



**CITY OF DUBLIN.**

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

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

# PLANNING AND ZONING COMMISSION APPLICATION

(Code Section 153.232)

## I. PLEASE CHECK THE TYPE OF APPLICATION:

<input type="checkbox"/> Preliminary Development Plan / Rezoning (Section 153.053)	<input type="checkbox"/> Final Plat (Section 152.085)
<input type="checkbox"/> Standard District Rezoning (Section 153.018)	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Informal Review	<input type="checkbox"/> Right-of-Way Encroachment
<input type="checkbox"/> Concept Plan (Section 153.056(A)(1))	<input checked="" type="checkbox"/> Conditional Use (Section 153.236)
<input checked="" type="checkbox"/> Final Development Plan (Section 153.053(E))	<input type="checkbox"/> Corridor Development District (CDD) (Section 153.115)
<input type="checkbox"/> Amended Final Development Plan (Section 153.053(E))	<input type="checkbox"/> CDD Sign (Section 153.115)
<input type="checkbox"/> Preliminary Plat (Section 152.015)	<input type="checkbox"/> Other (Please Specify): _____

## II. PROPERTY INFORMATION: This section must be completed.

Property Address(es): 0 Venture Drive	
Tax ID/Parcel Number(s): Part of 273-011297	Parcel Size(s) (Acres): 2.21±
Existing Land Use/Development: Vacant / PUD	

### IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:

Proposed Land Use/Development: Parking lot to serve automobile dealership
Total Acres to be Rezoned:

## III. CURRENT PROPERTY OWNER(S): Please attach additional sheets if needed.

Name (Individual or Organization): Car MAG LLC	
Mailing Address: (Street, City, State, Zip Code) c/o Midwestern Auto Group 6335 Perimeter Loop Road, Dublin, OH 43017	
Daytime Telephone: (614) 889-2571	Fax: (614) 793-7963
Email or Alternate Contact Information:	

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**IV. APPLICANT(S):** This is the person(s) who is submitting the application if different than the property owner(s) listed in part III. Please complete if applicable.

Name: Tim Galli, Executive Vice President		Applicant is also property owner: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>	
Organization (Owner, Developer, Contractor, etc.): Midwestern Auto Group			
Mailing Address: (Street, City, State, Zip Code)		6335 Perimeter Loop Road, Dublin, OH 43017	
Daytime Telephone:	(614) 889-2571	Fax:	(614) 793-7963
Email or Alternate Contact Information: tgalli@magcars.com			

**V. REPRESENTATIVE(S) OF APPLICANT / PROPERTY OWNER:** This is the person(s) who is submitting the application on behalf of the applicant listed in part IV or property owner listed in part III. Please complete if applicable.

Name:		Ben W. Hale, Jr. and Aaron L. Underhill, attorneys	
Organization (Owner, Developer, Contractor, etc.): Smith & Hale LLC			
Mailing Address: (Street, City, State, Zip Code)		37 West Broad Street, Suite 725 Columbus, OH 43215	
Daytime Telephone:	(614) 221-4255	Fax:	(614) 221-4409
Email or Alternate Contact Information: aunderhill@smithandhale.com			

**VI. AUTHORIZATION FOR OWNER'S APPLICANT or REPRESENTATIVE(S):** If the applicant is not the property owner, this section must be completed and notarized.

I, Car MAG LLC, the owner, hereby authorize the attorneys with the law firm of Smith & Hale LLC to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner: <u>Tim Galli</u>	Date: <u>9-15-08</u>
---	----------------------

Check this box if the Authorization for Owner's Applicant or Representative(s) is attached as a separate document

Subscribed and sworn before me this 15 day of Sept, 2008

State of Ohio

County of Franklin

Notary Public Kelsey Landis



KELSEY LANDIS  
Notary Public  
State of Ohio  
My Commission Expires Nov. 8, 2012

**VII. AUTHORIZATION TO VISIT THE PROPERTY:** Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as notarized below, hereby authorizes City representatives to visit, photograph and post a notice on the property described in this application.

I, <u>Aaron L. Underhill, attorney</u> , the owner or authorized representative, hereby authorize City representatives to visit, photograph and post a notice on the property described in this application.	
Signature of applicant or authorized representative: By: <u>Aaron Underhill</u>	Date: <u>9/12/08</u>


**VIII. UTILITY DISCLAIMER:** The Owner/Applicant acknowledges the approval of this request for rezoning by the Dublin Planning and Zoning Commission and/or Dublin City Council does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

I, <u>Aaron L. Underhill, attorney</u> , the owner or authorized representative, acknowledge that approval of this request does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.	
Signature of applicant or authorized representative: By: <u>Aaron Underhill</u>	Date: <u>9/12/08</u>

**IX. APPLICANT'S AFFIDAVIT:** This section must be completed and notarized.

I, <u>Aaron L. Underhill, attorney</u> , the owner or authorized representative, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct, to the best of my knowledge and belief.	
Signature of applicant or authorized representative: By: <u>Aaron Underhill</u>	Date: <u>9/12/08</u>

Subscribed and sworn to before me this 12th day of September, 2008  
 State of Ohio  
 County of Franklin

Notary Public  
  
Paula V. Price  
 Notary Public, State of Ohio  
 My Commission Expires 07-13-2012

NOTE: THE OWNER, OR NOTED REPRESENTATIVE IF APPLICABLE, RECEIVES THIS RECEIPT UPON RECEIPT OF THIS APPLICATION

<b>FOR OFFICE USE ONLY</b>			
Amount Received: <u>1000</u>	Application No: <u>08-0937 P/LW</u>	P&Z Date(s):	P&Z Action:
Receipt No: <u>6348</u>	Map Zone: <u>4</u>	Date Received: <u>9/16/08</u>	Received By: <u>[Signature]</u>
City Council (First Reading):		City Council (Second Reading):	
City Council Action:		Ordinance Number:	
Type of Request: <u>Final Development Plan/Conditional Use</u>			
N, <input checked="" type="radio"/> E, W (Circle) Side of: <u>VENTURA DRIVE</u>			
N, <input checked="" type="radio"/> E, W (Circle) Side of Nearest Intersection: <u>PERIMETER DRIVE</u>			
Distance from Nearest Intersection: <u>700' South</u>			
Existing Zoning District: <u>PUD</u>		Requested Zoning District: <u>PUD</u>	

**NOTE:** All applications are reviewed by Land Use and Long Range Planning for completeness prior to being processed. Applications that are incomplete will NOT be accepted. Applicants are strongly encouraged to contact Land Use and Long Range Planning for assistance and to discuss the Planning and Zoning Commission approval process, and if needed, to make an appointment for a pre-submittal review prior to submitting a formal application.

**PROPERTY OWNER**

Brentlinger Real Estate Co., LLC  
c/o Midwestern Auto Group  
6335 Perimeter Loop Road  
Dublin, OH 43017

**APPLICANT**

Midwestern Auto Group  
6335 Perimeter Loop Road  
Dublin, OH 43017

**ATTORNEY**

Aaron L. Underhill  
Smith & Hale LLC  
37 West Broad Street, Suite 725  
Columbus, OH 43215

**SURROUNDING PROPERTY OWNERS**

Ruscilli Construction Co.  
c/o Olde Poste Properties  
2041 Arlington Lane  
Columbus, OH 43228-4113

Mount Carmel Health  
Chief Financial Officer  
6150 East Broad Street, 3<sup>rd</sup> Floor  
Columbus, OH 43213-1574

BOR Associates LLC  
5850 Venture Drive, Ste. A  
Dublin, OH 43017

Consolidated Biomedical  
Laboratories  
P.O. Box 2230  
Burlington, NC 27216

The Ohio State University Real  
Estate Property Management  
53 West 11<sup>th</sup> Avenue  
Columbus, OH 43201

Venture Drive Partners II LP  
4248 Tuller Road  
Dublin, OH 43017

Olde Poste Properties LLC  
2041 Arlingate Lane  
Columbus, OH 43228

Guy Investment Co. Ltd.  
5810 Shier Rings Road  
Dublin, OH 43016

John Sanders  
c/o True To Form Collision Repair  
4853 Galaxy Parkway, Suite E  
Cleveland, OH 44128

MAG-parkingcond.lbl (ncp)  
8/27/08 F:Docs/s&hlabels/2008

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CONDITIONAL USE APPLICATION

Midwestern Auto Group

Portion of Franklin County Parcel No. 273-011297

0 Venture Drive

September 16, 2008

Background

The subject parcel (the "Property") is found between Venture Drive and U.S. Route 33/State Route 161. It is immediately east of and adjacent to the existing Midwestern Auto Group (MAG) automobile dealership. It consists of 2.21± acres of an undeveloped 10.1± acre parcel of land contained within Subarea J-1 of the Perimeter Center PUD.

In a separate application, MAG has filed an amended final development plan application to accommodate the redesign of its automobile dealership facilities for its Astin Martin, Land Rover, and Jaguar product lines, as well as to accommodate the relocation of its recently-acquired Volvo dealership. In conjunction with the redevelopment of that site, which is found in Subarea J of the Perimeter Center PUD, MAG has identified the need for 191 additional parking spaces. These spaces would primarily serve the 125-150 employees of the automobile dealership, but also would provide parking for excess inventory as the need arises. The parking lot will not be used for automobile sales.

Conditional Use Request

The applicant requests approval of a conditional use to permit it to install, operate, and maintain a parking lot with a maximum of 191 spaces on the Property for the purpose of providing parking for employees and excess vehicle inventory. The Property is found within Subarea J-1 of the Perimeter Center PUD. That zoning text for this subarea, which was recently recommended for approval by Planning Commission and adopted by City Council, provides that a stand-alone parking lot is a conditional use.

According to the approved text, a stand-alone parking lot may be allowed as a conditional use on the Property for the purpose of providing employee parking or parking for excess new or used automobile inventory. Such a lot is not allowed to be used for automobile sales, nor would MAG attempt to sell cars from this lot since it is not licensed to sell automobiles anywhere other than on the parcel on which it currently operates. To extend the sales use to the adjacent property would put its license in jeopardy.

The use of the new lot therefore is restricted to employee parking and the periodic placement of overflow automobile inventory on the site. Vehicular access to the parking

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lot will occur only through the existing MAG site, meaning that there will be no direct link between the lot and the public street network. MAG has taken steps to ensure that proper landscaping and screening accompanies the installation of the parking lot. The proposed use fits the existing character of the area, which is home to a number of automobile dealerships. The parking lot is an extension of a permitted use and will serve to accommodate the expansion of a successful business.

Rupp Sawmill Cond Use.stmt (alu)  
(4/10/08)

**MIDWESTERN AUTO GROUP**

**FINAL DEVELOPMENT PLAN APPLICATION STATEMENT**

**O Venture Drive**

**III. Development Plan Statement**

**A. Please briefly explain the proposed development:**

The subject parcel (the "Property") is found between Venture Drive and U.S. Route 33/State Route 161. It is immediately east of and adjacent to the existing Midwestern Auto Group (MAG) automobile dealership. It consists of 2.21± acres of an undeveloped 10.1± acre parcel of land contained within Subarea J-1 of the Perimeter Center PUD.

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**B. Briefly state how the proposed development relates to the existing and future land use character of the vicinity:**

This application allows for a use that is associated with an existing automobile sales and service facility. Other dealerships are also found in the area along U.S. Route 33 and State Route 161. Therefore, the use fits in with the existing nature of the area. It also conforms to the future character of the area, which generally can be expected to include various commercial uses along the freeway and in the Avery Road corridor.

**C. Briefly state how the proposed development will relate to the Dublin Community Plan and any other applicable standards/resolutions such as Conservation Design and the Residential Appearance Standards:**

The use of the site is an extension of an adjacent automobile sales and service use. The Community Plan designates this area as "General Commercial." The uses that could be expected to be present in such a district include retail uses such as automobile sales and service.

**D. Briefly explain how the proposed rezoning and development meet the review criteria for Final Development Plan approval by the Planning and Zoning Commission as stated in Section 153.055(B).**

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The plan as filed applies in all pertinent respects with the approved PUD text that is applicable to the site. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent properties while not creating any new curbcuts. Since there is an existing facility next to this site, all relevant and necessary public utilities and services are available to serve it. Furthermore, the plan meets all of the underlying requirments of the applicable zoning text.

MAG Dublin fdp parking statement.doc  
(alu) (9/16/08)

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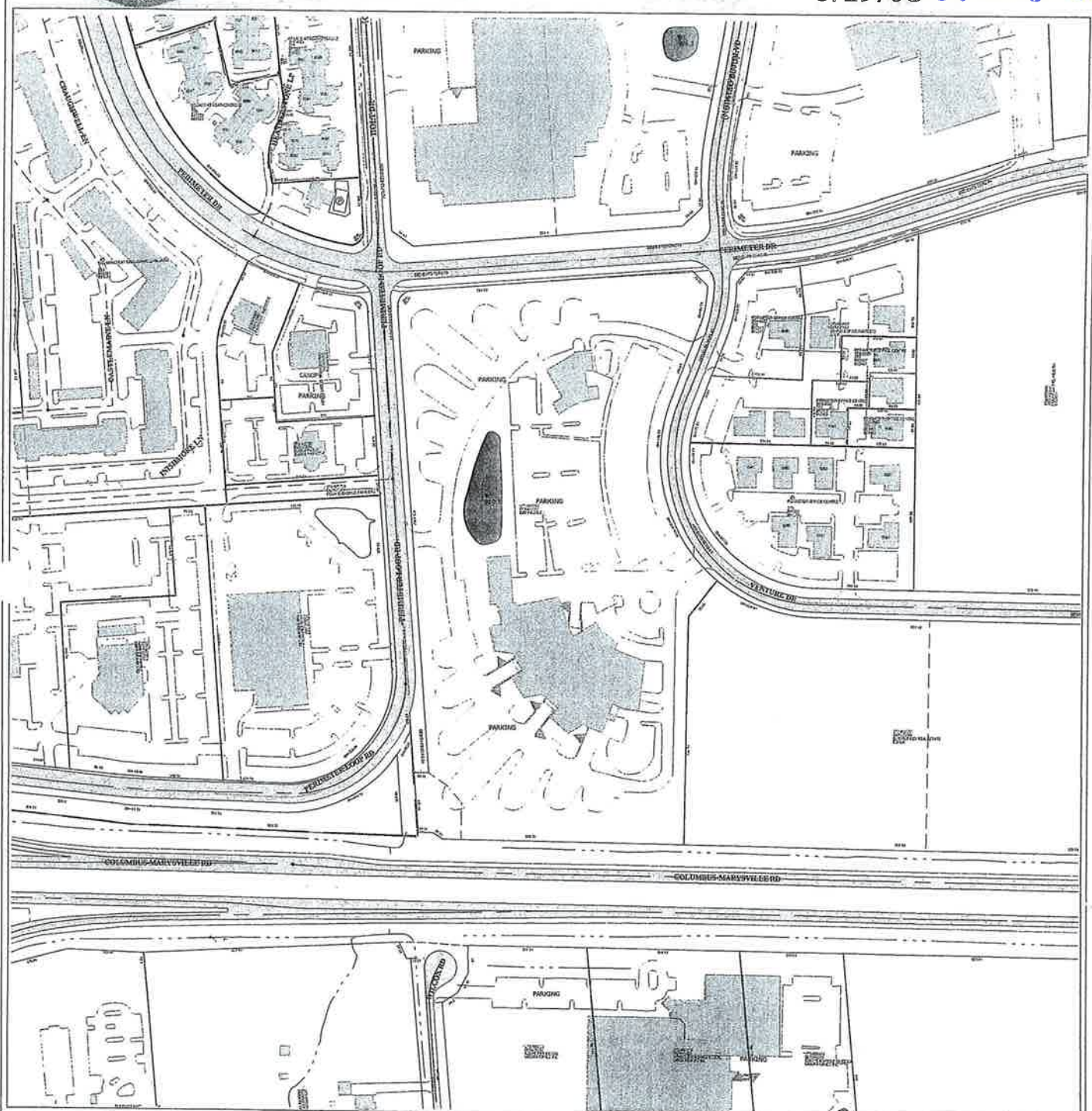
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08-093-DR/CU



# JOSEPH W. TESTA FRANKLIN COUNTY AUDITOR

MAP ID: au

DATE: 5/19/08



Disclaimer

Scale = 300



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

**DESCRIPTION OF A 2.216 ACRE TRACT FOR REZONING  
ALONG VENTURE DRIVE, SOUTH OF PERIMETER DRIVE,  
CITY OF DUBLIN, FRANKLIN CO., OHIO**

Situated in the State of Ohio, County of Franklin, City of Dublin, in Virginia Military Survey No. 2999 and being a portion of a 5.500 acre tract of land conveyed to Brentlinger Real Estate Company, LLC by deed of record in Instrument 200403150056068, all references to Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the curved southwesterly right-of-way line of Venture Drive (60 feet in width) as shown upon the plat entitled "Dedication Of Venture Drive, Easements and Vacation of Existing Sanitary Sewer Easements" of record in Plat Book 89, Pages 43, 44 and 45, at the northwesterly corner of said 5.500 acre tract and at an easterly corner of a 14.780 acre tract of land conveyed to Car MAG L.L.C. by deed of record in Instrument 200205010109350;

thence southeasterly along the curved southwesterly right-of-way line of Venture Drive, along the curved northeasterly line of said 5.500 acre tract and with a curve to the left, data of which is: radius = 330.00 feet, and delta = 38° 57' 17", arc length = 224.36 feet, a chord distance of 220.07 feet a bearing of S 69° 47' 56" E to the point of tangency;

thence S 89° 16' 34" E along the south right-of-way line of Venture Drive and along the north line of said 5.500 acre tract a distance of 234.44 feet to a point at the northeast corner of said 5.500 acre tract and at the northwest corner of a 4.600 acre tract of land conveyed to Brentlinger Real Estate Company, LLC by deed of record in Instrument 200411020252709;

thence S 00° 43' 26" W along a portion of the east line of said 5.500 acre tract and along a portion of the west line of said 4.600 acre tract a distance of 179.00 feet to a point;

thence N 89° 16' 34" W crossing a portion of said 5.500 acre tract and parallel with the south right-of-way line of Venture Drive a distance of 500.17 feet to a point in the west line of said 5.500 acre tract and in an east line of said 14.780 acre tract;

thence N 00° 43' 26" E along a portion of the west line of said 5.500 acre tract and along a portion of an east line of said 14.780 acre tract a distance of 180.31 feet to a point at a corner of said 5.500 acre tract and at a corner of said 14.780 acre tract;

thence N 39° 40' 44" E along the northwest line of said 5.500 acre tract and along the southeast line of said 14.780 acre tract a distance of 92.67 feet to the place of beginning;

containing 2.216 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from best available Court House record in June, 2008. Basis of bearings was transferred from a GPS Survey of Franklin County Monuments N7-94 and N8-94 performed by the Franklin County Engineer's Office in 1995, and is based on the NAD83, Ohio State Plane Coordinate System, South Zone (1986 Adj.) and determines the centerline of Venture Drive as being S 89° 16' 34" E.

An exhibit of this description is attached hereto and made a part thereof.

*Kevin L. Baxter*

Kevin L. Baxter  
Ohio Surveyor #7697



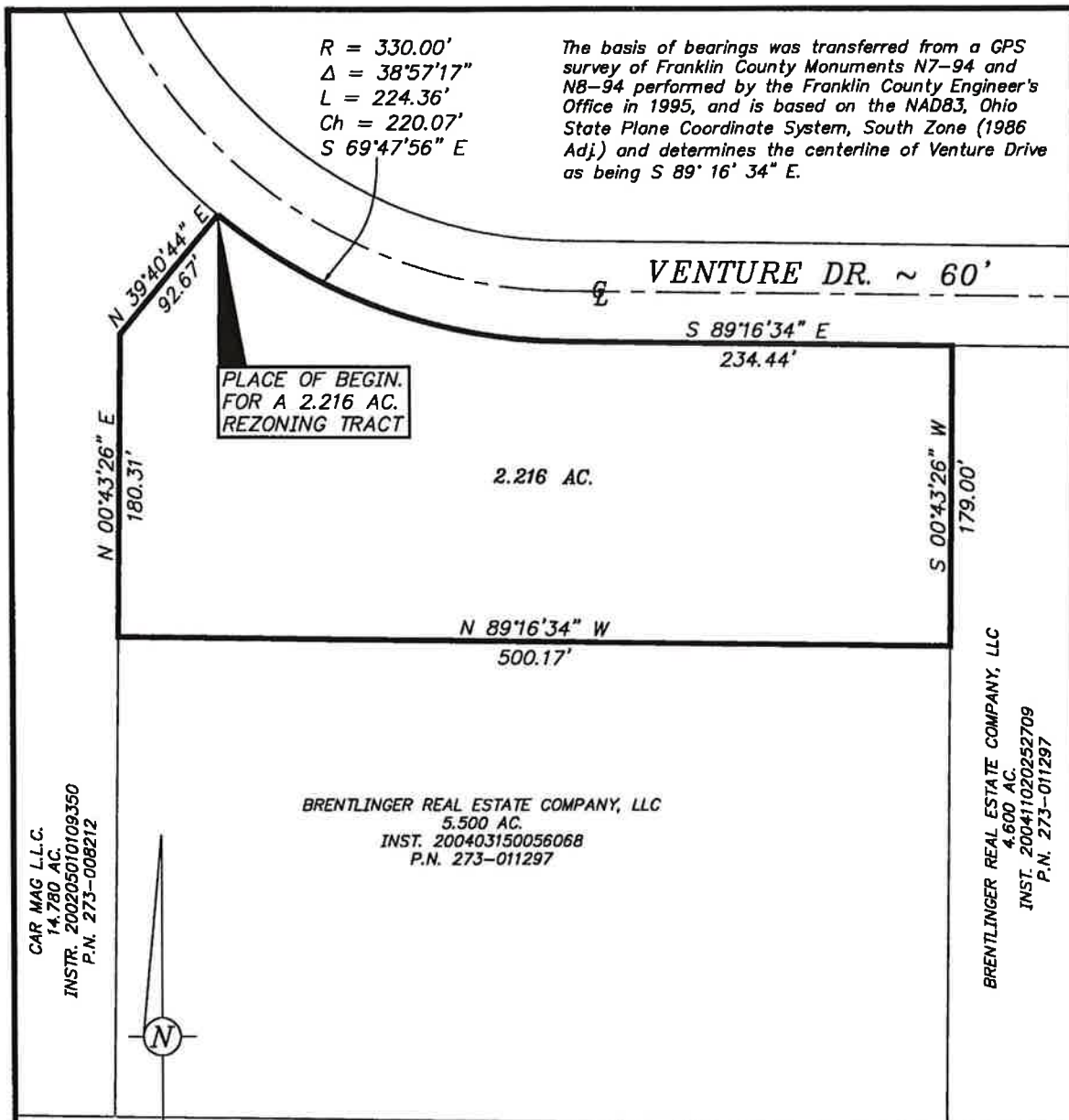
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$R = 330.00'$   
 $\Delta = 38^{\circ}57'17''$   
 $L = 224.36'$   
 $Ch = 220.07'$   
 $S 69^{\circ}47'56'' E$

The basis of bearings was transferred from a GPS survey of Franklin County Monuments N7-94 and N8-94 performed by the Franklin County Engineer's Office in 1995, and is based on the NAD83, Ohio State Plane Coordinate System, South Zone (1986 Adj.) and determines the centerline of Venture Drive as being  $S 89^{\circ} 16' 34'' E$ .

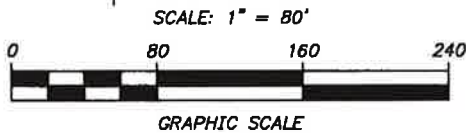


CAR MAG L.L.C.  
 14.780 AC.  
 INSTR. 200205010109350  
 P.N. 273-008212

BRENTLINGER REAL ESTATE COMPANY, LLC  
 5.500 AC.  
 INSTR. 200403150056068  
 P.N. 273-011297

BRENTLINGER REAL ESTATE COMPANY, LLC  
 4.600 AC.  
 INSTR. 20041020252709  
 P.N. 273-011297

U.S. ROUTE 33 & S.R. 161 (VARIABLE WIDTH)  
 FRA. 33-0.34



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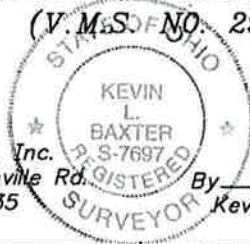
EXHIBIT FOR A 2.216 ACRE TRACT FOR REZONING  
 ALONG VENTURE DRIVE, SOUTH OF PERIMETER DRIVE,  
 CITY OF DUBLIN, FRANKLIN CO., OHIO

(V.M.S. NO. 2999)

SCALE: 1" = 80'



C.F. Bird & R.J. Bull, Inc.  
 2875 W. Dublin-Granville Rd.  
 Columbus, Ohio 43235



By *Kevin L. Baxter*  
 Kevin L. Baxter ~ Ohio Surveyor No. 7697

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