

JEFFREY L. BROWN  
GLEN A. DUGGER  
JACKSON B. REYNOLDS, III  
NICHOLAS C. CAVALARIS  
DAVID L. HODGE

**SMITH & HALE LLC**  
ATTORNEYS AND COUNSELORS AT LAW  
37 WEST BROAD STREET  
COLUMBUS, OHIO 43215-4199  
www.smithandhale.com

HARRISON W. SMITH, JR.  
1926-2009  
OF COUNSEL  
BEN W. HALE, JR.

---

614/221-4255

May 5, 2011

Mr. Dana McDaniel  
Deputy City Manager / Economic Development Director  
City of Dublin  
5800 Shier Rings Road  
Dublin, OH 43016

Mr. Steve Langworthy  
Land Use and Long Range Planning  
City of Dublin  
5800 Shier Rings Road  
Dublin, OH 43016

Dear Dana and Steve:

I represent Village Square Retail LLC which owns Bridge Pointe Shopping Center. On April 14, 2011, Dublin announced its proposed Bridge Street Corridor Zoning Plan for what it has defined as the Bridge Street Corridor area east and west of the Scioto River. The Bridge Point Shopping Center, at the northeast corner of Riverside Drive and State Route 33, has existed as a retail shopping center for approximately 30 years. Yet, in Dublin's plans, Bridge Pointe's location is designated as a Bridge Street Corridor ("BSC") Office District. According to Dublin's draft zoning regulations, general retail is neither a permitted nor a conditional use with the BSC Office District. In addition, uses such as Eating and Drinking and Personal, Repair, and Rental Services, while permitted, are size limited within the BSC Office District. Thus, through its Bridge Street Corridor Zoning Plain, Dublin seeks to dramatically change the nature of Village Square's 7 acre retail site.

This zoning designation will further make the center and almost all of the uses in the center non-conforming. This is a serious issue in terms of the further viability of the center. We are asking Dublin to designate the property BSC Commercial.

This property was purchased by its current owner in 2007 for \$6.3 million with a reasonable expectation that existing zoning and use restriction would remain in place. In addition the owners have made substantial capital improvements to the center in reliance on the current zoning. The owners currently have plans to make further substantial capital

improvements to the center and have new tenants who want to move into the center. Rezoning of this center to BSC Office will put all of these plans in serious jeopardy.

Financing for retail development has become exceptionally difficult since the recent devastating recession. Banks and other lenders have become extremely cautious. Making this center non-conforming substantially reduces the owner's ability to refinance the center when its current loan comes due and also will hinder its ability to finance further improvements to the center such as remodeling and tenant improvements. Needless to say the down zoning of this center will have a devastating impact on its value and viability. This damage far outweighs any public benefit of the down zoning.

We also have trouble understanding why this center was singled out as the only shopping center in the BSC area that did not receive BSC Commercial or BSC Sawmill Center Neighborhood zoning. The Shoppes at River Ridge directly across the street received BSC Commercial zoning.

There is no rational basis for the differential treatment Village Square's property has received. Rezoning this property to BSC Office does not serve any legitimate government interest given the character of the area. We therefore ask that the designation of the center be changed to BSC Commercial.

Very truly yours,



Ben W. Hale, Jr.

BWHjr/nct

cc: Steve Smith  
Melanie Wollenberg  
Aaron Heath

mcdaniel.ltr (nct)  
5/5/11 F:Docs