



CITY OF DUBLIN™

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

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

Creating a Legacy

## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

MAY 5, 2011

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

- 5. Earlington Village PUD – Text Modification – Daycare & Preschool Uses**  
**11-019Z/PDP/FDP** **Rezoning/Preliminary Development Plan**  
**Final Development Plan**  
**5475 Brand Road, 7195 Coffman Road & 5775 Dublinshire Drive**
- Proposal: Modifications to a development text to permit existing daycare and pre-school uses in a new subarea consisting of three parcels in the Earlington Village Planned Unit Development District. The proposal does not include any site modifications.
- Request: Review and approval of a rezoning with preliminary development plan and final development plan application under the provisions of Code Section 153.050.
- Applicant: Marsha I. Grigsby, City Manager, City of Dublin.
- Planning Contact: Rachel S. Ray, AICP, Planner I.
- Contact Information: (614) 410-4656, rray@dublin.oh.us

**MOTION #1:** To recommend to City Council approval of this Rezoning/Preliminary Development Plan because this proposal complies with the rezoning/preliminary development plan criteria and the existing development standards within the area.

**VOTE:** 7 – 0.

**RESULT:** Approval of this Rezoning/Preliminary Development Plan will be recommended to City Council.

**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
MAY 5, 2011**

- 5. Earlington Village PUD – Text Modification – Daycare & Preschool Uses**  
**11-019Z/PDP/FDP** **Rezoning/Preliminary Development Plan**  
**Final Development Plan**  
**5475 Brand Road, 7195 Coffman Road & 5775 Dublinshire Drive**

**MOTION #2:** To approve this Final Development Plan because I this proposal complies with the proposed development text, the final development plan criteria and existing development in the area, with one condition:

- 1) That the property owners work with Planning to identify landscaping improvements that will be necessary to make the sites comply with the Zoning Code and the approved final development plans, and that the deficiencies be corrected within 60 days of the effective date of the rezoning.

\* Rachel Ray, representing the City of Dublin, agreed to the above condition.

**VOTE:** 7 – 0.

**RESULT:** This Final Development Plan was approved.

STAFF CERTIFICATION

  
Rachel S. Ray, AICP  
Planner I

**5. Earlington Village PUD – Text Modification – Daycare & Preschool Uses**  
**11-019Z/PDP/FDP**  
**Rezoning/Preliminary Development Plan**  
**Final Development Plan**  
**5475 Brand Road, 7195 Coffman Road & 5775 Dublinshire Drive**

Chris Amorose Groomes introduced this application involving modifications to a development text to permit existing daycare and preschool uses in a new subarea consisting of three parcels in the Earlington Village Planned Unit Development District (PUD). She said that the Commission has to make two motions, a recommendation to City Council on the preliminary development plan and rezoning, and a final vote on the final development plan. Ms. Amorose Groomes swore in those intending to address the Commission on this case including the applicant's representative, Rachel Ray and other City representatives.

Ms. Ray presented this application for the Earlington Village PUD. She said the rezoning was for a text amendment to add a new subarea for daycare and preschool uses for three churches. She said no site modifications are proposed. Ms. Ray presented an aerial photograph of the Earlington Village PUD. She explained that the existing development standards include requirements for the residential uses, but nothing is specified for the non-residential uses. She said that the site and architecture of the three churches were specifically reviewed by the Commission through the final development plan process. Ms. Ray described and provided construction dates for each of the existing three churches in the Earlington PUD.

Ms. Ray said that City Council recently reviewed and approved the Zoning Code Amendments to add daycares and preschools as permitted and conditional uses in some residential zoning districts and the SO, Suburban Office and Institutional District to address similar situations for other existing daycares in church facilities elsewhere in the City. She explained that since these three churches are zoned PUD within the Earlington Village planned district, their only option was to file a text amendment to allow those uses specifically. Ms. Ray said earlier this year, the churches requested a Fee Waiver of City Council to file this application and instead of approving the Fee Waiver, City Council directed staff to pursue a City-sponsored rezoning to add these uses to the Earlington Village planned district.

Ms. Ray said that this application includes a new subarea, Subarea D, with new permitted uses that include religious or public assembly, adult or child daycare, and educational facilities, all of which are consistent with some of the use categories the Commission was seen with recent Zoning Code amendments.

Ms. Ray said for the development standards, since no site modifications are being proposed, Planning is recommending that future site modifications be approved by the Commission through the final development plan or amended final development plan process, or be deferred to the Zoning Code as appropriate. She said that Planning has reviewed this application, based on the review criteria for rezoning with preliminary development plan and final development plan, and recommends approval of the rezoning with preliminary development plan, and approval of the final development plan with one condition:

- 1) That the property owners work with Planning to identify landscaping improvements that will be necessary to make the sites comply with the Zoning Code and the approved final development plans, and that the deficiencies be corrected within 60 days of the effective date of the rezoning.

Ms. Amorose Groomes invited public comments in regard to this application. (There was none.)

Amy Kramb confirmed that educational facilities were added to cover the preschools because they did not fall under a daycare.

Ms. Kramb asked why the original 13-acres allotted to churches had increased to 17.98 acres. Ms. Ray explained that it was difficult to tell because the original approved rezoning included a general area for the Dublin Presbyterian Church, but a later cluster home development was approved and some of the acreage shifted a little.

Ms. Kramb confirmed that the 17.98 acres existed between the three churches and that did not allow them to build any more.

Mr. Hardt noted that he did not see a playground shown for the Presbyterian Church and he asked if there were plans for one. Ms. Ray said there was nothing proposed at this time for a playground.

Mr. Hardt asked if the Commission was able to vote on a final development plan before a final rezoning action was made by City Council. Jennifer Readler explained that if City Council did not approve the rezoning, then a final development plan approved by the Commission tonight would not be effective.

**Motion #1 and Vote – Rezoning/Preliminary Development Plan**

Mr. Taylor made a motion to recommend to City Council approval of this Rezoning/Preliminary Development Plan because this proposal complies with the rezoning/preliminary development plan criteria and the existing development standards within the area.

Mr. Hardt seconded the motion.

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

**Motion #2 and Vote– Final Development Plan**

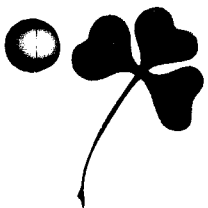
Mr. Taylor made the motion to approve this Final Development Plan because this proposal complies with the proposed development text, the final development plan criteria and existing development in the area, with one condition:

- 1) That the property owners work with Planning to identify landscaping improvements that will be necessary to make the sites comply with the Zoning Code and the approved final development plans, and that the deficiencies be corrected within 60 days of the effective date of the rezoning.

Ms. Ray, on behalf of the applicant agreed to the above condition.

Mr. Fishman seconded the motion.

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



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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

FEBRUARY 5, 2004

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

3. **Revised Final Development Plan 04-002RFDP – Prince Of Peace Expansion – 5475 Brand Road**

**Location:** 4.71 acres located on the southwest corner of Brand Road and Earlington Parkway.

**Existing Zoning:** PUD, Planned Unit Development District (Earlington/Brandon plan).

**Request:** Review and approval of a revised final development plan under the PUD provisions of Section 153.056.

**Proposed Use:** An 8,932 square-foot building expansion to an existing 16,400 square-foot church.

**Applicant:** Prince of Peace Lutheran Church, c/o Shervin Richie, 5475 Brand Road, Dublin, Ohio 43017; represented by Yanitza Marrero Cruz, Wandell & Schnell Architects, 130 East Chestnut Street, Columbus, Ohio 43215.

**Staff Contact:** Jamie E. Adkins, Planner.

**MOTION:** To approve this final development plan because the proposed addition is consistent with the approved zoning and applicable standards, it improves the general welfare of the neighborhood and municipality, and the benefits of the arrangement and design of the proposed development justify a deviation from the standards for this development, with 16 conditions:

- 1) That the landscape plan be revised to incorporate comments in this report, subject to staff approval;
- 2) That the applicant identify floodplain on engineering plans and secure and provide proof of floodplain activity approval from the U.S. Army Corps of Engineers;
- 3) That site plans show all adjacent and opposing curb cuts, both existing and proposed;
- 4) That the site design comply with Stormwater Regulations to the satisfaction of the City Engineer;
- 5) That the site comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles at all proposed access points;

**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**FEBRUARY 5, 2004**

**3. Revised Final Development Plan 04-002RFDP – Prince Of Peace Expansion – 5475 Brand Road (Continued)**

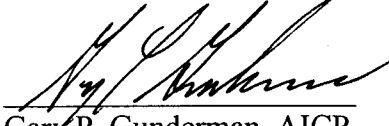
- 6) That the design of parking lot pavement meet the approval of the City Engineer;
- 7) That there be no open cutting of the existing pavement to access the existing waterline;
- 8) That the dumpster enclosure utilize an offset design and a gate height to match the stonewall and include standard signage regarding closure of doors, subject to staff approval;
- 9) That all handicap parking areas meet ADA accessibility standards including signage;
- 10) That the lighting plan address issues noted in this report, subject to staff approval;
- 11) That building permits from the Division of building Standards be obtained prior to construction;
- 12) That any signage modifications comply with Code, subject to staff approval;
- 13) That existing siding be painted to match the proposed addition;
- 14) That all construction comply with the requirements of the Tree Preservation Ordinance;
- 15) That the applicant provide additional landscaping or other screening methods to screen the Hahn property from headlight trespass, subject to staff approval; and
- 16) That sump pump water be directed toward Earlington Parkway, subject to staff approval.

\* Tim Kelton, representing the applicant, agreed to the above conditions.

**VOTE:** 6-0.

**RESULT:** This final development plan was approved.

**STAFF CERTIFICATION**

  
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Gary P. Gunderman, AICP  
Acting Planning Director

### **3. Revised Final Development Plan 04-002RFDP – Prince Of Peace Expansion – 5475 Brand Road**

Mr. Gerber swore in those who wished to speak before the Commission in regards to this case.

Mr. Gerber apologized because he did not realize that there were so many present for this application. He might have moved the case forward on the agenda so as not to keep families away from home so late, and said everyone wishing to speak would be allowed five minutes.

Jamie Adkins showed slides of the L-shaped site at the intersection of Earlington Parkway and Brand Road. A single-family house is located to the north, apartments to the south, and a condominium development to the west. The site is zoned PUD, Planned Unit Development District, as part of the Earlington/Brandon plan. She showed a slide of the site plan with the proposed extension on the east side of the existing building. She said it took up a portion of the existing parking lot and so the lot was reconfigured with 60 degree parking. To the west, the approved parking expansion area is utilized with this building expansion. Several trees will be removed and replaced on the site.

The addition will be two stories with stucco and stone to match the building, and the siding for the existing church will be painted tan to match the addition. There are two curb cuts for the site, one for each parking area. She said the dumpster location has been amended and will be screened per Code and will have an offset entrance as requested by staff. Ms. Adkins said staff has requested additional screening of the parking area, and the applicant has consented. The existing cross will be relocated because of the building addition.

She said staff is recommending approval of this application with 12 conditions:

- 1) That the landscape plan be revised to incorporate comments in this report, subject to staff approval;
- 2) That the applicant show the floodplain on engineering plans and secure and provide proof of floodplain activity approval from ACOE;
- 3) That site plans show all adjacent and opposing curb cuts, both existing and proposed;
- 4) That site design meet Stormwater Regulations to the satisfaction of the City Engineer;
- 5) That site visibility triangles be re-evaluated to ensure a clear path;
- 6) That the design of parking lot pavement meet the approval of the City Engineer;
- 7) That there be no open cutting of the existing pavement to access the existing waterline.
- 8) That the dumpster enclosure utilize an offset design and a gate height to match the stonewall;
- 9) That handicap parking areas meet ADA accessibility standards including signage;
- 10) That lighting plans address issues in this report, subject to staff approval;
- 11) That appropriate building permits be obtained prior to construction; and
- 12) That any signage changes meet Code, subject to staff approval.

Tim Kelton, Ruscilli, representing the applicant, agreed to the conditions. He said a public meeting was held on January 20 by the church at the Dublin Community Center. There were no attendees present in opposition. He said they plan to change the color from blue to the more natural grayish tan color.

Mr. Kelton said subsequent to the staff report being issued, they received an objection letter that was submitted to the Commission. The height of the building is approximately ten to twelve feet

shorter than the existing structure. There is a 54-inch landmark oak tree that has a drip line that they have to be careful of along the northwest corner of the property. He noted that the staff felt the tree preservation plan was outstanding and would serve as a model in the future.

Neal Hahn said they had lived next to the church since 1986. He said the area had been inundated with water several times. The Bear Run and the Indian Run have caused them considerable problems.

He presented a list of requests and conditions to the Commissioners. He said they met with Ms. Adkins twice and she visited their home to listen to them. He said they protested this expansion because it is too large for the parcel. Mr. Hahn realized the church was given permission 22 years ago to build on less than five acres. He said none of the other 38 churches in Dublin are in a situation like this. Mr. Hahn said he hoped this would not be an excuse to have an expansion of the preschool. He said there had been a pond between them and the church years ago, but it was filled in.

He said the staff report said all is consistent with the PUD and will benefit Dublin as a community. He asked how it would benefit them. He said they helped cut the church's grass years ago and when their water ran out, they used his well for two weeks. He said the church had an oak tree hit by lightning, and because it gave him shade, he paid half of it to have the tree removed.

Mr. Hahn said they had a contentious situation with the church since their first development, and would love for the Commission to deny this request because it is too big. He said there are groundwater and flooding conditions. [Mr. Hahn's five minutes expired, but Mr. Gerber provided more time for him to finish.]

Mr. Hahn said parking spaces are proposed where an oak tree will be removed. Although screening is proposed, he did not think it will prevent headlights from shining into their window. He requested that the parking spaces be moved elsewhere or redirected to prevent headlight trespass. He thanked the Commission for their time.

Mr. Gerber asked if Mr. Hahn attended the public meeting held by the church. Mr. Hahn said he was invited to it, but chose not to attend because of past problems.

Mr. Gerber asked if they had considered hiring legal counsel. Mr. Hahn said he did the last time there was an expansion because they wanted to expand within 20 feet of their property line. He said the church reconsidered and they moved it back to 30 feet. Mr. Hahn said since then, they have not been friends.

Mr. Sprague suggested that this case be tabled to allow the applicant to work out things with the Hahns.

Mr. Kelton said they seek approval tonight to move forward with this project. There is nothing more that they can do, except not build at all.

Mr. Gerber asked if Mr. Kelton had seen Mr. Hahn's ten conditions presented to the Commission. Mr. Kelton said he had not. [He was provided a copy.]



Ms. Boring was not opposed to tabling the case, but thought it would be premature if there might be Commission concerns, also. Mr. Gerber agreed and asked for Commission comments.

Peter King, an Earlington Parkway resident, said he had been involved with the Earlington Village Civic Association since its inception in 1988 and served as its treasurer since 1990. He said he was asked by the architectural firm working with the church for perspective. He did not attend the January meeting. He said there are two churches on Earlington Parkway, this church and Dublin Baptist Church at Coffman Road. His home was very close to Dublin Baptist Church which has had three expansions. He said his other neighbors were upset when it first proposed a 20,000 square foot addition. He said the expansion turned out nicely and the church was a good neighbor. He considered it very desirable and his property values are higher than ever. While they are not adjoining neighbors, they are separated by Earlington Parkway, they are still directly impacted by traffic, which is not a problem most of the time. He believed that Prince of Peace would be a good neighbor.

Teiko Yu said this was her home church. She said she bought her nearby condominium because of the closeness of the church so she could walk there. She strongly recommended that this application be approved.

Pastor Craig Swanson, a Fallen Timbers Drive resident, said he and his wife felt part of Dublin's appeal was its value of youth. He said this expansion will add Sunday school space. He said the majority of parking is on the east side of the building, away from the Hahn property. Pastor Swanson strongly recommended that this not be tabled. He said they were willing to work with the Hahns, and their ten conditions sounded fine.

Mr. Kelton said a cut sheet attached to the application showed lights up in trees in error. They are all ground-mounted uplighting. Ms. Adkins said they were addressed in Condition 2.

Mr. Kelton said Mr. Hahn's concern about the headlight glare was valid. He said it would be difficult to eliminate the parking spaces because of the landmark oak tree and landscape feature. He suggested they work with staff to put natural evergreen screening materials there.

Mr. Gerber asked if there was anywhere on Mr. Hahn's property a screening could be created to satisfy his concern.

Mr. Hahn said he appreciated the Commissioners listening to him and said the lights he was concerned about were from five parking spaces. He asked where the headlights would point.

Mr. Kelton said they would point northwest. He said when the original project was expanded many years ago, they did not meet the parking requirements and there was an agreement that they would provide about 152 spaces. Since the original submission of plans, they have reconfigured the parking lot on the east side to add additional parking spaces. The church has a letter of agreement from two different sources.

Mr. Gerber said Mr. Kelton was deviating from his issue at the moment.

Mr. Kelton said he was trying to recommend that perhaps the church could just eliminate those spaces and go to the number of spaces that are currently on the site, which would meet the requirement and eliminate any sense of glare towards the Hahns.

Mr. Messineo suggested instead of removing all the parking spaces towards the Hahns residence, perhaps if one was moved, they could be angled so that they do not aim directly towards the house.

Mr. Kelton said there was not an ability to mound because there is a dry detention basin at that point. He said however, there can be a variety of screening methods used that are opaque (plantings or a wall, etc.). He agreed to look at natural material screening with staff. He respectfully said he was being put on the spot to redesign the site that has been submitted

Mr. Gerber suggested a condition: That additional screening sufficient to properly alleviate headlight trespass be provided, subject to staff approval.

Ms. Reiss asked if there was a proposal to change the height of the exterior cross, which is to be relocated.

Tom Hawk, the architect, said the cross is currently located to the east of the existing building. They intend to move it adjacent to the new entry. In doing so, they plan to raise it onto a platform (approximately 16 feet tall) and it will be the height of the existing sanctuary (45 feet). The current height of the cross is approximately 36 feet. He said it is illuminated by landscaping. They plan to landscape the frame the cross will be mounted onto so they can eliminate pedestrian glare.

Ms. Reiss asked staff if stormwater requirements had been looked at because of the additional impervious surface put in place.

Ms. Cox said staff had reviewed the stormwater management plans submitted and is presently working with the applicant. They will meet the Code.

Ms. Reiss asked if the site was on a septic and leach field still. Ms. Cox did not believe so. She said they are going to add a new water service with this project.

Ms. Reiss asked to see a sample of the color proposed to paint the existing building and the addition. Mr. Kelton provided a color sample.

Mr. Messineo asked when the parking agreement with Asherton of Dublin expires. Mr. Kelton said letters have been provided to the Commission. Mr. Messineo said a timeframe was not included.

Mr. Gerber said if the parking agreement were terminated, there would clearly be a Code violation. He asked what the procedure is with respect to an off site parking agreement.

Ms. Adkins said staff received the letter from Asherton of Dublin reaffirming the parking agreement previously made and it was acceptable. She said if Asherton no longer wished to cooperate, staff would request that the church find other means of parking.

Mr. Gerber asked what is permissible and what are the restrictions for parking along Earlington Parkway.

Ms. Adkins thought parking was permitted on both sides of Earlington Parkway. [Later, it was determined it was/was not permitted on both sides.] Staff was unsure about parking on Earlington Parkway.

Ms. Boring asked for the proposed lot coverage with the addition and parking. Mr. Kelton said it was about 54 percent, well under Code.

Ms. Boring said this addition is going to be on the front of the church, and wondered if it would be seen from the Hahn property. She was also concerned about the parking issue and read in the staff report that the site required 200 parking spaces per Code. She said the site provides a total of 162 spaces and Asherton provides 27 parking spaces, and the site is still not up to Code.

Pastor John Morris said they also had an agreement with the Dublin Schools to shuttle people from Wyandotte Elementary School, which they have done on special occasions. They have tried to have multiple services so that they are not overloading the church parking lot.

Ms. Boring said it was hard for her because this was truly a service to the community and an exciting thing to see Dublin's religious community growing. She was excited that the youth are getting this instruction. However, this church was on only four acres and she wondered at what point was it too big.

Pastor Morris said moving was not financially feasible. Ms. Boring said she was not asking the church to move.

Ms. Boring asked if the preschool students were kept in a fenced in area. Pastor Morris said yes. Ms. Boring suggested adding to Condition 8: ...that the standard signage be placed on the doors regarding the closure of doors, and adding Condition 13: That the existing siding be painted to match the new addition.

Ms. Boring asked what was the policy about replacing trees that are disturbed. Ms. Adkins said a landscape inspector would visit during phases of construction to check tree fencing and the quality of trees. If trees die during construction, they have to be replaced. Mr. Gerber requested that be standard language in the future.

Ms. Boring said she never considered children playing a nuisance or a disturbance in any way, shape, or form. She was sorry that the church's neighbor feels that way.

Mr. Gerber asked Mr. Hahn if the conditions were close enough to his list of concerns.

Mr. Hahn said if the five parking spaces are realigned by removing one space, that would be fine. If not, a stone wall could be placed there.

Mr. Gerber said they decided some kind of landscaping. Mr. Hahn said if landscaping works it was fine. If not, he asked that they could come back for a stone wall if the headlights still shined in their home.

Mr. Gerber said the landscaping or stone wall would be subject to staff approval.

Mr. Hahn said they understood that the church must be a church. They know the church serves the community and they are within their rights to do everything they are doing. He would just like a little cooperation.

The following is a list of Mr. Hahn's concerns brought forth in his letter submitted at this meeting:

1. Add additional screening as planning department requests for north parking.
2. Add screening to our south lot line – evergreens.
3. Remove or redirect five parking spaces on northeast side near north side of new building.
4. We have well water – What effect will this have?
5. Groundwater and flooding – We are in Floodplain.
6. Prohibit tree spotlights – Keep pole lights to minimum – Reduce glare.
7. Request all lighting be turned off at midnight.
8. Direct sump pump water toward Earlington Parkway – Not our direction.
9. Is new build for expansion of preschool? We have been greatly distressed by the noise and traffic this brings.
10. Our area is flooded often as it is. What will this new parking area and additional roof top area bring us?

Mr. Gerber reviewed the list of issues and said, with respect to Issues 1 and 2 above, they should be included in Condition 1.

Mr. Kelton said with respect to Issue 3, dealing with landscaping so that the lights do not shine through to Mr. Hahn's property. He suggested either redirecting parking spaces or eliminate parking spaces so that the headlights do not shine directly at the Hahn property, or plant or provide other natural materials to an opacity agreed to by staff. He said if they use landscaping planted to 100 percent opacity, it will be dead the second year.

Ms. Reiss said there were two sections of parking that could possibly shine into the Hahn property. Ms. Adkins said is required around all parking lots.

Mr. Gerber said Condition 15 should be as suggested by Mr. Kelton above.

Mr. Gerber said with respect to flooding, they have to comply with the City Engineer's Stormwater Regulations.

Mr. Gerber said Mr. Hahn's issue regarding tree spotlights was addressed in Condition 10.

Mr. Kelton said there were safety issues to consider with turning the lights off at midnight. He agreed to work with staff on timing.

Mr. Kelton agreed to following the City Engineer's recommendation regarding the direction of sump pump water. Ms. Boring asked if the sump pump direction going to be included in the stormwater consideration. Mr. Kelton said if it was not shown on the plan, they would modify the plan to accommodate it.

Mr. Gerber suggested Condition 16: That sump pump water should be directed towards Earlington Parkway, subject staff approval. Mr. Kelton said they would follow the City Engineer's direction to make the pump work properly.

Mr. Gerber made the motion to approve this revised final development plan because the proposed addition is consistent with the approved zoning and applicable standards, it improves the general welfare of the neighborhood and municipality, and the benefits of the arrangement and design of the proposed development justify a deviation from the standards for this development, with 16 conditions:

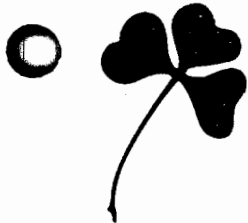
- 1) That the landscape plan be revised to incorporate comments in this report, subject to staff approval;
- 2) That the applicant identify floodplain on engineering plans and secure and provide proof of floodplain activity approval from the U.S. Army Corps of Engineers;
- 3) That site plans show all adjacent and opposing curb cuts, both existing and proposed;
- 4) That the site design comply with Stormwater Regulations to the satisfaction of the City Engineer;
- 5) That the site comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles at all proposed access points;
- 6) That the design of parking lot pavement meet the approval of the City Engineer;
- 7) That there be no open cutting of the existing pavement to access the existing waterline;
- 8) That the dumpster enclosure utilize an offset design and a gate height to match the stonewall and include standard signage regarding closure of doors, subject to staff approval;
- 9) That all handicap parking areas meet ADA accessibility standards including signage;
- 10) That the lighting plan address issues noted in this report, subject to staff approval;
- 11) That building permits from the Division of building Standards be obtained prior to construction;
- 12) That any signage modifications comply with Code, subject to staff approval;
- 13) That existing siding be painted to match the proposed addition;
- 14) That all construction comply with the requirements of the Tree Preservation Ordinance
- 15) That the applicant provide additional landscaping or other screening methods to screen the Hahn property from headlight trespass, subject to staff approval; and
- 16) That sump pump water be directed toward Earlington Parkway, subject to staff approval.

Ms. Boring seconded the motion. Mr. Kelton agreed to the conditions as listed above. The vote was as follows: Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Messineo, yes; Ms. Reiss, yes; Ms. Boring, yes; and Mr. Gerber, yes. (Approved 6-0.)

Mr. Gerber said he appreciated Mr. Hahn and everyone working together. He said this worked out very well.

#### **4. Rezoning 03-155Z – Riverside Woods**

Kolby Turnock said a concept plan for this development was approved by City Council, and the proposed plan had not changed much. The site is located in the northeast quadrant of Dublin. It is heavily wooded with three general open areas. The site is currently zoned R-1, and this is to rezone to PUD for a single-family development of 54 lots. The retention areas shown include many landmark trees that are being saved. He said only four lots back up to each other, but



CITY OF DUBLIN

5800 Shier Rings Road  
Dublin, OH 43016-1236  
Phone/TDD: 614/761-6550  
Fax: 614/761-6506

## DUBLIN PLANNING AND ZONING COMMISSION RECORD OF ACTION

APRIL 4, 1996

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

**2. Revised Final Development Plan - Earlington Village - Prince of Peace Lutheran Church - 5725 Brand Road**

**Location:** 4.071 acres located at the southwest corner of Brand Road and Earlington Parkway.

**Existing Zoning:** PUD, Planned Unit Development District (Earlington Village).

**Request:** Review and approval of a revised final development plan under the provisions of Section 153.056 of the Planning and Zoning Code.

**Proposed Use:** A 6,202 square foot sanctuary addition and 4,779 square foot classroom addition to an existing 7,932 square foot church.

**Applicant:** Prince of Peace Lutheran Church, c/o Rev. John Morris, 5725 Brand Road, Dublin, Ohio 43017.

**MOTION:** To approve this revised Final Development Plan because it conforms to the Earlington Village plan, respects the intent of the deep setback established for Brand Road, provides a good relationship to adjacent structures and uses, will conform with the floodplain regulations and will bring the site into landscape compliance with the following 12 conditions:

- 1) That the sanctuary be located outside of the 30-foot perimeter setback;
- 2) That a reapplication be submitted for a special permit for a temporary structure be submitted within 30 days;
- 3) That the Brand Road curb cut be eliminated, and that the curb cuts along Earlington Parkway be reduced to two, subject to staff approval;
- 4) That the entire site be brought into compliance with the landscape code, and that large shade trees be planted in the parking lot, and that additional buffering be provided along the Hahn property line, subject to staff approval;
- 5) That lighting conform to the Dublin Lighting Guidelines;
- 6) That parking be monitored and additional parking be constructed as needed;
- 7) That floodway, floodway plus 20 feet, and floodplain boundaries be accurately shown on all plat, planning, building permit, and engineering documents and that all city codes be met regarding floodways and floodplains;

**DUBLIN PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
APRIL 4, 1996**

**2. Revised Final Development Plan - Earlington Village - Prince of Peace Lutheran Church - 5725 Brand Road (Cont.)**


- 8) That the applicant secure an approved Special Flood Hazard Area development permit from the City Engineer's office before applying for a building permit;
- 9) That existing and unused on-site waste disposal systems be abandoned in place or removed according to the requirements of the OEPA and such work be approved by the OEPA prior to approval of building permits;
- 10) That stormwater management meet the requirements of the City Engineer;
- 11) That existing trees to be preserved be protected with temporary snow fencing during all phases of construction, and that the fencing location be shown on all development plans, subject to staff approval; and
- 12) That an eight-foot wide bikepath be constructed along the north side of Earlington Parkway, be consistent with the Dublin Bikeway Plan, and meet the approval of the Parks Director.

- \* Ed Erfurt, attorney, 85 East Gay Street, Suite 508, Columbus, Ohio, representing the applicant, agreed to the above conditions.

**VOTE:** 5-0.

**RESULT:** This revised final development plan was approved.

**STAFF CERTIFICATION**

  
\_\_\_\_\_  
Mary H. Newcomb  
Graduate Landscape Architect

Mr. Sutphen asked if the intersection would be lit by streetlights. Randy Bowman said there will be two standard street lights installed on the north side of Summitview, one on either side of Campden Lakes Boulevard.

Mr. Sutphen asked what the City would be legally responsible for if the sign were placed in the right-of-way. Mitch Banchefsky said if it made sense from an engineering standpoint, the City did not face many liability risks.

Mr. Sutphen moved to approve this right-of-way encroachment with the following four conditions:

- 1) That the applicant obtain a building permit for the proposed wall;
- 2) That the top of the wall be installed at an elevation no higher than three feet above adjacent roadway curbing;
- 3) That no lighting be permitted on the sign; and
- 4) That the applicant execute a hold harmless agreement with the City of Dublin before constructing the sign, as approved by the City Engineering and the Law Director.

Mr. Harian seconded the motion. Mr. Adams did not know how effective the sign would be without lighting, but he agreed to the above conditions.

The vote was as follows: Ms. Chinnici-Zuercher, yes; Mr. Harian, yes; Ms. Boring, yes; and Mr. Sutphen, yes. (Approved 4-0.)

## **2. Revised Final Development Plan - Earlington Village - Prince of Peace Lutheran Church - 5725 Frantz Road**

Mary Newcomb presented this revised final development plan to permit a 10,981 square foot expansion to an existing 7,932 square foot church. The subject site is 4.74 acres located on the southwest corner of Brand Road and Earlington Parkway within the Earlington Village Plan PUD. The expansion will be located on two sides of the church. The church is constructed of a light blue-gray siding with stone. The existing parking lot has the capacity for 64 cars.

Ms. Newcomb said a temporary trailer was approved by special permit several years ago for classroom use. The special permit has expired, and Staff is requesting that the applicant reapply for an extension of that special permit.

The 6,000 square foot sanctuary addition would be located on the north side. A pond existing on the site is to be filled.

This expansion is approximately 138 percent of the building and triggers compliance with the landscape code for the entire site. The parking lot will have to be brought up to Code and screened. Street trees will have to be added along Brand Road.



Ms. Newcomb said the applicant proposes to expand the existing parking lot and add another lot. Total parking spaces will be 156. The requirement for this church is 207 spaces. The applicant feels that the parking provided is adequate for their church needs. Staff does not support adding asphalt to this site if not needed. Staff believes it should be monitored, and the applicant should install an area designated as a "future" parking if, and when, needed.

The site has access from of Brand Road and two curb cuts on Earlington Parkway. The applicant is proposing an additional two curbcuts on Earlington Parkway. Staff is recommending removal of the curbcut along Brand Road and permitting only two curbcuts along Earlington Parkway.

Ms. Newcomb said the storm water basin proposed would be dry.

She said the 1984 Earlington Village development standards were not specifically cited. A later revision added Dublin Presbyterian Church, similar in size to this church. Those development standards require a 30-foot minimum side and rear yard. Staff feels that the 30-foot setback should be maintained here also. It is shown at 22 feet. She said staff is also requesting that a bikepath be built along Earlington Parkway. In the area, there is an existing bikepath along the north side of Dublinshire Drive connecting to Wyandot Elementary and the Municipal Pool. There is also a bikepath from Brandon, and a connection is needed.

The existing parking lot lighting is to be replaced with cutoff fixtures. Additional lighting information is necessary.

Staff is recommending approval with the following 12 conditions:

- 1) That the sanctuary be located outside of the 30-foot perimeter setback;
- 2) That a reapplication be submitted for a special permit for a temporary structure be submitted within 30 days;
- 3) That the Brand Road curb cut be eliminated, and that the curb cuts along Earlington Parkway be reduced to two, subject to staff approval;
- 4) That the entire site be brought into compliance with the landscape code, and that large shade trees be planted in the parking lot, and that additional buffering be provided along the Hahn property line, subject to staff approval;
- 5) That lighting conform to the Dublin Lighting Guidelines;
- 6) That parking be monitored and additional parking be constructed as needed;
- 7) That floodway, floodway plus 20 feet, and floodplain boundaries be accurately shown on all plat, planning, building permit, and engineering documents and that all city codes be met regarding floodways and floodplains;
- 8) That the applicant secure an approved Special Flood Hazard Area development permit from the City Engineer's office before applying for a building permit;
- 9) That existing and unused on-site waste disposal systems be abandoned in place or removed according to the requirements of the Ohio Environmental Protection Agency (OEPA), and such work be approved by the OEPA prior to approval of building permits;
- 10) That stormwater management meet the requirements of the City Engineer;

- 11) That existing trees to be preserved be protected with temporary snow fencing during all phases of construction, and that the fencing location be shown on all development plans, subject to staff approval; and
- 12) That an eight-foot wide bikepath be constructed along the northern side of Earlington Parkway.

Mr. Peplow asked if there was a bikepath in front of the condominiums at present. Ms. Newcomb said no. She said south of Dublinshire Drive at Earlington Parkway there is a four-foot sidewalk. With the bikepath on the north side of Dublinshire Drive.

Mr. Sutphen said the bikepath should also be required along Brand Road. Ms. Jordan requested that the bikepath placement be in compliance with the adopted Bikepath Plan because there are places where it connects internally along Brand Road, and where it is not currently planned. Mr. Sutphen wants bicyclists and joggers off Brand Road. Ms. Jordan said bikepaths between Bristol Commons and Earlington Parkway created a loop. Brand Road is not a bike route because of its scenic quality and because it is too narrow and has ditches and trees to the edge.

Ms. Clarke said the proposed bikepath is from the park, north to Brand Road, but not along Brand Road frontage. Ms. Jordan asked that the bikepath proposed be in compliance with the plan to assure all the connections are appropriate.

Ed Erfurt, attorney for the church, was unaware about the bikepath. He was concerned about the eight-foot width being excessive causing the loss of trees along Earlington Parkway.

Mr. Erfurt said the church would need to be cantilevered to accommodate the 30-foot setback requirement. Windows are planned for both sides of the church. If the building is turned at an angle, the view would be into the Hahn's property. Mr. Erfurt is opposed to changing the location of the church. Adequate mounding and screening is planned to shield the Hahn property. He said the neighbors preferred green space to additional parking. Mr. Erfurt said that when he was made aware the special permit expired, he instructed the leasing company to remove it. It will be removed on June 10, depending upon the weather.

Mr. Erfurt said the 30-foot easement was retained by the prior owner of the property. Permission has been received to build on the easement. There are no encroachments or actual utility lines located underground there.

There are no existing on site disposal systems. Mr. Erfurt said original plans indicated a leach bed was necessary, but the City sewer was installed instead.

Mr. Harian asked who would be responsible for removing the curbcut and pavement at Brand Road and who would construct the curb. Ms. Newcomb said it would be the applicant's responsibility to take up the asphalt at the eliminated curbcuts and either sod or seed it.

Ms. Chinnici-Zuercher asked why the water feature was being removed; it is a visual amenity. Mr. Erfurt said they were concerned about safety and liability.

Ms. Chinnici-Zuercher was concerned that the trailer's special permit was expired, and the trailer will not be removed for 90 days. Mr. Erfurt said it would cost \$1,500 to renew the permit, and the easiest solution is to remove the trailer. The trailer can be moved sooner, if necessary. Ms. Chinnici-Zuercher said the church was required to follow the law. Mr. Erfurt understood.

Mr. Erfurt said he talked with Dave Marshall who suggested that the church take this action. Ms. Clarke said she had no knowledge of the conversation.

Mr. Erfurt said there was a question as to when the occupancy permit was granted. A one year use of the trailer was keyed in on the occupancy permit. The date of the occupancy permit has been lost by the City. In November the trailer had arrived, but no occupancy permit had been obtained. He figured that the permit was obtained in January 1995.

Ms. Newcomb said the temporary structure permit was a two-year permit. By Code, special permits are good for one year and then reapplication is necessary.

Ms. Clarke said the City desires to get the site into compliance by either removing the trailer or extending the special permit by application to the Board of Zoning appeals. Ms. Clarke said a system had been set to monitor when special permits expired, but apparently this one had been missed.

Mr. Peplow said he would like to see the bikepath. There is significant traffic using the pool. The bikepath would make it safer. Eight feet is the standard bikepath width.

Mr. Peplow wanted to protect existing trees if a bikepath were installed. Ms. Newcomb said if it does not fit totally within the right-of-way, it could be done through an easement.

Janet Jordan said the bikepath along Earlington Parkway was part of the plan, and that section is connected at both intersections. Directly across Brand Road is the Brandon subdivision where there is an apron and bikepath and across the street there is a type of bikepath that extends and meets the Asherton complex at that intersection. Ms. Chinnici-Zuercher asked if the existing trees were a problem. Ms. Jordan did not know, but if so, a scenic easement could be used.

Neal Hahn, 5505 Brand Road, said they were not concerned about property value. He said his property value had been greatly enhanced because of the good work of the Commission and Staff. They were not in direct opposition to the building. They do not, however, want it so close to their property line. Many of their concerns have been addressed in the recommended conditions.

Because the pond is being eliminated, Mr. Hahn was concerned about the overflow from the Indian Run and Bear Run onto Brand Road and his yard. He was told that the curbing would serve as a water detention area. To date, the detention areas constructed west of his home, have

prevented a great deal of the overflowing of Bear Run. He wished that the church would stay within the 30-foot setback recommended by Staff. He said this was a natural area and they hated to lose it. If the detention pond is dug correctly, he should not have the problem with the water runoff that exists now.

They are concerned about the lighting and have been told by the church that special lighting shining downward will be used. He said saving the trees is important. He was told that the church will place mounding and trees of significant size directly east and south of his house to screen the car lights in the parking lot. Mr. Hahn said the less parking, the better.

Mr. Michael Murphy, 7699 Glenmore Court, was concerned with the lack of sidewalks or bikepaths. He and his wife currently walk in Earlington Parkway because they have no other choice. The proposed mounding will force people into the street. He cited several other Dublin churches with bikepaths. He thought they were consistent with the use and the architecture and with the overall aspect of the community's livability.

Nancy Hahn, 5505 Brand Road, said the church would be very close to their garage. She did not know of anywhere else where a church property was this close to a residential home.

Mr. Hahn provided the Commission with photographs of his property in relationship to the proposed church addition.

Mr. Erfurt said if they were required to be 30 feet from the Hahn's property line, the church would have to angle the sanctuary. From the church's lot line to the corner of the building is 22 feet, the sacristy struck out in front, which was five feet deep. If the five feet were removed, the main structure of the building would be 27 feet from the property line. Ms. Boring asked if the church would still be 30 feet high at the front. Mr. Erfurt said yes. If the sanctuary were turned at an angle to comply with the 30-foot setback, he felt visually, it will be a larger problem.

Mr. Sutphen asked if there were a way to remove the five foot connection area. Mr. Erfurt said there would be a one to two foot area between the two buildings. Light is also lost if the windows are removed where the two buildings abut. There was a discussion about joining the two buildings which would require fire walls between the two buildings.

Mr. Erfurt said there is a 30-foot easement, which is private, retained by the grantors to the church. The church was built before the Earlington subdivision. The developer wanted to reserve around that property line a 30-foot easement for utilities, etc. No utilities were ever installed, and the developer has no objection to the church acquiring full rights to that easement.

Ms. Newcomb said the lines on the plans were not labeled as a setback or an easement. Staff looked at the Dublin Presbyterian Church which was part of an Earlington village PUD revision and established a 30-foot side and rear yard setback for structures. Staff thought this is reasonable here. She agreed that the original Earlington Village development text did not have specific standards seen typically for this parcel.

Mr. Sutphen said the 30 foot setback was very important. He said either it needed to be agreed upon or the case needed to be tabled to work out better screening.

Ms. Chinnici-Zuercher said the Commission's concern was what was appropriate for this enormous structure close to a residence. The Commission's responsibility is to look at it in the full context. Ms. Chinnici-Zuercher said five or eight feet made a significant difference due to the height and mass of the structure.

Ms. Boring asked if anywhere in Dublin this type of building was closer than 30 feet to residential yards. Ms. Newcomb did not know. Ms. Clarke said many churches are zoned R-1, and a rear yard of 50 feet would be required here. Ms. Clarke said in a PUD, it was up to the commission to articulate what it feels is an appropriate community standard. Staff felt that the development standards put together for another church in this same PUD should be applied to this particular site and 30 feet seemed an appropriate minimum standard.

Ms. Clarke said side yards and rear yards are measured from the closest point to the property line.

Mr. Sutphen said the main issue was the 30-foot setback. He thought the narthex could be eliminated. Mr. Harian agreed.

Ms. Boring said the 8-foot bikepath should be constructed. Mr. Harian agreed.

Ms. Chinnici-Zuercher agreed that the expansion was a good sign in terms of the quality of life for the community. She said a 30-foot setback should be the minimum required. She said she could be persuaded to concede on the special permit issue.

Mr. Erfurt agreed to the above conditions of approval, including the 30-foot setback.

Mr. Sutphen made a motion to approve this revised final development plan because it conforms to the Earlington Village Plan, respects the intent of the deep setback established for Brand Road, provides a good relationship to adjacent structures and uses, will conform with the floodplain regulations and will bring the site into landscape compliance with the following 12 conditions:

- 1) That the sanctuary be located outside of the 30-foot perimeter setback;
- 2) That a reapplication be submitted for a special permit for a temporary structure be submitted within 30 days;
- 3) That the Brand Road curb cut be eliminated, and that the curb cuts along Earlington Parkway be reduced to two, subject to staff approval;
- 4) That the entire site be brought into compliance with the landscape code, and that large shade trees be planted in the parking lot, and that additional buffering be provided along the Hahn property line, subject to staff approval;
- 5) That lighting conform to the Dublin Lighting Guidelines;
- 6) That parking be monitored and additional parking be constructed as needed;

- 7) That floodway, floodway plus 20 feet, and floodplain boundaries be accurately shown on all plat, planning, building permit, and engineering documents and that all city codes be met regarding floodways and floodplains;
- 8) That the applicant secure an approved Special Flood Hazard Area development permit from the City Engineer's office before applying for a building permit;
- 9) That existing and unused on-site waste disposal systems be abandoned in place or removed according to the requirements of the OEPA and such work be approved by the OEPA prior to approval of building permits;
- 10) That stormwater management meet the requirements of the City Engineer;
- 11) That existing trees to be preserved be protected with temporary snow fencing during all phases of construction, and that the fencing location be shown on all development plans, subject to staff approval; and
- 12) That an eight-foot wide bikepath be constructed along the north side of Earlington Parkway, be consistent with the Dublin Bikeway Plan, and meet the approval of the Parks Director.

Mr. Peplow seconded the motion and the vote was as follows: Ms. Chinnici-Zuercher, yes; Mr. Harian, yes; Ms. Boring, yes; Mr. Peplow, yes; and Mr. Sutphen, yes. (Approved 5-0.)

**3. ~~Revised Final Development Plan - Northeast Quadrant PUD - Dublin Scioto High School - 4000 Hard Road~~**

~~Mary Newcomb presented this revised final development plan for an addition of 62 parking spaces and a reduction of required screening along the eastern edge of the student parking lot. The site is located on 64.3 acres on the north side of Hard Road, approximately 3,500 feet west of Sawmill Road. The building is approximately 228,000 square feet. The high school is located in Subarea 10 of the Northeast Quadrant PUD. The applicant is proposing to increase the visitor/staff parking lot by 20 spaces and to construct a 42 space parking lot. The bikepath and some landscaping there will be relocated.~~

~~The student parking is used for band practice and the trees interfere with the band director's view of the practice field. The applicant will substitute by adding trees along the entry drive instead.~~

~~Ms. Newcomb said the Staff Report conditions had been amended. The planting requirement of 13 trees has been deleted. Eight trees are proposed, exceeding the requirement. Another condition in the Staff report, compliance with the Landscape Code has been deleted. They exceed the Code requirement with the trees planned.~~

~~Staff is recommending approval with the following three conditions:~~

- ~~1) That the necessary parking permit be obtained from the City of Dublin Department of Development.~~

VILLAGE OF DUBLIN

6665 Coffman Road  
Dublin, Ohio 43017

PLANNING AND ZONING COMMISSION /RECORD OF ACTION

MEETING DATE: August 6, 1985

CASE: Final Development Plan - Earlington Village Church Site

COMMISSION ACTION:

\_\_\_\_ Approved  
\_\_\_\_ Disapproved  
  X   Approved with  
          Condition(s)

CONDITION(s) and/or AGREEMENT(s)

1. That the roadways ~~be mounded with a minimum of 3' plantings and that the applicant replace the proposed dogwoods with heartier trees, and that the caliper of the trees be 1 1/2"~~
2. Staff recommendations:
  - a) That the Brand Road curb cut ~~be discontinued when the proposed side street is constructed. Right in and out at Brand even temporarily may be too harsh, although it was agreeable three (3) years ago.~~
  - b) That the mounding along the northeast side of the parking lot be ~~increased from two (2) to three (3) feet and that more shrubbery be planted along the same side of the parking lot to preserve the Brand Road scenic corridor as specified in the Earlington Preliminary Plan.~~  
Planting islands within the parking lot would be a reasonable alternative.

VOTE:

1st			
Yes	Berlin	Yes	Jezerinac
Yes	Callahan	Yes	Macklin
		2nd	
Yes	Headlee	Yes	Miller
		Yes	Reiner

  
\_\_\_\_\_  
Chairman or Acting Chairman Date

04-002RFDP  
Prince Of Peace Expansion  
5475 Brand Road

Mr. Reiner moved to approve the Final Development Plan with the following conditions:

- 1) That Kelley and Weiler, before beginning any construction on the site, either escrow or enter into a legal contract with a landscape company to replace the trees in Hemingway at a cost of a minimum of \$175 per dead tree (in escrow) of a 1 3/4" caliper.
- 2) With the staff recommendations.

Mr. Berlin seconded the motion.

Mrs. Headlee said that the trees put in there should be a smaller tree, but a good tree, with a sizable ball. She also suggested that the land-owners be responsible for the trees once they are planted and then replace them if they die.

The vote was 7-0 in favor.

#### 8. Final development Plan - Earlington Village Church Site

Mr. Bowman said that the church site, a part of Earlington Village is located on Brand Road. Mr. Bowman said that some of the Commission members might remember that the site was discussed approximately three years ago - its relation to the Final development Plan and how it can be split off. The Commission at that time was in agreement that the 4.07 acre site could be split off. The following conditions were agreed to:

- 1) That the Brand Road right-of-way be increased to 100'.
- 2) Vacate the curb cut on Brand Road and have a new curb cut on Dungarvin Drive when available.
- 3) The church must submit a detailed site plan before they receive a building permit.

The site plans were submitted. Mr. Bowman suggested that the mounds on the site plan be increased from 3' to 4'. That additional shrubbery be planted at the corner along the long unbroken portion of the parking lot.

Mr. Warner noted that they have approval from the EPA for a septic tank system and a sewer system.

Mrs. Headlee expressed a concern that the leach system would drain into the ditch. The EPA approved the system and only requested in depth soil reports in order to properly design the leach field. If the bed rock is too close they may have to put in an aeration system.

Members of the Commission expressed surprise that an aeration system was not required.



Water will be supplied by a well. Pastor Ganzel said that a church would probably use less water than a residence.

Mr. Scofield, the architect, said that approval had been received from the State Department of Health.

Regarding the landscape plan Mr. Reiner suggested changing the dogwood trees to crabapples or hawthornes. He also said that he thought the trees were on the wrong side of the building.

Mr. Scofield said that the building would be 5,750 sq. ft. with stone and cedar siding and asphalt shingles. The site will also have a retention pond.

Mr. Berlin moved to approve the Earlington Village Church Site with the following provisions:

- 1) That the roadways be mounded with a minimum of 3' plantings and that the applicant replace the proposed dogwoods with heartier trees, and that the caliper of the trees be 1½".
- 2) Staff recommendations.

Mr. Miller suggested adding that the sewer hookup be made within 30 days of availability.

Mr. Warner said that the above was not necessary as a condition because State Law requires same. He also said that the requirement is already in the Dublin Village ordinances (60 days).

Mr. Miller seconded the motion.  
The vote was unanimous in favor.

#### **Informal Discussion**

Mr. Ron Leslie made a brief informal presentation regarding his plans for development of acreage along West Dublin-Granville Road.

The meeting was adjourned by the Chairman at 11:47 P.M.

*Frances M. Urban*  
Secretary, Planning and Zoning Commission

# Village of Dublin, Ohio

INCORPORATED  
Dublin, Ohio 43017

TO: Village Manager  
FROM: Chairman, Planning and Zoning Commission  
RE: Planning and Zoning Commission Action

Please be informed that at the Planning and Zoning Commission meeting of 9-8-82, the following subject was considered:

Development Plan  
Final Plat - Earlington  
Subdivision Section I

- ( ) Rezoning (Z \_\_\_\_\_)
- ( ) Variance (V \_\_\_\_\_)
- ( ) Conditional Use (CU \_\_\_\_\_)
- ( ) Lot Split (LS \_\_\_\_\_)
- ( ) Preliminary Plat of \_\_\_\_\_
- ( ☒ ) Final Plat of Earlington Subdivision
- ( ) Development Plan

and the following action was taken: ( ) Approve ( ) Disapprove (see reasons attached)

( ) Approve with the attached conditions

Approve development plan of less than 10% of the gross area. This is not a waiver of the requirement that the applicant will need to return to the Commission for an extension. Other requirements are: ROW increased to 100' if required (to comply with C.E. Williams Study), vacate Sincerely, the curb cut on Brand Road and have new curb cut on Hungary Drive when available, and they should submit a detailed site plan before they receive a building permit.

Gerald Macklin, Chairman  
Gerald Macklin, Chairman

September 8, 1982  
Date

## VOTE OF COMMISSION:

BERLIN  
CALLAHAN  
D'ALONZO  
JEZERINAC  
MACKLIN  
MILLER  
REINER

Y<sup>2</sup>  
Y  
Y  
Y  
Y  
Y  
Y

CC: Councilmembers  
Engineer  
Planner  
Law Director

04-002RFDP  
Prince Of Peace Expansion  
5475 Brand Road

After discussion, Mr. Miller moved, seconded by Mr. Berlin to recommend approval of the variance request. Vote on the motion was unanimous for approval.

Variance Application Vll-82 - Landscape Requirements

Mr. Howard Adams was present to request a variance to the Landscape Ordinance. Since the majority of Muirfield was platted before the ordinance came into existence, Mr. Adams said they would like to continue with the style of landscaping already used in Muirfield.

Mr. Bowman suggested that Muirfield could work with the Forester and come up with a plan that is equivalent to the Landscape Ordinance. Mr. Wolfe said a significant problem is not only what type of trees should be planted, but when the trees should be planted.

Mr. Reiner moved, seconded by Mr. Miller, to approve the variance. Vote on the motion was unanimous for approval.

Final Development Plan Approval - Earlington Subdivision - Section I

This plat approval was relative to a church site which was proposed on a lot within Earlington Subdivision that contains less than the required five (5) acres. (See August minutes.) Mr. Don Kelley and Mr. Dave Hussey were present and requested that the Commission approve the submitted development plan which will establish the responsibility of the developer for all public improvements and will allow the church to develop on a 4.158 acre lot after the proposed rights-of-way have been dedicated.

Mr. Gunner pointed out the applicant is submitting a final development plan for less than 10% of the proposed Earlington Subdivision. He said the Commission may waive the 10% requirement to establish the church lot, however, this would not eliminate the requirement that at least 10% of the final development plan be submitted within 240 days of the last extension (approximately February, 1982).

The applicant said the church is aware that under the P.U.D. provisions they will need to get approval for their building plans. Also, after Dungarvin Drive is built, the church agrees to the condition that ingress and egress traffic on Brand Road will be discontinued. Until that time, the developer will stipulate in the Deed that Brand Road will be used as a "right in" and "right out" only.

Mr. Callahan moved, seconded by Mr. Berlin, to recommend approval of the development plan of less than 10% of the gross area. This is not a waiver of the requirement that the applicant will need to return to the Commission for an extension. Other requirements are: ROW increased to 100' if required (to comply with C. E. Williams Study), vacate the curb cut on Brand Road, and have new curb cut on Dungarvin Drive when available, and they should submit a detailed site plan before they receive a building permit. Vote on the motion was unanimous for approval.

Mr. Gunner suggested the applicant provide the secretary with a copy of the notification to the church that they are required to come before the Commission with a site plan.

Final Plat - Galway Estate Subdivision

Mr. Gunner explained that the development wants to sell some lots before approvals are considered and did not want to go through the bonding procedure. He said in the past, the Commission has approved an irrevocable letter of credit from a financial institution to the builder guaranteeing that the money is available. Mr. McCoy, representing Dr. Miljus, has been notified that before the plat is approved, a letter of credit must be received by the Village if, in fact, the Commission approves the letter of credit in lieu of bonding or making the improvements.

After further discussion, Mr. D'Alonzo moved, seconded by Mr. Miller, to recommend acceptance of the plat with the understanding that the reserve will be eliminated and a total of a 50' ROW will be dedicated to the Village. Also to recommend acceptance of the letter of credit in lieu of bonding with completion of improvements. Vote on the motion was unanimous for approval.

Informal Discussions

Land Use and Zoning Classification of 21.390 acre parcel - S.W. corner of Shier-Rings & Wilcox Roads.

Mr. Dick Bull and Vic Irelan were present to discuss plans for said site. Mr. Bull said annexation proceedings are being initiated at this time. He said they went before Council on August 16th to question the proposal of a joint effort between the Village and the applicant toward the cost of a sanitary sewer along Cosgray Creek. Nothing concrete was decided at that time since the area is not yet annexed to the Village.

Mr. Bull said the plans are to develop this area into an industrial park with a street branching off of Shier-Rings Road ending in a cul-de-sac. The road would cross Cosgray ditch. The tracts are planned to be a minimum of 1½ acres similar to Shamrock's site plan. He said at this time they question the zoning of the land when it is annexed to the Village. They are interested in LI (Limited Industrial) zoning. Mr. Ireland said it is presently zoned Light Manufacturing in Washington Township with specific covenants and specific uses. He asked whether it would be necessary to go through a rezoning hearing. Mr. Callahan said the zoning would be established at the time the annexation is considered and would be zoned to the nearest classification of the previous zoning.

Mr. Irelan also asked if there would be any problem with the cul-de-sac being 650' to 700' in length. Mr. Macklin suggested the Fire Department be asked to look at the plans of the cul-de-sac for their comments.

Memo from Manager Re: Zoning

In reference to Mr. Sheldon's memorandum of July 16th on establishing a Zoning District for a 32.076 acre tract, on which the Columbus Southern and Ohio Electric Headquarters is situated. After a discussion, Mr. Reiner moved, seconded by Mr. Callahan, to zone the area RI (Restricted Industrial). Vote on the motion was unanimous for approval.

Variance - Sign Code - Berean Bible Church

Rev. Roger Vogel, Pastor of the Berean Bible Church, was present to request approval to place a 3' X 16' sign on each side of the entrance to the church. Mr. Miller moved, seconded by Mr. Reiner, to table the request until the September meeting so Rev. Vogel and Mr. Bowman, could discuss other ways to construct a sign that would meet the church's purpose. Vote on the motion was as follows: 6 Yeas - Berlin, D'Alonzo, Jeverinac, Macklin, Miller, Reiner; 1 Nay - Callahan.

Informal Discussion of a Lot Split for a Church on Brand Road

Mr. Richard Leppert, Grabil and Company Realtors, representing a church and developers concerning 5.2 acres in the Earlington Subdivision on Brand Road zoned P.U.D. He said a contract for a church is being considered on said acreage but if the right of way is eliminated, there would be less than the required 5 acres. He said approximately six (6) lots would be used which shows single family homes on the preliminary plat. There was some discussion of the feasibility of the entrance being on Brand Road and also the possibility of the church purchasing more of the surrounding land in order to meet the 5 acre requirements.

Finally, Mr. Macklin suggested Mr. Leppert meet with Mr. Gunner, Mr. Wolfe, and Mr. Bowman and discuss this proposal further.

Other

Discussion with Mr. Bowman

Mr. Bowman said as the new Planner he will be concentrating on establishing procedures in such matters as zoning requests, sign variances and Planning and Zoning meetings. Also he will work on becoming a resource person to Commissions and Councilmembers in filling their requests. The Commission members each expressed ways in which they would like Mr. Bowman's assistance in considering zoning matters. Some specifics were:

1. Reviewing applications for variances and conditional uses, etc., using such studies as the Northwest Quadrant, Overlay District and C.E. Williams Traffic Study.
2. Make available to the Commission existing planning documents/materials that would help in making land use recommendations.