



City of Dublin

Land Use and Long
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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 7, 2013

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

**3. Perimeter Center Planned Commerce District, Subarea I – Crown Kia – Sign
6400 Perimeter Loop Road
13-106AFDP Amended Final Development Plan**

Proposal: To replace a 15-foot tall, 50-square-foot ground sign with a new 15-foot, 2-inch tall, 50-square-foot ground sign for an existing car dealership in Subarea I of the Perimeter Center PCD. The site is located on the north side of Perimeter Loop Drive, approximately 370 feet west of the intersection with Mercedes Drive.

Request: Review and approval of an amended final development plan under the provisions of Zoning Code Section 153.05D.

Applicant: Marc Wigler, Crown Automotive Group; represented by Michael L. Close.

Planning Contact: Rachel S. Ray, AICP, Planner II.

Contact Information: (614) 410-4656, rray@dublin.oh.us

MOTION: Richard Taylor moved, Warren Fishman seconded, to table at the request of the applicant.


VOTE: 7 – 0.

RESULT: This Amended Final Development Plan application was tabled.

RECORDED VOTES:

Chris Amrose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Krumb	Yes
John Hardt	Yes
Joseph Buckle	Yes
Victoria Newell	Yes

STAFF CERTIFICATION



Rachel S. Ray, AICP
Planner II

~~Ms. Amorose Groomes swore in those who intended to address the Commission in regards to the case including Jackson Reynolds, Smith and Hale, [37 West Broad Street, Columbus, Ohio], representing the applicant, Plaza Properties, and City representatives.~~

~~Richard Taylor said a staff presentation was not necessary. He asked why this particular use was a conditional use.~~

~~Claudia Husak explained when the development text was approved in 2004, Health and Allied Services was placed in the category.~~

~~Mr. Taylor asked if Health and Allied Services was typically considered a Conditional Use, or was it just specific to this use. Ms. Husak said the Code was changed to add Fitness as a Permitted Use because it had not been included at all. She said in this particular development, staff is considering fitness types of uses to fit into the Health and Allied Service category. She said the Code allows fitness uses fewer than 15,000 square feet in area to be permitted in the Community Commercial District, which this district would probably fit the shopping center the closest. She explained there is a size limitation to the Permitted and Conditional Uses.~~

~~Ms. Amorose Groomes said moving forward it might be appropriate to limit the 15,000 square feet to have this sort of use so applicants such as this do not have to return so frequently and try to get a Conditional Use on this store thing.~~

~~Ms. Amorose Groomes invited public comments in regards to this application. [There were none.]~~

Motion and Vote

~~Richard Taylor moved, Warren Fishman seconded, to approve the Conditional Use application because it complies with the applicable review criteria.~~

~~The vote was as follows: Mr. Hardt, yes; Mr. Budde, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)~~

3. Perimeter Center Planned Commerce District, Subarea I – Crown Kia – Sign 13-106AFDP 6400 Perimeter Loop Road Amended Final Development Plan

Chair Chris Amorose Groomes introduced this Amended Final Development Plan application requesting to replace a 15-foot tall, 50 square-foot ground sign with a new 15-foot, 2-inch tall, 50-square-foot ground sign for an existing car dealership in Subarea I of the Perimeter Center PCD, located on the north side of Perimeter Loop Drive, approximately 370 feet west of the intersection with Mercedes Drive.

Ms. Amorose Groomes swore in those who intended to address the Commission in regards to the case, including Tom Hart, [2 Miranova Place, Columbus, Ohio] representing The Crown Automotive Group and City representatives.

Rachel Ray presented an overview of the Crown KIA Dealership centrally located between the Crown Mercedes Benz dealership to the west and Crown Chrysler/Dodge/Jeep to the east, just south of the Market District shopping center. She presented a photograph of the existing ground sign which was 15 feet tall with a 50 square-foot internally illuminated sign cabinet. She described the existing sign cabinet's blue background and white lettering with a red circle circumscribing the KIA logo. She reported the Commission added a condition to a previous Final Development Plan to require a subdued shade of red.

Ms. Ray said in August of this year, the Commission reviewed an informal request to modify this sign to be consistent with KIA's new corporate branding. She said at that time, the Commission stated they did not support the proposed sign concept, but they would potentially support a comprehensive update to the sign package for the entire Crown car dealership campus.

Ms. Ray said as part of this application, the applicant is proposing a modification to the existing Crown KIA sign cabinet. She noted the sign cabinet was proposed to be 15 feet, 2 inches tall, which exceeds the maximum Code permitted height of 15 feet, and includes a 7 ½-foot tall aluminum sign cabinet which is 50 square feet. She said the KIA logo is too large at 24 percent of the total area of the sign face, when Code limits secondary graphics to 20 percent of the maximum permitted sign area. Ms. Ray said the shade of red proposed was not considered to be "subdued" or consistent with the earlier condition of approval.

Ms. Ray presented photographs of the existing Crown campus signs for Mercedes, KIA, and the Crown Chrysler/Jeep/Dodge dealerships, and the proposed KIA sign. She said the development text requires signs be architecturally integrated with the dealership buildings and each other. She said while the proposed sign maintains the existing brick base, it loses the blue background, making it no longer consistent with the other campus signs.

Ms. Ray said the proposed sign, in Planning's opinion, is clearly out of place and even though it maintains the brick base, it fails to meet the requirements of the development text. She said for those reasons as well as those areas that exceed what Code allows for signs, Planning recommends disapproval of this application as submitted.

Tom Hart, representing The Crown Automotive Group, said it was the applicant's opinion the proposed sign maintained consistency with the other signs since it used the existing masonry base, and compared to the previous oval-shaped sign cabinet reviewed informally by the Commission, the proposed sign cabinet is rectangular, in keeping with the Code and consistent with the other signs. He acknowledged the sign exceed the Code-permitted height by two inches, and the other inconsistencies with the sign regulations, which needed to be addressed.

Mr. Hart explained the red color is a specific KIA corporate branding color which was important to the manufacturer. He believed it to be a comparable shade of red to other approved signs in the area. He pointed out the Commission's request for a subdued color was now 12 years old, and color standards and expectations in the marketplace have changed since then. He said the white sign cabinet background would disappear into the background.

Mr. Hart said the reality for the applicant is the other two Crown auto brands, Mercedes and Chrysler, are not asking for changes to their signs, making it is difficult to comprehensively modify all of the campus' signs. He requested the Commission's feedback on the proposed sign.

Ms. Amorose Groomes invited public comments with respect to this application. [There were none.]

Victoria Newell stated although she had not represented Crown in over ten years, she had represented them for the very same site currently before the Commission. She said she could not support the sign unless it was part of a comprehensive update applied to all of the dealership's signs.

Joe Budde agreed with Ms. Newell.

Warren Fishman said he agreed with Planning. He said although it had been 12 years, the Commission still wanted the campus to remain beautiful with consistent signs. He reiterated a desire for muted colors and did not want this to look like some roads in other cities. Mr. Fishman said he was totally against the

proposed sign. He suggested the applicant come up with a design that uses muted, natural colors and would be consistent among all of the signs.

Amy Kramb said the applicant had already noted they would address the inconsistencies with the Zoning Code requirements, which was one of her concerns. She said she did not know the background had to be the same exact as the other existing signs, and she was willing to accept a slight difference, using the same base, size, and shape. Ms. Kramb said she could be convinced if there was not such a stark contrast between the very bright white and the red. She said she was fine with the color of red they needed to use to meet their branding, but she did not know what shade of white it should be. She said if it was a very high quality cabinet and at night, just the red part would be illuminated and not the white, she may be able to find the design acceptable.

John Hardt agreed with the other Commissioners that he could not support this application as proposed, with the outstanding Code requirements for height and logo size. He agreed with Ms. Kramb that he was not opposed to KIA using their corporate red color, but what he had trouble with is the stark contrast between the KIA logo and the background. He said at a minimum, he would like to see some kind of alternative, muted background that coordinated with the buildings, and was something that the other dealerships could at least agree to move towards when they decide to change their signs. He said he did not want to prescribe any solutions, but when he looked at this sign, anodized aluminum came to mind.

Ms. Kramb and Ms. Newell said they agreed with Mr. Hardt.

Mr. Hardt said it was a neutral color that could coordinate with the buildings and he thought that the other dealerships could work with that type of background in applying their logos. He said he thought there was a solution, but it was not in front of the Commission tonight and he could not support what had been submitted.

Richard Taylor stated attention to the little details was something he thought was unique about Dublin, and he thought if they started letting these little details drift away, eventually the impact would be noticeable. He said whatever the final solution is, he was in favor of coordinating all three signs and buildings. He recalled not long ago the Commission dealt with the Mercedes dealership that did some rebranding and added blue to the outside of their building. He said all of the signs on the site including the directional signs all use the same blue color across the whole site, which establishes a consistent theme. Mr. Taylor commented the brick on the buildings also provides a high degree of coordination between the dealerships and the signs. Mr. Taylor said he was in favor of, whenever possible, bringing elements of the architecture out to the street and that had been done in a couple of different ways.

Mr. Taylor said a much bigger issue than the color of red which he did not think was that important was the contrast. He said there was not a great deal of contrast between the colors used on the three signs on the campus now, and they were still able to effectively identify the brands. Mr. Taylor said he would be in favor of anodized aluminum because it was also used on the adjacent buildings.

Mr. Taylor said there needed to be a coordinated effort between the three signs and a degree of coordination with the architecture of the buildings. He said another unique detail about Dublin is that whenever we can, we try to make architectural elements a part of signs and other site details. He said in some areas the effect is more garish, but here it is subdued and very tastefully and attractively done.

Ms. Amorose Groomes said previously the Commission commented the building elements should be incorporated into the signs. She agreed some metallic elements would be appropriate to pull into the sign. She agreed with the other Commissioners' comments with respect to the sign height, logo size, and color contrast.

Mr. Hart said he appreciated the Commission's comments. He requested a tabling.

Motion and Vote

Richard Taylor moved, Warren Fishman seconded, to table this Amended Final Development Plan application at the request of the applicant. The vote was as follows: Mr. Hardt, yes; Ms. Amorose Groomes, yes; Ms. Newell, yes; Mr. Budde, yes; Ms. Kramb, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Tabled 7 – 0.)

4. ~~Zoning Code Amendment – Technology Flex Zoning District~~ 13-104ADMC ~~Administrative Request – Zoning Code Amendment~~

~~Chair Chris Amorose Groomes introduced this administrative request to amend Chapters 153.002 and 153.044, Technology Flex (TF) District of the Dublin Code of Ordinances (Zoning Code) to permit commercial vehicle rental as a Conditional Use within the district. She said City Council is the final authority of this application.~~

~~Steve Langworthy said this is an applicant-submitted request for a Code amendment to the new Technology Flex District to allow truck and van rental establishments as a Conditional Use within the District. He summarized the provisions of the proposed amendment giving the specific use standards that would be included, and a definition for Truck and Van Rental establishment. He said previously, when the Commission began with the Innovation and Technology and the Bridge Street Districts, they broke the definitions out into Use Definitions and Non-Use Definitions. He said this is an addition to the Use area definitions for Truck and Van Rental Establishment. He said this applicant originally submitted for the Truck and Van Rental to also include Automobiles, and Planning is proposing a modification to eliminate the Automobile Rental portion of it, as they felt this being in an industrial district, and having automobiles rented would be more of a commercial retail establishment than would a be truck rental.~~

~~Mr. Langworthy said the use specific standards included a minimum basic lot size of 20,000 square feet. He said the applicant originally requested 40 maximum vehicles to be parked on the property at any one time. He said Planning was supportive, but thought it would be necessary to add for every truck over ten, an additional 1,500 square feet of lot area to accommodate those 40 vehicles. He said this use, as proposed would not be permitted on lots bordering freeway or arterial streets. He said the rental vehicles would have a designated parking area, unless they were being staged for rental pickup. Mr. Langworthy said a 26-foot maximum length vehicle would be permitted to prevent tractor trailers rental. Mr. Langworthy said any servicing done on the vehicles is to be done indoors, except washing and cleaning which can be done in the designated parking area.~~

~~Mr. Langworthy said the Technology Flex District has an effective outdoor storage screening requirement that refers back to the landscaping provisions of the Zoning Code regarding Service Structure Screening. He said in the Service Structure Screening it is to be screened one-foot above the highest portion of the equipment stored, but Planning thought given the height of the trucks that could be fairly tall, and determined it was not. Mr. Langworthy said the maximum screen height being proposed is six feet, rather than one-foot above the total height.~~

~~Mr. Langworthy presented a map showing the three locations of the Technology Flex District, by Post Road and the Interchange, on Avery Road by Woerner-Temple Road, and the majority, along Shier-Rings Road between the highway and the property south to Innovation Drive. He pointed out no property bordering the freeway or arterial are permitted to have this use on it, even with the Conditional Use provision. He offered to present a map showing which of the properties within the three major areas would qualify for this use. [No one requested to see the map.]~~



PLANNING AND ZONING COMMISSION

RECORD OF DISCUSSION

AUGUST 22, 2013

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

**1. Perimeter Center Planned Commerce District, Subarea I – Crown Kia – Sign
13-082INF 6400 Perimeter Loop Road
Informal Review**

Proposal: To replace an existing 15-foot tall, 50-square-foot ground sign with a new 14.1-foot tall, 37-square-foot ground sign for an existing car dealership in Subarea I of the Perimeter Center PCD. The site is located on the north side of Perimeter Loop Drive, approximately 370 feet west of the intersection with Mercedes Drive.

Request: Informal, non-binding review and feedback from the Planning and Zoning Commission for a potential Amended Final Development Plan application.

Applicant: Marc Wigler, Crown Automotive Group, represented by Michael Close, Tom Hart, and Isaac Wiles.

Planning Contact: Rachel S. Ray, AICP, Planner II.

Contact Information: (614) 410-4656, rray@dublin.oh.us

RESULT: The Planning and Zoning Commission stated that, although they did not support the proposed KIA sign concept, they would support a comprehensive approach to updating the Crown dealership campus overall sign plan.

COMMISSIONERS PRESENT

Chris Amorose Grooms	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes
John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	(Absent)

STAFF CERTIFICATION

Rachel S. Ray, AICP
Planner II

Motion and Vote

~~Mr. Taylor moved to accept the July 18, 2013 meeting minutes as amended. Mr. Hardt seconded the motion. The vote was as follows: Mr. Budde, yes; Ms. Krumb, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Mr. Taylor, yes. (Approved 6 – 0.)~~

~~Ms. Amorose Groomes determined that the order of the cases heard would be Case 4, 2, 3 and 1. [The minutes reflect the order of the published agenda.] She briefly explained the rules and procedures of the Planning and Zoning Commission.~~

**3. Perimeter Center PCD, Subarea I – Crown KIA – Sign
6400 Perimeter Loop Road**

**13-082INF
Informal Review**

Chair Chris Amorose Groomes introduced this application requesting an informal, non-binding review and feedback to replace an existing 15-foot tall, 50-square-foot ground sign for an existing car dealership in Subarea I of the Perimeter Center PCD, located on the north side of Perimeter Loop Drive, approximately 370 feet west of the intersection with Mercedes Drive.

Rachel Ray presented this proposal to replace an existing ground sign with a new ground sign that would be consistent with the KIA corporate branding standards for sign color and design. She said the existing Crown KIA dealership sign is located in the southwestern corner of the site. She said the Crown Auto dealership was zoned PCD, Planned Commerce District as part of the Perimeter Center development, Subarea I created to specifically for automobile sales facilities. She said included in Subarea I are the dealerships of Crown Mercedes Benz, to the west, Crown/Chrysler/Dodge/Jeep to the east, and Crown KIA. She said a revised development plan for a third dealership was approved in November 2001 for the Chrysler dealership. She said the Chrysler approval also included modifications to the signs for the overall dealership campus.

Ms. Ray presented the existing 50-square-foot, 15-foot tall, internally illuminated sign with a dark blue sign face and translucent white lettering for the copy and logo which included the KIA dealership name. She said it was difficult to see on the rendering, but there is a red circle circumscribing the KIA lettering. She said that was a condition of approval that it be a subdued shade of red when it came before the Commission in 2001. Ms. Ray said the existing sign sits on a brick base consistent with the existing signs approved for the adjacent dealerships in the campus.

Ms. Ray said the proposed ground sign is to be installed in the same location as the existing one and it is approximately 14 feet in height with a rectangular aluminum base and two decorative scoring marks midway through the base. Ms. Ray said that the aluminum sign cabinet is approximately 37-square-feet and has just the KIA logo. She said the sign cabinet includes an opaque white background and an illuminated red KIA lettering.

Ms. Ray said the development text for Subarea I of the Perimeter Center PCD states that architecturally integrated signs are required to meet all applicable Zoning Code requirements. She said the existing overall height and area of the sign meet Code requirements, but the size of the logo and the fact that it is an oval shaped sign cabinet is inconsistent with the requirements. She said this would require a minor text amendment if the sign were to be approved. Ms. Ray said that in addition to the Zoning requirements, the 2001 condition of approval requiring a subdued shade of red would apply to the KIA sign.

Ms. Ray said that the applicant is requesting feedback from the Commission on the proposed sign before a formal application is submitted for an amended final development plan. She said that Planning proposes the following discussion questions:

- 1) *Does the proposed KIA sign design meet the development text requirement that signs be "architecturally integrated" with the dealership campus?*

Ms. Ray presented photographs of existing sign bases on campus that were consistent with the beige brick material that is used as the predominate architectural feature on the buildings. She said the proposed sign has very little resemblance to that particular feature. She showed a photo of the existing KIA, Crown Mercedes, and Chrysler/Dodge/Jeep/Chrysler/Ram dealership signs with very similar sign bases.

- 2) *Would the Commission support a campus-wide request to modify the existing dealership signs? If so, what design considerations should the applicant address through revised campus-wide signs?*

Ms. Ray said the Commission was probably familiar that many car dealerships bringing forward requests to modify their signs and other site elements to be consistent with corporate branding standards. She said in fact, the adjacent Crown Chrysler dealership and the Mercedes dealership came before the Commission in 2009 with request to modify their secondary architecture elements to be consistent with their new branding standards. Ms. Ray said that other car dealerships have received approval from the Commission for comprehensive, campus-wide signs and branding packages. She presented for an example, a photograph of the adjacent MAG dealership to the east which was approved with a special sign plan with five separate categories for different types of signs which included campus and dealership identification signs, directional signs, brand signs, and wall signs, all of which were generally intended to be internally oriented to the site and provide more of a wayfinding onsite campus identification.

- 3) *Does the Commission support minor development text modifications to allow a logo to exceed 20% of the maximum permitted sign area (max. 10 square feet), permit an oval-shaped sign cabinet, and permit a sign that is not "architecturally integrated" with the existing dealership buildings (depending on the outcome of Discussion Question 1)?*

Ms. Ray reiterated that the proposed sign design includes a logo that exceeds that maximum permitted area of 10 square feet, and is oval-shaped rather than rectangular as required by the Code.

- 4) *Others as determined by the Planning and Zoning Commission.*

Tom Hart, 2 Miranova Place, Columbus Ohio, representing the applicant, Marc Wigler, President and General Manager, Crown Automotive Group, said that proposal was driven by the national standards for the manufacturer and contract requirements for signs. He said that their current sign has been there for ten years and they were looking for a modern upgraded approach to the signage for KIA. He said that they appreciated that Dublin has this informal process so that they can get the Commission feedback and understand their thoughts on the issues outlined by Ms. Ray.

Marc Wigler, (5912 Preston Court, Powell, Ohio), concurred that they appreciated this forum where they could try figure out what is needed. He said that they had a lot of pressure from the manufacturer to incorporate branding standards that are important to the dealership, as all three dealerships have this type of sign.

Ms. Amorose Groomes invited public comment regarding this application. [There were none.]

Richard Taylor said that the sign was attractive, but unfortunately, Dublin has always been against what they called 'lollypop' signs, like this one. He agreed that the existing campus signs were dated and that an upgrade would be appropriate. He said he thought it would have to be campus-wide. He said to a certain degree, this sign was architecturally integrated with the existing building, but that theme would have to incorporate all the signs. He said that it was previously done with the MAG campus. He said

likewise, the Mercedes dealership revised the entryway, the dealership integrated it with the existing signs. He said regarding the size of the sign, he did not support the logo being larger than Code permits. He said if the sign is going to be changed, he thought the logo should be kept the maximum size permitted, be integrated into the building and that all the signs be comprehensively modified.

Joe Budde said he agreed that an argument could be made that the look of the sign is integrated with windows of the building and could be acceptable. He said he agreed with comments made by Mr. Taylor that the logo and that it be limited to what Code permits. He said he also agreed that campus-wide approach to modifying all of the signs.

Warren Fishman said that he agreed with the comments of the commission members. He recalled however, that when this campus went in with all of the dealerships, the Commission talked a lot about the fact that it would be low key since it was across from residential development and that it was not going to be a typical auto car mall. Mr. Fishman agreed that the signs were out of date, but said that they had to remain low key, even more than MAG which was in a different location. He said this is kind of the entranceway, and he thought that they did not want to exceed the size or the shape that is in the text now, and he would not be in favor of changing the text. He said he was not in favor of the proposed sign because it looked too commercial and not fitting with the surrounding area. He agreed that there should be a sign package for all of the dealerships that are low key, in good taste, and this not be a big blaring red sign that said KIA.

Mr. Wigler said that 20 years ago when the dealerships began, there were no facility image guidelines like the manufacturers have today. He said the KIA signs are usually 35-foot tall, but he told KIA that the City would not allow that because it was a huge departure from what they have. He said he understood about the sign being low key, but the problem they have is that there is such a departure between three manufacturers. He said the pylon sign was not what Mercedes Benz wanted and Chrysler wanted an entryway which the Commission approved. He said that he understood that they were one campus and they want the signs to be similar, but that there was no real similarity between a KIA and Mercedes. He said that they believed it was time to upgrade the dated signs.

Mr. Fishman said that he sympathized with Mr. Wigler, but there were many other communities that would not allow the sign and perhaps they just do not have KIA dealerships. He said he did not think the sign proposed was typical of signs in Dublin. He reiterated that was reflected in the early meeting minutes, that Crown promised low key, non-blaring, and high end signs. He said he would not support this sign.

Amy Krumb said as shown, she did not think the sign blends into the architecture. She said she would have to see campus-wide signs for all three dealerships that have sign faces that match. She said that she was fine with an oval sign, but she would not support the height. She suggested that the KIA sign that was four feet off the ground, might be acceptable but she would have to see the base. Ms. Krumb said if all the dealerships had a similar base that integrated into the buildings, she thought it would look nice. She did not want to set precedence by allowing them to exceed the 20 percent permissible for a logo size. Ms. Krumb said she had no problem with the red color or the oval sign, but she had a problem with it being that high and not matching the other signs.

John Hardt noted that the development text required that the signs be architecturally integrated with the buildings. He said that this is part of the Perimeter Center PCD, and that similar language appears throughout the entire planned area, and all of the existing signs common elements and match the buildings. He said he was not inclined to drop that architectural integrated language from the development text and he would want to see a solution that incorporates the requirement. He said proposal that all three signs would be something that he would be supportive of. He said he did not think they all had to match, but they needed to incorporate common elements and have a unified base. Mr. Hardt said he had no problem with the shape of the cabinet as long as it met Code requirements for

maximum size. He said he agreed with the other Commissioners that the logo should be limited to twenty percent. He said that the City just recently modified our sign requirements to allow more flexibility with logos but he was inclined to allow further variations.

Ms. Amorose Groomes said that she thought there were options available to architecturally integrating these signs. She said she did not know that they all needed to be the brick. She said other elements of the building could be incorporated into the signs. She encouraged the applicant to find one that suits the dealership. Ms. Amorose Groomes said she would support a campus-wide request to modify this dealership signage. She said she thought the existing signs were very dated and detracted from the area. She said she would not support exceeding the 20 percent for the logo, so she thought they needed to adhere to the Code. She said in terms of the oval shape, she was supportive of it opposed to the square. She said she would supportive of more latitude if they reduce the height. She said the sign cannot be seen from US 33, so she did not know it to be critical to maintain the height.

Mr. Hardt commented that they would be cautious about referring to the Midwestern Auto Group campus as an example. He said those signs came through with a great deal of discussion and they were approved based on the fact that they are architecturally integrated with that building. He said it did not necessarily make them a good fit for this building. He said he thought they needed to come up with something that was unique to this facility.

Ms. Amorose Groomes asked if the applicants had received clear feedback from the Commission.

Mr. Wigler said that they had received clear direction and thanked the Commission for their feedback. He said that they would like to upgrade the signs and maintain a high standard of signs.

**2. ~~Village of Goffman Park PUD~~
13-076PP/FP**

**Kenzie Lane
Preliminary Plat/Final Plat**

~~Chair Chris Amorose Groomes introduced this application requesting a review and recommendation of approval to City Council of a preliminary plat and final plat for a subdivision of 2.339 acres into two reserves to facilitate the development and construction of 28 condominium buildings, on the north side of Wall Street, east of Discovery Boulevard.~~

~~Gary Gunderman presented this application for the site located between Post Road and Wall Street. He said that the Agenda and Notices incorrectly stated that the parcel was 8.77 acres being split into three parcels, when it was actually 2.339 acres being split into one reserve. He said technically, this is a preliminary and final plat, but it is more of an administrative issue intended to transfer the title to the subject area from one person to another. Mr. Gunderman said there is no impact or change in any of the development features. He explained that the previously approved final development plan for the 63 condominium project remains unchanged. He said that there was nothing about this particular action that has any impact on it. He said all it does is make it possible for the ownership to transfer of this area which was a feature that probably was not necessary in the past. Over the past few years, financial institutions have taken a somewhat different attitude. He said to proceed with this project and obtain building permits and financing, the applicant needs to have title to the underlying real estate. Mr. Gunderman pointed out that that this was a Reserve lot because the intent is to continue with condominiums over the top of this area just as the first portion of project has been done. He said otherwise, it would have been called a lot, but as a reserve, its intent is unique because it is to have condominiums on top of it. He said that there will be no change in the approved final development plan. Mr. Gunderman said that this final plat will allow the applicant to take title to this area, but if they want to continue on with more of the project, they will need to do something similar, and depending upon how development proceeds may need to amend the Final Development Plan.~~

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

May 1, 2003



CITY OF DUBLIN

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

Phone/TDD: 614-410-4600
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The Planning and Zoning Commission took the following action at this meeting:

6. **Revised Development Plan/Conditional Use 03-021RDP/CU – Crown Kia Carwash – 6400 Perimeter Loop Road.**
Location: 2.96 acres located on the north side of Perimeter Loop Road, 300 feet east of Mercedes Drive (private).
Existing Zoning: PCD, Planned Commerce District (Perimeter Center plan).
Request: Review and approval of a revised development plan and conditional use for an auto-oriented facility under provisions of Sections 153.056 and 153.236.
Proposed Use: A 1,560 square foot carwash addition to an existing dealer.
Applicant: Hawkins Family Partnership, 5237 34th Street North, St. Petersburg, Florida 33714; c/o John Oney, Architectural Alliance, 165 North Fifth Street, Columbus, Ohio 43215.
Staff Contact: Jamie E. Adkins, Planner.

MOTION 1: To approve this **revised development plan** because the proposed carwash is consistent with the purpose, intent, and applicable standards of the Code and is a necessary element for the use of the site with 18 conditions:

- 1) That the portion of the previous revised development plan approval (98-095RDP) providing for the expansion of the Kia dealership building be rescinded unless compliance with text-required parking is demonstrated;
- 2) That a revised landscape plan, incorporating the comments in this staff report, be submitted for staff review and approval;
- 3) That all conditions be incorporated into revised plans within 30 days and prior to a permit pre-submittal meeting;
- 4) That a revised site lighting plan be submitted demonstrating conformance with the Lighting Guidelines;
- 5) That the entrances along Perimeter Loop Road and Mercedes Drive be finished with brick pavers or stamped concrete per text requirements, subject to staff approval;
- 6) That the rezoning is approved by City Council;
- 7) That the landscaping, including perimeter screening and treatment of the storage lot, meet Code and be coordinated with adjacent sites, and subject to staff approval;
- 8) That stormwater management be designed according to the requirements of the City Engineer;
- 9) That matching building materials and consistent elevations, and colors be used to integrate with the existing dealership, subject to staff approval;
- 10) That site lighting utilize the same or matching fixtures as the existing dealership, and conform to the Dublin Lighting Guidelines;

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

May 1, 2003

6. Revised Development Plan/Conditional Use 03-021RDP/CU – Crown Kia Carwash – 6400 Perimeter Loop Road (Continued)

- 11) That text, composite plan and subarea map for Perimeter Center be amended to reflect these changes;
- 12) That Mercedes Drive (private road on the north property line) will need to be constructed in connection with either Perimeter Center or with the property to the east being built;
- 13) That the preliminary grades for the extension of Mercedes Drive be approved by Engineering;
- 14) That any direction signage comply with the Sign Code;
- 15) That a program for the installation within one year of the “Avery Road Buffer” be submitted within 30 days;
- 16) That all rooftop mechanicals be fully screened;
- 17) That a reduced set of 11” by 17” plans be submitted to the Planning Division; and
- 18) That the design incorporate an automatic door feature that would keep the door in the closed position unless a vehicle is directly traversing the door threshold.

* John Oney agreed to the above conditions, some of which were carried over from previous approval(s).

VOTE: 6 – 0.

RESULT: The revised development plan was approved.

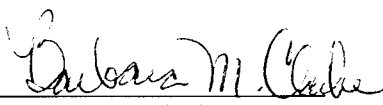
MOTION 2: To approve the **conditional use** because it meets the approval criteria with one condition: That the hours of operation be limited to 7 a.m. to 9 p.m. Monday through Friday, 9 a.m. to 6 p.m. Saturday, and closed on Sunday, being modified in the future if complaints arise, subject to staff approval.

* John Oney agreed to the above condition.

VOTE: 6 – 0.

RESULT: The conditional use was approved.

STAFF CERTIFICATION


Barbara M. Clarke
Planning Director

Mr. Gerber said the Commission disapproved the final development plan before because it lacked the live/work feature, and this is basically the same plan.

Mr. Sprague said the design of the pond is not pedestrian-friendly and accessible. He is torn on this issue.

Mr. Ritchie said he has a land use problem and a lot of issues with the site plan.

There was discussion about framing a positive or negative motion. Mr. Ritchie made a motion for approval, seconded by Mr. Zimmerman. The motion was withdrawn.

Mr. Ritchie made a motion to disapprove this revised preliminary development plan because the proposal is inconsistent with sound zoning, planning and design techniques, and the Community Plan, and the development does not incorporate a variety of land uses with proper relationships to the existing land use and structures.

Mr. Zimmerman seconded the motion, and the vote was as follows: Mr. Gerber, yes; Ms. Boring, yes; Mr. Sanholtz, yes; Mr. Sprague, no; Mr. Messineo, yes; Mr. Zimmerman, yes; and Mr. Ritchie, yes. (Disapproved 6-1.)

6. Revised Development Plan/Conditional Use 03-021RDP/CU – Crown Kia Carwash – 6400 Perimeter Loop Road

[Ms. Boring recused herself from this case and left the dais.]

Jamie Adkins said this is a revised development plan to add a carwash for Crown Kia. She said the site is zoned PCD, Planned Commerce District for auto dealerships and is near Perimeter Center and Craughwell Village. The proposed carwash is 1,560 square feet. The east and west openings will have overhead doors. Some parking will be removed.

Ms. Adkins said the materials would match the existing building. The existing overhead door will be replaced with brick to match the existing building and trees are to be relocated.

Mr. Gerber asked about Code compliance. Ms. Adkins said previous conditions are either complete or in process. There is still construction activity. She said, according to Code Enforcement, the conditional occupancy is to expire at the end of May and that should give them time to resolve any issues.

Mr. Gerber said he saw cars on stands and they are still unloading cars on the street.

Mr. John Oney, Architectural Alliance, representing Crown Motors, said this proposal will help complete the three buildings and three sites in the Crown campus. Their goal is to unify all three into one development with consistent materials, colors, cross parking, circulation, lighting, signage, and landscaping. The unloading can now be done on site.

Mr. Oney said the curb cuts were all supposed to be stamped concrete. The original ones were brick and have deteriorated. These will all be replaced when they are ready to open.

Mr. Oney said this carwash is for their use only. A door facing Mercedes Drive was removed. The middle building has a carwash operation being relocated. They are in the process of meeting all conditions from the last meeting. He said they agree with all of the conditions in the staff report.

Regarding Mercedes Drive, Mr. Oney said Crown does not own it, and the owners were contacted by letter regarding its maintenance.

Mr. Sprague said noise is a concern and wanted a 9 a.m. to 6 p.m. limit. Also, when a car is not entering or exiting, the doors should be closed to minimize the noise. Mr. Gerber agreed and suggested 7 a.m. to 9 p.m.

John Green, Crown Facilities Manager, said their hours are Monday through Friday until 9 p.m., Saturday till 6 p.m., and the service department is closed on Sunday. Mostly the car wash will service customers that bring their vehicles by, or following servicing so they have a clean car to drive home. He can not promise they will be done by 6:00 p.m.

Mr. Sanholtz asked about door closure during the wash cycle. Mr. Green said this carwash is a tunnel-type operation and they are driving in one end and exiting through the other. so it would not be feasible to close the doors.

Kent Smith, Renier Construction, said the carwash is not finalized. The model being considered has a hard surfaced door that is closed during operation. The carwash they are considering only produces 80 decibels of noise. No noise, due to positioning, should go towards the apartments.

Mr. Oney said they have regular aluminum insulated doors with automatic openers. The doors will be closed if not in use. To wash a car, the doors will come up and then go down. Mr. Smith said they designed the building to be 78 feet long so the blowers will be further inside the building. It helps during freezing weather to keep all of the water inside the heated building.

Mr. Gerber said they need to do something with doors for noise abatement. If there are complaints, the Commission will need to modify the operational hours.

Mr. Oney said they will shut the doors immediately whenever possible, then the car will go out the other end. It is automatically timed.

Mr. Sanholtz suggested a condition that the design incorporate an automatic opaque door feature that would make the doors rest in a closed position unless a vehicle was in the doorway. Mr. Gerber and Mr. Sprague discussed how to limit the hours of operation.

Mr. Ritchie made a motion approve the **revised development plan** because the proposed carwash is consistent with the purpose, intent, and applicable standards of the Code and is a necessary element for the use of the site with 18 conditions:

- 1) That the portion of the previous revised development plan approval (98-095RDP) providing for the expansion of the Kia dealership building be rescinded unless compliance with text-required parking is demonstrated;
- 2) That a revised landscape plan, incorporating the comments in this staff report, be submitted for staff review and approval;
- 3) That all conditions be incorporated into revised plans within 30 days and prior to a permit pre-submittal meeting;
- 4) That a revised site lighting plan be submitted demonstrating conformance with the Lighting Guidelines;
- 5) That the entrances along Perimeter Loop Road and Mercedes Drive be finished with brick pavers or stamped concrete per text requirements, subject to staff approval;
- 6) That the rezoning is approved by City Council;
- 7) That the landscaping, including perimeter screening and treatment of the storage lot, meet Code and be coordinated with adjacent sites, and subject to staff approval;
- 8) That stormwater management be designed according to the requirement of the City Engineer;
- 9) That matching building materials and consistent elevations, and colors be used integrate with the existing dealership and subject to staff approval;
- 10) That site lighting utilize the same or matching fixtures as the existing dealership, and conform to the Dublin Lighting Guidelines;
- 11) That text, composite plan and subarea map for Perimeter Center be amended to reflect these changes;
- 12) That Mercedes Drive (private road on the north property line) will need to be constructed in connection with either Perimeter Center or with the property to the east being built;
- 13) That the preliminary grades for the extension of Mercedes Drive be approved by Engineering;
- 14) That any directional signage comply with the Sign Code;
- 15) That a program for the installation within one year of the “Avery Road Buffer” be submitted within 30 days;
- 16) That all rooftop mechanicals be fully screened;
- 17) That a reduced set of 11” by 17” plans be submitted to the Planning Division; and
- 18) That the design incorporate an automatic door feature that would keep the door in the closed position unless a vehicle is directly traversing the door threshold.

Mr. Oney agreed to all the conditions. Mr. Gerber seconded the motion and the vote was as follows: Mr. Sprague, yes; Mr. Zimmerman, yes; Mr. Saneholtz, yes; Mr. Messineo, yes; Mr. Gerber, yes; and Mr. Ritchie, yes. (Approved 7-0.)

Mr. Ritchie made a motion to approve the **conditional use** because it meets the approval criteria with one condition: That the hours of operation be limited to 7 a.m. to 9 p.m. Monday through Friday, 9 a.m. to 6 p.m. on Saturday, and closed on Sunday, being modified in the future if complaints arise, subject to staff approval.

Mr. Gerber seconded the motion, and the vote was as follows: Mr. Messineo, yes; Mr. Saneholtz, yes; Mr. Sprague, yes; Mr. Zimmerman, yes; Mr. Gerber, yes; and Mr. Ritchie, yes. (Approved 6-0.) Mr. Oney thanked the Commission. Mr. Gerber said he thinks Crown is in good hands and appreciates Mr. Oney’s help.



CITY OF DUBLIN

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

MAY 2, 2002

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:

- 1. Rezoning 02-032Z – Perimeter Center, Subarea I – Text Revision - Crown Dealerships – 6350, 6400, and 6520 Perimeter Loop Road**
Location: 13.42 acres located between Perimeter Loop Drive and Mercedes Drive (private), approximately 200 feet north of US 33/SR 161.
Existing Zoning: PCD, Planned Commerce District (Perimeter Center plan).
Request: A rezoning to PCD, Planned Commerce District under the provisions of Section 153.058.
Proposed Use: A text revision for one proposed and two existing car dealerships.
Applicant: Dwayne Hawkins, 6001 34th Street North, St. Petersburg, Florida 33714; represented by Victoria Newell, Meacham and Apel Architects, Inc., 6161 Riverside Drive, Suite A, Dublin, Ohio 43017.
Staff Contact: Chad D. Gibson, AICP, Senior Planner.

MOTION #1: To disapprove this rezoning application as submitted.

VOTE: 6-0.

RESULT: Motion to recommend disapproval passed.

MOTION #2: To amend the existing Subarea I text to reflect a ten-foot minimum sideyard pavement setback along the west boundary of parcel #273-010210 (6350 Perimeter Loop Road) because it allows development to proceed uninterrupted, recognizes an existing condition, and is consistent with the November 15, 2001 approved conditions.

* Ms. Newell agreed to this text amendment.

VOTE: 6-0.

RESULT: The above motion to amend the Subarea I text was approved.

STAFF CERTIFICATION

Barbara M. Clarke, Planning Director

~~Ms. Boring made the motion to accept the documents into the record. Mr. Messineo seconded the motion, and the vote was unanimous in favor. (Approved 7-0.)~~

~~Mr. Gerber made the motion to approve the April 11, 2002 minutes and Mr. Ritchie seconded. The vote was as follows: Ms. Boring, abstain; Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Saneholtz, abstain; Mr. Messineo, yes; Mr. Ritchie, yes, and Mr. Gerber, yes. (Approved 5-0-2.)~~

~~Ms. Clarke said the Commission van tour of the City is scheduled for Saturday, May 4, from 9 a.m. until noon. Refreshments will be served prior to departing from City Hall. She noted there are still a few remaining seats in the van. She also announced another Board and Commission training session is scheduled on May 16, 7-10 p.m., to review the Community Plan and Mt. Auburn Study. She asked the members to turn the pages of both documents before May 16.~~

~~Mr. Sprague explained the meeting procedures and that no new cases are introduced after 11:00 p.m. He noted Case 2 would be heard first as a consent item, and then the other cases will be heard in order. [The minutes reflect the order of the published agenda.]~~

1. Rezoning 02-032Z – Perimeter Center, Subarea I – Text Revision – Crown Dealerships – 6350, 6400, and 6520 Perimeter Loop Road

[Ms. Boring recused herself and left the room due to a conflict with this case.]

Chad Gibson said this rezoning application would amend the existing Perimeter Center Subarea I text. This application is necessary because Development Plan 99-073RDP was approved in error. That site plan did not meet the minimum sideyard setback for pavement of 25 feet. Mr. Gibson said that car dealership is under construction and grading is complete.

He said it is staff's goal to facilitate this text amendment to allow the applicant to continue with construction without delay. The proposed text submitted by the applicant contains a large number of changes addressed in the staff report. However, in the interest of simplicity, staff would like to focus discussion on this sideyard issue as the sole issue under consideration this evening. He showed several slides of the site.

The 13.42-acre site is located between Mercedes Drive (private) and Perimeter Loop Road, and it is zoned PCD, Planned Commerce District as part of the Perimeter Center Plan. A property line exists between the easternmost and central parcels. The service road is located ten feet from the property line. Mr. Gibson said the building meets the sideyard standard. He noted the existing dealerships will be changing buildings and Kia will be added.

Mr. Gibson said based on the submitted text, staff is recommending approval of this text amendment with the six conditions from the staff report:

- 1) That the text be revised per the comments made by the Commission and within this report, and that a "clean" copy of the text be submitted within seven days;
- 2) That the text be modified to require high quality architecture that emphasizes coordination between the three sites, in keeping with high community standards and the Perimeter Center development;
- 3) That a legally executed landscape easement be submitted for the western property line of the new dealership within seven days, subject to staff approval;

- 4) That the existing side yard standards not be eliminated from the text, but be modified to articulate 4 existing/approved conditions;
- 5) That the text be revised to indicate a maximum number of signs and that all signage is subject to review and approval by the Planning and Zoning Commission; and
- 6) That the maximum height indicated on the text (65 feet) be reduced to 45 feet.

Mr. Gibson said staff suggests a more simplified application which solely relates to the sideyard issue in the interest of facilitating this application through the system.

Victoria Newell, Meacham and Apel Architects, representing the applicant, said she did not know what was being discussed. She said they went through the rezoning process, and they received plan approval, including a very long drive that was ten feet off the property line. The approved text states that it has to be 25 feet from that property line. She said they agreed at that Commission meeting that they would do a landscape easement, addressing that condition.

Ms. Newell said Dublin denied their building permit for violating that 25-foot sideyard. She said they were asked to clean up the text to address the non-compliant issues. Some changes were not properly documented, but this was not the only issue. The text had been revised many times but not retyped. For example, in the beginning, the text stated that cars are to be parked in single rows, side-by-side, or tail-to-tail, but not both. However, stacked parking for storage has been approved twice. She said the Commissioners had been provided with a strikeout copy showing the proposed modifications. She said at least twice they had been before the Commission to make text changes, and the changes have really never been reflected in the print. She said the City did not have the text which reflects recent changes. The text was never retyped.

Ms. Newell said they agreed with very few of the conditions listed above. Several readdress issues that have already been resolved, it seemed foolish for them to reopen them.

Mr. Sprague said it seemed there were two components being considered this evening. One was an expedited review of the text revision to address the setback and the other is the text clean up and conditions that perhaps could be done between staff and the applicant later.

Ms. Newell agreed, as long there was nothing that held up the permitting process and they were not renegotiating something already in place. She said their intention was to clean up the text so that the record was clear. She said that was exactly what the Commission had in front of them.

Mr. Sprague asked if the 10-foot setback is addressed tonight, with the other issues deferred, would Ms. Newell agree this will probably allow them to proceed with the permitting process.

Ms. Newell agreed. However, the way the text is addressed, the landscape easement would no longer be required. To complete the process with the Building Division, her rejection letter said that they have to have that landscape easement in place. She wants this resolved.

Mr. Gibson said Mr. Sprague's suggestions were acceptable to staff. He said the landscape easement along the property line between the easternmost and central parcels (the existing Mercedes dealership and the site under construction), is required landscaping between sites. Due to the fact that there is an existing mound along the property line of the central car dealership, it did not make sense to add another mound directly adjacent to it. The landscape easement

provides for landscaping and screening into perpetuity. If the mound were removed, it will be the applicant's responsibility to provide screening along that eastern property line.

Ms. Clarke asked if that meant that with a landscape easement, that the one mound could serve for two separate properties. Mr. Gibson agreed. He said staff had the applicant augment the screening along that mound instead of constructing an additional mound.

Ms. Newell disagreed. She said they added trees to the mound because there are service entrance doors that are being screened. She said she thought if the sideyard went away, there was no reason for the landscape easement.

Mr. Gibson said the sideyard was not going to go away. Ms. Newell said it had to go away.

Ms. Newell said they had an existing building on the Mercedes site with no landscaping between the two properties. She said if the text is being cleaned up, it is five feet off of its property line.

Mr. Gibson suggested to resolve this problem, that it be inserted into the text that sideyards are based on previous development plan approvals. Mercedes, for example, got approval of a development plan with a building, showing some distance along the side property line. That would be an acceptable sideyard, based upon that development plan approval.

Ms. Newell asked if that would apply across the entire site. Mr. Gibson said no, individually.

Ms. Newell said they could not accept that because the text applies to each of the three parcels. If something has been allowed to occur already on a site in Subarea I, then that should be applied to all three parcels. Each building should not have a completely different setback.

Mr. Gibson said the issue would have to be resolved. Ms. Newell agreed.

Mr. Gibson said he believed the sideyard issue was caused by staff's oversight at the development plan. Resolving the setback issue will allow construction of the dealership to continue tonight. He said staff still wants a landscape easement to be provided.

Mr. Sprague asked Ms. Newell if she wanted action tonight on the sideyard and landscape easement issues in order for them to go forward with the permitting process. Ms. Newell agreed.

Ms. Newell said the existing building that houses the current Mercedes dealership will be a Kia dealership. It is currently constructed five feet off the property line to the west.

Mr. Sanholtz asked if that was the same property line where the service drive is located, or is it between the two existing dealerships. Ms. Newell agreed it was along the service drive.

Ms. Newell said each property uses the same subarea text. Before they rezoned the site, it was agreed that all three sites would be viewed jointly. She noted the Crown Mercedes site does not even have curb cuts. Access is through the two adjacent sites. She said the property lines are only a matter of semantics, but they are not imaginary lines to the dealerships. They have a leasing agreement between each of the dealerships. For example, in each individual agreement, the dealership has full control over its site. The property lines serve as delineation for the owners

only. Ms. Newell said they went before the Commission and asked them to approve these three parcels being considered united, still leaving the property lines in place and it was approved.

Mr. Sanholtz asked if the business agreements were necessitate maintaining the three separate properties. Ms. Newell agreed. This would be very easily fixed if the three lots were combined. She said if that were possible, it would have been done, but they cannot without violating the leasing agreements. That is why they are before the Commission tonight.

Mr. Gibson said on October 15, 1998, during the minor revision to a development plan hearing, there was discussion about combining these parcels which would have done away with any interior sideyard requirement. He said it showed up as a condition. Subsequent to that date, the applicant returned and said that they did not wish to combine the parcels.

Mr. Sprague asked when did the applicant indicate that they were unable to proceed with the consolidation. Mr. Gibson said it had been mentioned that it was last year.

Mr. Sprague asked if it were a fair statement that when the Commission was considering the parking implications for all three parcels, in a “unified” manner, there was still a thought that the applicant would proceed in an attempt to combine the parcels. Mr. Gibson agreed.

Ms. Newell said the only parcel that she remembered that they had ever made the commitment to combine, was when they added additional parking area. She said that had been done twice.

Mr. Gerber asked if the sideyard and landscape easement issues need to be approved to continue with the permitting process. Mr. Banchevsky said he did not believe that to be the case.

Ms. Newell said it was a condition of her rejection letter from the building division that the landscape easement had to be executed to proceed with the permit process.

Mr. Gibson confirmed that on November 15, 2001, the development plan approval required a landscape easement along that property line. It has not been done and is an outstanding issue that would prevent issuing a final building permit. Ms. Clarke said the purpose of that landscape easement is to show that both properties, east and west of that line, meet the Landscape Code.

Ms. Newell said it did not meet the Landscape Code on both sides. She said she and her client wonder why they were providing the landscape easement. It should not be needed if the sideyard issue is resolved. The existing required landscaping will not go away. The sideyard issue is being resolved in the text. She believed that only one of the issues needed resolution. If the landscape easement is provided, she did not feel a text revision was necessary.

Mr. Gibson read the condition from the last revised development plan: “That a legally executed landscape easement be submitted prior to the issuance of a certificate of zoning plan approval.” He said the intent was to eliminate the need for two side-by-side mounds. The Code requires screening between sites. It does not matter if the sideyard is adjusted.

Ms. Newell noted the mound was still required. Mr. Gibson said that was correct, but it cannot be guaranteed if someone else purchases the site.

Mr. Messineo said that was the key. These are still separate real estate parcels, and the mound does not straddle the property line. It is on one side. He said he understood this request was to preserve the ability to have one landscape mound even if the property was subsequently sold.

Ms. Newell said their text modifications set out the things the applicant must do if the property is sold. She did not believe they could really separate these properties from each other, but the protections are there if it occurs. They cannot sell it without addressing the landscaping and cross-access easement issues. She said as the text is being written, it is for Dublin's protection.

Mr. Saneholtz said if the sideyard issue is finalized, only the easement language for the landscaping remains. Ms. Newell agreed if the other conditions, like building height, are not being addressed now.

Mr. Saneholtz understood that if the sideyard is remedied and the applicant provides an easement for the landscaping, then the permit could be issued. Mr. Banchevsky agreed.

Ms. Newell said the proposed text would not require an easement in addition to the modification to the sideyard. It requires the easement to be addressed if the owners sell or divide the properties. As long as this applicant owns all of the properties, the easement is not needed. She said they were not doing anything to change the conditions placed in front of the Commission.

Ms. Newell said it was not right to open up the text again and submit a revision. She noted there are still other issues that will remain in violation because of the way this has been handled and approved in the past. It is not clean, clear, or fair to her client. She said access easements have been allowed on different adjoining properties in the past. Instead of addressing the landscape easement by rewriting the entire text, they were done as cross access easements. Ms. Newell said she felt they thoroughly addressed these issues when they came before the Commission last time. She said they should not have been asked to come back and revise the sideyards.

Frank Ciarochi clarified that if the Commission resolves the sideyard and the easement, then its recommendation goes onto City Council. This would permit the staff to continue the process so that the applicant is not slowed down and does not have to de-mobilize.

Mr. Sprague said essentially, Ms. Newell and Mr. Gibson are almost in complete agreement. The Commission's expedited recommendation will facilitate the building process and applicant's timetable. The core issues for both sides of the issue seem to be closely aligned.

Mr. Messineo asked about page 5 where it covered yards and setback requirements. He noted item 3 stated there shall not be sideyards whatsoever. He asked if this were correct.

Ms. Newell said yes, because they thought that was the easiest way to clean things up. The Mercedes building was constructed five feet from the property line. It went through the plan review process. Now they have a condition requiring the building to be 25 feet from the line and the driveway is 10 feet from the line. It is an issue now, but it was not an issue in the past. They have done what was asked repeatedly. She thought removing the setbacks in their entirety resolved it. It would bring everything into compliance. It should be simple to understand.

Mr. Messineo asked if making the setback zero had anything to do with needing the extra ten feet. Ms. Newell said the site was approved with a driveway ten feet away from the property line, but the situation on the Mercedes site is different. It has no pavement setback.

Mr. Messineo asked what was the rationale for allowing the Mercedes dealership within five feet of its property line. It might have been anticipated that it would be one parcel.

Ms. Newell said the records indicate that they were combining parking areas. There was nothing addressed at that time regarding landscaping between parcels. In her several years working on this project, she has made four presentations. It was never an issue that the building was too close to the property line. The staff never requested combining lots or moving the building.

Regarding permits, Ms. Newell said the City had tried to accommodate them as best they could. They got a foundation start and a shell permit. They can proceed with the outside of their building only. They cannot construct the driveway as shown unless the setback is resolved, and the driveway should be built in one or two months. She said her client needs to occupy this building by June 1. The building's tilt-up concrete panels facilitate speedy construction.

Mr. Messineo read from the text, page two, "Interrelationships of Rezoning for Existing Development Plans, As a result, it is a condition of the text revision rezoning that any future use of Subarea I by unrelated entities will require submission of appropriate cross access and shared parking agreements to Planning Staff and the Law Director's office to address the interrelationships of the separate parcels within the overall concept of the single site utilization requirement set out in this text." He was concerned about defining "unrelated entities," and just requiring "submission," not approval. Ms. Newell said they would modify it in any way.

Mr. Messineo asked if staff wanted to have landscape easements set now. Mr. Gibson said yes, as reflected in the November 15, 2001 Record of Action. It would be a carryover condition.

Ms. Newell said the landscaping easement was not needed if the sideyard issue was resolved. Her client should not be delayed. Mr. Messineo noted this applicant had been issued all required permits to date. Ms. Newell said their permitting process was delayed for two months.

Mr. Sprague said the Commission would act reasonably to expedite the applicant's timeline. He said the parcels are not combined and could be sold. A future landowner would be required to pay for a mound (landscaping) to be placed on the adjoining parcel, with that owner agreeing to this in advance. Ms. Newell agreed. Mr. Sprague said then all that is being asked is for an easement to be executed from one owner to another for a fee or consideration.

Ms. Newell said the record indicated that the easement also concerned the driveway only ten feet off the property line. If they did the landscape access easement, and they addressed the 10-foot issue for the driveway as one issue, she would have no reason to be before the Commission tonight. They would have simply done the landscape easement, but that would not resolve the text sideyard clearance of 25 feet. If the text is revised for the sideyard clearance, then the landscape easement is no longer required.

Mr. Messineo said if the sideyard issue and the easement are handled tonight, the permitting process can continue. Ms. Newell was not sure she understood what he was saying.

Mr. Messineo said this is quite complex, and he is most concerned about continuing the process. If the sideyard is reduced and the easements are handled, this allows the applicant to continue. The balance of the text could be handled at another time.

Ms. Newell agreed, but did she need the landscape easement or not? She did not know what was needed to resolve the sideyard issue this evening. She asked for a clarification.

Mr. Sprague said he thought Ms. Newell wanted the sideyard pavement setback reduced to ten feet. Ms. Newell said, no, she wanted a zero setback, and it should apply to all sites.

Mr. Sprague understood and said he was trying to be fair in this very complicated process. It is a moving target. He said they need to fix their view of the three existing parcels.

Ms. Newell disagreed and said the Commission previously viewed all three sites jointly. The Chrysler site would violate the parking Code. Parking and lot coverage are balanced among the sites, and she did not want them viewed separately now. The setback requirements should be the same for all sites under the subarea text. Ms. Newell said they have been brought before the Commission to revise the text. They are asking for it to clearly apply to each parcel.

Mr. Sprague said he did not know if there would be prejudice in allowing the five-foot setback to remain, and then allowing a ten-foot setback, and still requiring the continuation of the condition to provide a landscape easement between two parcels. They are still two legally separate parcels. He said all that is needed is execution of a piece of paper between two owners, per the Landscape Code. He said it would keep them on target and suggested working out additional text concerns with the staff. The text could come back for a Commission hearing later.

Ms. Newell did not want to leave it with a different setback for each parcel. She said she had done several rezonings to add dealerships, but not when there was a building addition. She said she was asked to incorporate standards into the Subarea I text, so they was applied the same to each parcel. Now, the Commission was saying the opposite. They would not agree to that.

Mr. Ritchie asked about the height limit on the western site (original building). Ms. Newell said 65 feet. Mr. Ritchie said he needed time to understand the inconsistencies as outlined.

Mr. Sprague wanted to keep the applicant on track with the building and to create compliance with the condition to which have already agreed.

Mr. Gibson said the staff is proposing that the text formally allow the unique setback arrangement for each dealership, based on the previously approved development plans. For example, however the Commission approved the western building, those setbacks would apply to that site. The middle parcel was approved with the building five feet from the property line, and that would be permanently established, etc.

Mr. Sprague re-stated this. He said that for plans that have been approved and are now legally enforceable, the Commission would change its approach. Instead of saying they want uniformity for all three sites in the text, the sites would be permitted to continue to utilize legally compliant and enforceable conditions and approved plans as their overarching organizational theme.

Ms. Newell preferred eliminating the sideyard in the text.

Mr. Sprague said he understood that the applicants attempted to combine the three parcels but were rebuffed by the franchised dealerships. Ms. Newell agreed. Mr. Sprague said legally, these are distinct parcels and the Commission had to operate under that.

Ms. Newell said having a variety of setbacks in all in Subarea I made absolutely no sense. Mr. Banchevsky suggested that these three parcels be deed restricted so that they only could be sold as a unit. Ms. Newell did not think her client would agree to that.

Mr. Sprague said it seems that they are just recognizing a legal and factual set of conditions that are already in existence. This seems easiest to keep the building on track. He said the applicant can always come back later and seek an amended text.

Ms. Newell said she did not want to go through this repeatedly.

Mr. Sanholtz asked if this separate parcel had been sold to him for a business, would he have a zero lot line, or 25 feet? Ms. Clarke responded the existing text requires a 25-foot setback.

Mr. Sanholtz said the approved ten-foot setback was a staff oversight, so the property owner has benefited by using the additional 15 feet of property. Now, the applicant wants to reduce to zero. It seems as if they are asked to view these as one parcel, but the owner retains the right to transfer them individually. This seems inconsistent to him. He said the applicant can meet its business requirements, and he supported the option presented by the staff.

Ms. Newell they asked at the Commission meeting for the third site, and the staff report covered the issues. Their site could not meet the lot coverage and parking requirements. They had asked the Commission to give them direction, and they were directed to view it in its entirety. They would have modified the design to meet the 25-foot setback in the text, etc. She said staff asked them not only to address certain items, not just on the third site, but also on all three parcels.

Ms. Newell said now, after they reviewed them as a single site and they had an approved plan, the City wants the parcels to be treated differently. The access drive was discussed at great length at the meeting, and it was noted that the driveway would be ten feet off the property line. It was never raised as an issue. The Commission agreed to review all three parcels as one site. Signage was discussed for all three sites and that became an issue.

Mr. Sprague asked if Conditions 3 and 4 above were approved, allowing the permit process to continue, he understood the remaining conditions could be addressed between the applicant and staff. Mr. Banchevsky agreed.

Ms. Newell felt the City was asking for double standards of her applicant. She wants to follow through as previously approved. If they look at all three parcels together, they should not be appearing before the Commission. She said this was previously resolved, and they should be allowed to continue according to that. If the sideyard clearance is being readdressed, it should be done fairly for her client. She wants it reduced to zero on all sites.

Mr. Banchevsky asked how Ms. Newell's client is damaged if this is treated as separate parcels.

Ms. Newell said at the last meeting, issues arose for the other two sites that would not have arisen otherwise. If they needed to meet a 25-foot setback, they could have redesigned it then with lower square footage and balancing the parking count. She had asked the Commission for clear direction. Staff had asked, with the third parcel, for combined access to the middle site. They agreed to this, but then more things were requested for the other sites, such as signage. Ms. Newell said if the setback had been the issue on the third parcel, she would have met it, and those other areas would not have been discussed. Things would have been limited to the third site. Now, a change in that agreement is asked. Her client wants the same text for all three sites.

Ms. Banchefsky again asked how Ms. Newell's client would be damaged if the Commission approved site-specific setbacks that reflect reality and what actually is built.

Ms. Newell said they had already made many concessions in the review process that they would not have had to do. The record cannot be separated and changed. They might not have made those same concessions. If they were just limited to that third parcel, they would have approached it differently. With executed access easements, no sideyard adjustment is needed. She said it could have been addressed in the access agreements they agreed to provide.

Mr. Messineo asked about the building under construction. Ms. Newell said there is a ten-foot pavement setback, but the building complies with the 25-foot requirement.

Ms. Newell said the landscape easement was undefined, and that was part of the problem.

Mr. Messineo thought the landscape easement would be attached to the middle parcel. Ms. Clarke agreed. She said there are two separate Code issues. One is the physical separation, the sideyard. The other is a landscape requirement to screen the edge of a parking lot.

Mr. Messineo asked about the physical distance intended not to be pavement, assumed to be grass on the western site. Ms. Clarke said that is currently a requirement for a 25-foot strip, and unless the sideyard is reduced by City Council, the driveway cannot be constructed as shown. A text revision reducing it to 10 feet would solve the problem discovered during the plan review.

Ms. Newell believed they had been asked at the Commission meeting to provide a landscape easement and a cross access easement, both to address the position of that access drive. If they already agreed to a cross access agreement addressing the position, why are they here?

Mr. Sprague said that the applicant had already agreed to a condition regarding the landscape easement. He said Conditions 3 and 4 should resolve the permitting problem, and then Ms. Newell and staff could work out the rest of the text issues later.

Mr. Gibson said in order for the middle parcel to use the eastern parcel for parking and access, etc., cross access easements were needed. He said, however, there was also a condition from the November hearing that required a legally executed landscape easement.

Mr. Ritchie noted only one of the two easements had been discussed. He wanted to know if there was another resolution other than a text revision. Mr. Gibson responded, no. The current text has a minimum sideyard for pavement and building of 25 feet. The site plan shows the drive aisle ten feet from the side lot line, and that cannot be overcome with an easement document.

Mr. Sprague's motion for approval of this rezoning application was interrupted by more discussion about the conditions.

Mr. Gibson said staff did not request a wholesale modification to this text. It requested solely a change involving the sideyard requirement.

Mr. Sprague made a motion to approve this rezoning because it meets the requirements for revising the development text under the Planned Commerce District provisions of Section 153.058, maintains the original character expectations for the area, and corrects an error made at the development plan stage, with two conditions (renumbered from above):

- 1) That a legally executed landscape easement be submitted for the western property line of the new dealership within seven days, subject to staff approval, and that the existing side yard standards not be eliminated from the text, but be modified to articulate the existing/approved conditions; and
- 2) That the text be revised per the comments made by the Commission and within this report, and that a "clean" copy of the text be submitted within seven days, that the text be modified to require high quality architecture that emphasizes coordination between the three sites, in keeping with high community standards and the Perimeter Center development, that the text be revised to indicate a maximum number of signs and that all signage is subject to review and approval by the Planning and Zoning Commission, and that the maximum height indicated on the text (65 feet) be reduced to 45 feet, subject to staff satisfaction.

Mr. Messineo seconded the motion. Ms. Newell did not agree to the above conditions. She said the conditions from staff change the previously approved text.

The vote began: Mr. Ritchie, yes...and was interrupted. Mr. Banchevsky suggested holding an executive session before the vote due to the complexity of the case.

Mr. Messineo made the motion to adjourn into executive session, and Mr. Zimmerman seconded. The vote was as follows: Mr. Ritchie, yes; Mr. Gerber, yes; Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Sanholtz, yes; and Mr. Messineo, yes. [The Commission adjourned into executive session at 10:05 p.m. They were gone about 15 minutes.]

Mr. Sprague made the motion to disapprove this rezoning application. Mr. Messineo seconded the motion, and the vote was as follows: Mr. Ritchie, yes; Mr. Gerber, yes; Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Sanholtz, yes; and Mr. Messineo, yes. (Motion to recommend disapproval passed 6-0.)

Mr. Sprague made a motion to amend the existing Subarea I text to reflect a ten-foot minimum sideyard pavement setback along the west boundary of parcel #273-010210 (6350 Perimeter Loop Road) because it allows development to proceed uninterrupted, recognizes an existing condition, and is consistent with the November 21, 2001 approved conditions.

Mr. Gerber seconded the motion. Ms. Newell agreed to the above text amendment. The vote was as follows: Mr. Ritchie, yes; Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Sanholtz, yes; Mr. Messineo, yes; and Mr. Gerber, yes. (Motion to amend existing text approved 6-0.)

Mr. Sprague thanked Ms. Newell for her patience.