



CITY OF DUBLIN

Land Use and
Long Range Planning
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City of Dublin Planning and Zoning Commission

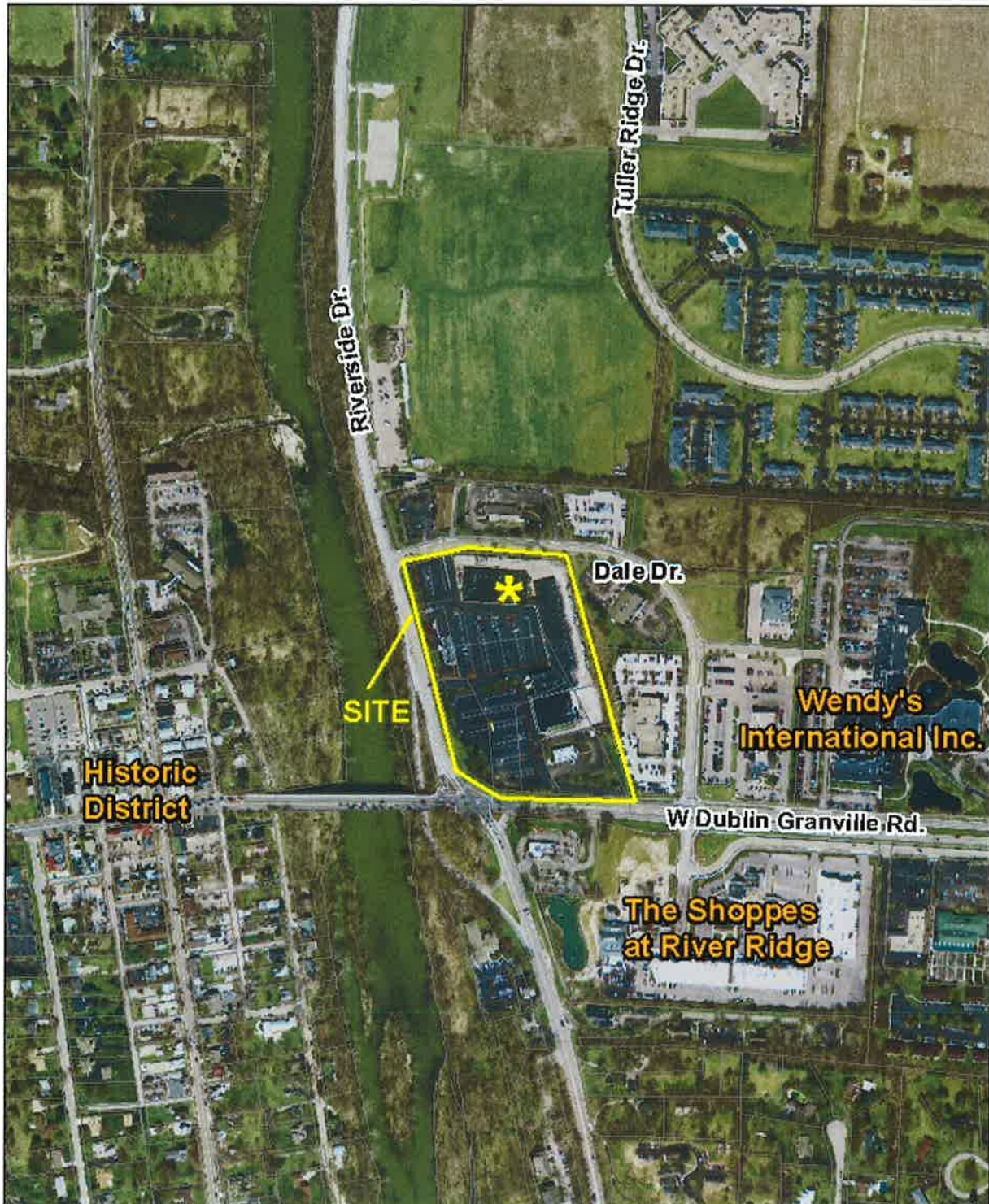
Planning Report

Thursday, August 19, 2010

Bridge Pointe Center (formerly Village Square) – Linguapalooza

Case Summary

Agenda Item	7
Case Number	10-047CU
Request	Conditional use for a tutoring service.
Site Location	6532 Riverside Drive In the Bridge Pointe Shopping Center, located on the east side of Riverside Drive at the intersection with West Dublin-Granville Road.
Applicant	Jerry Hasbrouck, Hasbrouck Engineering, Inc.
Property Owner	Village Square Retail LLC.
Case Managers	Jennifer M. Rauch, AICP, Planner II (614) 410-4690 jrauch@dublin.oh.us
Proposal	The applicants are requesting review and approval of a conditional use for tutoring service uses in the Bridge Pointe shopping center. This conditional use is provided in the CC, Community Commercial District and requires approval by the Planning and Zoning Commission.
Planning Recommendation	Approval of the Conditional Use It is Planning's opinion that the proposed educational use is consistent with the Zoning Code and approval of this proposal is recommended.



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Conditional Use
Bridge Pointe Shopping Center-Linguapalooza
8532 Riverside Dr.



Facts	
Site Area	22.23-acre site, 70,050-square-foot shopping center
Zoning	CC, Community Commercial District
Surrounding Zoning and Uses	East: Riverside Drive and Scioto River All others: CC, Community Commercial District
Development Context	<p>Bridge Pointe Shopping Center:</p> <ul style="list-style-type: none"> The Bridge Pointe Shopping Center (formerly Village Square) is located at the northeast corner of the intersection with Riverside Drive and W. Dublin-Granville Road. The center is an L-shaped building located to the north and east within the site oriented toward a large central parking area. The center includes two outparcels developed with fast food restaurants. Linguapalooza is a 2,000-square-foot tenant space located in the northern portion of the building.
Development Approvals	
<i>City Council</i>	April 20, 2009: City Council approved an amendment to the Community Commercial District allowing tutoring services as a conditional use.
<i>Planning and Zoning Commission</i>	February 7, 2008 (Case 07-132CU/CDD): Conditional use approved for Columbus Dance Arts Academy.

Details	
Plan Overview	<p>The proposal includes:</p> <ul style="list-style-type: none"> Language tutoring services for a 2,000-square-foot tenant space; No exterior modifications.
Use Details	<p>The applicants propose to use the tenant space for foreign language instruction for a variety of age groups including preschoolers through adults, homeschooled children and individuals learning English as a second language. The use includes two instructors operating the facility Monday through Thursday from 9:00 am to 9:00 pm. The space will also be used at other times of the week and on the weekend for administrative purposes and related events.</p>
Development Requirements	<p>The proposed use as a tutoring service is a conditional use within the CC, Community Commercial District and requires Planning and Zoning Commission approval. The proposed use does not affect the required parking.</p>

Analysis	Conditional Use
Process	Section 153.236 of the Zoning Code identifies criteria for the review and approval of a conditional use (full text of criteria attached). Following is an evaluation by Planning based on those criteria.
1) Will be harmonious with the Zoning Code and/or Community Plan.	Criteria met: <i>This proposal is consistent with the requirements of the Zoning Code and/or the Community Plan.</i>
2) Complies with all applicable development standards.	Criteria met: <i>This proposal is consistent with the requirements of the Zoning Code.</i>
3) Will be harmonious with the existing or intended character in the general vicinity.	Criteria met: <i>The proposed use will not alter the essential character of the area and is appropriately located directly in front of the tenant space.</i>
4) Will not have a hazardous or negative impact on surrounding uses.	Criteria met: <i>The proposed operation of the use will not harm the surrounding businesses.</i>
5) Will provide adequate services and facilities.	Criteria met: <i>This proposal has sufficient services and facilities available for the intensity of the desired use.</i>
6) Will not harm the economic welfare.	Criteria met: <i>This use contributes positively to the economic climate of the city and provides a needed service.</i>
7) Will not create any use or characteristic that is detrimental to the surrounding uses.	Criteria met: <i>The proposed use will not be detrimental to the surrounding uses.</i>
8) Vehicular circulation will not create interference with existing	Criteria met: <i>This proposal will not alter vehicular circulation.</i>

Analysis	Conditional Use
circulation.	
9) Will not be detrimental to property values in the immediate vicinity.	Criteria met: <i>This proposal will not be detrimental to property values.</i>
10) Will not impede the development or improvement of surrounding properties.	Criteria met: <i>This proposal use will not interfere with surrounding improvements or developments.</i>

Recommendation
Based on Planning's analysis, this proposal complies with the conditional use criteria and the applicable development standards of the Community Commercial Zoning District. The proposed use is compatible with the existing uses within the shopping center. Planning recommends approval of this request.

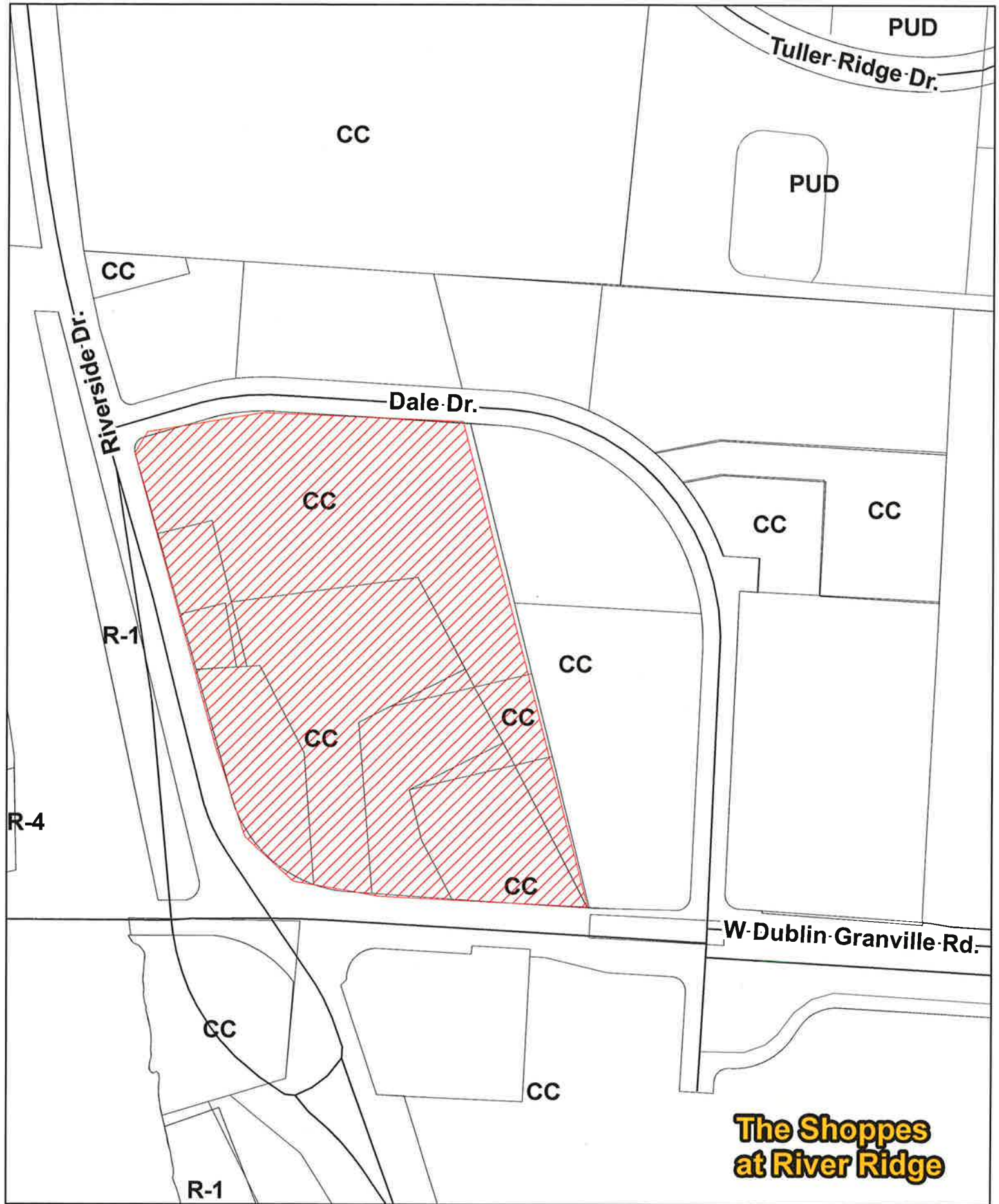
Conditional Use Review Criteria

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:

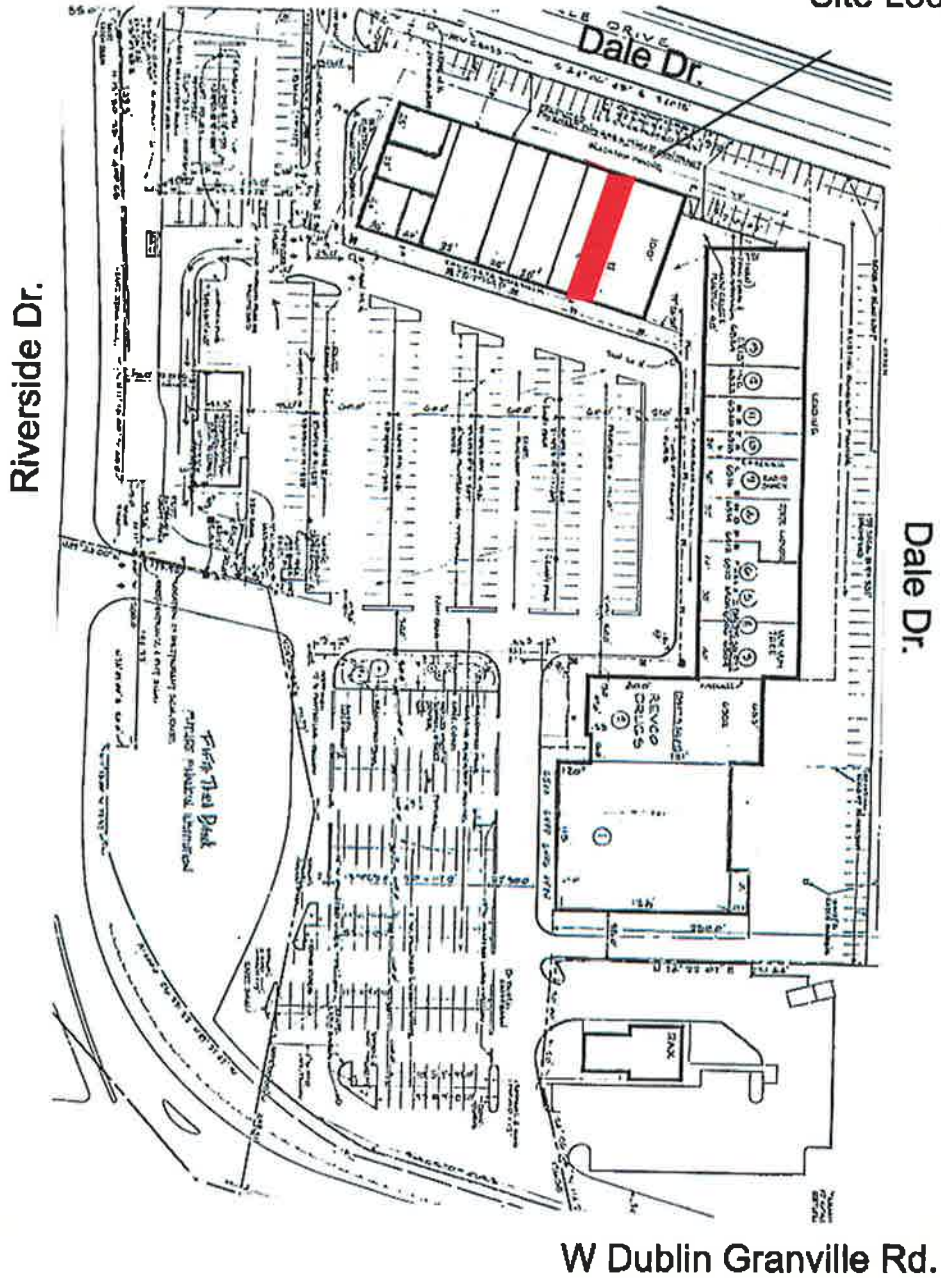
- 1) The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.
- 2) The proposed use will comply with all applicable development standards, except as specifically altered in the approved 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.



**The Shoppes
at River Ridge**

Existing Site Plan

Site Location



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Mayor Chinnici-Zuercher presented a proclamation in honor of Earth Week to City staff member Beth Lozier, Streets & Utilities. Ms. Lozier provided information regarding the various activities taking place in the City to observe Earth Week during April 19-25.

CORRESPONDENCE

The Clerk reported a notice had been sent to Council regarding a change of stock ownership for Martinos, Inc., 6645 Dublin Center Drive, holder of two existing D5 and D6 permits.

There was no objection from Council.

CITIZEN COMMENTS

Bob Warne, 5808 Tarton Circle addressed Council:

1. He sent a letter to the local newspaper editor recently regarding his proposal for murals in Dublin's pedestrian tunnels, similar to what has been done in the City of Portsmouth. The Dublin high school students could work with the Dublin Arts Council to explore this possibility of painting murals, engaging the Dublin Historical Society in research to support this effort. The Brand Road pedestrian tunnel is a good example of what can be done. This endeavor would provide students with tuition monies for college, and would give citizens a reason to utilize the bikepaths. Instead of the Dublin Arts Council spending upwards of \$50,000 per year for public art, purchased from artists outside of Dublin, it would provide an opportunity to keep this money in the Dublin community.
2. Noted in regard to the dedication services at the Veterans project, that he would like to see it become traditional that only photos of the veterans be taken and published in relation to this – and not elected officials. The City should develop a list of the veterans in the community and prioritize individuals for pictures at the Veterans project, such as those with combat experience, career military, or survivors of those who have perished. He asked that Council sacrifice this photo opportunity in favor of giving it to veterans.

Mayor Chinnici-Zuercher recommended that Mr. Warne meet with the Dublin Arts Council to discuss his ideas for the tunnels.

Ms. Salay pointed out that no Dublin official has ever asked to be in a photo; this has not been a problem in Dublin.

Wallace Maurer, 7451 Dublin Road stated that he listened carefully to the citizen comments section in the recording of the last Council meeting and watched the video recording as well. In view of the absence of three members and the Law Director, he will reserve his comments until next time.

LEGISLATION

POSTPONED ITEMS

Ordinance 08-09

Accepting an Annexation of 39.8 Acres, more or less, in Jerome Township, Union County, to the City of Dublin. (Petitioner: Celtic Capital LLC)

Ms. Readler reported that the applicant's attorney has requested that Council postpone this ordinance until May 18, 2009 to allow additional time to discuss issues related to reparations to the township.

Mr. Gerber so moved.

Mr. Lecklider seconded the motion.

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

Ordinance 74-08 (Amended)

Amending Section 153.028 of the Dublin Codified Ordinances (Zoning Code) regarding Conditional Uses in the Community Commercial District. (Case No. 08-075ADM)

Ms. Noble-Flading noted that this modification adds two new uses to the district as conditional uses – daycare facilities and tutoring services. This ordinance has been modified subsequent to introduction last year, eliminating the recreational uses previously included. Staff believes the uses of daycare facilities and tutoring services are appropriate for commercial use, and are brought forward based upon requests for these uses from the business community. Staff is therefore recommending approval of the Code modification.

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Wallace Maurer, 7451 Dublin Road noted that his understanding is that this amendment related to educational support services for students. What was the issue related to this legislation that delayed it until now?

Mayor Chinnici-Zuercher responded that when introduced in October of 2008, the legislation included language regarding an entertainment district. Council asked staff to reconsider what was being recommended at that time.

Vote on the Ordinance as Amended: Ms. Salay, yes; Mr. Lecklider, yes; Mr. Gerber, yes; Mayor Chinnici-Zuercher, yes.

SECOND READING/PUBLIC HEARING

Ordinance 19-09

Rezoning of Approximately 0.18 Acre, More or Less, Located on the East Side of South High Street, Approximately 70 Feet South of Spring Hill, from CB, Central Business District, to HB, Historic Business District. (54 South High - Case 08-019Z)

Ms. Husak stated that Council requested some additional background materials for this ordinance at the April 6 hearing. Those materials have been provided, as well as samples of the siding and stone for the project.

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

INTRODUCTION/FIRST READING - ORDINANCES

Ordinance 20-09

Amending Chapter 111 ("Alcoholic Beverages") of the Dublin Codified Ordinances, Specifically Section 111.05 ("Sales to and Use by Underage Persons; Securing Public Accommodations") to Impose Stricter Requirements to Discourage Adults from Permitting Underage Consumption of Alcohol, and Section 111.99 ("Penalty") to Enact New Affirmative Defenses.

Ms. Salay and Mr. Gerber introduced the ordinance.

Chief Epperson noted that the memo outlines the Code changes contemplated with this ordinance. There has been legislation introduced in other communities across the country, targeting the hosting of parties. This ordinance changes the mental state of an individual who can be charged from knowingly hosting a party or allowing a party to continue where underage persons are consuming alcohol to negligently doing so. This is an easier charge to make and to be upheld. The implications of this change to the Code are that it would allow individuals to be charged who allow a party to continue. Currently, the Code does not provide for this. He offered to respond to questions about how this would be implemented in Dublin.

Mayor Chinnici-Zuercher asked for information about the current law and how officers have used it, what has transpired through the use, and how this amendment would change that.

Chief Epperson noted that in 2007, the Police were called to 31 of these types of parties and in 2008, 37 parties. There were 47 arrests as a result of those parties in 2007, and 40 arrests from the parties in 2008. The vast majority of those arrests are for underage consumption. A very small number relates to charging someone at the residence who allowed the consumption of alcohol by underage persons to occur on their premises. There have been occasions where it could not be proven that an adult knowingly allowed such an activity to occur, and other occasions where a property owner refuses to help in stopping such a party. With this change, the owners of the premises could now be charged.

Ms. Salay noted that at the next hearing, some community representatives will testify about the legislation. She noted that she has been involved in the "Parents Encouraging Responsible Choices" (PERC) programs and "Adolescence and Community Together to Prevent Underage Drinking" (ACT) programs. Underage drinking is a public health issue for communities, and the community needs to do whatever can be done to prevent this activity. This legislation demonstrates support for the families of the community in curbing underage drinking. The goal is not to have more arrests, but to continue efforts to educate everyone on the dangers of and damage resulting from underage drinking. She referred to a website, (starttalkingnow.org), which has a wealth of information regarding serving

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that does field case management on more serious injuries; they have a third party administrator which helps employers manage the workers' compensation system as well.

There were no questions from Council.

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

INTRODUCTION/FIRST READING - ORDINANCES

Ordinance 74-08

Amending Section 153.028 of the Dublin Codified Ordinances (Zoning Code) regarding Conditional Uses in the Community Commercial District (Case No. 08-075ADM).

Mr. Langworthy stated that is an administrative code modification for educational use Code amendment. This amendment is to Section 153.028 of the zoning code, which relates to the Community Commercial district. The amendment, as proposed, would add daycare facilities, tutoring services and recreational uses as uses that are permitted by conditional use in the CC district. The Code modification to conditional uses would include arcades, live music and dance venues, daycare facilities, tutoring services, conference centers, and recording studios. Planning & Zoning Commission has reviewed this and recommends approval as does the Planning staff.

Mayor Chinnici-Zuercher noted that she recalls at the time of her service on P&Z that arcades, live music and dance venues had always been prohibited. There was a strong feeling that they were not desired in the community. Personally, she still does not want these in the community. Why are they being proposed now, based on the history of these issues in Dublin?

Mr. Langworthy responded that a request was made from a person interested in a facility at the Dublin Village Center. He brought his request to P&Z and gave some description of it. The Commission looked at it in terms of locations where younger people would have an opportunity to gather in a particular environment and P&Z elected to leave that in the proposal as a conditional use.

Mayor Chinnici-Zuercher asked for input from Council about this portion of the proposed Code changes.

Vice Mayor Boring commented that she does not know why this is being proposed, who generated this, and what it will do to help the community or improve the Code. She is also unhappy that once again, a redlined version of the Code changes was not included in the materials.

She moved that henceforth, whenever the Planning Department brings forth a proposed Code modification, that it must be presented in a redlined version and that it must answer the question of what and for whom the Code changes were prompted, and how the proposed changes will improve the community and the use of the Code.

Mr. Gerber seconded the motion.

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

Vice Mayor Boring commented that she does not know what prompted this ordinance, and she is not certain that P&Z would welcome the dance type of venue either, based on experience in the rest of the community.

Mr. Lecklider asked if the person requesting the Code change is the same person who came before Council in May.

Mr. Langworthy responded that is correct.

Mayor Chinnici-Zuercher recalled that the individual had opened a teen dance center in Columbus and was interested in the Dublin Village Center as a location.

Brief discussion followed about the circumstances under which Council had previously considered this item.

Mr. Langworthy responded that the individual asked for a Code amendment, and he wanted to come to Council regarding his plans for this venue. Staff discouraged him from bringing it to Council, but the individual opted to come to Council with his request.

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Mr. Gerber asked if that presupposes that the present Code does not permit an arcade, dance or music hall?

Mr. Langworthy responded that is correct.

Mr. Gerber stated that these uses are already prohibited in the Code, and now they would be put into a classification of a conditional use. His understanding from P&Z is that these are two separate items. A conditional use means that it can be done, if it does not infringe upon the surrounding area and meets some other criteria. If it does infringe, mitigation issues are considered. Therefore, if there were a group that could not have a dance or music hall previously, it would now be permitted -- provided they meet some standards regarding a conditional use.

Mr. Langworthy agreed that the potential would now exist for it to be approved.

Mr. Gerber asked why staff and P&Z would recommend to Council something that relaxes the standards in the present Code.

Mr. Langworthy responded that he cannot speak for the Commission; staff only brought this to the Commission for their consideration.

Mr. Gerber noted that this topic was discussed at a work session, and therefore the minutes are not detailed.

Mr. Reiner added that this issue was brought forth in the community in the 1980s, and a great deal of discussion took place. It was felt at the time that arcades should be permanently eliminated, and so they were deleted from the Code. It was a difficult battle at the time. He is surprised to see this brought forward.

Mayor Chinnici-Zuercher asked for confirmation that the current Code contains a section regarding sexually oriented business establishments.

Mr. Langworthy confirmed that is correct.

Mayor Chinnici-Zuercher commented that she understands adding daycare facilities, tutoring services, and conference centers. It is the arcade, live music and dance venues that are of concern. She assumes recording studios are the typical facilities one would find.

Vice Mayor Boring commented that there was a professional recording studio located off of Brandonway, where commercials were made. She does not understand the difference and why this is included in the Code changes.

Mr. Langworthy responded that it is included because it is in the Community Commercial District. The Dublin Code is very specific, with line by line items, and so each district must be looked at individually.

Mayor Chinnici-Zuercher asked if any Council Member is supportive of retaining the revisions related to the arcades, live music and dance venues.

Ms. Salay stated that there are many young people in the community who, in responding to surveys, consistently indicate the need for more places to gather and more to do. A dance venue would require lots of supervision and cooperation from the Police department. There would be some hurdles to overcome, but she can understand why this type of business could be desirable. She also is cognizant of the caution needed in location of such a business, and she would have to be convinced it could be monitored and shut down if it became a nuisance. She does not know how that could be accomplished.

Mr. Gerber added that it may come down to an issue of definitions. Perhaps this could be handled as a workshop review item for P&Z, who would then report their findings to Council.

Ms. Salay stated that in regard to an arcade, she is not certain how that is defined. To her, it includes electronic games and pinball machines. Many theaters have such rooms off of their lobbies with such equipment. She does not know if problems occur.

Mr. Lecklider asked if Game Works at Easton would be classified as an arcade.

Ms. Salay responded that she believes it would fit the definition. Located appropriately and supervised properly, and depending upon the clientele, it may not be a problem in a community. It does have the potential for problems, however, and the location and oversight would be important. That results in a lot of pressure on the Planning Department, Code enforcement, and the Legal Department to handle it.

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Vice Mayor Boring suggested that the minutes of previous discussions on this topic be provided. It is not a matter of banning all video games, but having appropriate restrictions. In terms of a dance hall, she recalls a film in the Mayor's Court training which included footage of "raves," which took place at dance venues. Controlling this venue to ensure that would not occur would not warrant the time and expense involved.

Mayor Chinnici-Zuercher agreed that the surveys indicate the youth in the community want more recreation opportunities. However, if Council believes this is something the City should participate in, there should be more activities at schools, rec centers, and churches - controlled environments that are not privately owned and operated. Some of the more difficult behaviors take place in the private venues, where there is a limit to capacity. The draw to these facilities is beyond the community. She would prefer to use other venues for organizing and attracting young people to activities.

Ms. Grigsby stated that for the next reading, staff will prepare information to address the questions raised and will provide some historical background. There is not a time issue involved with the proposed amendments.

Ms. Salay stated that she recalls a similar business was located in The Continent in Columbus. Perhaps the Police Department could check with that jurisdiction to learn if there were issues and what they were. She would be interested in feedback from the law enforcement staff on this. She agrees that it would be wonderful if the schools would take this on, but they have limited resources in terms of PTOs, faculty and staff who must supervise dances. Programming for teens at the Rec Center would be very welcome by the community, and Council would need to direct the Rec Center staff to pursue more of these programs.

Mr. Smith suggested that Council postpone the ordinance until November to gather the information requested.

Mr. Reiner moved to postpone the ordinance until a November meeting.

Mr. Gerber seconded the motion.

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

Ordinance 75-08

Amending the Annual Appropriations for the Fiscal Year Ending December 31, 2008.

Mr. Lecklider introduced the ordinance.

Ms. Grigsby stated that the memo provides details on each of the requests made for appropriations. The most significant relate to the transfer to repay advances previously made for the COIC improvements; fuel purchases, due to the significant cost increases; legal fees, based on the identified cases; and some minor items.

Mr. Keenan asked for clarification regarding the fuel costs and the purchase of fuel from the City by the School District and the Township.

Ms. Grigsby stated that 50 percent of the total fuel the City purchases is subsequently purchased from the City by the School District or the Township.

There will be a second reading/public hearing at the October 20 Council meeting.

Ordinance 76-08

Amending Section 153.170 - 153.189 of the Dublin Codified Ordinances (Zoning Code) Regarding Operations of the Architectural Review Board (Case No. 07-096ADM)

Ms. Salay introduced the ordinance.

Mr. Gunderman stated that there are some conflicts in the Code relating to conditional uses, planned districts, and how they are dealt with at the Planning Commission. Other changes are revisions and reorganizations of the definition section of the Code. The organizational aspects of the Board were consolidated into one section. The duties were redefined more precisely, and some of the more vague duties were incorporated into the "Purposes" section of the Code. The hearing requirements were made consistent with what Council is familiar with. This is the first of the zoning districts that has

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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

SEPTEMBER 4, 2008

The Planning and Zoning Commission took the following action at this meeting:

4. Community Commercial District Code Amendment Administrative Request
08-075ADM Zoning Code Modification

Proposal: The addition of educational uses including day cares, tutoring centers, and recreational uses as permitted and conditional uses in Zoning Code Section 153.028, (CC, Community Commercial District) and an amendment to the parking standards within Code Section 153.212.

Request: An administrative request to amend the Zoning Code under the provisions of Code Section 153.234.

Applicant: Jane S. Brautigam, City Manager, City of Dublin.

Planning Contact: Tammy Noble-Flading, Senior Planner.

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

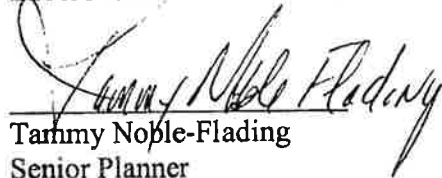
MOTION: To recommended approval to City Council of this request to add educational uses including day cares, tutoring centers, and recreational uses in Zoning Code Section 153.028, (CC, Community Commercial District) with the condition that all of the proposed uses be included as a conditional use in the CC District.

*Tammy Noble-Flading agreed to the above condition.

VOTE: 4 - 0.

RESULT: This Administrative Request was approved.

STAFF CERTIFICATION


Tammy Noble-Flading
Senior Planner

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Mr. Freimann said that the architectural concept was fine, but the architecture does not meet the level of quality he would like to see. He said he liked the idea of smaller, one-story buildings, and he had originally envisioned bungalow-style units, but after seeing the renderings he did not see what he had originally envisioned. He said that he thought they clearly were going to be separate, individual living spaces with some level of connectivity, but the elevations looked like one massive building instead. Mr. Freimann said that the site layout is nice and the concept is good, but he is not supportive of the architectural concept as proposed.

Mr. Zimmerman asked Mr. Freimann for his opinion on the proposed vinyl siding.

Mr. Freimann said that vinyl siding was not appropriate for this development. He said he thought that natural materials were needed on the sides of the buildings, and color variations and differences in the architecture are needed to help individualize the residences.

Warren Fishman agreed that refinement was needed for the architecture and that he would like to see more stone on the buildings. He said that the Stoneridge Medical Center and adjacent buildings were required to have stone and he wanted to maintain continuity with the architecture in this development. He said he thought that instead of siding, stone or a brick water table would be more appropriate. Mr. Fishman agreed that the vinyl siding would not be acceptable.

Chris Amorose Groomes said she could not envision vinyl siding on the buildings with the proposed massing. She said she agreed that some relief and differentiation of materials should be used to make them look like individual units, but cohesiveness was needed.

Mr. Zimmerman agreed that the siding on the buildings should be changed to brick or stone and that he could not support vinyl lap siding on buildings within this development. He said he could see Hardiplank siding used as an accent, and he suggested that the rooflines be altered to provide additional architectural interest.

Does the Commission feel that the proposed secondary connection to the Stoneridge Medical Center parking lot to the north is appropriate?

Mr. Zimmerman confirmed that the Commissioners agreed that a secondary connection was needed.

Mr. Berardi said that all of the Commissioners' comments would be integrated into the plans he would prepare for the rezoning application. Michelle Norris, National Church Residences, thanked Planning for being receptive and helpful to them and she thanked the Commission for their time.

Mr. Zimmerman ended this informal review by thanking everyone.

**4. Community Commercial District Code Amendment
08-075ADM**

**Administrative Request
Zoning Code Modification**

Tammy Noble-Flading presented this Administrative Request regarding a modification to the Zoning Code to provide for uses not currently specified in Code Section 153.028 – Permitted and Conditional Uses - Community Commercial District. She said the primary uses being dealt with

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are commercial daycare facilities for a range of age groups including those for an aged population, tutoring services, and miscellaneous recreational uses. She said the Commission's suggestion at the August 7, 2008 was to provide these uses primarily as conditional uses.

Ms. Noble-Flading said this proposed Code modification would permit recreational uses, like music and dance venues with a size limitation of 5,000 square feet, allowing a capacity of approximately 250 people at any one given time. She explained that anything that exceeds 5,000 square feet under those same use categories would be a conditional use. Ms. Noble-Flading said Planning is recommending the Commission recommend approval to City Council for this proposal because they believe it provides additional site options for land use categories within the City.

Todd Zimmerman invited anyone in the audience who had questions or comments regarding this Administrative Request to raise their hand. [No one responded.]

Warren Fishman said he would like to keep all recreational uses as a conditional use. Ms. Noble-Flading said they could allow the modification to proceed and list them as conditional uses.

Mr. Zimmerman asked if everyone agreed. Ms. Amorose Groomes said if Mr. Fishman believed that recreational use spaces needed to be conditional uses, regardless of size then she would support him. Mr. Fishman confirmed he did.

Ms. Noble-Flading asked if the Commission would agree to allow dance theaters to remain as permitted uses. Ms. Noble-Flading explained that dance theaters were part of this proposed modification under permitted uses. She reiterated that she was asking if the Commission wanted that to remain as a permitted use, or a conditional use.

Mr. Fishman, Mr. Zimmerman, and Ms. Amorose Groomes that agreed a dance theater should be considered as a conditional use.

Ms. Noble-Flading said approval of this Code modification could be made with one condition that all of the uses listed are conditional uses.

Motion and Vote

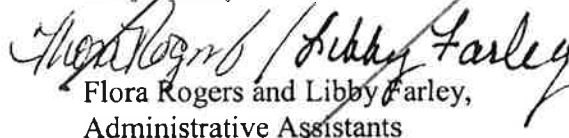
Mr. Zimmerman made the motion to recommend to City Council approval of this Administrative Request for Code Modification with one condition:

1. That all uses listed are conditional uses.

Mr. Freimann seconded the condition. The vote was as follows: Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Freimann, yes; and Mr. Zimmerman, yes. (Approved 4 – 0.)

The meeting was adjourned at 8:31 p.m.

Respectfully submitted,


Flora Rogers and Libby Farley,
Administrative Assistants

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3. **Educational Use Code Amendment**
08-075ADM

Administrative Request

Jamie Adkins said the purpose of this request is to address the lack of educational uses in the Zoning Code by including day cares and tutoring services in the CC, Community Commercial District and to receive informal feedback on their appropriateness. She explained that the educational uses must be added because the use was not located in any district. Ms. Adkins said entertainment uses for music and dance were also contemplated. She asked if the Commission thought that should be left in the CC, Community Commercial District and if that was an appropriate classification.

Mr. Zimmerman pointed out that as Dublin's population ages, it would need an elder daycare use included. He asked if it would be considered generally a daycare facility.

Mr. Walter suggested removing the word, *child* from the daycare uses. He said he did not think they should be a permitted use in a CC District because there have been many conversations around vehicular access, play structures locations, and the operating hours. He said if they were allowed in a CC District, the ability to work with applicants to make them as successful as they can will be lost.

Ms. Adkins said they could be added as conditional uses, which they are in some planned districts because of the traffic impacts of drop-off and pick-up timing issues. She said if a conditional use was deemed appropriate, it would be reviewed by the Commission. Mr. Walter said it was very appropriate as a conditional use.

Mr. Zimmerman suggested *daycare services* be used instead of *child daycare*.

Ms. Adkins confirmed that *tutoring* should also be in the conditional use category. Mr. Fishman agreed it should because there is group tutoring. He could not recall a daycare that was not complicated and it should be left as is.

Richard Taylor said the type of use is appropriate for this area in terms of the kinds of activity it can generate and the people that will be there. However, he agreed that the details of the structures, the use, and the traffic should be reviewed conditionally.

Mr. Walter asked for further discussion about the entertainment use. Ms. Adkins said there is nothing in the Code that permits live music and/or dancing or general indoor entertainment uses and it needs to be included, possibly as a conditional use because of the impacts. She suggested that indoor meeting space or indoor dining in association with the entertainment uses could be included in this one category.

Mr. Walter said he had trouble including that use as a conditional use because he did not see the need. He said a retail storefront can serve food and have a children's play structure that was similar to any other kind of use already included. He questioned why that should go through a conditional use process. Ms. Adkins said the intent was to limit the hours of operation, noise impacts, and impacts of group gathering spaces, which are issues looked at with a conditional use, but including it as a conditional use is not required.

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Ms. Amorose Groomes asked if the use proposed would include some adult entertainment without alcohol. Ms. Adkins said the use would not be that specific, but that was one of the targets. She said some business owners have considered that same kind of establishment for young adults which the Code does not permit now.

Mr. Walter said it was fine if the use was needed, but he did not think it needed to go through a conditional use process.

Ms. Amorose Groomes, Mr. Zimmerman, and Mr. Fishman wanted the Commission to review most of those things. Mr. Fishman said other uses in a shopping center could be overloaded when there was a large function. Mr. Zimmerman said a conditional use would give the Planning and the Commission a chance to look at the use to make sure it fits into the community.

Mr. Taylor said a restaurant would have either fixed or removable seating and that would limit the occupancy. He said in an open floor dance hall in an assembly use, there will be a much higher occupancy density and there is the potential for a lot more people. He said there will be times in some shopping centers when a place like that is busy and the other stores are closed and it will not be an issue, but restaurants in a shopping center with a very intense use like that, could have an impact on the parking and other patrons. He said he would like to see something that the Commission can consider.

Ms. Adkins suggested a compromise similar to what was done with indoor fitness uses. She said over a certain square footage, the larger facilities had to come back as a conditional use.

Mr. Walter asked if there was a way to target this use. He said the youth and young adult audiences were significantly different types. He suggested allowing youth oriented entertainment venues and then having conditional uses for the others. He said uses that are regularly encouraged, such as children's birthday party places and things like that should not have to come through a conditional use process, incurring time, energy, and expense. He said for the uses that the Commission wants to look at more closely that impact the area, he did not know how to draw the line. He said he did not think these categories did that well enough.

Mr. Fishman said a restaurant like Chuck E. Cheese has a high capacity of so many people per square foot. However, he said these uses can affect the character of a shopping center as far as parking. He said not enough was known about who was going to apply to make it a use.

Mr. Walter asked Planning to define what they were trying to do. Ms. Adkins said they are working on language, but since there was nothing out there, they are trying to group these into an entertainment category. She agreed to look at how this could be broken down and restricted.

Mr. Zimmerman invited those in the audience who wished to speak to come forward.

David Davis, 6121 Red Winesap Way, said that he ran a similar program in Columbus that was kind of like Chuck E. Cheese meets Dave and Busters. He said it was where the preteens and young adults could go after school to eat, play video games, congregate to meet people, and to dance or hear live entertainment that is not in an alcohol or smoke-filled venue. He said they ran such a place at the Continent for two or three years, they had an impeccable record with the Columbus Police, and had never had one incident of any kind with 600-700 kids. He said they had strict dress codes and police officers at all times. He said he understood the concept of

conditional uses. He said there was a definite need for this kind of program for kids to go to because there is nothing to do in Dublin.

Mr. Davis said regarding the adult side of it, one of the fastest growing entertainment areas now is called Christian Rock. He said that the problem is finding a place that can hold a large enough audience serve alcohol and they obviously do not want to play in those places and the places do not want them because they do not consume alcohol.

Mr. Taylor said what Mr. Davis had described sounded fabulous and he had not heard any objections from anyone. He agreed that the Commission would like to have the opportunity to review the potential impact on neighboring businesses.

Mr. Walter suggested there be a square footage requirement.

Mr. Fishman said he thought these uses should be conditional uses, and each case should be reviewed for approval by the Commission.

Mr. Davis said regarding parking, the average use in Columbus was one car per thirty or forty people because they were young adults, often dropped off by parents that visited.

Ms. Adkins said Planning would bring back something to the Commission at a future meeting, and the Parking Code will need to be updated as well for this use.

Mr. Davis said that he had been a pleasure working with the Planning Department and Ms. Adkins. He said they had gone above and beyond to work with him and develop this for the past 3 ½ months.

Mr. Zimmerman said the work sessions were a benefit if someone wanted to establish a business in Dublin because they can bring their ideas, it is very low cost, and Planning will work with them and show the steps necessary where it is not a full-blown application.

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

FEBRUARY 7, 2008

CITY OF DUBLIN.

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

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

The Planning and Zoning Commission took the following action at this meeting:

- 1. Columbus Dance Arts-Village Square 6502-6504 Riverside Drive
Application No. 07-132CU/CDD Conditional Use/ Corridor Development District**

Proposal: A dance studio within a 11,500-square-foot tenant space in the Village Square shopping center, located on the east side of Riverside Drive, north of the intersection with West Dublin-Granville Road.

Request: Review and approval of a conditional use and minor modifications within the Corridor Development District under the provisions of Code Sections 153.236 and 153.115.

Applicant: John Townsend, Columbus Dance Arts.

Planning Contact: Rachel E. Swisher, Planning Assistant and Jennifer M. Rauch, AICP, Planner II.

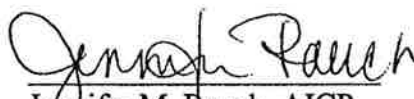
Contact Information: (614) 410-4600, rswisher@dublin.oh.us and jrauch@dublin.oh.us.

MOTION: To approve this Conditional Use/Corridor Development District application because it complies with the review criteria and the applicable development standards within the area.

VOTE: 6 – 0.

RESULT: This Conditional Use/Corridor Development District application was approved.

STAFF CERTIFICATION


Jennifer M. Rauch, AICP
Planner II

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Mr. Langworthy explained that there was another category included that allowed some uses inside some of the uses. He said this was a separate use category that is only in the high density POD and he thought it appropriate to have it come before the Commission. Mr. Zimmerman agreed. Mr. Langworthy promised the Commissioners a final copy of the COIC regulations when City Council finishes their work on it.

Mr. Langworthy asked that Commission members let Planning know via e-mail if they wanted a copy of the new Community Plan in a 3-ring binder or as a bound copy. He said periodically, there might be additions/amendments.

Mr. Zimmerman pointed out that a new list of contact information and an additional reading had been distributed tonight for placement in the Commissioners' green binders.

[The minutes reflect the order of the published agenda.]

**1. Columbus Dance Arts -Village Square 6502-6504 Riverside Drive
Application No. 07-132CU/CDD Conditional Use/Corridor Development District**

Mr. Zimmerman swore in those who intended to speak in regard to this case, including the applicant, John Townsend. He noted that this was a Consent Item without conditions.

Motion and Vote

Mr. Zimmerman made a motion to approve this Conditional Use/Corridor Development District application without conditions. Ms. Amorose Groomes seconded the motion. The vote was as follows: Mr. Freimann, yes; Mr. Walter, yes; Mr. Saneholtz, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; and Mr. Zimmerman, yes. (Approved 6 – 0.)

Mr. Zimmerman thanked Jennifer Rauch for her Planning Report.

WORK SESSION

Mr. Zimmerman explained that the work session is a new procedure for the Commission and that the following five cases are all work session items. He said that Planning will make a presentation, the applicant will speak, and then the public will have an opportunity to comment. He said the Commission will not vote on work session items and all comments are informal and non-binding.

**2. Waterford Commons Monterey Drive and West Bridge Street
Application No. 07-084CP/Z Concept Plan/Rezoning/Preliminary Development
WORK SESSION**

Abby Scott presented this request for an informal review and preliminary comments on a Concept Plan and Rezoning/Preliminary Development Plan application to change the zoning districts from CC, Community Commercial and R-2, Limited Suburban Residential to PUD, Planned Unit Development. She described the site location and details of the proposed development.

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