well into the future. She reported she grew up in Dublin and selected this property specifically because it is multi-cultural, close to the park, and traffic is still manageable. She said commercial development would add to the traffic issues.

Cathy De Rosa inquired about the potential road improvements for the area. Mr. Stang said the City of Dublin would need to coordinate with the City of Columbus because the majority of Sawmill Road falls in their jurisdiction. He said Dublin has no roadway improvements planned for Summit View Road but does not know what the City of Columbus has in mind for Sawmill Road.

Ms. De Rosa asked about the lack of utilities. Mr. Stang explained a lot of properties in this area do not currently have utilities. He indicated all services for Dublin would come from Riverside, which is a considerable amount of distance to be covered in order to reach these properties in the northeast corner. He said Engineering is pushing for expanding utilities, including this area. Unfortunately, he said there is nothing as yet included in the five-year CIP. He explained the last major update to the Community Plan was 2007 for this area.

Bob Miller said the dialogue for how this was put together and the impact of the existing single-family units must have been discussed at some point and he asked staff if anyone recalled the intent for this area.

Claudia Husak said the Community Plan Special Area Plan was conceptual but Neighborhood Office/Institutional would fit well here surrounded by Mixed-Residential, Low Density housing as shown on the Future Land Use Map. She indicated the City has been approached about senior housing development in this area but a proposal did not formalize and nothing else has come forward.

Mr. Miller asked when the Perry Township change occurred. Mr. Hartmann answered litigation is pending in the court of appeals.

Ms. De Rosa inquired about green way space in standard zoning and who is responsible for maintaining it. In a standard district, Mr. Stang explained just base regulations are required.

Deb Mitchell inquired about parking requirements in standard zoning. Mr. Stang said they are the base requirements that are outlined in the zoning code.

Chris Brown indicated traffic on Sawmill Road heading north has increased due to the expansion of Liberty Township, Perry Township, Powell, and the Olentangy area.

Victoria Newell arrived moments ago and Mr. Brown asked her to contribute her thoughts.

Victoria Newell said she was concerned the Commission was being asked to rezone such a small parcel and the neighbors would have more protection with a PUD.

Ms. Husak pointed out the Future Land Use Map shows this area as Suburban Office.

Mr. Brown said the Master Plan states this should be Suburban Office considering this is on Sawmill Road and the value of the property. He asked if this rezoning was denied this evening if the applicant could bring back a proposal for a PUD and define what goes in there.

Mr. Miller asked if the Community Plan is just a recommendation tool. Vince Papsidero said it is official city development policy, more than a guideline as it is reviewed with regard to rezonings.

The Vice Chair invited the applicant back to speak to recent Commission comments.

Mr. Patel said he respects the residents and he is a resident since he owns the lot next door. He said a PUD would not be feasible as there are multiple owners and he only owns the corner. He indicated that unless a developer purchased it all from the multiple owners, it would not be feasible to bring this back for a PUD. He said the alternative is that it would be zoned residential and a house would be built on the corner of Sawmill Road and Summit View Road, which he believes is not what Dublin wants. He said with this proposal there will be deep setbacks for green space.

Ms. De Rosa said she was concerned since it has been since 2007 since the City has received community input in terms of this area. She indicated the Commission does not have the most current view of this piece of property at this point. She asked if it would be appropriate to ask City Council to review the Community Plan for this area.

Mr. Papsidero said if that was the direction staff would be asked to take, given the current workload, it could not be addressed again until 2018.

Mr. Brown said when he looks at the history, the church, the park, and Sawmill Road, it is such a mixed area and there is also a lot of residential in the area. He asked how the residents would be buffered from this transitional area and money pressures stemmed from Sawmill Road as density grows; the pressure to grow north concerns him.

Ms. Newell said she experienced this similar situation many years ago while living in Indian Run Meadows and the proposal to develop Perimeter Center and the small office development between the residents and Perimeter Center came forward. She said she would prefer to follow what is in the Community Plan because she does not see this developing for residential but a PUD would be better.

Mr. Miller said he agrees in that he would prefer to follow the Community Plan but struggles with empathy for the residents. He questioned what criteria he should be following for his decision because he does not see a lot of latitude.

Mr. Hartmann said that was exactly right. He highlighted the outline in 153.026 and guided him.

Ms. Mitchell said she agreed with Mr. Brown and Ms. Newell to follow the Community Plan. She said she would like to see this developed in a way to take into account the residents and buffering. She asked if a PUD is possible.

Mr. Hartmann said that would be up to the applicant. He said from what has been filed as of today, the Commission should only consider the straight zoning from R-1 to Suburban Office before them by considering the criteria.

Mr. Brown added the Commission is not being asked to make a final decision but rather to make a recommendation to City Council.

Both Mr. Miller and Mr. Stidhem said they would recommend in favor based on the criteria but would like Council to know their reservations as part of the recommendation.

Ms. Newell said the Commission has compassion for the residents but at the same time are bound by the criteria review.

Mr. Brown concluded that if the Commission preserves residential along Sawmill Road, particularly single family, nobody with any deep pockets will want to live there and will want to sell so he would prefer to see a small professional office building on 0.6 acres when it is feasible. He said he is not opposed to this and would provide a buffer. He said we do not want an ugly eyesore at the gateway to Dublin.

Ms. De Rosa again asked, given the constraints, if an office building with parking would even be feasible. Mr. Stang indicated from a zoning perspective, there is potential for a small building but the biggest constraints right now are the utilities.

Motion and Vote

Ms. Mitchell motioned, Ms. De Rosa seconded, to recommend approval to City Council for the Standard District Rezoning. The vote was as follows: Ms. Newell, yes; Mr. Brown, yes; Mr. Miller, yes; Mr. Stidhem, yes; Ms. De Rosa, yes; and Ms. Mitchell, yes; (Approval Recommended 6 – 0)

Ms. De Rosa asked that City Council be informed of their recommendation to review the Community Plan. Mr. Brown said City Council will receive these minutes but that the citizens are welcome to make their preferences known to City Council about this area.

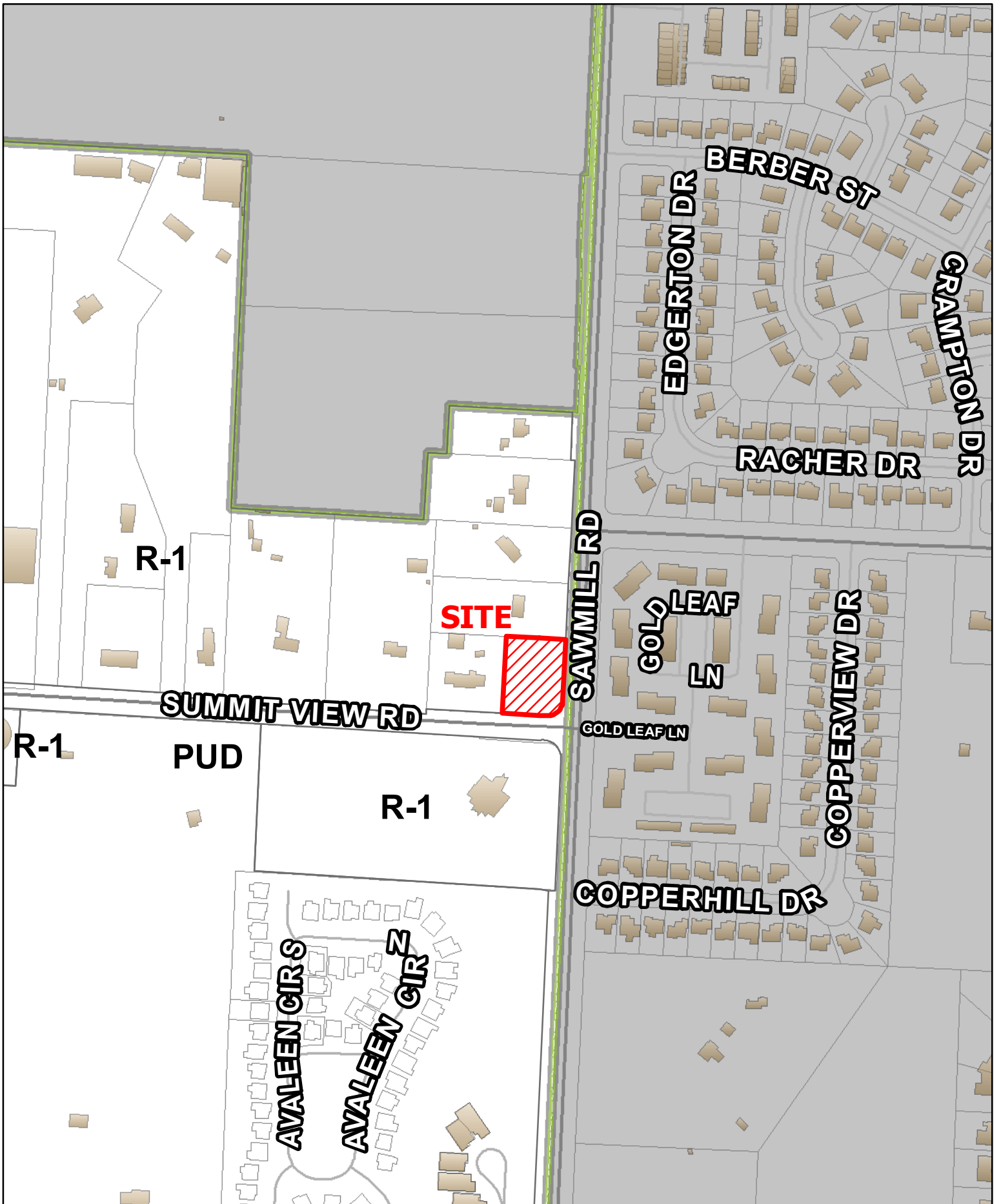
4. BSD – Signs Code Amendment 16-107ADM

Bridge Street District Administrative Request

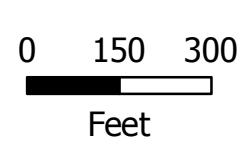
~~The Chair, Victoria Newell, said the following application is for an amendment to Zoning Code Section 153.065(H) – Signs of the Bridge Street District Code for the BSD Indian Run Neighborhood, Sawmill Center Neighborhood, Commercial, Office, and Office Residential Districts. She said this is a request for a review and recommendation of approval to City Council regarding proposed amendments under the provisions of Zoning Code Sections 153.232 and 153.234.~~

~~Nichole Martin stated this is a request for an amendment to the Signs section of the Bridge Street District Code. She noted the request history:~~

- ~~• October 12, 2015: City Council requests consideration of revisions to the BSD sign regulations as applicable to existing retail sites.~~
- ~~• November 25, 2015: Memo to Council summarizing the existing regulations and options to address the interim BSD sign condition.~~
- ~~• May 16, 2016: City Council-Planning and Zoning Commission joint work session.~~
- ~~• October 24, 2016: Staff provided update to Council regarding Clarion's initial recommendation.~~
- ~~• November 29, 2016: Proposed amendments shared at public open house.~~



16-100Z
 Standard District Rezoning
 Summit View Property
 Summit View Road & Sawmill Road



RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. **34-01 (AMENDED)**

Passed _____, _____ YEAR

AN ORDINANCE TO ESTABLISH DUBLIN ZONING FOR APPROXIMATELY 509 PARCELS COMPRISING OF AN AREA OF APPROXIMATELY 872 ACRES, AS ANNEXED FROM PERRY TOWNSHIP PRIOR TO 1975, BOUNDED ON THE NORTH BY THE FRANKLIN/DELAWARE COUNTY LINE, TO THE EAST BY SAWMILL ROAD, TO THE SOUTH, I-270, AND TO THE WEST THE SCIOTO RIVER AS R-1, RESTRICTED SUBURBAN RESIDENTIAL DISTRICT (NORTHEAST TOWNSHIP REZONING - CASE NO. 01-006Z).

WHEREAS, under Dublin Code Section 153.004(D), territory annexed to the City of Dublin continues to be governed by the zoning regulations which governed the territory annexed immediately prior to the annexation, as enacted by a Board of County Commissioners under R.C. §§ 303.01 to 303.25, or enacted by a Board of Township Trustees under R.C. §§ 519.02 to 519.25, as the case may be; and

WHEREAS, Section 153.004(D) further states that as soon as practicable after the annexation of territory to Dublin, proceedings shall be instituted to include the annexed territory in one or more of the zoning districts defined in the zoning ordinance, as amended; and

WHEREAS, certain parcels located in the northeast quadrant were annexed to the Village of Dublin in 1973, and never designated with a proper Dublin zoning classification since annexation; and

WHEREAS, it is necessary to rezone certain parcels in the northeast quadrant of the City to ensure they are governed by Dublin zoning classifications in compliance with Section 153.004(D);

WHEREAS, this rezoning will ensure consistent administration and equal enforcement of City Codes to protect the health, safety and welfare of its citizens;

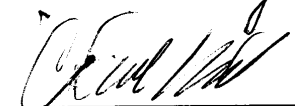
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 6 of the elected members concurring:

Section 1. That the following described real estate (see attached map marked Exhibit "A") situated in the City of Dublin, State of Ohio, is hereby rezoned 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 application (Exhibit "B"), the list of contiguous property owners (Exhibit "B-2"), and the list of affected property owners (Exhibit "D"), 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 3. That this Ordinance shall take effect on the earliest date provided by law.

Passed this 25th day of June 2001.



Mayor - Presiding Officer

Attest:



Clerk of Council

Sponsor: Law Director

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.



Asst. Clerk of Council, Dublin, Ohio

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Page 2

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

June 25, 2001

(YEAR)

Mr. McCash requested that Mr. Smith determine if there is other legislation that may require revision as well, such as fencing requirements.

2. Stated that the final plans for the Galli Park in the new Ballentrae Golf Course Subdivision will be presented at the July 23rd Council meeting. The City has right-of-entry to the site, which is on Mr. Galli's property. Presently, infrastructure construction is occurring in that area. To allow that construction to continue on schedule, the developer requests authorization to deposit soil on that site, although final plans for the park have not yet been approved by City Council. He inquired if Council had any objection to that plan.

There were no objections.

Mr. Adamek thanked Ms. Heal for the memo updating Council on the outdoor pool status.

LEGISLATION

TABLED ORDINANCE SCHEDULED FOR HEARING

Ordinance 34-01 – An Ordinance to Establish Dublin Zoning for Approximately 525 Parcels Comprising an Area of Approximately 833 Acres, as Annexed from Perry Township Prior to 1975, Bounded on the North by the Franklin/Delaware County Line, to the East by Sawmill Road, to the South by I-270, and to the West by the Scioto River, as R-1, Restricted Suburban Residential District. (Northeast Township Rezoning – Case No. 01-006Z) (Applicant: City of Dublin, c/o Timothy Hansley, City Manager, 5200 Emerald Parkway, Dublin, Ohio 43017.)

Ms. Clarke explained that this is essentially a housekeeping measure initiated by the Law Director. Most of the land on the east side of the river was annexed in two major annexations, in 1972 and 1975. Dublin did not establish zoning except for those properties for which the landowner specifically requested it, e.g. the Inverness development, the Northeast Quad, Campden Lakes, and Wyandotte Woods. During recent review, the Law Director's office discovered that a large portion of the land on the east side of the river, approximately 531 parcels or 833 acres, still had not been rezoned with Dublin zoning. This is a request to establish the zoning as R-1, Restrictive Suburban Residential District, although specific development proposals will continue to be processed through the system as usual. The application, which was sponsored by the City, was reviewed by the Planning Commission on April 19, 2001. The Commission recommends approval with the following two conditions: (1) that the legal descriptions of all affected properties be finalized prior to scheduling the public hearing with City Council; and (2) that the property owners be notified by certified mail of the future public hearing, as recommended by the Law Director. A public hearing was previously scheduled for the May 21st Council meeting but was tabled when it was discovered that an outdated list had been used for the notification. The public hearing was rescheduled for tonight's meeting, and a second notification made using a corrected list of property owners. She added that the upcoming zoning code revision will include a new zoning map.

Wallace Maurer, 7451 Dublin Road inquired if part of this land is not presently zoned.

Mr. Smith stated that the present zoning of the land is R-1 township zoning.

This action will establish City R-1 zoning.

Mr. Maurer inquired what drives the zoning pattern.

Mr. Smith stated that most land was originally zoned R-1, as farmland, under a township zoning. A city will typically rezone it the same -- R-1, unless the economy steers it another direction, via a Community Plan or a rezoning application.

Sherman Liddell, 3838 Summit View Road, stated that at the time he purchased his land in 1971-1972, he pursued rezoning of one acre of land on the corner. At that time, he discovered that the land was zoned Agricultural, not R-1. He noted that Bill Chambers was chairman of the Planning and Zoning Commission at that time.

Mr. Smith asked that he furnish a copy of that paperwork to him. He noted that the difference in zoning would not have any effect on whatever zoning requests Mr. Liddell might wish to make.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 25, 2001

(YEAR)

Mr. Liddell agreed to forward a copy of the materials to Mr. Smith.

Muriel Liddell, 3838 Summit View, stated she is concerned about the R-1 zoning specifications requiring an acre of land for one home. She and her husband originally purchased two full acres. They understood that they could have placed a home on each of the two acres. Now, her husband has retired, is also disabled, and they are living on a fixed income. Subsequent to their purchase several years ago, the City has taken some of their land in road widenings and easements. They had planned to sell one of their acres, but the new zoning that would require one acre per home would make that land worthless.

Mr. Smith stated that if, through no fault of their own, but as a result of road expansion or takings, their property has been reduced, that would have no effect on the zoning. Mrs. Liddell asked to receive a written assurance of that. Mr. Smith indicated that Planning Director, Bobbie Clarke will forward documentation to the Liddell's.

Ms. Liddell stated that a second concern relates to the construction of sewers in their area. A previous Council had made a commitment to the original landowners that when that area received City sewers, no tap-in fee would be charged to those landowners. She is concerned that, unless that also is carried forward in writing, no one will be aware of that commitment. There was no further discussion.

Vote on the Ordinance: Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. McCash, yes; Mr. Adamek, yes; Mr. Peterson, yes.

Ordinance 66-01 – An Ordinance Authorizing the City Manager to Execute a Ground Lease With Craig R. Sonksen, on a 135' X 104' Tract of Land, Located South of Darby Street, City of Dublin, County of Franklin, State of Ohio, and Declaring an Emergency.

Mr. Hansley stated that staff requests that this ordinance remain on the table due to the fact that discussion is continuing with the property owner.

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 74-01 – An Ordinance Adopting the Proposed Tax Budget for Fiscal Year 2002, and Declaring an Emergency.

Ms. Grigsby stated that this is an annual housekeeping item required by the Ohio Revised Code, authorizing the City to file with the County Auditor to continue to receive local government funding. Staff requests adoption tonight on an emergency basis.

Mr. Adamek moved to dispense with the public hearing and treat this as emergency legislation.

Ms. Chinnici-Zuercher seconded the motion.

Vote on the motion: Mr. Reiner, yes; Mrs. Boring, yes; Mr. McCash, yes; Ms. Chinnici-Zuercher, yes; Mr. Adamek, yes; Mr. Peterson, yes.

Vote on the Ordinance: Mr. McCash, yes; Mr. Adamek, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mrs. Boring, yes; Mr. Peterson, yes.

Ordinance 75-01– An Ordinance Amending Ordinance No. 21-95 (Amended) to Update the Arterial Traffic Plan for the City of Dublin.

Mr. Hansley stated that this provides for the realignment of Tuttle Crossing to take a more northerly route. At the last Council meeting, staff was requested to provide an amended exhibit, showing the construction stopping at Avery Road. The amended exhibit was provided in the meeting packets. Staff recommends adoption.

Christopher Cline, attorney, Blaugrund, Herbert & Martin, 5455 Rings Road, stated that he is present tonight to represent Ilija and Denise Karanfilov. He stated that they own approximately 23 acres on Avery Road. Up to this point, the Thoroughfare Plan placed the Tuttle Crossing extension along the southern boundary of their property. That is also the boundary line between Dublin and Columbus. The Karanfilovs were encouraged by

DRAFT

1. Rezoning – 01-006Z- Northeast Township Rezoning

Anne Wanner said for 25 years, Dublin annexed land without establishing Dublin zoning. She noted about 500 acres of the Northeast Quadrant are zoned PUD, but the large residential lots were not generally rezoned after annexation. This was recently uncovered, and it may cause code enforcement difficulties. Dublin has been enforcing the usual Dublin standards in virtually all instances. The Law Director advised initiating this rezoning immediately.

Ms. Wanner said this application involves about 525 parcels totaling 883 acres. The area is bounded by the Delaware County line, Sawmill Road, I-270, and the Scioto River. She noted the McKittrick property currently is shown as being zoned CC, Community Commercial District, and all of the others show up as R-1, Restricted Suburban Residential Districts. She said the McKittrick land and the Perry Township offices are being removed from this rezoning.

Ms. Wanner said staff has received phone calls, dealing mainly with the minimum lot size. She said this proposal is to convert from the Perry Township R-1 District to the Dublin R-1 District, both of which require a 40,000 square foot minimum lot size. She noted that lots in O'Shaughnessy Hills and along Tonti Drive do not meet the minimum lot size.

Ms. Wanner said this establishes the proper Dublin zoning and is a housekeeping issue. She said staff recommends approval with two conditions:

1. That the legal descriptions of all the effected properties be finalized prior to scheduling the public hearing with City Council; and
2. That the property owners be notified by certified mail of the future public hearing as directed by the Law Director.

John Yeager, on behalf of his mother Rosemary Hussie, said she owns three half-acre lots platted in the mid-50s on the south side of Tonti Drive. He wanted to confirm on the record, that this rezoning will not change their ability to build on these half-acre lots when a sanitary sewer or some other acceptable sewage disposal system is approved in the future.

Mack Parkhill, Northeast Dublin Civic Association, said this will benefit all homeowners that are under the impression that they are functioning under an R-1 status.

Jim Hanneman, for his mother, Regina Hanneman, who owns three lots on Tonti Drive, is concerned about the ability to build on these half-acre lots. They do not oppose the rezoning.

Mr. Banchefsky said rezoning should have been done just following annexation. He noted this will be needed in other areas of the City also. He said the Perry Township/Franklin County R-1 zoning is virtually identical to the Village/City of Dublin's R-1 District. He agreed that this is not a major change; it is simply a housekeeping issue. He said the core problem is that the county/township zoning records from 1950–1960 were lost. This rezoning will settle any questions that remain about how the land is zoned. Mr. Banchefsky said the lots that came into existence legally prior to the annexation remain in existence after. He said this is simply to bring it into the corresponding Dublin district.

Mr. Banchefsky said this does not take away property rights for platted lots, whether developed or not. The lots are 20,000 square feet, and have been developed with homes. Generally, the county requires 40,000 square feet to meet the on-site sanitary requirements. Several of these

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lots remain vacant, and if there is an available sanitary sewer connection, they can be built. Mr. Banchefsky said the caveat here was that if two non-conforming lots are under the same ownership, those abutting lots would have to be combined to meet the minimum lot area.

Mr. Banchefsky said the McKitrick land was zoned CC, Community Commercial District in the township. Depending on the property owner's records, that property might come back for a subsequent rezoning. It may be a request for Dublin Community Commercial or Dublin R-1 District, but that has not been decided. The Perry Township office site was removed because the Township has an ordinance that exempted it from zoning.

Mr. Lecklider asked about the lots combined to meet the 40,000 square foot area for sanitary reasons. Mr. Banchefsky because those lots were under, the lots were combined. Lots less than 40,000 square feet will be buildable either through a new sanitary disposal technology or by connection to the public sanitary sewer. He said it is the property owner's burden to prove that they had a legal existing lot of record at the time that the property was annexed.

John Ferrara, Tamarisk Court, said when they bought their lots in the Woodlands, they clearly understood that the vacant lots would be developed in the future.

Mr. Banchefsky said if the sanitary regulations change, Franklin County Health Department has jurisdiction over those systems. If property owners can comply with the new regulations, they can build. If the regulations allow smaller lot sizes in the future, they could also be built.

Ms. Salay was glad these issues were being resolved. Mr. Gerber was comfortable with this. Mr. Lecklider appreciated Mr. Ferrara coming forward to say that he was fully aware that there was a potential for other houses. It is very rare to hear this.

Mr. Fishman made a motion to approve this rezoning because it provides an appropriate Dublin zoning classification, maintains the established development pattern and eliminates the use of outdated township regulations, with two conditions:

- 1) That the legal descriptions of all affected properties be finalized prior to scheduling the public hearing with City Council; and
- 2) That the property owners be notified by certified mail of the future public hearing, as directed by the Law Director.

Mr. Lecklider seconded the motion, and the vote was as follows: Mr. Gerber, yes; Mr. Sprague, yes; Ms. Salay, yes; Mr. Lecklider, yes; Mr. and Fishman, yes. (Approved 5-0.)

Mr. Sprague thanked everyone for their patience on this complicated matter.