

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 25, 2014

Held

20

CALL TO ORDER

Mayor Keenan called the Monday, August 25, 2014 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Keenan moved to adjourn to executive session to discuss land acquisition and legal matters.

Ms. Chinnici-Zuercher seconded the motion.

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

The meeting was reconvened at 7:50 p.m.

ROLL CALL

Members present were Mayor Keenan, Vice Mayor Gerber, Ms. Chinnici-Zuercher, Mr. Lecklider, Mr. Peterson, Mr. Reiner and Ms. Salay.

Staff members present were Ms. Grigsby, Ms. Readler, Mr. McDaniel, Ms. Mumma, Chief von Eckartsberg, Ms. Puskarcik, Mr. Hammersmith, Mr. Hahn, Mr. Langworthy, Ms. Gilger, Mr. Clarey, Ms. Husak, Ms. Ray, Ms. Andes and Ms. Burness.

PLEDGE OF ALLEGIANCE

Mr. Lecklider led the Pledge of Allegiance.

PROCLAMATION/SPECIAL PRESENTATION

- End Distracted Driving Campaign
 - Proclamation for "End Distracted Driving Month"

Mayor Keenan presented a proclamation to Chief von Eckartsberg and to Dublin resident Dom Tiberi in recognition of "End Distracted Driving Month." Distracted driving is a growing problem across the nation. Last September, Maria Tiberi, daughter of Dom and Terri Tiberi of Dublin died in an accident caused by distracted driving. The Tiberi family and WBNS-10TV initiated "Maria's Message" – a campaign to end distracted driving and save lives. Dublin desires to be a model community in support of this campaign. In 2011, Council approved one of the toughest distracted driving laws in Ohio. It allows Dublin officers to cite motorists solely for distracted driving. The state law that prohibits texting requires that officers note another traffic violation before stopping a motorist for distracted driving.

Chief von Eckartsberg stated that one of the goals every year for the Division of Police is to reduce property and injury accidents. A vast majority of these accidents are the result of distracted driving. The enforcement campaign is focused on education of the dangers of this practice; reducing crashes; and ensuring everyone understands that distracted driving is a danger that can be prevented.

Dom Tiberi noted that he and his wife, Terri are very grateful for the outpouring of love and support they have received since the tragic death of their daughter, Maria on September 17, 2013. As a family, they decided they wanted to do something to stop this epidemic of distracted driving. It is important to educate everyone, and "Maria's Message" focuses on ending distracted driving and encouraging defensive driving. Classes have been initiated for students and they learned first-hand that distractions impair their driving. Too many young people are dying from as a result of distracted driving, and Dublin was hit very hard in six months – losing three young people to some form of distracted driving. Distracted driving is not only texting, but anything that takes a driver's mind off of driving. It is now their mission to put an end to this

epidemic, which is a problem throughout the U.S. They want to serve as advocates for all who have lost family members due to distracted driving.

Mayor Keenan acknowledged the presence of Senator Hughes, Representative Duffey, and former Mayor McCash who are in support of this initiative.

[At this point, the video "Maria's Message" was shown.]

Mayor Keenan asked everyone to support this campaign.

CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road stated that he would postpone his comments until the next meeting due to the profound permutation of sorrow in this Chambers.

Rep. Mike Duffey, expressed his interest in periodically appearing before Council to be available to discuss any issues or respond to questions about activity in the legislature. He may occasionally take positions in support of some of the issues before Council. House Bill 5 is one of those, and he has had numerous conversations with Mayor Keenan and Vice Mayor Gerber regarding this Bill.

CONSENT AGENDA

Vice Mayor Gerber moved approval of the consent agenda.

Mr. Reiner seconded the motion.

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

- **Ordinance 86-14 (Introduction/first reading)**
Amending Chapter 53 (Stormwater Management and Stream Protection) of the Dublin Code of Ordinances, to be in Compliance with Current Ohio Environmental Protection Agency Regulations; to Create an Exemption Area for a Portion of the Bridge Street District; and to Make Other Various Minor Revisions. (Second reading/public hearing September 8 Council meeting)
- **Ordinance 87-14 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 1.5 Acres, More or Less, Fee Simple Interest from Judith R. Margaroli (FKA-Wilson) and Enrico Margaroli. (Second reading/public hearing September 8 Council meeting)
- **Resolution 74-14 (Introduction/vote)**
Accepting the Lowest and Best Bid for the Academic Drive - Phase 1 Project. (14-009.0-CIP)
- **Resolution 75-14 (Introduction/vote)**
Authorizing the City Manager to Enter into an Agreement with the Franklin County Engineer's Office for the Inspection of Bridges within the City of Dublin's Jurisdiction.

POSTPONED ITEM SCHEDULED FOR SECOND READING/PUBLIC HEARING

Ordinance 22-14 (Amended)

Amending Chapter 153 of the Codified Ordinances of the City of Dublin to Permit Community Residences for People with Disabilities in Residential Districts as Required by the Fair Housing Amendments Act of 1988 and the Ohio Revised Code, Provided Necessary Dispersal and Licensing Requirements are Met; Amending Section 404.5 of the 2009 International Property Maintenance Code Adopted by the City of Dublin to Establish a Square Footage Requirement for Occupants; and Amending Section 153.234

of the Codified Ordinances of the City of Dublin to Modify the Notification Requirements for Public Hearing.

Ms. Readler stated that this legislation was previously heard at the April 28, 2014 meeting. At that time, staff was directed to engage an expert in the group homes field and provide more extensive information about this topic.

- Staff engaged Daniel Lauber, an expert in this field who prepared the amendments to the legislation before Council tonight. He added several definitions to the Code and developed a new dispersal measurement that is unique and takes a proactive approach, ensuring that clustering does not occur in these types of residences. The legislation also adds a new clause to the Property Maintenance Code regarding overcrowding.
- In addition, the legislation also expands the methods for providing notices of public hearings for rezonings, with an amendment to Section 153.234.

She offered to respond to any questions.

Mayor Keenan complimented the staff on an excellent and comprehensive staff report.

Mr. Peterson thanked staff and the Law Department for their work on this matter. This is a sensitive topic and was addressed in an innovative, yet thorough manner. It is an outstanding proposal that addresses all of Council's concerns.

Mayor Keenan invited public testimony.

Wallace Maurer, 7451 Dublin Road stated:

1. Referencing page 3 of the memo, under "C" – Requirements to be a Permitted Use," paragraph one – he understands these are elderly, fragile people. Are they moving into assisted living?

Ms. Readler stated that the Ohio Revised Code addresses a certain subset of individuals with disabilities. The City's expert suggested that the City expand this to cover anyone under the Americans with Disabilities Act. The amended legislation is very expansive.

2. The memo indicates eight lots on one end and 600 feet away from another structure of this type. Does this housing already exist in Dublin?

Ms. Readler responded that, to staff's knowledge, there are three existing residences that would fit into these categories in Dublin. The legislation provides a layered approach to the measurement as outlined in the memo.

3. Mr. Maurer asked for clarification about the 660 feet measurement.

Ms. Readler responded that there is a reference in the expert's report to a range, and the figure of 660 feet is within that range.

Deborah Mitchell, 178 Longview Drive stated that she is the Acting President of the Mid-Century Dublin Neighbors Association. The Association is very pleased with this outcome. While some were hoping for greater dispersal than what is contained in the ordinance, speaking collectively and personally, this is a very innovative solution that acknowledges the needs of Dublin, both now and into the future. The process involved seeking input, and working collaboratively among residents, the Legal staff and Council. It is a model piece of legislation. From the outset, their intent was to ensure balance in the neighborhood. This ordinance addresses that issue, yet is flexible enough that it can address future situations that may occur as a result of changing demographics and use of group homes or residences for multiple individuals. This has been a long journey, but they are very pleased with the outcome and how the process unfolded.

Mayor Keenan stated that Council, too, is pleased that the residents are satisfied with this resolution.

Ms. Salay commented that Ms. Mitchell invested an inordinate amount of time in research and study to understand the issues. She thanked her for her hard work on this matter.

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

SECOND READING/PUBLIC HEARINGS - ORDINANCES

Mayor Keenan moved to waive the Council Rules of Order to address Ordinances 76-14 (Amended) and 77-14 together.

Vice Mayor Gerber seconded the motion.

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

Ordinance 76-14 (Amended)

Establishing a New Bridge Street District Zoning District (BSD Scioto River Neighborhood District) and Related Code Amendments for the BSD Scioto River Neighborhood to Zoning Code Sections 153.058, 153.059, 153.060, 153.062, 153.063 and 153.065 of the Dublin Codified Ordinances. (Case 14-039ADMC)

Ordinance 77-14

Rezoning 23 Parcels Totalling Approximately 66.97 Acres from BSC Office Residential, BSC Residential and BSC Commercial Districts to BSD Scioto River Neighborhood District and BSC Public District.

Ms. Ray commented that, based on discussion at the last Council meeting, staff made minor changes to Ordinance 76-14, and those changes are detailed in the memo. No changes were made to the zoning map amendments in Ordinance 77-14. She offered to share a presentation if Council desires or simply respond to questions.

Mr. Lecklider commented regarding Section 153.062, and the language regarding exterior materials for apartment buildings and single-family residences. There was previous discussion about fiber cement siding and he believes there was a staff proposal to limit its use to no more than 20 percent – is that correct?

Ms. Ray responded that was a topic of discussion with the Commission. At this time, they elected to hold over that discussion for the overall Bridge Street District Code update, which is in process with the Commission. They wanted to review that particular item more comprehensively. Currently, fiber cement is a permitted primary material for those building types.

Mr. Lecklider asked for clarification. Could something be approved in the interim before the overall update is complete, such that a development could go forward with an excess of 20 percent fiber cement siding? Then later, after the overall Code is amended, if a provision was inserted that limited fiber cement to no more than 20 percent, a conflict would thereby exist.

Ms. Ray responded that as it stands today, the Code would allow fiber cement siding as a permitted primary building material for certain building types. He has referenced the tables in the Code for example, single family detached, attached, apartment building, and a few others of those types of buildings would allow that material as a permitted primary material. Letters were sent to Council and the Planning and Zoning Commission at the time this item was reviewed, expressing significant concern with the proposed zoning code amendment limiting the material, given the level of current development into which that material is factored. As it stands today, fiber cement siding would be a permitted primary material for those specific building types.

Mr. Lecklider stated that in reviewing the Commission minutes, there seems to be concern expressed by some members that the Code was being tailored to a pending proposal. Is that accurate?

Ms. Ray responded there were some concerns expressed with that. The recommendations forwarded to Council are the items for which the Commission recommended approval, with the understanding that there would be a future comprehensive review of the Code.

Mr. Lecklider stated that his understanding is that if there is a pending multi-family development and this Code amendment is passed tonight, fiber cement siding can be used as a primary material for the exterior.

Ms. Ray responded that is correct, as there are no changes proposed regarding that item.

Mr. Lecklider commented this is of concern to him.

Ms. Salay stated that there are two pending development proposals she is aware of with the fiber cement siding as a primary material. One is outside of this zoning district. The Planning Commission wanted to address comprehensively everything in the Bridge Street Code. She has been the member championing this change for the fiber cement material. She shares Mr. Lecklider's concerns.

Ms. Chinnici-Zuercher asked about the rationale for the Commission allowing this primary material, if it is to be changed in the comprehensive Code review.

Ms. Salay responded that her sense is that the Commission preferred to consider this matter for the entire Bridge Street District versus only this portion. A special meeting of the Commission is scheduled for September 11 to discuss the overall zoning district and desired changes. It is her understanding that building materials will be part of that discussion.

Ms. Chinnici-Zuercher stated that it makes sense to address what is before Council, given the recommendations for the entire Bridge Street District Code are unknown at this time. The first decision needs to be made by Council of whether the fiber cement siding primary material should be allowed in the District.

Ms. Salay stated that if Council made a decision on this tonight, it would send a strong message to the Commission about Council's preferences in regard to materials. If Council limited the percentage to 20 or 25 percent fiber cement for a building, and if an applicant brought forward a proposal that was for a higher percentage of this material, would a waiver be needed?

Ms. Ray responded affirmatively.

Ms. Salay stated that if there was a compelling reason to allow more than the limitation, the Commission could grant a waiver.

Mr. Gerber asked if Council would make this change tonight to limit the fiber cement siding material, what effect, if any, would it have on present applications?

Ms. Ray responded that there is one application in the process that has gone forward for Basic Site Plan Review, which is essentially a concept plan review and had an initial review at the Commission. When that application moves forward to the Site Plan Review, which is akin to a final development plan review, it is required to be substantially similar to the conceptual level review. That would therefore constitute somewhat of a change midstream for that particular project. At this time, staff does not know what materials the developer of the Scioto River Neighborhood District is planning to use. It is possible they could be factoring some of this material into their financial models.

Ms. Salay stated that the project she is referring to in this area has not been brought forward, correct?

Ms. Ray responded that the focus has been on the public portion – the street network – they have not brought forward any buildings for consideration.

Ms. Salay stated that the buildings involved are not for residential use.

Ms. Ray responded that is correct.

Ms. Salay stated that the other apartment complex discussed is outside of this neighborhood.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

August 25, 2014

Page 6 of 15

Held

20

Ms. Ray responded that one of the reasons for a comprehensive review of this material topic relates to the types of fiber cement siding available and how they can be used. There are other applications aside from the familiar lap-siding material. For that reason, staff wanted to discuss other quality measures that can be built into the Code to allow those types of materials in an appropriate setting.

Ms. Salay summarized that Council has concerns about not acting quickly on this item, which could result in having these materials used on buildings in the District. It is important to articulate Council's expectations for materials for the buildings.

Mr. Reiner stated that it is also important not to constrain the architects by setting so many standards that the results are unattractive. Caution is needed, as there are many other applications of the fiber cement siding that could be appropriate to the architectural style in the District.

Ms. Salay responded that from that standpoint, education is needed about this material and its various applications.

Mr. Lecklider stated that Mr. Reiner's point is well taken. At the Commission, there was discussion of the use of fiber cement siding in either the lap style or in a different application. He agrees that this could be acceptable, but questions whether Council wants to have 100 percent of this material on a building. There are centuries of experience with brick and stone, but there is limited experience of with fiber cement siding. He asked about staff's basis for proposing a 20 percent limitation of this material.

Ms. Ray responded that percentage was essentially the dividing line between what was to be considered a primary building material versus a secondary building material. It is somewhat an arbitrary number, but the Code consultants recommended that as an appropriate number and an appropriate mix of materials to use.

Mr. Lecklider stated that he would be more comfortable with respect to what Council is considering this evening by establishing a percentage limitation of this material, pending further education about the materials and the completion of the comprehensive review of the overall Code.

Mr. Peterson noted there is correspondence accompanying this ordinance related to this specific materials issue. The correspondence implies that the limitation of the fiber cement siding material could effectively result in the project not going forward.

Ms. Ray responded that the developers have expressed concerns with the limitation being considered.

Ms. Salay emphasized that there remains a waiver option available to a developer, if this change is made by Council. That would leave the discretion on materials to the Planning Commission, if a project warranted such consideration of a waiver.

Ms. Chinnici-Zuercher moved to include a 20 percent limitation of fiber cement siding, with the understanding that developers can seek waivers from the Planning and Zoning Commission if they desire a higher percentage for a project. She noted that Council is interested in a comprehensive presentation regarding the various options available for this material.

Mr. Lecklider seconded the motion.

Mr. Gerber asked what impact this change would have on applications in the process.

Ms. Grigsby responded that, based upon information currently received, it does have an impact on the economics for the projects that have been submitted. It will have an impact on all of the projects the developers and City are working on, and at some future time, there will be an economic development agreement with the City and developer on the project. What will likely result is a larger financial gap and the developer will be looking to the City for assistance in helping to fund that gap.

Mr. Gerber stated that he does not disagree with the intent of Mr. Lecklider and Ms. Salay on this matter. However, Mr. Reiner makes a good point and there are some

RECORD OF PROCEEDINGS
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. - FORM NO. 10148

August 25, 2014

Page 7 of 15

Held

20

creative ways to use this material to some extent. Certainly, waivers are available to them. However, he would prefer that the Commission vet this entire issue. The Commission has scheduled a special meeting on September 11 to review the Code comprehensively, and they will have a recommendation for Council.

Ms. Ray stated the Commission will be reviewing the second half of the Code on September 11, as they have completed their review of the first half. This topic can be revisited, although there was some discussion of this material at the July 10 meeting. The topic can be vetted further, based on Council's discussion tonight.

Ms. Chinnici-Zuercher stated that she does not disagree with Mr. Gerber and does not want to stop projects underway. However, she is also concerned with the length of time the Commission is taking to review the entire Code. It will likely not be completed on September 11. The buildings in the review process at this time are massive, and it is important to ensure they are not using 80 percent of this material – unless it is a unique application that Council is not familiar with. It does set a precedent for the appearance of the District.

Mr. Gerber stated he respects her position on this. He asked Ms. Salay if the Commission is aware that Council is very much interested in this topic and having their recommendation as soon as possible.

Ms. Salay responded that she could certainly carry this message back to the Commission. However, what Council does tonight will send a strong message. Developers can always request waivers, and as Ms. Grigsby has indicated, there will be economic development agreements associated with the projects. She is interested in more education on the topic. But she wants to influence the process in a positive manner and does not want to wait to make this change.

Mr. Gerber stated that the purpose of the new Bridge Street Code was to expedite the zoning process and to provide certainty to developers about the process. It seems a band-aid approach is underway, and no one can "get their hands" around the Code as written. He prefers to fix the Code and do it in the right way, but is not certain of the time involved in the review.

Mr. Lecklider stated that he appreciates hearing this frustration, and believes it is shared by Council. However, he believes that in the meantime, the pending motion provides a "safety net." There remain options in the regulations – such as waivers – if an applicant desires to exceed this percentage. Perhaps the percentage would change when the overall Code is reviewed. There is only one opportunity to "do this right" – and in the many similar projects built in and around Columbus, he is not aware of fiber cement being used whatsoever. He believes that Dublin has a higher standard for development.

Mr. Keenan asked about the timeframe involved in securing a waiver from this provision, if Council were to enact it.

Ms. Ray responded that a waiver can be considered at the next Commission meeting after the waiver is submitted.

Mr. Gerber asked about the process for waivers. Does the Commission automatically hear waivers, or is the review discretionary on their part?

Ms. Ray responded that if a waiver is requested, the Commission will review it automatically.

Ms. Chinnici-Zuercher stated that the options are to leave the material in place as it stands, or impose a percentage limit. She does not believe the City should be responsible for the financial gap, as the applicants can request a waiver if appropriate. She agrees with Mr. Lecklider about having buildings in Dublin with fiber cement siding, given the material has not been used in other such developments in Central Ohio.

Mr. Reiner suggested that the option on the table is to approve the 20 percent limitation tonight; the Commission will review this and the architects will review this as well. This addresses the issue of the lap siding appearance, which no one supports. It also allows the applicant to seek a waiver for a project with architectural significance.

Mr. Gerber stated he can support this, but emphasized that it is important to have the Code review completed to expedite the process as intended.

Mayor Keenan invited public testimony.

Wallace Maurer, 7451 Dublin Road noted that the memo, on page 2, under "Other Modifications," mentions "group homes." To what does that refer?

Ms. Ray responded that is in reference to the adult family homes that were the subject of Ordinance 22-14 heard tonight. Staff had previously classified these as "group homes," pending this legislation. At this point, group homes will be eliminated from the use table in order to address it more comprehensively.

Mr. Maurer asked if this would constitute discrimination.

Ms. Readler responded that the reason that group homes are eliminated in this legislation is because they are comprehensively addressed throughout the Code as part of Ordinance 22-14(Amended). They are not singled out in this one area of the Dublin Code.

Mr. Maurer noted that, based upon his review, the legislation is massive and the question is whether the organization is in place to oversee its implementation. His closing comment regarding the legislation is "Get Real."

Vote on the amendment regarding fiber cement materials in Ordinance 76-14

(Amended): Mr. Reiner, yes; Mayor Keenan, yes; Mr. Peterson, yes; Ms. Chinnici-Zuercher, yes; Ms. Salay, yes; Mr. Lecklider, yes; Vice Mayor Gerber, yes.

Vote on Ordinances 76-14 (Amended) and 77-14: Ms. Salay, yes; Mr. Peterson, yes; Mayor Keenan, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Gerber, yes; Mr. Lecklider, yes.

Ordinance 79-14

Petitioning the County Commissioners of Franklin County, Ohio for Annexation of Approximately 3.5 Acres of Land Located on Dublin Road near Interstate 270 to the City of Dublin.

Ms. Readler stated that this legislation permits the Law Director's office to file a petition for annexation for two City-owned parcels on Dublin Road, with a total acreage of approximately 3.5 acres. The property will provide additional parkland adjacent to the Scioto River.

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

Ordinance 80-14

Authorizing the Provision of Certain Incentives to Hull and Associates, Inc. to Induce it to Retain an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Mr. Clarey introduced Julie Kasper, CFO of Hull and Associates to provide background on the company and the project.

Road South Phase 3 Project, and Declaring an Emergency. (Request to dispense with public hearing)

Vice Mayor Gerber introduced the ordinance.

Ms. Grigsby stated this acquisition relates to the Dublin Road South bikepath and the property owner has agreed to accept the appraised value of \$3,875.00. Staff recommends passage by emergency.

Vice Mayor Gerber moved to dispense with the public hearing and treat as emergency legislation.

Ms. Salay seconded the motion.

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

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

Ordinance 76-14

Establishing a New Bridge Street District Zoning District (BSD Scioto River Neighborhood District) and Related Code Amendments for the BSD Scioto River Neighborhood to Zoning Code Sections 153.058, 153.059, 153.060, 153.062, 153.063 and 153.065 of the Dublin Codified Ordinances. (Case 14-039ADMC)

Ordinance 77-14

Rezoning 23 Parcels Totaling Approximately 66.97 Acres from BSC Office Residential, BSC Residential, and BSC Commercial Districts to BSD Scioto River Neighborhood District and BSC Public District. (Case 14-040Z)

Vice Mayor Gerber introduced Ordinances 76-14 and 77-14.

Background

Ms. Ray shared a graphic of the Vision Plan, which was included in the 2010 Bridge Street Corridor Vision Report. Soon after the Vision Report moved forward, staff looked at the general land use recommendations for the various portions of the Bridge Street District, including building heights and densities. From there, that informed the creation of the Bridge Street District Zoning Districts. The new Zoning District designations were applied parcel by parcel throughout the District.

There were a few areas in the BSD that had important transformational opportunities in particular. For these areas, neighborhood zoning district designations were created. The two areas outlined in red – on the east and west sides of the District – received the special zoning designation because they were under consolidated land ownership at the time of the original rezoning in 2012. In addition, they have the most potential for the special anchor developments that are expected to come forward.

Following the initial rezonings to the Bridge Street districts in early 2012, the City acquired several strategic properties located along the river corridor that are needed for public infrastructure improvements. The attention on this area advanced further in late 2012 when Council directed staff to focus BSD planning efforts on mainly the Scioto River Corridor.

Around the same time, a development entity – Crawford Hoying Development Partners – began assembling much of the land within the Scioto River Corridor. As planning progressed in this area, it was noted that unlike the property ownership at the time of the original BSD area rezoning, ownership circumstances would now permit the creation of a more unified zoning plan to create that more intensely developed, coordinated mixed-use environment envisioned by the BSD zoning regulations, designed to be implemented through that same process.

This approach would have been recommended back in 2012, had the ownership pattern been different at that time.

Creating the new Bridge Street District of "Scioto River Neighborhood District" allows the Bridge Street zoning regulations to better fit the intent of that larger, unified

development anticipated for the Scioto River Corridor area. This approach allows these elements of development to be addressed more comprehensively and in a coordinated fashion through a single zoning district versus three separate zoning districts with their own unique combinations of permitted uses and development standards.

Proposed Zoning Code Amendment – Ordinance 76-14

Ms. Ray noted that the most significant aspect of the proposed amendment is the creation of a new zoning district – the Scioto River Corridor Neighborhood District. As part of the neighborhood standards mirroring the other neighborhood zoning districts included in the Code, it includes a conceptual graphic that coordinates with the recommended zoning for the Scioto River Neighborhood District.

There are a few technical amendments included as part of the Code update, such as adding the new Neighborhood District to the various use tables, etc. In addition, the group homes use is eliminated from the list of permitted uses. This is being done at the recommendation of the Law Director, pending a more comprehensive Zoning Code update.

Planning & Zoning Commission recommendations

On July 10, the Commission recommended approval of the proposed Code amendments. The Commission agreed with the intent to establish a Neighborhood Zoning District for this area and discussed the importance of ensuring the standards were consistent with the other neighborhood districts established throughout the Bridge Street District.

The Commission expressed concern with making recommendations of zoning code amendments to other provisions of the Code that would apply district-wide, particularly with respect to building materials, building heights, parking. Ultimately, they elected to eliminate those from the proposed Code amendments, pending a more comprehensive update to the BSD zoning regulations that is in process.

She noted there was some discussion about the potential elimination of certain building materials, such as fiber cement and wood siding. Written comments were forwarded to City Council and copied to the Commission from three developers who have interest in various BSD developments. They expressed concern with these proposed amendments, indicating that these changes would significantly impact the course of developments currently in process. Therefore, at the July 10 meeting, the Commission reconsidered the modifications and determined that the existing Code language should remain until further consideration with the Code amendments for the overall BSD.

Similarly, the Commission also elected to clarify the maximum permitted height for certain buildings, allowing up to a maximum of six stories with increased height to be considered through waivers, based on unique circumstances in specific developments. The Commission also wanted to emphasize that a balanced mix of land uses in this district, in particular, as well as other BSD zoning districts is very important.

Staff recommends approval of Ordinance 76-14 at the second reading/public hearing on August 25.

Zoning Map Amendments – Ordinance 77-14

Ms. Ray shared the existing BSD zoning map, with the areas highlighted that are involved in the proposed rezoning. The map shows the proposed zoning map amendments and recognizes the future right-of-way associated with the relocated Riverside Drive.

The future parkland on the west side of relocated Riverside Drive is recommended to be zoned to the Bridge Street Corridor Public District, which is an existing zoning designation that applies to parkland and some other public uses throughout the District.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 101-18

August 11, 2014

Page 6 of 19

Held

20

The Scioto River Neighborhood District would be applied to the land on the east side of the relocated Riverside Drive, including the former driving range site, the Bridge Pointe Shopping Center, as well as the former Wendy's restaurant site at the southeast corner of SR161 and Riverside.

In the Administrative Review Team's recommendation to the Commission, the existing Acura and Cadillac car dealerships at the corner of SR 161 and Dale Drive retain their existing zoning of Bridge Street Corridor Commercial. Back in 2012, there was significant discussion of the zoning of those parcels at that time. At the meeting on June 5, the Commission discussed those properties as well as the other properties on the east side of Dale Drive. They indicated their preference that those properties be included in the area rezoning to ensure that the character development on both the east and west sides of Dale Drive would have the same look and feel – with any future redevelopment. The intent was that when those properties would develop, that they would ultimately rezone to the same zoning district. For this reason, these are included in this area rezoning.

A representative of the car dealerships attended the July 10 Commission meeting and the Commission verified that the existing use provisions of the Zoning Code would continue to allow the uses to remain as conforming uses. Even under the proposed rezoning, their existing rights to transfer tenants, make modifications, or expand in line with existing Code provisions could continue as it exists today.

The Commission recommended approval of Ordinance 77-14 at their July 10 meeting. Staff recommends approval at the second reading/public hearing on August 25.

Mr. Lecklider commented as follows:

1. He is interested in Council and staff's view about the car dealerships status. In terms of future tenants, if the current dealerships would no longer operate as they do today, would there be any limitations imposed, or would this use continue in perpetuity?

Mayor Keenan stated that his understanding is the dealerships would have the right to continue under the current use, even if another dealership would be housed on the site instead of the current one.

Ms. Ray responded that is correct. The Code does have provisions in place if they were to abandon the current use for greater than 12 months.

Mayor Keenan agreed that including these properties in the area rezoning makes sense, while allowing them to continue as they exist.

Mr. Gerber stated this was reviewed three years ago with the Bridge Street District discussions. His understanding is that this would simply preserve what was agreed to at that time.

Mr. Smith noted that there were several business owners who attended those meetings, and they were given assurance that they would have options if they were to redevelop in the future.

Mr. Lecklider continued:

2. He sees in what was presented that there is a reference to large format retail. Within this newly designated district, what would be an example of large format retail?

Ms. Ray responded that large format commercial is a building type that would be permitted in this district. It was already approved as part of the original zoning. There are standards in the Code to ensure it is pedestrian oriented, that it would be wrapped by other uses, and that it would have a higher degree of transparency. It is designed to allow big box to be accommodated in an urban environment.

3. Is such use limited by square footage?

Ms. Ray stated she will provide this information prior to the next hearing.

4. Noted discussion about drive-throughs. Do those remain prohibited in what is being presented?

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 11, 2014

Page 7 of 19

Held

20

Ms. Ray confirmed that drive-throughs are prohibited. One of the potential developers had requested the ability to have drive-throughs, particularly for eating and drinking facilities. It is not permitted in any other neighborhood zoning districts, but only permitted for banks. The alternative is that a developer could bring forward a request for a Code amendment for consideration of a specific drive through associated with a specific development. That could be considered on its merits, but at this stage, drive-throughs are not being recommended.

5. Asked about the building height permitted of up to six stories. Is that correct? Ms. Ray responded that this is the height recommended by the Commission. This height is only for the corridor building type – in the zoning districts permitted. The previous Code amendment had some exceptions where up to 7.5 stories could be permitted around I-270. The Commission recommended eliminating those exceptions and allowing six stories across the board, without separate approval of a waiver from the Commission.

6. For exterior materials, the limitation of the use of wood or hardiplank to no more than 20 percent – does that apply only to non-residential?

Ms. Ray responded that wood and hardiplank as a permitted primary material only applies to certain building types – more residential in scale. For the apartment buildings, townhomes – smaller scale buildings – it remains as a permitted primary material in the Code.

Mr. Reiner stated that one of the issues with the project Council toured was the small amount of square footage and the limited ceiling heights. In that case, the City of Upper Arlington had limited the building heights. He is very concerned with building height, as it can result in cramped and compressed space. He is most concerned with limiting the building height to the point where the internal use of the space is impacted.

Ms. Ray responded that the building type requirements of the Code are designed to have a minimum and maximum to partially address that concern. As the overall Zoning Code update process continues, staff can work with the Commission to revisit this to ensure it is appropriate and achieves the objective Mr. Reiner has described.

Ms. Chinnici-Zuercher indicated her support of John's comments, noting that the Code should be changed to address his concern. She asked that other Council members provide input.

Mr. Gerber stated he agrees.

Ms. Salay noted she concurs.

Mr. Gerber asked for clarification about drive-throughs.

Ms. Ray responded that one of the potential developers for projects requested consideration of a Code amendment to include the ability for drive-throughs for eating and drinking facilities. That is not something permitted in other Neighborhood Districts – the Sawmill Center or the Indian Run districts. They can have drive-through uses for banks, but not for eating and drinking. For consistency and to ensure a pedestrian-oriented environment, it was determined drive-throughs should not be allowed across the board as a permitted use. Staff indicated to the potential applicant that as an alternative, they could bring forward a zoning code amendment that could be considered for a specific project, based upon the type of use, type of operation, appropriate siting on the building – and it could be reviewed in that forum.

Ms. Salay asked if it makes sense to do a zoning code amendment. Wouldn't that be done as a conditional use or a waiver? It seems a zoning code amendment is quite cumbersome for something fairly innocuous. It might be possible to have a drive-through in an unobtrusive fashion, such as a grocery pharmacy, and it would not impact the pedestrian environment. It seems this provision would eliminate some potential items that would be desirable.

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 11, 2014

Page 8 of 19

Held

20

Mr. Gerber agreed – and added that in the future, it might allow a bicyclist to access a coffee shop – or other type of business. He suggested this be examined more closely – something less burdensome, but in keeping with the surrounding area.

Ms. Salay stated that the cementitious siding and drive-through issues might be better addressed via a Code amendment over the larger Bridge Street District versus than this neighborhood.

Ms. Chinnici-Zuercher noted that the issue is when that larger review can be completed. Developers are ready to move forward, so it is important to have these items addressed promptly. She would support having the drive-throughs not prohibited, but offering a less cumbersome process to review them. She does not understand why a bank is considered different than other businesses who also desire drive-throughs. These other businesses have the right to a review process that is specific to their location.

Ms. Ray stated that drive-throughs are a use, and waivers cannot be granted to uses. Staff will look at this and bring back some revised language for Council's consideration.

Mayor Keenan noted that the goal would be to have some flexibility in this regard.

Ms. Salay noted she shares Mr. Lecklider's concern regarding the car dealerships and wanting them to be able to operate in perpetuity. It is very appropriate to allow the existing dealerships to maintain their presence; but on the other hand, as the zoning district matures and the dealership relocates in the City, it would make sense not to have a car dealership in that location forever. The City should be more proactive in regard to these uses. The car dealerships don't fit with the long-term vision for this area.

Mayor Keenan recalled that in the hearings three years ago, the attorneys representing the dealerships maintained that the City was taking a property right away – from these businesses as well as other types in the District. His personal view is that market demand will control the highest and best use for this land. He would not support taking a property right away from the existing businesses.

Mr. Lecklider stated that he does not agree that a right is being taken away from a future tenant.

Mayor Keenan responded that if the property owner wants to lease the land to another car dealership, he should have the flexibility to do so.

Mr. Lecklider stated that sometimes, the City must make hard decisions such as this.

Mr. Reiner added that in many cities with lots of pedestrian traffic, it may remain a car dealership – but could be three stories, some place to walk through in the evening. It could be a building that contains cars – high end, luxury cars.

Wallace Maurer, 7451 Dublin Road stated:

1. On page one of the memo, under Summary of Modifications, line four – the word "place" is capitalized and in quotation marks. It occurs in the following passage: "Aim of establishing another special place at the heart of the Bridge Street District." What place is it? A theatrical or medical center? What is meant by the word "place"?

Ms. Ray responded that the intent is to create the type of place that has a consistent look, character, feel. It is an informal planning idea or term – placemaking standards.

2. He assumes that the phrase "Bridge Street District" and "Bridge Street Corridor" are related to the same territory.

Mayor Keenan responded that is correct.

3. Noted that Council must have faith that this District is going to take place. It looks like a piece of micromanagement, down to the last cubic inch. From a practical sense, is Council developing a huge bureaucracy to handle all of these pinpoints in the legislation?

Mayor Keenan noted this is a guideline, and will take 40-50 years to build.

4. Wished Council good luck in achieving this vision!

There will be a second reading/public hearing at the August 25 Council meeting for Ordinances 76-14 and 77-14.

Ordinance 80-14

Authorizing the Provision of Certain Incentives to Hull and Associates, Inc. to Induce it to Retain an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Vice Mayor Gerber introduced the ordinance.

Mr. Clarey stated that Hull and Associates is an engineering firm and is presently located on Emerald Parkway. The company plans to retain 73 jobs and create an additional six jobs by the end of 2018. After an extensive search, Hull has decided they want to use the vacant space in their building. The economic development agreement proposed is a four-year, 10 percent incentive on withholdings, which is capped at \$40,500 for the term of the agreement. The agreement is contingent upon the execution of a seven-year lease. It is estimated the City will net approximately \$656,212 in income tax withholding over the term of the agreement. A company representative will be present for the second reading.

Ms. Chinnici-Zuercher commented that she is pleased that the company plans to remain in Dublin and expand.

There will be a second reading/public hearing at the August 25 Council meeting.

Ordinance 81-14

Authorizing the Provision of Certain Incentives to Goken America, LLC to Induce it to Retain an Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.

Mr. Lecklider introduced the ordinance.

Mr. Clarey stated that Goken America is a design engineering firm focused primarily on the automotive industry. A significant amount of their work in Central Ohio is dedicated to Honda research and development. The company has been headquartered in Dublin since 2004 and currently has 29 employees in Dublin. They plan to add an additional 20 by 2019. The positions are comprised primarily of highly skilled engineers and graphic design professionals. The company has considered many real estate options across Central Ohio and has decided to purchase a building in Dublin, signaling their long-term commitment to the community. The proposed economic development agreement includes a one-time \$10,000 location grant and a five-year 10 percent performance incentive on withholdings, capped at \$60,000. The City estimates it will net approximately \$493,830 in income tax revenue over the life of the project.

There will be a second reading/public hearing at the August 25 Council meeting.

Ordinance 82-14

Authorizing the City Manager to Execute Conveyance Documents to Accept the Donation of a 0.686 Acre, More or Less, Fee Simple Interest; a 2.359 Acres, More or Less, Fee Simple Interest; a 0.148 Acre, More or Less, Permanent Easement; a 0.388 Acre, More or Less, Permanent Easement; and a 0.146 Acre, More or Less, Permanent Easement Donated by Ohio University, for the Property Located South of State Route 161 for the Extension of Industrial Parkway, and Declaring an Emergency.

Vice Mayor Gerber introduced the ordinance.

RECORD OF PROCEEDINGS

relationship with this school and, on a weekly basis, they donate a book to their library. In order to help the school, Dublin AM Rotary, Dublin City Schools and the Dublin Branch Library applied for a "Choose to Read" grant from the State of Ohio. The State's Library was extremely impressed with their grant application. They indicated that it appeared to be an excellent way to bring the entire community together to celebrate literacy and promote reading. On April 19, from 6:30-7:30 at the Library, a reading program will be held. Marcia Schoenberg, author of the book, "B is for Buckeye," will be at Daniel Wright that day. Every fourth grader in Daniel Wright Elementary has received a copy of this book signed by the author. At the program that evening, Ms. Schoenberg will read, as will the president of the AM Rotary and School Superintendent Dr. Axner. He sent an invitation to Council Members several weeks ago, requesting their participation. He extends a personal invitation to all Council Members to participate, if possible. He also extended an invitation to Ms. Grigsby and Mr. Smith.

CONSENT AGENDA

Mayor Lecklider noted that seven items are proposed for action on the consent agenda. He asked whether any Council Member requests removal of an item for further consideration under the regular agenda.

Hearing none, Mayor Lecklider moved approval of action on the seven items as proposed on the consent agenda.

Ms. Chinnici-Zuercher seconded the motion.

Mr. Gerber noted that he will need to abstain from voting on the March 12 meeting minutes, as he was absent from that meeting.

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

1. Approval of Minutes of February 27, 2012 Council meeting
2. Approval of Minutes of March 12, 2012 Council meeting
3. Approval of Minutes of March 26, 2012 Council meeting
4. **Ordinance 20-12 (Introduction/first reading)**
Establishing Section 130.15 of the Dublin Codified Ordinances, Authorizing the Mayor and/or Mayor's Court Magistrate to Seal Juvenile Records upon the Successful Completion of a Juvenile Diversion Program (Second reading/public hearing April 23 Council meeting)
5. **Ordinance 21-12 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.120 Acres, More or Less, Fee Simple Interest That is Present Road Occupied Property from Beatrice L. Brogan. (Second reading/public hearing April 23 Council meeting)
6. **Resolution 19-12 (Introduction/Vote)**
Authorizing the City Manager to Execute a Lease Agreement with 7001 Post Road, LLC for the Purpose of Continuing the Dublin Entrepreneurial Center Operations.
7. **Resolution 23-12 (Introduction/Vote)**
Authorizing the Regulation of Traffic on Muirfield Drive and Other Roads in Muirfield Village and Waiving Certain Provisions of the Dublin Sign Code and Noise Ordinance in Conjunction with the Annual Memorial Tournament.

(It was the consensus of Council to waive the reading of Ordinance 08-12.)
(Mr. Reiner left the room, as he has previously indicated he will abstain on this rezoning.)

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 08-12

Rezoning Approximately 388 Parcels Totaling Approximately 808.7 Acres from: R, Rural District; R-1, Restricted Suburban Residential District; R-2, Limited Suburban Residential District; R-4, Suburban Residential District; R-12, Urban Residential District; HB, Historic Business District; HR, Historic Residential District; LI, Limited Industrial District; SO, Suburban Office & Institutional District; OLR, Office, Laboratory, & Research District; CC, Community Commercial District; CBD, Central Business District; CCC, Central Community Commercial District; PUD, Planned Unit Development District; and PCD, Planned Commerce District to: BSC Residential District; BSC Office Residential District; BSC Office District; BSC Commercial District; BSC Historic Core District; BSC Historic Residential District; BSC Historic Transition Neighborhood District; BSC Indian Run Neighborhood District; BSC Sawmill Center Neighborhood District; and Public District. (Case 11-021ADM)

Mr. Langworthy stated that this is a request for a rezoning of approximately 200 acres within the Bridge Street Corridor. Some of the Code provisions that Council approved at the March 26 meeting for the Bridge Street Corridor address properties as they exist today. He commented as follows:

1. "Existing Uses," Section 153.059(A)(6), are uses that exist as of the effective date of Ordinance 08-12. All those uses that currently exist can continue and will be continued as conforming uses, as long as they have operated 12 months prior to the effective date. It also permits uses to be established that were allowed in a zoned district that exists today prior to the BSC District being in place and to be considered conforming uses. Any of those existing use areas can be expanded with the approval of the ART, subject to certain guidelines. The only time the BSC zoning will apply to existing uses is in a case where the use is abandoned for a continuous period of twelve months. There are definitions/requirements for how a use is considered to be abandoned. These protections apply regardless of ownership changes.
2. "Existing Structures," Section 153.062 (B)(2), allows existing structures to expand up to 50% of their existing area, with some approvals by the ART. There are very few businesses that could take advantage of the 50% expansion, due to the limited area available on their site to meet parking requirements for an expansion. Therefore, the BSC Code provisions for structures apply only when the property owner makes a decision to demolish more than 50% of the gross floor area of the structure as it exists. The BSC Code provisions for structures apply only when the property owner makes a decision to demolish more than 50% of the gross floor area of the structure as it exists. Their existing building is allowed to stay in its current location. If an "act of God" or some other method outside the control of the property owner should cause a destruction of the building, it can be re-built in the same place it existed prior to the destruction. These protections apply regardless of ownership changes.

With a rezoning of this size and in view of the number of existing properties, uses and structures in place, extraordinary measures were necessary to ensure that they were protected under the new zoning. The zoning map recommended by Planning and Zoning Commission is dated February 2, 2012. It includes all 808 acres. The four areas highlighted in red are the areas of concern for Planning staff. Those areas have been re-evaluated, and staff has determined that there are two areas in particular that they would like Council to consider in tonight's discussion.

- The first area, which was discussed in previous meetings, is the zoning that has been recommended by the Planning and Zoning Commission (PZC) along the south side of SR 161, halfway between Riverside Drive

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Dublin City Council

Held

April 9, 2012

20 Page 6

and Sawmill Road. PZC has recommended that area be zoned "BSC Commercial." Planning staff continues to recommend that these ten acres be designated "BSC Office."

- The second area of particular concern is across Village Parkway, where PZC has recommended an extension of the "Sawmill Center Neighborhood" district across Village Parkway into the previously planned BSC zoned districts. Planning staff recommends that particular area be returned to the originally proposed "BSC Residential" district.

As noted in the staff report, Planning received a couple of late requests from property owners of land located along Corbin's Mill Drive – 48 Corbin's Mill Drive and 64 Corbin's Mill Drive (east side of Corbin's Mill) -- requesting a change in designation from "BSC Historic Transition Neighborhood" to "BSC Commercial." Due to the late receipt of these requests, they were not included in the Commission's considerations. Given the location and relative relationship to surrounding uses, Planning staff has no objection to these Corbin's Mill Drive changes should Council wish to consider them. With these changes, Planning staff recommends adoption of the February 2, 2012 zoning map, with the changes to the two areas that he has highlighted tonight where staff's recommendations are different from the Commission recommendations.

Mrs. Boring asked Mr. Langworthy to identify the location of the power substation on the map.

He pointed out the location of the substation and the service center adjacent to it.

Mayor Lecklider invited public testimony.

Jeff Brown, Smith & Hale, 37 W. Broad Street, Columbus, stated that Mr. Hale is out of town tonight. His client, Byers Realty, owns the one parcel out of the 388 parcels that Planning staff wants to change from what the Planning & Zoning Commission has recommended. The Byers property has been an automobile dealership since 1989. Over those years, the Byers have invested over \$10 million in improvements. They have an existing commercial zoning, and they would like to retain that. They believe changing it to a residential classification is not appropriate and will result in future problems with refinancing – possibly in conjunction with some improvements they are considering -- and with any future sale. The Planning Commission spent significant time on the BSC text and zoning map. The PZC listened to the presentation of staff's recommendations, and they also listened to the property owners' requests. In this particular instance, the Planning Commission recommended that the Byers' property and the piece to the north be zoned Commercial. They hope that City Council will consider the time and effort the PZC invested in making that determination and approve the map as recommended by the Commission at their February meeting.

Mayor Lecklider asked Mr. Brown if he, too, shares the same concerns as those expressed by the Byers family.

Mr. Brown responded that he does. However, if Council adopts the map recommended by the Planning Commission, his client will not have an issue. With the PZC recommended map, an historically commercial-zoned property that is developed commercially would still retain a commercial zoning classification. That is a reasonable accommodation for a property owner who has had the dealership in place since 1989 and relied upon the existing zoning in the investments made since that time. He believes this should be a workable compromise when the City is creating an entirely new district and zoning map. A residential classification on that property is not appropriate. There were several property owners who requested a change from the proposed rezoning classification. At this time, Planning staff continues to object to the zoning change requested by the Byers property and for the property on the south side of SR 161. Originally, the Penzone's property was also recommended for a Residential zoning. Planning Commission's recommendation was that the Byers

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Dublin City Council

Held

April 9, 2012

26 Page 7

property, the property to the north, and the Penzone's property to the lower north of the power station be zoned commercial. Penzone's was fortunate, because staff is in agreement with retaining their current commercial zoning.

Mayor Lecklider clarified that the Byers can continue this existing use in perpetuity. Mr. Brown responded that he understands that, however there are numerous uses available under their commercial classification that they will no longer have if the property is zoned residential. There will be difficulty with refinancing or sale of the property as well. He believes it is appropriate to adopt the recommendation of the Planning Commission.

Mayor Lecklider stated that it was his understanding that Mr. Hale had suggested language for the City's BSC Code, which would address this concern with respect to future financing.

Mr. Langworthy responded that concern was raised at an early stage in regard to potential non-conformities that could arise, and extensive effort was made not only to declare them to be conforming -- both buildings and uses -- but to provide some extraordinary potential for expansions and additions to those buildings and uses, as well. Every protection possible has been included, and staff has also indicated to property owners that, should they receive a request from a financing or insurance industry, the City would provide them with a letter verifying their conforming uses and conforming buildings. Typically, the banks and insurance companies the City works with are more sophisticated and do not merely review a zoning map. They do take care to look into the Code text requirements and pay attention to the City's responses to their requests for information regarding conformities.

Mayor Lecklider noted that Mr. Brown's law partner, Mr. Hale, was involved in this BSC process to a great extent. What was Mr. Brown's understanding at the end of this process with respect to this language, which has been extensively revised to address this concern?

Mr. Langworthy responded that the attorneys were representing several clients with varying concerns. Mr. Hale was looking to the overall impact of the Corridor as a whole and suggesting language that would offer sufficient protections for the majority of the existing properties. Some clients will continue to have individual issues with the rezoning and the language because they do not fully grasp the consequences for the future.

Mr. Brown stated that they do not have an objection to the text, and he does not disagree with Mr. Hale's changes. They are comfortable with the text. Their concern is with the actual changes to the zoning. PZC considered this issue and recommended a map, which all their clients, including Byers, is comfortable with. The situation relates to the objection that staff continues to have with the PZC recommended map in regard to two properties, one of which is Byers, an automobile dealership. They do not believe that a residential zoning is an appropriate zoning based on how that property has been used and the expectations of the property owner when the zoning was initially put in place. They have no objection to the text of the Code.

Mayor Lecklider asked if their concern is primarily due to potential refinancing issues. Mr. Brown responded that they have multiple concerns in terms of a client buying a piece of property, having the property rezoned, developing it commercially, and then having value taken away from it because the City has restricted its future use. The existing use can continue, but if a potential future buyer would be interested in developing the property with another commercial use other than a dealership, such as a mixed use, there will be a problem. The overlying zoning would be residential.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Dublin City Council

Held

April 9, 2012

20 Page 8

Mayor Lecklider asked again if his concern is primarily related to future refinancing. Mr. Brown responded that his experience with banks has been that, in today's financial climate, if there is something out of the ordinary that warrants a letter from the City to clarify the zoning – that will create a problem with financing. In this climate, if there is the slightest variant, banks are reluctant to lend money.

Mr. Langworthy noted one correction: the property owner does have the right to continue all the uses that are permitted under the existing zoning today – all the existing new uses permitted today can still be established new in the future. Mr. Brown responded that, in their case, the records are not clear in regard to what additional uses are permitted under the current zoning.

Council Questions

Ms. Chinnici-Zuercher stated that for the Tuller Road corner, staff recommends it be zoned residential. PZC recommended it be zoned commercial, but they also recommended that another section farther west on Tuller Road be zoned residential, not office/residential. They were essentially "swapping" the area east on Tuller Road to farther west on Tuller Road.

Mr. Langworthy responded that it could be looked at in that manner, but staff's concern is with the location of it versus the acreage involved. Expanding the "Sawmill Center Neighborhood" zoning across Village Parkway would be an intrusion into what they are trying to maintain as a primarily residential corridor. This will allow a much wider range of uses to cross Village Parkway into that residential area.

Mayor Lecklider asked if Mr. Byers, or any other property owner in this district, could seek a rezoning in the future.

Mr. Langworthy responded that, as Mr. Brown indicated, there may be some lack of clarity regarding what additional uses are allowed under the existing zoning. It is a very old planned district, and the records are minimal in regard to what is permitted on that site. However, the owner could request a rezoning outside the BSC district.

Mr. Keenan stated that businesses are reticent to trust in that process, which he understands based on his experience. His office property was in a PUD that specified exactly what was permitted, but it required two or three years to resolve an issue. Businesses do not like such a situation, and they do have rights under the current commercial zoning. He understands the business owner's perspective and concern in regard to the impact on his existing development rights.

Ms. Chinnici-Zuercher stated that her concern is that, due to the age of the PUD, the permitted uses are very vague. It was not written with the newer, more specific language.

Mr. Langworthy responded that the assumption is that the car dealership is the permitted use, which would continue.

Ms. Chinnici-Zuercher stated that there were two areas PZC recommended for commercial – the neighborhood center, and along the south side of SR 161, where it is currently zoned commercial, up to Shamrock. Planning staff recommends that area be zoned office. She requested where the line of demarcation would be.

Mr. Langworthy responded that it would be between Tommy's and the Shoppes of River Ridge.

Vice Mayor Salay asked if the Shoppes at River Ridge would be designated as "BSC Commercial," and everything to the east would be "BSC Office."

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Dublin City Council

Held

April 9, 2012

20 Page 9

Mr. Langworthy responded that is staff's recommendation. That area consists of approximately ten acres.

Mayor Lecklider stated that on page three of Mr. Dixon's January 12th letter, he indicates in the second bullet point: "Conversely, less appropriate uses along Bridge Street that are not allowed under BSC Office, but are allowed under BSC Commercial include: service stations, sexually oriented business establishments, vehicle sales, rental and repair. Less appropriate building types along Bridge Street that are allowed under BSC Commercial, but not BSC Office, are commercial centers and large format commercial buildings." In regard to the Byers property, would the same less desirable uses be allowed as well in the "Sawmill Center Neighborhood" district?

Mr. Langworthy responded that in the "Sawmill Center Neighborhood," vehicle sales are a Conditional Use. The other two uses are not permitted.

Mrs. Boring stated that those uses are allowed under "BSC Commercial."

Mr. Langworthy responded that the two are different. In "Sawmill Center Neighborhood," they are not permitted.

Mrs. Boring asked if the uses would be allowed along SR 161/US 33.

Mr. Langworthy responded that they would, by securing approval of a Conditional Use.

Mrs. Boring stated that those uses would then be allowed at an entryway to the City, by obtaining a Conditional Use.

Mayor Lecklider pointed out that the uses would not be adjacent to residential.

Mr. Langworthy stated that, ultimately, PZC would be the approving authority.

Mayor Lecklider stated that the City has not resolved the discussion with respect to sexually oriented businesses. His understanding from staff is that it is not possible to eliminate them altogether, and therefore, theoretically, such uses will be permitted in some location in the City.

Vice Mayor Salay asked about PZC's rationale for the map they recommended to Council. Were all changes requested by businesses accommodated in the recommended map, or were criteria used in evaluation of the requests?

Mr. Langworthy responded that PZC did not conduct an analysis of them on an individual basis. There was some discussion, but in general, PZC agreed with the rationale that was submitted by the property owners in their letters of request.

Vice Mayor stated that she attended a PZC meeting at which the property owners were testifying, indicating that they essentially did not like the proposed zoning and did not want it. This map reflects the testimony she heard at that meeting. But she is curious whether or not there was further discussion or analysis done regarding the requests by the Planning Commission.

Mr. Langworthy responded that the minutes reflect the discussion. He does not believe there were any requests from property owners that were not satisfied by the Planning Commission.

Ms. Chinnici-Zuercher stated that staff also supported the majority of the requests and, accordingly, made some changes in the text of the Code. She does not see that staff responded any differently than PZC.

Mr. Langworthy responded that staff believed that there were some items that were appropriate to change, but others were not.

Vice Mayor Salay stated that staff has indicated that they feel strongly about the zoning for the two areas described by Mr. Langworthy tonight.

RECORD OF PROCEEDINGS

Mr. Langworthy added that they are the ones of most concern, particularly with respect to the way the Vision Plan has laid out the concepts of what is intended to occur -- both along the Corridor and the core residential area. As Council is aware, Greystone Mews is already in place at a very low density compared with the other densities. Sycamore Ridge is also in place, so there is not much residential property in the area remaining to develop. Therefore, every parcel of land that can be designated for residential will be essential to create the critical residential mass that is desired.

Vice Mayor Salay stated that, for her, it is as much about the Vision Plan. In regard to the parcel under discussion, it does not seem to be the best location for a car dealership long term. Certainly, there are other places within the community where car dealerships are appropriate. When considering this area, auto dealerships do not fit long-term for the vision. She understands that they have the right to be in place as they currently exist into the future. If Council votes to include these parcels within a residential area, she would hope the City would be able to work with them if they want to relocate or otherwise. She has heard this process described as taking away the rights of the businesses, but the City is working with them, and she envisions that will continue.

Mrs. Boring stated that she has concerns and is disappointed she was not more vocal at an earlier stage.

- When this Vision Plan was first presented to Council, in which the zoning for the Shoppes of River Ridge area was changed, along with other areas, she expressed concern to Mr. Dixon. He assured her that they had spoken with the property owners, and they were all supportive. However, that was not the case.
- Instead of treating this like a blank canvas, she wishes modifications had been made around the existing businesses versus treating this as a redevelopment situation. She believes that the City should treat everyone the same. Some property owners have objected, and staff has changed their classification from "BSC Office" to "BSC Commercial." If the City's Code is written to guarantee and hold everyone to a standard, why are some being changed and not others? As recently as last week, at the request of the property owners on Corbin's Mill, changes were made. Either everyone should be treated the same or Council should adhere to the original Vision Plan.
- Staff referred to page 17 of the Vision Plan, which reads, "Planning Foundations. The market analyst anticipates demand for approximately 100,000 square feet of additional large footprint office space over the next ten years, primarily at locations with excellent access to and visibility from I-270." She compared this Plan with the City's Community Plan. They share some of the same views, including a great concept for Historic Dublin. (She read language from the Community Plan and several examples in the Vision Plan.) She is disappointed that there is a mile of frontage along I-270 that has only one office/residential area, no hotel site, and no site for large footprint office. She is not convinced that either of the proposed maps will result in giving the City the original Vision Plan.

Mayor Lecklider asked Mr. Langworthy to respond to those concerns.

Mr. Langworthy asked if she is focusing on the light purple area on the map, the "Indian Run Neighborhood" district.

Mrs. Boring responded affirmatively.

Mr. Langworthy stated that he is not certain why she believes that large office will not be allowed in this district, because that will certainly be a prime location. They have already had discussions with that particular property owner.

Mrs. Boring asked why it is being zoned "Indian Run Neighborhood."

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Dublin City Council

Held

April 9, 2012

Page 11

Mr. Langworthy responded that "Indian Run Neighborhood" permits those types of office buildings.

Mayor Lecklider requested that Mr. Langworthy respond to the concerns about the "BSC Commercial" to the west.

Mr. Langworthy responded that has always been a difficult area. The location along Post Road and some of the redevelopment that occurs there is anticipated to be more favorable than exists today. The gateway that will occur is likely going to be past that point. Staff has always believed that the attention of the drivers at that location -- from I-270 down to Frantz Road -- is concentrated on the roadway itself versus the sides of the roadway. The City has extensive landscaping in place, particularly along the north side, to shield those areas. Therefore, most of that orientation will be more toward Post Road than toward SR 161, because no access is permitted there as it is a limited access area. Past Frantz/SR 161 intersection is an area in which there is a need to transition high-speed traffic down into Historic Dublin in a very short length of roadway. The design of that area will focus on that need. The primary issue with the "BSC Commercial" is the type of buildings permitted. The only district that permits by right the building type of a low, one-story retail building -- shopping center buildings -- is the "BSC Commercial." Those will be locations in which there can be those types of buildings. The multi-story buildings will occur more within the neighborhoods and the "BSC Office/Residential" areas. There will be the potential for higher buildings and greater intensities of development, and that is what the City hopes will occur. There is nothing within the "BSC Indian Run Neighborhood" to preclude high-value, high building office development from occurring.

Mr. Gerber stated that the Community Plan had the vision of high-rise commercial buildings along the I-270 Corridor, which may be what Mrs. Boring is referencing. Mrs. Boring responded that is her reference point, although she understands this is being updated and the Community Plan will need to be updated accordingly. However, some of the Community Plan philosophies were sound and are still applicable.

Mr. Gerber stated that it was his understanding that those high-rise buildings were included in the BSC Vision Plan, although this map may not reflect that. The map would more accurately depict the Vision Plan if some of those commercial buildings were noted on the map, in keeping with the long-time policy for the I-270 Corridor.

Mr. Langworthy responded that it is necessary to coordinate the map with the text. It is difficult to make the necessary interpretations between the text and the map. This is a more complex zoning scheme, and requires a significant amount of coordination to determine the permitted building types and the uses permitted in those building types.

Vice Mayor Salay stated that there is also undeveloped land north of I-270 between Sawmill Road and the river, which will hopefully develop as office in the future.

Mr. Gerber stated Council has discussed the BSC Code and Area Rezoning for the past two months. He supports the PZC recommended zoning map, and has no objections to the zoning changes requested to accommodate the two properties on Corbin's Mill Drive. He is not certain what further discussion is needed before voting.

Mrs. Boring stated that although Mr. Langworthy's explanation is helpful, she does not understand how land will remain available for that type of freeway office development, given what else is permitted. If a development proposal is consistent with what the Code permits, she does not see how it could be disapproved.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Dublin City Council

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

April 9, 2012

Page 12

Mr. Langworthy responded that there is a large amount of available land in that location. What exists there today will not exist in the future; there will be a completely different arrangement.

Mrs. Boring stated that she remains concerned that the City will not achieve a "gateway appearance" with such one-story buildings. She is not convinced it will be possible to preserve land for hotels or office buildings along I-270 where these users can have the visibility and access they desire. It may be a permitted use, but what will happen if the land is already zoned? How is a balance of office/commercial use from the perspective of income tax revenue to be achieved in that area?

Mr. Langworthy responded that those will ultimately be future market-driven decisions, made by the property owners. The City can only allow for the possibilities to occur – it cannot force something to be built for which there is no market.

Mrs. Boring stated that the City typically "holds out" to obtain the highest/best use, because that is the City's vision. Now, the indication is that it will be entirely market-driven. She does not see how the City can assure that type of mix.

Mr. Gerber said that it will depend upon how the BSC is marketed. If someone else owns the land, the market will drive their decisions. The best chance to achieve what is desired to occur is with the map proposed by PZC. The area in which buildings are visible from I-270 is the "Indian Run Neighborhood" -- OCLC up to the northeast corner -- the "Sawmill Center Neighborhood." The area from Riverside/Tuller allows for that as well, but it is much less visible. He believes her concerns are addressed.

Ms. Grigsby stated that she does not believe the market will support or allow for all of that area to be residential or multi-family – this area is currently being closely reviewed. In the past, development in the City was of low density. Now that the City will allow higher densities in this corridor, more development will be possible. There is the potential for different types of development in that area. The property owners have had discussions with commercial office developers and others who are interested. There is a big demand for that type of development in that specific area. There will be a mix of development in order to support the vision.

Mrs. Boring asked why that cannot be depicted on the zoning map.

Ms. Grigsby asked if her desire is to make the "Indian Run Neighborhood" zoning district more restrictive.

Mrs. Boring responded that she would like to do that for the area along the freeway. A request for rezoning is always possible, so such a strip could be added along that area of the freeway.

Mr. Langworthy stated that staff could add a special notation in the Community Plan emphasizing what is desired along I-270.

Mayor Lecklider asked about the "BSC Commercial" to the west, along SR 161/33, west of Frantz Road, and the area just to the east of it. Does she believe that such zoning is not appropriate as the gateway?

Mrs. Boring responded affirmatively. The presentations and photos that have been provided to Council depicting this area depict something large scale. The Code indicates that it could be one-story, horizontal buildings – and that should be updated. She also objects to making changes to the zoning categories for some who have requested changes and not for others. She acknowledged that the Code does allow every business to continue as it exists.

Mayor Lecklider asked if she would support changing the "BSC Commercial" over staff's objections.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Dublin City Council

Held

April 9, 2012

Page 13

Mrs. Boring stated that it is not her intent to change something over staff's objections. However, she understood that the City had adopted a Vision, but is now approving something quite different for the freeway exit onto US 33/161.

Mayor Lecklider asked if her assumption is that the existing Kroger store and Roush Hardware would not object to a change in zoning designation on their parcels, as have the businesses east of the river, including Oakland Nursery, Tommy's Pizza, etc. Mrs. Boring stated that she is considering the property along I-270 and US33 -- not any properties on the east side of Frantz Road.

Mrs. Chinnici-Zuercher stated that perhaps the issue is more about broadening the definition than it is changing the Code. There are buildings now within that area that are not one story, so they are not currently meeting that definition.

Mr. Langworthy responded that the definition would not preclude them; it would include them as well.

Ms. Chinnici-Zuercher stated it was her impression that along the Corridor, or even along I-270 north of Tuller Road, the City's desire was ultimately to have something bold and different over time. The intent was that this area would have a "wow factor" -- a sense of difference -- and that living, working and entertainment in this area would have a different energy than exists in other parts of the community. As a result, it might attract different kinds of businesses and a broader segment of residential population. She does not know how that vision can be translated into this map. That does not mean Council should not vote on this map until that is accomplished. There have been many writers involved in this, and they have not been able to capture the comfort level that everyone desires. For that reason, there was some discussion about having a picture book, a visual available to everyone, which could help articulate what Council wanted to share with the community. People are looking for that in a community such as Dublin. Mrs. Boring seems to be concerned that the words and color designations on the map do not accurately depict the City's intent, but that is not easy to achieve. This is a "work in progress," and Council needs to move forward and approve this so the City can work with the development community as this unfolds.

Vice Mayor Salay stated that she is surprised with where Council now is with this initiative, given the importance of this matter and the time, money and energy that has been invested as a community with speaker series, the workshops, charettes, public comment sessions, consultant team and staff time. It has been a huge undertaking for the community, one that is receiving national attention. Dublin has an opportunity to lead the region and to be a national leader in how to develop and redevelop an outer-ring suburb. Dublin is poised on the edge of a great undertaking, but is not willing to take a risk. That willingness to take a risk, along with the partnerships in the community and Dublin's affinity for calculated risk -- is what set Dublin apart as a community. In her opinion, no opportunity has existed since any of the present Council members have been serving that could more positively impact the community than the Bridge Street Corridor. Council has approved the BSC Code, which is very different, very dynamic, with a different approach to development and re-development. This area is not a blank slate, which is challenging. The City has considered everything and listened to the property owners, which is a hallmark of this community. The City has considered their needs and concerns, and attempted to respond to their issues concerning financing and insurance. She believes that Council should support the staff recommended map as it will ensure the Vision that Council has adopted will be achieved. The BSC zoning text will accommodate existing businesses who want to continue as they presently exist. Goody-Clancy wrote a very thoughtful letter about why it is important that Council support what the staff and consultant have recommended. That is what is guiding her decision to support the

RECORD OF PROCEEDINGS

zoning map recommended by staff. She believes she is in the minority on this issue, however, based on the comments. She will be disappointed if Council chooses to do otherwise.

Mr. Keenan stated that is it not fair to characterize this as anything other than a work in progress. There will be changes as it moves forward. The PZC invested their time in reviewing the recommended map. He believes Council needs to act on this and move it forward, with changes made at a later date if needed.

Mr. Gerber stated that the Planning and Zoning Commission spent time and gave the residents an opportunity to be heard. That is a core value embraced in Dublin.

Mrs. Boring stated that there has been more than one vision circulated. But in the end, the vision must be Council's -- not the consultants' or the staff's vision. The BSC Code, which was recently approved, is something different for the City, and this will be something different as well. She is ready to vote on this matter.

Mr. Keenan moved to approve Ordinance 08-12 with the February 2, 2012 proposed zoning map recommended by the Planning and Zoning Commission, and including the additional zoning changes requested by the owners of the properties located at 48 and 64 Corbin's Mill Drive (from BSC Historic Transition Neighborhood to BSC Commercial). Mr. Gerber seconded the motion.

Vote on the Ordinance: Vice Mayor Salay, yes; Mayor Lecklider, no; Mr. Gerber, yes; Mrs. Boring, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

Mr. Langworthy thanked Council for their time, patience and thoughtful consideration.

(Vice Mayor Salay left the Council Chambers at this point.)

(Mr. Reiner returned to Council Chambers at this point.)

Ordinance 17-12

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.144 Acres, More or Less, Fee Simple Interest that is Present Road Occupied, and a 0.080 Acres, More or Less, Permanent Utility, Grading and Drainage Easement from Walter L. Shier and Carol Shier, William Sorden and Mary Ann Sorden, Robert E. Shier and Linda L. Shier, and Mark A. Shier and Rene E. Shier.

Mr. Hammersmith stated that this is a proposed acquisition for the Cosgray Road/Shier Rings Road roundabout from property owned by the Shier family on the north side of Shier Rings Road, west of Holiday Lane for the appraised amount listed in the staff report.

There were no questions.

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

Ordinance 18-12

Amending Section 2 (Wage & Salary Structure/Administration), Paragraph A of Ordinance No. 73-06 ("Compensation Plan for Non-Union Personnel") for the Purpose of Incorporating Certain Job Classifications and Corresponding Pay Grades.

Mr. Harding provided a memo to Council for the first reading. There are no changes to report. He offered to respond to questions.

There were no questions or comments.