

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

08-12 (Amended)

Ordinance No. _____

Passed _____, 20____

AN ORDINANCE REZONING 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 BSC PUBLIC DISTRICT. (CASE 11-021Z/ADM)

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

Section 1. That the following described real estate (parcel numbers) 273-008242, 273-008249, 273-008872, 273-008913, 273-009079, 273-009090, 273-009095, 273-009096, 273-009124, 273-009149, 273-009150, 273-009323, 273-011148, 273-012062, 273-012064, 273-012065, 273-012066, 273-012067, 273-012068, 273-012069, 273-012070, 273-012071, 273-012072, 273-012138, 273-012149, 273-012170, 273-012193, 273-012199, 273-012218, 273-012245, 273-012264, 273-012285, 273-012296, 273-012311, 273-012325, 273-012342 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-R, BSC Residential District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 2. That the following described real estate (parcel numbers) 273-008244, 273-008245, 273-008246, 273-008247, 273-008381, 273-008802, 273-008827, 273-008908, 273-008958, 273-008995, 273-008998, 273-009080, 273-009099, 273-009101, 273-009155, 273-010154, 273-012295 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-OR, BSC Office Residential District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 3. That the following described real estate (parcel numbers) 273-008275, 273-008279, 273-008284, 273-008285, 273-008296, 273-008304, 273-008305, 273-008306, 273-008307, 273-008308, 273-008309, 273-008310, 273-008311, 273-008312, 273-008375, 273-008805, 273-009145, 273-009146, 273-009147, 273-009148, 273-012175, 273-012176, 273-012181, 273-012182, 273-012183, 273-012184, 273-012185, 273-012198, 273-012251 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-O, BSC Office 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 4. That the following described real estate (parcel numbers) 273-000257, 273-000258, 273-000270, 273-000274, 273-000321, 273-000329, 273-000794, 273-001348, 273-001349, 273-001350, 273-001530, 273-001976, 273-002457, 273-002458, 273-002459, 273-002460, 273-002463, 273-003800, 273-008243, 273-008261, 273-008264, 273-008266, 273-008269, 273-008280, 273-008358, 273-008361, 273-008831, 273-008832, 273-008833, 273-008834, 273-008838, 273-008856, 273-008857, 273-008858, 273-008859, 273-008867, 273-008868, 273-

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008869, 273-008907, 273-008994, 273-009971, 273-009972, 273-009973, 273-009974, 273-009975 273-012174, situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-C, BSC Commercial 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 5. That the following described real estate (parcel numbers) 273-000002, 273-000003, 273-000005, 273-000007, 273-000008, 273-000012, 273-000014, 273-000016, 273-000018, 273-000022, 273-000023, 273-000024, 273-000027, 273-000028, 273-000029, 273-000032, 273-000034, 273-000035, 273-000036, 273-000037, 273-000040, 273-000042, 273-000043, 273-000050, 273-000051, 273-000052, 273-000053, 273-000054, 273-000056, 273-000061, 273-000062, 273-000063, 273-000066, 273-000068, 273-000069, 273-000070, 273-000071, 273-000072, 273-000073, 273-000074, 273-000075, 273-000084, 273-000085, 273-000086, 273-000087, 273-000088, 273-000089, 273-000092, 273-000093, 273-000094, 273-000097, 273-000098, 273-000099, 273-000100, 273-000102, 273-000104, 273-000105, 273-000107, 273-000111, 273-000112, 273-000138, 273-000177, 273-000259, 273-000310, 273-001940, 273-001978, 273-002075, 273-003680, 273-004077, 273-004078, 273-004079, 273-004080, 273-004081, 273-009979, 273-012158, 273-012200, 273-012260, 273-012261 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-HC, BSC Historic Core 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 6. That the following described real estate (parcel numbers) 273-000013, 273-000015, 273-000019, 273-000031, 273-000033, 273-000039, 273-000045, 273-000046, 273-000047, 273-000048, 273-000059, 273-000060, 273-000067, 273-000078, 273-000079, 273-000080, 273-000081, 273-000083, 273-000090, 273-000091, 273-000101, 273-000106, 273-000109, 273-000118, 273-000121, 273-000123, 273-000125, 273-000126, 273-000127, 273-000128, 273-000129, 273-000130, 273-000131, 273-000132, 273-000133, 273-000134, 273-000135, 273-000136, 273-000139, 273-000141, 273-000144, 273-000256, 273-000262, 273-000286, 273-000315, 273-000324, 273-000415, 273-001684, 273-003411, 273-008206, 273-009732, 273-009733, 273-009734, 273-010207, 273-011175, 273-012300, 273-012301 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-HR, BSC Historic Residential District**, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 7. That the following described real estate (parcel numbers) 273-008257, 273-008258, 273-008327, 273-008328, 273-008329, 273-008330, 273-008331, 273-008332, 273-008333, 273-008334, 273-008335, 273-008377, 273-008811, 273-008813, 273-008957, 273-009030, 273-009035, 273-009043, 273-009044, 273-009045, 273-009054, 273-009055, 273-009077, 273-009081, 273-009082, 273-009083, 273-009084, 273-009085, 273-009086, 273-009088, 273-009093, 273-009094, 273-009118, 273-009119, 273-009121, 273-009127, 273-009128, 273-009129, 273-009130, 273-009152, 273-009153, 273-009154, 273-009512, 273-010405, 273-010406, 273-010864, 273-012229 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-SCN, BSC Sawmill Center Neighborhood 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 8. That the following described real estate (parcel numbers) 273-000004, 273-000049, 273-000108, 273-000205, 273-000206, 273-000207, 273-000208, 273-000209, 273-000210, 273-000211, 273-000212, 273-000213, 273-000214, 273-000215, 273-000216, 273-000217, 273-000313, 273-000785, 273-000786, 273-000989, 273-001186, 273-005564, 273-005565 situated in the City of

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Dublin, State of Ohio, is hereby rezoned **BSC-HTN, BSC Historic Transition Neighborhood 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 9. That the following described real estate (parcel numbers) 273-000110, 273-000114, 273-000269, 273-000273, 273-000344, 273-000788, 273-000797, 273-001308, 273-002474, 273-002485, 273-002892, 273-002893, 273-002895, 273-002897, 273-007473 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-IRN, BSC Indian Run Neighborhood 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 10. That the following described real estate (parcel numbers) 212000129, 273-000001, 273-000010, 273-000020, 273-000025, 273-000038, 273-000044, 273-000057, 273-000077, 273-000096, 273-000113, 273-000122, 273-000124, 273-000137, 273-000143, 273-000170, 273-000405, 273-000787, 273-003410, 273-003513, 273-004507, 273-005566, 273-008277, 273-008286, 273-008287, 273-008288, 273-008313, 273-008314, 273-008315, 273-008316, 273-008373, 273-008820, 273-009322, 273-009324, 273-009749, 273-009750, 273-009978, 273-010936, 273-011235, 273-011236 situated in the City of Dublin, State of Ohio, is hereby rezoned **BSC-P, BSC Public 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 11. The application includes the list of affected property owners, the rezoning map and the recommendations of the Planning and Zoning Commission, are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance therewith.

Section 12. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 9th day of April, 2012.

Timothy A. Lechliden
Mayor - Presiding Officer

ATTEST:

Anna C. Clarke
Clerk of Council

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

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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

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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.

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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 rResidential 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."

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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.

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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."

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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.

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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.

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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

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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 it is 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.



CITY OF DUBLIN.

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

DECEMBER 7, 2006

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

4. Concept Plan 06-131CP – Star Village Mixed Use Development – 4209 West Dublin Granville Road

Location: A 2.588 acre site located on the south side of West Dublin-Granville Road approximately 250 feet west of the intersection of Shamrock Boulevard and West Dublin Granville Road.

Existing Zoning: CC, Community Commercial District and R-12, Urban Residential District.

Request: Review and feedback for a mixed-use development concept under the provisions of Code Section 153.050.

Proposed Use: A mixed-use development that includes 6,400 square feet of restaurant space, 7,600 square feet of retail space, 11,000 square feet of office space, and five condominium units.

Applicant: CF Ventures, Ltd., 4209 West Dublin Granville Road, Dublin Ohio, 43017; represented by Gary Sebach, Bird Houk Collaborative, 6375 Riverside Drive, Suite 100, Dublin, Ohio, 43017.

Staff Contact: Jamie E. Adkins, Planner.

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

RESULT: The Concept Plan was reviewed by the Commission. Issues discussed regarded the residential uses, roadway extensions and access, building setbacks and parking. No vote or action was taken.

STAFF CERTIFICATION

Daniel Phillabaum, AICP
Senior Planner

- requirements before building permit issuance;
- 3) That the design of private drive pavement meet the approval of the City Engineer;
 - 4) That only the white tenant copy on the monument sign be illuminated, in order to be consistent with other approved signs within the Perimeter West PCD;
 - 5) That a man-door be included in the design of the dumpster enclosure to permit access for uses, outside of waste removal;
 - 6) That architectural elements be added to the exterior of the building to add detail and effectively break up the brick exterior, subject to staff approval; and
 - 7) That the plans be correctly labeled to reflect the total number of parking spaces.

Mr. Zimmerman seconded the motion and the vote was as follows: Mr. McCash, yes; Ms. Jones, yes; Mr. Saneholtz, yes; Mr. Fishman, yes; Mr. Walter, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 7– 0.)

4. Concept Plan 06-131CP – Star Village Mixed Use Development – 4209 West Dublin Granville Road Perimeter Drive

Dan Phillabaum presented this case and slides. He said this was a request for Commission's review and feedback for a mixed use development concept under the PUD, Planned Unit Development District provisions of the Code. He said the site is 2.59 acres, located on the south side of West Dublin-Granville Road, approximately 350 feet west of Shamrock Boulevard. He said the site is completely developed and existing structures include a 17,308-square-foot restaurant near the east property line and a 736-square-foot garage located at the rear of the site. He said the remainder of the site contains a large parking area. Mr. Phillabaum stated that Stoneridge Lane end at the southeast corner of the property and continues as a private drive aisle along the rear, providing access to the La Scala Restaurant and the La Scala Villa Apartments. He said a shared access drive to the apartments runs along the western edge of the site.

Mr. Phillabaum said the main portion of this site is zoned CC, Community Commercial District, with the western drive aisle that accesses the apartment, zoned R-12, Urban Residential District. He said the site is also located within the CDD, Corridor Development District. He said to the north, across West Dublin-Granville Road is Wendy's International Headquarters, also zoned CC, to the east is undeveloped land zoned SO, Suburban Office and Institutional District with a proposed rezoning to PUD, Planned Unit Development District which is on this agenda. He said the proposed land use is a mix of office, retail, restaurant, and residential uses which are not permitted this district, and therefore rezoning is necessary.

Mr. Phillabaum said the 1997 Community Plan recommended a sense of connection to Historic Dublin be established with new buildings oriented to the street and linkages between the uses. He presented a slide showing an image of a conceptual drawing of the vision of the West Dublin-Granville Road Corridor which had been discussed at various joint work sessions as part of the Community Plan Update. He said the direction provided in these work sessions addressed the overall character of the West Dublin-Granville Road streetscape, including placement of the buildings at the street, incorporating a mix of higher intensity land uses, creating significant entryways, and more pedestrian-friendly environment.

Mr. Phillabaum said some of the surrounding development includes The Shoppes at River Ridge to the west which is currently under construction, Greystone Mews to the north also under construction, and the proposed Shamrock Crossing Development to the east.

Mr. Phillabaum said the existing La Scala Restaurant has been in operation at this location for over 20 years, and the site is legally non-conforming as to parking, signage, landscaping, side and rear yard requirements, and lot coverage. He said planning is supportive of redevelopment that will bring the site into overall compliance and raise the level of development quality in this area.

Mr. Phillabaum said the proposed concept plan includes two retail buildings along Sharp Lane in the northern portion of the site, and five attached townhome units located in the southern portion, surrounded by the primary parking area. He said additional parking is located to the north of the building, south of Sharp Lane. He said the proposed development is accessed by two curb cuts from Sharp Lane. One is the existing drive aisle to the west. The second is a new access point in the center of the site, which extends between the two retail buildings via a pass-through. Mr. Phillabaum said Stoneridge Lane is the third access point at the southeast of the site. He said in order to achieve the desired character for this corridor established in the joint work sessions, several modifications are recommended.

Mr. Phillabaum said with respect to the retail area to the north, the drive aisle and parking north of the building should be eliminated and the buildings be relocated closer to Sharp Lane in a manner consistent with Shamrock Crossing. He said providing additional right-of-way on the south side of Sharp Lane could allow for on-street parallel parking and street trees that in combination with a wider pedestrian sidewalk, would serve as a traffic calming device and further promote this desired streetscape. Mr. Phillabaum said the central vehicular access from Sharp Lane should be eliminated and the building pass-through should function as a pedestrian connection, rather than a vehicular connection. He said the parking area south of the building could be better organized to take the desired access points into consideration, provide appropriate pedestrian linkages, and incorporate cross-access to the proposed parking area for the development to the east.

Mr. Phillabaum said the residential component could provide a necessary mix of uses for this site surrounding development, however Planning is concerned about the location and layout of the units. He said it was important for future development of the overall area for Stoneridge Lane to be extended west as a public street. He said additional units could be added, fronting onto the extension of Stoneridge Lane in order to create a residential scale streetscape. The townhomes could be rear-loaded with access via a shared drive aisle with the parking to the north which included appropriate buffering and access considerations. Pedestrian access, safety, and linkages will all be important in this residential portion to connect it to the overall site and surrounding developments.

Mr. Phillabaum presented slides showing the overall architectural elevations. He said the images provided did an effective job of conveying the proposed character of the development. He said similar to recently approved retail centers in the City, such as the Shoppes at River Ridge to the west, it utilizes materials and architectural features that are similar to those present in the Historic District such as the use of brick, stone, residential scale, and rich detail. He said the materials and specifications for the final architecture of all the buildings will be further refined at

the rezoning stage. Mr. Phillabaum said planning recommends a high level of detail on all building elevations, four-sided architecture, and that a common architectural theme be conveyed throughout the development and coordinated with the recent developments adjacent to this site.

Mr. Phillabaum said the concept of redevelopment in this corridor has been discussed recently as part of the Community Plan Update, and based on the clear vision that has been established for the future development of this area, the Star Village proposal begins to contribute towards this vision of a mixed-use area with a strong urban streetscape and pedestrian-oriented spaces. He said the uses, as proposed, comply generally with the existing and future character of the area, have adequate services, and will continue an important streetscape and architectural theme. He said staff will continue to work with the applicant through the rezoning process to refine the uses as well as the overall functional and aesthetic quality of this development. Mr. Phillabaum said planning believes that the proposed concept plan land uses are consistent with the Community Plan and recommends the applicant proceed with the preliminary development plan stage and address the items within the staff report.

Mr. Gerber said he took issue with the assertion that there was complete agreement at the joint work session on the directive that these streetscapes would be pulled closer to West Dublin-Granville Road in this area. He said that those present at the Worksession may have given this general direction, but recollected that he commented that they may not want to apply this in every case. He did not want there to be the expectation that everything on West Dublin Granville Road would be pulled closer with no exceptions. He requested that staff review the taped dialogue on this discussion point from that joint work session to verify this.

Mr. Walter recalled that at the last Commission meeting where the Shamrock Crossing case was presented and tabled, there was discussion that the buildings could be moved forward, but maybe not at the street line. He said there were concerns expressed by the applicant at that time that if the buildings are moved too close, it would result in dead street fronts.

Mr. Gerber suggested this be a topic of discussion at a future joint work session. He said he knew that Mayor Chinnici-Zuercher was in agreement when he raised his concern at the joint work session during discussion of the 161/Sawmill Road Area Plan. He again requested that staff review the tape of this meeting.

Mr. Phillabaum said his review of the minutes and summary documents from that work session indicated general agreement for staff to proceed in this direction. He said that he would be happy to review the tape and provide clarification to the Commission.

Mr. Fishman agreed that there had been discussion about this, and said it should not be a dead-fast rule.

Mr. Gerber asked for a brief presentation from the applicant. He said the purpose of the concept plan was for the applicant to receive feedback from the Commissioners.

Gary Sebach, architect with Bird Houk Collaborative, representing the owners, John and Mike Ciatola, said the Ciatolas had been in business in Dublin for 35 years and they saw an opportunity to come to the Commission to present some of their thoughts about further developing their site. He said with all the recent development, they felt that it was a prudent time

to at least explore what their options and opportunities would be to develop this site a little denser.

Mr. Sebach said one of the first things the applicants conveyed to them was the importance of parking out front and patio seating with street life and activity. He said they understood that they wanted the buildings brought forward. He said the sacrifices were that they went to single-loaded parking because they strongly believed that history had shown that activity is needed in front so people driving by can see that the businesses are open and there are people there. He said the rest of the parking was pushed behind the building, but they wanted quick access and they were afraid that without this center access, that the connection for this dead end parking lot was a little too remote. He said they wanted to create clear wayfinding when looking for a parking space and they thought this would be a nice place for drop-off or valet parking under cover. He said they saw valet service as an important role in the restaurant and retail part of the development.

Mr. Sebach said the Ciatolas asked him to look at how this site impacts their existing residential apartment site which has mature trees around it and is a scenic place. He said they wanted to capture the end of that development with an end piece, letting it take advantage of the walking ability of all the trees and greenspace. He said it was a little different townhouse concept. He said they wanted an urban park where people who work here could use to eat.

Mr. Sebach said they found that parking had to be somewhat separated between commercial parking and the residential parking. He said there will be two reserved parking spaces per unit, and then they can use overflow parking.

Mr. Sebach said their concern is that Stoneridge Lane, if extended, would create too much traffic, especially delivery traffic to Oakland Nurseries. He said they did not see the necessity of the road connection. He said it would destroy the walkability/connectivity.

Mr. Sanholtz said he liked a lot of the ideas presented. He said one of the advantages he could see of moving those buildings forward is having parallel parking on the street which would provide traffic calming and give those buildings some visibility. He said the proposed building to the east was blocking the view of what is going to be a spectacular front facade to the structure. He said if the drive and parking in front were eliminated and the buildings moved forward, the buildings would really stand out and draw attention. Mr. Sanholtz said he agreed with the applicant about the activity in front. He said he appreciated that on the design and he thought it was very interesting. He had questions about how parking for the residential units functioned and how they were oriented. He said there was discussion about the townhomes loading from the rear and asked if that was correct.

Mr. Sebach said the concept is that residents park on the south side of the units, and the north side of the units is the rear, facing onto the green.

Mr. Sanholtz was concerned about sharing the parking and circulation for these townhomes with the parking for the commercial uses. He said it was an interesting concept plan. He said he would like to see staff's rendering or an alternative rendering of what was proposed with more units onto Stoneridge Lane, giving the street itself a character, and not just have the street feel like an alley.

Mr. Walter said he agreed that the setback of the building at Sharp Lane was too far. He said he appreciated them bringing it up, and incorporating parallel parking on Sharp Lane was important. He did not understand the elimination of the center drive aisle recommended by Planning. He said it made good sense to have it as a drive aisle.

Mr. Phillabaum said removing the drive aisle that splits the building would eliminate pedestrian vehicular conflicts, creating a stronger pedestrian space and encouraging more activity in that location.

Mr. Walter said he was concerned that they did not create something similar to what occurred at Perimeter West, which is a series of small private drives to get to different places. He said he understood the pedestrian conflict issues, but would support maintaining just the center drive aisle. He said he did not think the townhouses had enough mass to get the streetscape they wanted. He thought they looked out of place sitting in the middle of this parking lot. Mr. Walter said he did appreciate the architecture, but overall, what the Commission wanted in the corridor was not quite hit yet. He said perhaps it was the size of the parcel and they were trying to do too much with it.

Mr. McCash asked where exactly and how Stoneridge Lane would get extended to the west.

Mr. Phillabaum said it could connect to the existing western drive aisle and serve as the internal circulation to the parking areas, as opposed to having parking areas.

Mr. McCash asked why Stoneridge Lane could not be extended to come through the center of the site, orienting these buildings orienting to Stoneridge Lane, a lesser traveled road, make it two lanes with parallel parking on either side in front of the buildings. He said you could set it up so that there are two end caps with potential patio areas that would show activity out onto SR 161, orienting things towards Stoneridge Lane. He suggested doing parallel parking along Sharp Lane. He said this would really create this urban town center-type component rather than just buildings pushed out onto SR 161. He said that would provide a greater dynamic to it and the Stoneridge Lane extended traffic would go through this center, providing an activity center and public access with the parking. He said whether these new townhomes are here, on the second floor, or at the end of one of the buildings, could be considered. He said with this proposed layout, odd things seemed to be just stuck there. He said it is just a strip center in layout – but in concept and architecture, they are trying to do something nice, but the layout of the site is not quite there yet.

Mr. Phillabaum said planning saw merit in exploring with the applicant what Mr. McCash was proposing.

Mr. Gerber said they were talking about creativity with residential, and it was also time to come up with new ideas as well to deal with the mixed use/retail uses.

Mr. Walter said what Mr. McCash said made sense, but he was concerned that there was enough parking on the parcel to do it. He suggested massing townhouses on one side which have a less dense parking requirement, and retail on the other side of the street would provide a way to handle the parking in that area.

Mr. McCash said it was a matter of balancing the layout, etc. He said perhaps additional parallel parking could be added along Sharp Lane.

Mr. Gerber said that would lend itself to a lot more opportunities for landscaping.

Mr. Walter confirmed that there was four-sided architecture on the retail space.

Ms. Jones said she liked having the townhomes to the south because it created a good transition to the existing residential uses. She said the townhomes seemed to be just out in the parking lot, and if more of a streetscape were created cutting through there, at least they could front on a street. She said she was definitely supportive of the mixed use because it created a great transition, but the current layout, even the street system did not look complete to her. She thought some elements were missing.

Mr. Fishman said he also liked Mr. McCash's idea. He said he liked taking the focus off SR 161. He said he thought it was a really good effort and he liked the architecture, etc. He said the backs of the townhomes should have their own private courtyards to store grills, toys, etc. since there are no garages. Mr. Fishman said four-sided architecture was expected. He said this was a wonderful effort and he would like to see it go forward. However, he said taking the emphasis off SR 161 and going toward the sub-street was a good idea.

Mr. McCash suggested to engineering if buildings are up at the right-of-way, that they not necessarily have to leave typical setbacks, similar to Town Center in Historic Dublin where everything is close to the street. He asked that it be worked with as part of the design.

Mr. Zimmerman said he concurred with everything said this evening. He said he would like to see a residential component to add a mix to the area, flipping the buildings around and bring them forward, bringing more of the architecture of the townhouses more closely to the retail architecture, and creating private court areas for the units.

Mr. Gerber said he thought this was a fantastic effort and he liked the architecture. He said he agreed with the other Commissioners' comments, particularly with Mr. Fishman's and Mr. McCash's. He said with a little more creativity with incorporating Stoneridge Lane through made a lot of sense.

Mr. Gerber said they did not need to vote on this Concept Plan.

Result:

The Concept Plan was reviewed by the Commission. Issues discussed regarded the residential uses, roadway extensions and access, building setbacks and parking. No vote or action was taken.

Mr. Gerber called a short recess.



CITY OF DUBLIN.

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

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

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

OCTOBER 5, 2006

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

3. Concept Plan 06-131CP – La Scala Italian Bistro – Mixed Use Development – 4209 West Dublin Granville Road

Location: 2.588 acres located on the south side of West Dublin-Granville Road approximately 250 feet west of the intersection of Shamrock Boulevard and West Dublin Granville Road.

Existing Zoning: CC, Community Commercial District and R-12, Urban Residential District.

Request: Review and feedback for a mixed-use development concept under the provisions of Code Section 153.053(C).

Proposed Use: A mixed-use development that includes 6,400 square feet of restaurant space, 7,600 square feet of retail space, 11,000 square feet of office space, and five condominium units.

Applicant: Ciotola Family LP, c/o John Ciotola, 4209 West Dublin Granville Road, Dublin Ohio, 43017; represented by Gary Sebach, Bird Houk Collaborative, 6375 Riverside Drive, Suite 100, Dublin, Ohio, 43017.

Staff Contact: Jamie E. Adkins, Planner.


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

MOTION: To table this Concept Plan application at the request of the applicant.

VOTE: 4 – 0.

RESULT: This Concept Plan application was tabled.

STAFF CERTIFICATION


Jamie E. Adkins
Planner

06-131CP
Concept Plan
Star Village Mixed-Use Development
4209 W Dublin-Granville Road



PLANNING AND ZONING COMMISSION

MEETING MINUTES

OCTOBER 5, 2006

CITY OF DUBLIN.

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

Phone: 614-410-4600
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Web Site: www.dublin.oh.us

1. Rezoning/Preliminary Development Plan 06-076Z – Shamrock Crossing – West Dublin Granville Road (Tabled 4 – 0.)
2. Amended Final Development Plan 06-130AFDP – Perimeter Center, Subarea G1 – Craughwell Village Garage Additions – Perimeter Drive (Approved 4 – 0.)
3. Concept Plan 06-131CP – La Scala Italian Bistro – Mixed Use Development – 4209 West Dublin Granville Road (Tabled 4 – 0.)

Administrative Business:

Vice Chair Todd Zimmerman called the meeting to order at 6:30 p.m. Other Commissioners present included: Rayna Jones, Warren Fishman and Kevin Walter. Tom McCash arrived at 6:50 p.m. and immediately left the room and did not return until after the meeting was adjourned. Rick Gerber and Ted Saneholtz were absent. Staff members present included: Frank Ciarochi, Gary Gunderman, Jennifer Readler, Dan Phillabaum, Tammy Noble, Jamie Adkins, Claudia Husak, Jud Rex, Aaron Stanford, Kristen Yorko, Alan Perkins and Flora Rogers.

Mr. Walter led the Pledge of Allegiance.

Director's Report:

Mr. Gunderman said they included one administrative approval for Coffman Park in the packet and noted that the previously scheduled October 12, 2006 Planning and Zoning Commission meeting had been canceled due to the lack of agenda items.

Mr. Zimmerman called for unanimous acceptance of the documents into the record. [No one opposed.]

Mr. Walter asked that the September 7, 2006 minutes under the administrative items be amended to indicate that he was absent from the meeting. Mr. Zimmerman called for unanimous acceptance of the September 7, 2006 meeting minutes as amended. [No one opposed.]

Mr. Zimmerman reviewed the general comments of the Planning and Zoning Commission and indicated that no new agenda items will be introduced after 10:30 p.m.

Mr. Zimmerman noted that Case 3 had requested to be tabled and Case 2 was on the Consent Agenda. No one asked to pull the Consent Agenda case. Mr. Zimmerman announced the order of tonight's cases: Case 3, 2, and 1. [The minutes are in the order of the published Agenda.]

1. Rezoning/Preliminary Development Plan 06-076Z – Shamrock Crossing – West Dublin Granville Road

Claudia Husak presented this case and said it is a request for review and approval of a rezoning to PUD, Planned Unit Development District for a proposed 110,000 square foot commercial development, located north and south of West Dublin-Granville Road at Shamrock Boulevard. She said this case was tabled August 17, 2006 at the request of the applicant.

Ms. Husak said the southern portion of this site is zoned SO, Suburban Office and Institutional District and the northern portion is zoned R1, Restricted Suburban Residential District. The current zoning districts permit medical office, professional office, institutional facilities and residential uses and the proposed development which includes mixed office, retail and restaurant uses is not permitted.

Ms. Husak reviewed the preceding zoning applications for this site and said regarding a 2005 Concept Plan for the undeveloped land to the south, members of City Council and the Planning and Zoning Commission expressed concerns regarding a desire to protect the existing tree rows, and the mix of uses proposed with particular emphasis on drive-thru restaurants. She said additional concerns included whether the proposal fits with the concept of the West Dublin-Granville Corridor discussed at recent Community Plan Update work sessions.

Ms. Husak said Subarea A and B are south of West Dublin-Granville Road and Subarea C and D are located north of the roadway. The preliminary development plan indicates building envelopes and parking areas along West Dublin-Granville Road in each of the subareas and along Sharp Lane and Shamrock Boulevard.

Ms. Husak said Subarea A has frontage along Sharp Lane and Stoneridge Lane to the south. The plan indicates an office retail building oriented toward Sharp Lane with parking areas to the south and east of the buildings. She said an access point is proposed off Shamrock Boulevard to the east, which staff does not support and will require that this access be moved to the north to Sharp Lane.

Ms. Husak said Subarea B depicts the extension of Stoneridge Lane westward to meet Shamrock Boulevard. The plan shows a retail building facing West Dublin-Granville Road with two aisles of parking located in front of the building, and a smaller office building facing Shamrock Boulevard, to the southwest of the retail building. She said the development text states that parking within this subarea will be provided at a ratio one space per 200 square feet which is less than outlined by Code, but which staff believes may be appropriate as peak hours of the different uses proposed may differ allowing for shared parking.

Ms. Husak said ground signs are depicted within the right-of-way along West Dublin-Granville Road, and noted that signage within the right-of-way requires the consent of the City Engineer as

Form No. 30043

Passed _____, 20____

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



PLANNING AND ZONING COMMISSION

RECORD OF ACTION

March 7, 2002

CITY OF DUBLIN

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

Phone/TDD: 614-410-4600
Fax: 614-761-6566
Web Site: www.dublin.oh.us

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

5. Corridor Development District/Conditional Use 02-011CDD/CU - La Scala Patio - 4199 West Dublin-Granville Road

Location: 2.59 acres located on the south side of West Dublin-Granville Road, approximately 300 feet west of Shamrock Boulevard.

Existing Zoning: CC, Community Commercial District.

Request: Review and approval of Corridor Development District and Conditional Use applications under the provisions of Sections 153.115 and 153.026.

Proposed Use: A new 498-square foot patio for outdoor dining as part of an existing 17,308 square foot restaurant.

Applicant: Ciotola Family LP and Richard Corna, 4199 West Dublin-Granville Road, Columbus, Ohio 43017; represented by Brian Wiland and Associates, c/o David Rectenwald, 38 West Bridge Street, Dublin, Ohio 43017.

Staff Contact: Kelly Canter, Planner.

MOTION #1: To approve this **Corridor Development District** application because it meets the CDD intent; the patio will be in keeping with the land use character of the existing restaurant, it will remove a number of the Code non-conformities from the site, and it meets the spirit of the September 2, 1999 letter regarding the SR 161 widening, with six conditions:

- 1) That because the expansion is dependent upon approval of variances by the Board of Zoning Appeals, it is subject to any conditions required by the Board and cannot be implemented without them;
- 2) That the two parcels be combined prior to submittal of building permits;
- 3) That the ground sign and directional sign be landscaped to Code, subject to staff approval;
- 4) That all additional lighting meet the Dublin Lighting Guidelines and all existing lighting meet Code as far as practicable, subject to staff approval;
- 5) That the rooftop mechanical units be screened to meet Code, to be commenced no later than 24 months, and that the existing dumpster be screened, subject to staff approval; and

**PLANNING AND ZONING COMMISSION
RECORD OF ACTION
March 7, 2002**

**5. Corridor Development District/Conditional Use 02-011CDD/CU - La Scala Patio -
4199 West Dublin-Granville Road (Continued)**

- 6) That outdoor speakers not be permitted.

* Michael Close, attorney representing the applicant, agreed to the above conditions.

VOTE: 7-0.

RESULT: This Corridor Development District application was approved.

MOTION #2: To approve this **conditional use** application because it meets the CDD intent; the patio will be in keeping with the land use character of the existing restaurant, it will remove a number of the Code non-conformities from the site, and it meets the spirit of the September 2, 1999 letter regarding the SR 161 widening, with six conditions:


- 1) That because the expansion is dependent upon approval of variances by the Board of Zoning Appeals, it is subject to any conditions required by the Board and cannot be implemented without them;
- 2) That the two parcels be combined prior to submittal of building permits;
- 3) That the ground sign and directional sign be landscaped to Code, subject to staff approval;
- 4) That all additional lighting meet the Dublin Lighting Guidelines and all existing lighting meet Code as far as practicable, subject to staff approval;
- 5) That the rooftop mechanical units be screened to meet Code, to be commenced no later than 24 months, and that the existing dumpster be screened, subject to staff approval; and
- 6) That outdoor speakers not be permitted.

* Michael Close, attorney representing the applicant, agreed to the above conditions.

VOTE: 7-0.

RESULT: This conditional use application was approved.

STAFF CERTIFICATION



Gary P. Gunderman
Assistant Planning I

06-131CP

Concept Plan
Star Village Mixed-Use Development
4209 W Dublin-Granville Road

One internally lit, 52.5 square foot wall sign is proposed. It will have red text, "Bally's Total Fitness" on the front façade. A routed sign face would be consistent with other similar facades. Mr. Turnock said the Corridor Review Text did not specifically require routed signs. Ms. Boring read from the text: "All center signs should be of the same character and color and shall be of similar architectural style at the center."

Mr. Turnock said staff had made several visits to this site, and there is always plenty of parking. He noted there are some Code violations that were brought to the attention of the owner. He said staff recommends approval with two conditions:

- 1) That the sign be routed and that a sign permit that conforms to Code be obtained prior to installation; and
- 2) That any dead, dying or missing plant material and appropriate screening (as identified by the landscape inspection report, dated September 26, 2001) within Phase 1, be replaced by May 15, 2002, and be replaced for the remainder of the site by September 1, 2002.

Ben W. Hale, Jr., representing the applicant, said the wall sign would be routed and the non-plant material Code violations would be rectified before occupancy. He agreed to the conditions and showed a rendering of the proposed sign. The red hue will be similar to BJ's.

Ms. Boring said landscaping was a very important thing and in no way did they want to minimize the importance of it being compliant. It will help the center overall.

Mr. Banchevsky said the Commission could make it a requirement that the screening of the dumpsters be brought up to Code within a reasonable time period. However, this cannot be tied to the issuance of an occupancy permit.

Mr. Fishman made the motion for approval because it will not negatively impact the surrounding area, and the existing layout provides adequate parking for this use, with three conditions:

- 1) That the sign be routed and that a sign permit that conforms to Code be obtained prior to installation;
- 2) That any dead, dying or missing plant material and appropriate screening (as identified by the landscape inspection report, dated September 26, 2001) within Phase 1, be replaced by May 15, 2002, and be replaced for the remainder of the site by September 1, 2002; and
- 3) That the non-plant material Code violations come into compliance by April 30, 2002.

Mr. Hale agreed to the above conditions. Mr. Gerber seconded the motion, and the vote was as follows: Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Messineo, yes; Ms. Boring, yes; Mr. Eastep, yes; Mr. Gerber, yes; and Mr. Fishman, yes. (Approved 7-0.)

Mr. Sprague said they are really happy to have Bally's as a business partner in Dublin. [Mr. Sprague took a short break and Mr. Eastep took over as Chair for that period.]

5. Corridor Development District/Conditional Use 02-011CDD/CU -La Scala Patio - 4199 West Dublin-Granville Road

Kelly Canter said this site is zoned CC, Community Commercial District, and the La Scala restaurant has been in operation for many years. Most Dublin Codes have changed since then, and the site is legally non-conforming as to parking, signage, landsc

etc. This is a proposed 498 square foot patio for outdoor dining for the 17,308 square foot restaurant. She said outdoor service facilities are conditional uses, and this site is within the CDD, Corridor Development District. She showed several slides.

Ms. Canter said the 2.59-acre site contains two parcels, and it is 280 feet wide along the service road and 400 feet deep. The restaurant and the parking lot are on separate lots. The patio will extend across the parcel line. Several rows of parking were removed for the SR 161 widening project, including a service road. The City added parking at the south end of the site to replace the lost spaces. The patio will require an additional 10 spaces, but there is no land available for more parking. A parking variance application has also been submitted.

The proposed patio will have seating for 20 patrons. It will extend out approximately 13 feet to the porte cochere. A stucco-clad wall will be added to the north elevation and wrought iron fencing will be added along the periphery. Ornamental potted plants and canopies will be added. Two front windows will be replaced by double doors. The canopies will be cream, matching the exterior material, with burgundy stripes to match the existing awnings. Three wall sconces and five hooded lights along the exterior of the stucco wall will be installed.

Ms. Canter said the site has four existing signs: a ground sign on poles, a wall sign, and two directional signs with advertising. Staff recommends that the site comply with the Sign Code. She said on March 4, 2002, City Council voted to allow the existing ground sign on poles.

There are two sides of a screened fence in the service area behind the restaurant and in between the garage. One side was taken down for the parking lot expansion and is in the process of being reinstalled. However, staff recommends complete screening. She said staff recommends approval with six conditions:

- 1) That because the expansion is dependent upon approval of variances by the Board of Zoning Appeals, it is subject to any conditions required by the Board and cannot be implemented without them;
- 2) That the two parcels be combined prior to submittal of building permits;
- 3) That the directional signage be removed or replaced, subject to staff approval;
- 4) That all additional lighting meet the Dublin Lighting Guidelines and all existing lighting meet Code as far as practicable, subject to staff approval;
- 5) That the existing dumpster and rooftop mechanical units be screened to meet Code, subject to staff approval; and
- 6) That landscaping be added along the east boundary to screen the vehicular use areas and be added around the base of the ground sign, according to Code, and that a landscape plan be submitted for review, subject to staff approval.

Mr. Banchevsky requested separate motions and votes be taken on the conditional use and corridor development district applications. They have different criteria and appeal processes. Mr. Sprague noted there is only one set of conditions. Mr. Banchevsky suggested that the same conditions be used for both applications

Mr. Eastep asked if this case would be within an overlay in the new Code. Mr. Gunderman said that may be the case. The current UDC draft provides for a similar overlay process. Conditional uses are changing, but this case would still require Commission approval.

Michael Close, representing the applicant, said this site pre-dated most of the current zoning regulations, and it would be impossible to bring the site into compliance. On lighting, Mr. Close said they would do what was requested. He said due to increased vandalism to cars, they added more lights years ago. The lights solved the problem, and would like to keep them.

Mr. Close said the rooftop mechanicals are 30 years old. The building, built in 1972, has a membrane roof. In the relatively near future, these units will be replaced with smaller units. He asked for relief from the screening requirement until it is necessary to replace them.

Mr. Close said the staff indicates the directional signage meets the spirit of the September 2, 1999 letter. He said Dublin wanted to do the SR 161 widening inexpensively, and exempted themselves from certain requirements. He believes that the landscaping and signage should stay as they are. The signage is needed to find the restaurant along the new service road. There is not enough room to plant the requested screening along the property line.

Mr. Eastep asked about the Code requirements on non-conforming issues for a conditional use application. He asked if the applicant was required to bring the site into complete conformance. Mr. Banchevsky said no. He said the staff report lists the sets of approval criteria

Mr. Close said the north and west exterior elevations will look much better. It isn't financially feasible to link a 20-seat patio to expensive improvements. Mr. Eastep agreed. Mr. Close said unless City Council agreed to waive the \$1,800 variance fee, they would not pursue this.

Mr. Close said they agree to Conditions 1 and 2 without question. He agreed to the lighting, screening the dumpster as soon as weather permits, and to screen the rooftop mechanicals when the units are replaced. He has a problem with the landscaping requested.

Mr. Eastep said the dumpster screening could be done as part of the building permit for the patio in the architectural and structural drawings. He asked if a screen wall or parapet to screen the mechanicals had been considered with the patio construction to provide a better-looking elevation. Mr. Close said no, due to cost. Mr. Eastep suggested changing Condition 5 by allowing 24 months to screen the roof top mechanicals. Mr. Close agreed.

Ms. Boring agreed that the existing lighting was necessary due to vandalism. Mr. Close agreed to do the new wall lights and sconces in compliance with Dublin guidelines.

Mr. Fishman and Ms. Boring said the "for sale" type directional signage should be eliminated. Ms. Boring said they were large. Mr. Close said the temporary "banquet" signs will be removed, but the internally illuminated La Scala entrance/exit sign is needed. He said the City relocated it in the road widening. Ms. Boring said Council allowed the restaurant to keep the sign on poles.

Mr. Eastep asked if the applicant would landscape the base of the entrance/exit sign with evergreens so it does not look like a pylon sign. Mr. Fishman suggested lowering it.

Mr. Eastep asked if the colonnade could be hidden with bushes. Mr. Close said lowering it will require re-wiring, but he agreed to mute the sign with shrubs. Mr. Eastep suggested taxus.

Mr. Close said no landscape plan was submitted with the application because they did not intend to do any landscaping. Mr. Messina said it was a barren site. Mr. Close said the City did not

pay them for the shrubs, etc. The City removed all the shrubbery from the islands on the property line between La Scala and Frank's and has not replaced them yet.

Mr. Banchevsky said this was the most complicated eminent domain case he has ever experienced. Neither ODOT nor the Federal Highway Administration wanted anything to do with it. The 1999 agreement specifically addressed the landscaping issue

Mr. Close said the cooperation of the Ciotolas and Cornas made the road⁴ project do-able. Mr. Banchevsky agreed.

Ms. Boring said the landscape condition might seem like Dublin was reneging on the agreement.

Mr. Close said the large ground sign and the directional sign would be landscaped. Ms. Boring suggested rewording 3: That the ground sign and directional sign be landscaped to Code, subject to staff approval.

Mr. Sprague suggested rewording Condition 6: That a landscape plan be submitted for review, subject to staff approval. Mr. Close said the landscape plan would not be for the entire site, but just for the two signs.

Mr. Sprague said since Ms. Boring amended Condition 3 above, Condition 6 could be deleted.

Ms. Boring asked if there will be outside heater of some type on the patio in cooler weather. Mr. Close said it would depend upon the economics.

Mr. Sprague summarized the conditions. Conditions 1 and 2 remain unchanged, and Condition 3 should read: That both the directional sign and the identification sign be landscaped. Condition 4: That all wall sconces and building lighting meet the Dublin Exterior Lighting Guidelines. Condition 5: That the rooftop mechanical units be screened to meet Code, to be commenced no later than 24 months, and that the existing dumpster be screened, subject to staff approval. Condition 6 from the staff report regarding other landscaping should be deleted.

Mr. Eastep asked if there was any vertical handicap signage proposed. Mr. Close said the City removed them and will have to replace them. Ms. Canter said a work order had been submitted.

Mr. Zimmerman suggested a new Condition 6: That outdoor speakers not be permitted. Mr. Close agreed.

Ms. Boring said she was pleased with this application. Mr. Zimmerman said the patio was very appropriate and in a nice location.

Mr. Eastep said the Commission appreciated the longstanding commitment that La Scala has in the community. He apologized for any City mistakes made with the widening of the road. He also appreciated the applicant's willingness to make concessions that are not really required.

Mr. Messineo said it was a good idea not to reduce the lighting.

Mr. Sprague said he was sure the road widening was a burden on the applicant, and they have shown patience and have been an excellent Dublin business for many years.

Mr. Eastep made the motion to approve this **Corridor Development District** case because it meets the CDD intent; the patio will be in keeping with the land use character of the existing restaurant, it will remove a number of the Code non-conformities from the site, and it meets the spirit of the September 2, 1999 letter regarding the SR 161 widening, with six conditions:

- 1) That because the expansion is dependent upon approval of variances by the Board of Zoning Appeals, it is subject to any conditions required by the Board and cannot be implemented without them;
- 2) That the two parcels be combined prior to submittal of building permits;
- 3) That the ground sign and directional sign be landscaped to Code, subject to staff approval;
- 4) That all additional lighting meet the Dublin Lighting Guidelines and all existing lighting meet Code as far as practicable, subject to staff approval;
- 5) That the rooftop mechanical units be screened to meet Code, to be commenced no later than 24 months, and that the existing dumpster be screened, subject to staff approval; and
- 6) That outdoor speakers not be permitted.

Mr. Close agreed to the above conditions. Mr. Gerber seconded the motion, and the vote was as follows: Ms. Boring, yes; Mr. Messineo, yes; Mr. Sprague, yes; Mr. Fishman, yes; Mr. Zimmerman, yes; Mr. Gerber, yes; and Mr. Eastep, yes. (Approved 7-0.)

Mr. Eastep made the motion to approve the **Conditional Use** application because the patio will be in keeping with the land use character of the existing restaurant; it will remove a number of the Code non-conformities from the site; and it meets the spirit of the September 2, 1999 letter, regarding the SR 161 widening, with six conditions:

- 1) That because the expansion is dependent upon approval of variances by the Board of Zoning Appeals, it is subject to any conditions required by the Board and cannot be implemented without them;
- 2) That the two parcels be combined prior to submittal of building permits;
- 3) That the ground (pole-mounted) sign and directional sign be landscaped to Code, subject to staff approval;
- 4) That all additional lighting meet the Dublin Lighting Guidelines, and that all existing lighting meet Code as far as practicable, subject to staff approval;
- 5) That the rooftop mechanical units be screened to meet Code, to be commenced no later than 24 months, and that the existing dumpster be screened, subject to staff approval; and
- 6) That outdoor speakers not be permitted.

Mr. Zimmerman seconded the motion, and the vote was as follows: Mr. Fishman, yes; Mr. Sprague, yes; Mr. Messineo, yes; Ms. Boring, yes; Mr. Gerber, yes; Mr. Zimmerman, yes; and Mr. Eastep, yes. (Approved 7-0.)

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Libby Farley

Administrative Secretary

Planning Division

06-131CP

Concept Plan

Star Village Mixed-Use Development
4209 W Dublin-Granville Road

Form No. 30043

Passed _____, 20____

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

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

August 18, 2003

Page 9

Held

20

Mr. Sloan pointed out that for electric, the rates are known for the next two years. If an offer is not received which will result in a savings to the resident, a proposal will not be brought forward. For gas, with fluctuating rates, the options are to look for a fixed rate that will offer price certainty or a rate that is simply less than the gas company's rate. It is possible that another supplier may have a lower rate, such as a fixed one-year rate.

Ms. Chinnici-Zuercher stated that if a resident opted in and then decided to switch, the documents indicate there is a switching fee.

Mr. Sloan stated that it would be in the form of an early termination fee. Typically, the fee for early termination is in the range of \$25. This can be negotiated with the supplier. It may sometimes make sense for someone to switch, even with the \$25 early termination fee. Many don't understand the market and may trust the local government to negotiate for them with the local utilities.

Mr. McDaniel added that, in general, these plans are fairly standard. AMP Ohio represents 30 or more other communities, and this is not "uncharted territory." He noted that staff may request emergency action at the second reading to waive the 30-day waiting period, depending upon the market conditions.

There will be a second reading/public hearing at the September 2 Council meeting.

Ordinance 92-03

Adopting a Plan of Operation and Governance for a Municipal (Opt Out) Natural Gas Aggregation Program and Authorizing the City Manager to Submit Said Plan to the Public Utilities Commission of Ohio. (Second reading/public hearing September 2 Council meeting)

Ms. Salay introduced the ordinance.

There will be a second reading/public hearing at the September 2 Council meeting.

ZONING

Mayor McCash moved to waive the Rules of Order to have the Clerk read the titles only of Ordinances 93-03 through 97-03 and to refer them to Planning & Zoning Commission.

Ms. Chinnici-Zuercher seconded the motion.

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

Ordinance 93-03

Rezoning Approximately 1.6 Acres, Generally on the North Side of Tuller Road, 540 Feet East of Riverside Drive, from R-1, Restricted Suburban Residential District to SO, Suburban Office and Institutional District (Case No. 03-088Z – Thomas Rezoning – 4444 Tuller Road).

Ordinance 94-03

Establishing Dublin Zoning for 83 Parcels Comprising an Area of Approximately 142 Acres as Annexed from Perry Township in 1961 and 1972, South of I-270, West of Sawmill Road and East of the Scioto River, to R-1, Restricted Suburban Residential, R-2, Limited Suburban Residential, and R-4, Suburban Residential Districts. (Case No. 03-080Z– CDD Residential Area Rezoning).

Ordinance 95-03

Establishing Dublin Zoning for 25 Parcels Comprising an Area of Approximately 87 Acres as Annexed from Perry Township in 1961 and 1972, South of I-270, West of Sawmill Road and East of the Scioto River, to CC, Community Commercial, and SO, Suburban Office, and Institutional Districts. (Case No. 03-081Z – CDD Commercial Area Rezoning).

Ordinance 96-03

Establishing Dublin Zoning for 14 Parcels Comprising an Area of Approximately 26 Acres, as Annexed from Concord Township in 1977, East of Dublin Road and North of the Delaware County Line, to R –1, Restricted Suburban Residential District (Case No. 03-082Z – Deer Run).

Ordinance 97-03

Establishing Dublin Zoning for 76 Parcels Comprising an Area of Approximately 133 Acres, as Annexed from Washington Township between 1980 and 2001, East of Dublin Road, South of Dunleary Drive, West of the Scioto River, to R-1, Restricted Suburban Residential District. (Case No. 03-083Z – Bellaire Area Rezoning).



**BOARD OF ZONING APPEALS
BOARD ORDER**

FEBRUARY 26, 1998

CITY OF DUBLIN

4. **Variance 97-159V - La Scala Italian Bistro - 4199 West Dublin-Granville Road**
Location: 5.41 acres located on the south side of West Dublin-Granville Road, approximately 2,000 feet east of Riverside Drive.
Existing Zoning: CC, Community Commercial District.
Request: A variance to Section 153.212 to reduce the required number of new on-site parking from 25 spaces to 0 spaces to support a new addition.
Proposed Use: A 1,235 square foot party room expansion to an existing 17,300 square foot restaurant.
Applicant: John Oney, Architectural Alliance, 165 North Fifth Street, Columbus, Ohio 43215.

RESULT: This variance application was withdrawn by the applicant. This case was not discussed.

STAFF CERTIFICATION

Barbara M. Clarke
Planning Director

06-131CP
Concept Plan
Star Village Mixed-Use Development
4209 W Dublin-Granville Road



**DUBLIN PLANNING AND ZONING COMMISSION
RECORD OF ACTION
February 19, 1998**

CITY OF DUBLIN

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

Phone/TDD: 614-761-6550
Fax: 614-761-6566
Web Site: www.dublin.oh.us

The Planning and Zoning Commission took no action on the following case at this meeting:

2. Corridor Development District Application 97-160CDD - La Scala Restaurant - 4199 West Dublin-Granville Road

Location: 5.41 acres located on the south side of West-Dublin Granville Road, approximately midway between Riverside Drive and Sawmill Road.

Existing Zoning: CC, Community Commercial District.

Request: Review and approval of a 1,235 square foot addition under the provisions of Section 153.115 Corridor Review District.

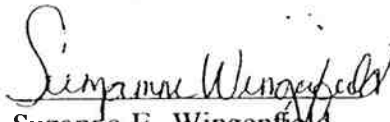
Proposed Use: A 1,235 square foot addition to an existing 17,308 square foot restaurant.

Applicant: Benny Ciotola c/o John Oney, Architectural Alliance, 165 North Fifth Street, Columbus, Ohio 43215.

Staff Contact: Suzanne E. Wingenfield, Planner.*

RESULT: This case was withdrawn by a letter from the applicant's architect prior to this meeting. There was no discussion or vote taken.

STAFF CERTIFICATION


Suzanne E. Wingenfield
Planner

06-131CP
Concept Plan
Star Village Mixed-Use Development
4209 W Dublin-Granville Road



CITY OF DUBLIN

BOARD OF ZONING APPEALS BOARD ORDER

JANUARY 22, 1998

The Board of Zoning Appeals heard the variance application shown below on this date. There was no discussion, and the Board took the following action:

5. **Variance 97-159V - La Scala Italian Bistro - 4199 West Dublin-Granville Road**
Location: 5.41 acres located on the south side of West Dublin-Granville Road, approximately 2,000 feet east of Riverside Drive.
Existing Zoning: CC, Community Commercial District.
Request: A variance to Section 153.212 to reduce the required number of new on-site parking from 25 spaces to 0 spaces to support a new addition.
Proposed Use: A 1,235 square foot party room expansion to an existing 17,300 square foot restaurant.
Applicant: John Oney, Architectural Alliance, 165 North Fifth Street, Columbus, Ohio 43215.

MOTION: To table this variance application until the February 26, 1998 meeting.

VOTE: 4-0

RESULT: This case was tabled with no discussion.

RECORDED VOTES:

Brent Davis	Not Present
Roger Eastep	Yes
Chester Porembski	Yes
Ruth Meeker Reiss	Yes
William Sherman	Yes

STAFF CERTIFICATION

Barbara M. Clarke
Planning Director

-Agreed that the sign package will be in compliance with Code.
Ms. Clarke noted that the four-foot mound must be measured from the parking lot.

Mr. Leffler moved to approve the CDD proposal subject to the following conditions:

- 1) Coordinated sign package in compliance with Code;
- 2) Grading on engineering plan to be submitted for review;
- 3) Addition of trees in parking lot to bring landscaping into Code compliance;
- 4) Screening of mechanicals;
- 5) Upgrading along west edge consistent with "theme street" treatment;
- 6) Building to incorporate "theme street" (Toys 'R' Us) brick and slate.

The motion was seconded by Mr. Berlin, and the vote was as follows: Mr. Amorose, yes; Mr. Berlin, yes; Mr. Leffler, yes; Mr. Campbell, yes; Mr. Geese, yes. (Approved 5-0)

10. Corridor Development District CDD89-008 - LaScala Restaurant

Ms. Clarke presented slides of the site along with the following information:

-The site is located at 4199 West Dublin-Granville Road midway between Riverside Drive and Sawmill Road. To the north across West Dublin-Granville Road is Wendy's Corporate Headquarters; to the west is Frank's Nursery. These sites, along with the subject property, are all zoned CC, Community Commercial District. To the east is undeveloped property; to the south is the LaScala Villa townhouse apartment complex zoned R-12, Urban Residential District.

-The proposal is to build a 700 square foot detached garage just south of the existing LaScala restaurant for storage of restaurant paraphernalia and an automobile. The proposed facility is basically a three-car garage with two overhead doors. It will be about 15 feet high with a gabled roof and will be made predominantly of concrete block and painted to match the exterior beige color of the restaurant. Wood siding is proposed for the gabled area of the building and shingles are intended for the roof.

-The structure will be located in an existing 50-foot wide landscape area. A rear yard of ± 27 feet and a ± 25 foot side yard will be maintained. The restaurant's existing dumpster pad will need to be relocated to an area along the east property line.

-The site predates Dublin's landscape ordinance, however, this expansion is less than 25 percent of the existing area and does not trigger the ordinance requiring that the site be brought into compliance with Code.

-Staff recommends approval of the request with the following improvements:

- 1) Screen and enclose new dumpster to comply with Code;
- 2) Provide screening to the rear of the garage structure with evergreen plant material to supplement existing vegetation;
- 3) Use existing wood fence to partially screen the restaurant use from the residential uses to the rear;
- 4) If stucco for the building is not feasible, paint block and overhead doors to match restaurant; and
- 5) Removal of trailer that exists on site.

Mr. Richard Corna, the owner and applicant, stated that the garage would be constructed of block and painted to match the restaurant. Mr. Corna also stated his agreement with the five conditions listed by

06-131CP
Concept Plan
Star Village Mixed-Use Development
4209 W Dublin-Granville Road

Mr. Berlin moved to approve the Corridor Development District proposal subject to the following conditions:

- 1) Screen and enclose new dumpster to comply with Code;
- 2) Provide screening to the rear of the garage structure with evergreen plant material to supplement existing vegetation;
- 3) Use existing wood fence to partially screen the restaurant use from the residential uses to the rear;
- 4) If stucco for the building is not feasible, paint block and overhead doors to match restaurant; and
- 5) Removal of trailer that exists on site.

Mr. Amorose seconded the motion, and the vote was as follows: Mr. Campbell, yes; Mr. Geese, yes; Mr. Berlin, yes; Mr. Amorose, yes; Mr. Leffler, yes.
(Approved 5-0)

Administrative Matters:

- Noted re-timing of light at intersection of Bridge and High Streets.
- Mr. Bowman noted that Council had passed their portion of the Merger that evening and recommended approval of the Charter conditions that go along with it. Mr. Campbell noted that two Commission seats will be filled with representatives of the southwest quadrant of Washington Township, one in the first year of the Merger (Jan. 1, 1991) and the other in the second year of the Merger (Jan. 1, 1992). The Planning and Zoning Commission will still have only seven members.
- Council changes to eight members for a three-year period.
- Coffman Road Extension and Coffman Park Master Plan will be presented at September 7, 1989, Planning and Zoning Commission meeting.
- Commission requested a copy of the approved Rules & Regulations for the conduct of Planning and Zoning Commission meetings.

There being no further business, the meeting was adjourned at approximately 11:45 p.m.

Respectfully submitted,

Tamra S. Bray, Secretary
Dublin Planning and Zoning Commission