



PLANNING AND ZONING COMMISSION

MEETING MINUTES

MARCH 12, 2009

CITY OF DUBLIN, OH

Land Use and
Long Range Planning
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Cases:

1. **Master Maintenance** **6200 Wilcox Road**
04-042Z/CU **Rezoning/Conditional Use**
(Recommendation for Rezoning – Approved 6 – 0)
(Conditional Use Tabled 6 – 0)

2. **Coffman Park – Amphitheater** **5614 Post Road**
09-013AFDP **Amended Final Development Plan**
(Tabled 6 – 0)

3. **Planning Presentation** **Signs in the City of Dublin**
(Postponed)

Administrative Business

Todd Zimmerman called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were: Amy Kramb, Richard Taylor, Chris Amorose Groomes, Warren Fishman, and Flite Freimann. Kevin Walter was absent. City representatives included: Steve Langworthy, Claudia Husak, Jamie Adkins, Kristin Yorke, Steve Smith, Jr., Alan Perkins, and Libby Farley.

Mr. Zimmerman requested and received unanimous acceptance of the documents into the record.

Communications

Administrative Report

Claudia Husak asked for volunteers to participate in the My Neighborhood project being led by Rachel Swisher. Flite Freimann, Warren Fishman, Chris Amorose Groomes, and Amy Kramb volunteered to be interviewed for the project.

Ms. Husak announced that the Board and Commission training would be held on March 30, 2009. Ms. Amorose Groomes said she would not be able to attend the training due to a Spring Break.

Ms. Husak said one of the new application forms was included in the meeting packet and it will be available online in a writable format for the applicants' convenience. She said the new applications will continue to be posted on the website for the Commissioners' review.

Mr. Fishman asked if the new application had been simplified. Ms. Husak said the application requirements were restructured to accurately reflect the Zoning Code requirements.

Mr. Fishman commented that the old application looked simpler to complete than the new one and asked if it was the final version. Ms. Husak said this was the final version. She explained that applicants were encouraged to meet with Planning prior to filing an application. She said although the new application may look daunting, Planning works closely with the applicants filing applications.

Mr. Fishman suggested applicants in Historic Dublin may have difficulty with the new application. He suggested a note be included stating that the City could be contacted for assistance in completing their application.

Ms. Husak said that the front page of the application form addresses that situation, but perhaps the language could be made stronger. She pointed out that the sample of the new application form provided was the most complicated one, a preliminary development plan.

Mr. Fishman recommended that a note be added stated that an attorney was not needed for simple applications. Ms. Amorose Groomes said a contact number should also be included where applicant could get assistance.

Ms. Husak said the language would help those applicants who needed help and had questions regarding application submission.

Steve Langworthy suggested rewording *Please contact Land Use and Long Range Planning for assistance and to discuss the application process*, to say *Please contact Land Use and Long Range Planning for assistance in filling out your application, and to discuss it*.

Mr. Zimmerman suggested the tagline be in a bold font.

Mr. Freimann said he understood Mr. Fishman's concern about inexperienced applicants understanding the new application, but he thought the front page was very well done and helpful.

Mr. Langworthy said at the March 2, 2009 City Council meeting, Council Members agreed to update the existing Zoning Code. He said a follow-up meeting to discuss the type of Code, the complexity of the rewrite, and the type of update process was anticipated. He said Planning has been directed to write a Code that will be brought back to City Council for review in major sections. He said Planning agreed to outline the process that would be followed, including the review process and the public input process and present that to Council. He said Planning is working on a proposal to provide to City Council at an April meeting.

Mr. Freimann asked if that would come back to the Commission for a recommendation. Mr. Langworthy said before City Council could act on any Zoning Code amendment, it had to be reviewed by the Commission for a recommendation.

Mr. Freimann said that he found the previous draft amendments reviewed by the Commission that indicated the new and old text very helpful. He requested for the sections with substantial revisions include an explanation indicating the problem with the existing Code, what the amended section was attempting to correct, and why the amended language was better.

Mr. Langworthy indicated that revision would be made and completely new sections added to the Zoning Code. He said the format of the Code will be substantially different, so there would not be a redline version. He said it would be treated as if it were a new Code, but where the original language was kept and changes were made, it would be indicated what they were and why they were made. Mr. Langworthy said any added sections will be justified.

Mr. Freimann said he was concerned about the existing Code being rewritten because it was published by the American Legal Publishing Corporation and available online. He was interested in discussing the cost, some of the changes and how they would be incorporated.

Mr. Langworthy said the intent was not to put the new Code into codification because the format will be different, however the Law Department has not discussed yet how it could be done. He said Planning wanted the Zoning Code to be as unique, modern, distinctive, and cutting-edge as the Dublin Community Plan.

Mr. Fishman said he thought this was incredibly important and could be complicated. He suggested that it would be too complicated to review at a regular Commission meeting and that it should be reviewed like the Community Plan holding special workshop meetings to review each change and discuss why it was changed. Mr. Langworthy assured that the only time the Code would be discussed at regular Commission meetings would be when there was light agenda and generally, it would be covered at special meetings.

Ms. Amorose Groomes asked if Mr. Fishman was suggesting that the new Code be a joint venture with City Council at one point of time. Mr. Fishman said it could be any way they wanted, but he wanted to see the consequences of the change and why it was being changed. He said the Legal Department should be present to explain the change made and what it would allow that it previously did not. He reiterated that the new Code should be done like the Community Plan because the ordinances have worked really well. He said the existing Code had worked for 40 years, and he thought when it was changed, it should be taken very seriously.

Mr. Langworthy said the parts of the ordinance that the Commission deals with probably represent only 10 to 15 percent of the actual ordinance; the remainder of the ordinance was the problem. He said the portions that the Commission deals with will not be changed unless there are procedural items that affect the practices they have developed. He indicated that changes within the Sign Code will not alter the number of colors and size and the PUD process will remain pretty much intact.

Mr. Fishman pointed out that developers hire representatives to review the Code. He recalled that when the Appearance Code was changed, the developers found that the change allowed them something they had not been previously allowed to do and there could be unintended consequences.

Mr. Zimmerman suggested that if one of the regularly scheduled Commission meetings did not have enough cases for an Agenda, that a Code workshop be held instead.

Mr. Langworthy said as soon as Council approved a process, it would be brought back to the Commission.

Mr. Zimmerman congratulated Jamie Adkins, who had been recently appointed as Director of the Central Ohio Section of the Ohio Planning Conference.

Mr. Zimmerman said that the applicant for Case 1 – 04-042Z/CU had consented to the Conditional Use portion of their application; however, he had concerns or questions, so it would be heard after Case 2. Ms. Amorose Groomes suggested that Case 1 be heard first since Case 2 was a City application. Mr. Zimmerman agreed that the cases would be heard in order of the published Agenda.

Mr. Zimmerman briefly explained the Commission rules and procedures.

**1. Master Maintenance
04-042Z/CU**

**6200 Wilcox Road
Rezoning/Conditional Use**

Todd Zimmerman swore in the applicants, John Hoge and Amarilys M. Guernica-Hoge, their representative, Attorney Christopher T. Cline, City representatives, and anyone else who intended to address the Commission on this case.

Mr. Zimmerman explained that for this application for Rezoning and a Conditional Use, two separate motions and votes are required. He described the process for public input for the rezoning and for the Conditional Use.

Jamie Adkins presented the rezoning request for the site, located at the southeast corner of Wilcox Road and Shier Rings Road, which was surrounded by vacant land, office buildings, and residential structures. She said the site was currently zoned residentially and was surrounded on several sides by industrially-zoned property and office property to the west. Ms. Adkins presented the Future Land Use Map which indicated this site as Low Density Office, Research and Development. She said the site contained a residential structure of approximately 1,000 square feet and a two-car garage. She presented a chart that compared the two uses, the existing residential zoning, which permits residential-type uses and the proposed rezoning to industrial which permits a variety of low-intensity industrial uses. Ms. Adkins said the proposed use was office, which is a conditional use within this classification. She said the residential zoning is more descriptive with numerical minimum standards compared to the Restricted Industrial that was based upon how the site was developed with a longer building having a greater setback to decrease the impact on adjacent properties.

Ms. Adkins said that Planning has evaluated this rezoning proposal based on the Future Land Use Map and the rezoning criteria and believes that the criteria is met and they are recommending approval of the rezoning of this 0.46 acre.

Ms. Adkins presented the Conditional Use request comparing the existing and proposed site plans, and indicated the subtle differences. She said the main proposed change is to come into compliance with the parking and engineering requirements for the entrance drive. She said the

proposal is to remove the existing pavement in front of the structure and to move the entrance drive north and stripe the paved parking. She explained that because the entrance drive is moving, the existing fire hydrant must be relocated. She said the site will be brought into compliance with parking requirements for the building. Ms. Adkins said in addition, the applicant will be required to comply with the landscape requirements. She said additional landscaping has been shown and the applicant has agreed to add the additional landscaping to meet Code and understands that they will be required to fully comply with those requirements including tree preservation fencing.

Ms. Adkins said because of the age of the site, questions regarding the infrastructure of the utilities has been discussed in the Planning Report and conditions have been added to make sure that the onsite sewer system is capable of handling what is necessary for the site, and if not, that the public sewer system be connected. She said the applicant has indicated that the site uses City water and therefore will be able to meet that condition. Ms. Adkins said in addition, the applicant is required to dedicate right-of-way which will be taken care of through the Building Permit process, and to install a sidewalk, which Engineering has allowed a fee in-lieu of construction because of the site's restraints with the swale and having to cross the waterway.

Ms. Adkins said that Planning has evaluated the proposed Conditional Use based on the criteria, and believes that all the criteria are met. She said Planning recommends approval with the seven conditions listed in the Planning Report:

- 1) That the conditional use is contingent upon approval of the rezoning request by City Council;
- 2) That the right-of-way be dedicated to the City of Dublin within 60 days of rezoning approval;
- 3) The property owner meets all requirements of the City and the Franklin County Board of Health regarding the existing septic system, or tie into public sanitary sewer, if required by either agency;
- 4) That the hydrant re-location and appropriate permits be obtained from the City of Dublin;
- 5) The property owner pay a fee in lieu of construction of a pedestrian path as determined by the City Engineer;
- 6) The property owner identifies the source of water service to the structure prior to the issuance of an occupancy permit; and
- 7) The City will require that building permits be obtained to make any internal modifications necessary based on the change of use.

Mr. Cline, representing the applicants, said that Master Maintenance had been operated by Mr. Hoge and Ms. Guernica-Hoge since 1981 as a janitorial service business, as a support service required for offices. He said there are approximately 200 employees who are never on site because their managers take them to the employers at their worksites. He said since only bookkeeping and administration takes place on this site, there are just a few employees.

Mr. Cline explained that there was some confusion when the applicants purchased the property as to what the zoning was and the difference between RI and R-1. He said years ago, the Township and City were intermixed in this area and it was hard to tell where one started and the

other stopped. He said there were rezonings in the Township and City annexations that complicated matters. He said that Shier Rings Road was constructed when SR 161 was made a limited access road. He said Shier Rings Road cut the old zoning maps in half and made it difficult to determine what you were looking at. He said the City rezoned the homes on the north side of Shier Rings Road to RI, Restricted Industrial District with the thought that they already were RI when in fact they were not; they were really R-1 like this site. Mr. Cline said he believed it was the City's and his clients' objective to get everybody into compliance.

Mr. Cline pointed out that the existing structure is only 1,000 square feet, but with typical restrictions an approximate 3,500-square-foot structure could be built on the site. He said with the existing structures the site is being used at its maximum potential. Mr. Cline said the small onsite sewer system has been tested by the Board of Health, and it functions fine although it has not been serviced since 1953. He said the office puts approximately one-third of a load on the system, compared to a residential use. He said the Health Department wanted to see the system serviced, and they have agreed to have it done. Mr. Cline said when the parking area is modified to meet Code, they will uncover the septic tank and have a riser put in so that there will be a plate like modern septic systems and a concrete or metal lid can be added so that a service can pump out the solids that collect over time.

Mr. Cline said he did not think there could be any question that this is not the right land use. He said they are in accord with the City's planning documents. He said the site is surrounded by Restricted Industrial and so this certainly seems to be a solid recommendation. Mr. Cline said that by law, the Conditional Use is where there is a more intensive use usually than the standard category, and so that may be acceptable with conditions attached. He said this use is significantly less intensive than the permitted use, Restricted Industrial.

Mr. Zimmerman invited public comment. [There was none.]

Mr. Taylor agreed that the land use seems appropriate. He said he was concerned that a conditional use would change the house operating as an office to an office. He noted that there was not a condition listed regarding bringing the building up to Code for the new use and it should be addressed.

Mr. Taylor said that Condition 6 should not be included since the water source had been verified from the City of Columbus.

Mr. Taylor referred to Condition 7 and suggested that something should be included that the building itself should be brought into compliance.

Ms. Adkins assured Mr. Taylor that bringing the building into compliance was included. She said technically it exists as an illegal use, but the Building Department will look at it as though they are coming in for the first time. She said a Building Permit for the entire site will be required if this request is approved and that process will cover interior and exterior modifications to the structure. She said once the Conditional Use is approved and the Rezoning goes in affect, a letter will be sent through Code Enforcement that they are out of compliance with the zoning and that there will be a timeframe that they apply for the Building Permit in addition to the

conditions. Mr. Taylor said he wanted to make sure that the building meets the Building and Zoning Code requirements for an office building.

Mr. Taylor expressed concern about maintenance issues since there were windows boarded inside the garage and peeling paint. Ms. Adkins assured him that was covered under the property maintenance portion of the Zoning Code and would also be addressed through the Building Permit process.

Mr. Cline explained that there are maintenance issues that they wanted to address, but did not want to until they had resolution with the City.

Mr. Freimann said he was concerned that this set the absolutely wrong precedent. He said the site is zoned and there is an illegal use existing, but now it is being considered rather than changing the use, changing the zoning. He expressed that he was very concerned about it.

Mr. Freimann said regarding the Conditional Use, as pointed out, they were going from a house used as an office to an office, which all the sudden will have a sign to identify the business for the 200 employees to drop by for payroll issues. He said there would also be Master Maintenance trucks there. He said he was not convinced that the proposed parking lot was sufficient to accommodate what he anticipated to be increased traffic and use there. Mr. Freimann noted there was not much existing landscaping and he did not see any screening shown on the landscape plan. He said the ramifications of having an office on this site have not been thought through. Mr. Freimann said he had counted a total of five existing parking spaces and the big Master Maintenance truck would be parked along the side of the road. He said these things may have been addressed, but he did not see them in the Planning report.

Mr. Zimmerman suggested a condition be added that all parking occur in the designated areas only so that if it did become a future problem, they would be required to enlarge their parking area to meet Code and make a solution. He agreed that the site should not be over-parked.

Mr. Freimann said that if Master Maintenance became successful and the number of employees increased to 400, they would be back for approval of additions to expand the office. He said he could foresee some problems that he did not think had adequately been thought through, although he was not suggesting that the Commission can ultimately do what the applicant wants. He said he was adamantly concerned that all of problems had not been thought through.

Mr. Zimmerman said his condition would address the current building, but if the building was enlarged to 70 percent lot coverage, as it grew to the allowed 3,500-square-feet, it would need 20 some parking spaces on the half-acre site.

Mr. Taylor asked what kind of vehicles were used by Master Maintenance employees and for an explanation of the operation.

Ms. Guernica-Hoge said they are a commercial cleaning company who cleans commercial office buildings and manufacturing facilities with 150 to 200 employees. She said the office was used primarily for bookkeeping. She said she contacted clients outside the office. She said

occasionally, managers are called to the office and make/return phone calls, but most of the cleaning employees are out in the field, using their own vehicles. She said they have two trucks with signs. She asked the Commissioners to understand that when they bought this property, they thought they had done all their due diligence. She said they did not know or understand the system. She said she had documentation that the property was sold as RI and everything around it, except for the adjacent house was industrial. She said they were told by the City that the site was RI, because the gentleman who looked at the map saw RI. She said it was a total human error that they were before the Commission. Ms. Guernica-Hoge said they were not trying to be illegal and it was important to her that the Commissioners knew that. She said the location was chosen by them because it was perfect; close to their house and young family, providing the best of all worlds for them. She said they wanted to accommodate and make whatever changes they needed to do to be in compliance and make the City and them happy. She said this process over the past few years had been stressful for them. Ms. Guernica-Hoge said that customers do not visit the office.

Mr. Cline clarified that when he said the site would probably support about 3,500-square feet, about 300 feet would be required to be dedicated to the City, leaving about one-third acre. He said he was not aware of any plans to add to the building, but the site had potential to support the business if they stay there for years and years.

Mr. Fishman also expressed concerns about the maintenance of the existing structures. He said in the past, turning houses to office buildings had been discouraged because the City does not want an unsightly building turned into an office. He said they would rather it be torn down to build a building that is an office. He said if a house is turned into an office, it needed to meet Dublin's standards. Mr. Fishman provided as an example a house on Coffman Road that is now a preschool where they jumped through a lot of hoops to make it really attractive before the Commission would approve it. He said they did a really nice job. Mr. Fishman said if this Conditional Use is approved, he thought it had to be turned into a really nice-looking place which meant making the building look sharp with paint, shutters, and nice landscaping. He said he was also worried about the trucks and cars. He reported that several weeks ago there were more than two cars and they were not parked in the parking areas. Mr. Fishman said this needed to be an amenity in Dublin, not an eyesore and a lot of work was needed for him to vote in favor of this Conditional Use. He said he would need to be convinced before the change was made.

Ms. Adkins clarified that the Code addressed many of the concerns mentioned. She said Dublin has a property maintenance code that will require modifications be made to the house.

Ms. Amorose Groomes pointed out that those codes have existed for several years.

Mr. Fishman said like the preschool on Coffman Road, he wanted to see something that made him proud to make the change and give the Conditional Use and that it was an attractive place, without trucks and cars parked around, peeling paint, boards in the garage windows. He said although Dublin has an enforcement staff, the Code has not been enforced since 2000. He said photographs showing the improvements, a landscape plan showing how to prevent parking everywhere and something to hide the permitted cars and trucks were needed.

Mr. Cline pointed out that the landscape plan submitted met Code 100 percent.

Mr. Fishman said he needed to be convinced that the proposed landscaping was sufficient. He said this site should be made an asset so when someone drove by, it was something pretty to look at, not something old being used as an office with cars scattered around as it is now.

Mr. Taylor said the egress and emergency lighting, railings and steps required and everything else for commercial building needed to be known before it is known if the building was in violation of those things, and nothing to that affect had been provided to the Commission. He said the Commission did not know how the Code was being met.

Mr. Cline said all those issues are solved by the Code requirements.

Mr. Taylor and Mr. Fishman agreed that needed to be more clearly addressed in the conditions.

Mr. Fishman said normally, when the Commission reviews an application such as this, plans are submitted showing what the building would look like before they get a permit, and there was nothing to review.

Mr. Zimmerman said if it is felt that something on a Conditional Use was not being met, there are the ten review criteria to use.

Mr. Freimann suggested that if something needed to be specified, it would fail Criteria 2 which is: *The Conditional Use will comply with all applicable development standards except specifically altered in the approved Conditional Use.* He said that Ms. Guernica-Hoge's comment about being misled about the rezoning certainly would weigh heavily on his vote.

Amy Kramb asked how far north the existing driveway would be moved.

Ms. Adkins indicated that the driveway will not entirely be moved, but it will be shifted north by a few feet, and widened to the north to comply with the driveway width requirements.

Ms. Kramb asked if engineering standards for commercial drives had been considered since the driveway was so close to the intersection.

Kristin Yorke said each parcel is allowed a driveway in its frontage, and there is no set standard that they have to be from an intersection. She said the parcel to the north would have a driveway much closer in proximity to the intersection.

Ms. Kramb asked if parked cars would be backing out onto the street or would they have room to turn around. She pointed out that when she worked nearby for about four years, on the average she saw three to four vehicles or more backing out onto the road. She expressed concern that the site was awfully close to the intersection and asked if the use is changed to a commercial use, where they would get out of the site.

Mr. Cline stated that their proposed parking area met Dublin Code for commercial uses.

Ms. Kramb said she was concerned that none of the Codes had been enforced on this site and the business had existed here for eight years. She asked what would ensure that it would be enforced if the Commission approved this Conditional Use.

Ms. Adkins said Planning was not aware of the issues for several years and Code Enforcement became aware in 2002. She said most of Dublin's enforcement issues are complaint-driven and the property owner was notified that this was an issue and unfortunately, it has taken this long to come to a resolution after discussing what the appropriate solution would be. Ms. Adkins said in 2007, the applicant requested that through the Area Rezoning process, the zoning for their property be amended and it was denied. She said ever since then, Planning has been working with the applicant to come to a resolution. Ms. Adkins said much of the discussion has been less about use and more about the site meeting Code for parking, landscaping, utilities and it takes time to get to those processes. She confirmed that this had taken longer than normal, but there had been very little downtime with it. Ms. Adkins said the delay was not because Planning was not addressing these issues, but trying to resolve the first issue which was making the use legal in some way before the additional Code requirements would be addressed.

Ms. Guernica-Hoge said her loan was commercial, and they really thought they were buying a commercial property. She said they were Dublin residents and wanted to have their property look nice, but they have not done anything because they were not sure of the outcome of their application.

Mr. Fishman suggested a tabling and to have the applicant return and explain exactly what they are going to do with the house. He said normally, an applicant comes with a drawing showing what they plan to do if the changes are granted; that they are going to do stonework, paint, add shutters and a wheelchair ramp, and where the vehicles will be parked; those things needed to come into Code compliance. He mentioned that the last time he saw the site, there were trucks and cars everywhere, the paint was peeling, and the planting beds had not been manicured. He said he understood that was because they did not know what would happen. He said before he could vote he wanted to see what is going to be done and what everything will look like if this is granted.

Mr. Langworthy pointed out that the Conditional Use would not become effective until the Rezoning was in effect, 30 days after the Second Reading before City Council, so there would be time to get some of the issues addressed.

Mr. Fishman said he wanted to be shown what was planned and then there would be conditions requiring that they are done. He said Ms. Kramb's concern about parking and backing onto the road and those items should be addressed.

Mr. Taylor said he supported the Rezoning and Conditional Use, but he could not vote on the Conditional Use until the Commission sees what does not meet Code on the building and how it is going to be addressed.

Mr. Fishman said it should be an attractive place, and until he saw what the house, garage, and landscaping is going to look like, he did not know if he had a problem with it.

Mr. Cline said he had never seen residential surrounded by industrial changed to an industrial use. He said he had changed the homes on Avery Road, in a very high visibility location in a residential neighborhood from residential to office, but the bottom line was that this was an industrial area, and the City says it will continue to be an industrial area.

Mr. Fishman said in industrial areas, the buildings are made to look nice.

Mr. Langworthy said clarification on these things could be brought back to the Commission. He said the Commission's concerns would be addressed; however Planning would like to see the rezoning portion move forward.

Ms. Amorose Groomes said that the law did matter to the Commissioners and they certainly do not want to hear that anything that they might be saying would be to the contrary. She said she took issue with Criteria 3, *That the proposed use would be harmonious with the existing or intended character of the general vicinity, that such use will not change the essential character of the same area.* She said she did not know if the existing or the intended character is set such that a single-family house in appearance would be in that location. Ms. Amorose Groomes said she thought the use was completely appropriate; however, she was not convinced that the facility is not detrimental to the intended character of the area because if it is going to be an area that is industrial in its use, then the things in that area ought to appear to be industrial rather than residential. She said she believed that was the reason why the Commission would like to see something about what is it going to look like because if it is going to be in an industrial area, and it is going to have an industrial use, it should have an industrial appearance. Ms. Amorose Groomes said she thought there was good cause and good reason to want to know what it is going to look like at the end of the day and she thought it was very legally based for that. She said there was strong language that would permit the Commission to have that kind of foresight. She said she understood that the applicants did not know what was going to be happening in those areas, but certain things like maintaining landscaping or weed-free plant beds, that sort of thing; she did not think would be conditional whether they would be there for two years or two weeks.

Ms. Amorose Groomes said she had concern about the pavement and its proximity to the tree line on the north side. She said if the scale of the EMH&T drawing is correct, it looked like that the base of the trees are less than five feet off the curb or edge of asphalt to the property line, and she had some concern of the proximity of the existing trees and that they would be damaged and thus perish.

Mr. Cline said the plan showed, as Planning suggested, a fence rather than mounding because bushes underneath the trees would be problematic. He said the fence was the screening element suggested.

Ms. Amorose Groomes said if the plan is correct, it shows an existing 17-inch caliper spruce tree and the fence looks to be about one-foot off the center of the tree, and so the fence will be maybe five or six inches off the trunk of the tree which she imagined would require the foliage of that tree to be limbed-up which might make it unsightly.

Linda Menerey, EMH&T, said the spruce are at the end of their life and are already limbed-up. She said the two maple trees on Wilcox Road have been looked at by the City Forester who said they were also at the end of their cycle. She said they have been excessively topped by the utility company.

Ms. Amorose Groomes said if the existing trees are not going to be there and making the parking lot and other improvements would cause them to perish, then drawings need to be submitted showing what might go in that area.

Ms. Menerey said that Paula Choje, City Forester and Brian Martin, Landscape Inspector have visited the site and they would like to see the front trees removed because they are at the end of their life cycle. She said they would be willing to remove those spruce trees as well, because they are at the end, to get the fence there to provide the necessary screening.

Ms. Menerey said the pavement gets closer to those trees and the driveway curves to the north to make the curb cut work. She said they looked at plans to extend the drive on the south side and make the parking come to the north, but the problem was that there was a guardrail and ditch on that side of the road and because of the swale they could not make it work.

Ms. Amorose Groomes asked if they could not make it work due to budgetary restraints or because it was not physically possible.

Ms. Menerey said it was too costly and complicated, as was constructing the sidewalk.

Ms. Amorose Groomes said she thought it would be appropriate for Engineering to be involved in what is planned for this roadway in regards to sidewalks and how it is going to be accomplished. She said if a rezoning is granted, it would have to meet zoning for the future so that there is not a 'missing tooth' fifteen years later when the balance of it is developed.

Ms. Menerey said they were bonding money for the sidewalk so it can be installed with City improvements.

Ms. Adkins said a sidewalk or bikepath is required on both sides of all streets in the City, and only City Council can waive that requirement. She said in areas where there is no sidewalk Engineering can collect the money required to build a sidewalk from the property owner and then use it to construct the sidewalk in the future. She said she did not believe this area was on the Bikepath Plan for the immediate future, but if development occurs, that would trigger the City to construct the sidewalk to connect to other sidewalks.

Ms. Menerey said the bikepath exists on the west side of the road, south at the small office development that is on the other side of the ditch.

Mr. Cline pointed out that because of the stream bed, a sidewalk bridge would be needed, and that was probably not feasible. He said unless the City decided to fill in the ditch, because of the culvert, it would not be possible to put in a sidewalk to the south. He said the applicants were giving the money for a sidewalk in case the City desires to construct one in the future.

Ms. Kramb said for the use, it also was not meeting Conditional Use Criteria 2: *The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.*

Ms. Adkins said a lot of the conditions speak to ensuring that all Code requirements are met. She said conditions could be added or modified to address any further concerns that the Commission had with the criteria.

Ms. Kramb also called out Criteria 8: *That it was not going to create interference on traffic on the roadway*, because it was a rural route on which there is more traffic than we think.

Mr. Zimmerman said he agreed with some of the things said. He said parking was an issue, but per Code, the intent of the parking has been met. He said five spaces were required and they had six; two in the garage and four in the exterior. He said if the pavement is placed according to Code, then a vehicle should be able to turn around and pull out front wise instead of backing out. He said regarding the Conditional Use, as long as the Building and Zoning Codes are met, that is the law. Mr. Zimmerman said that it will be inspected by the City to make sure it meets the Codes and that is the intent of what the law states. He said the key was that the property met the Code.

Mr. Zimmerman said regarding the rezoning, currently the site is surrounded by SO and RI, so adding this parcel to the RI is not really detrimental.

Motion #1 and Vote - Rezoning

Mr. Zimmerman made the motion to recommend to City Council approval of this Rezoning application because the proposed request is consistent with the Community Plan and the development standards of the Restricted Industrial District.

Mr. Taylor seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Freimann, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; Mr. Taylor, yes; and Mr. Zimmerman, yes. (Approved 6 – 0).

Mr. Cline said they had no objection to a tabling of the Conditional Use application. He added that they probably would not want the rezoning to go forward until they find out if the Conditional Use is granted.

Mr. Freimann said he wanted to know when the Conditional Use application returns, if a handicap access ramp was required and where it would be located, if there will be an awning and where it will be located, and if there is going to be a Master Maintenance sign, what it will look like and where it will be located. He said every proposed modification should be presented when this comes back because, he did not want to drag it out for details over and over. He said he thought the Commission generally supported this to make it work and wanted to keep the applicants in Dublin, but there were questions as to how to get from here to there.

Mr. Fishman echoed Mr. Freimann's comments. He said he wanted pictures of the building, landscaping, egress, and any sign as well as where the stone will be used, so that the Commission can vote intelligently.

Mr. Cline said that Ms. Amorose Groomes commented about this looking industrial, but Mr. Fishman's comment about stone sounded like something other than industrial to him.

Mr. Fishman said he was not asking that it be turned into an industrial building, but something that looked good in this area. He said he agreed with Ms. Amorose Groomes that this was an industrial site, but it was impossible to make a house look industrial, so it should look as good as possible and meet Code so that it looks nice in the industrial zone.

Ms. Amorose Groomes said it had to fit in the character.

Ms. Menerey pointed out that this was an expensive venture for the applicants. She asked if the Commission wanted photographs with a sketch over or actually an architectural as-built drawing of the building and which are needed later if they go for a Building Permit.

Mr. Taylor said he understood that the building as it exists will not meet Code as an office building which would have to be fixed, and he did not know if that would require extensive drawings or what.

Ms. Guernica-Hoge explained that they had spent a lot in the past trying to provide what was asked for by the City. She said they are Dublin residents and care for the community. She said they are going to fix the property and it will look nice, but she did not want to keep going through this because it had been incredibly stressful over the last six or seven years having to deal with Commission turnover again and again. She said they wanted to make this look nice and get this over with.

Mr. Fishman reiterated that the Commission just wants to see what it will look like and what they are going to do to the property so that they can intelligently vote. He assured that the Commissioners would be there in a month when the applicants return. Mr. Fishman said however the applicants wanted to do what the Commission requested was okay with him.

Ms. Guernica-Hoge said looking back on this whole process, they would never had put themselves through this, as wonderful a location it was, if they had gotten the correct information from the beginning.

Mr. Cline said they would meet with Planning to figure out what abilities they have to define what is expected. He agreed they could do something with the architecture.

Mr. Zimmerman said it was hard on this Conditional Use because they would not get their occupancy and everything unless they meet the Building Code, period. He said they have exactly what they need to meet legally, unless they do not meet Code.

Mr. Freimann said this was a house and now it was an office and it does not meet the Code for the office. He said he heard the applicant's frustration, but his concern was that if a list of conditions is made to address all the Commission's concerns, and then a sign is wanted which Code permits, the applicant would have to come back for review and approval.

Claudia Husak interjected that the rezoning is to a standard zoning district, RI, and the only reason the Commission is looking at the site and details of the building is that it is part of the Conditional Use.

Mr. Freimann said the Commission had long discussions with Mr. Langworthy about non-conforming use versus illegal, and this is an illegal use of an office in an R-1, and now, assuming the RI is approved, it is an illegal building, not a non-conforming building, but an illegal building.

Ms Adkins said it was a non-conforming building, and Mr. Langworthy agreed.

Ms. Husak explained that the use was illegal.

Steve Smith, Jr. further explained that the use right now does not meet Code for the zoning.

Mr. Freimann said respectfully, he was not told that previously. He said this building never met Code.

Mr. Langworthy said they were discussing property maintenance not meeting Code, not setbacks and the non-conforming building aspect of it.

Ms. Husak clarified that if the applicants wanted a sign, they would not be required to return to the Commission for approval. She said if the rezoning is approved by City Council, any modifications made to the site would not be seen by the Commission; it would be a standard zoning district, not a planned district.

Mr. Cline said the house currently does not meet the residential zoning code because the City rezoned it to a category that has standards that the structure.

Mr. Freimann said he understood, but the building itself, did not meet RI requirements either.

Mr. Cline said it met the setback requirements and every objective aspect of the RI District, but it just does not look like the Commission wants it to look.

Mr. Taylor asked if Building Code issues were being referenced.

Mr. Langworthy explained that the Commission did not have jurisdiction on the Building Code. He said there are three different codes to deal with and they are the property maintenance code, the Zoning Code, and the Building Code. He said Mr. Cline said he understood they had to meet the Building Code requirements prior to getting an Occupancy Permit. He said that Planning is going to enforce the property maintenance code in terms of repairs needed to be made to the

building and the Commission is going to consider the use aspect of whether or not it meets the Conditional Use criteria.

Mr. Langworthy explained that if a new building were built on this site, they would have to meet the new building requirements as an office building and it would not have to be reviewed and approved by the Commission because it would be a permitted use in a standard zoning district.

Mr. Fishman said all he wanted to know is what the plans and the site would look like, assuming the requested rezoning is approved. He said it could be done inexpensively by taking the old picture and drawing over it and that was all he wanted to see before he voted on the Conditional Use. He said that way, when he drove by the site, he would know he made the right decision.

Mr. Cline agreed to the tabling on behalf of the applicants.

Motion #2 and Vote – Conditional Use

Mr. Zimmerman made to motion to table this Conditional Use Application. Mr. Fishman seconded the motion. The vote was as follows: Mr. Freimann, yes; Mr. Taylor, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; Mr. Fishman, yes; and Ms. Kramb, yes. (Tabled 6 – 0).

**2. Coffman Park – Amphitheater
09-013AFDP**

**5614 Post Road
Amended Final Development Plan**

Todd Zimmerman swore in City representatives and anyone else who intended to address the Commission on this case. He described the process for public input for this administrative case.

Claudia Husak reported that the applicant, the City of Dublin was being represented by Brian Ashford, Facilities Manager. She said there were no conditions recommended and she offered to address any questions of the Commission.

As requested by Mr. Taylor, Ms. Husak presented the elevation that was approved in 2008. She said that the Planning Report explained that there were budgeting concerns on that particular structure.

Ms. Amorose Groomes asked what the budgeting concerns were and who set the budget for the project. Mr. Ashford explained that there was an \$80,000 gap between the budget and the bid received for the structure. He said he understood that the Parks Director had made a request several years ago to look at putting a hard top over the amphitheater and at that time, an estimate was presented to the Budget Committee which included the City Manager, the Finance Director and Deputy City Managers. He said it was not approved at that time. He said Facilities placed the issue back on the table last year because there were maintenance issues with vandalism and associated issues. He said a hard top over the amphitheater was approved by the Budget Committee, but the estimate was the original one presented several years ago.

Ms. Amorose Groomes asked if City Council had weighed-in on whether this was appropriate and if any additional funds had been requested. Mr. Ashford said that City Council approved the

original funding level for the project. He said the 2009 CIP Budget has already been approved and they would have to go back this summer to request more money for the 2010 CIP. He said the expectations and desires of the Recreation Department, Community Relations, Engineering Department and Facilities did not align with what the funding realities were.

Mr. Taylor said the proposed original structure was an elegant, beautiful amphitheater band shell, and this was a picnic barn. He said he could not see approving this in the very visible, important location directly across from the recreation center.

Mr. Freimann said that the Commission had routinely and repeatedly informed other applicants that they did not care if something would cost more money; that there was a standard that was expected to be met. He said it would set the absolute wrong message for the Commission to tell people that they had to do it right or the Commission would not approve it, but when the City of Dublin came, the Commission let it slide.

Mr. Freimann said his second concern was that Coffman Park was becoming the cultural center of Dublin. He pointed out that the Dublin Arts Council displays beautiful public artwork there, there is a beautiful stone and wood structure pavilion on the north side, and at least two major cultural events, the Dublin Irish Festival and the Kiwanis Frog Jump take place at this facility. He said visitors coming from Emerald Parkway will see the pavilion, green space, public art, our award-winning recreation center and then the amphitheater.

Ms. Husak explained that with this application, the original application was voided. She asked that the Commission look at the review criteria for the Amended Final Development Plan.

Mr. Fishman said he did not think this proposed structure was appropriate for Coffman Park where money had been spent on an ice skating rink with stone, the beautiful pavilion and the artwork. He said he would like to see something better come back.

Mr. Ashford asked that the Commissioners consider what existed. He said they still have the soft top, but it was not in the best condition because last year, a hole as a result of skateboarding vandalism was mended.

Mr. Langworthy asked what would be the result if the Commission did not approve this application. Mr. Ashford said the temporary structure would be reinstalled this year and a request for the 2010 CIP would be made.

Ms. Amorose Groomes asked for a list of the type of events that had been held at the amphitheater. Ms. Husak said that Grounds and Facilities reports show that 20 events had been held over the last year, some private and some public. She said a wedding, Irish Festival Events, musical performances, and dance recital events took place.

Ms. Amorose Groomes noted that the types of events were more stage-oriented than picnic events. She said she did not feel it was appropriate for the wrong permanent structure to be built just because the money is not available, because that will preclude Dublin from having future opportunities to build the right structure when the money is available. She suggested that a new

soft top could be purchased to make ends meet. Ms. Amorose Groomes said she did not think because the City cannot afford it now, the wrong structure which would be long standing should be built.

Mr. Fishman asked what the cost was for a soft top replacement. Mr. Ashford recalled that the existing one cost around \$20,000.

Amy Kramb said the existing amphitheater was horrible for sound and acoustics and that the original proposed one was curved and better for acoustics and the purpose. She agreed that the existing amphitheater should remain, using the budgeted money for a new soft top and an installation of signs and cameras to protect it from vandalism.

Ms. Amorose Groomes suggested the applicant pursue additional funds.

Mr. Ashford said during the bidding process for the original plan, it was estimated it would cost \$200,000 to \$250,000 to construct. He said the original design had many custom elements that drove the cost upwards.

Ms. Kramb said the proposed plan seemed fine. She pointed out that in one elevation, the roof was standing seam metal and in another shingles were shown. Mr. Ashford said that they changed to shingles to match the pavilion roof and to reduce cost. Ms. Kramb preferred the standing seam metal roof over the shingles.

Ms. Amorose Groomes cited Review Criteria 4: *The development preserves and is sensitive to the natural characteristics of the site and manner that complies with the applicable regulations as set forth in this Code.* She pointed out that this proposed plan does not blend with the natural characteristic of an amphitheater which is what this facility is currently being used as.

Ms. Amorose Groomes said if it looks like an amphitheater and works more as an amphitheater acoustically there will be more groups wanting to use it. She said if it looks like a picnic barn, then people will rent it as a picnic or large meeting space. She said she did not think a wooden pre-fab structure with shingles will be as acoustical as an amphitheater.

Mr. Langworthy suggested that the Commission provide direction as to what they did not like about this proposal so that Mr. Ashford could see what could be done within the budget.

Ms. Amorose Groomes said they would like to see it look like an amphitheater and not like a picnic shelter. She said it was the shape and roofline. She suggested the characteristics of what exists today are very favorable to being an amphitheater, so something that might be sensitive with what is currently there and currently serves as a good purpose, but not with a permanent nature which they would like to see. She said reiterated that it should be something similar to the existing temporary facility, but permanent in nature.

Mr. Langworthy clarified that something permanent that mimicked the temporary amphitheater was wanted and asked if the Commission would like to table this application so that conversations and the numbers could be revised to bring back something more reasonable.

Ms. Amorose Groomes suggested getting insight from City Council as to what funds might be available.

Mr. Freimann suggested something like Powell's amphitheater. Ms. Kramb said she had attended performances and concerts at Powell's amphitheater, and it worked well. She suggested Dublin's amphitheater be something between the ones at Shiller Park and Powell.

Mr. Taylor said he would rather wait ten years and do it right and make it something lasting so that the community can be proud of it. Mr. Fishman said they were looking for something an attractive amphitheater that was Dublinized.

Mr. Ashford agreed to a tabling.

Motion and Vote

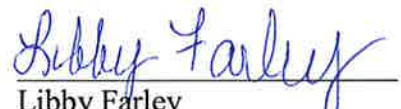
Mr. Zimmerman made the motion to table this Amended Final Development Plan. Mr. Fishman seconded the motion. The vote was as follows: Ms. Kramb, Mr. Freimann, Mr. Taylor, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes (Tabled 6 – 0).

3. Planning Presentation

This presentation was postponed prior to the meeting.

Mr. Zimmerman adjourned the meeting at 8:34 p.m.

As approved by the Planning and Zoning Commission.



Libby Farley
Administrative Assistant