

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 10-11

Passed , 20

AN ORDINANCE TO REZONE APPROXIMATELY 23.3 ACRES LOCATED ON THE WEST AND EAST SIDES OF AVERY ROAD AT THE INTERSECTION WITH HOLYWELL DRIVE, FROM R-1, RESTRICTED SUBURBAN RESIDENTIAL DISTRICT, AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT (BRIGID'S GREEN) TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT (SAINT BRIGID OF KILDARE CATHOLIC CHURCH - CASE 10-058Z/PDP)

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

Section 1. The following described real estate (see attached legal description marked Exhibit "A") situated in the City of Dublin, State of Ohio, is hereby rezoned PUD, Planned Development District, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 2. The application, Exhibit "B", including the list of contiguous and affected property owners, and the recommendations of the Planning and Zoning Commission, Exhibit "C", are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance therewith.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 28th day of March, 2011.

Timothy A. Lecklider
Mayor - Presiding Officer

ATTEST:

Anne C. Clarke
Clerk of Council

I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 4.12(a) of the Revised Charter of the City of Dublin.

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

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

March 28, 2011

Held

20

Mayor Lecklider called the Monday, March 28, 2011 Regular Meeting of Dublin City Council to order at 7:00 p.m. at the Dublin Municipal Building.

PLEDGE OF ALLEGIANCE

Cub scouts from Pack 138, Chapman Elementary, led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Lecklider, Vice Mayor Salay, Mrs. Boring, Ms. Chinnici-Zuercher, Mr. Gerber, Mr. Keenan and Mr. Reiner.

Staff members present were Ms. Grigsby, Ms. Readler, Mr. McDaniel, Interim Chief von Eckartsberg, Ms. Crandall, Mr. Harding, Mr. Farman, Mr. Langworthy, Mr. Tyler, Ms. Willis, Ms. Ott, Mr. Sova, Ms. Martin, Ms. Ray, Ms. Rauch, Ms. Willis, Ms. Justice, and Ms. Wawszkiewicz.

APPROVAL OF MINUTES

Mayor Lecklider noted that approval of the March 14 Council meeting minutes will be deferred to March 28, 2011.

PROCLAMATIONS/SPECIAL RECOGNITION

- Intelligent Community Day 2011

Mayor Lecklider read a proclamation in honor of Intelligent Community Day 2011. John Jung, founder of the Intelligent Communities Forum, accepted the proclamation on behalf of the Forum. Mayor Lecklider noted that Dublin was named a Smart21 Community in 2008, 2009, 2010 and 2011 and named to the list of the Top Seven Intelligent Communities worldwide for 2010 and 2011. On June 8, 2011, the Intelligent Community of the Year will be announced.

Mr. Jung expressed thanks for the proclamation. He noted that they are very fortunate to have Dublin as part of their Intelligent Community Family. They anticipate continuing to hear of Dublin's intelligent community progress in the future.

CITIZEN COMMENTS

There were no comments from citizens on items not on the agenda.

LEGISLATION

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 10-11

Rezoning Approximately 23.3 Acres Located on the West and East Sides of Avery Road, at the Intersection with Holywell Drive from R-1, Restricted Suburban Residential District and PUD, Planned Unit Development District (Brigid's Green) to PUD, Planned Unit Development District. (St. Brigid of Kildare Catholic Church - Case 10-058Z/PDP)

Ms. Ray stated that the first reading of Ordinance 10-11 occurred at the February 28 Council meeting. Council requested no changes, and there is no additional information to report.

Mayor Lecklider invited public testimony.

Paul Harris, 6322 Lido Court, Dublin, stated that because his property is located in the immediate area of the rezoning, he received notice of this public meeting via mail. He has attended tonight's meeting to find out what the church will be building. He distributed photos of the area behind the church. The area immediately behind the church has been leveled and fenced. There is a school that meets in the church, so perhaps a sports field or some other facility related to the school may be planned.

Mr. Reiner stated that all construction at the church is already complete; no other construction is planned. The land has been leveled and seeded. The fence can be removed.

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Vice Mayor Salay requested that Planning staff confirm that construction is complete. Ms. Ray stated that is correct. This rezoning limits all future development by essentially limiting the amount of future impervious surface or lot coverage on the site.

Michael Close, 7360 Bellaire Lane, Dublin representing the applicant stated that in regard to the west side of the site, that is correct – all construction is complete, as it would increase the amount of impervious surface. However, on the east side of the site, there is a contingency to potentially install more parking on the east side, but only after obtaining additional City approval.

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

Ordinance 11-11
Rezoning Approximately 51 Acres Located on the Northeast Corner of the Intersection of Dublin Road and Memorial Drive, from R-1, Restricted Suburban Residential District and PUD, Planned Unit Development District (Wasatch Estates) to PUD, Planned Unit Development District. (Deer Run - Case 10-062Z/PDP/PP)

Ms. Rauch stated that the first reading of this ordinance occurred at the February 28 Council meeting. The rezoning would authorize a planned district of three subareas providing for nine estate lots and 37 cluster lots with 10 acres of open space. At the previous meeting, Council requested additional information, which has been provided in this packet. Council requested a follow-up regarding: (1) the Planning staff's request that Council reconsider the sidewalk addition; and (2) information about the number of side load versus front load garages within Subarea C. At the earlier meeting, the applicant requested a tree waiver; however, a provision addressing this has now been incorporated in the proposed development text for Council's consideration this evening.

Council requested photographs of similar developments within the City, both with and without sidewalks. Photographs of other such developments were provided in Council's packet. The Ballantrae example is similar to this proposal. The sidewalk and tree lawn can be accommodated within the existing proposed easement area on the preliminary plat, and therefore staff requests Council's reconsideration of this request for a sidewalk within that subarea.

Council also requested the number of lots containing side-loaded or court-loaded garages versus front-loaded garages within subarea C. The original development text provided for the February 28th meeting indicated that nine lots 75 feet wide were required to develop with a side-load or court-loaded garage. Staff has worked with the applicant and determined that an additional five lots could accommodate a side-loaded garage, as well, and that has been incorporated into the revised development text.

The applicant had requested a tree waiver, due to the fact that the property owner has planted a significant number of trees on the site. Planning staff has worked with the applicant to determine language for an appropriate fee waiver, which has now been incorporated in the revised text. This request differs from previous tree waivers. Council typically requires tree-for-tree replacement for trees between 6 – 24 inches, and for trees over 24 inches, replacement on an inch-for-inch basis for all site improvements, and also a fee in lieu of. The tree waiver, which has been incorporated into the revised development text, is stricter in that the applicant has agreed to replace trees that are between 6 – 18 inches on a tree-for-tree basis, and trees 18 inches and above, on an inch-for-inch basis, given that the trees planted by the property owner would not have reached a size greater than 18 inches.

In summary, staff recommends that Council reconsider the sidewalk in Subarea C and approve the ordinance with the proposed development text amendments.

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recognized for apprehending the suspect within a very short time after the shooting occurred on Frantz Road. In doing so, the situation was handled safely and professionally. Officer Rickenbacher was also honored by Central Ohio Crime Stoppers as the February 2011 Officer of the Month.

- Safe Ride Month – March 2011

Mayor Lecklider presented a proclamation to Interim Chief von Eckartstberg in recognition of March 2011 as “Safe Ride Month” in Dublin. Interim Chief von Eckartstberg thanked Central Ohio Safe Ride for partnering with the City on this initiative. This is a continuation of the “Choose Your Ride” program that Officer McKenna helped to create. It enables the City to keep this initiative moving forward, providing taxicab vouchers to establishments in Dublin.

CITIZEN COMMENTS

Patrick Byrne, 829 Oxley Road, Columbus, Chairperson, Central Ohio Safe Ride stated that this initiative began in 2009 as a collaboration between Byrne’s Pub and Fado Irish Pub. It was designed to provide taxicab vouchers during the St. Patrick’s Day holiday season. Since that time, they have collaborated with the Columbus Board of Health and Riverside Methodist Hospital in development of the program, which now includes 17 participating establishments in a year-round program. They are pleased with the support from the City of Dublin and Dublin establishments. The program is very effective in reducing the number of impaired drivers on the road. These establishments are investing their own funds in the program. They are hopeful that the program grows throughout Central Ohio.

Linda Tvorik, 240 Parsons Avenue, Columbus Public Health Safe Communities Program noted that they partnered with Byrne’s Pub and Fado Irish Pub to initiate Safe Ride in 2009, and expanded the program to year round in 2010. They provided 141 vouchers in 2009 and 388 in 2010. They are pleased that the program is now expanding to the City of Dublin. She is hopeful that the other Franklin County communities will join their program as well. The goal is to keep the roads safe by ensuring everyone has a safe ride home. They plan to have a media event in Dublin on March 16, and they are appreciative of the proclamation that they will incorporate in their efforts. The Franklin County Sheriff’s Department and the Ohio Unit of Investigation from Ohio Department of Public Safety is also part of their group.

Bill Jacob, 53 N. High Street, Dublin introduced himself as the 2011 President of the Historic Dublin Business Association. He invited everyone to attend the kick-off meeting tomorrow at the Dublin Library branch at 8:30 a.m. They will share their plans for 2011 with current and prospective members. He added that the City has a strong partner with the H.D.B.A. in making the Historic Dublin a wonderful experience for visitors and residents alike, and ensuring they have a safe and enjoyable visit to downtown Dublin. They look forward to working with the City in the future.

LEGISLATION

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 10-11

Rezoning Approximately 23.3 Acres Located on the West and East Sites of Avery Road, at the Intersection with Holywell Drive from R-1, Restricted Suburban Residential District and PUD, Planned Unit Development District (Brigid’s Green) to PUD, Planned Unit Development District. (St. Brigid of Kildare Catholic Church - Case 10-058Z/PDP)

Mr. Gerber introduced the ordinance.

Ms. Ray stated that this application was reviewed by Planning & Zoning Commission at their February 3, 2011 meeting, and a recommendation of approval with three recommendations was made to Council.

- She shared an aerial view of the site, noting that the application consists of two parcels that are part of the rezoning request to PUD: a 15-acre parcel, located on

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the west side of Avery Road, generally south of Brand Road and Avery Park; and the Brigid's Green PUD, which is an 8.3 acre parcel located on the east side of Avery Road. Surrounding development in the area consists of single-family residential neighborhoods zoned PLR, including Wyndham Village, Wexford Estates and Dublinshire.

- The applicant has met with adjacent property owners to discuss the application, and some of the residents attended the February 3 and November 4, 2010 rezoning hearings and made comments. The residents' main concerns are the amount of development on this site and future potential development. Planning staff has spoken with these residents, who indicate they are generally satisfied with the proposed development text provisions that will help limit all future development on both of these parcels.
- There are two subareas: subarea A on the west side of Avery includes the existing church, pastoral center, and school; subarea B on the east side of Avery includes an existing residence, athletic fields, and a 102-space parking lot.
- The site on the west side of Avery has a long development history. St. Brigid Church and school have undergone several expansions since their construction in 1990 and 1995, respectively. Most recently, the applicant applied for a variance in 2009 to permit the lot coverage on the church site to exceed 45 percent. The Board of Zoning Appeals disapproved this variance, but did approve a shared parking agreement with Radiant Life Church, which is located 1,000 feet to the south of the parcel. This is designed to accommodate the parking requirements for the church's recent sanctuary expansion.
- The church is requesting rezoning to PUD to allow the lot coverage to exceed 45 percent and to allow the church to share parking between the subarea A and subarea B.
- The proposed preliminary and final development plan generally represents the existing site conditions, with a plan for future parking, should additional parking spaces need to be constructed to meet parking requirements.
- The proposed text includes two subareas, and the proposed permitted uses are the existing uses in each subarea.
- Two of the primary issues discussed at P&Z were lot coverage and parking. The proposed text includes provisions that would allow all uses between the two parcels to share required parking and/or required parking would defer to Code. Of the 417 total parking spaces required, 381 are provided with the two parcels of the church site and Brigid's Green. The remaining 36 spaces are provided through the agreement with the Radiant Life Church; however, if that agreement terminates, the final development plan includes a provision showing how the additional parking will be accommodated within subarea B.
- In terms of lot coverage, the proposed coverage is what exists today. It is 50.3 percent for subarea A and 13 percent for subarea B. If the additional parking were required to be installed to meet requirements, the text would allow the permitted lot coverage to be 17 percent for subarea B.

Planning & Zoning Commission recommended approval to Council with three conditions:

- 1) That the applicant modifies the development text to address the comments discussed in the Planning Report regarding parking, subject to Planning approval;
- 2) That the development text be modified to require the same landscape screening for the southern boundary of the new parking lot, subject to Planning approval; and
- 3) That the additional text modifications requested by the Commission be made to the development text, subject to Planning approval.

Planning is recommending approval of Ordinance 10-11 at the second reading/public hearing. She offered to respond to questions. The applicant is present tonight.

Michael Close, 7360 Bellaire Avenue, Dublin noted that:

- All of the development on the site has been done according to permit. However, there were some miscalculations at one time resulting in the

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sanctuary building and some of the parking exceeding the 45 percent lot coverage limitation. Therefore, the applicant originally requested a variance to allow them to keep the parking on the site. It was denied, however the Board approved the use of spaces offsite at Radiant Life, which exceed the Code required limit of 300 feet from the site. The issue relates to the Christmas and Easter church services and the parking overflow needs. For the remainder of the year, the parking spaces are adequate.

- This rezoning commits that there will be no further development on the site beyond what is already permitted. This rezoning will allow the existing parking spaces to be retained. The church has already removed a detention pond on the property, which was a concern of adjacent property owners. There is also a contingency that if the Radiant Life parking agreement is terminated, the Church will build the parking as required on the site. This rezoning simply brings the development into compliance with the requirements. They have met with numerous neighbors who are now satisfied.
- He requested that Council hold over the second reading/public hearing until March 28, as he will be out of town on March 14.

Mrs. Boring asked how stormwater management is being handled, if the detention pond has been eliminated.

Mr. Close responded that the City has already approved a re-engineering of the detention on the site and it has been completed. It was done under the previous R-1 zoning, because the neighbors objected to the detention pond that existed.

Mayor Lecklider recalled some comments in the record about the crosswalk on Avery. Was this resolved?

Mr. Close explained that when the rezoning was done for Brigid's Green, the crosswalk was relocated. There has been no further change.

Mayor Lecklider noted there was some discussion about maintenance of this crosswalk. He asked for clarification.

Ms. Ray responded that a Commission member asked about the parking located on both sides of Avery Road and whether there would be a need for additional maintenance for this crosswalk. It is located in the public right-of-way, but the City will work with the Church to ensure it is maintained properly.

Mr. Close added that the applicant is also improving and widening the existing bikepath along the west side of Avery Road on a portion of this site from a five-foot sidewalk to an eight-foot bikepath.

Ms. Ray noted that there is a portion that tapers to a five-foot sidewalk, and staff recommended that the portion be improved to an eight-foot bikepath.

Mayor Lecklider asked if the concrete sidewalk will be removed and asphalt installed to widen it to the bikepath standard of eight feet.

Mr. Close responded that it could be an asphalt overlay; they will comply with whatever Engineering recommends be done.

Mayor Lecklider noted that he appreciates the efforts of the applicant, staff and the neighbors to work together to address the issues and concerns.

Mayor Lecklider stated that the second reading/public hearing will take place on Monday, March 28 as requested by the applicant tonight.

Ordinance 11-11

Rezoning Approximately 51 Acres Located on the Northeast Corner of the Intersection of Dublin Road and Memorial Drive, from R-1, Restricted Suburban Residential District and PUD, Planned Unit Development District (Wasatch Estates) to PUD, Planned Unit Development District. (Deer Run - Case 10-062Z/PDP/PP)

~~Mr. Gerber introduced the ordinance.~~



CITY OF DUBLIN.

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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

FEBRUARY 3, 2011

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

**1. St. Brigid of Kildare
10-058Z/PDP/FDP**

**7179 and 7210 Avery Road
Rezoning/Preliminary Development Plan/
Final Development Plan**

Proposal: Creation of a new Planned Unit Development District (PUD) for an existing church zoned R-1, Restricted Suburban Residential District, and a park zoned PUD to modify site development standards.

Request: Review and recommendation of approval to City Council of a rezoning and preliminary development plan and review and approval of a final development plan under the provisions of Code Section 153.050.

Applicant: St. Brigid of Kildare, Bishop Frederick F. Campbell; represented by Michael Close.

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

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

MOTION #1: To recommend approval to City Council of this Rezoning with Preliminary Development Plan because it complies with all applicable review criteria and the existing development standards within the area with three conditions:

- 1) That the applicant change the development text to address the comments discussed in the Planning Report regarding parking, subject to Planning approval;
- 2) That the development text be changed to require the same landscape screening for the southern boundary of the new parking lot, subject to Planning approval; and
- 3) That the additional text changes requested by the Commission be made to the development text, subject to Planning approval.

* Michael Close, on behalf of the applicant agreed to the above conditions.

**PLANNING AND ZONING COMMISSION
RECORD OF ACTION
FEBRUARY 3, 2011**

1. **St. Brigid of Kildare
10-058Z/PDP/FDP**

**7179 and 7210 Avery Road
Rezoning/Preliminary Development Plan/
Final Development Plan**

VOTE: 7 – 0.

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

MOTION #2: To approve the Final Development Plan because the proposal is consistent with the surrounding development, meets the development text and complements the existing character of the area, with six conditions.

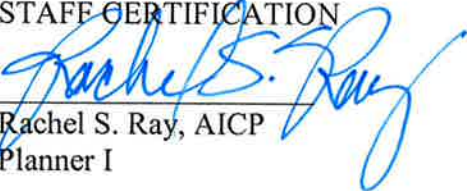
- 1) That the applicant replace the existing chain link fence surrounding the school's outdoor recreation area with a four-foot black wrought iron fence, subject to Planning approval;
- 2) That the applicant improve the existing sidewalk to an eight-foot asphalt bikepath;
- 3) That the parallel parking spaces along the main drive aisle through Subarea A be clearly striped;
- 4) That the applicant coordinate with Planning to identify areas of deficient landscaping and that the site meet landscaping requirements prior to receiving final occupancy;
- 5) That the new parking lot in Subarea B be screened in accordance with the recommended text modification requiring mounding and screening with evergreen plant materials at the time of installation, subject to Planning approval; and
- 6) That the site demonstrate compliance with the City of Dublin Stormwater Management regulations in effect at the time that the additional parking area in Subarea B is installed.

* Michael Close, on behalf of the applicant agreed to the above conditions.

VOTE: 7 – 0.

RESULT: This final development plan was approved.

STAFF CERTIFICATION



Rachel S. Ray, AICP
Planner I

**1. St. Brigid of Kildare
10-058Z/PDP/FDP**

**7179 and 7210 Avery Road
Rezoning/Preliminary Development Plan/
Final Development Plan**

Chris Amorose Groomes introduced this application regarding the development of a new PUD, Planned Unit Development District, for 23.357 acres, consisting of two parcels zoned R-1, Restricted Suburban Residential District, and PUD, to establish a church campus with modified development standards. She said that two motions will be required. She swore in those intending to address the Commission regarding this application, including Michael Close, the representative for the applicant, and City representatives.

Rachel Ray presented the case. She said the 15-acre parcel on the west side of Avery Road is zoned R-1, and an 8.3-acre parcel on the east side of Avery Road is zoned PUD for Brigid's Green. She said the west parcel includes a church, pastoral center, and the St. Brigid of Kildare Catholic School, while the east parcel includes recreational uses and an existing residence. She said the site currently has a shared parking arrangement with the Radiant Life Church which provides at least 36 spaces to meet the parking requirement for this site, based on the recent church expansion for the sanctuary.

Ms. Ray stated that this application was reviewed on November 4, 2010 by the Planning and Zoning Commission. She reported that comments were made by surrounding neighbors concerned with the proposed lot coverage in the development text, which, as originally proposed, would have allowed up to ten percent additional impervious surface over the entire site. She said the Commission also expressed concern with this provision, which led the applicant to modify the approach to lot coverage. She added that the Commissioners were also concerned with how the required parking would be provided for the site.

Ms. Ray said the applicant has revised the proposed development text regarding lot coverage and parking, and said that very minimal modifications are proposed for the site. She explained that the applicant is proposing to allow all the uses on the two sites to share parking based on the required 417 parking spaces for the church. She said 381 parking spaces are provided between the two parcels, and additional parking is obtained through the shared parking arrangement with the Radiant Life Church to the south. Ms. Ray said the applicant has studied the parking needs for the site and determined that the Code required parking is appropriate. Ms. Ray pointed out that the applicant is proposing an additional parking area should their agreement with the Radiant Life Church end.

Ms. Ray stated that the proposed lot coverage is the existing lot coverage for Subarea A, which is 53.3 percent and includes the expansion of a bikepath recommended by Planning with the final development plan. Ms. Ray said the proposed lot coverage for Subarea B is 13 percent which is the existing lot coverage, and if the additional parking must be installed, then the lot coverage provision is 17 percent.

Ms. Ray said at the November 4, 2010 meeting, the Commission requested that a zoning compliance inspection be completed for this site. She said Planning has notified the applicant of potential landscaping deficiencies, and compliance will be required prior to receiving final occupancy with the building permit.

Ms. Ray presented the Final Development Plan for Subarea B depicting the 36 additional parking spaces. She said the applicant is proposing to continue to use their existing lease agreement with the Radiant Life Church to the south, so the addition of the 36 parking spaces is only intended to be installed if the parking agreement ends. She said that at the time of installation, all applicable site development standards will be required to be met including stormwater and landscaping. Ms. Ray said that Planning is recommending that the development text require the same landscaping along the south side of the parking area as currently exists on the south side of the existing parking lot.

Ms. Ray said that Planning has reviewed this proposal based on the review criteria with the rezoning/preliminary development plan and final development plan, and recommends approval with two conditions for the rezoning, and six conditions for the final development plan as listed in the Planning Report:

Rezoning with Preliminary Development Plan Conditions

- 1) That the applicant modify the development text to address the comments discussed in the Planning Report regarding parking, subject to Planning approval; and
- 2) That the development text be modified to require the same landscape screening for the southern boundary of the new parking lot, subject to Planning approval.

Final Development Plan Conditions

- 1) That the applicant replace the existing chain link fence surrounding the school's outdoor recreation area with a four-foot black wrought iron fence, subject to Planning approval;
- 2) That the applicant improve the existing sidewalk to an eight-foot asphalt bikepath;
- 3) That the parallel parking spaces along the main drive aisle through Subarea A be clearly striped;
- 4) That the applicant coordinate with Planning to identify areas of deficient landscaping and that the site meet landscaping requirements prior to receiving final occupancy;
- 5) That the new parking lot in Subarea B be screened in accordance with the recommended text modification requiring mounding and screening with evergreen plant materials at the time of installation, subject to Planning approval; and
- 6) That the site demonstrate compliance with the City of Dublin Stormwater Management regulations in effect at the time that the additional parking area in Subarea B is installed.

Michael Close, representing the applicant, Bishop Frederick Campbell, St. Brigid of Kildare, said that the applicant has addressed the Commission's comments at the November meeting with their proposal this evening. He stated that if the Commission does not approve the application, the church would be required to remove the two parking lots that have existed since the church and school have been built to reduce the impervious surface on the site, which he did not feel made much sense. He reported that they had sent a letter to the neighbors inviting them to call if they had questions about the proposal, and they had received a few calls. He said a neighborhood meeting was scheduled the night of the ice storm, which may have been responsible for the reduced attendance. He reviewed the changes made to the previous plan with the residents, and stated that everybody in attendance said although they felt the site was as developed as it ought to be, they were satisfied with the changes made.

Joe Jimenez, 6290 Manteo Drive, said he had attended the previous hearings regarding this property and his impression was that the application would allow additional development on the site since the lot coverage would be averaged over the two parcels.

Ms. Ray explained that with this rezoning application, the proposed lot coverage is exactly what exists on site today, which is 53.3 percent on the west and up to 17 percent on the east. She clarified that they could not add square footage to the site without rezoning again through the proposed development standards.

Mr. Jimenez expressed concern that it seems as though this site was getting larger and larger. He said his impression was that there have been efforts to try to draw the line, and although the City cannot forbid any future rezoning request to expand again, it seemed like there was an effort being made to preclude additional development on either parcel, and he really appreciated that. He said all his neighbors have the similar concern about additional growth and development of this site.

Amy Kramb said she was comfortable with this application now, knowing that there will be additional parking if needed.

Kevin Walter asked for clarification in the development text regarding (D) Lot Coverage on page 8 of 10. Ms. Ray said the sentence could be simplified by eliminating the Radiant Life Church's name. Todd Zimmerman asked if Mr. Walter would be more comfortable if the text stated the church address rather than the name in the development text. Mr. Walter said that would be fine.

Richard Taylor suggested that there were too many 'ands' and maybe the third one should be a comma in the paragraph to which Mr. Walter was referring. He referred to page 3 of the proposed development text, III. Subarea A – West Campus Overview and said it seemed that IV. Permitted Uses and IV. Development Standards ought to be subheadings under III. Subarea A, because those refer to Subarea A, and similarly for Subarea B.

Mr. Taylor said that he was ready to support this application. He referred to Condition 1 on the preliminary development plan: *That the development text be modified to require a maximum of 417 parking spaces in this PUD, subject to Planning approval.* He said he did not understand why 'subject to Planning approval' was necessary.

Ms. Ray explained that Planning would work with the applicant to change the wording to require a maximum of 417 parking spaces in the text without having to come back for Commission approval before being forwarded to City Council.

Mr. Walter asked if there was a definition for a parking space. Ms. Ray said that the parking requirements of the Zoning Code include definitions of a parking space.

Mr. Taylor asked if the fence was just required to look like wrought iron. Ms. Ray said the Zoning Code would allow aluminum or some other similar type fence material as long as it had the appearance of wrought iron.

Mr. Taylor said as far as he was concerned, development is done forever on this property. Mr. Close agreed.

John Hardt thanked Mr. Jimenez for his comments. He said he was inclined to support this application tonight, particularly because of the concerns that the site is overbuilt. He said this application represents an opportunity to make sure there is no further construction on this site, and he supported it for that reason.

Mr. Hardt asked what agreements were made in regards to the crosswalk since this applicant opted to build a parking lot across the street from the church. Ms. Ray said when the Brigid's Green site was rezoned around 2002, there had been a crosswalk and speed bumps and a proposal for an additional crosswalk to the north. She said the condition of that rezoning and final development plan required them to put in a crosswalk at the applicant's expense. She explained that since then the applicant worked with Engineering to consolidate the speed bump and crosswalks to a single raised crosswalk to reduce confusion along Avery Road and to centralize the pedestrian connections between the two. She said that was the only agreement on record for that crosswalk.

Mr. Hardt asked about crosswalk improvement responsibility. Mr. Close said the crosswalk was just pavement on the City's street. He said the entrances to the crosswalks are their responsibility. Ms. Ray explained that because it is in the right-of-way, it is difficult to assign that responsibility to a private entity.

Mr. Hardt said if additional lights or signs were needed, it is his preference that it be the church's responsibility because the City did not create the situation. He said it was an unusual situation for a developer to opt to put their parking lot across a public road from their front door.

Mr. Zimmerman confirmed that the original crosswalk was on the north side of the intersection of Holywell Drive and Avery Road. He said he was glad that Subarea A was being completed, and he was glad that there was an attempt to hold a meeting with the neighbors.

Mr. Walter asked if there was a definitive statement in the development text that said that in no time in the future will lot coverage requirements be permitted to be averaged across the two subareas. He said although the subareas are identified, the point may be need to be made more forceful by reiterating the intent.

Mr. Close said there was nothing in the text that said that, but they would consent to including a statement in the text.

Jennifer Readler said that there were limitations on both subareas, so another statement could be inserted in the General Overview stating that one of the purposes of this is to preclude further development and lot coverage. Mr. Walter said that would be fine.

Warren Fishman said his comments and concerns had already been covered by the discussion.

Ms. Ray clarified that the development text modifications discussed included a comment about reorganizing the ordering of the Roman numerals so that it is clear that the permitted uses and development standards apply to the particular subarea to which they pertain. She said that under the lot coverage section for Subarea B it would read:

Permitted lot coverage for Subarea B, east campus, is 13 percent. In the event that the shared parking arrangement ~~and lease between Radiant Life Church~~ the property located at 7055 Avery Road and St. Brigid terminates, required parking must be provided in

Subarea B in accordance with Section V (L) above. The permitted lot coverage for Subarea B shall be 17 percent to accommodate the additional parking and access surfaces.

Ms. Amorose Groomes requested that the statement read:
lot coverage for Subarea B shall a maximum of 17 percent.

Regarding future expansion, Ms. Readler suggested that in the last sentence in the General Overview and Site Descriptions, 'and' be eliminated in the third sentence. She said it could read:

The purposes of this application are to establish zoning standards under a unified PUD text, to reflect the previous approvals of existing site conditions, including the construction of the expanded church sanctuary for zoning compliance purposes, and to definitively limit further development of the parcels through the implementation of lot coverage limitations.

Ms. Amorose Groomes said that would be fine.

Ms. Ray recommended that a third condition be added to the two listed in the Planning Report:

- 3) That the additional text changes as requested by the Planning and Zoning Commission be made to the proposed development text, subject to Planning approval.

Mr. Close, on behalf of the applicant, agreed to the three conditions as listed below for the Rezoning with Preliminary Development Plan.

Motion #1 And Vote (Rezoning with Preliminary Development Plan)

Mr. Taylor made the motion to recommend approval to City Council of this rezoning with preliminary development plan because it complies with all applicable review criteria and the existing development standards within the area with three conditions:

- 1) That the applicant change the development text to address the comments discussed in the Planning Report regarding parking, subject to Planning approval;
- 2) That the development text be changed to require the same landscape screening for the southern boundary of the new parking lot, subject to Planning approval; and
- 3) That the additional text changes requested by the Commission be made to the development text, subject to Planning approval.

Mr. Fishman seconded the motion.

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

Mr. Close, on behalf of the applicant, agreed to the six conditions for the Final Development Plan as listed in the Planning Report.

Motion #2 and Vote (Final Development Plan)

Mr. Taylor made the motion to approve the final development plan with six conditions.

- 1) That the applicant replace the existing chain link fence surrounding the school's outdoor recreation area with a four-foot black wrought iron fence, subject to Planning approval;
- 2) That the applicant improve the existing sidewalk to an eight-foot asphalt bikepath;
- 3) That the parallel parking spaces along the main drive aisle through Subarea A be clearly striped;
- 4) That the applicant coordinate with Planning to identify areas of deficient landscaping and that the site meet landscaping requirements prior to receiving final occupancy;
- 5) That the new parking lot in Subarea B be screened in accordance with the recommended text modification requiring mounding and screening with evergreen plant materials at the time of installation, subject to Planning approval; and
- 6) That the site demonstrate compliance with the City of Dublin Stormwater Management regulations in effect at the time that the additional parking area in Subarea B is installed.

Mr. Zimmerman seconded the motion.

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



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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

NOVEMBER 4, 2010

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

2. **St. Brigid of Kildare** **7179 and 7210 Avery Road**
10-058Z/PDP/FD Rezoning/Preliminary Development Plan/Final Development Plan

Proposal: A new Planned Unit Development District (PUD) for an existing church zoned R-1, Restricted Suburban Residential District, and a park zoned PUD to modify site development standards.

Request: Review and recommendation of approval to City Council of a Rezoning and Preliminary Development Plan and a request for review and approval of a Final Development Plan under the provisions of Code Section 153.050.

Applicant: St. Brigid of Kildare, Bishop Frederick F. Campbell.

Planning Contact: Rachel S. Ray, Planner I.

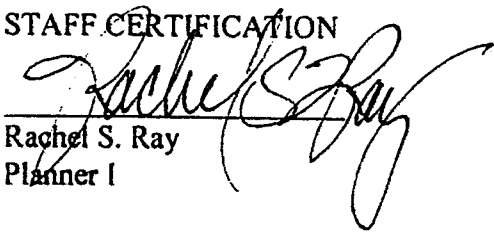
Contact Information: (614) 410-4656, rray@dublin.oh.us

MOTION#1: To table this Rezoning with Preliminary Development Plan/Final Development Plan application at the request of the applicant.

VOTE: 6 - 1.

RESULT: This Rezoning with Preliminary Development Plan/Final Development Plan application was tabled.

STAFF CERTIFICATION


Rachel S. Ray
Planner I

10-058Z/PDP/FDP
Rezoning/Preliminary Development Plan/Final
Development Plan
St. Brigid of Kildare Church
7179 and 7210 Avery Road

2. **St. Brigid of Kildare**
10-058Z/PDP/FDP

7179 and 7210 Avery Road
**Rezoning/Preliminary Development Plan/
Final Development Plan**

Chris Amorose Groomes introduced this request for review and recommendation to City Council of a rezoning and preliminary development plan, and a request for review and approval of a final development plan for a new Planned Unit Development District for an existing church zoned R-1, Restricted Suburban Residential District, and a park zoned PUD, to modify site development standards. She swore in those intending to address the Commission on this case including Mike Close, 7360 Bellaire Avenue, representing the applicant, Bishop Frederick F. Campbell, and City representatives.

Rachel Ray presented this case for a site comprised of two parcels located on the west and east sides of Avery Road, north of the intersection with Avery-Muirfield Drive. She said the western parcel, consisting of 15 acres, is the St. Brigid of Kildare Catholic Church, and the eastern parcel is the Brigid's Green parcel, owned by the church and used for recreational and outdoor uses. She said the surrounding area is zoned PLR, Planned Low Density Residential District, and is primarily residential.

Rezoning with Preliminary Development Plan

Ms. Ray said as part of the rezoning with preliminary development plan, there is a proposed development text that sets forth the regulations for this new planned district with regulations that include Lot coverage and parking. She said the preliminary and final development plans are identical with this application since minimal site modifications are proposed.

Ms. Ray described Subarea A, which is the 15-acre parcel containing the 23,646-square-foot church, a 14,200-square-foot pastoral center, a 67,400-square-foot school, and a 267-space parking Lot. She said there are two access points from Avery Road, and to the rear of the site is a large open field with a detention basin.

Ms. Ray described Subarea B, the Brigid's Green parcel, as containing a 102-space parking Lot, a 1,600-square-foot single-family residence, storage structures, and a concession stand and restroom facility to serve the recreation fields in the northeast portion of the site. She said a stream runs along the southern portion of the site, with a wooden footbridge that provides pedestrian access between the two parcels.

Ms. Ray provided a case history for this site to describe how this application has evolved. She said the site was originally approved by the Planning and Zoning Commission (PZC) in 1990 for architectural considerations, and in 1995, a parking variance was granted by the Board of Zoning Appeals (BZA) to allow shared parking between the church and the school facility. She continued that in 2002, the church proposed a concept plan application that included both parcels to begin to address some of the parking concerns, but City Council requested that the two parcels be treated as separate PUDs to allow the issues on each site to be address independently. Ms. Ray said as a result, while the Brigid's Green proposal moved forward, a PUD application was never filed for the church site.

Ms. Ray said in July 2009, Lot coverage and shared parking variance applications were submitted and reviewed by the BZA which had resulted from the expansion of the sanctuary because it had been determined that a building permit allowing greater Lot coverage than 45percent had been approved in error. She said the applicant requested a variance to allow the Lot coverage to increase and allow the required parking to be accommodated on the site. She said the BZA disapproved that variance, and in order to bring the Lot coverage into compliance and also to provide the required parking, the church worked out a shared parking arrangement with the Radiant Life Church to the south. Ms. Ray said the approved building permit shows a total of two parking pods being removed. She said this application proposes that these parking areas be permitted to remain.

Ms. Ray reiterated City Council had requested that the PUD be treated separately on each side of the street to address resident issues. She said some of the issues raised over the years were the continuous expansion of the church, additional parking and pavement concerns primarily in the rear of the site, and concerns about light trespass onto adjacent properties, among other concerns.

Ms. Ray said the proposed development text for this PUD covers the development requirements for each of the two subareas. She said the two topics that Planning wanted to focus on specifically are lot coverage and parking. Ms. Ray said the applicant is proposing to regulate the maximum lot coverage over both subareas, effectively looking at the two parcels as one larger parcel. She said the existing Lot coverage is 48.6 percent for Subarea A and the existing Lot coverage for Subarea B is 12.5 percent. She said that the applicant is also proposing that, to account for potential future needs for additional impervious surface to be approved without requiring a full rezoning, an additional ten percent of the final development plan, which would net approximately 36,000 square feet of additional impervious surface that could be approved through an amended final development plan application.

Ms. Ray said that Planning has concerns with allowing the Lot coverage to be regulated on an overall basis, and their preference is the Lot coverage be regulated Subarea to Subarea. She said that would avoid having an imbalance of impervious surface on one side, and given the two different types of uses separated by a road, it would be easier to administer the two Lot coverage requirements separately.

Ms. Ray said the applicant was proposing to maintain all existing parking in Subarea A, maintaining the two parking pods that were shown as being eliminated, and also allowing the 102 spaces on the eastern parcel to meet parking needs. She reiterated that currently, there was an agreement with the Radiant Life Church which gives this church access to an additional 224 parking spaces for holiday services and special services which have higher than typical volumes.

Ms. Ray said while Planning is in agreement with the proposal to allow the existing parking to remain, they recommend that some kind of calculation or formula be used to arrive at that number, which has been discussed with the applicant.

Final Development Plan

Ms. Ray said changes the applicant is proposing include the elimination of the detention area to the rear of the site, which area residents have had concerns about over the years, and the addition

of a sidewalk. She said with this application, Planning recommends that the applicant improve an existing five-foot concrete sidewalk to an eight-foot asphalt bikepath to continue the bikepath system along Avery Road. She said that 20 parking spaces are shown along the main drive aisle into the site, and Planning recommends that they be clearly striped so they can be used more efficiently.

Recommendation

Ms. Ray said in Planning's analysis this proposal complies with the rezoning/preliminary development plan criteria and the existing development standards within the area. Approval is recommended with one condition.

- 1) The applicant shall modify the development text to address the comments discussed in the Planning Report regarding Lot coverage and parking, subject to Planning approval.

Ms. Ray said in Planning's analysis, this proposal complies with the development text, the final development plan criteria and existing development in the area. Planning recommends approval of this request with two conditions:

- 1) The applicant shall improve the existing sidewalk to an eight-foot asphalt bikepath; and
- 2) The parallel parking spaces along the main drive aisle through Subarea A shall be clearly striped.

Mike Close said they have made minor changes to the site, but it still largely remains an 'as is' project. He said the only substantive changes thus far have been the detention area, which has been a source of complaints from the neighbors, and the sanctuary expansion. He said the grading has already begun to eliminate the detention area by increasing some of the pipes used. Mr. Close said they have a permit and are five weeks from completing the sanctuary expansion by adding two wings under the corner of the cross.

Mr. Close said they were here because of an error they made and was approved by the City, regarding too much impervious surface. He said he met with the neighbors, and the church representatives understood they had to come back in front of the Commission if they wanted to do anything else on the site. He said if Radiant Life Church is sold or if St. Brigid is required to provide more parking spaces, they will have to have a different solution. He said they knew they could get additional spaces on the east campus, but they do not intend to do that. He said he would come back and ask that they not have to do that because they have found over time that their parking is adequate at the church with the exception of Christmas and Easter.

Mr. Close said in 2002, they tried to combine the sites into a single PUD, but City Council said since the final plans for the church were unknown on the west parcel, the church should wait and return when they knew what was needed. He said that was what they were doing tonight. He said the fact that City Council once asked that these be separated in 2002 does not mean that they intended for them be separated forever. He said the church is finished developing this site, barring the addition of more parking on the site at a later date.

Ms. Amorose Groomes invited public comments regarding this case.

Ann Arnold, 6303 Wismer Circle, verified the neighbors attended a meeting with Mr. Close, but she was not sure they all understood that there was not some underlying motive regarding the grass area behind the parking area and the gymnasium. She said she had lived at the same address since 1993. She said the parking area was full with the exception of the 7:30 a.m. Sunday Mass. She said eliminating the detention basin behind the gym appears to make it easier to construct more parking spaces in its place. Ms. Arnold said the area contained weeds and it was not a place for children to play. She said if the church really intended after the school gymnasium was expanded to make that an area conducive for children to play, she thought they would have made more of an effort to care for that grass area.

Ms. Arnold said one of the biggest neighborhood concerns was there was an error by the City with the Lot coverage when the new gymnasium was constructed. She said there was a sense and concern that the neighbors were not protected, and with this application comes they continue to be concerned that the City would protect them from the Lot coverage challenges on the west campus.

Ms. Arnold said she was concerned that combining the two parcels into one would significantly reduce the Lot coverage and allow for more impervious surface. She reiterated there was a feeling of an underlying motive by the church to construct more parking, which is what the neighbors want to prohibit.

Ms. Arnold expressed concerns about the maintenance of the building for the ball field and the overall maintenance of the site landscaping. She said there is concern about the attention the church is giving to the property as it exists today. She requested a review of landscaping and mounding.

Ms. Arnold pointed out that modifying the text so that there is one parking space for every four seats works fine when it is combined two parcel situation, but it does not work with the expansion of the church and the seating. She said one space for every four seats would require more parking on the west campus. Ms. Arnold urged the Commission to impose the most stringent requirements on the west campus and that no more building be permitted on the west campus without full review and neighborhood notification.

Ms. Amorose Groomes clarified the calculation error was not made by the Planning and Zoning Commission. She made a formal request that a landscape inspection take place for the site. She said in the future, if Ms. Arnold has concerns about Code requirements and maintenance, she should contact Dublin's Code Enforcement Division.

Jim Gatto, 6321 Lido Court, said the gym was built in 2008, which caused the Lot coverage to exceed the requirement by 4.7 percent. He said in Spring 2009, the church asked for a 4.8 percent lot coverage variance and was denied by Board of Zoning Appeals (BZA), which meant the church had to come into compliance by removing 39 parking spaces. Mr. Gatto said the BZA approved a restriction for a 500-foot variance for offsite shared parking at the Radiant Life Church. He said in the summer of 2009, the St. Brigid Church was given a permit to begin their expansion, knowing that when they began the expansion, they needed to come into compliance

by removing parking spaces. He said the only way they can come into compliance without removing parking spaces is by doing this PUD. Mr. Gatto said the applicant was also asking for an additional ten percent lot coverage, which could equal 36,000 square feet of additional parking. He recalled Mr. Close's earlier comment that if Radiant Life Church was sold, people will not be allowed to park there and that the applicant will have to resolve the parking requirement. He asked if that had been considered.

Mr. Gatto said his points were the church was already out of compliance on the west side Lot. He said the church knew that they wanted to build a parish center, a new gym, and expand the church. Mr. Gatto suggested the architects should have taken that into consideration where they were going to park these people, and what kind of lot coverage it would be required. He said the church knew those things, but went ahead and did it anyway.

Mr. Gatto said the neighbors are afraid Radiant Life Church will go away and the church will have to build the required parking somewhere on the site. He said he did not know if it would be on the west or east side, but he did not think neighbors from either side want more parking and the lighting that goes along with it. He expressed concern for the neighborhood if the church is allowed to combine these two Lots. He concluded by saying the neighbors are tired of the church disregarding the requirements, and the exceptions cannot continue to be made for them.

Amy Kramb asked that it be clarified how the applicant got permission to expand the church, despite already being over the Lot coverage limit.

Ms. Ray said the church submitted a building permit application that showed a site plan that eliminated two parking areas reducing the Lot coverage enough to gain compliance. She said if this application was not approved, then the applicant would be required to eliminate those parking spaces. She said because shared parking was approved by the BZA the parking requirements are met.

Kevin Walter asked if the church had an occupancy permit for the building permit. Ms. Ray said they did not.

Ms. Kramb confirmed the permit was approved on the basis of the agreement with the Radiant Life Church. Ms. Ray clarified a condition of the variance required the church to have an agreement with the Radiant Life Church in order to provide the required parking.

Ms. Kramb asked what would happen if the church did not have the parking available at Radiant Life Church. Jennifer Readler said St. Brigid Church would have to meet the Code requirements for parking if that agreement went away.

Mr. Langworthy added the applicant could change their operations to resolve the parking issues.

Ms. Kramb confirmed the parking requirement was based on the building addition. Ms. Ray said with the building expansion an additional 114 parking spaces were needed beyond the 300 spaces approved with the 1995 variance. She said Code allows the church to meet 50 percent of

the parking requirement through an off-site shared parking arrangement limited to a distance of 500 feet.

Ms. Kramb asked if the three signs shown on the plan exist today. Ms. Ray said there were two signs on the St. Brigid site at each entrance and one at Brigid's Green directly across the street.

John Hardt agreed with Ms. Amorose Groomes about the landscape review, and agreed on the importance of the sidewalk improvements. He asked about the elimination of the stormwater basin. He asked if engineering reviewed the stormwater and whether the site meets the stormwater regulations without the detention basin.

Ms. Ray confirmed the applicant modified the pipe sizing in order to accommodate the additional stormwater, which has been reviewed and approved by Engineering.

Mr. Hardt referred to the Planning Report and the presentation regarding the density and the Lot coverage of the two subareas separately versus together. He said he agreed with Planning that they should be done separately for a variety of reasons. He said was not in favor of site being treated as one overall site using green space in Subarea B to counter the construction of additional impervious surface in Subarea A. He said he would like to see that rewritten as Planning has suggested.

Mr. Hardt said he understood the applicant's desire to rectify the situation by adjusting the regulations so what is built will be in conformance with the regulations. He said he did not understand why the applicant was proposing an additional ten percent lot coverage since Mr. Close indicated that the church was done with construction on this site. Mr. Close said they took the language from the Dublin City Code which would allow them to make minor modification as an amended final development plan, instead of a rezoning.

Mr. Hardt said he understood, but ten percent of additional lot coverage was not minor. Mr. Close said it could be removed.

Mr. Hardt asked how much additional square footage could be gained with the ten percent increase. Ms. Ray said it equals 36,000 square feet.

Mr. Langworthy clarified the Zoning Code, as Mr. Close suggested, was not an automatic ten percent, it was ten percent of the building footprint that could be administratively approved. He said Planning was proposing that it would be approved by the Commission.

Mr. Close said he was willing to give up the ten percent because he did not mind if he had to come back to the Commission through a rezoning to justify additional development.

Mr. Hardt said he could support modifying the density on the western parcel to match what is there today and rectify the administrative problem that exists, but he would like to identify a maximum Lot coverage and cap it so if there was ever any other construction proposed, the church would have to rezone for more density.

Ms. Ray asked for clarification regarding Planning's recommended 1,500-square-foot Lot coverage "allowance" for the addition of a small sidewalk or other minor site improvements. She said it was that ten percent that was the next level of review requiring approval of the Planning and Zoning Commission.

Richard Taylor said this project was sensitive enough that even the smallest modifications should return to the Commission.

Todd Zimmerman said he agreed with the comments regarding the landscape review and keeping Subareas A and B separate.

Ms. Kramb said she had a concern approving a development text written to permit everything existing, including signs and fences. She said she was concerned it would set the wrong precedent, and she was not comfortable combining the parcels for the same reasons already discussed. Ms. Kramb added she was not comfortable with how the applicant would provide the required parking if the shared parking agreement goes away.

Ms. Kramb reiterated that she was not comfortable approving a text that said they are allowed to have only 381 parking spaces and be in compliance when they have a sanctuary that seats 1,500 people when their masses are full. She said 381 parking spaces is not going to accommodate 1,500 seats. She said she was not comfortable with how the development text was written.

Mr. Walter said agreed with Ms. Kramb about the proposed development text. He said he thought combining the parcels was a mistake. He said the church was overbuilt and that was problematic, and the church is chipping away at what they can put on the site little by little. He said the parcel was already too dense and he did not support this application in any way.

Mr. Taylor said if this were to proceed, he would like the applicant to design the additional necessary parking on the east parcel and gain approval from the Commission should the Radiant Life Church parking go away.

Ms. Amorose Groomes asked what the Commission's options were. She said they have a problem and she thought they all needed to come to the table to work towards a solution.

Ms. Readler said that the applicant could be asked if they were willing to table the two applications tonight and explore some revisions to the text to address some of the issues raised tonight. She said another option could be to vote on the rezoning and table the final development plan, until City Council makes a decision regarding the rezoning.

Ms. Amorose Groomes said she was not in favor of combining the parcels because although they could take the applicant's word the site will not be developed further this Commission will not be present 50 years from now and someone else will be making decisions. She said they had to look at the long term.

Mr. Hardt asked which Commissioners were not in favor of combining the two parcels to be governed under one PUD text, or combined in density calculations. Ms. Amorose Groomes and Mr. Walter clarified that they were opposed to combining the parcels in the density calculations.

Ms. Kramb said she was in favor of separating the calculations of the two parcels, because the PUD could have a very strong development text, but as it is, the proposal does not have a strong development text. She said it fails to meet the criteria of being consistent with the Zoning Code. Mr. Walter said he looked at this site from the long term perspective. He said this site was so sensitive that creating a single subarea might not be an important enough distinction between the specific differences between the sides of the street.

Mr. Taylor said the Commission already knows how City Council feels about this site, since in 2002 they required that the two parcels be submitted as separate PUDs.

Ms. Amorose Groomes said she thought it might be appropriate for the Commission to try to gain City Council's insight about this rezoning. She said there were some ways to achieve that by tabling the final development plan and forwarding the rezoning with a preliminary development plan on to City Council to have them make a decision.

Mr. Fishman said he would like to see everything tabled. He said the text should be cleaned up before this application moves forward. He said this site is very difficult, because they cannot move the church or lower the number of people that attend Mass, but they can clean up the text. He said if the whole application was tabled and it came back with a different proposal, they might be closer to what the Commission needs. He agreed with Ms. Kramb and Mr. Walter 100 percent.

Mr. Walter referred to Mr. Close's comment that he could go to the courthouse to combine the parcels, and asked if that was an accurate statement. Ms. Readler said she did not agree.

Ms. Kramb said the parcels could be combined, but would remain two separate zoning districts.

Mr. Walter confirmed that even if the church was successful in getting the parcels combined with mixed zoning, there was still no way for them to transfer rights from one side to the other side. He said therefore, he thought they should remain as separate parcels. Mr. Fishman agreed.

Mr. Taylor said he thought the biggest issue without an answer was what happens to the parking if Radiant Life Church goes away.

Mr. Hardt suggested four ways to resolve that parking problem: 1) parking could be placed on the east parcel, 2) the parish could buy the Radiant Life Church, 3) the church could alter their operations, or 4) they could buy a shuttle bus. He said he did not think it was for the Commission to say what the solution was because there may be more possible solutions. Mr. Walter said a fifth option could be a parking deck.

Mr. Fishman said he thought trying to control the services was not a solution. He said he would like to table everything so that a solution can be found before the Commission makes any decisions.

Mr. Zimmerman said St. Brigid is meeting their obligation with the shared parking agreement and it was hard to say what the future will hold. He said the applicant knows in the future that if there is a problem, it has to be dealt with.

Mr. Hardt said he agreed, except in this case, this is a facility that has been overbuilt.

Mr. Walter said the history of this Lot is that they will keep building and then find a way to get around the building issues.

Ms. Kramb pointed out the development text required 381 parking spaces. She asked if Mr. Zimmerman was satisfied that was enough parking for 1,500 people at one Mass. Mr. Zimmerman said he was not satisfied, but the applicant has taken the liberty and gained additional parking at the other church.

Ms. Amorose Groomes asked if essentially, he was asking why hold this applicant to a higher standard than maybe what has been held other applicants to do.

Ms. Kramb asked if any other church came to the Commission with 1,500 seats, would they let them have 381 parking spaces.

Mr. Langworthy suggested that the questions to be answered are, does the parking currently work, is the number of spaces needed for each services working now, and are 381 parking spaces adequate operationally. Mr. Hardt said if 605 spaces is the right number, then the text should say that.

Mr. Langworthy said the answers to the questions needed to be provided before numbers can be put to something. He said the Commission can have the applicant do a parking operation study and bring the information back so that the actual situation can be determined. He said when Planning discussed it, they had concerns about the numbers as well, but it was not necessarily the number related to seating, but the fairly limited amount of time between turnover of services.

Mr. Fishman expressed concerns about parking overflows into the neighborhood if not enough parking is provided on site.

Mr. Walter said the diocese had other options. He said there is a requirement for this institution just like there are for other institutions, and if this one cannot stay inside the requirements then the institutional use does not work there.

Mr. Fishman reiterated that this application should be tabled to allow the applicant the opportunity to return with a long term solution.

Mr. Close requested that the applications be tabled.

Motion and Vote

Mr. Fishman made the motion to table this Rezoning with Preliminary Development Plan/Final Development Plan application at the request of the applicant. Mr. Hardt seconded the motion.

The vote was as follows: Mr. Taylor, yes; Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Mr. Walter, no; Ms. Kramb, yes; Mr. Hardt, yes, and Mr. Fishman, yes. (Tabled 6 – 1.)

3. Indian Run Meadows – Section 4 – Indian Run Meadows Park
10-067AFDP

6675 Fallen Timbers Drive

Amended Final Development Plan

Chris Amorose Groomes introduced this request for an Amended Final Development Plan for new picnic tables, shelter, and playground seating for the Indian Run Meadows Park located on the south side of Fallen Timber Drive, north of Post Road. She swore in those intending to address the Commission on this case, including City representatives.

Ms. Amorose Groomes said a presentation was not needed for this consent item. She asked anyone from the public who wished to speak with respect to this case to come forward.

Nancy Riley, 6689 Fallen Timbers Drive, asked if the picnic tables would be securely affixed to the concrete pads to prevent vandalism. Laura Karagory, Parks and Open Space, the applicant, confirmed they would be affixed to the pad.

Motion and Vote

Mr. Taylor made the motion to approve this Amended Final Development Plan application because the site modifications are consistent with the Indian Run Meadows development text and complement the existing development in the area. Mr. Fishman seconded the motion.

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

4. Mellow Mushroom Restaurant – Sign & Architectural Modifications

10-068CDD

6505 Dublin Center Drive

Corridor Development District

Ms. Amorose Groomes introduced this Corridor Development District application involving sign and architectural modifications to an existing restaurant located on the west side of Dublin Center Drive, north of the intersection with West Dublin Granville Road. She swore in those intending to address the Commission in regards to this case including the applicant, Janet Zachrich, owner, and her representative, Phillip Wince, Davis Wince Architecture, and City representatives.

Ms. Amorose Groomes said a presentation was not necessary for this consent item.

Todd Zimmerman referred to the architectural modifications on page 3 of 6 of the Planning Report where it stated the patio would be enclosed with 36-inch by 60-inch wood out swinging



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Creating a Legacy

BOARD OF ZONING APPEALS

BOARD ORDER

JULY 23, 2009

The Board of Zoning Appeals took the following action at this meeting:

1. **St. Brigid of Kildare – Lot Coverage Variance**
09-035V

7179 Avery Road
Area Variance

Proposal: A variance request to exceed the permitted lot coverage for and to exceed the maximum distance for offsite shared parking for a church zoned R-1, Restricted Suburban Residential District, located at the intersection of Avery Road and Holywell Drive.

Request: Review and approval of variances to Code Sections 153.071(B)(4)(d) and 153.203.

Applicant: Represented by Michael Close, Esq., Wiles, Boyle, Burkholder & Bringardner Co., L.P.A.

Planning Contact: Jamie Adkins, AICP, Planner II

Contact Information: (614) 410-4644, jadkins@dublin.oh.us

MOTION #1: Victoria Newell made a motion, seconded by Brett Page, to approve this variance application to exceed the permitted lot coverage.

VOTE #1: 0 – 4.

RESULT: This Variance application was disapproved.

RECORDED VOTES MOTION #1:

Bangalore Shankar	No
Victoria Newell	No
Patrick Todoran	No
Brett Page	No
Sean Cotter	Absent

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BOARD OF ZONING APPEALS

BOARD ORDER

JULY 23, 2009

1. **St. Brigid of Kildare – Lot Coverage Variance**
09-035V

7179 Avery Road
Area Variance

MOTION #2: Victoria Newell made a motion, seconded by Brett Page, to approve this variance application to exceed the maximum distance for offsite shared parking because it meets the standards for a non-use (area) variance set forth in the Code, with two conditions:

- 1) That the applicant submit a parking operations plan that ensures efficient direction of traffic to minimize conflicts with the public roadway network; and
- 2) That the applicant submits an affirmation that the signed lease continues on an annual basis or this variance shall expire.

*Michael Close agreed to the above conditions.

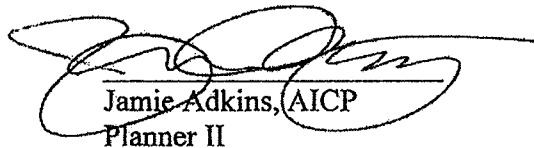
VOTE #2: 4 – 0.

RESULT: This Variance Application was approved.

RECORDED VOTES MOTION #2:

Bangalore Shankar	Yes
Victoria Newell	Yes
Patrick Todoran	Yes
Brett Page	Yes
Sean Cotter	Absent

STAFF CERTIFICATION


Jamie Adkins, AICP
Planner II

1. **St. Brigid of Kildare – Lot Coverage Variance**
09-035V

7179 Avery Road
Area Variance

Jamie Adkins presented this case involving a request for two variances. She said that during the last hearing this case was tabled because the Board and the residents raised concerns over the proposed parking lot and building expansions. She said the applicant has addressed some of the concerns of expanding the building, and the proposed site plan no longer includes the proposed parking lot expansion on the northwest corner of the site. Ms. Adkins said the applicant is still proposing a modified drive aisle, a sidewalk, and the previously proposed building expansion, which does not change the lot coverage variance request. She said the existing site is just over 48%, which is above the 45% permitted by Code, and with the proposed building expansion, the lot coverage will be 48.26%, which is less than the previous request of 54%.

Ms. Adkins said the second variance request is to address parking. She said by removing the parking from the proposal, the applicant still must meet the Code requirements if the building expansion were to be approved. Ms. Adkins said in order to meet Code-required parking, the church has secured a parking agreement with Radiant Life Church, which is located to the south of the property. She said the Code permits churches to have joint offsite parking agreements for up to 50% of their required parking as long as the parking is within 300 feet. She said the distance in this case is approximately 1,000 feet, and therefore, St. Brigid will need a variance from the 300-foot distance requirement.

Ms. Adkins said staff has evaluated both variance requests, and for the lot coverage variance it is Planning's opinion that none of the criteria in the first section has been met and two of the four criteria have been met in the second set of standards. She stated that Planning recommends disapproval of this lot coverage request.

Ms. Adkins said that for the shared parking distance variance request, it is Planning's opinion that all of the criteria are met in the first section and three of the four criteria have been met in the second section; therefore, Planning recommends approval of the shared parking distance variance request with the conditions listed in the Planning Report.

Bangalore Shankar asked for clarification regarding the distance measurement. Ms. Adkins said the distance is measured from the front door of the church to the actual parking area.

Mr. Shankar asked if that distance is the maximum. Ms. Adkins said it is, which is why the applicant is requesting a variance to permit the offsite parking.

Patrick Todoran asked if there will be a problem with the two churches overlapping service times, which would impact the parking arrangement. Ms. Adkins said that currently, the site is not being used as a church, and the shared parking agreement stipulates the hours which the parking area may be utilized.

Brett Page asked if there has been a plan submitted outlining how the church will ensure people get to and from the parking area safely. Ms. Adkins said there is a walking path between the two

areas, and the goal is to let parishioners know when the St. Brigid's parking area is full and redirect them to the overflow parking area to prevent traffic jams.

Mike Close, 7360 Bellaire Avenue, said St. Brigid's has contracted specific dates and times during which they are allowed to utilize the parking area of the Radiant Life Church. He said once the parking is approved the church will notify the parishioners in many different ways to ensure everyone is aware of the additional parking. He said there is not a problem to place a "parking full" sign to avoid parking hazards.

Mr. Close said that at the last meeting he was told that the parking was 400 feet away as measured from lot line to lot line, and so he is currently unsure of what the current number is because the measurement criteria seem to have changed. He said he measured a little over 800 feet from the parking area to the front door. Mr. Close said there is a bike path from Radiant Life Church to St. Brigid's, so there should not be a problem with people walking to the lot.

Mr. Close said he has a problem with the second condition because the lease renews itself every year. He said at the conclusion of the construction of the sanctuary a planned unit development application will be submitted to cover both sites, and there are plans to add additional parking on the Brigid's Green side, in the event the lease with Radiant Life Church is terminated for any reason. He stated that in reality there is more than enough space with both of the parcels joined to meet the lot coverage requirements without a variance. Mr. Close said he expects that when he submits the rezoning application for the parking area, the construction of the additional parking lot will be completed and if the parking arrangement does not work, the church has the ability to add spaces. Mr. Close said there is no way the church can meet the second condition because the term of the lease automatically renews, so they cannot provide yearly proof of the lease agreement.

Mr. Close said there has been a reduction in the amount of parking needed for the sanctuary. He said the increase is only .17%. He said the church is aware of the current violation, which is partly the church's fault and partly the city's fault. He said an erroneous application was submitted and the error was not detected prior to approval, and in turn the church is 3% over the allowed lot coverage. He said with the additional .17%, the parking variance, and PUD zoning covering the parcels, there would not be an issue. He said construction is intended to start as soon as the application is approved. He said it is sufficient to say that the church has outgrown the current space and needs to build. He said he would like to make the variance for the expansion for the sanctuary a two-year variance, and at the end of the two years if the rezoning application is not submitted then he should have to come back and explain why the application was not submitted or the variance should be revoked. Mr. Close said if plans go accordingly he would have the planned unit development application filed, bringing the church into compliance. Mr. Close said he believes this variance can be a short-term solution and the church would be in full compliance within the near future.

Ms. Adkins said the second condition was intended to address a time frame for parking because the offsite parking is not intended to be a permanent solution. She said Planning cannot condition the church to submit a planned unit development application because it requires approval by a different Board.

Ms. Newell asked if staff has a recommendation on how the condition could be modified. Ms. Adkins said it is up to the Board, and Planning would support a time limit on either of the variances as the applicant has suggested.

Mr. Close said he has no problem with returning to the Board every two years to discuss how the parking situation is working. He said if it is not working, additional parking areas are being built anyway. He said he cannot provide written confirmation of the lease every year because it is self renewing.

Ms. Newell said that the lease agreement is being taken into consideration. She asked Ms. Adkins to clarify how the distance between the parking area and the church is measured. Ms. Adkins said the Code states measurement should be taken from the parking area to the front entrance of the church. She explained that Planning measured a straight line from the nearest edge of the proposed parking area to the front entrance of the church, and the distance is approximately 1,000 feet.

Ms. Newell said Planning is measuring from the drive entrance to the next drive entrance as opposed to the property line. She said the measurement of the distance was referenced when the case was heard last month.

Ms. Adkins suggested the condition, "that the shared parking agreement expire in two years if a planned unit development rezoning application has not been submitted" as a good compromise.

Ms. Newell asked how submitting an application for a planned unit development district rezoning will solve the issue for the church. Ms. Adkins said the church would write its own zoning requirements, like on Brigid's Green, which is a way to allow the church to have parking on just one site and address some of the site constraints. She said the process would tailor zoning to the site, but there is still an issue with parking. Ms. Adkins said the rezoning would be reviewed by Planning and Zoning and approved or disapproved by City Council, and any final development plans would be approved by the Planning and Zoning Commission.

Mr. Page asked about the lot coverage error, which put the church over the limit. Ms. Adkins said the Code limits lot coverage to a maximum of 45% and it is the applicants' responsibility to comply. She said part of the error was that it was never noted on the plans for the building permit submittal because during the review process it was not noticed that the notation was not there.

Mr. Close said there are already plans for Brigid's Green, but it has to go through the Planned Unit Development rezoning process to change parking requirements. He said when the lot is finished, the plans for the expanded parking will be presented to the Planning and Zoning Commission, but if the shared parking arrangement works, there is no reason to put down additional asphalt.

Mr. Newell asked about a long-term solution concerning the shared parking agreement. Mr. Close said currently there is a 90-day lease for the parking agreement. He said the parking on the Brigid's Green site will be part of a Planned Unit Development District rezoning application, and the timing will be up to the Planning and Zoning Commission and City Council.

Jim Gatto, 6321 Lido Court, asked what happens if the Planned Unit Development expansion does not get approved and the church has already expanded. He said people will be coming to the larger church and there will not be enough parking. He said the walk from Radiant Life Church is going to be challenging in bad weather because the bike paths are not cleared for pedestrians, and so people will not want to park there; they will park in the neighborhoods instead. He said the parking agreement may not be the best solution for the parishioners because in reality it is a bit of a walk. Mr. Gatto said that in the last meeting Mr. Close said that asphalt is not needed, cars could utilize the grassy area behind the gym. He was concerned that the church will put down gravel once cars start parking on the grass. He reiterated that the lot coverage already exceeds the maximum by 3% and he feels the expansion plan needs to be outlined prior to construction.

Mr. Shankar said somewhere along the line, while the church was continuously expanding, someone should have caught the lot coverage error. He wanted to know how to bring the building down to a reasonable percentage. Ms. Adkins explained that lot coverage deals with impervious surface, including any type of pavement, parking, sidewalks, drive aisles and buildings. She said rather than removing portions of the building, the simplest way to meet the 45% criteria would be to reduce parking, which would put them below the Code-required amount of parking space. She said that in order to be in compliance with Code, the church would have to relocate parking.

Mr. Shankar asked how much parking would need to be removed in order to be in compliance with the lot coverage requirement. Ms. Adkins said it is 19,000 square feet of impervious area, which would require 50 to 60 parking spaces. She said it is similar in size as what was proposed at the last meeting in the northwest corner of the site. She said that is the amount of pavement, which would need to be removed to comply with the 45%.

Ms. Newell asked if the lot coverage issue is resolved and the parking is reduced, would a variance for the cross parking agreement resolve the parking issue. Ms. Adkins said it would.

Ms. Newell said there is enough parking with the additional lot being proposed. She said if the second variance is approved for the offsite parking and the lot coverage is reduced on the existing site the whole site would still be within compliance. Ms. Newell said she is comfortable with the walking distance between the churches since there is currently no way that the church could comply with the distance provision because there are no other nearby parking areas.

Mr. Todoran asked if the church is currently using Brigid's Green as parking. Mr. Close said they are, which is a closer walk than the existing back lot on the church site.

Mr. Shankar said he is still concerned about making the building meet the requirements. Ms. Newell said it would be the applicant's decision on how they intend to accomplish bringing the lot into compliance. She said she would not be opposed to making a condition that the church must bring the existing site into compliance with lot coverage.

Ms. Adkins said if the Board were to disapprove the first variance for the lot coverage request, the church would have to bring the lot into compliance.

Bill Greer, 6282 Manteo Drive, said that in the winter the walkway needs to be cleared for people to walk from the parking area to the church since it can be dangerous in the winter.

Mr. Close said the problem with removing asphalt is that the same asphalt will be part of the rezoning plan submitted to the Planning and Zoning Commission. He said to require the asphalt to be removed and later replaced puts a financial burden on the church. Mr. Close requested that he be given two years to complete the entire project to avoid having to remove spaces then put them back in later due to lack of space on the other side.

Ms. Newell said she is concerned because the final outcome is unknown. She said the site needs to be brought into conformance with the lot coverage, regardless of what needs to be done. She said Mr. Close is asking to proceed with the addition, and the only way to proceed with the addition is to address the current lot coverage.

Mr. Close said that once the situation is resolved the church will know what it needs to do. Ms. Newell said that if the situation is left as is, it will become worse, and the lot coverage issue is not being resolved.

Mr. Close said if the spaces are required to be removed, then he will need to submit another variance to have less parking than required by Code. He said even if the church is not expanded they will fall below Code for the number of required spaces.

Ms. Adkins pointed out that the second variance addresses that issue. Ms. Newell said if the second variance is put in place the applicant would have the option to address parking. She said how the lot is brought into coverage is the applicants' decision. Mr. Close said the concern is that if the lease is lost with Radiant Life, even on a temporary basis, they will be out of compliance for parking.

Joe Jimenez, 6290 Manteo Drive, said he agrees with bringing the lot into conformance with the existing regulations. He said the church's lot is already overbuilt, and to continue to build onto the church would only make the situation worse.

Jan Gatto, 6321 Lido Court, asked if the church is required to remove parking spaces, are they going to be allowed to place gravel on the grass if that is where parking needs to occur, and if so, another problem would arise.

Ms. Newell said neither parking on the grass nor creating a gravel parking area is permitted.

Mr. Close said he does not believe there are rules regarding parking on grass behind the principal building in the Zoning Code. Ms. Adkins noted that the Code regulates the material used for parking, which must be a pavement with a certain strength and durability. She said the location does not matter, but the material does.

Mr. Page asked if there can be specifics in the plan to address the safety issues of people walking from the parking area to the church. Ms. Adkins said the concern is that the City owns the bike path, so something would need to be coordinated with the department of the City that maintains the bike paths.

Ms. Newell asked when the pervious pavement issue came up. Ms. Adkins said it came up during a pre-submittal meeting for building permits for the expansion, which is how the overage on lot coverage was discovered. She pointed out that pervious pavement also does not meet the Code requirements for pavement.

Mr. Gatto said if the parking situation is not resolved then people are going to park on the grass, and that cannot happen.

Mr. Shankar was concerned with the safety issues of the additional parking. He said that offsite parking is not going to help solve the issue because more issues concerning parking will arise over the years. He said building onto the church is going to add to the current problem and he did not want to allow any more expansion of the existing site.

Ms. Newell said the church does not have the ability to control the public walk so they cannot make a condition for the church to keep it clear. She said she is willing to support the variance concerning parking but not the variance for lot coverage.

Ms. Adkins confirmed that there are two motions required for this application.

Motion and Vote #1

Ms. Newell made a motion, seconded by Mr. Page, to approve this variance application to exceed the permitted lot coverage. The vote was as follows: Mr. Shankar, no; Mr. Todoran, no; Mr. Page, no; and Ms. Newell, no. (Disapproved 0 – 4.)

Ms. Newell asked Mr. Close why he cannot comply with the conditions. Mr. Close read a portion of the lease concerning the renewal terms. He said unless someone takes affirmative action the agreement continues indefinitely. He said the agreement starts on October 1, 2009 through October 1, 2010, and as long as they keep their end of the agreement no one is going to terminate the contract. He said there will not be another signed document each year to prove to the City that the agreement remains active.

Ms. Newell said she understood. She asked if the condition were reworded to state “submit affirmation that the signed lease continues” if the language would meet everyone’s needs.

Mr. Close agreed to both conditions.

Motion and Vote #2

Ms. Newell made a motion, seconded by Mr. Page, to approve this variance application to exceed the maximum distance for offsite shared parking because it meets the standards for a non-use (area) variance set forth in the Code, with two conditions:

- 1) That the applicant submits a parking operations plan that ensures efficient direction of traffic to minimize conflict with the public roadway network; and
- 2) That the applicant submits an affirmation that the signed lease continues on an annual basis or this variance shall expire.

The vote was as follows: Mr. Todoran, yes; Mr. Shankar, yes; Mr. Page, yes; and Ms. Newell, yes. (Approved 4 – 0.)

2. ~~River Forest – Setback Variance~~
~~09-055V~~

~~5385 Indian Hill Road~~
~~Area Variance~~

~~Claudia Husak presented this request for a variance for a rear yard set back for a single-family lot in the River Forest subdivision. She explained the variance request, which is to decrease the rear yard setback from 50 feet to 39 feet. Ms. Husak described the lot and the setback requirements. She stated that in 2005 the Board of Zoning Appeals approved a variance that allowed a barn and greenhouse to be built, and the variance at that time was for the size of the accessory structures. Ms. Husak said in 2005, the greenhouse was located to the east of the barn and met the setback requirements at that time, but the greenhouse was ultimately built to the rear of the barn to allow for maximum sun exposure. She said the proposal is to allow this greenhouse to be located 39 feet from the rear lot line. She said Planning has reviewed the standards for a variance and has determined that most of the criteria are met for the variance approval and Planning is therefore recommending approval of this variance request.~~

~~Ms. Newell said that looking at the site plans provided for the surrounding property, it appears that everyone in the area has a similar sized lot. She asked whether in terms of other developments in the same residential zoning classification in the City, the lots within this neighborhood are substantially larger than typically seen. Ms. Husak said yes, the two-acre lots in River Forest are considerably larger than lots in other subdivisions.~~

~~Ms. Newell said she is concerned that when the greenhouse was built, the residents did not stick to the submitted plans. She wondered if they created their own hardship. Ms. Husak said the criteria reviewed by Planning are that the applicant did not create the shape of the lot or the size of the tree stand in the front of the lot, which requires the house have a large front setback.~~

~~Mr. Shankar said all of the lots are odd-shaped in this area, and the maximum 50-foot setback issues always arise in odd-shaped lots. He asked if the 50-foot requirement was created for very deep lots. Ms. Husak said the 50-foot requirement was made for really deep lots, because the requirement would otherwise be 20-percent of the depth of the lot.~~

~~Aaron Underhill, Smith and Hale, 37 West Broad Street, representing the applicant, said the residents have tried to follow the law but made some mistakes along the way. He said when the applicants decided to construct the greenhouse, the contractor said the sun would not properly shine on the greenhouse in the area it was intended to be constructed. He said the contractor told the residents that because they received a permit it was okay to move the location.~~

~~Mr. Underhill said there are factors which warrant a variance. He said this is a very large lot with a 160-foot front yard setback; therefore, the home starts halfway back on the lot. He said the west side is about 400 feet in depth and the other side is 107 feet less. He said from west to east~~



CITY OF DUBLIN.

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Creating a Legacy

BOARD OF ZONING APPEALS

BOARD ORDER

JUNE 25, 2009

The Board of Zoning Appeals took the following action at this meeting:

**2. St. Brigid of Kildare – Lot Coverage Variance
09-035V**

**7179 Avery Road
Area Variance**

Proposal: A variance request to exceed the permitted lot coverage for a church zoned R-1, Restricted Suburban Residential District, located at the intersection of Avery Road and Holywell Drive.

Request: Review and approval of a variance to Code Section 153.071(B)(4)(d).

Applicant: Michael Close, Esq., Wiles, Boyle, Burkholder & Bringardner Co., L.P.A.

Planning Contact: Jamie Adkins, AICP, Planner II

Contact Information: (614) 410-4644, jadkins@dublin.oh.us

MOTION: Sean Cotter made a motion, seconded by Bangalore Shankar, to table this Variance application at the request of the applicant.

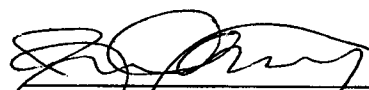
VOTE: 5 – 0.

RESULT: This Variance application was tabled.

RECORDED VOTES:

Bangalore Shankar	Yes
Sean Cotter	Yes
Victoria Newell	Yes
Patrick Todoran	Yes
Brett Page	Yes

STAFF CERTIFICATION


Jamie Adkins, AICP
Planner II

Rachel Swisher said that a list of potential Items of Interest was also sent to the Board yesterday. She explained that City Council had requested Items of Interest from all Boards and Commissions in the City, which will also be discussed in more detail at next month's meeting.

1. **Woodlands at Ballantrae**
09-037SP

5696 Marmion Drive
Special Permit

Drew Noxon stated that this is a consent case and asked if a presentation was needed. Mr. Cotter asked the Board members if they had any questions, and hearing none, asked that the applicant approach the podium. Mr. Cotter asked the applicant if he understood and agreed with the conditions.

Rich Danko, Duffy Homes, stated that he agreed to all of the conditions.

Motion and Vote

Mr. Cotter made a motion, seconded by Mr. Shankar, to approve this special permit because it meets the review standards and the requirements, with two conditions:

- 1) That the special permit for this model home expire on June 25, 2011; and
- 2) That a temporary sign permit be approved prior to July 25, 2009.

The vote was as follows: Mr. Todoran, yes; Ms. Newell, yes; Mr. Page, yes; Mr. Shankar, yes; Mr. Cotter, yes. (Approved 5 – 0.)

2. **St. Brigid of Kildare – Lot Coverage Variance**
09-035V

7179 Avery Road
Area Variance

Ms. Newell stated that she is a member of the St. Brigid parish although she has no financial interest or any relationship to the applicant.

Jamie Adkins presented this request for a variance to exceed the permitted lot coverage for a site located in the R-1, Restricted Suburban Residential District. She described the site and surrounding development. Ms. Adkins explained that the permitted lot coverage for this site is 45%, and the existing lot coverage is 49.7% due to a calculation error during building permit approvals. Ms. Adkins said the applicant is requesting to increase the lot coverage to 54.8% with an expansion to the church sanctuary and additional parking. She concluded that Planning has evaluated this variance request and finds that the criteria have not been sufficiently met, and for this reason, disapproval is recommended.

Mr. Cotter asked about the calculation error and if a variance was necessary to correct the error. Ms. Adkins said that all of the calculations need to be evaluated tonight because even if the Board decides not to approve the expansion, the lot coverage still needs to be discussed as it exists today.

Mr. Shankar asked for the basis of the calculations. Ms. Adkins said the calculations are based on the church property alone, since that is how the Zoning Code measures lot coverage.

Mike Close, 9360 Bellaire Ave, said he is not here to address the calculation error, he is here to address the sanctuary expansion. He gave a brief history of the church and its rapid growth through the years. Mr. Close said the only choice the church has is to expand the current sanctuary due to a shortage of available clergy in the area. Mr. Close pointed out that the rapid growth of the parishioners has created a parking problem. He added that a school was recently built on the site, which occupies much of the lot area, and because the church and the school do not use the parking lot simultaneously, a shared parking arrangement was approved.

Mr. Close said that the need for more parking originated seven years ago when cars were parking along the street. He said he came to staff to propose additional parking on the east side of Avery Road in Brigid's Green, which required the entire area to be zoned PUD, Planned Unit Development District. Mr. Close submitted a rezoning application on behalf of the church, which was approved by the Planning & Zoning Commission, but when the proposal was reviewed by City Council, the rezoning for the parcel on the west side of Avery Road that the church currently occupies was disapproved because development plans were not included. He said Council approved the rezoning on the east side of Avery Road for parking and baseball fields.

Mr. Close continued that due to the lack of seating, masses are standing room only in the existing sanctuary. He said plans were submitted to expand the east and west wings of the church to add additional seating, which would meet their present need, but in order to add seating additional parking is required. Mr. Close acknowledged that neighbors are opposed to additional parking. He asked that the addition to the sanctuary be approved separately from the parking lot expansion.

Mr. Close suggested that one resolution to the parking problem would be to allow parking on the grass, which would reduce the need for additional impervious surface. He commented that additional parking lot lighting is also a problem for the neighbors; however, the only time lighting would become an issue is at the 5:30 p.m. mass. Mr. Close said shields have been installed over the lights surrounding the gym to minimize light intrusion on surrounding properties.

Mr. Close said that in the event that additional pavement is considered to be excessive and parking on the grass is not permitted, there are current negotiations with Radiant Life Christian Church to the south to acquire parking rights, although another variance would be required because the parking area is more than 300 feet from the church property line.

Mr. Close reiterated that this application needs to be reviewed as two separate issues. He said the first concern is the sanctuary expansion, which has a minimal impact on the current lot coverage; the second concern is the parking requirement.

Mr. Cotter asked for clarification on the conditions and circumstances. Mr. Close explained that the church is clearly an exceptional use in the context that it is not a house with a garage and driveway on a single lot in a residential zoning district, and so the standards create a special circumstance. He noted that there would not be a parking conflict with Radiant Life because the site is no longer used as their primary church facility. Mr. Close said that St. Brigid's would rather create more parishes than continue to expand this particular church, but due to the lack of clergy, another church cannot be built.

Mr. Shankar commented that the church is constantly expanding. He asked if the parking problem occurred after the gym was added, since the ratio between the parking lot and the rest of the site were satisfactory before the addition. Ms. Noble-Flading affirmed that the new additions have added to current the problem.

Mr. Shankar asked if the proposed new additions have added to the need for more parking. Ms. Noble-Flading said that they have.

Mr. Shankar confirmed that at one point the lot coverage on this site was less than 45%. Ms. Adkins said the recent expansion to the gym exceeded 45%, bringing the lot coverage to 49.7%. She clarified that this was approved in error, since Planning cannot approve something that does not meet the Code, and only the Board can approve the existing lot coverage in addition to any increases the church is requesting.

Mr. Close noted that if the sanctuary additions are approved, then the previous error would be rectified.

Mr. Shankar asked if parking on the site would be sufficient if the Board approved the gym and the classrooms. Ms. Adkins said the current parking meets Code but the expansion would require additional parking, since parking requirements depend on the size of the sanctuary.

Mr. Close said that if the sanctuary is approved, he could return with a parking variance.

Ms. Noble-Flading said the Board could approve the sanctuary addition if the church came up with another parking solution. She said there are two options for parking, either off site or by using an unpaved area, and either option would require a variance. She said that the Board could make a motion on just the building expansion this evening and let the church come up with a solution for the parking to be approved at a later date. She said no construction could occur, but the church would at least know if the building addition is acceptable.

Ms. Newell asked for clarification about the staff report. Ms. Adkins said the existing lot coverage is 49.7%. She continued that if just the 3,000-square-foot building expansion were approved, which is only about .47% of the site, the total lot coverage would be about 50.2%.

Mr. Page did not think that there was enough information for the Board to review the sanctuary expansion. Ms. Adkins said that a site plan was submitted, and asked what additional information he would like. Mr. Page said he was concerned about the impact of the expansion and requested more information about what it would look like.

Ms. Newell said that expanding the additional parking lot across the street from the church could solve their problem by removing some of the parking on the church site and bringing the lot coverage down to 45% that would include the additions.

Mr. Close noted that Code requires parking within 300 feet of the site, or an additional variance must be obtained. Ms. Adkins clarified that Code permits churches to add parking within 300 feet of the property, but because the Radiant Life Church is more than 300 feet away, the Board would need to grant the church a variance for the extra distance to accommodate offsite parking.

Mr. Shankar asked if the additional pavement would cause stormwater runoff problems for residents. Ms. Noble-Flading said that stormwater management is reviewed during building permitting.

Mr. Cotter invited comments from the public.

Jim Gatto, 6321 Lido Court, said his yard backs up to the church parking lot. He opposes the parking lot because the church has grown tremendously over the years and the church should be required to abide by the Code regulations like all residents. Mr. Gatto added that the new gym lights are still very bright, and more lights would make their backyard unusable in the evenings.

Jan Gatto, 6321 Lido Court, said she has no problem with the expansion of the church because it is needed, however continuous church additions have created problems in the surrounding neighborhood. She agreed that the lighting is currently a problem and she was concerned about the impacts of additional parking lot lighting. She pointed out that the current parking lot is not being fully utilized, so it is doubtful that people would use an additional lot. She added that there is a drainage ditch in the back of the lot that is a mud collector. Ms. Gatto said she is in favor of expanding the church but is opposed to the addition of more parking on the site.

Joe Jimenez, 6290 Manteo Drive, said his backyard backs up to the church. He thought that 54.8% is a substantial deviation of the lot coverage limitation of 45%, which was established to preserve aesthetics and property values. He stated that the church just completed a lot of construction on the building, and if the current problems were known at the time, then the church should have been able to resolve the problems then.

Mr. Close said there were other options that would preserve the regulations, and he encouraged the Board to allow the church to consider using those options to preserve the community.

Mr. Shankar said that if the additional parking could be located within a reasonable distance, he would agree to the building expansion.

Mr. Page was concerned about the parking. He said there are other options which need to be explored so that a compromise can be worked out. He stated that there have been choices made concerning the church additions, and the abundant growth of the church should have been considered at the time the additions were contemplated.

Ms. Newell said the expansion of the sanctuary should take precedence, and there are options that the church should explore to come into compliance.

Mr. Cotter noted that a lot of building has occurred on this site over the years, and all of the churches in the middle of residential areas are held to the same standards. He said that over time, the church has prioritized what sections needed expansion, and with each expansion, portions of the church were overlooked.

Mr. Close commented that churches are more than just Sunday masses; they are also ministry, outreach, and educational institutions, which the church could not have with just the sanctuary building.

Ms. Newell said that the lot coverage must be brought into conformance. She said all of the facilities on the site are useful to the parish, but the issue is that the permitted lot coverage has been exceeded and further expansion without an alternative remedy is inappropriate.

Mr. Close asked to withdraw the parking variance and proceed with just the sanctuary addition.

Ms. Noble-Flading said the Board may also make a motion to table the application and ask the applicant to return with a new proposal.

Mr. Close said that it is critical that if the Board members feel that the sanctuary addition can be approved that the Board members should vote on that tonight.

Ms. Newell said that removing the parking lot variance does not change the fact that the church is already in violation of the lot coverage requirement. She said that there needs to be a solution that addresses the lot coverage as well as parking lot expansion. Mr. Page agreed.

Mr. Close requested that the application be tabled until the July Board meeting.

Motion and Vote

Mr. Cotter made a motion, seconded by Mr. Shankar, to table this variance until July 23, 2009. The vote was as follows: Mr. Page, yes; Mr. Todoran, yes; Ms. Newell, yes; Mr. Shankar, yes; and Mr. Cotter, yes. (Tabled 5 – 0.)

3. Patio, Walks and Walls – Use Determination 09-041AA

5704 Avery Road Administrative Appeal

Claudia Husak presented this request for an Administrative Appeal to a decision rendered by Planning regarding permitted uses in the Restricted Industrial District. Ms. Husak said the appeal is to Planning's determination regarding the use of this property for wholesaling, which is listed as a permitted use, but the applicable Code Section does not mention patio materials as one of the permitted wholesale categories. She said it is Planning's opinion that building materials are sold on a retail basis in the Community Commercial District, and the use of this property fits best into that category.

Ms. Husak described the site and surrounding uses. She noted that the Restricted Industrial District is primarily located on the south side of 161 in this area along Avery Road. She explained that the Board can either agree with the applicant and reverse the City's decision by concluding that the use of this property fits into the Restricted Industrial District, or the Board can agree with the City's determination, and the business would have to relocate. She concluded that Planning has determined that the language of the Code does not specifically permit the sales of patio materials in the Restricted Industrial District.

Ms. Newell was unclear about the basis of Planning's decision since this is an existing business currently in operation. Ms. Husak said there is no administrative process to review changes in use if there are no changes to the structure that require a building permit. She said it appears this use has been in operation for a while, and Planning became aware of the operation when the business inquired about a patio for the site. Ms. Husak explained that Planning then began to look into the uses of the Restricted Industrial District, which include *wholesaling*, but not the



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BOARD OF ZONING APPEALS

BOARD ORDER

December 21, 1995

2. Variance Application V95-028 - St. Brigid of Kildare Church and Educational Center - 7179 Avery Road

Location: ±15 acres located on the west side of Avery Road approximately 150 feet north of Manteo Drive.

Existing Zoning: R-1, Restricted Suburban Residential District.

Request: A variance to Section 1193.13 to reduce the required minimum number of parking spaces from 470 spaces to 300 spaces.

Proposed Use: An existing 18,400 square foot church with 10,923 square feet of sanctuary and a proposed 49,097 square foot school. There are also an existing 4,320 square foot rectory and an existing 8,085 square foot parish hall on the site.

Applicant: Bishop James E. Griffin, 198 East Broad Street, Columbus, Ohio 43215.

MOTION #1: That a shared parking agreement between the St. Brigid of Kildare Church and Education Center be approved because the facilities will not be occupied at the same time.

VOTE: 5-0.

RESULT: A shared parking agreement was approved.

**BOARD OF ZONING APPEALS
BOARD ORDER**

December 21, 1995

2. Variance Application V95-028 - St. Brigid of Kildare Church and Educational Center - 7179 Avery Road (Cont.)

MOTION #2: That the variance to reduce the required minimum number of parking spaces from 470 to 300 spaces be approved with the following two conditions:

- 1) That the church attempt to utilize the athletic fields for overflow parking if it is found that granting of this parking variance is materially detrimental to surrounding areas, as monitored and determined by staff; and
 - 2) That a redraft of the parking lot be submitted to staff eliminating two parking spaces to provide for access to the overflow parking area.
- * Joseph Shappa, architect for St. Brigid of Kildare Education Center, 270 Marconi Boulevard, Columbus, Ohio, representing the applicant, agreed to the above conditions.

VOTE: 5-0.

RESULT: This variance was approved.

RECORDED VOTES:	Motion #1	Motion #2
John Belton	Yes	Yes
Thomas McCash	Yes	Yes
Chester Porembski	Yes	Yes
William Sherman	Yes	Yes
Jim Sprague	Yes	Yes

STAFF CERTIFICATION



Barbara M. Clarke
Planning Director