



CITY OF DUBLIN.

Land Use and  
Long Range Planning  
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## PLANNING REPORT

### PLANNING AND ZONING COMMISSION

OCTOBER 8, 2009

#### SECTION I – CASE INFORMATION

**3. Riverside Drive Animal Care Center** **6924 Riverside Drive**  
**09-079CDDS** **Corridor Development District Sign**

Proposal: Replace an existing ground sign for a veterinary care center located on the east side of Riverside Drive, north of the intersection with Tuller Road.

Request: Review and approval of sign modifications within the Corridor Development District under the provisions of Code Section 153.115(D)(2)(h).

Applicant: James Hartley, Signcom, Inc.

Planning Contact: Jennifer M. Rauch, AICP, Planner II

Contact Information: (614) 410-4690, [jrauch@dublin.oh.us](mailto:jrauch@dublin.oh.us)

#### Case Summary

This is a request for review and approval of a replacement of an existing ground sign for the Riverside Animal Care Center within the Corridor Development District. The proposal complies with the applicable Corridor Development District sign review standards and Planning recommends approval of the request.

#### Case Background

City Council approved annexation for this parcel on February 17, 2009 with the agreement that all signs comply with the Zoning Code and gain the necessary approvals.

#### Site Description

##### *Location and Character*

The 1.45-acre site is located at the southeast corner of the intersection of Riverside Drive and Tuller Road. The site has approximately 150 feet of frontage along Riverside Drive and 350 feet of frontage along Tuller Road. There is a significant drop in elevation from the eastern property line to Riverside Drive.

##### *Site Layout*

The Care Center is located on the eastern portion of the site with a single row of parking provided between the building and eastern property line and the remainder located west of the building. The site has two driveways to the parking areas off Tuller Road. Two existing ground

signs are located on the site, one along Riverside Drive and the second along Tuller Road. The Tuller Road sign will be removed as part of this application.

### *Surrounding Zoning and Uses*

The recently annexed site is zoned R, Rural District. The parcels to the north, east and west are all zoned R-1, Restricted Suburban Residential District. To the south is property zoned CC, Community Commercial District. The site and all surrounding parcels are located within the CDD, Corridor Development District.

## **Plan Description**

### *Overview*

The applicant is proposing to replace the existing ground sign located along Riverside Drive and has indicated the removal of the sign along Tuller Road.

### *Riverside Drive Sign Modification*

The proposed design uses the existing sign cabinet, replaces the sign face, and mounts the sign on a new stone base. The 40-square-foot, internally illuminated sign face has a dark green background with translucent white letters for the copy and a yellow accent bar. The proposed sign is eight feet tall with low-growing landscaping at the base of the sign. Address numbers will be pin-mounted on the stone base. The sign will be relocated to a point 8 feet from the future right-of-way, which is 58 feet further from the existing Riverside Drive right-of-way.

The sign meets the Zoning Code in all respects, as required by the annexation agreement.

## **SECTION II – REVIEW STANDARDS**

### **Corridor Development District**

The Planning and Zoning Commission is responsible for reviewing all site plans, exterior construction, building additions and modifications within the Corridor Development District overlay under the provisions of Code Section 153.115. An amendment to the Corridor Development District Ordinance was approved by City Council on May 16, 2005 to add signs to the items the Planning and Zoning Commission is to review. The Planning Commission is to make a recommendation within 30 days. If the application is disapproved, the Commission should state its reasons for doing so. A disapproval or approval with modifications may be appealed to the Board of Zoning Appeals in accordance with the provisions of Section 153.235.

### **Evaluation and Recommendation based on Corridor Development District Criteria**

Section 153.115(D)(2) of the Code identifies criteria for the review and approval of modifications within the Corridor Development District. Following is an evaluation by Planning based on those criteria.

*Signage. Sign material, shape, color and illumination shall be indicated and consistent with the Dublin Sign Code and other signage in the area. The signage shall take into account architectural style, general design, arrangement, texture, material and color so that the image of Dublin is maintained as a quality community. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.*

**Criteria are met:** The proposed sign meets all requirements of the Zoning Code and is compatible with other signs in the area. Removing the second (Tuller Road) sign contributes to the character of the area by reducing the amount of sign clutter and should be completed prior to the submission of a sign permit for the Riverside Drive sign (Condition 1).

**SECTION III – RECOMMENDATION: Approval**

Based on Planning's analysis, this proposal complies with the Corridor Development District Sign review criteria and the existing development standards within the area. Planning recommends approval of this request with one condition.

**Condition:**

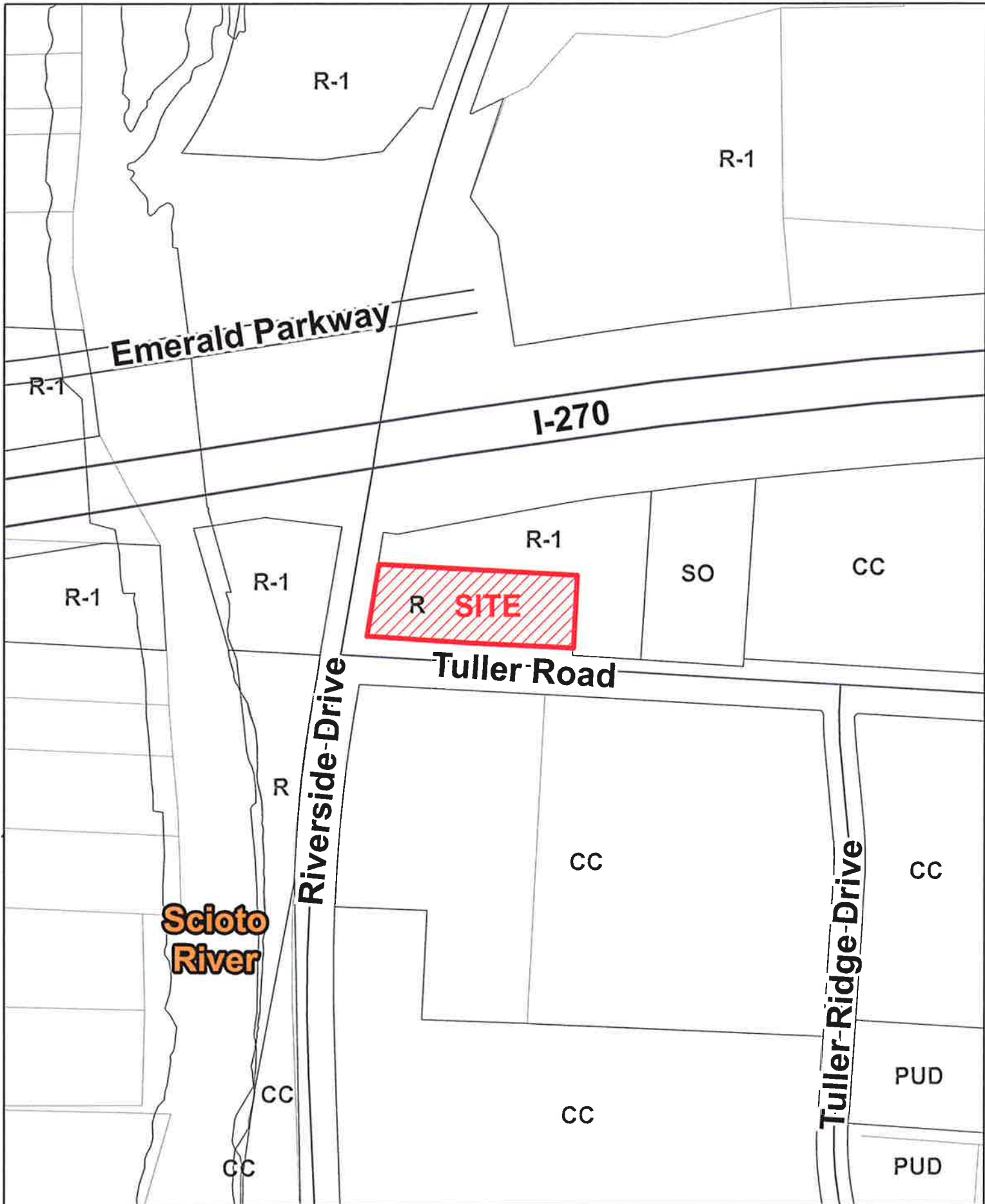
The existing sign located along Tuller Road be removed prior to the submission of the sign permit for the Riverside Drive sign.

## **Corridor Development District Sign Review**

### **Review Criteria:**

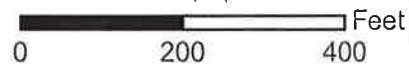
Section 153.115(D)(2) of the Code identifies criteria for the review and approval of modifications within the Corridor Development District.

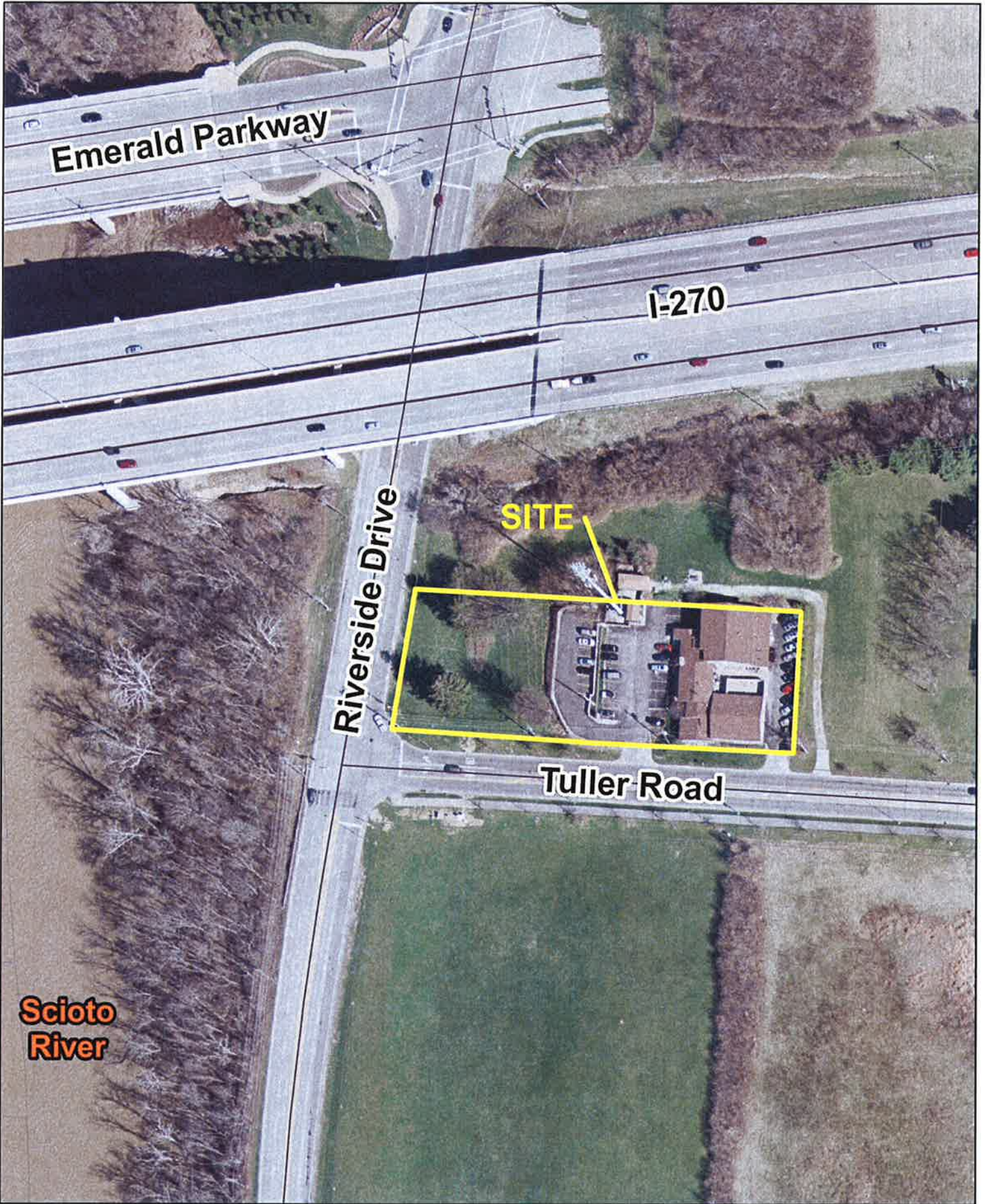
(h) *Signage.* Sign material, shape, color and illumination shall be indicated and consistent with the Dublin Sign Code and other signage in the area. The signage shall take into account architectural style, general design, arrangement, texture, material and color so that the image of Dublin is maintained as a quality community. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.



City of Dublin  
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**Scioto  
River**



City of Dublin  
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0 100 200 Feet



# Sign Elevations

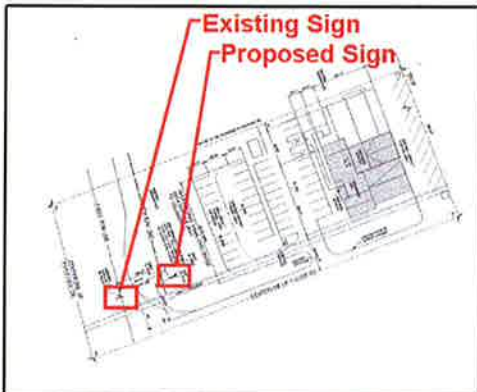


**Proposed Sign**



**Existing Sign**

**Location Map**



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DAYTON LEGAL BLANK, INC. FORM NO. 16-19

February 17, 2009

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- Regular Meeting of February 2, 2009

Mayor Chinnici-Zuercher noted that consideration of the minutes of February 2, 2009 will be delayed until March 2.

## CORRESPONDENCE

There was no correspondence requiring Council action.

## CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road stated he is returning to an issue brought up previously. The statement at the end of a Council meeting broadcast on the government channel indicates the recording is not the official record of the meeting, and that the official record of the meeting is the minutes. This does not make sense, as the tape of the meeting is full and complete. It was pointed out that the City Charter and state law provide that the minutes are the official record of a public meeting. However, as he indicated previously, the minutes are selective. He asked Mr. Smith what the practice is in relation to litigation the City has been involved in, and if there are any cases that involved as part of the discovery of fact the proceedings of a particular Council meeting. If there were, did the attorneys on either side seek the minutes or the tape of a meeting or both?

Mr. Smith responded that in litigation, there is a right to ask for the tape of a meeting. However, the minutes are the official acts as designated by state law. He has been involved in litigation for the City when people have listened to recordings and asked questions about the content of the recordings. The minutes are not a verbatim record of a meeting, but they are the official record.

Mr. Maurer asked if the tape and the TV recording are admissible evidence.

Mr. Smith responded that he did not address this. He indicated that in litigation, people have raised those issues using those items.

Mr. Maurer noted that this means that the minutes are the *de jure* record and the tape and television broadcast are the *de facto* record.

Mr. Smith responded that Mr. Maurer is not qualified to make a legal judgment. State law mandates that the minutes are retained as the official record. In litigation, people have the right to ask about what was in the recording and what people may have said. The judge assigned to an individual case would then determine what evidence would be admitted.

## LEGISLATION

### POSTPONED ITEM

#### Ordinance 01-09

**Accepting the Annexation of 1.25+/- Acres from Perry Township to the City of Dublin.**  
(Petitioner: BVH Associates, 6924 Riverside Drive; Agent: Michael Close, Esq.)

Mr. Gunderman stated that a pre-annexation agreement was included in the packet. This is the site of the veterinary clinic, which is being remodeled and expanded. It is a regular annexation, and therefore the City will have the ability to adjust the township boundaries once the annexation is accepted.

Vice Mayor Boring asked when the construction is expected to be completed.

Mr. Gunderman stated that as reported a month ago, it is estimated a final occupancy permit from the state will be obtained in March.

Vice Mayor Boring asked what date triggers the provisions in the pre-annexation agreement.

Mr. Gunderman responded that the final occupancy permit is the trigger for this.

Wallace Maurer, 7451 Dublin Road stated that the memo, page one, last line notes a date, which he believes should be February 2<sup>nd</sup>.

Ms. Grigsby agreed that Mr. Maurer is correct.

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

## SECOND READING/PUBLIC HEARING – ORDINANCES

### Ordinance 04-09

**Amending Chapter 31 (City Officials) of the Dublin Codified Ordinances, by Amending and Enacting New Sections, to Revise Contribution Limits, Revise the**

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Corridor Development District Sign  
Riverside Drive Animal Care Center  
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Mayor Chinnici-Zuercher inquired about Table 1, Current Salaries and Ranges 2008. The date indicates that 22 or 10% of the employees are above the target range maximum. Was the number 22 at the time the new system was implemented, or has the number increased?

Mr. Harding responded that the number has decreased over time.

Mayor Chinnici-Zuercher inquired if these employees will always be above the pay range maximum, or will the adjustment this year bring them within the target range.

Mr. Harding noted that there will be one individual remaining above the target maximum. It is anticipated that the next time the pay ranges are adjusted, everyone will be within the target maximum.

Wallace Maurer, 7451 Dublin Road inquired if the projection data used reflects the current and observable data within municipal government across the country.

Mr. Harding stated that the data did not reflect local government only. It also reflected private sector corporations of various sizes. One page did show the projections for wage increases in the local area.

Mr. Maurer stated that he does not know what percentage of the country is experiencing an increase in wages. There appears to be a potential for a downhill collapse. He assumes the City's current revenue will cover future revenues.

Ms. Salay stated that she has done some rough calculations of a few of the City's pay ranges - comparing where they were and where they appear to be moving to. If the old number is multiplied by 1.04, which would provide a 4% average increase, the new numbers are substantially less than where the ranges would be expected to be. She asked for clarification.

Ms. Grigsby responded that what she is looking at are the pay ranges for the different bands. The 4% is an average for all adjustments across the City. However, some pay ranges adjusted higher; others adjusted lower. The 4% is based upon where the individuals currently are within the pay bands, and where the salary is desired to be within the target area.

Mr. Harding stated that the 4% is the budget impact of all the pay increases for the next year. The actual adjustments to the pay ranges are different, based upon the market. Each class of jobs differs in the adjustment from time to time.

Ms. Salay stated that she was trying to understand the table and now understands that the 4% doesn't translate into the table uniformly.

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

**INTRODUCTION/FIRST READING - ORDINANCES**

**Ordinance 01-09**

**Accepting the Annexation of 1.25+/- Acres from Perry Township to the City of Dublin (Petitioner: BVH Associates, 6924 Riverside Drive; Agent: Michael Close, Esq.)**

Mr. Lecklider introduced the ordinance.

Mr. Gunderman stated that the property is located at the northeast corner of Riverside Drive and Tuller Road. A veterinary clinic under expansion is located on the property. This annexation was discussed previously with authorization of a pre-annexation agreement and the resolution for statement of services. The petition has been approved by Franklin County and can now be acted upon by the City. The applicant has requested that the public hearing of the legislation be postponed to the February 17 Council meeting because the agent will be out of town on February 2.

Mayor Chinnici-Zuercher moved to postpone the second reading/public hearing of the ordinance to the February 17 Council meeting.

Mr. Reiner seconded the motion.

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

~~Ordinance 02-09~~

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~~Mr. Keenan suggested that more detail be provided to Council at the September 2 Council meeting regarding this matter.~~

~~Mr. Keenan moved to postpone Resolution 62-08 to the September 2 Council meeting.~~

~~Mr. Lecklider seconded the motion.~~

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

**Resolution 63-08**

**Adopting a Statement of Services for a Proposed Annexation of 1.25 Acres, More or Less, from Perry Township, Franklin County, to the City of Dublin.** (Petitioner: BVH Associates LLC; Property Address 6924 Riverside Drive, Dublin, OH 43017)

Mr. Keenan introduced the resolution.

Mr. Smith stated that a statement of services is required under state law for a proposed annexation. This involves the vet clinic on Tuller Road, and the City has entered into a pre-annexation agreement with this party. There are reparations due to Perry Township that will be paid by the applicant. Council has reviewed this proposal in conjunction with the pre-annexation agreement.

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

**Resolution 64-08**

**Authorizing a Round 23 Grant Application with the Ohio Public Works Commission.**

Ms. Salay introduced the resolution.

Ms. Brautigam stated that this is a request to authorize the City Manager to file an application for a grant with OPWC for a roadway project.

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

**OTHER**

- Potential Landscape Project - Japan-America Society of Central Ohio (JASCO)

Mr. McDaniel noted that the Department of Economic Development has established a good relationship with the Japan-American Society of Central Ohio (JASCO). They have been instrumental in working with staff to establish relationships with several Japanese-owned companies in Dublin, currently numbering 20. In the spring, staff was invited to Hidaka and discussion took place regarding the Japanese influence in Dublin and the idea was raised of recognition of the importance of their culture in Dublin. Mr. Hahn discussed the idea of incorporating this into a park project or a right-of-way or landscape project in some manner. It could be done as part of an already programmed project. Staff wanted feedback from Council about their interest in pursuing this. He added that there may be an opportunity for something in the COIC area, as there will be significant landscaping included in the improvements. In the mid 90's, there was a project contemplated in Donegal Cliffs of significant size. Staff is looking to do something on a much smaller scale with this proposal.

Mayor Chinnici-Zuercher commented that this is a wonderful idea. She is a member of JASCO, as she has done much work in Japan as part of her job. JASCO does a wonderful job of educating citizens about Japanese culture and businesses, and they would be a great partner with the City on this. She believes that everyone would look forward to such a project.

**STAFF COMMENTS**

Ms. Brautigam noted that she received a call from a Council Member regarding a program initiated in Franklin County and Columbus related to drunk drivers. She asked Chief Epperson to provide details.

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**(Excerpt of Council Minutes of 6-16-08)**

**LEGISLATION**

**POSTPONED ITEM**

**Ordinance 31-08**

**Authorizing the City Manager to Enter into a Pre-Annexation Agreement Describing the Intentions of the Parties to Annex Certain Real Property Owned by BVH Associates, Located in Perry Township.**

Mr. Gunderman noted that the applicant has obtained their plan approval from the state. Otherwise, most of the information from the previous hearing is still accurate. Some changes were made to the pre-annexation agreement regarding signage, landscaping, and combining the parcels into one parcel. He reviewed the new information in the packet.

1. The buildings are extremely close to the property line on both the north and south sides, and at the parking lot area.
2. The cell tower is located just inside the north property line.
3. Right-of-way of approximately 50 feet would be newly dedicated; there is some existing right-of-way that would be changed on the title.
4. He shared drawings of the changes that will take place with the development, noting that changes are outlined in red and blue.
5. Additional parking area would be added to the west side.
6. He noted that the most northerly of the support facilities for the cell tower are on the adjacent property.
7. The drawings show the changes in the elevations under the construction modifications.

Vice Mayor Boring noted that the staff report indicates that limited code enforcement is possible for the landscaping due to the setback limitations. Is dumpster screening and utility box screening contained in the landscape code?

Mr. Gunderman responded that these are addressed in the landscape code. They could be included as a requirement per the pre-annexation agreement. The mechanicals on one side are at the property line or beyond it, but they also have asphalt up to the edge of it on the other sides. Given the fact that parking spaces are located immediately adjacent, it would be difficult to remove that asphalt to allow for landscaping. Out of the seven sections of landscaping code identified, there are two that cannot be complied with effectively – perimeter landscaping and cell tower area. There are two where partial compliance is possible – the vehicle use area on the west side and in the interior landscaping, provided the applicant will agree to work with staff regarding an island area in the parking lot. In the other areas, compliance can be achieved. In regard to inch for inch tree replacement, it can be complied with, but there is a limit to the number of trees that can physically be accommodated on the western end of that property. To meet Code, they would have to pay a fee for those inches that cannot be replaced on the site. Much of this depends on whether a very large tree on the property will need to be removed.

Vice Mayor Boring noted that on points 6, 7 and 8 in the agreement, is it assumed these will be done upon execution of the annexation agreement, or should a date be specified by which these will be accomplished?

Mr. Gunderman responded that for item 6, there would be no practical way to address it until the parking lot is constructed. The signs could be done at any time, but construction will be required for them. The lot combination could be done at any time.

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Vice Mayor Boring stated that number 8 already indicates 30 days for completion. Would it be practical to state "upon completion of the addition" in regard to numbers 6 and 7?

Mr. Smith suggested that the language indicate "within 30 days after completion of construction."

Vice Mayor Boring noted that many times when developed properties are annexed to the City, there are concerns over grandfathering. Properties are typically brought in as a Rural zoning. What will be done with the zoning on this property after it is annexed?

Mr. Smith responded that the policy has been that land annexed to the City is brought in as a Rural zoning and is then rezoned into the closest City zoning category to what exists in the township. The policy would not be changed for this land.

Mr. Gunderman added that in the past couple of years, area rezonings have been done in an effort to clarify the zoning for properties that were annexed to the City before the policy was in place.

Mr. Smith noted that he anticipates that a rezoning would be filed for this property once it is annexed to the City.

Vice Mayor Boring noted that she had asked Ms. Grigsby about the rental income from the cell tower on this property and whether that income would be taxable.

Ms. Grigsby responded that rental income is taxable for City income tax purposes.

Mr. Reiner noted that with the addition of the parking area, the applicant will meet the landscaping Code to the extent possible to the satisfaction of the Planning staff. He assumes that the screening will be done along the side facing Riverside Drive.

Mr. Gunderman confirmed that is correct. The current parking lot and the extension are up against the south property line. The landscaping that can be done is to the west toward Riverside.

Ms. Salay stated that when this is brought into a Dublin zoning category, there will be much that must be grandfathered in, as its appearance is not like a Dublin project. She is somewhat disappointed, although it is nice to bring this property into the City. She was surprised that the cell tower was found to be on this property, as Council was lead to believe otherwise. She summarized that what Dublin receives in return for this pre-annexation agreement is essentially the right-of-way.

Mr. Gunderman responded that Dublin receives the right-of-way and the property is in place with water and sewer which helps long-term for other future development on this property.

Vice Mayor Boring stated that her understanding is that this business cannot expand without water and sewer.

Mr. Gunderman responded that no one knows precisely. The memo indicated that without City water and sewer, they would have to relocate a well and accommodate a private sewage system on the property.

Vice Mayor Boring stated that would be possible only with the combination of the parcels.

Mr. Gunderman responded that this is regulated by the county.

Vice Mayor Boring added that at the time this cell tower was built, the City was actively involved with cell tower legislation. In view of the fact that this business has long benefitted from Dublin's services, including street maintenance, it was very offensive that

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the cell tower was erected in the face of the cell tower regulations being developed in Dublin.

Mike Close, representing the applicant stated the following:

1. In terms of sewage systems, the county does not insist on combining the lots where there is commonality of ownership. However, the applicant does not have an issue with combining the lots.
2. He apologized for his statement about the cell tower not being located on this property. He had reviewed the survey for the Thomas property and inferred the cell tower was also on the Thomas property. He spoke with the surveyor after the last meeting and corrected that information.
3. In addition to the right-of-way the City will obtain, there are 60 employees in this location which will generate income tax revenues. The principals for this project are present tonight.
4. The applicant has discussed the dumpster screening with staff. They will discuss landscaping as requested with City staff and will do their best to "Dublinize" this property.
5. In terms of the timing, the annexation process and construction process will likely take about the same time. With Council's support of this tonight, they will break ground in 30 days and will simultaneously begin the annexation process. He expects the entire project to be completed within five to six months.
6. In regard to zoning, this matter has not been discussed. The reality is that for developed land being brought in, a rezoning is done as a matter of course, at which time it becomes a non-conforming use. They will continue to work with staff on this to identify the appropriate zoning category, as a Rural zoning will not work and cannot be complied with.

Wallace Maurer, 7451 Dublin Road noted that on page 2 of the annexation agreement, item 6, under "Landscaping" – the sentence reads, "BVH agrees to bring the property into compliance with the Dublin landscaping code to the extent possible and to the satisfaction of the Planning staff." Does the application of the phrase "to the extent possible" involve any kind of compromising of the application of the landscape code up to this point and/or does it create any undesirable precedence?

Mr. Gunderman responded he is not aware of any undesirable precedence. Any effort that moves the project closer to compliance with the landscape code is a positive thing. As he indicated, there are several areas of the landscape code that cannot be complied with in total or in part.

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

Mayor Chinnici-Zuercher urged the applicants to comply with the landscape code as much as possible in keeping with the remainder of Dublin.

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~~not be on the agenda. There is also no restriction upon frequency of a topic. What their motives were in establishing this portion of the agenda he is not certain. Perhaps generosity, or a conviction that the full health, security, safety and general welfare of the city is enhanced by citizens' capacity to vent. In fact, he did not bring up the Kindra firing for many months, other than indirectly through the freedom of speech issue. If any constituents contact him about wasting Council's time and money, he will listen to them, but will exercise his democratic right to respond. This is how democracy works.~~

## LEGISLATION

### SECOND READING/PUBLIC HEARING - ORDINANCES

#### Ordinance 31-08

**Authorizing the City Manager to Enter into a Pre-Annexation Agreement Describing the Intentions of the Parties to Annex Certain Real Property Owned by BVH Associates, Located in Perry Township.**

Mr. Gerber moved to postpone this item until the June 16 Council meeting.

Mr. Keenan seconded the motion.

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

### INTRODUCTION/FIRST READING - ORDINANCES

#### Ordinance 33-08

**Appropriating a Combined 1.429 Acres, More or Less, Fee Simple Interest (With 0.554 Acres, More or Less, Present Road Occupation), a 0.382 Acres, More or Less, Utility Easement, a 0.293 Acres, More or Less, Standard Highway Easement, and a Combined 0.428 Acres, More or Less, Temporary Construction Easement from Roger W. Gorden, Located on the East Side of Hyland-Croy Road, Township of Jerome, County of Union, State of Ohio, and Declaring an Emergency.**

Mr. Lecklider introduced the ordinance.

Mr. Smith stated that following passage of the ordinance, Legal staff will deposit \$349,000 with Union County courts. Staff continues to negotiate with Mr. Gorden, who has recently returned from out of state. He no longer resides on the property. This action will allow staff to move forward on the appropriation case.

Wallace Maurer, 7451 Dublin Road asked if Mr. Gorden has any reasons to resist this, other than the amount of compensation offered to him.

Mr. Smith responded that staff is not at liberty to discuss the land negotiations in this setting.

Mr. Gerber moved to dispense with the public hearing and treat this as emergency legislation.

Ms. Salay seconded the motion.

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

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~~Mr. Keenan introduced Ordinance 29-08.~~

~~Mr. Readler stated that this is identical legislation as Ordinance 29-08, but is a petition to the Franklin County Board of Commissioners.~~

~~Mr. Reiner moved to dispense with the public hearing and treat it as an emergency.~~

~~Mr. Keenan seconded the motion.~~

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

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

**Ordinance 31-08**

**Authorizing the City Manager to Enter into a Pre-Annexation Agreement Describing the Intentions of the Parties to Annex Certain Real Property Owned by BVH Associates, Located in Perry Township.**

Ms. Salay introduced the ordinance.

Ms. Readler stated that Legal staff was asked to coordinate a possible pre-annexation agreement with BVH Associates, which is the veterinary hospital on Tuller Road. BVH has asked if the City would consider certain provisions in a pre-annexation agreement. Negotiation has occurred, and a draft agreement is provided tonight. The cover memo lists the fundamentals of the agreement. This land is an island of township within the City boundaries. BVH has agreed to dedicate a significant amount of right-of-way for certain roadway projects that Dublin is contemplating in exchange for access to water and sewer. They have submitted plans to Perry Township for their renovation plans, and are working with Perry Township and the State of Ohio on those plans. They have also requested a fee waiver for the annexation. Attorney Mike Close is representing BVH Associates.

Michael Close, 7360 Bellaire Avenue stated that he has not reviewed the Law Department's memo; however, from his client's perspective, the only item they are requesting is the ability to connect to the City's water and sewer lines early in the project. In return, the City will obtain 100 feet of right-of-way that, typically, the City would need to purchase from the landowner. They ask for no economic inducements from the City, notwithstanding the fact that they will be bringing 62 higher level paying jobs to the City. This site is near the juncture of Tuller and Riverside Drive. This request is consistent with the City's desire to annex all remaining islands of township into the City.

Vice Mayor Boring stated that she is concerned because the City does not appear to be consistent, invoking rigid rules for some and not for others. This appears to be a development that is not being taken through the City's zoning process.

Ms. Salay indicated concern about that aspect, as well.

Mr. Close stated that the development application has been made to Perry Township. The plans are in full compliance with the township's zoning code, so the building will occur as submitted. This is a U-shaped building, although that isn't visible from the street; his client is merely filling in the open U in the back.

Vice Mayor Boring stated that this appears to be well thought out – a plan to obtain City services before the expansion. This is also the township site where the applicant was able to construct a very unsightly cell tower. That is the reason she now is requesting drawings. If she recalls correctly, the box for the cell tower is on land that is in Dublin, so where are the rights-of-way that are mentioned? The original box had to come through zoning, so they already were required to have a 200-foot setback. The City does want to annex the remaining "island" areas of township, but it seems that several "pocket" areas have petitioned for annexation in order to connect to the City's water and sewer. She is concerned about the

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City's integrity if this development is not going through the City's zoning process to ensure it meets the City's landscape and building codes. It would be helpful if Council could see the plans and confirm that they meet Dublin's landscape and building codes. This is a significant concern to her and to the citizens in that area as well, particularly if the cell tower will be inherited.

Mr. Close responded that the cell tower is not on this property, and this property is not in the City of Dublin. There is a rough access behind the property to the cell tower that is not owned by BVH Associates. As further clarification, his client is willing to give up to a total of 100 feet from the centerline, all on Riverside Drive, so that the City can construct a right turn lane onto Emerald Parkway, when that extension occurs.

Mr. Readler noted that a draft of the proposed right-of-way is attached as Exhibit B to the pre-annexation agreement.

Vice Mayor Boring stated that the drawing is not legible, as Mr. Close has just noted that certain land is not part of this property. She would like to be able to identify the areas more clearly – the cell tower, the box, the setbacks, and where this property is located in relation to the cell tower.

Mr. Hammersmith stated that better site drawings that depict all of that information would be provided for the second reading.

Mr. Reiner inquired if Mr. Hammersmith has reviewed the proposed building plans. Mr. Hammersmith responded that he has not.

Ms. Readler stated that she has copies of the plans with her. They are quite large, so copies were not made. She suggested that Mr. Close's office may be able to provide renderings for the second reading. A thorough review of the plans has not been done.

Mr. Keenan requested the total size of the acreage involved also be provided for the second reading.

Mr. Hammersmith responded that the amount of acreage will also be provided for the second reading.

Mr. Close clarified that his client is willing to provide up to 100 feet of right-of-way only if it is necessary for the project.

Mayor Chinnici-Zuercher requested that the acreage, the site specifics and a copy of the building plans be provided for the second reading.

Mr. Reiner requested that the information also include the setbacks, to clarify where the building will be located on the site, and the building elevations.

There will be a second reading/public hearing at the June 2 Council meeting.

~~Ordinance 32-08~~

~~Appropriating a 0.988 Acres, More or Less, Fee Simple Interest, a 0.123 Acres, More or Less, Utility Easement, and a 0.564 Acres, More or Less, Temporary Construction Easement from Post Hylands Company, Ltd., Located on the West Side of Perimeter Drive, City of Dublin, Counties of Franklin and Union, State of Ohio, and Declaring an Emergency.~~

~~Ms. Salay introduced the ordinance.~~

~~Mr. Hammersmith stated that this acquisition is necessary for the transportation improvements at the Central Ohio Innovation Center. It consists of both permanent right-of-way, temporary construction easement and a permanent easement along Perimeter Drive. Another acquisition from this property owner is necessary for the COIC and will occur later, but this piece is necessary to move forward on the Liggett Road relocation.~~

09-079CDDS

Corridor Development District Sign  
Riverside Drive Animal Care Center  
6924 Riverside Drive