



CITY OF DUBLIN

Land Use and
Long Range Planning
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PLANNING REPORT

PLANNING AND ZONING COMMISSION

SEPTEMBER 17, 2009

SECTION I – CASE INFORMATION

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

**6200 Wilcox Road
Rezoning/Conditional Use**

Proposal: To permit a service industry use for a parcel zoned R-1, Restricted Suburban Residential District to the RI, Restricted Industrial District located at the southeast corner of Wilcox and Shier Rings Roads.

Request: Review and approval of a conditional use under the provisions of Code Section 153.236.

Applicant: John Hoge, 6200 Wilcox Road, Dublin, Ohio 43017; represented by Christopher T. Cline, Attorney.

Planning Contact: Tammy J. Noble-Flading, Senior Planner.

Contact Information: (614) 410-4649, tnoble-flading@dublin.oh.us

Summary

The applicant is requesting the review and approval of a conditional use to permit administrative offices in the RI, Restricted Industrial District. The site contains a 1,003-square-foot former residential structure and a two-car detached garage, used for the offices of a commercial cleaning business. The request is to approve the uses and site modifications to meet the requirements of the City of Dublin Zoning Code.

Update

The Commission reviewed an application on March 12, 2009 to rezone the 0.48 acre parcel from R-1, Restricted Suburban Residential District to RI, Restricted Industrial District and permit an office as a conditional use. The Commission discussed the general appearance of the site, the need for additional parking spaces, and the applicable building code requirements for the existing structures. The Commission recommended approval of the rezoning to City Council and tabled the conditional use in order for the applicant to address the comments made by the Commissioners.

On July 2, 2009, City Council approved the rezoning application. Council discussed whether the RI, Restricted Industrial District was the most appropriate zoning classification for this portion of the City or whether the City should consider the SO, Suburban Office District to encourage less intense uses than the industrial district. Council concluded that with the update of the Zoning

Code Land Use and Long Range Planning would be able to address the range of uses permitted within the Limited Industrial District to eliminate the more intense uses. The rezoning of the property is effective 30 days after the approval is granted by City Council, or August 1, 2009.

The applicant has updated the application materials and modified the site plan presented on March 12, 2009 to address several concerns raised by the Planning and Zoning Commission. The modifications include expanding the parking area, moving the access drive farther south and modifying the guard rail location, and adding landscaping. The Commissioners had expressed concerns regarding the appearance of the site and what Building Code issues will arise by using the buildings as commercial structures.

The Law Director has advised Planning and Building Standards that under current language of the Code, these issues are not appropriate issues for the conditional use process (see attached).

Case Background

Prior to the rezoning, the site was part of a City sponsored rezoning application from the Washington Township R-1B, Restricted Suburban Residential District to the R-1, Restricted Suburban Residential District approved by City Council on May 17, 2007. The purpose of the rezoning was to designate City of Dublin zoning classifications to properties that continued to have township zoning after annexation to the City.

The property was the subject of a code enforcement action by the City of Dublin in May 2003. The applicant was using the property for the offices of a commercial cleaning business from the site for the past several years. The rezoning and the pending conditional use were initiated to resolve the code violation. According to the applicant, the property was purchased on October 6, 2000 with the intent of operating a commercial business. The owner's believed that the property was zoned RI, Restricted Industrial District when it was, in fact, zoned R-1, Restricted Suburban Residential District. This discrepancy was later discovered and the City pursued a zoning violation for the illegal operation of a commercial business on a residentially zoned property. A rezoning application (Case 04-042Z) filed in March 26, 2004 halted enforcement procedures. Various delays caused this case to extend for a longer period. There are no other active code violations.

Site Description

Location

The property is located on the east side of Wilcox Road approximately 125 feet south of Shier Rings Road.

Site Character

The site is relatively flat with a small elevation change in the southwest corner where Cosgray Creek crosses the site. A guard rail extends along Wilcox Road to separate vehicular traffic from the creek. The property contains a single story, 1,003-square-foot former residential structure with a detached 750-square-foot garage. A parking area is located north of the house in front of the garage. The remainder of the site is undeveloped.

Surrounding Zoning and Uses

The site and all properties bordering the site are zoned RI, Restricted Industrial District. The property to the east is being utilized as commercial warehouse in the Dublin Commerce Park. A single-family home is located to the south. Vacant land across the street to the west is zoned SO, Suburban Office and Institutional District. The buildings associated with the SO District are primarily single-story office buildings with exteriors consisting of brick and stone.

Plan Description

Overview

The Zoning Code requires a conditional use approval for all administrative offices for general administrative supervision, purchasing, accounting and other management functions.

Use

The applicant is proposing to continue to use the site for the administrative offices of Master Maintenance, a commercial cleaning business. As part of this request, the applicant is proposing minor alterations to the site including expanding the parking lot for seven striped parking spaces, upgrading the parking area to meet pavement requirements of the City Engineer, increasing the width of the driveway and moving it farther from the intersection with Shier Rings, modifying the guardrail, adding landscaping, and placing a fence along the north property line.

Utilities

Public sewer is available, however, connection to the public utilities can only be required if the utility lines are located within 100 feet of the property line. The existing lines are located beyond 100 feet, therefore, the site will continue to use an existing septic system. Inspections made by the Franklin County Health Department verified that the system is functioning properly. The City will also require that permanent access to the septic tank be provided when the parking area is expanded and that routine maintenance is conducted, to ensure the system continues to function properly. The applicant has also verified that water service is provided by the City of Dublin.

Landscaping

The site will have to meet current landscape requirements of the Zoning Code. The applicant has submitted a landscape plan that complies with Code, except that two additional trees to meet the vehicular use area screening requirement will have to be added. In addition to showing these trees on the plans at the building permit stage, the applicant will also have to provide more information to ensure that construction activities will not interfere with existing vegetation. The applicant will be required to provide information regarding the type and location of tree protection fencing and the City will conduct field verification to ensure the proposed privacy fence on the northern portion of the site will not affect existing vegetation. Planning is also requesting that the location of the vegetation along the western edge of the parking area be modified to provide a two-foot separation for access in and out of vehicles. A modified site plan will be required prior to the applicant obtaining a Certificate of Zoning Plan Approval.

Parking

Code requires one parking space per 250 square feet of administrative office, which will require five spaces. Seven spaces are provided in the parking lot. The garage will provide long term parking for two commercial vans that are currently stored on the site. Adequate parking was a

concern expressed by both the Planning and Zoning Commission and City Council. The applicant has added additional exterior spaces to address the issue in the parking area, as well as modifications to the driveway from Wilcox Road, which all will be required to meet Engineering's specifications. Only one space in the garage could be counted toward meeting the parking requirement as the other space is blocked by the exterior parking spaces.

Traffic and Sidewalks

The City Engineer will require that the applicant dedicate 35 feet of right-of-way on Wilcox Road and provide a pedestrian path along Wilcox Road. Since the site does not have existing paths to connect to on the south side of the site, and installation of a path would require crossing the creek, the City has agreed to allow the applicant to pay a fee in lieu of installing the path. Based on 2008 sidewalk maintenance program costs, the estimated fee will be \$3,250.

Stormwater Management

The site will be required to meet the stormwater management regulations of the City of Dublin.

SECTION II – REVIEW STANDARDS

Conditional Use

Conditional uses, while often desirable, may more intensely affect the surrounding area in which they are located than permitted uses. The intent of the conditional use process is to set forth development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of the development, and with regard to appropriate plans. The Planning and Zoning Commission is the final stage in approving or disapproving a conditional use.

The conditional use request includes all of the details of the proposed use, and the Commission may approve, disapprove, or approve with modifications. Upon a favorable finding, the Commission shall approve a conditional use application within 30 days following the public hearing. Appeal of any action taken by the Commission shall be to the Court of Common Pleas in the appropriate jurisdiction. Following approval by the Commission, the applicant may proceed with the building permit process. A Certificate of Zoning Plan Approval for a conditional use must be issued within one year of Planning and Zoning Commission approval, or the approval expires.

Evaluation and Recommendation Based on the Conditional Use Review Criteria

Section 153.236(C) of the Code identifies criteria for the review and approval for a conditional use. The criteria are arranged in the following categories and may be in a different order than listed in the Code:

Policies of the Community (Criteria 1 & 2). The proposed use will be harmonious with and in accordance with the specific objectives of the Zoning Code and/or Community Plan and comply with all applicable development standards.

Criteria are met through conditions: The 2007 Community Plan classifies this site as Office/Research and Development which is intended to permit low intensity industrial uses as proposed by this request. The use is conducive to the surrounding neighborhood

and will not negatively affect the surrounding area. To meet the infrastructure goals of the Community Plan, the applicant has agreed to dedicate the right of way for Wilcox Road to the City (Condition 1) and will require the applicant to pay a fee in lieu of constructing a pedestrian path along Wilcox Road (Condition 2). At the building permit stage and prior to obtaining a Certificate of Zoning Plan Approval, the applicant will have to address the landscaping comment in this Planning Report (Condition 3).

Impact to the Surrounding Community (Criteria 3, 4, 6, 9, & 10). The proposed use will be harmonious with the existing or intended character of the general vicinity, will not be hazardous to or have a negative impact on surrounding uses, will not be a detriment to the economic welfare of the community or property values in the immediate vicinity, and will not impede the orderly development of the surrounding properties.

Criteria are met through condition: The site will continue to maintain the appearance of a residential structure while increasing the landscaping and improving the utility of the parking area. The site currently does not meet the minimum setback requirements for the parking area located along the northern property line and minimum size requirements for one of parking spaces. The site plan will need to be modified to meet both requirements (Condition 4). No signs are proposed and the use will have minimal impacts to the surrounding area.

Necessary Infrastructure (Criteria 5, 7 & 8). The area and proposed use(s) will be adequately served by essential public facilities and services and will have vehicular approaches that are appropriately designed to not create interference with traffic on surrounding public or private road systems.

Criteria are met through conditions: The applicant is proposing to use the existing building for the office use and is proposing only minor modifications to the site. The applicant has been working with the Franklin County Board of Health to have the existing septic system inspected and ensure that future maintenance of the system is maintained (Condition 5). The applicant will also modify the parking area to include more designated spaces and upgrade the parking area to meet the construction specifications of the City Engineer. In addition, parking must be restricted to the designated spaces (Condition 6). The applicant is also proposing additional landscaping to screen the vehicular areas.

SECTION III – PLANNING OPINION AND RECOMMENDATION: Approval with Conditions

Planning also recommends approval of the conditional use request based the fact that the proposal complies with the conditional use criteria with six conditions:

Conditions:

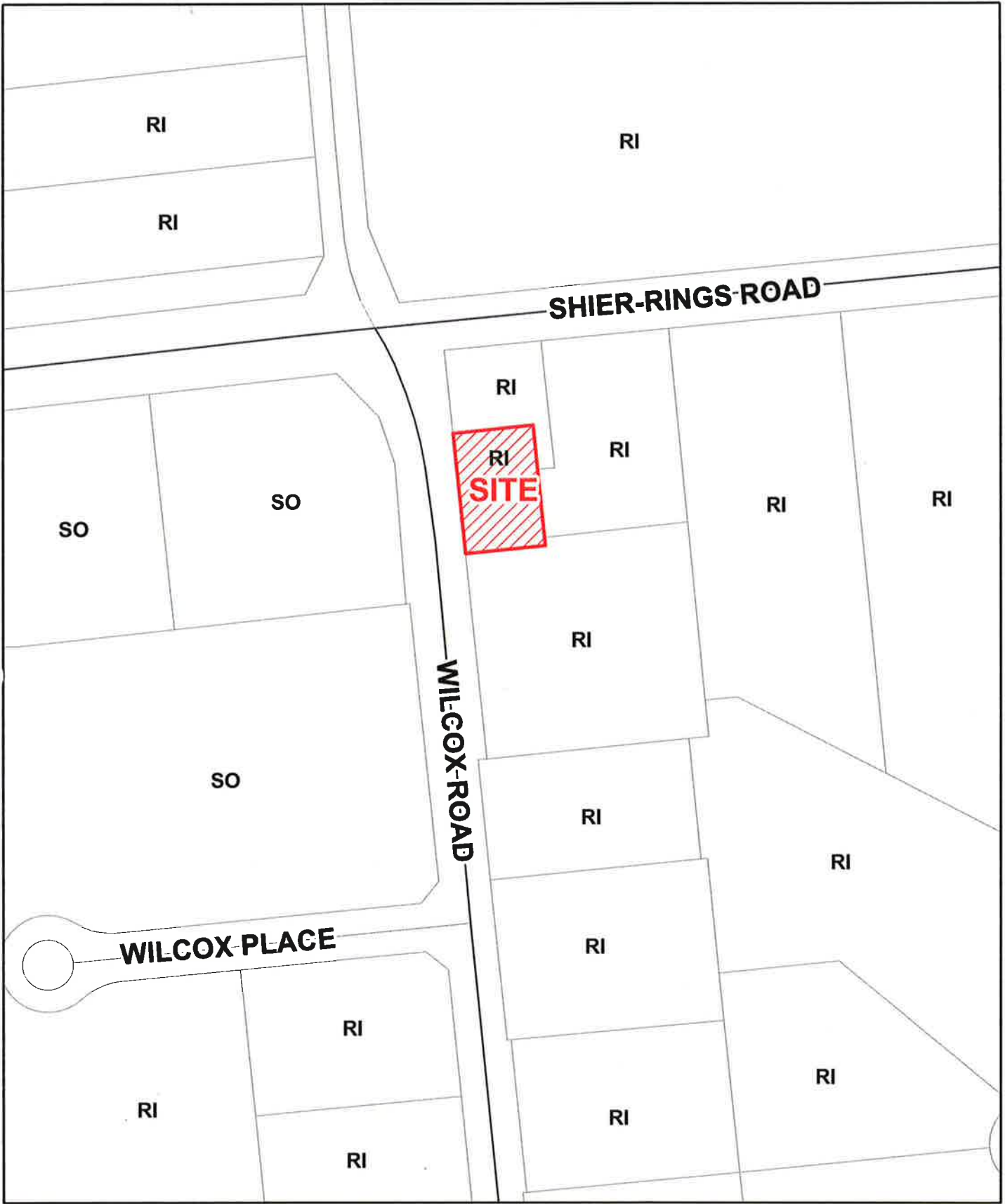
- 1) That right-of-way of 35 feet be dedicated to the City of Dublin;
- 2) That the property owner pay a fee as determined by the City Engineer in lieu of construction of a pedestrian path;
- 3) That the applicant revise the plan to meet all landscaping comments contained in this report, prior to applying for a building permit and/or a Certificate of Zoning Plan Approval;

- 4) That the parking area meet setback and space size requirements;
- 5) That the property owner meet 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; and
- 6) That parking will only be permitted within designated parking spaces.

Conditional Use Review Criteria

Section 153.236(C) sets out criteria for the review and approval of a conditional use.

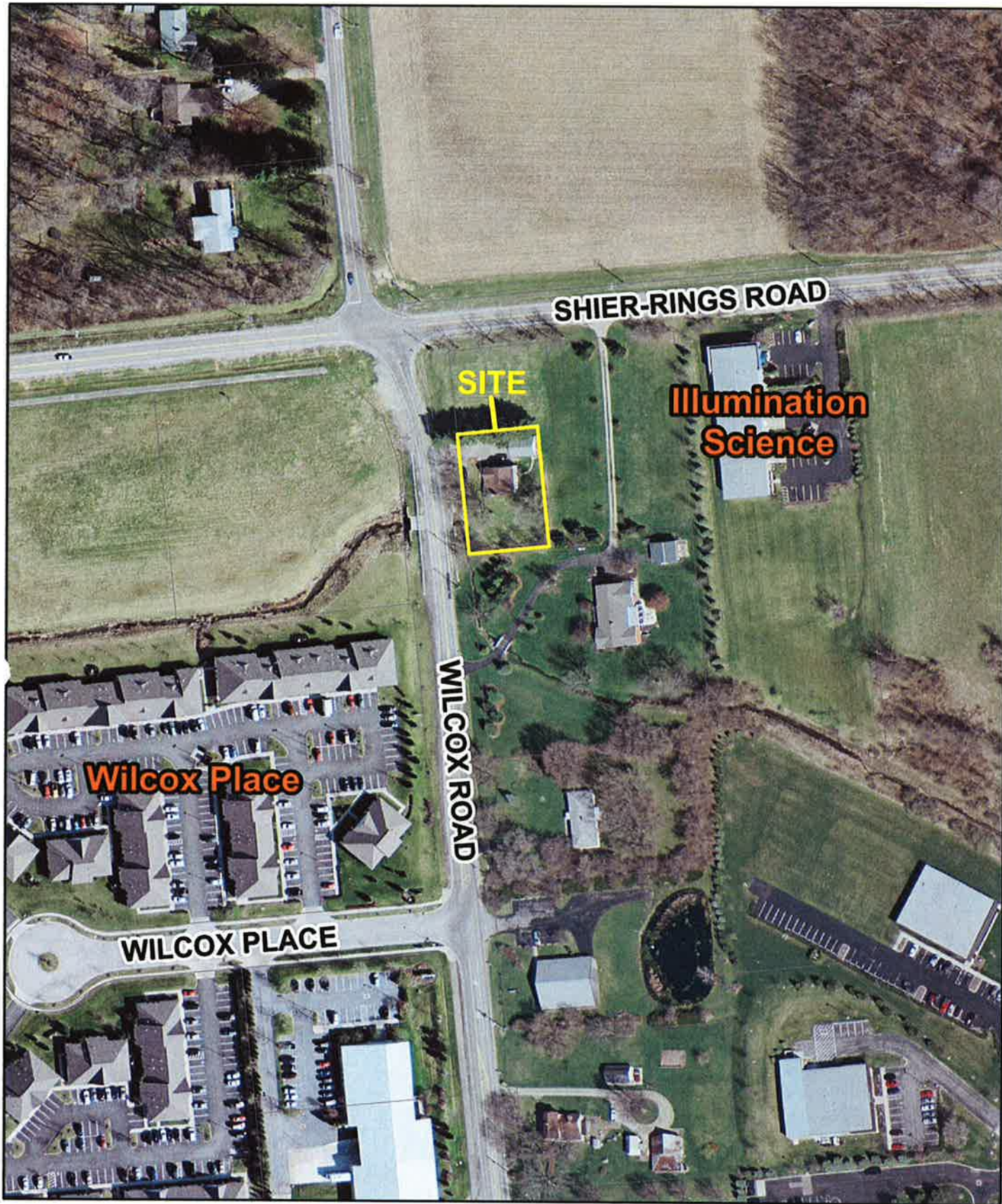
- (C) *Action by the Planning Commission.* The Planning and Zoning Commission shall hold a public hearing and shall not approve a conditional use unless it finds that such use at the proposed location meets all of the following requirements:
- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
 - 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.
 - 3) The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - 4) The use will not be hazardous to or have a negative impact on existing or future surrounding uses.
 - 5) The area and proposed use(s) will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - 6) The proposed use will not be detrimental to the economic welfare of the community.
 - 7) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
 - 8) Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.
 - 9) The proposed use will not be detrimental to property values in the immediate vicinity.
 - 10) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.



City of Dublin
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04-042CU
Conditional Use
Master Maintenance
6200 Wilcox Road



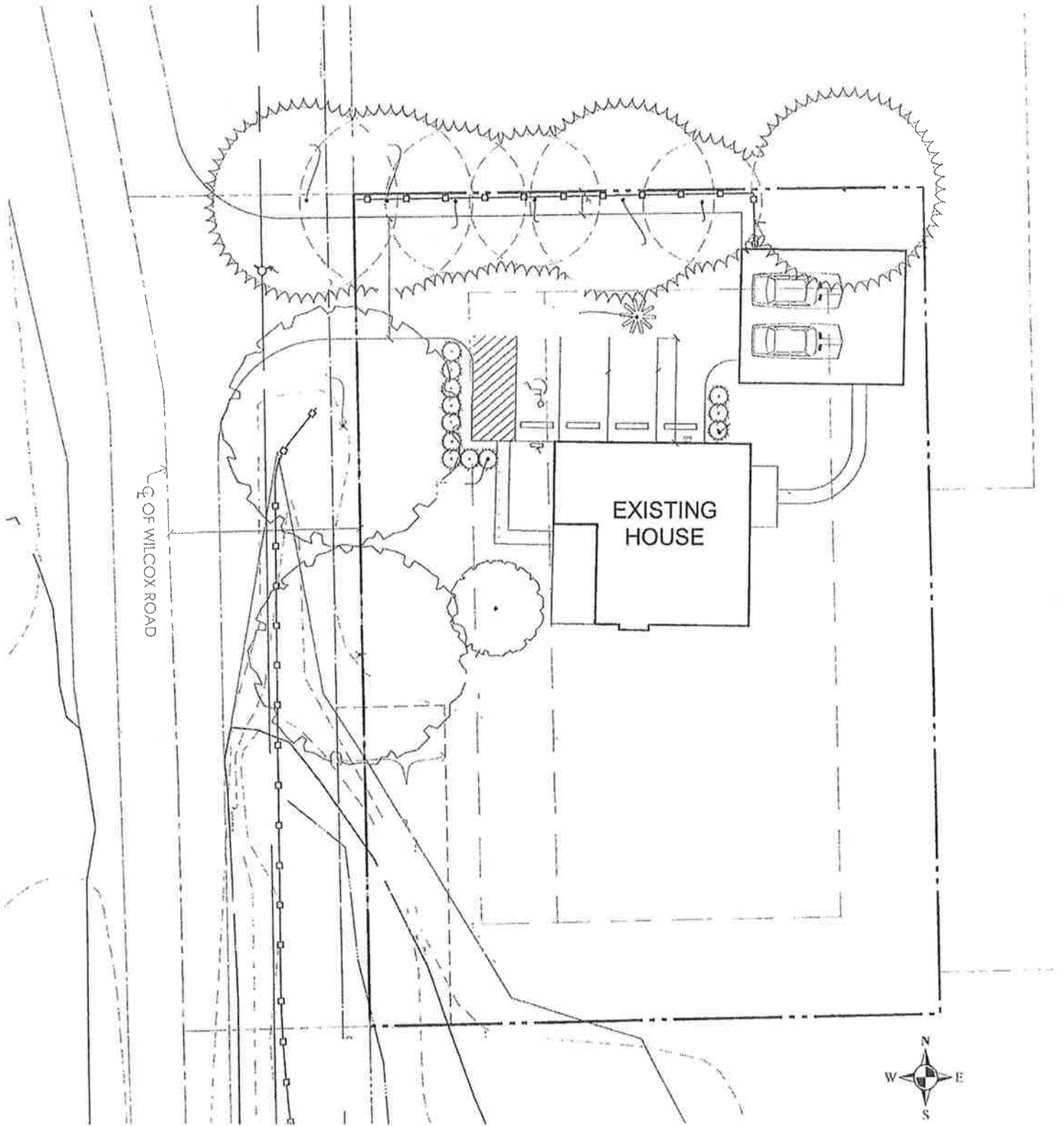


City of Dublin
Land Use and
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Development Context
04-042CU
Conditional Use
Master Maintenance
6200 Wilcox Road



MARCH 12, 2009 SITE PLAN

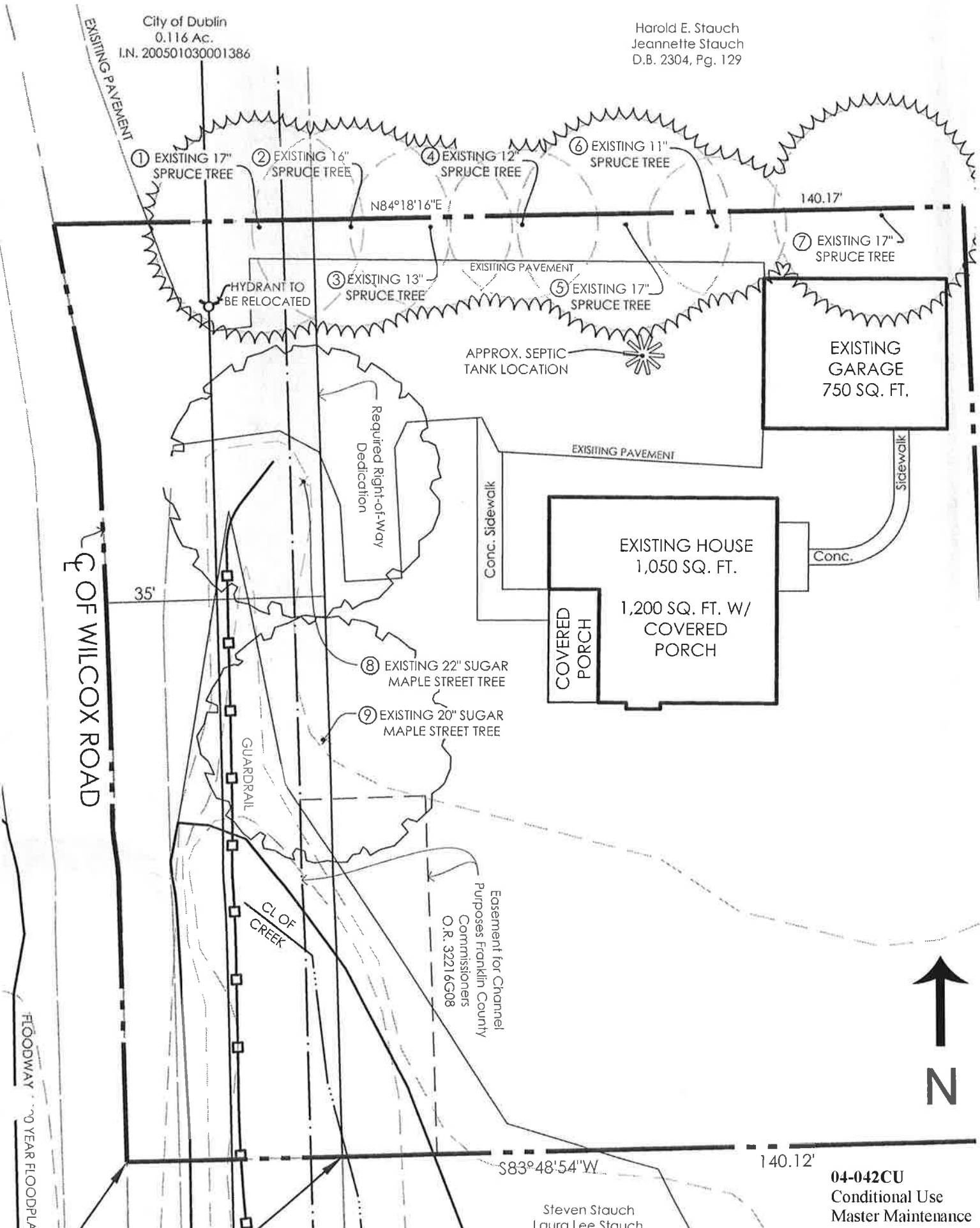


04-042CU
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EXISTING SITE PLAN

City of Dublin
0.116 Ac.
I.N. 200501030001386

Harold E. Stauch
Jeannette Stauch
D.B. 2304, Pg. 129



04-042CU
Conditional Use
Master Maintenance
6200 Wilcox Road

Steven Stauch
Laura Lee Stauch

ZONING DISTRICT TEXT

§ 153.031 RESTRICTED INDUSTRIAL DISTRICT.

(A) *Permitted use.* The following uses shall be permitted in the Restricted Industrial District:

(1) *Manufacturing.*

204 Canning and preserving fruits, vegetables and sea foods (except canned and cured sea foods and fresh or frozen packaged fish)

205 Bakery products

2071 Candy and other confectionery products

231 Men's, youths' and boys' suits, coats and overcoats

232 Men's, youths' and boys' furnishings, work clothing and allied garments

233 Women's, misses' and juniors' outerwear

234 Women's, misses', children's and infants' undergarments

235 Hats, caps and millinery

236 Girl's, children's and infants' outerwear

237 Fur goods

238 Miscellaneous apparel and accessories

239 Miscellaneous fabricated textile products.

271 Newspapers: publishing, publishing and printing

272 Periodicals: publishing, publishing and printing

273 Books

274 Miscellaneous publishing

275 Commercial printing

276 Manifold business forms manufacturing

277 Greeting card manufacturing

278 Bookbinding and related industries

279 Service industries for the printing trade

283 Drugs

314 Footwear, except rubber

315 Leather gloves and mittens

ZONING DISTRICT TEXT

- 316 Luggage
- 317 Handbags and other personal leather goods
- 323 Glass products, made of purchased glass
- 366 Communication equipment
- 367 Electronic components and accessories
- 381 Engineering, laboratory and scientific and research instruments and associated equipment
- 382 Instruments for measuring, controlling and indicating physical characteristics
- 383 Optical instruments and lenses
- 384 Surgical, medical and dental instruments and supplies
- 385 Ophthalmic goods
- 386 Photographic equipment and supplies
- 387 Watches, clocks, clockwork operated devices and parts
- 391 Jewelry, silverware and plated ware

(2) *Wholesaling.*

- 502 Drugs, chemicals and allied products
- 503 Dry goods and apparel
- 504 Groceries and related products
- 506 Electrical goods
- 507 Hardware and plumbing and heating equipment and supplies
- 508 Machinery, equipment and supplies
- 5094 Tobacco and its products
- 5095 Beer, wine and distilled alcoholic beverages
- 5096 Paper and its products
- 5097 Furniture and home furnishings

(3) Fitness and recreational sports centers.

Physical fitness centers

Exercise centers

Health club facilities

ZONING DISTRICT TEXT

Recreational sports club facilities

Gymnasiums

- (4) Pet care (except veterinary) services.

Pet grooming services

Pet sitting services

Pet training services

Pet boarding services

In addition to all other applicable development standards, the following standards shall also apply to these services:

- a. The structure housing the animals shall be completely enclosed.

b. The structure housing the animals shall be located a minimum of 50 feet from any property line and 500 feet from any residential district or use. In reviewing the conditional use request, the Planning and Zoning Commission may reduce the minimum distance from any residential district or use.


(B) *Conditional use.* The following uses shall be allowed in the Restricted Industrial District, subject to approval in accordance with § 153.236.

- (1) *Laboratories.*

7391 Research, development and testing laboratories

(2) *Other industry.* Permitted uses of the Limited Industrial District developed in accordance with the provisions of this district.

- (3) Wireless communications facilities as condition uses in all applicable districts.

 (4) *Administrative offices.* Administrative offices primarily engaged in general administrative supervision, purchasing, accounting and other management functions developed in accordance with the provisions of this district.

(5) *Outdoor pet service areas.* In addition to all other applicable development standards, the following standards shall also apply to outdoor pet service areas:

(a) Any outdoor recreation area shall be located a minimum of 50 feet from any property line and 500 feet from any residential district or use. In reviewing the conditional use request, the Planning and Zoning Commission may reduce the minimum distance from any residential district or use.

(b) Use of outdoor recreation areas by the animals shall occur no earlier than 7:00 a.m. and no later than 9:00 p.m.

(6) *Park and rides.* An off-street parking facility, publicly owned and operated, designed or intended to provide peripheral collection and parking of vehicles to accommodate commuter traffic into or out of the community. In addition to all other applicable development standards, the following standards shall also apply to a park and ride:

- (a) A maximum of one bus passenger shelter not to exceed 50 square feet is permitted.

(b) If provided, the design and architecture of shelter must be harmonious with the architectural character of surrounding areas.

(C) *Development standards.* In addition to the provisions of §§ 153.070 through 153.076, the following standards for arrangement and development of land and buildings are required in the Restricted Industrial District.

ZONING DISTRICT TEXT

(1) *Intensity of use.* Lot size shall be adequate to provide the yard space required by these development standards and the following provisions:

(a) A use allowed in this district shall operate entirely within an enclosed structure, emitting no dust, smoke, noxious odor or fumes outside this structure, and producing a noise level audible at the property line no greater than the average noise level occurring on any adjacent street.

(b) Open service areas and loading docks shall be screened by walls or fences at least six feet but not more than eight feet in height. These walls or fences shall have an opaqueness of 75% or more, so as to effectively conceal service and loading operations from adjoining streets and from a residential zoning district or a planned development district as listed in § 153.016.

(2) *Lot width.* All lots shall abut a public street and have adequate lot width to provide the yard space required by these development standards.

(3) *Side yards.* For main and accessory structures, including open service and loading areas, the required side yards shall not be less than one-third the sum of the height and depth of the structure, but in no case shall be less than 15 feet from the interior lot line and 25 feet from any residential zoning district or planned development district as listed in § 153.016.

(4) *Rear yards.* For main and accessory structures, the required rear yards shall be not less than one-third the sum of the height and width of the structure, but in no case shall be less than 15 feet from any interior lot line and 25 feet from any residential zoning district or planned development district as listed in § 153.016.

('80 Code, §§ 1169.01 - 1169.03) (Ord. 21-70, passed 7-13-70; Am. Ord. 147-97, passed 12-15-97; Am. Ord. 133-98, passed 1-5-99; Am. Ord. 57-07, passed 9-4-07; Am. Ord. 96-07, passed 1-22-08) Penalty, see § 153.999

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1911R

Held

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and through generous sponsors. All food service is done by Dublin businesses, and there are two bands performing at each end of the event.

Bill Jacob encouraged everyone to stop by, and acknowledged the support from the City and from Washington Township Fire Department.

Mayor Chinnici-Zuercher thanked the Blarney Brothers on behalf of Council for this wonderful example of the spirit of the Dublin community.

LEGISLATION

POSTPONED ITEMS

Ordinance 25-09

Rezoning 0.48 Acres Located at 6200 Wilcox Road, Approximately 125 Feet South of Shier-Rings Road from R-1, Restricted Suburban Residential District to RI, Restricted Industrial District. (Master Maintenance - Case 04-042Z)

Ms. Noble-Flading noted that there were four items that Council asked staff to address for the second reading. These include:

1. A site plan for the operations currently proposed for the site. Staff provided a site plan, which generally shows existing buildings, the access point from Wilcox, existing parking and all modifications proposed for the site.
2. The history of the site has been provided, and there is an abbreviated history of Code enforcement for this site. There was an action in 2003 related to an illegal use for the site. Staff did make contact with the property owner and it resulted in the rezoning application now before Council.
3. A comparison of development standards for the districts proposed. This has been provided in the packet.
4. Response to questions of whether the Restricted Industrial (RI) zoning classification was the most appropriate zoning classification for this property or whether the Suburban Office (SO) district for this piece and the surrounding area is more appropriate. Staff provided some background about what the Community Plan calls for in this area, and made the assessment that either of the two zoning districts would suffice. A caveat to this is that the particular use proposed on the site would be a permitted use in the SO district as opposed to a conditional use in the RI district. The SO district would not provide a public hearing process before the Planning Commission for this use.

Ms. Salay stated that she met with the attorney for the applicant, Mr. Cline, and he shared a site plan that shows a different number of parking spaces. Frequently, there are six cars parked on this site -- in the front yard and off the pavement. She observes there are effectively three spaces, one of which is a disabled parking space that will not be available for general parking. How will this parking support a busy office? The site plan does not reflect adequate parking spaces based on the use as it currently exists. It is likely the business will grow in the future. She is very concerned with the adequacy of the parking.

Mr. Lecklider asked for clarification from staff that administrative offices are permitted in the SO district. Under the RI district, he understands that administrative offices are a conditional use, which requires some type of review.

Ms. Noble-Flading confirmed this is correct.

Mr. Lecklider stated that the fact that administrative offices is permitted in the SO district without a review implies it is an acceptable use, in contrast to the RI, where it is a conditional use. Under "Site Plan" in the staff summary, it is pointed out that once the conditional use is approved in the RI district, the site plan could subsequently change without public review, provided it meets the minimum development standards of the district. To him, that is a negative aspect of approving the RI zoning. He asked staff to comment.

Ms. Noble-Flading responded that administrative office is a permitted use in SO, as it would not be unusual for an office-type use to be permitted in that area and it would in fact be encouraged. In the industrial type classification, there are different types of land use patterns associated with them. At times, office uses may or may not be compatible with the industrial uses. The condition use approval is intended to regulate the use in an area where it might not be generally compatible -- not to prevent it.

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Conditional Use
Master Maintenance
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RECORD OF PROCEEDINGS

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Mr. Lecklider stated that in the previous staff presentation on this rezoning, staff indicated they believe that RI is the appropriate zoning classification based upon the fact that it is mostly surrounded by RI zoning. Is this accurate?

Ms. Noble-Flading responded affirmatively, but added that the RI zoning classification proposed allows for non-residential uses that include a mixture of office uses with light industrial. Because of this location, the surrounding zoning classifications, and the close proximity to the freeway, staff believes those types of uses could be appropriate for this area.

Mr. Lecklider noted there is R-1 zoning immediately south, RI zoning touching this parcel, and SO zoning across the street. When staff indicates the RI classification is acceptable because of proximity to the freeway, why would that not be the same case for the Suburban Office across the street?

Ms. Noble-Flading responded that staff believes both the RI and SO would be appropriate districts for this area. They are encouraging non residential uses, as the existing residential uses are transitioning. Staff believes this area will appear quite different in 10-20 years than it does currently. Generally speaking, both categories would be useful in this portion of the City. The only difference is in the process followed under the districts.

Mr. Keenan commented that staff indicated at the last hearing that they believe RI zoning is the best outcome from a long-term planning perspective. There are other areas in the City that transitioned over time in a similar way.

Mayor Chinnici-Zuercher emphasized that staff is recommending RI, but in the staff report, it indicates that once the conditional use is approved, the site plan could change without public review.

Ms. Noble-Flading responded with the following example: if the property is zoned to RI, and if the applicant were to leave the property and another tenant were to use the property, a proposed land use category in a permitted use section of the Code would be reviewed administratively. If the use proposed was also a conditional use, such as office, it would require the same type of review as required for this application. It would require a conditional use review with the Planning Commission. Therefore, that statement is a caveat to what the next potential use would be for the property.

Mayor Chinnici-Zuercher stated that the site plan for this user would then be built out as proposed.

Ms. Noble-Flading responding affirmatively, noting that it would be reviewed through a conditional use process.

Mr. Foegler pointed out that no conditional use is being acted upon as part of this rezoning application; Planning Commission tabled the conditional use application. All that Council is acting upon at this time is the rezoning, which has no site plan implications. When Planning Commission considers the conditional use permit, part of that will include review of the site plan.

Mayor Chinnici-Zuercher asked about the parking issue, which seems critical, and whether that is addressed under the rezoning.

Ms. Noble-Flading responded it is not; it is reviewed as part of the conditional use process.

Ms. Salay stated that her comments were essentially mirroring the concerns expressed at the Planning Commission. With approval of the zoning as proposed, Council will allow the Planning Commission to have further discretion in terms of the conditional use review process. However, she continues to believe that the Suburban Office district is a more appropriate land use for all of the area that is vacant and currently zoned RI. In looking at Council's hopes and vision for the area, the desire is for something other than a straight zoning of RI.

Vice Mayor Boring asked what would prevent someone from tearing down the house and building a park and ride -- a permitted use under RI -- if this property is rezoned to RI? Would any approval process be required?

Ms. Noble-Flading responded it would be reviewed administratively, not by the Planning Commission.

Vice Mayor Boring asked if there is any basis upon which to deny approval if it is a permitted use.

Ms. Noble-Flading responded that if the proposal met all development standards, it could not be denied.

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Conditional Use
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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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Vice Mayor Boring asked if the neighbors have discussed the rezoning with staff. Ms. Noble-Flading responded that she has not spoken to any neighbors and has not received any e-mails or phone calls about the rezoning. Vice Mayor Boring noted that she encountered a neighboring property owner, who indicated they were reluctant to speak out about this. Personally, she is also concerned that once it is rezoned, other uses could come to the site in the future under an administrative review, should this company grow and relocate. Ms. Noble-Flading responded that the same standards would apply for any proposed permitted use. The site is small, so there are limitations. In the future, regardless of whether it is zoned SO or RI, it will likely be developed as part of a larger tract. Vice Mayor Boring noted that if this owner purchased an adjacent property, they would likely make the same argument for securing RI zoning. It would potentially bring even more RI zoning in the area in the future. Ms. Noble-Flading acknowledged that is possible.

Mr. Reiner asked about the growth potential for this business and how parking will be accommodated on the site.

Ms. Noble-Flading responded that the business is a commercial cleaning service. They have 200 employees, none of whom report to this site. There are only three to four employees housed on this site. The remainder report to the locations where the services are provided. There are two business vans stored in the detached structure. The remaining cars are those of the employees working at this location.

Mayor Chinnici-Zuercher invited the applicant's representative to testify.

Chris Cline, Blaugrund, Herbert and Martin noted he represents the applicant, Master Maintenance and property owners, John and Mary Hoge. He noted the following:

1. The site is surrounded on three sides by a larger tract, and is part of a 50-60 acre tract rezoned by the City to Restricted Industrial in the 1980s. There were two property owners who did not join in that rezoning.
2. This entire area, in both the City's planning documents and within the previous township planning documents has been identified as Light or Restricted Industrial. In this context, "light" refers to a clean industrial use.
3. In the recent area rezonings, the City rezoned a number of R-1 sites on Shier-Rings Road from R-1 to RI. The direction of the City through the years has been that Restricted Industrial is an appropriate land use for this area.
4. Currently, this site is problematic for someone who desires to develop the larger site that surrounds it on three sides. From a land use perspective, it makes sense to have this in the same RI category for a larger, future project – similar to those already existing along Shier-Rings Road. This has likely been a factor in staff's recommendation.
5. When the applicant decided upon the request for RI zoning, the SO was not considered, as that was a category different from the existing zoning of the surrounding property. SO zoning would not enhance the developability of the larger piece, which will likely take place over time. However, the applicant is willing to have the SO zoning, and if that is Council's desire, he will amend the application tonight. With SO, they would not have to secure the conditional use approval.
6. In terms of meeting development standards, the parking requirements are based upon use and not upon the zoning category. From a land use standpoint, it makes more sense to have RI going forward, as it is a support service for office, research and development. Master Maintenance is a janitorial cleaning company for commercial buildings.
7. The Hoges purchased the property, relying upon the staff's information that the property was already zoned RI. This area has had a mixture of township and City zoning, and the RI and R-1 designations on maps were very similar. In addition, Shier-Rings is not an historic road and was built at the time SR 161 was built. This is an important consideration in interpreting the zoning maps. Staff has worked with the applicant for several years to identify a solution for this problem.
8. John and Mary Hoge are proprietors of Master Maintenance, and they have been in business for 29 years. It is a certified minority business enterprise, as indicated in the company name. The Hoges have been Dublin residents for 14 years.

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9. They are required to seek a conditional use permit to move forward, if the RI rezoning is approved.
10. In terms of the parking issue, EMH&T has drafted a site plan reflecting the maximum number of spaces which fit on the site in accordance with Dublin development standards. The plan shows that there are nine spaces on the site, plus the two in the garage for a total of 11 spaces. Exceeding nine would trigger requirements for parking lot lighting, however, adding complexity and expense. There is adequate room on this site for this amount of parking. He anticipates that as part of the conditional use permit, six spaces will be required by P&Z. Code requires five spaces. In reality, the site will accommodate the 11 spaces as noted, and possibly 13. The only element he believes puts this into a conditional use and restricted category is the way in which this use could be more intense and require more parking. He is hopeful that they have the ability to have up to 13 parking spaces in total. For SO zoning, the parking requirement would be only five spaces and it would be legal.
11. They plan to re-side the building. They could not make commercial improvements until the property has a commercial zoning.
12. There was a concern expressed about the trash pick-up done by the residential trash contractor. Rumpke did not want to contract with the property owner, but did so. The trash generated from the office use is not significant.

Mayor Chinnici-Zuercher asked him to clarify that either SO or RI is an acceptable zoning category to the applicant.

Mr. Cline responded that RI makes more sense from the City's standpoint, but either is acceptable for this office use.

Mr. Lecklider noted that he hears different views regarding the site plans that some have reviewed. The site plan in the packet reflects one handicapped space; three other spaces; and two in the garage.

Mr. Cline responded that plan is intended to demonstrate that the site can meet Code. There is not a site plan attached to a conditional use, but rather conditions imposed. This is a straight zoning district. In this case, he expects a condition of approval will be "x" parking spaces per Code on the site. To have more parking spaces will require moving around to the south side of the building, which they don't want to do.

Mr. Lecklider asked if the comment regarding nine spaces is speculation.

Mr. Cline responded that is intended to show the potential of the site. In reviewing the record, it has been consistently stated that the site is too small to support the use. The building is 1,000 square feet in size, and therefore the site is developed at one third the intensity of normal Dublin development standards. Typically, this size site with a building optimally positioned would accommodate a 3,300 square foot office use and still meet Dublin Code. It is not their intention to add spaces, but he wants to demonstrate it is possible.

Mr. Lecklider commented that history and experience suggests that there may be a need for more parking spaces than presently exists. Past discussions have led to this conversation regarding the need for more parking.

Mr. Cline shared a site plan that he has previously shared with Ms. Salay in a meeting. They believe the appropriate number of parking spaces is six, based upon the number of employees on site at one time. This building is purely administrative in function.

Ms. Salay stated that if the RI zoning is approved, there are surrounding areas zoned RI, thereby perpetuating this zoning category. In the 1980s rezoning to RI, it was felt that this entire area would serve as industrial tax base. Since that time, the vision has changed tremendously, with residential homes to the south and existing residential homes zoned RI. It does not make sense to continue supporting RI in this area, when the Community Plan specifies an Office, Research and Development district. SO does not necessarily allow these uses. She remains concerned with the applicant's assessment of the need for parking on the site. There are many cars on site – in fact, more than six on many occasions. In addition, there are two vans parked in the garage.

Mr. Cline responded that the site plan indicates that one of the van parking spots is counted towards the five. This is meant to demonstrate the site plan meets Code. That was the first question that they were asked to respond to.

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Ms. Salay clarified that the manner in which the existing business operates today results in frequently having six to eight cars on site. It suggests the operation is too large for the site. She has not heard that the applicant plans to make changes. There are essentially three spaces available.

Mr. Cline responded that whatever P&Z imposes in conditions must be met.

Ms. Salay continued, noting that she is very uncomfortable with the existing RI on the single-family homes as well. Looking north on Wilcox Road, there are several single-family homes with RI zoning. This is not the best land use going forward, as the vision has changed for the area. RI is not the best land use long term, as the development standards don't exist in the straight zones. There is the potential for land uses in the future under the RI zoning that are not desirable for the area. The larger issue to be addressed is all of the RI zoning in place today in the area.

Mr. Cline responded that the City has zoned this area predominantly as RI – even as recently as the area rezonings. He believes that the RI district should be rewritten, as many of the uses are outdated. This category could be written to incorporate office, research and development uses.

Ms. Noble-Flading stated that the district is not the issue, but rather the development standards associated with this and most other straight zoning districts. Staff is hoping that the zoning code update will have a significant impact on straight zoning districts in terms of realistic development standards.

Vice Mayor Boring asked for clarification. Her understanding is the City rezoned to RI in the area rezonings in an effort to establish Dublin zoning in areas where township zoning existed prior to annexation. The district selected was the City zoning district which most closely resembled the township zoning. She did not believe there was a conscious decision that the City desired RI zoning for the future in this area.

Ms. Noble-Flading responded that when the area rezonings were done, lands within the City of Dublin with Washington Township zoning classifications were assigned City zoning classifications similar to the township zonings. This particular property was zoned R-1B, a zoning classification similar to the existing R-I category.

Mayor Chinnici-Zuercher stated that the area rezonings did not reflect the land uses desired for the future by the City. Ms. Salay's point is that the City now has the opportunity to do future planning, either in a piecemeal fashion as in this case, or with a future rezoning for other RI zoned land.

Ms. Noble-Flading confirmed that the area rezonings were not a process that considered the future land use the City preferred for the land; it was simply a like-for-like rezoning.

Ms. Salay asked, in view of the concerns expressed by Council regarding the RI category, what amendment to the City's existing Code would staff recommend, and how quickly could such an amendment occur? The recent economic downturn has slowed development, which may be a benefit to the City in this particular case; however, she is concerned about the existing status of this land.

Ms. Noble-Flading responded that there are general provisions in the City's zoning code which apply to all properties within the City. They require such things as landscaping around parking areas, buffering between incompatible uses, etc. Those standards would apply in general to this particular area. However, the formulas on which setbacks are based are very archaic, and there are not assurances for specific aesthetic components. She would recommend more information be required and that some design components be required for consideration with straight zoning districts.

Mr. Foegler stated that the objective with the Zoning Code update is to integrate more development standards into the straight zones. The update will also look at the design of the zones and the permitted uses within those zones. It is important to incorporate some of the economic development policies that are emerging. It is also important to incorporate the City's planning objectives for the neighborhoods to create the kind of development review standards that will set a significantly higher bar while adding more predictability to the development review process for all of the parties involved.

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Mr. Reiner inquired if this rezoning application is approved tonight, is it possible to apply those standards at a later date? It appears the applicant can meet the parking requirements and the site plan incorporates the needed screening.

Mr. Cline responded that this site would actually have fewer Code requirements with the SO district, as it would not be subject to the unusual setback calculations of the RI District. The only item that would be different with a new RI would be an aesthetic component. Currently, many of the buildings in the RI district are metal buildings with flat roofs.

Mr. Foegler stated that any amendments to the Code would relate to use, designations or development standards. This use would be lawfully non-conforming in regard to whatever has pre-existed. Any future modifications in use, however, could be subject to new standards.

Mr. Reiner stated that he understands the City's desire to ensure this site fits with future development. What could be the future ramifications of modifications made to this parcel? Perhaps this site was overlooked in the City's recent Community Plan update.

Vice Mayor Boring stated that because she is not convinced the City's desire for this site was for it to remain RI, would it be appropriate to propose a motion that the site be rezoned to SO? Mr. Cline has indicated he has no objections.

Mr. Smith responded that the motion could be made, and Council could vote on that motion this evening. However, voting on such a motion would not be consistent with Council's previous actions. He would recommend that if the motion is made, Council refer the proposed SO rezoning to the Planning Commission for a public hearing and recommendation to Council for a final vote.

Ms. Salay stated that the issue with that suggestion is that there is no conditional use required. The site has an office and the site meets Code requirements, and therefore the use has the right to exist. With an RI zoning, the applicant would need to obtain a conditional use approval.

Vice Mayor Boring responded that with an SO zoning, the site would still need to meet the standards for that office district. Those standards would cover the percentage of lot coverage and amount of parking space appropriate for the business.

Mr. Smith stated that the site already meets those requirements.

Vice Mayor Boring asked how the business can currently meet the parking requirements. She has often observed vehicles parked in the lawn area.

Ms. Noble-Flading stated that those are minimum standards. The Code requires a minimum of five spaces for the site. If this business needs more spaces to accommodate their use, a conditional use can be requested.

Mayor Chinnici-Zuercher inquired if the SO zoning would require five parking spaces.

Ms. Noble-Flading responded affirmatively.

Mayor Chinnici-Zuercher stated that the business currently has five spaces and is parking three vehicles in the grass. Is that acceptable?

Ms. Noble-Flading responded that it is not; however, part of the problem relates to the manner in which the vehicles are parked. Delineated parking spaces will resolve part of the problem.

Ms. Salay asked what changes to the site would be required for the site to meet the requirements of an SO zoning versus RI zoning.

Ms. Noble-Flading responded that she believes the only difference in development standards would be the setback requirements.

Mr. Cline stated that most of the issues relate to the landscape and parking Code requirements.

Mr. Reiner stated that this site will not remain RI indefinitely. In the future, the site will be sold and rezoned to another classification. There appears to be no immediate advantage to the City in rezoning the site to SO at this time. The site plan delineates four options for up to nine parking spaces with screening, thereby providing what is necessary for this business to continue until future development occurs. The site is essentially a minor outparcel.

Mr. Reiner moved to approve Ordinance 25-09.

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Mr. Keenan seconded the motion.

Vice Mayor Boring asked if an office use is required to delineate its parking spaces.

Ms. Noble-Flading responded affirmatively.

Vice Mayor Boring inquired if the business has done so.

Ms. Noble-Flading responded that the current use is not a legal use, so Planning has not reviewed it or required it to meet standards. That is why this rezoning is before Council.

Vice Mayor Boring stated that she does not understand why an SO zoning would not be appropriate, as delineated parking spaces would also be required.

Mr. Cline stated that to obtain a certificate of occupancy, it will be necessary to have a properly configured parking lot.

Mr. Reiner stated that the Planning Commission will address the parking and screening issues in the conditional use consideration.

Vote on the motion to approve Ordinance 25-09: Mr. Reiner, yes; Mr. Keenan, yes; Vice Mayor Boring, no; Mayor Chinnici-Zuercher, yes; Ms. Salay, no; Mr. Gerber, yes; Mr. Lecklider, yes.

Ms. Salay moved to direct staff to review the existing RI districts throughout the City for compatibility with the future vision for the City.

She added that beyond the setbacks, aesthetics and circulation components, the basic land use is an issue. Some changes to the RI districts are needed. RI districts, such as those which exist in a large portion of the southwest area, may not ever be up zoned by a major developer. There are risks with leaving these areas in RI zonings. When these districts were annexed from the township to the City, the City attempted to establish a City zoning closest to the township zoning assigned to the parcel. This in no way indicated the City's hopes for the area, which are outlined in the Community Plan.

Mr. Gerber seconded the motion.

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

Mr. Foegler stated the requested review of the RI zoning district will be incorporated into the Zoning Code update currently underway.

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 29-09

Adopting the Proposed Tax Budget for Fiscal Year 2010, and Declaring an Emergency.

Ms. Grigsby stated that the adoption of the municipality's tax budget is required by the Ohio Revised Code. Delaware and Franklin counties require submission of a tax budget as part of the City's obligations in order to receive local government funds. The tax budget is also used for review of property tax levies. The City has one voted levy -- a 1976 Police levy, which is ongoing. Another part of the tax budget is the City's inside millage. Those monies, which total approximately \$3.5 million, are currently allocated to the Parkland Acquisition Fund and the Capital Improvements Tax Fund. Staff has previously indicated there may be a need for a review of how the inside millage should be allocated. That discussion will be scheduled with the Capital Improvements Program review. This tax budget is a preliminary step to preparing the annual operating budget. Due to the present economic conditions, a six percent decline in tax revenues is projected for fiscal year 2009 and an additional two percent decline in 2010. Staff is continuing to review and adjust those projections as part of the CIP budget update, which will be presented to Council in August.

Mr. Keenan moved to dispense with the public hearing and pass the ordinance by emergency.

Mr. Lecklider seconded the motion.

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

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

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Ms. Adkins responded affirmatively.

Vice Mayor Boring stated that she is concerned with limiting the use of that residence in their outreach program to the community. She would like information about how Council could allow them to continue that outreach program using the house.

Mr. Lecklider inquired what the height limitations of a straight zoning would be for any structure on this property.

Ms. Adkins responded that it would be 35 feet.

Mr. Reiner asked if conditional use review criteria, such as Mr. Foegler suggested, could be enacted in time for consideration with this legislation.

Mr. Foegler responded that staff could proceed to work on that process and provide some suggestions for Council.

Mr. Gerber stated that it would appear to be an ideal solution for this case, but are there other situations where it would not be appropriate?

Mr. Foegler responded that later on tonight's agenda, there are some items Council may choose to refer to the Community Development Committee for possible Code amendments. This may be another item that could be considered.

Mr. Gerber responded that his hesitancy is not in regard to this church but to some future party that may not be as cooperative and earnest.

Mayor Chinnici-Zuercher inquired if there is any other information Council requests prior to the second reading.

Mr. Reiner noted that there are clearly differing opinions on this rezoning. He asked if it is possible for staff to assemble what the City Manager has suggested in terms of conditional use criteria.

Mr. Foegler responded that staff would proceed to study the options for site plan reviews or conditional use reviews to address this.

Mr. Reiner stated this option would address the concerns of the residents, ensure that the Church of an expedited process, avoid the high cost to church members for a PUD process, and yet provide the City the necessary oversight. He believes it would be a good solution.

Mr. Gerber responded that he agrees. As more infill development occurs in the future, the City cannot create a new set of rules for each case.

Mr. Foegler stated that what he is proposing would have a broader application than this case alone. However, it would be an appropriate requirement for straight zones that when an institutional use is proposed, they are subject to a review process. That could be a site plan review process or a conditional use review process. They do have a different impact on a neighborhood than that of a typical residential development.

Mayor Chinnici-Zuercher stated that if staff is not satisfied with what has been assembled by the next meeting, perhaps staff could suggest that the Church consider requesting a postponement to the following meeting.

There will be a second reading/public hearing of Ordinance 24-09 at the June 1 Council meeting.

Ordinance 25-09

Rezoning 0.48 Acres Located at 6200 Wilcox Road, Approximately 125 Feet South of Shier-Rings Road from R-1, Restricted Suburban Residential District to RI, Restricted Industrial District. (Master Maintenance - Case 04-042Z)

Ms. Salay introduced the ordinance.

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Ms. Noble-Flading stated that the site currently has access off of Wilcox Road. The site is relatively flat in terrain with the exception of the southwest portion of the site, which crosses the Cosgray Ditch. The surrounding properties bordering the site are zoned RI, Restricted Industrial District. To the east is a commercial warehouse within the Dublin Commerce Park. A single-family home is located to the south. Vacant land across the street to the west is zoned SO, Suburban Office and Institutional District. Currently, the site is developed with an approximately 1,000-square foot, single-family residence; a 750-square foot, detached structure; and a small parking area to the forefront of the garage. For this use of the property, the applicant is pursuing two application processes. One is the rezoning; the second is a conditional use review by the Planning and Zoning Commission to legitimize an administrative office associated with the cleaning business. That review process is pending, per the results of tonight's meeting. The objective of this rezoning application is to adopt a rezoning for the property that is more consistent with the Community Plan, which calls for a low-density research and development zoning for this site. The requested zoning classification is for non-residential uses, including office, research and development, and light industrial uses. The RI district is the least intensive industrial classification that the City of Dublin has. The staff and Planning Commission believe the RI classification is comparable to the Community Plan land use classification. The Planning Commission recommends Council approval of the rezoning application.

Ms. Salay stated that the application contains no site plan depicting how the site would be configured in the future. Could staff provide that?

Ms. Noble-Flading indicated a site plan can be provided.

Ms. Salay asked about the number of parking spaces.

Ms. Noble-Flading responded that five parking spaces are required. There are four surface parking spaces and two parking spaces provided in the existing detached structure, which is an excess of one space of the requirement.

Ms. Salay stated that the Community Plan calls for a future land use of low density office, research and development. Is there a better way to pursue this versus a conditional use approval after the property is rezoned? Her concern is that if the proposed rezoning is approved, there will be a situation of immediate Code violations, due to a number of issues with this site. She has spoken several times with Mr. Cline, the applicant's representative about the site and also spoke with one of the applicants a few years ago. This business has operated on this site for a number of years. There are frequently 6-10 cars parked on the site, and there are always two vans parked in the garage. The trash cans for the business are frequently overflowing, and the generated business trash is collected by the City's residential trash pick-up service on Wednesdays. She has spoken to the Planning Director about this issue. The use is appropriate for this site, but this particular business is too large for the site. Perhaps the site should be rezoned to Suburban Office, consistent with the zoning across the street, and then rezoning of the properties in that immediate area to Suburban Office should be initiated. That would be more in line with the low density, research and development use called for by the Community Plan and would upgrade that area, rather than downgrade it. In her view, Suburban Office is a higher quality zoning than Restricted Industrial. The Suburban Office that exists across the street has developed into the attractive Wilcox Place offices. The future use for the front corner lot is intended to be a continuation of that use. The adjacent Washington Township fire station property has been significantly upgraded. She is concerned that the City is essentially forcing this use in this location, but it is not really appropriate.

Ms. Noble-Flading responded that staff does see this use as very temporary, if the conditional use is approved by the Planning and Zoning Commission. With the site size of .5 acres, it cannot be developed as an industrial use. It would require additional land to develop in that way. With the surrounding parcels zoned R-1, it is anticipated that the land would collectively develop as an industrial use.

Ms. Salay responded that she understands the intent. However, her suggestion is that the City instead state its desire for Suburban Office use and then steer the development in that direction versus committing to Industrial zoning on land that the Community Plan identifies as Low Density Office, Research and Development.

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