



CITY OF DUBLIN

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## PLANNING AND ZONING COMMISSION

### MEETING MINUTES

MARCH 5, 2009

#### Cases:

1. **National Church Residences at Avondale Woods** **5215 Avery Road**  
**09-007Z** **Rezoning/Preliminary Development Plan**  
(Approved 7 – 0)
2. **54 South High Street**  
**08-019Z** **Rezoning**  
(Approved 7 – 0)
3. **Shoppes at River Ridge – Montgomery Inn** **4565 W. Dublin-Granville Road**  
**09-017CDD** **Corridor Development District**  
(Approved 7 – 0)
4. **Shoppes at River Ridge – The Wine Loft** **4415 West Dublin-Granville Road**  
**09-020CDD/CU** **Corridor Development District/ Conditional Use**  
(Approved 7 – 0)

#### 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, Kevin Walter, and Flite Freimann. City representatives included: Steve Langworthy, Dan Phillabaum, Claudia Husak, Jenny Rauch, Rachel Swisher, Aaron Stanford, Alan Perkins, Jennifer Readler, and Flora Rogers.

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

#### Motion and Vote

Mr. Zimmerman made the motion to approve the February 19, 2009 meeting minutes as presented. Mr. Taylor seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Walter, yes; Mr. Fishman, abstain; Mr. Freimann, yes; Ms. Kramb, yes; Mr. Taylor, yes; and Mr. Zimmerman, yes. (Approved 6 – 0 – 1.)

#### Communications

##### Administrative Report

Claudia Husak pointed out that course suggestions for the APA Conference were included with the Administrative Report. She suggested that the APA website could be used to choose courses and print out itineraries.

Ms. Husak said an article from the *Columbus Dispatch* article about the Parade of Homes in Tartan Ridge was included in the packet. She said Planning was working with the developer as

part of the Architectural Review Committee and all the building permits for the Parade Lots have been issued.

Ms. Husak said that Ms. Swisher was the project manager for the My Neighborhood Project and she should be contacted if interested Commissioners want to partake in the short interview process. Ms. Swisher should be contacted by March 13 to set up an interview during or after working hours.

Chris Amorose Groomes asked when the APA Conference travel plans would be made. Flora Rogers said she was waiting for Mr. Freimann and Ms. Amorose Groomes reappointments to be made to finalize the plans.

Mr. Freimann asked for information on the Tartan Ridge Architectural Review Committee, how many reviews they had done and what had been approved to prepare the Commission for future applications.

Mr. Fishman asked if changes were currently being considered for the Tartan Ridge text. Ms. Husak said the applicant is interested in changing certain things within the development text. She said if changes are made, Planning would bring them to the Commission for review. She said there would be no administrative approvals.

Mr. Langworthy explained that the Tartan Ridge text, which was not imposed upon them, was so detailed that many of the builders were having problems meeting those requirements. He said incorrect information got to the builders that it was the City of Dublin imposing the requirements.

Richard Taylor suggested that part of the confusion was that the BIA published selected comments from the Commission's discussion about the text modification application in September in their newsletter.

Mr. Fishman confirmed that any changes to the text would come back to the Commission. He said it was a credit to everyone that the Parade advertisement mentions the unique architecture.

Mr. Taylor said that there were a few small details discussed and agreed upon, and if it was possible not to blank out the entire text, but pick and choose what is brought to the Commission, it might help. Ms. Husak said the applicant needed to understand that if they are changing something, it needs to be of equal or higher quality, and that was the hurdle that Planning is still trying to get over.

Ms. Husak continued the Administrative Report by discussing the halt of construction of the Sunrise Senior Living project. She indicated that it was something that the City needed to deal with and the Law Director's office was considering what can be done to make the site clean and secure. She said that the adjacent residents had been informed and the City has no information about when anything will be move forward with the project.

Ms. Husak reported that there was a list of the three minor administrative approvals included with the Report.

Mr. Taylor said the boardwalk at Bailey Elementary which was administratively approved was being constructed by Spencer Willette of Troop 299 as an Eagle Scout project. He said that as a cub master who knew Spencer well, he wanted him to be recognized.

Mr. Freimann noted that the Dublin Library had a new sign. He said there was also now a wayfinding sign at the intersection of Post Road, Coffman Road, and Emerald Parkway. He said he wanted to be assured that the City and the library system went through the appropriate procedures so that he could inform Dublin's corporate citizens that the rules are being applied fairly. He said it would be unfair to require corporate citizens to follow the rules, but not require a governmental entity to do the same.

Ms. Husak said the Library sign had been approved by the Architectural Review Board. Mr. Langworthy added that the Library system was not considered to be a governmental entity by the City.

Ms. Husak requested that the Commissioners be available for photographs at the April 2 meeting for the City website.

Mr. Zimmerman announced that Kevin Walter will not be attending the next meeting and asked that the Sign Presentation be rescheduled so all the Commissioners could be present.

Mr. Zimmerman noted that all four cases on the Agenda were consent items. He pulled Case 1, Mr. Taylor pulled Case 2, and Mr. Freimann pulled Case 4. Mr. Zimmerman announced the order, Cases 3, 4, 2, and 1. [The minutes reflect the order of the published Agenda.] He briefly described the responsibilities and procedures of the Commission.

**1. National Church Residences at Avondale Woods 5215 Avery Road**  
**09-007Z Rezoning/Preliminary Development Plan**  
[This case was pulled from the cases eligible for the consent Agenda by Todd Zimmerman.]

Rachel Swisher presented this request for review and recommendation of approval to City Council for a preliminary development plan and rezoning of a 19.62-acre site from R, Rural District to PUD, Planned Unit Development District. She said the rezoning would allow a 200-unit senior housing development and a one-story community center. She presented an aerial photo of the site located on the west side of Avery Road and described the overall 140-acre parcel and the 17-acre development site, noting that a barn built around 1900 and listed on the Ohio Historic Inventory currently exists on the site. She explained that the Building Department had evaluated the condition of the barn and determined that it is beyond reasonable repair and will need to be removed should this development proceed. Ms. Swisher pointed out that the City of Dublin corporation limit borders the site on the eastern and southern boundaries, with parcels in Washington Township to the south and undeveloped land within the City of Columbus to the east across Avery Road. She noted the higher-density residential development located southwest of the site along the Hayden Run Corridor that is also within the City of Columbus.

Ms. Swisher presented the Future Land Use Map from the Community Plan, which designates this site as Mixed Residential Low Density with a recommended gross density of three dwelling units per acre for the entire 140-acre parcel. She said it was Planning's opinion that the Future

Land Use Map has been met with this proposal. Ms. Swisher pointed out a number of transportation improvements that are planned in this area, including the widening of Avery Road, the Britton-Cosgray connector that is projected to pass immediately south of this site, and the extension of Tuttle Crossing Boulevard.

Ms. Swisher said the site is also located in the southeast corner of the Southwest Area Plan, which identifies a need for coordinated land uses and the need to address the challenges associated with the transportation improvements previously discussed. She pointed out that in the Area Plan the higher density residential areas are located approximately where the proposed National Church Residences (NCR) site is located.

Ms. Swisher explained how the NCR site would fit within the rest of the 140-acre parcel based on the Community Plan recommended density. She reiterated that the site is currently part of a 140-acre parcel, and because this parcel has a recommended density of three dwelling units per acre, it results in a maximum of 420 dwelling units for the parcel. She described the proposed NCR development site with 200 dwelling units on a total 19.62 acres which includes the 17-acre development site and 2.62 acres of dedicated right-of-way. She said that left 120.3 acres in total with 220 dwelling units left over with a density of 1.8 dwelling units per acre.

Ms. Swisher noted that City Council had briefly reviewed this proposal at their January 20, 2009 meeting where they expressed their strong support for this project and a desire to collaborate with the applicant. She added that the Planning and Zoning Commission had reviewed this project on December 11, 2008, where the Commission had expressed concerns regarding the site layout, tree preservation issues, and the proposed architecture.

Ms. Swisher explained that the applicant had returned with a preliminary development plan that addressed the Commission's concerns. She pointed out that the northern site boundary had shifted approximately 100 feet to the south, shifting the proposed roadway, Avondale Boulevard, to the south as well. She said that to make up for the lost acreage to the north, the applicant had shifted the western site boundary 80 feet to the west. She explained that they managed to save most of the existing trees in the northern portion of the site by making these changes. She added that the architectural concept had also been revised to address the Commission's concerns.

Ms. Swisher said the proposed rezoning would permit the construction of a 12,600-square-foot community center in the center of the site which would contain community space for residents in addition to an adult daycare use. She pointed out that the applicant is proposing three-story residential buildings on the north and south sides of the community center which would contain a total of 100 dwelling units. She said that an outdoor recreation area is proposed south of the three-story residential buildings which will have a variety of game courts, a playground, and a gazebo. Ms. Swisher explained that 30 single-story cottage buildings are proposed around the perimeter of the site which would contain the remaining 100 dwelling units.

Ms. Swisher presented a slide showing the proposed architectural concept for the north and south sides of the three-story buildings. She said the applicant had revised the architectural concept to include changes to the rooflines and added "widow's walks," shutters, and other architectural details to provide character.

Ms. Swisher said the proposed development text specifies the use of primarily brick and stone, as cementitious siding, wood, and aluminum trim, and detailing such as vents, window boxes, and flared foundations. She explained that the applicant had proposed three styles of cottages to provide variety and to assist with wayfinding.

Mr. Zimmerman confirmed that aluminum was specified for trim use only.

Ms. Swisher said that a Traffic Impact Study had been submitted for review, which preliminarily shows the improvements to Avery Road will require turn lanes in the northbound and southbound directions. She added that the traffic study will need to be finalized by both Dublin and Columbus before a final development plan can be approved.

Ms. Swisher described the proposed preliminary development plan, including the proposed access to the site, circulation, and parking. She explained that the Community Plan recommends “Dublin Model Character” roadway landscape treatment for this section of Avery Road, which includes the use of meandering bike paths, variable mounding, and formal maintained landscaping, which are incorporated into the plans. She pointed out that a portion of the bike path and mounding is shown within the future right-of-way which will need to be removed as this development proceeds. She noted that the proposed landscaping along the top and east sides of the mounds facing Avery Road will be more maintained and formal in character, but on the interior of the mounds the applicant is proposing a dry creek bed detention area which will assist with stormwater management on the site.

Ms. Swisher continued that Code requires 25 percent of the 17 acres to be set aside as open space based on the acreage and density of this development, however, the Commission may approve a development text that allows a different amount. She pointed out that based on the nature of this development and the type of housing, the applicant has provided 23 percent open space, which in Planning’s opinion will be sufficient based on the quality of the outdoor landscaping and the amenities within the open space.

Ms. Swisher concluded by describing the two phases of the proposed phasing plan. She said that Planning has evaluated this proposal based on the review criteria for a rezoning and preliminary development plan, and in Planning’s opinion, this request is consistent with the Community Plan and the review criteria of the Zoning Code, and approval of this request is recommended with four conditions:

- 1) That the traffic study be approved by the City of Dublin and the City of Columbus prior to approval of the final development plan;
- 2) That the bikepath and mounding be removed from the future Avery Road right-of-way;
- 3) That the group of 5 parking spaces south of the outdoor recreation area be removed; and
- 4) That the applicant obtain an easement encroachment agreement for the walking path shown within the waterline easement along the southern property line.

George Berardi, Berardi & Partners, Inc., clarified that there was no cementitious siding on the larger buildings or the community center and that it would only be used on the cottages. He thought this was a much better project due to the Commission’s and Planning’s input.

Mr. Zimmerman confirmed that they had only moved the western site boundary 80 feet to the west before running into a utility easement. Mr. Berardi affirmed and noted that they had considered going 100 feet west, but instead stopped at the 20-foot telephone easement.

Mr. Zimmerman asked if anyone in the audience wished to speak in regard to this case. [There was no one.]

Flite Freimann commented that he supported this use and that he appreciated Planning's presentation regarding this development in context with the future development of the rest of the 140-acre parcel. He said he was very concerned that in five or ten years the subsequent land to develop will not be able to meet the 1.83 dwelling units per acre recommended by the Community Plan and will argue that meeting that requirement is an economic hardship, although he understood there were limitations. He was also very concerned about the safety of the ingress and egress points being so close together and that the roadway circulating the site could be unsafe if drivers drove too fast around the buildings. He asked what could be done to make sure the residents and visitors would be safe.

Ms. Swisher said that details to assist with safe maneuvering throughout the site would be addressed at the final development plan. She said the concept plan had shown this roadway as a straight shot around the site, and the applicant was asked to bump out the landscaping a little in the northwestern portion of the site to prevent it from being too straight. She pointed out that a sign is proposed at the first entrance, which will probably divert most of the traffic into the first entrance.

Mr. Zimmerman confirmed with Planning that the 1.8 dwelling units per acre net density would actually be 2.5 dwelling units per acre if the two wooded areas were taken out. Ms. Swisher said that was correct, but that the wooded areas would still be included in the calculation.

Mr. Freimann reiterated that he was very concerned that future developers would try to ask for sympathy and thought that it should be addressed now. He said he did not want to be responsible for a future Commission questioning what this Commission was thinking.

Mr. Zimmerman asked how the other developments in this area compared to the 1.8 dwelling units per acre density range.

Ms. Swisher said she was not sure, although Ballantrae, which is the nearest single-family development, has a lower density in that range. She added that the Community Plan recommends a transition of land uses from any existing single-family development.

Claudia Husak pointed out that the parcel was not currently zoned for that density; the Community Plan sets the policy and recommends that density. She said that the Commission is responsible for recommending approval or disapproval to City Council for any future rezonings. She explained that one of the review criteria is to consider whether the proposal is in keeping with the Community Plan, so if a developer comes in with a density that does not fit with what the Community Plan recommends, it will be hard to say that it meets the review criteria.

Mr. Freimann hoped that the Commission could discuss the future density, and through the minutes, future Planning Commissioners will know that this Commission recognized that some future development may be limited by this proposal and they were comfortable with that.

Richard Taylor thought that future development of single-family buildings on the rest of the parcel could be arranged as a transition from the higher density taller buildings as the Community Plan recommends. He said that from the ground level, these buildings are very closely spaced and it does appear to be a higher density than perhaps Ballantrae, so whatever is proposed on adjacent properties in the future will have to be looked at from a ground-level view.

Steve Langworthy suggested that the Commissioners think of this proposal in terms of the total number of dwelling units that could be placed on the 140 acres based on the Community Plan recommendation. He referred to the calculation chart on page 9 of the Planning Report. He said that if 200 units are proposed with this development, then there are 220 units left to place on the remaining 120 acres to be consistent with the Community Plan. He said that if someone wanted to propose a higher density, they would have to request a change to the Community Plan.

Mr. Freimann was concerned that someone might come in with another higher-density proposal and add another 100 units on a relatively small amount of land. He said that he would be concerned that there would then be 20 acres left with room for only two dwelling units. Mr. Freimann wanted to make sure that the record reflects that the Commission thought about this and that they anticipate some transition from the NCR development to what would ultimately be single-family homes on relatively large lots.

Warren Fishman was concerned that the last developer of this site will say that the Community Plan is a flexible document. He expressed further concern that because Columbus is so close to the site and the Commission does not have control over how they develop, the area could get really dense along Avery Road. He understood that the density of the remainder of the parcel could not be conditioned, but he felt they needed to be on the record pretty strong that the intention is to maintain three dwelling units per acre over the 140-acre parcel.

Mr. Walter agreed that it was important to recognize that a change of density was expected in this area. He also thought the Commission should clearly state on record that Avondale Boulevard is proposed to be a through drive to connect the balance of the site. He said there have been cases in the past where there is a neighborhood on one end and a neighborhood on the other end not realizing that there would be a large two-lane boulevard coming through as a connector.

Mr. Langworthy said the Southwest Area Plan shows the road being connected through the parcel very distinctly.

Mr. Taylor thought the revised site plans were an improvement over the concept plan. He asked if the main building was the same distance from Avery Road than it was previously.

Mr. Berardi said it was shifted back at least 50 feet.

Mr. Taylor said he had commented on the style of the three story buildings at the concept plan, and he was very pleased to see the changes. He said the cottage-style and the more formal appearance of the main buildings are far more appropriate than was shown previously. Mr.

Taylor said he had never seen anything quite like the circular keystones over the round windows and he was very interested in seeing the details of the foundation and the slope and how it would be accomplished. He said the bungalows were very attractive buildings.

Mr. Fishman asked what the timetable between the two phases would be.

Michelle Norris, NCR, said the first phase will be built out, and then they will go through the process of reapplying for the funding approvals. She said they usually like to see that the building has been fully leased, so it will probably be about two years.

Mr. Fishman commented that when the first phase was finished, he would like to see the grounds at least seeded and mowed where the second phase of cottages would be located.

Ms. Norris said that was their plan. Mr. Berardi added that the first phase will include the entire infrastructure for the second phase, and the grounds will just be a pastoral setting, hydro-seeded and maintained with cut grass. Ms. Swisher explained that the seeding details would be provided at the final development plan.

Mr. Fishman confirmed that the proposed road improvements will be completed with phase one. Ms. Swisher affirmed and noted that the traffic study was in the final stages, but the final review comments are still needed from Columbus and Dublin which will specify the necessary traffic improvements to Avery Road.

Mr. Fishman inquired how many parking spaces were provided per cottage-style unit. Ms. Swisher said the text requires one parking space per dwelling unit for the entire development. She pointed out that each offset group of parking spaces has between 13 and 30 spaces to serve the surrounding units and there are 156 spaces around the community center. She said there would be sufficient parking around each of the cottages.

Mr. Berardi said there was more parking density around the cottages than with the larger buildings and that approximately 70 percent of the parking is associated with the cottages. Mr. Fishman was concerned about where visitors to the cottages would park, and confirmed that there was overflow parking available. Ms. Swisher said there would be 262 parking spaces, but the proposed text only requires 252 spaces. She added that the community center parking lot would be available for overflow parking.

Mr. Fishman confirmed that aluminum would be used only for trim and not for siding.

Amy Krumb asked how the phases for the community center would be divided. Mr. Berardi said the community center is scheduled to be constructed completely during the first phase instead of in two phases as previously discussed.

Ms. Krumb was uncomfortable approving less open space than Code required because she was already concerned that this site was too dense. She said if it was going to be that dense, she did not want to give up any open space. Ms. Krumb said she did not think it was fair to include the stormwater area along the Avery Road frontage as open space because she did not think it would qualify as quality open space. She asked it to be put on the record that she did not like the percentage of open space.

Ms. Swisher said that typically, up to 50 percent of the area within setbacks had been counted toward meeting the open space requirement if walking paths and similar amenities are included, which are shown in all of the setbacks. She said that although it has not been included with the open space calculation, the community center is intended to be open for the public's use. She said this could be considered a supplement to the open space provided as the intent of the open space dedication is for the public's enjoyment of that space. She added that if the space for the five parking spaces to the south of the outdoor recreation area was included as part of the open space, the calculation would be at almost 24 percent.

Mr. Zimmerman commented that the Commission can allow a different open space percentage if they feel the intent has been achieved. He noted that this project will provide housing for seniors at a level not currently available in the City. He explained that sometimes adjustments of square footage and density are necessary to make everything work on the site.

Ms. Swisher reiterated that the community center was not included in the 23 percent open space calculation, but the intent of the open space requirement is to provide a use for the public's enjoyment.

Ms. Kramb asked if the adult day care that would be used for non-residents was considered a business in a residential-zoned area. Ms. Husak explained that the site was not zoned residential, but that they were creating a planned unit development district that would include all the uses in the development text, and adult day care is included.

Mr. Langworthy suggested that a school could also be allowed in a residential district, and although not a residential use, it could still be permitted; so if the use was related to residential, it could still fit. He noted that a home daycare would be a similar example of a non-residential use in a residential zoning district. Ms. Swisher pointed out that the proposed adult day care was also intended to provide a service to the residents of the development.

Mr. Fishman confirmed that the open space calculation of 23 percent did not include the community center. He asked about the nature of the public's use of the community center. Ms. Norris said that the adult day care was a structured business with a pre-screened client base. She explained that family members would drop off the clients during the day. Mr. Berardi explained that there would be community activities open to the community at large as well in the rest of the community center. Ms. Norris added that a community meal program might be an example of a community activity that might occur in the space.

Mr. Walter asked if the buffering and screening on the western edge of the site would be appropriate to future development. Ms. Swisher referred to the Community Plan recommendation of a residential use on the remainder of the parcel. She noted that Code only requires heavier buffering when there is a conflicting adjacent use. She said that landscaping has been provided and they are proposing a decorative fence as a visual barrier and that from Planning's perspective, the intent is met.

Mr. Walter suggested they plant sizable trees that would ultimately provide a canopy into the 20-foot utility easement between this site and future development to provide buffering into that space. He continued that it appeared that in the southeastern corner of the site, the bikepath had no connection to the internal walking paths along the Avery Road frontage. Ms. Swisher pointed out that there was a walking path connection to the bikepath in the southern portion of the site.

Mr. Walter asked what material was proposed for the walking path. Mr. Berardi said the walking paths would be asphalt.

Mr. Walter referred to Cottages A and B and said that they seemed to have a lot of roof to them. He pointed out that Cottage A had a dormer, but it seemed to have a low profile. He asked Mr. Taylor if he thought that was an appropriate style. Mr. Taylor said that, given the style of the buildings, a prominent overhanging roof is entirely appropriate. He thought they were attractive buildings and nothing should be added to the roof.

Ms. Kramb was concerned that the text would allow the cottages to be only five feet apart. Ms. Swisher pointed out that the text was referring to encroachments into required setbacks, not the required distance between buildings. She added that Planning would defer to the Building Code to make sure there were no fire concerns with building separation, and that Code permits patios to encroach up to five feet into a required setback.

Mr. Walter said that although it was more of a final development plan issue, the placement of dumpsters should be located areas that would not be detrimental to residents, particularly in the southeastern corner where one dumpster appears to cover the full façade of one of the buildings. He said he would like to see much more detail about how the dumpsters are screened and where they are placed.

Mr. Walter was also concerned that one of the cottages appears to be only eight feet from the drive aisle in the northwestern portion of the site. He thought there were some safety and quality of life concerns with the placement of this building. He suggested that if that unit was removed, the open space on the site would increase and it would be a better site layout. Mr. Berardi said they could shift the buildings around to address Mr. Walter's concerns. He said that based on the Commission's comments, they wanted to look at some areas for modification, including the dumpster locations.

Chris Amorose Groomes requested that when the site drainage is considered at the final development plan, she would like to see more details regarding how the dry creek bed will be kept dry so that it is maintained and does not become unsightly.

Mr. Zimmerman agreed with everything the other Commissioners had said. He noted that the text said the roof material would be asphalt shingles. He said because the roof was so prominent on many of the buildings, the shingles they used should be higher-quality. Mr. Berardi said they would be a good quality 30-year dimensional shingle. Mr. Zimmerman requested that the roof material be added to the text. Ms. Swisher suggested a condition: "That the text be modified to require minimum 30-year dimensional shingles as roofing materials."

Mr. Fishman said the landscaping along the western site boundary should exceed Code requirements because if future development to the west is low density housing, attractive buffering is important. Ms. Husak clarified that Code does not require buffering between residential uses regardless of density; however, Planning can look into augmenting the landscaping in that area, but they will have to work with the telephone company to determine what types of trees can be planted along the telephone easement because of potential problems with roots.

Mr. Freimann mentioned that he was not in favor of removing the five parking spaces south of the outdoor recreation area. He noted the variety of amenities that were proposed in that space and said he was concerned as Mr. Fishman was about the number of parking spaces in that area. He said he was in favor of deleting the condition regarding the removal of these five spaces. Ms. Swisher clarified that they had suggested the condition due to the tight roadway circulation, and landscaping that could create a safety hazard.

Mr. Freimann said he would like as many parking spaces as possible, especially near the recreation area. Mr. Zimmerman asked if the condition to remove the five parking spaces was recommended by the Fire Department. Ms. Swisher said it was Planning's recommendation. She pointed out that there are 60 spaces on the north side of the outdoor recreation area, and so there is more than sufficient space to park in that area.

Ms. Amorose Groomes suggested that the applicants make the site adjustments based on the removal or relocation of a unit and these decisions can be made when they return with the final development plan.

Mr. Zimmerman said the changes that had been made since the concept plan were outstanding. He appreciated that they listened to the Commission's comments and worked with Planning. He said they were looking forward to seeing this come back for the final development plan.

Mr. Berardi agreed to the four conditions listed in the Planning Report and the additional fifth condition.

#### **Motion and Vote**

Mr. Zimmerman made the motion to recommend approval to City Council of this Rezoning/Preliminary Development Plan to change the zoning from R, Rural District to PUD, Planned Unit Development District because it complies with the Community Plan Future Land Use Map and because it adequately addresses the recommendations of the Southwest Area Plan and meets the Rezoning/Preliminary Development Plan criteria, with the following five conditions:

- 1) That the traffic study be approved by the City of Dublin and the City of Columbus prior to approval of the final development plan;
- 2) That the bikepath and mounding be removed from the future Avery Road right-of-way;
- 3) That the group of five parking spaces south of the outdoor recreation area be removed;
- 4) That the applicant obtain an easement encroachment agreement for the walking path shown within the waterline easement along the southern property line; and
- 5) That the text be modified to require minimum 30-year dimensional shingles as roofing materials.

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

**2. 54 South High Street  
08-019Z**

**Rezoning**

[This case was pulled from the cases eligible for the consent Agenda by Richard Taylor who indicated that a presentation was not necessary.]

Mr. Taylor asked to see renderings of the proposed architecture for context purposes.

Claudia Husak explained that the Planning Report stated the final approval for the architecture and site modifications was made by the Architectural Review Board (ARB) in January 2009. She said the approval included an attached, two-story, 2,500-square-foot addition to the existing building and a 1,600-square-foot free-standing structure, a cottage/carriage house arrangement with an improved parking lot, landscaping, and so forth. She said the change in topography was significant on the site and presented elevations of the existing building with that elevation on top.

Mr. Taylor asked if there would be any significant re-building of the existing structure. Ms. Husak said the addition was attached to the existing structure.

Robert Kortsen, 16235 River Birch Drive, Marysville, representing the applicant Lawrence Paglioni said he thought they now had a plan that would work for the rest of that side of High Street.

Mr. Zimmerman asked if there was anyone who wished to make additional comments on this case. [There was no one.]

**Motion and Vote**

Mr. Zimmerman made the motion to recommend approval to City Council of this Rezoning application to change the zoning from CB, Central Business District to HB, Historic Business District because it is in keeping with the objectives and goals of both the residents and businesses of the Historic District and the City of Dublin, and meets the Community Plan.

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

**3. Shoppes at River Ridge – Montgomery Inn  
09-017CDD**

**4565 W. Dublin-Granville Road  
Corridor Development District**

Todd Zimmerman briefly explained that this case was an administrative matter in which the Planning and Zoning Commission was serving in a quasi-judicial role and that public comment would be permitted based on objective facts and evidence and should not consist of opinion statements. He swore in anyone intending to address the Commission in regards to this case, including Dean L. Baumgartner, Ford & Associates Architects, who represented the applicant, Evan Andrews, Montgomery Inn, and City representatives.

Mr. Zimmerman acknowledged that the Commissioners had received and read the correspondence provided from Donn Griffith, 6465 Martin Place, Dublin, Ohio 43017 concerning this case.



recommendation that some of the same restrictions as Montgomery Inn's patio had might also be appropriate here.

Ms. Rauch said the Planning Report notes that there are no speakers or amplified music; however the Commission could impose other conditions.

Mr. Walter said it would be appropriate to have the same rules within the same general vicinity.

Mr. Zimmerman suggested a condition that there no outdoor speakers or entertainment for use on the patio.

Ms. Rauch suggested that the Commission use Conditions 2, 3, and 4 of the October 9, 2008, Montgomery Inn, Record of Action for this case, and they agreed to combine those conditions into a third condition.

Mr. Bornstein, on behalf of the applicant, agreed to the three conditions listed below.

**Motion and Vote**

Mr. Zimmerman made the motion to approve this Corridor Development District and Conditional Use application because it meets the applicable review criteria and development standards of the Community Commercial District, with three conditions:

- 1) The fence, patio furniture, and umbrellas be removed by the tenant or shopping center owner if the tenant vacates this space and is not replaced with another use that would utilize the same patio space;
- 2) The proposed furniture and umbrellas be stored inside the tenant space or in an appropriate off-site location when the patio is not in regular use; and
- 3) Any performances be limited to normal noise levels no greater than the typical traffic noise levels, subject to the requirements of the Noise Ordinance, the hours of operation for outdoor entertainment be limited to no later than 10:00 p.m., no amplification of live music is permitted, and that no general announcements be made over the outdoor speaker system.

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

Mr. Zimmerman adjourned the meeting at 7:50 p.m.

As approved by the Planning and Zoning Commission on \_\_\_\_\_, 2009.

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Libby Farley  
Administrative Assistant