



To: Members of Dublin City Council

From: Dana L. McDaniel, City Manager 

Date: August 18, 2016

Initiated By: Vince A. Papsidero, FAICP, Planning Director
Claudia D. Husak, AICP, Senior Planner

Re: Ordinance 30-16 - Amending Section 153.059 of the City of Dublin Codified Ordinances (Zoning Code) to Amend the Bridge Street District Zoning Regulations to Add "Religious or Public Assembly" as a Conditional/Size Limited Use in the BSD- Office Residential District. (Case 16-047ADMC)
(Second Reading/Public Hearing September 12 Council Meeting)

Summary

This is a request by the applicants for review and recommendation of approval to City Council to amend a portion of the Zoning Code to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District. This addition will align the use of "Religious or Public Assembly" with the rest of the BSD Zoning District, exclusive of the Historic Residential District.

Background

The applicant approached Planning earlier this year with the intent to relocate from an existing tenant space in Dublin Village Center to a new tenant space in an existing building along Tuller Road. During these conversations, staff discovered that "Religious or Public Assembly" was not included as a conditional use in the BSD Office Residential District. The use is permitted as a conditional use in all other BSD Zoning Districts, except BSD Historic Residential. Based on research, it is not clear why the use was not included in this district, particularly given the minimal differences between this and the other BSD Zoning Districts.

The applicant has therefore filed an application requesting an amendment to the Zoning Code to provide for "Religious or Public Assembly" as a conditional/size limited use consistent with the current provisions for 10 other BSD Zoning Districts. Code Amendments in the Bridge Street District require a recommendation from the ART to the Planning and Zoning Commission, who will make a recommendation to City Council. The Commission will simultaneously consider a conditional use request for a 17,000-square-foot tenant space to be used as a church. ART is not required to make a recommendation on the Conditional Use.

Summary of Modifications

The proposed Zoning Code amendment is intended to allow a religious use continued operations within the City of Dublin in the vicinity of their current location and will align the uses in the BSD-OR District with the other districts.

Zoning Code Section	Summary of Proposed
153.059 Uses	<ul style="list-style-type: none">• Amending the Table of Permitted and Conditional Uses in the BSD Office Residential District to add C/S (Conditional Use/Size Limited) to the Religious or Public Assembly row in Table 153.059-A for the Office Residential District.• No modifications are proposed to the applicable Use Specific Standard, Section 153.059(C)(2)(g) which limits the size of the use to 100,000 square feet. This standard will apply to this use.

Recommendation of the Administrative Review Team

ART reviewed and recommended approval to the Planning and Zoning Commission of this request at their June 30, 2016 meeting.

Recommendation of the Planning and Zoning Commission

The Commission reviewed and recommended approval to City Council approval of this amendment at their July 7, 2016 meeting. The Commission simultaneously approved the conditional use request pending approval of the Code amendment.

Staff Recommendation

Planning recommends City Council approval of Ordinance 30-16 at the second reading/public hearing on September 12, 2016.

RECORD OF ORDINANCES

Ordinance No. 30-16

Passed _____, 20____

AN ORDINANCE AMENDING SECTION 153.059 OF THE CITY OF DUBLIN CODIFIED ORDINANCES (ZONING CODE) TO AMEND THE BRIDGE STREET DISTRICT ZONING REGULATIONS TO ADD "RELIGIOUS OR PUBLIC ASSEMBLY" AS A CONDITIONAL/SIZE LIMITED USE IN THE BSD, OFFICE RESIDENTIAL DISTRICT. (CASE 16-047ADMC)

WHEREAS, it is necessary from time to time to amend Dublin's Zoning Code to protect the health, safety and welfare of the citizens of the City of Dublin; and

WHEREAS, Dublin City Council adopted the Bridge Street Corridor Vision Report on October 25, 2010 and has since integrated the policy recommendations of the Vision Report into the Dublin Community Plan as the Bridge Street District Plan, adopted on July 1, 2013; and

WHEREAS, Dublin City Council adopted the Bridge Street Corridor Districts as part of the City of Dublin Zoning Code, including Sections 153.057-153.066, on March 26, 2012 and as amended in November 2013, August 2014, and December 2014 to implement the five Vision Principles identified in the Vision Report; and

WHEREAS, Section 153.066 of the City of Dublin Zoning Code states that the Planning and Zoning Commission and the Architectural Review Board may evaluate and monitor the application of the requirements and standards of Sections 153.057 through 153.066 and recommend to City Council any changes needed in the BSC district standards and requirements to better implement the Bridge Street Corridor Vision Report; and

WHEREAS, the Administrative Review Team reviewed and discussed the proposed amendment to Zoning Code Section 153.059 and recommended adoption of the amendment to the Planning and Zoning Commission and City Council on June 30, 2016; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendment to Zoning Code Section 153.059 and recommended adoption of the amendment on July 7, 2016 because it serves to improve the welfare of the citizens of the City of Dublin; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, _____ of its elected members concurring, that:

Section 1. Section 153.059 of the City of Dublin Zoning Code are hereby amended and shall provide as attached to this Ordinance as Exhibit A.

Section 2. This ordinance shall be effective on the earliest date permitted by law.

Passed this _____ day of _____, 2016.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

Ordinance 30-16

EXHIBIT A

Table 153.059-A: Permitted and Conditional Uses in BSD Zoning Districts

Key	BSD Zoning Districts												Use Specific Standards See §153.059 (C)
	Residential	Office Residential	Office	Commercial	Historic Core	Historic Residential	Historic Transition Neighborhood	Indian Run Neighborhood	Sawmill Center Neighborhood	Vertical Mixed Use	Scioto River Neighborhood	Public	
P Permitted U Permitted on upper floor only C Conditional Use S Size Limited T Time Limited													
Parks and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	
Transportation, Park & Ride			C	C				C	C	C	C	C	
Transportation, Transit Station			C	C				P	P	C	C	C	
Commercial													
Animal Care, General Services, Veterinary Offices, and Veterinary Urgent Care and Animal Hospitals	C	C	P	P	P		P	P	P	P	P		(3)(a)
Bank	C	P	P	P	P		P	P	P	P	P		
Bed and Breakfast					P								(3)(b)
Conference Center			C				C	C	C	C	C		
Eating and Drinking	C/S	P/S/C	P/S/C	P	P		P	P	P	P	P		(3)(c)
Entertainment/ Recreation, Indoor	C/S	P/S/C	P/S/C	P/S/C			P/S/C	P	P	P	P	C	(3)(d)
Exercise and Fitness	C/S	C	P	P	C		P/S/C	C	P	P	P	P	(3)(e)
Fueling/Service Station				C									(3)(f)
Hotel		P	P	P	P		P	P	P	P	P		
Office, General	C	P	P	P	P		P	P	P	U	P		
Office, Medical	C	P	P	P	P		P	P	P	P	P		
Parking, Structure		P/C	P/C	P/C	C		P/C	P/C	P/C	P/C	P/C	P/C	(3)(g)
Parking, Surface Lot		C	P	C	C			P	P	C	C		(3)(h)
Personal, Repair, & Rental Services	C/S	P/S/C	P/S/C	P/S/C	P/S/C		P/S/C	P	P	P	P		(3)(i)
Research & Development		P	P	P	P		P	P	P	U	P		
Retail, General	C/S	P/S/C	P/S/C	P	P/S/C		P/S/C	P	P	P	P		(3)(j)

Ordinance 30-16

EXHIBIT A

Table 153.059-A: Permitted and Conditional Uses in BSD Zoning Districts

Key	BSD Zoning Districts												Use Specific Standards See §153.059 (C)
	Residential	Office Residential	Office	Commercial	Historic Core	Historic Residential	Historic Transition Neighborhood	Indian Run Neighborhood	Sawmill Center Neighborhood	Vertical Mixed Use	Scioto River Neighborhood	Public	
P Permitted U Permitted on upper floor only C Conditional Use S Size Limited T Time Limited													
Outdoor Display or Seasonal Sales	T	T	T	T	T		T	T	T	T	T		(4)(h)
Parking, Structure	P/C	P/C	P/C	P/C	C		P/C	P/C	P/C	P/C	P/C	P/C	(3)(f)
Parking, Surface Lot	P	P	P	P	P		P	P	P	P	P	P	(4)(i)
Renewable Energy Equipment	P	P	P	P	P	P	P	P	P	P	P	P	(4)(j)
Renewable Energy Equipment, Wind	C	C	C	C				C	C	C	C	C	(4)(k)
Residential Model Home	T	T	T		T		T	T	T	T	T		(4)(l)
Retail or Personal Services	C	P	P	P	P		P	P	P	P	P		
Swimming Pool	P	P	P	P				P	P	P	P	P	
Transportation, Transit Stop	P	P	P	P	P		P	P	P	P	P	P	
Vehicle Charging Station	P	P	P	P	P		P	P	P	P	P	P	
Wireless Communications	Refer to Chapter 99 of Dublin Code of Ordinances												



City of Dublin

Planning

5800 Shier Rings Road
Dublin, Ohio 43016-1236

phone 614.410.4600

fax 614.410.4747

www.dublinohiousa.gov

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

JULY 7, 2016

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

5.	BSD-OR – Vineyard Church 16-047ADMC/CU	4140-4150 Tuller Road Administrative Request – Code Amendment Conditional Use
-----------	---	--

Proposal: An amendment to the Zoning Code to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District and a proposal for an existing 17,000-square-foot tenant space to be used as a "Religious or Public Assembly" use located on the north side of Tuller Road, approximately 200 feet west of Village Parkway.

Request: Review and recommendation of approval to City Council for an Administrative Request - Code Amendment under the provisions of Zoning Code §153.232 and §153.234 and a request for review and approval of a Conditional Use under the provisions of Zoning Code §153.236.

Applicant: Scott Engebretson, Vineyard Columbus.

Planning Contact: Claudia D. Husak, AICP, Senior Planner.

Contact Information: (614) 410-4675, chusak@dublin.oh.us

MOTION #1: Chris Brown moved, Robert Miller seconded, to recommend approval to City Council of this Administrative Request – Code Amendment.

VOTE: 7 – 0.

RESULT: The Administrative Request – Code Amendment will be forwarded to City Council.

RECORDED VOTES:

Victoria Newell	Yes
Amy Salay	Yes
Chris Brown	Yes
Cathy De Rosa	Yes
Robert Miller	Yes
Deborah Mitchell	Yes
Stephen Stidhem	Yes

MOTION #2: Chris Brown moved, Deborah Mitchell seconded, to approve this Conditional Use application with because the operation of the proposed use is consistent with the applicable review criteria, with one condition:

- 1) That the conditional use not be in effect until after the Zoning Code Amendment for the "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District is in effect.

*Scott Engebretson agreed by consent to the above conditions.

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

JULY 7, 2016

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

**6. BSD-OR – Vineyard Church
16-047ADMC/CU**

**4140-4150 Tuller Road
Administrative Request – Code Amendment
Conditional Use**

VOTE: 7 – 0.

RESULT: The Conditional Use was approved.

RECORDED VOTES:

Victoria Newell	Yes
Amy Salay	Yes
Chris Brown	Yes
Cathy De Rosa	Yes
Robert Miller	Yes
Deborah Mitchell	Yes
Stephen Stidhem	Yes

STAFF CERTIFICATION



Claudia D. Husak, AICP
Senior Planner

Amendment and the Conditional Use portion would not go into effect until City Council approves the amendment to the Zoning Code as stated as the condition for approval.

Motion and Vote

Mr. Brown moved, Mr. Miller seconded, to recommend approval to City Council for a Code Amendment to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District. The vote was as follows: Ms. De Rosa, yes; Ms. Salay, yes; Ms. Mitchell, yes; Ms. Newell, yes; Mr. Stidhem, yes; Mr. Miller, yes; and Mr. Brown, yes. (Approval Recommended 7 – 0)

Motion and Vote

Mr. Brown moved, Ms. Mitchell seconded, to approve the Conditional Use with one condition:

- 1) That the Conditional Use not be in effect until after the Zoning Code Amendment for the "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District is in effect.

The vote was as follows: Mr. Miller, yes; Mr. Stidhem, yes; Ms. De Rosa, yes; Ms. Salay, yes; Ms. Newell, yes; Ms. Mitchell, yes; and Mr. Brown, yes. (Approved 7 – 0)

Communications

The Chair asked if there were any communications from Staff. Vince Papsidero confirmed the Commission should have received their monthly Planning Report where he highlighted that the City contracted with Greg Dale's firm to work with staff on the West Innovation District and the Metro Blazer Plan Update. He said the City is intending to work with Clarion and Associates and Codametrics on all of the Bridge Street Code Updates and initiating the signage piece this month followed by the Historic Dublin piece in September.

Mr. Papsidero said an Open House will be held with Ohio University in late August and in September there is an Open House planned for the public on the Metro Blazer Plan Update.

Chris Brown asked if there was anything particularly interesting on Metro Blazer. Mr. Papsidero said staff is addressing issues that have been a problem with getting those buildings filled with tenants due to the parking ratios and landscape issues. He said staff is questioning whether infill can be supported as a community within that area. He said they are also considering retail and services to provide a small role on the frontage.

Claudia Husak said the geography has been expanded out to Emerald Parkway to about twice the amount of acreage since the offices were established so staff is considering how the area can be more competitive.

Mr. Papsidero said updating the streetscape on Frantz Road will also be addressed.

Amy Salay indicated that when this was discussed at City Council, they wanted to be sensitive to the existing Waterford, St. Andrew, and Edinborough neighborhoods.

Mr. Papsidero said there will be special outreach to the neighborhoods separate from the business community and then everyone will be brought together.

Deborah Mitchell asked if the people in the office buildings want to see more food truck come into Metro Park, if the City can play a role or should the offices reach out to the trucks specifically. Mr. Papsidero said from a zoning standpoint, food trucks are not addressed as a use.

Ms. Husak said if the food trucks are on private lots outside of the City right-of-way, they are not regulated.

Mr. Papsidero said one of the broader questions is introducing some residents to some retail on some other services along the corridor as walkable to the neighborhoods and the businesses. He said since the Commission supports that, they are looking into the meaning, the character, and the uses we would support, which should help the neighborhoods to look that much more attractive as a place to live.

Ms. Husak pointed out the new Planning Assistants with whom the Commission met at the B&C training in June. She thanked the Commission for the nice comments received about that training and said follow-up training is being considered for the fall of 2016.

Steve Stidhem said he would like to see them spend more time on certain aspects of zoning, the studies going on, and the long range planning that he would hope would include renewable energy sources. He offered to contribute to the long range planning conversation in some way.

Victoria Newell said she would not be in attendance for the Commission meeting on August 11th. Ms. Husak said she would not be present, either.

Cathy De Rosa encouraged the Commission to go on a hard-hat tour of Bridge Street. She reported that she and Chris Brown attended the tour and it is well worth the 1.5 hours it takes to complete because it provides an entirely different perspective when one is standing on the fourth floor looking out over the water. She indicated the river is going to become an incredible asset to the City in a way it has not been able to before. She said you can see some of the building materials up close as they are being installed. She said the details make a huge difference. She said it was really interesting to see and hear people react to it both from the folks involved in the work and those seeing it for the first time; there were very different perspectives.

Ms. Husak indicated the tours are conducted every Thursday at 4:30 pm.

Mr. Brown said one of the interesting views is when one is on Bridge Park, looking towards the hotel; the curvature of the road is like a European drive, drawing you around the corner, creating a nice element at the end of the street.

The Chair adjourned the meeting at 6:56 p.m.

As approved by the Planning and Zoning Commission on August 11, 2016.

Planning Report

Thursday, July 7, 2016



16-047ADMC/CU

Vineyard Church – Rezoning/Conditional Use – 4140-4150 Tuller Rd

Case Summary

Agenda Item	5
Case Number	16-047ADMC/CU
Proposal	An amendment to the Zoning Code to allow Religious and Public Assembly as a conditional use in the BSD-Office Residential District and a proposal for an existing 17,000-square-foot tenant space, on the north side of Tuller Road west of Village Parkway, to be used as a religious assembly use.
Request	Review and recommendation of approval to City Council for a Standard District Rezoning under the provisions of Zoning Code Sections 153.232 and 153.234 and a request for review and approval of a Conditional Use for a religious assembly use under the provisions of Zoning Code Section 153.236.
Site Location	4140-4150 Tuller Road, Suites 122, 130 & 131
Applicant	Scott Engebretson, Vineyard Columbus
Case Manager	Claudia D. Husak, AICP, Senior Planner (614) 410-4675, chusak@dublin.oh.us
Planning Recommendation	<p><u>Approval of a Zoning Code Amendment</u> Recommendation of approval from ART to recommend approval to City Council of this request for an amendment to the Zoning Code to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District.</p> <p><u>Approval of a Conditional Use</u> In Planning's analysis, the operation of the proposed use is consistent with the applicable review criteria of a conditional use. Planning recommends approval of this Conditional Use with one condition.</p>
Condition	<ol style="list-style-type: none">1) That the conditional use not be in effect until after the Zoning Code Amendment for the "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District is in effect.



 <p>City of Dublin</p>	<p>16-047Z/CU Rezoning/Conditional Use Vineyard Church 4140-4150 Tuller Road, Suites 122, 130 & 131</p>	<p>0 150 300 Feet</p> 
---	---	---

Facts	
Site Area	9.72-acre with a 17,000-square-foot building.
Zoning	BSD-OR, Bridge Street District Office Residential
Surrounding Zoning & Uses	North: I-270 East: BSD-SCN, Bridge Street District Sawmill Center Neighborhood (hotel use) South: BSD-SCN, Bridge Street District Sawmill Center Neighborhood (vacant parcel) West: BSD-OR, Bridge Street District Office Residential (multi-tenant office use)
Site Features	There is approximately 940 feet of frontage along Tuller Road. Site access is provided by two drives located on the southwest and southeast portion of the parcel. There is no vehicular cross access through the site. There are 397 parking spaces on the site, with main building access along the south and north façade of the building.

Facts	Zoning Code Amendment
Case Summary	This is a request for review and recommendation of approval to City Council to amend portions of the Zoning Code to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District. This addition will align the use of "Religious or Public Assembly" with the rest of the BSD Zoning District, exclusive of the Historic Residential District.
Background	<p>The applicant approached Planning earlier this year with the intent to relocate from an existing tenant space in Dublin Village Center to a new tenant space in an existing building along Tuller Road. During these conversations, staff discovered that "Religious or Public Assembly" was not included as a conditional use in the BSD Office Residential District. The use is permitted as a conditional use in all other BSD Zoning Districts, except BSD Historic Residential. Based on research, it is not clear why the use was not included in this district, particularly given the minimal differences between this and the other BSD Zoning Districts.</p> <p>The case was introduced at ART on June 23, 2016 and recommended for approval on June 30, 2016.</p>

Details	Zoning Code Amendment
Process	<p>Code Section 153.232(B)(9) provides the Planning and Zoning Commission with “other powers and duties” which includes making recommendations to City Council for amendments to the Zoning Code. Code Amendments in the Bridge Street District require a recommendation from the ART to the Planning and Zoning Commission, who will make a recommendation to City Council. The Commission will simultaneously consider a conditional use request for a 17,000-square-foot tenant space to be used as a church. ART is not required to make a recommendation on the Conditional Use. The Commission should review the modifications, provide input, and vote on the changes. The proposed amendment will be forwarded to City Council for its consideration. The following sections summarize the major components and considerations of each section of the zoning regulations proposed for the amendment.</p>
153.059 Uses	<ul style="list-style-type: none"> • Amending the Table of Permitted and Conditional Uses in the BSD Office Residential District to add C/S (Conditional Use/Size Limited) to the Religious or Public Assembly row in Table 153.059-A for the Office Residential District. • No modifications are proposed to the applicable Use Specific Standard, Section 153.059(C)(2)(g) which limits the size of the use to 100,000 square feet. This standard will apply to this use.

Analysis	Zoning Code Amendment
Review Considerations	<p>The Zoning Code does not provide for specific review standards for Zoning Code text amendments. However, there are certain considerations that are appropriate when considering an application for these amendments. These are provided below, along with relevant analysis. The Commission is not limited to these considerations, and may choose to give each its own weight as part of the deliberations for a recommendation to City Council.</p>
<i>Intent and Purpose</i>	<p><i>Whether the amendment is consistent with the intent and purpose of this Chapter and the Community Plan.</i></p> <p>Guideline Met</p> <p>All of the Zoning Districts within the Bridge Street District were created based on a vision for a vibrant, walkable environment at the center of the city, with a dynamic mix of land uses and housing types that enhances the city’s long-term sustainability while preserving and highlighting the natural features that tie the Corridor together. The Vision also reinforces the Dublin’s long-term competitiveness and promotes fiscal health and adaptability by creating new environments and amenities that can attract and retain the next generation of employees and businesses.</p>

Analysis	Zoning Code Amendment
<i>Error or Omission</i>	<p><i>Whether the change is the result of an error or omission in the original text.</i></p> <p>Guideline Met.</p> <p>Given the complexity of the BSD Code, it is difficult to know why the use was included in all of districts, except for Office Residential, when it is included in the Residential District. Given the development pattern within the Historic Residential District, it is clearer why this use was excluded from the BSD-HR District. t</p>
<i>Area Effects</i>	<p><i>The potential effects on areas that are most likely to be directly affected by the change.</i></p> <p>Guideline Met.</p> <p>The proposed amendment does not include any use that would affect the exterior of a building or site and the use can be accommodated within the confines of the existing buildings in the District.</p>
<i>Creation of Nonconformities</i>	<p><i>Whether the change might result in the creation of significant nonconformities on properties in the city.</i></p> <p>Not Applicable</p>

Recommendation	Approval
Approval	<p>Recommendation of approval to City Council of this request for an amendment to the Zoning Code to allow "Religious or Public Assembly" as a conditional/size limited use in the BSD-Office Residential District.</p>

Details	Conditional Use
Proposal	<p>Section 153.059 (C)(2)(G) requires Conditional Use approval of religious or public assembly. The applicant is proposing to use three tenant spaces in an existing office building for a church. The use-specific standard related to churches limits their size to less 100,000 square feet. The proposal is for approximately 17,000 square feet.</p>
Operational Details	<p>The church will operate mainly on Sundays for church services. There will be classrooms within the tenant space for group studies, which mainly take place during evening hours.</p>
Parking	<p>There are 397 parking spaces on-site. The use requires 122 parking spaces per Code.</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).
1. Harmonious with the Zoning Code and/or Community Plan. Condition 1	Criterion met with condition: This proposal is consistent with the requirements of the Zoning Code and the Community Plan. Approval of an amendment to the Zoning Code is required to permit the conditional use. Staff recommends conditional use not be in effect until after the Zoning Code Amendment for the “Religious or Public Assembly” as a conditional/size limited use in the BSD-Office Residential District is in effect.
2. Complies with applicable standards.	Criterion met: No modifications to the site or the building are proposed.
3. Harmonious with existing or intended character in vicinity.	Criterion met: The proposed use will not alter the essential character of the area and is compatible with surrounding uses.
4. Will not have a hazardous or negative impact on surrounding uses.	Criterion met: Proposed operations will not have an adverse effect on surrounding uses.
5. Will provide adequate services and facilities.	Criterion met: The church will provide adequate services and facilities.
6. Will not harm the economic welfare.	Criterion met: This proposed use contributes positively to the economic climate of the city.
7. Create no use or characteristic that is detrimental to the surrounding uses.	Criterion met: The use will not be detrimental to the surrounding area. The site has adequate access, parking and the proposed church fits with the commercial uses already permitted on the site.
8. Vehicular circulation will not interfere with existing circulation.	Criterion met: The site has ample parking and circulation. No additional changes are proposed.

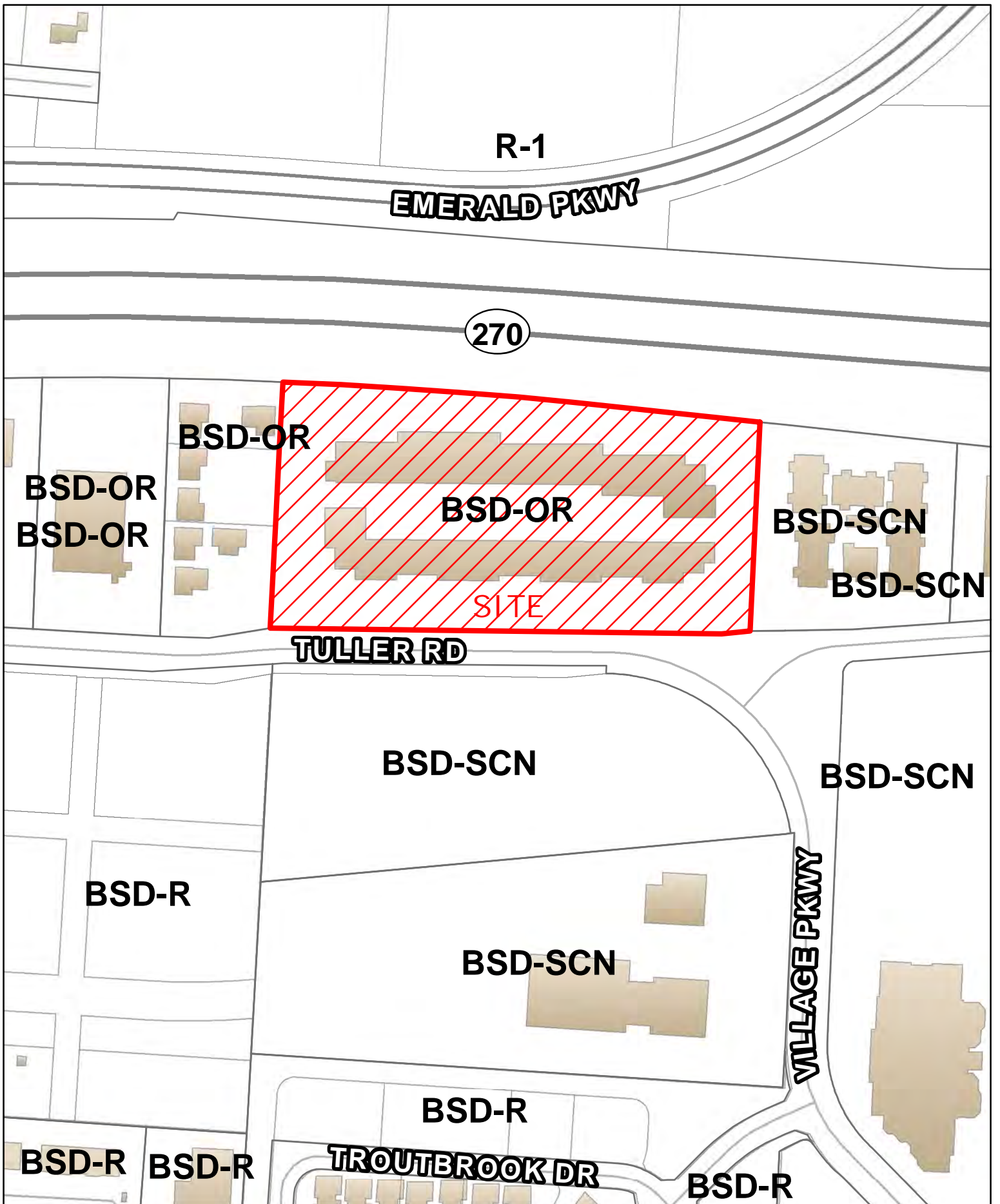
Analysis	Conditional Use
9. Not detrimental to property values in the vicinity.	Criterion met: This proposal will not be detrimental to property values.
10. Will not impede the development or improvement of surrounding properties.	Criterion met: This proposal uses are contained on site and will not impede development or improvement to the surrounding properties.

Recommendation	Conditional Use
Approval	In Planning’s analysis, the operation of the proposed use is consistent with the applicable review criteria of a conditional use. Planning recommends approval of this Conditional Use with one condition.
Condition	1) That the conditional use not be in effect until after the Zoning Code Amendment for the “Religious or Public Assembly” as a conditional/size limited use in the BSD-Office Residential District is in effect.

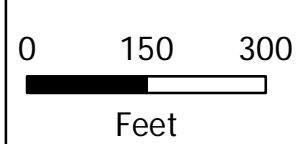
CONDITIONAL USE REVIEW CRITERIA

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

- 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.



16-047Z/CU
 Rezoning/Conditional Use
 Vineyard Church
 4140-4150 Tuller Road, Suites 122, 130 & 131



**4. BSD OR – Vineyard Church
16-047ADMC/CU**

**4140-4150 Tuller Road
Administrative Request – Code Amendment**

Claudia Husak said this is a request for an amendment to the Zoning Code to allow “Religious or Public Assembly” as a conditional/size limited use in the BSD-Office Residential District and a proposal for an existing 17,000-square-foot tenant space to be used as a “Religious or Public Assembly” use located on the north side of Tuller Road, approximately 200 feet west of Village Parkway. She said this is a request for a review and recommendation of approval to City Council for an Administrative Request - Code Amendment under the provisions of Zoning Code §153.232 and §153.234 and a request for review and approval of a Conditional Use under the provisions of Zoning Code §153.236.

Ms. Husak presented that the Planning and Zoning Commission is simultaneously considering a conditional use request for a 17,000-square-foot tenant space to be used as a church. She said the ART is not required to make a recommendation on the Conditional Use application.

Vince Papsidero asked if the conditional use piece will move forward with this Code Amendment.

Ms. Husak said they will forward the ART recommendation to City Council for their review and a condition will be placed on the conditional use that it is to be effective after the Code Amendment.

Ms. Husak said approval is recommended to City Council for an Administrative Request - Code Amendment.

Mr. Papsidero asked if there were any further questions or concerns regarding this application. [There were none.] He confirmed the ART’s recommendation of approval to City Council.