



**Office of the City Manager**  
5200 Emerald Parkway • Dublin, OH 43017-1090  
Phone: 614-410-4400 • Fax: 614-410-4490

# Memo

**To:** Members of Dublin City Council  
**From:** Marsha I. Grigsby, City Manager *mlg*  
**Date:** October 18, 2012

**Initiated By:** Steve Langworthy, Director of Land Use and Long Range Planning

**Re:** Right-of-way Encroachment and Fee Waiver Requests for a Subdivision Entry Feature within the Ballantrae Subdivision – Sections 1 and 2 (12-065AFDP)

## Summary

This is a request for review and approval of a right-of-way encroachment for stone monoliths to be located within the Eiterman Road right-of-way as part of a new subdivision entry feature. The site is located on the east side of Eiterman Road, at the north and south intersections of Dalmore Lane within the Ballantrae subdivision. The applicant also requests a fee waiver of \$1,200 for the right-of-way encroachment application to permit the entry feature within the right-of-way.

## Description

### *Entry Feature*

The applicant is proposing to install two stone monoliths, one on each side of the intersection, within a new landscape bed. The new monoliths will be of similar height and dimension as existing monoliths at other Ballantrae entry features, at 50 inches wide and 80 to 95 inches tall. Code requires all signs to be 8 feet from the City right-of-way, unless otherwise approved. The proposed monoliths encroach 10 feet into the right-of-way. The sight visibility information provided by the applicant meets Engineering approval.

### *Fee Waiver*

The applicant requests a fee waiver of \$1,200 for the right-of-way encroachment application to permit the entry features at the proposed location within the right-of-way. The current fee schedule does not make a distinction to allow administrative approval of fee waivers for right-of-way encroachment applications for neighborhood entry features.

The applicant has already sought and been granted a fee waiver and plan approval for an amended final development plan for the entry features.

## Recommendation of the Planning and Zoning Commission

The Commission reviewed and approved the amended final development plan on October 11, 2012 with the following four conditions:

- 1) The applicant gain approval of a right-of-way encroachment from City Council prior to the installation of the stone monoliths.
- 2) Should the applicant choose to incorporate the subdivision name on the stone monoliths the elevation of the copy shall be limited to 6 feet in height.
- 3) The layout of the planting areas be altered to reflect the same semi-circular design as the existing subdivision entry features.
- 4) The landscape plans be revised to use catmint in lieu of the proposed Russian sage, and cranberry viburnum for the viburnum.

**Recommendation**

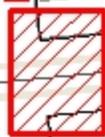
Planning and Engineering recommend approval of the right-of-way encroachment. Planning also recommends approval of the fee waiver request.

**Washington Elementary  
School, Hilliard**

R

**SITE**

EITERMAN RD



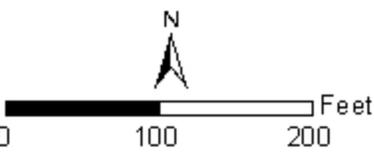
DALMORE LN

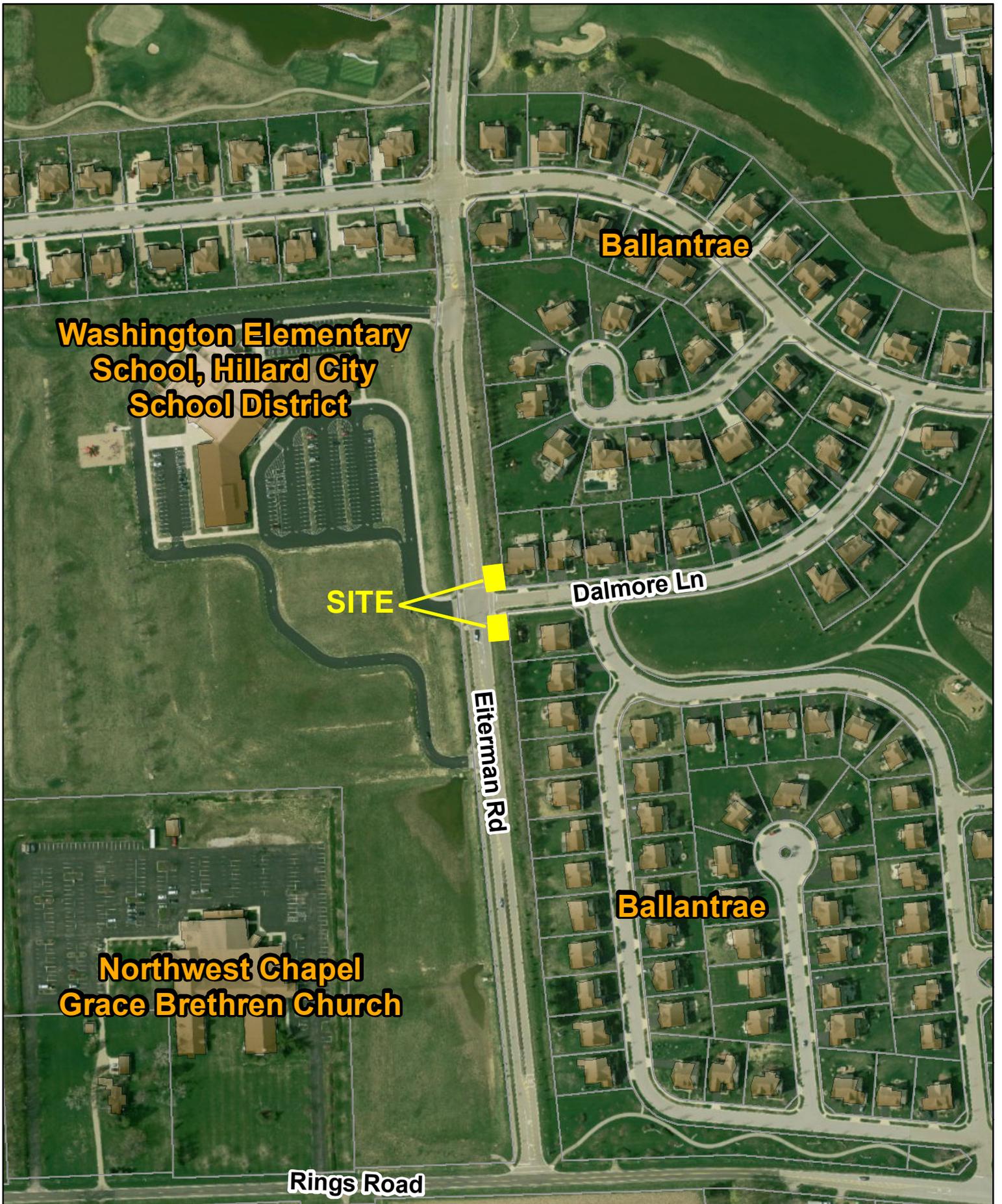
STRATHERN CT

ROYAL DUBLIN DR

KINVARRA LN

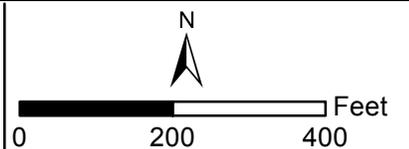
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City of Dublin  
Land Use and  
Long Range Planning

12-065AFDP/ROW  
Amended Final Development Plan/  
Right-of-Way Encroachment  
Ballantrae, Sections 1 and 2  
Eiterman Road and Dalmore Lane





**CITY OF DUBLIN.**

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

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

# PLANNING AND ZONING COMMISSION APPLICATION

(Code Section 153.232)

**I. PLEASE CHECK THE TYPE OF APPLICATION:**

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

**Please utilize the applicable *Supplemental Application Requirements* sheet for additional submittal requirements that will need to accompany this application form.**

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

<b>Property Address(es):</b> NE and SE corners of Dalmore and Eiterman	
<b>Tax ID/Parcel Number(s):</b> See attachments	<b>Parcel Size(s) (Acres):</b> 1750 sf
<b>Existing Land Use/Development:</b> Grassy area	

**IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:**

<b>Proposed Land Use/Development:</b> The Ballantrae Community Association wishes to apply for permission to construct a landscaping area on Dublin right of way. The landscape are would show drivers that they are entering the Ballantrae community.
<b>Total acres affected by application:</b> 1750 sf

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

<b>Name (Individual or Organization):</b> City of Dublin		SEP 24 2012
<b>Mailing Address:</b> (Street, City, State, Zip Code)	CITY OF DUBLIN PLANNING	
<b>Daytime Telephone:</b> 614-410-4400	<b>Fax:</b>	FILE COPY
<b>Email or Alternate Contact Information:</b>		

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

Name: <b>Dan Pugh, Secretary</b>		Applicant is also property owner: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>
Organization (Owner, Developer, Contractor, etc.): <b>Ballantrae Community Association</b>		
Mailing Address: <b>c/o Dan Pugh 5916 Baronscourt Way, Dublin, Oh 43016</b> (Street, City, State, Zip Code)		
Daytime Telephone: <b>740-704-6013</b>	Fax:	
Email or Alternate Contact Information: <b>danpugh81@yahoo.com</b>		

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

Name: <b>Dan Pugh</b>	
Organization (Owner, Developer, Contractor, etc.):	
Mailing Address: (Street, City, State, Zip Code)	
Daytime Telephone:	Fax:
Email or Alternate Contact Information:	

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

I, Marsha Grigsby, the owner, hereby authorize Dan Pugh to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner: [Signature] Date: 9/20/12

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

Subscribed and sworn before me this 20 day of September  
 State of Ohio  
 County of Franklin Notary Public Linda



**LINDA L. GLICK**  
 Notary Public, State of Ohio  
 My Commission Expires May 19, 2012

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

I, Marsha Grigsby, the owner or authorized representative, hereby authorize City representatives to visit, photograph and post a notice on the property described in this application.

Signature of applicant or authorized representative: [Signature] Date: 9/20/12

**FILE COPY**

SEP 24 2012

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

I, Marsha Grigsby, the owner or authorized representative, acknowledge that approval of this request does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

Signature of applicant or authorized representative: [Signature] Date: 9/20/12

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

I, Marsha Grigsby, the owner or authorized representative, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct, to the best of my knowledge and belief.

Signature of applicant or authorized representative: [Signature] Date: 9/20/12

Subscribed and sworn to before me this 20 day of September 2012  
 State of Ohio  
 County of Franklin Notary Public Linda L. Glick



**LINDA L. GLICK**  
 Notary Public, State of Ohio  
 My Commission Expires May 19, 2014

FOR OFFICE USE ONLY			
Amount Received: <u>\$1200</u>	Application No: <u>12-065 ADD ROW</u>	P&Z Date(s): <u>10/11/12</u>	P&Z Action: <u>Approved</u>
Receipt No: <u>18299</u>	Map Zone: <u>4</u>	Date Received: <u>9/24/12</u>	Received By: <u>jmr</u>
City Council (First Reading):		City Council (Second Reading):	
City Council Action:		Ordinance Number:	
Type of Request: <u>amended final development plan a row</u>			
N, S, E, W (Circle) Side of: <u>Eitelman Rd</u>			
N, S, E, W (Circle) Side of Nearest Intersection: <u>Dalmore Lane</u>			
Distance from Nearest Intersection: <u>at the intersection</u>			
Existing Zoning District: <u>PVD</u>		Requested Zoning District: <u>NA.</u>	

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Ballantrae Community Association  
Dalmore entrance project

Neighbors within 100' of the project:

Anthony & Amanda Kish  
6652 Dalmore

Ranjith Yengoti  
6644 Dalmore  
Home & Cell 915-253-0361  
[ranjithy@hotmail.com](mailto:ranjithy@hotmail.com)

Michael & Lorie Foster  
56290 Royal Dublin

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CITY OF DUBLIN  
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This Encroachment Agreement (the "Agreement") is executed, delivered and made effective as of this \_\_\_ day of \_\_\_, 2012, by and between the City of Dublin, an Ohio municipal corporation, with an address of 5200 Emerald Parkway, Dublin, Ohio 43017 (the "City") and the Ballantrae Community Association, the owner of the property whose address is c/o Towne Properties 777 A Dearborn Park Lane Worthington, OH 43085 ("Permittee").

**WITNESSETH:**

A. **City Property.** The City is the owner of certain right-of-way located at the corner off Dalmore Ln and Eiterman Rd, Dublin, Ohio which real property is legally described and depicted in Plat Book 98, Page 44, filed with the Franklin County Recorder's office ("City Right-of-Way"). (Ballantrae Sect 5)

B. **Structure Encroachment.** Permittee desires to place a planting area designating the entrance into Ballantrae neighborhood in the City's Right-of-Way. A detailed drawing of the entranceway, location and size are depicted on the attached Exhibit "A".

**AGREEMENT**

NOW, THEREFORE, the parties agree as follows:

1. **Permission to Locate in City Right-of-Way Area.** The City, its successors and assigns, agree that **Ballantrae Community Associations** planting area shall be permitted to be placed in City Right-of-Way provided that Permittee, its successors and assigns, acknowledge that the City may utilize the City Right-of-Way consistent with the terms of this Agreement. In the event it is necessary to gain access to the City Right-of-Way (or use it in any other manner contemplated by the City or the terms of the Easement) at the location of the encroachment by the **Ballantrae Community Association**, the Permittee acknowledges that the City may take any and all necessary action (including, but not limited to, removing the planting area located within the City Right-of-Way or causing the relocation of the landscape area at Permittee's expense), the City shall not be liable for any expenses, damages to, or reconstruction of the landscape area which encroach upon the City Right-of-Way.
2. **Extension.** Permittee, its successors and assigns, agree not to extend the planting area any further into the City Right-of-Way than is shown on the attached Exhibit "A".
3. **Assumption of Liabilities.** Permittee, its successors and assigns, agree to be financially responsible to the City for any and all costs, expenses or liabilities (including reasonable fees of attorneys, paralegals, experts, court reporters and others) incurred to remove or bypass the structure or appurtenance as directed by the City.
4. **Indemnity.** Permittee shall indemnify, protect, defend, and hold harmless the City from and against all loss, liability, damage, actions, causes of action, or claims for injury, death, loss or damage of whatever nature to any person, property or business interest caused by or resulting from an act or omission of Permittee or its agents, employees, customers, servants, licensees, tenants, subtenants, guests or invitees in respect to the matters set forth in this Agreement and its use of the City Right-of-Way as that use relates to the planting area and the area proximate to the planting area and from and against any and all costs, expenses or liabilities (including reasonable fees of attorneys, paralegals, experts, court reporters and others) incurred or anticipated by the City in connection with any claim, action or proceeding in respect of any such loss, liability, damage, action, cause of action, or claim.
5. **Insurance.** Permittee will maintain standard homeowner's liability, property, and casualty insurance of appropriate value for property of similar nature and valuation.

(b) Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be a duplicate original, but all of which, taken together, shall constitute a single instrument.

(c) Captions. The captions contained in this Agreement are included only for convenience of reference and do not define, limit, explain or modify this Agreement or its interpretation, construction or meaning and are in no way to be construed as a part of this Agreement.

(d) Severability. If any provision of this Agreement or the application of any provision or any circumstance shall be determined to be invalid or unenforceable, then such determination shall not affect any other provision of this Agreement or the application of said provision to any other person or circumstance, all of which other provisions shall remain in full force and effect.

(e) Amendments in Writing. No change, amendment, termination or attempted waiver of any of the provisions of this Agreement shall be binding upon any party unless in writing and signed by both of the parties hereto.

(f) Covenants Run With the Land. It is intended that the covenants, easements, agreements, promises and duties set forth in this Agreement shall be construed as covenants which run with the land.

(g) Conformance with Dublin Sign Code sections. Permittee must be in full compliance with regulations pertaining to signs as outlined in Dublin Code §153.150, *et. seq.*

(h) Conformance with Dublin Right-of-Way Code sections. Permittee must be in full compliance with regulations pertaining to right-of-way as outlined in Dublin Code, including but not limited to, Chapter 98.

(i) Venue. The parties hereto hereby consent to the exclusive jurisdiction of the courts of the State of Ohio in Franklin County, and the United States District Court for the Southern District of Ohio, and waive any contention that any such court is an improper venue for enforcement of this Agreement.

(j) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

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\_\_\_\_\_  
, City Manager

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Dublin Law Director

STATE OF OHIO,  
COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber, a Notary Public in and for said County, personally came the above named **City of Dublin**, Ohio, by Marsha Grigsby, its City Manager, and acknowledged the signing of the same to be her voluntary act and deed, and the voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.

\_\_\_\_\_  
Notary Public

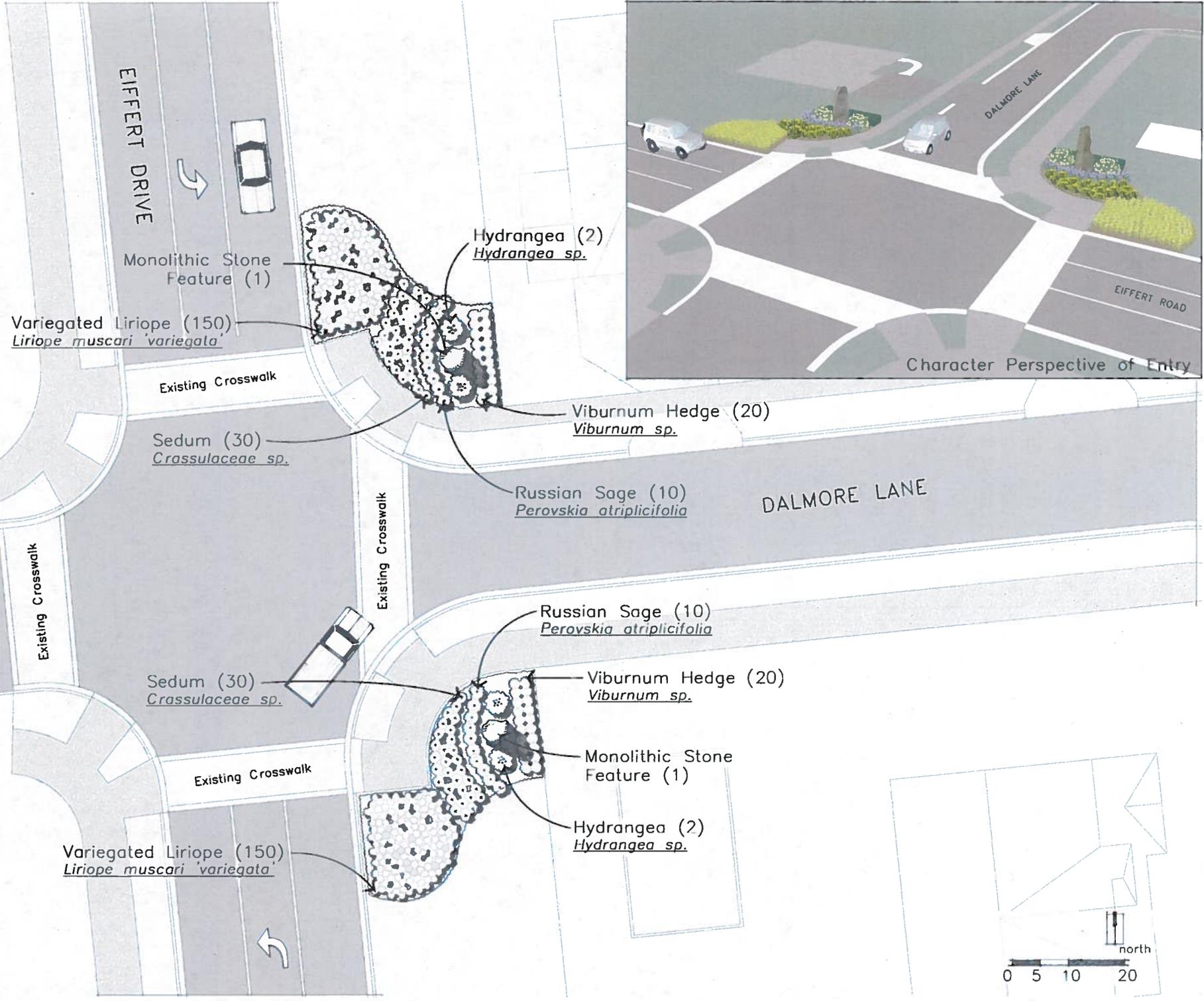
STATE OF OHIO,  
COUNTY OF FRANKLIN, ss:

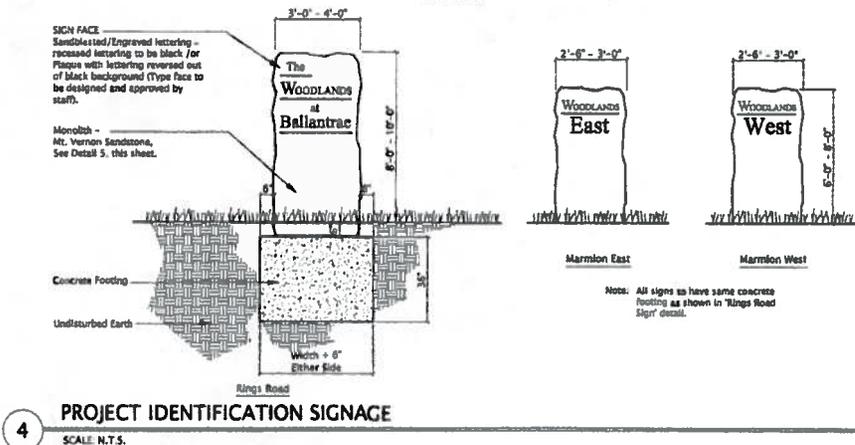
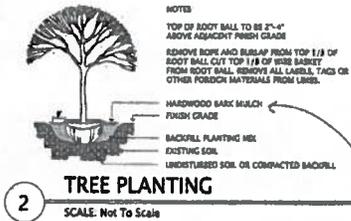
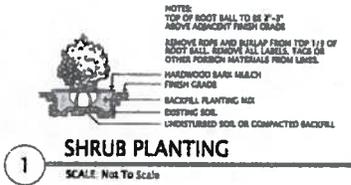
BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me, the subscriber, a Notary Public in and for said County, personally come the above named \_\_\_\_\_ and acknowledged the signing of the same to be his voluntary act and deed of said corporation, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.

\_\_\_\_\_  
Notary Public

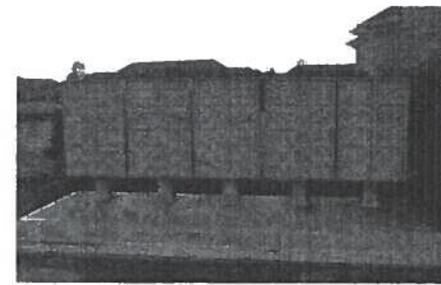
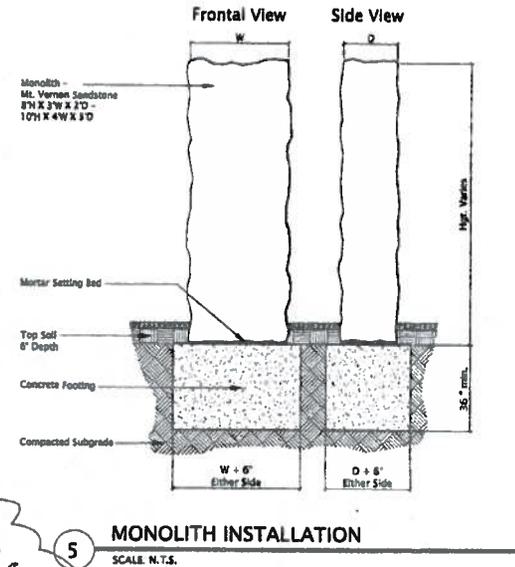
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*Keep at least 6" away from trunk*

*Use same footing as shown in Rings Road Sign detail*



NOTE:  
SEE SHEET L3.01 FOR LOCATIONS  
FINAL DESIGN OF MAIL BOX STRUCTURES SHALL BE SUBMITTED FOR APPROVAL BY CITY STAFF



NOTE:  
Privacy Fence: To be permitted around decks, hot tubs, or patios. They may not be used as lawn or yard fences. Fence finishes should be natural or earth tone in color. Maximum fence height shall be consistent with the City of Dublin's fence ordinance.



Building Permit - Landscape Set  
The Woodlands and The Glens at Balantrac  
Dublin, Ohio

CONTRIBUTOR OF  
INSTRUMENTS OF SERVICE  
BY SPECIAL AGREEMENT  
DATE: 11/24/04

Prepared For:  
City of Dublin  
7777 Central Expressway  
Dublin, OH 43017  
Project #:  
03007  
Date:  
November 24, 2004

REVISIONS  
CONSTRUCTION  
DETAILS  
L3.05

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The Ballantrae Community Association which is bordered by Shier Rings, Woerner Temple, Rings Rd and Cosgray Rd wishes to apply for permission to construct a landscaping area on Dublin right of way. The landscape are would show drivers that they are entering the Ballantrae community. The landscape area would actually be 2 areas, one on each corner at the intersection of Dalmore Lane and Eiterman Rd. and would replicate the many others like it inside the Ballantrae Community.

Creation and preparation and installation of the entry beds would include:

- Each 675 S.F. bed would contain:
- 4 Oak Leaf Hydrangea
- 20 Russian Sage
- 60 Sedum
- 300 Variegated Liriope
- 6 yards of mulch

Ballantrae mailing address  
Towne Properties  
777 A Dearborn Park Lane  
Worthington, OH 43085

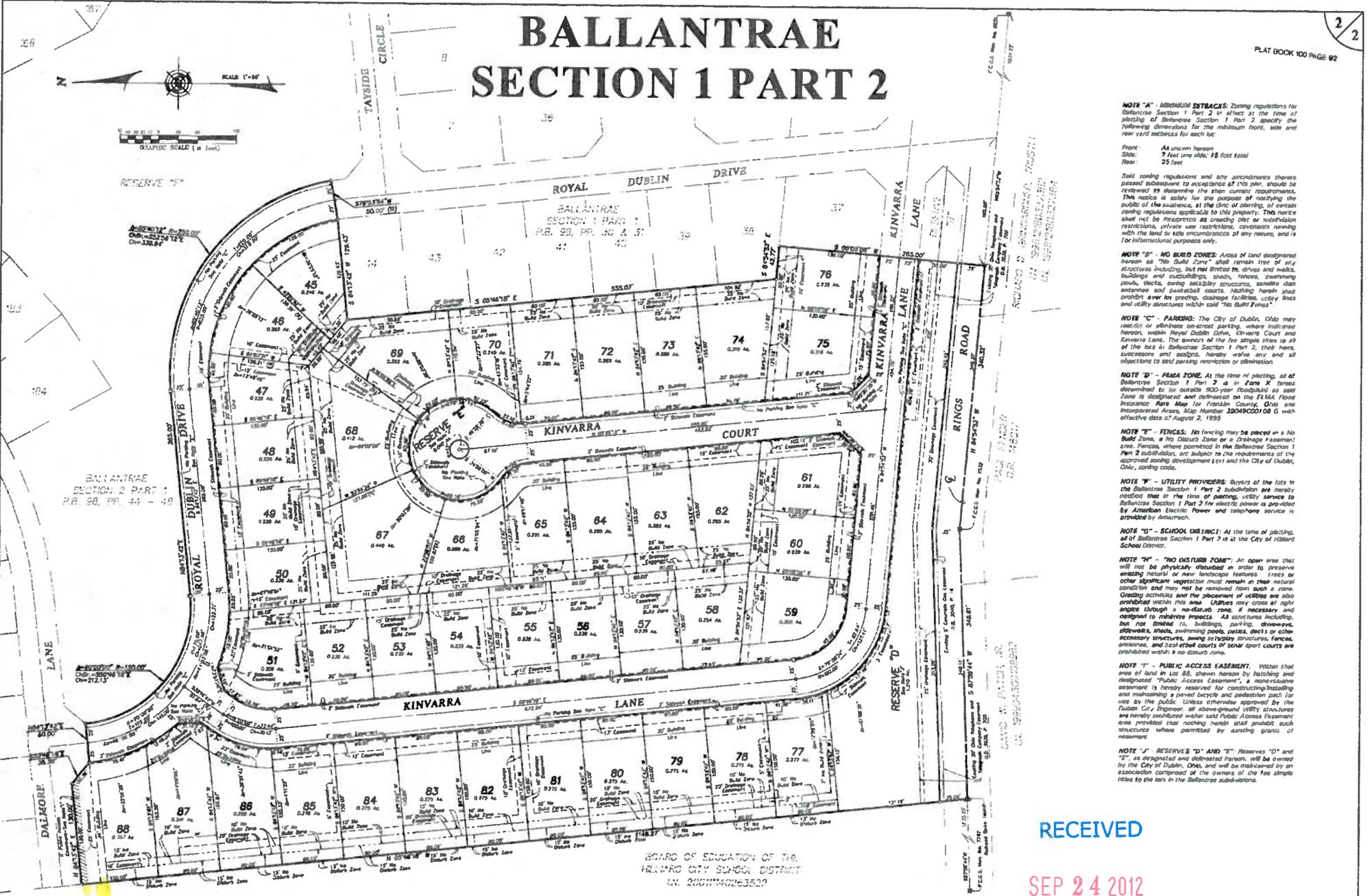
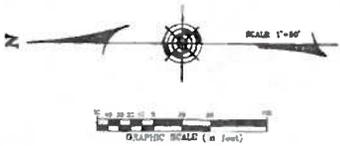
Contact Dan Pugh  
BCA Secretary/Project Chairman  
5916 Baronscourt Way  
Dublin,  
Oh 43016  
740-704-6013

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# BALLANTRAE SECTION 1 PART 2



**NOTE "A" - MINIMUM SETBACKS:** Zoning regulations for Ballantrae Section 1 Part 2 in effect at the time of platting of Ballantrae Section 1 Part 2 specify the following dimensions for the minimum front, side and rear yard setbacks for each lot:

Front: As shown hereon  
 Side: 7 feet one side; 15 feet total  
 Rear: 25 feet

Said zoning regulations and any amendments thereto passed subsequent to acceptance of this plat should be reviewed to determine the then current requirements. This notice is solely for the purpose of notifying the public of the existence, at the time of platting, of certain zoning regulations applicable to this property. This notice shall not be interpreted as creating plat or subdivision restrictions, unless such restrictions, consistent herewith with the land or lots encumbered by any easement, and is for informational purposes only.

**NOTE "B" - NO BUILD ZONES:** Areas of land designated herein as "No Build Zones" shall remain free of any structures including, but not limited to, drives and walks, buildings and outbuildings, sheds, fences, swimming pools, decks, sewing utility structures, satellite dish antennae and broadcast towers. Nothing herein shall prohibit ever on proper drainage facilities, utility lines and utility structures which said "No Build Zones".

**NOTE "C" - PARKING:** The City of Dublin, Ohio may require or eliminate on-street parking, where it may exist, within Royal Dublin Drive, Kinvarra Court and Kinvarra Lane. The owners of the fee simple lots 49 of the lots in Ballantrae Section 1 Part 2, their heirs and successors and assigns, hereby waive any and all objections to said parking restriction or elimination.

**NOTE "D" - FLOOD ZONE:** At the time of platting, all of Ballantrae Section 1 Part 2 is in Zone X (areas determined to be certain flood-prone floodplains) as said Zone is designated and delineated on the FEMA Flood Insurance Rate Map for Franklin County, Ohio and incorporated herein. Map Number 33000R0204 G with effective date of August 2, 1995.

**NOTE "E" - FENCES:** No fencing may be placed in a No Build Zone, a No Disturb Zone or a Drainage Easement area. Fences, where permitted in the Ballantrae Section 1 Part 2 subdivision, and subject to the requirements of the approved zoning development set and the City of Dublin, Ohio, zoning code.

**NOTE "F" - UTILITY PROVIDERS:** Buyers of the lots in the Ballantrae Section 1 Part 2 subdivision are hereby notified that at the time of platting, utility service to Ballantrae Section 1 Part 2 for electric power is provided by American Electric Power and telephone service is provided by Ameritech.

**NOTE "G" - SCHOOL DISTRICT:** At the time of platting, all of Ballantrae Section 1 Part 2 is in the City of Hilliard School District.

**NOTE "H" - "NO DISTURB ZONE":** An open area that will not be physically disturbed in order to preserve existing natural or near landscape features. Trees or other significant vegetation must remain in their natural standing and may not be removed from such a zone. Growing activities and the placement of utilities are also prohibited within this area. Utilities may cross at right angles through a no-disturb zone, if necessary and designed to minimize impacts. All structures including, but not limited to, buildings, parking, driveways, sidewalks, sheds, swimming pools, patios, decks or other accessory structures, sewing utility structures, fences, antennas, and satellite towers of other sports courts are prohibited within a no-disturb zone.

**NOTE "I" - PUBLIC ACCESS EASEMENT:** Within that area of land in Lot 85, shown hereon by being used and designated "Public Access Easement", a nonexclusive easement is hereby reserved for constructing, installing and maintaining a paved bicycle and pedestrian path for use by the public. Unless otherwise approved by the Dublin City Engineer, all above-ground utility structures are hereby prohibited within said Public Access Easement area provided that nothing herein shall prohibit such structures whose permitted by existing grants of easement.

**NOTE "J" - RESERVES "D" AND "E":** Reserves "D" and "E", as designated and delineated hereon, will be owned by the City of Dublin, Ohio, and will be maintained by an association comprised of the owners of the fee simple lots in the Ballantrae subdivisions.

BOARD OF EDUCATION OF THE  
 HILLIARD CITY SCHOOL DISTRICT  
 LN. 20011140263502

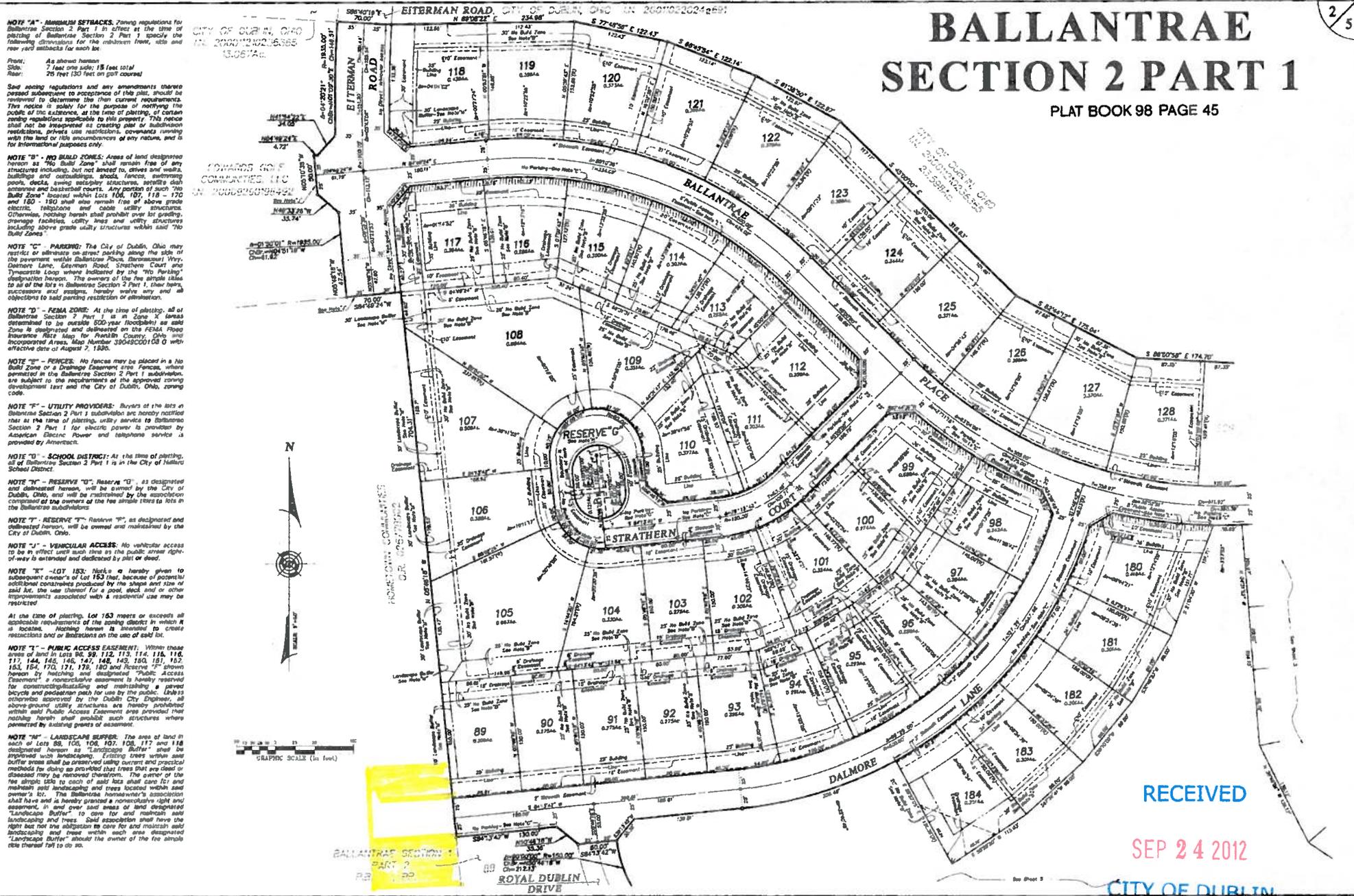
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# BALLANTRAE SECTION 2 PART 1

PLAT BOOK 98 PAGE 45



- NOTE "A" - MINIMUM SETBACKS.** Zoning regulations for Ballantrae Section 2 Part 1 in effect at the time of platting of Ballantrae Section 2 Part 1 specify the following dimensions for the minimum front, side and rear yard setbacks for each lot:
- Front: As shown herein  
 Side: 1 foot one side; 18 feet total  
 Rear: 75 feet (30 feet on golf course)
- Said zoning regulations and any amendments thereto passed subsequent to acceptance of this plat, shall be deemed to be in effect at the time of platting of this plat, and the platting of this plat is solely for the purpose of notifying the public of the existence of certain zoning regulations applicable to this property. This notice shall not be interpreted as creating plat or subdivision restrictions, private use restrictions, covenants running with the land or other encumbrances of any nature, and is for informational purposes only.
- NOTE "B" - NO BUILD ZONES.** Areas of land designated herein as "No Build Zone" shall remain free of any structures including, but not limited to, drives and walls, buildings and outbuildings, sheds, fences, swimming pools, decks, swing sets/play structures, satellite dish antennae and basketball courts. Any portion of such "No Build Zone" located within Lots 106, 107, 118 - 170 and 180 - 190 shall also remain free of above grade electric, telephone and cable utility structures. Otherwise, nothing herein shall prohibit over lot grading, drainage facilities, utility lines and utility structures including above grade utility structures within said "No Build Zones".
- NOTE "C" - PARKING:** The City of Dublin, Ohio may restrict or otherwise regulate parking along the side of the pavement within Ballantrae Plaza, Strathern Court, Wey, Dalmore Lane, Eastman Road, Strathern Court and Tynacastle Loop where indicated by the "No Parking" designation herein. The owners of the fee simple title to all of the lots in Ballantrae Section 2 Part 1, their heirs, successors and assigns, hereby waive any and all objections to said parking restriction or abatement.
- NOTE "D" - FEMA ZONE:** At the time of platting, all of Ballantrae Section 2 Part 1 is in Zone X which is determined to be outside 500-year floodplains as said Zone is undisturbed and delineated on the FEMA Flood Insurance Rate Map for Franklin County, Ohio and incorporated therein. Map Number 39049C00100 G with effective date of August 7, 1986.
- NOTE "E" - FENCES:** No fences may be placed in a "No Build Zone" or a "Drainage Easement" area. Fences, when permitted in the Ballantrae Section 2 Part 1 subdivisions, are subject to the requirements of the approved zoning development text and the City of Dublin, Ohio, zoning code.
- NOTE "F" - UTILITY PROVIDERS:** Buyers of the lots in Ballantrae Section 2 Part 1 subdivision are hereby notified that at the time of platting, utility services to Ballantrae Section 2 Part 1 for electric power is provided by American Electric Power and telephone service is provided by Ameritech.
- NOTE "G" - SCHOOL DISTRICT:** At the time of platting, all of Ballantrae Section 2 Part 1 is in the City of Dublin School District.
- NOTE "H" - RESERVE "G":** Reserve "G", as designated and delineated herein, will be owned by the City of Dublin, Ohio, and will be maintained by the association comprised of the owners of the fee simple lots in lots in the Ballantrae subdivisions.
- NOTE "I" - RESERVE "F" - RESERVE "F":** as designated and delineated herein, will be owned and maintained by the City of Dublin, Ohio.
- NOTE "J" - VEHICULAR ACCESS:** No vehicular access to be in effect until such time as the public right-of-way is obtained and dedicated by plat or deed.
- NOTE "K" - LOT 153:** Notice is hereby given to subsequent owners of Lot 153 that, because of potential additional constraints produced by the shape and size of said lot, the use thereof for a good, ideal, and/or other improvements associated with a residential use may be restricted.
- At the time of platting, Lot 153 meets or exceeds all applicable requirements of the zoning district in which it is located. Nothing herein is intended to create restrictions and/or limitations on the use of said lot.
- NOTE "L" - PUBLIC ACCESS EASEMENT:** Within these areas of land in Lots 96, 99, 112, 113, 114, 116, 116, 117, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 170, 171, 178, 180 and Reserve "F" shown herein by hatching and designated "Public Access Easement" a restrictive easement is hereby reserved for constructing/maintaining and maintaining a paved bicycle and pedestrian path for use by the public. Unless otherwise approved by the Dublin City Engineer, all above ground utility structures are hereby prohibited within said Public Access Easement area provided that nothing herein shall prohibit such structures where permitted by existing covenants of easement.
- NOTE "M" - LANDSCAPE BUFFER:** The area of land in each of Lots 89, 100, 106, 107, 108, 117 and 118 designated herein as "Landscape Buffer" shall be approved with landscaping. Existing trees within said buffer areas shall be preserved using current and practical methods for doing so provided that trees that are dead or diseased may be removed therefrom. The owner of the fee simple title to each of said lots shall care for and maintain said landscaping and trees located within said owner's lot. The Ballantrae Homeowners' Association shall have and is hereby granted a non-exclusive right and easement, in and over said areas of land designated "Landscape Buffer" to care for and maintain said landscaping and trees. Said association shall have the right but not the obligation to care for and maintain said landscaping and trees within each area designated "Landscape Buffer" should the owner of the fee simple title thereof fail to do so.

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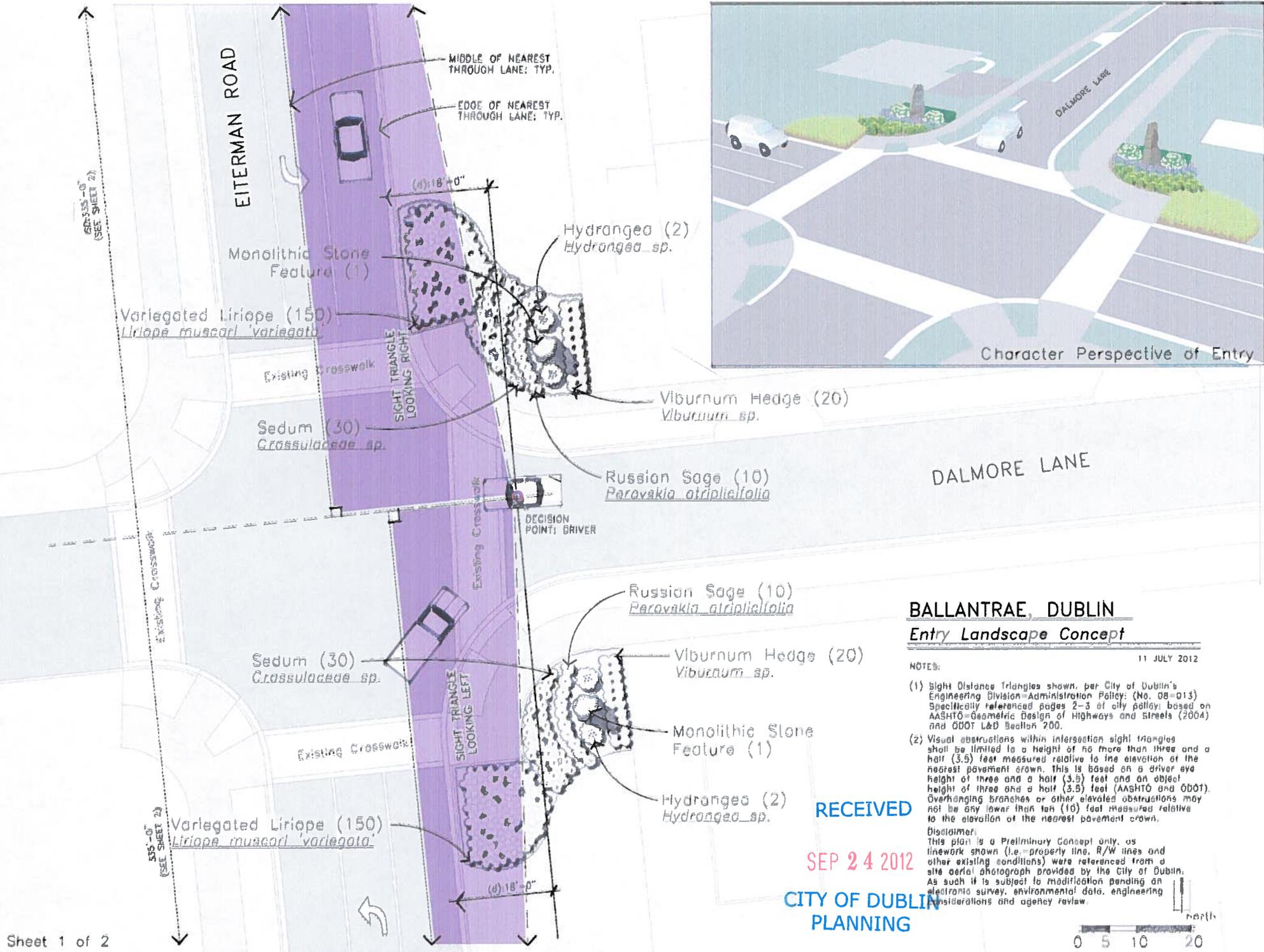
SEP 24 2012

CITY OF DUBLIN PLANNING

BALLANTRAE SECTION 2 PART 1

ROYAL DUBLIN DRIVE





335'-0"  
(SEE SHEET 2)

EITERMAN ROAD

MIDDLE OF NEAREST THROUGH LANE: TYP.

EDGE OF NEAREST THROUGH LANE: TYP.

(d) 18'-0"

Monolithic Stone Feature (1)

Hydrangea (2)  
*Hydrangea sp.*

Variegated Liriope (150)  
*Liriope muscari variegata*

Existing Crosswalk

SIGHT TRIANGLE  
LOOKING RIGHT

Sedum (30)  
*Crassulaceae sp.*

Viburnum Hedge (20)  
*Viburnum sp.*

Russian Sage (10)  
*Perovskia atriplicifolia*

DALMORE LANE

DECISION POINT: DRIVER

Existing Crosswalk

Sedum (30)  
*Crassulaceae sp.*

Russian Sage (10)  
*Perovskia atriplicifolia*

Viburnum Hedge (20)  
*Viburnum sp.*

Monolithic Stone Feature (1)

Existing Crosswalk

SIGHT TRIANGLE  
LOOKING LEFT

Hydrangea (2)  
*Hydrangea sp.*

Variegated Liriope (150)  
*Liriope muscari variegata*

(d) 18'-0"

**BALLANTRAE, DUBLIN**  
**Entry Landscape Concept**

11 JULY 2012

NOTES:

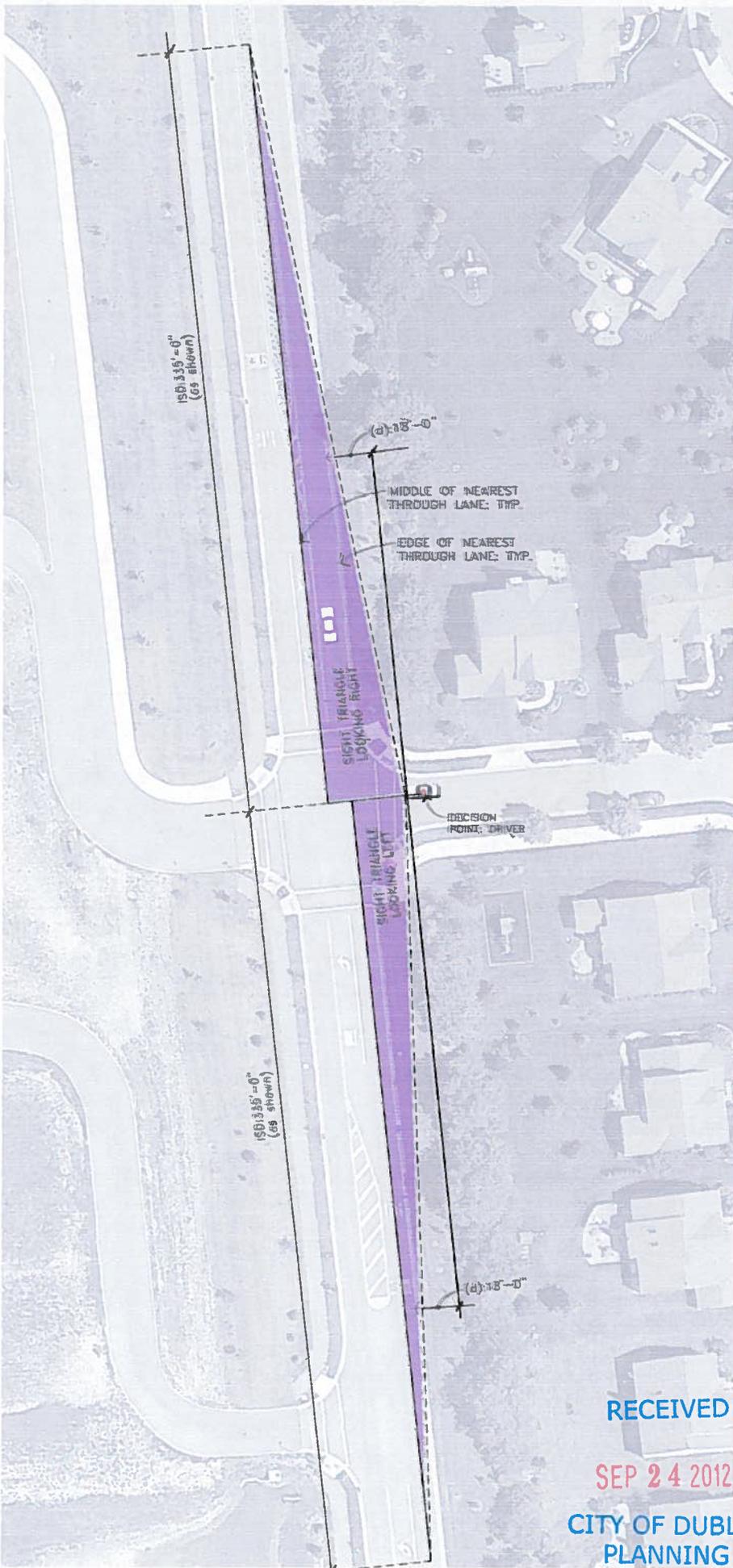
- (1) Sight Distance Triangles shown, per City of Dublin's Engineering Division-Administration Policy (No. 08-013) Specifically referenced pages 2-3 of city policy based on AASHTO-Geometric Design of Highways and Streets (2004) and ODOT L&D Section 200.
  - (2) Visual obstructions within intersection sight triangles shall be limited to a height of no more than three and a half (3.5) feet measured relative to the elevation of the nearest pavement crown. This is based on a driver eye height of three and a half (3.5) feet and an object height of three and a half (3.5) feet (AASHTO and ODOT). Overhanging branches or other elevated obstructions may not be any lower than ten (10) feet measured relative to the elevation of the nearest pavement crown.
- Disclaimer:  
This plan is a Preliminary Concept only, as linework shown (i.e. property line, R/W lines and other existing conditions) were referenced from a site aerial photograph provided by the City of Dublin. As such it is subject to modification pending an electronic survey, environmental data, engineering considerations and agency review.

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CITY OF DUBLIN  
PLANNING





**BALLANTRAE, DUBLIN**  
**Entry Landscape Concept**

11 JULY 2012

**NOTES:**

(1) Sight Distance Triangles shown, per City of Dublin's Engineering Division-Administration Policy (No. 08-013) Specifically referenced pages 2-3 of city policy; based on AASHTO-Geometric Design of Highways and Streets (2004) and ODOT L&D Section 200.

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**Disclaimer:**  
 This plan is a Preliminary Concept only, as linework shown (i.e., property line, R/W lines and other existing conditions) were referenced from a site aerial photograph provided by the City of Dublin. As such it is subject to modification pending an electronic survey, environmental data, engineering considerations and agency review.

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24 2012

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PLANNING



City of Dublin

Land Use and Long  
Range Planning

5800 Shier Rings Road  
Dublin, Ohio 43016-1236

phone 614.410.4600

fax 614.410.4747

[www.dublinohiousa.gov](http://www.dublinohiousa.gov)

## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

OCTOBER 11, 2012

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

- |                      |   |  |
|----------------------|---|--|
| <b>1.</b>            | <b>Ballantrae, Sections 1 and 2, Entry Feature<br/>12-065AFDP</b>   | <b>Dalmore Lane and Eiterman Road<br/>Amended Final Development Plan<br/>Right-of-Way Encroachment</b> |
| Proposal:            | Addition of a subdivision entry feature including landscaping and stone monoliths for Sections 1 and 2 of the Ballantrae subdivision. The site is located at the intersection of Dalmore Lane with Eiterman Road. |  |
| Request:             | Review and approval of an amended final development plan under the provisions of Code Section 153.050 and a right-of-way encroachment under the provisions of Code Section 153.161.                               |  |
| Applicant:           | City of Dublin, represented by Dan Pugh, Ballantrae HOA.  |  |
| Planning Contact:    | Jennifer M. Rauch, AICP, Planner II   |  |
| Contact Information: | (614) 410-4690, <a href="mailto:jrauch@dublin.oh.us">jrauch@dublin.oh.us</a>  |  |

**MOTION:** To approve this Amended Final Development Plan because the proposal complies with the amended final development plan review criteria and the development standards within the area with the four conditions:

- 1) The applicant gain approval of a right-of-way encroachment from City Council prior to the installation of the stone monoliths;
- 2) Should the applicant choose to incorporate the subdivision name on the stone monoliths the elevation of the copy shall be limited to 6 feet in height;
- 3) The layout of the planting areas be altered to reflect the same semi-circular design as the existing subdivision entry features; and
- 4) The landscape plans be revised to use catmint in lieu of the proposed Russian sage, and cranberry viburnum for the viburnum.

**VOTE:** 7-0.

**RESULT:** This Amended Final Development Plan and Right-of-Way Encroachment application was approved.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes

**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
OCTOBER 11, 2012**

**2. Ballantrae, Sections 1 and 2, Entry Feature  
12-065AFDP**

**Dalmore Lane and Eiterman Road  
Amended Final Development Plan  
Right-of-Way Encroachment**

**RECORDED VOTES:**

John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	Yes

**STAFF CERTIFICATION**

Steve Langworthy  
Director

DRAFT

**2. Ballantrae, Sections 1 and 2, Entry Feature Dalmore Lane and Eiterman Road  
12-065AFDP Amended Final Development Plan  
Right-of-Way Encroachment**

Ms. Amorose Groomes introduced this application requesting an amended final development plan and a right-of-way encroachment for a subdivision entry feature including landscaping and stone monoliths for Sections 1 and 2 of the Ballantrae subdivision. Ms. Groomes said the site is located at the intersection of Dalmore Lane with Eiterman Road. She said they do not need a presentation, but asked if anyone from the general public would like to speak with respect to this application.

Lorie Foster, 5629 Royal Dublin Drive, asked to see the plans and stated she came to the meeting to review the plans. Ms. Amorose Groomes asked for a brief presentation for the resident.

Mr. Langworthy reviewed the proposed plan. He indicated Planning is requesting the overall design be modified to be the same look as the other entry features within Ballantrae. Mr. Langworthy said the plan indicates the location of the proposed monoliths. He said no signs are proposed on the monoliths at this time, but Planning has added a condition to limit the height to six feet should it be desired in the future.

Ms. Foster asked who will maintain the entry features. Mr. Langworthy indicated the homeowners association is responsible.

Ms. Amorose Groomes asked if the presentation answered her questions. Ms. Foster asked if the size and placement of the stones were reviewed to ensure no views were obstructed. Mr. Langworthy said Engineering reviewed the site distance triangle and the proposed entry feature meets their standards.

Mr. Taylor said they need to tweak the language on condition 2 because the height of the copy can be read as the height of the copy letters and not the height of the copy and not have tall letters. Mr. Langworthy said it couldn't because of the size. Mr. Fishman asked if they would have to come in to get a sign. Mr. Langworthy said they are permitted to have copy with the name of the subdivision.

Mr. Hardt suggested changing the word "height" to "elevation". Mr. Taylor read for the record the condition include "the elevation of the copy shall be limited to 6 feet above grade."

Ms. Amorose Groomes said the condition 2 has been modified and asked if the applicant agreed to the four conditions. The applicant, Dan Pugh, 5916 Baronscourt Way agreed to the conditions.

**Motion and Vote**

Mr. Taylor moved for approval of this amended final development plan because the proposal complies with the amended final development plan review criteria and the development standards within the area, with four conditions:

- 1) The applicant gain approval of a right-of-way encroachment from City Council prior to the installation of the stone monoliths;
- 2) Should the applicant choose to incorporate the subdivision name on the stone monoliths the elevation of the copy shall be limited to 6 feet above grade;
- 3) The layout of the planting areas be altered to reflect the same semi-circular design as the existing subdivision entry features; and
- 4) The landscape plans be revised to use catmint in lieu of the proposed Russian sage, and cranberry viburnum for the viburnum.

Mr. Fishman seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Hardt, yes; Mr. Budde, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)



Planning and Zoning Commission

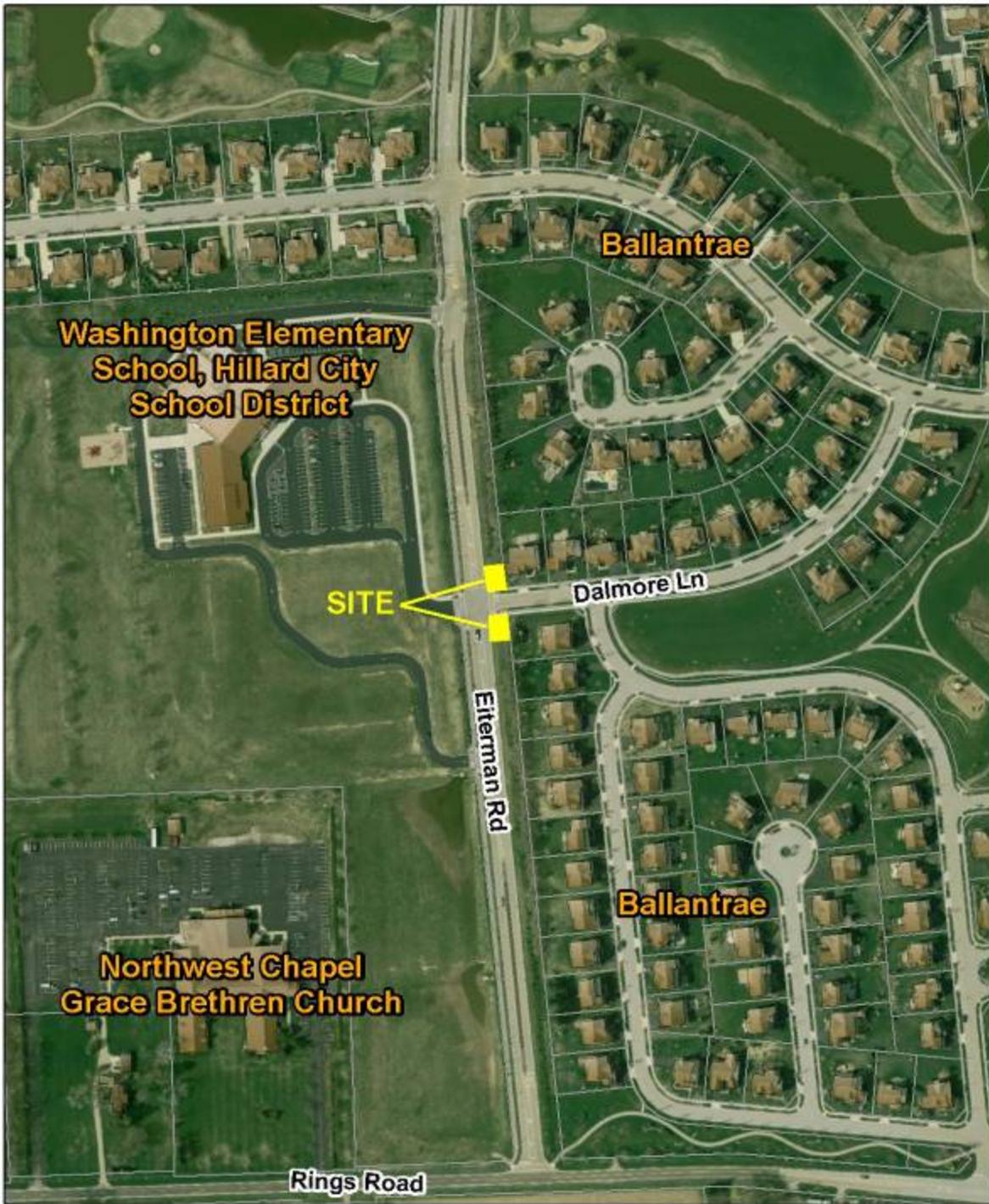
# Planning Report

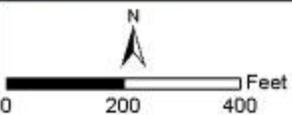
October 11, 2012

## Ballantrae PUD – Ballantrae, Sections 1 and 2 – Entry Feature

### Case Summary

Agenda Item	2
Case Number	12-065AFDP/ROW
Proposal	New subdivision entry feature including landscaping and stone monoliths for Sections 1 and 2 of the Ballantrae subdivision.
Request	Amended Final Development Plan Review and approval of an amended final development plan under the Planned District provisions of Zoning Code Section 153.050, and a right-of-way encroachment under the provisions of Code Section 153.161.
Site Location	Eiterman Road and Dalmore Lane The site is located on the east side of Eiterman Road, at the north and south intersections of Dalmore Lane.
Applicant	City of Dublin; represented by Dan Pugh, Ballantrae HOA.
Case Manager	Jennifer M. Rauch, AICP, Planner II   (614) 410-4690   jrauch@dublin.oh.us
Planning Recommendation	<u>Approval of the Amended Final Development Plan and Right-of-Way Encroachment</u> Planning recommends approval of the proposal as it complies with amended final development plan review criteria and the development standards within the area with the conditions listed below.  <ol style="list-style-type: none"><li>1) The applicant gain approval of a right-of-way encroachment from City Council prior to the installation of the stone monoliths.</li><li>2) Should the applicant choose to incorporate the subdivision name on the stone monoliths the height of the copy shall be limited to 6 feet in height.</li><li>3) The layout of the planting areas be altered to reflect the same semi-circular design as the existing subdivision entry features.</li><li>4) The landscape plans be revised to use catmint in lieu of the proposed Russian sage, and cranberry viburnum for the viburnum.</li></ol>



 <p>City of Dublin Land Use and Long Range Planning</p>	<p>12-065AFDP/ROW Amended Final Development Plan/ Right-of-Way Encroachment Ballantrae, Sections 1 and 2 Eiterman Road and Dalmore Lane</p>	 <p>0 200 400 Feet</p>
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Facts	
Site Area	Within the right-of-way.
Zoning	PLR, Planned Low-Density Development District (Dublin Golf Communities plan).
Surrounding Zoning	All immediately adjacent sites to north, east, and south are zoned PLR within the Ballantrae subdivision and include single-family residential uses. The property to the west is zoned R, Rural District and includes Washington Elementary School (Hilliard Schools).
Site Features	<ul style="list-style-type: none"> <li>Existing right-of-way on the north and south sides of the intersection.</li> <li>Contains sidewalk and bike path connections east along Dalmore Lane and west across Eiterman Road to the elementary school.</li> </ul>
Case Background	<p>2008  Planning and Zoning Commission approved additional entry features, including landscaping and stone monoliths at three main entrances to the subdivision.</p> <p>2007  Planning and Zoning Commission and City Council approved a preliminary and final plat for the extension of Eiterman Road right-of-way from Ballantrae Place to Rings Road.</p>

Details	Amended Final Development Plan
Plan Overview	The amended final development plan for this application includes the installation of two stone monoliths and new landscaping.
Stone Monoliths	<p>The applicant is proposing to install two stone monoliths, one on each side of the intersection, within a new landscape bed. The new monoliths will be of similar height and dimension as the existing monoliths, at 50 inches wide and 80 to 95 inches tall. Code requires all signs to be 8 feet from the City right-of-way, unless otherwise approved. The proposed monoliths encroach 10 feet into the right-of-way and require final approval by City Council. The sight visibility information provided by the applicant meets Engineering approval.</p> <p>A number of the existing entry features incorporate the subdivision name engraved on the monoliths. While not proposed at this time, if the applicant chooses to incorporate the subdivision name in the future the height of the copy is limited to 6 feet.</p>
Landscaping	<p>The applicant is proposing to locate the landscape beds at the corner of the intersections adjacent to the existing sidewalk and bikepath stubs to the north and south. Engineering has approved these locations as there is no intention to extend these connections in the near term due to the significant landscaping and mounding located along the east side of Eiterman Road.</p> <p>The proposal includes use a mixture of variegated lirope, sedum, hydrangea, viburnum hedges, and Russian sage. Planning recommends the use of catmint in lieu of the proposed Russian sage, and the use of cranberry viburnum for the viburnum hedge to be consistent with the variety of landscape materials located at other entry points in Ballantrae. To provide a consistent design for the entry</p>

Details		Amended Final Development Plan
	feature, Planning recommends the layout of the planting area be altered to reflect the same semi-circular design as the existing subdivision entry features. No lighting is proposed.	

Analysis		Amended Final Development Plan
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for an amended final development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.	
1) Consistency with the approved preliminary development plan.  <i>Conditions 1</i>	<i>Criterion met with condition:</i> The proposed monoliths encroach 10 feet into the right-of-way and the applicant will need City Council approval of a right-of-way encroachment prior to the installation of the stone monoliths.	
2) Traffic & pedestrian safety	<i>Criterion met:</i> No sight distance issues have been identified.	
3) Adequate public services & open space	<i>Criterion met:</i> The site is served by public services.	
4) Protection of natural features & resources	<i>Criterion met:</i> No tree removal is proposed with this application.	
5) Adequacy of lighting	<i>Criterion met:</i> No lighting is included.	
6) Signs consistent with preliminary development plan  <i>Condition 2</i>	<i>Criterion met with condition:</i> No subdivision sign is proposed at this time, but should the applicant choose to incorporate the subdivision name the height of the copy is limited to 6 feet in height.	
7) Appropriate landscaping to enhance, buffer, & soften the building and site  <i>Conditions 3 &amp; 4</i>	<i>Criterion met with condition:</i> The proposed landscaping and monolith provided for an entry feature should be consistent with the other existing entrances into the subdivision. Planning recommends the layout of the planting area be altered to reflect the same semi-circular design as the existing subdivision entry features. Planning recommends the use of catmint in lieu of the proposed Russian sage, and the use of cranberry viburnum for the viburnum hedge to be consistent with the variety of landscape materials located at other entry points in Ballantrae.	
8) Compliant stormwater management	<i>Criterion met:</i> The proposal does not alter or require additional stormwater management measures.	
9) All phases comply with the previous criteria	Not applicable	

<b>Analysis</b>		<b>Amended Final Development Plan</b>
10) Compliance with other laws & regulations	<i>Criterion met:</i> The proposal complies with all applicable regulations.	

<b>Recommendation</b>		<b>Amended Final Development Plan</b>
Approval	Planning recommends approval of the proposal as it complies with amended final development plan review criteria and the development standards within the area with the conditions listed below.	
Conditions	<ol style="list-style-type: none"> <li>1) The applicant gain approval of a right-of-way encroachment from City Council prior to the installation of the stone monoliths.</li> <li>2) Should the applicant choose to incorporate the subdivision name on the stone monoliths the height of the copy shall be limited to 6 feet in height.</li> <li>3) The layout of the planting areas be altered to reflect the same semi-circular design as the existing subdivision entry features.</li> <li>4) The landscape plans be revised to use catmint in lieu of the proposed Russian sage, and cranberry viburnum for the viburnum.</li> </ol>	

## AMENDED FINAL DEVELOPMENT PLAN

The purpose of the Planned Unit Development process is to encourage imaginative architectural design and proper site planning in a coordinated and comprehensive manner, consistent with accepted land planning, landscape architecture, and engineering principles. The PUD process consists of up to three stages:

- 1) Concept Plan (Staff, Commission, and/or City Council review and comment);
- 2) Zoning Amendment Request (Preliminary Development Plan; Commission recommends and City Council approves/denies); and
- 3) **Amended/Final Development Plan (Commission approves/denies).**

The intent of the final development plan is to show conformance with and provide a detailed refinement of the total aspects of the approved preliminary development plan (rezoning). The final development plan includes all of the final details of the proposed development and is the final stage of the PUD process. The Commission may approve as submitted, approve with modifications agreed to by the applicant, or disapprove and terminate the process. If the application is disapproved, the applicant may respond to Planning and Zoning Commission's concerns and resubmit the plan. This action will be considered a new application for review in all respects, including payment of the application fee. Appeal of any action taken by the Commission shall be to the Court of Common Pleas in the appropriate jurisdiction. Following approval by the Commission, the applicant may proceed with the building permit process. In the event that updated citywide standards are applicable, all subsequently approved final development plans shall comply with the updated standards if the Planning and Zoning Commission determines that the updated standards would not cause undue hardship.

### Review Criteria

In accordance with Section 153.055(B) *Plan Approval Criteria*, the Code sets out the following criteria of approval for a final development plan:

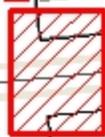
- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.

**Washington Elementary  
School, Hilliard**

R

**SITE**

**EITERMAN RD**



**DALMORE LN**

**ROYAL DUBLIN DR**

**KINVARRA LN**

**U.S. 33**

**STRATHERN CT**

PLR

PLR

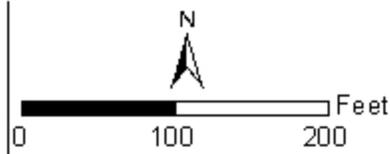
PLR

PLR

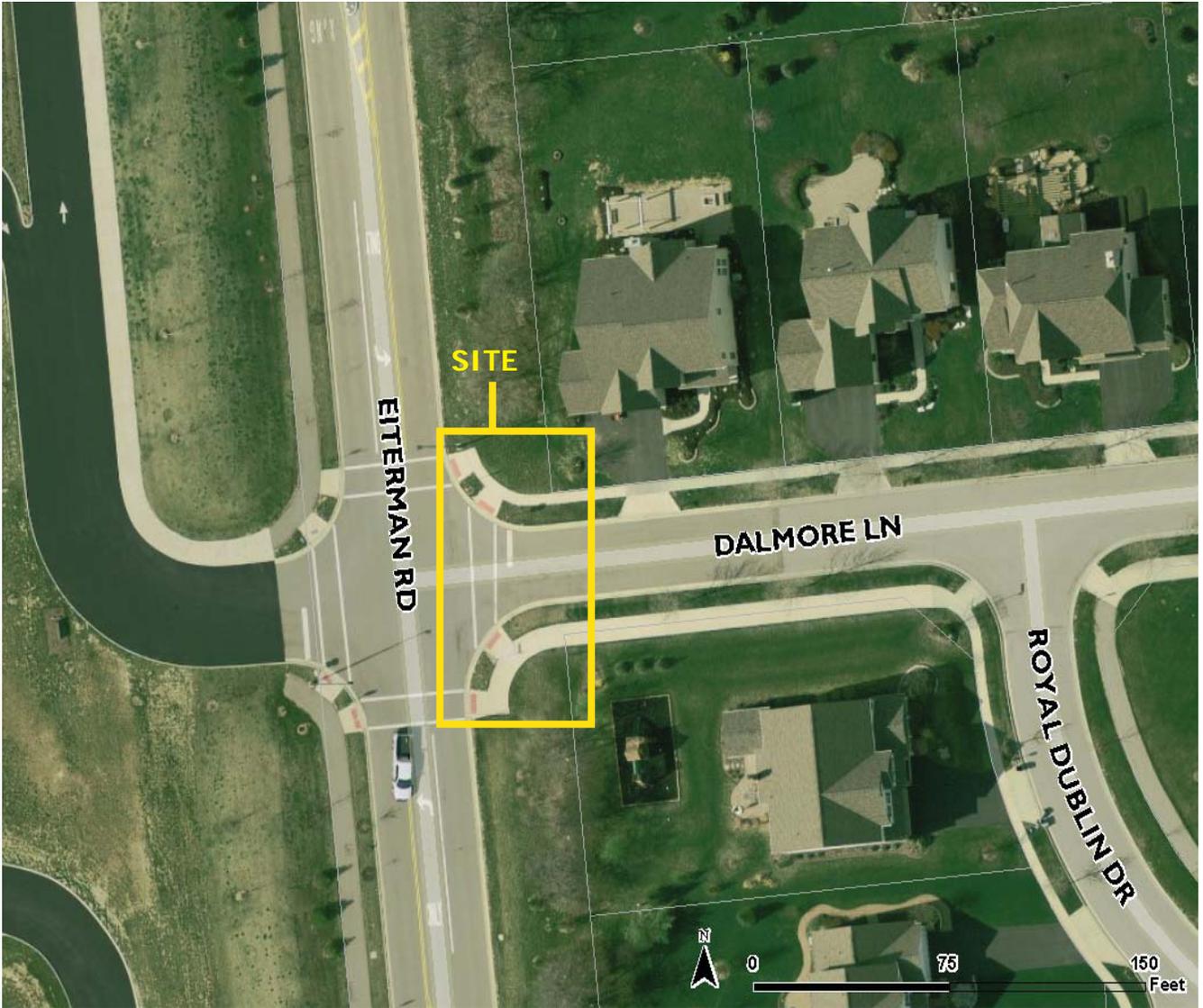


City of Dublin  
Land Use and  
Long Range Planning

12-065AFDP/ROW  
Amended Final Development Plan/  
Right-of-Way Encroachment  
Ballantrae, Sections 1 and 2  
Eiterman Road and Dalmore Lane



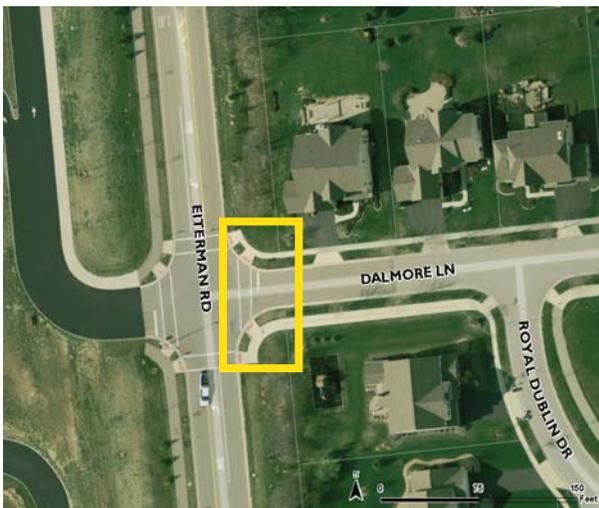
# Existing Site Conditions



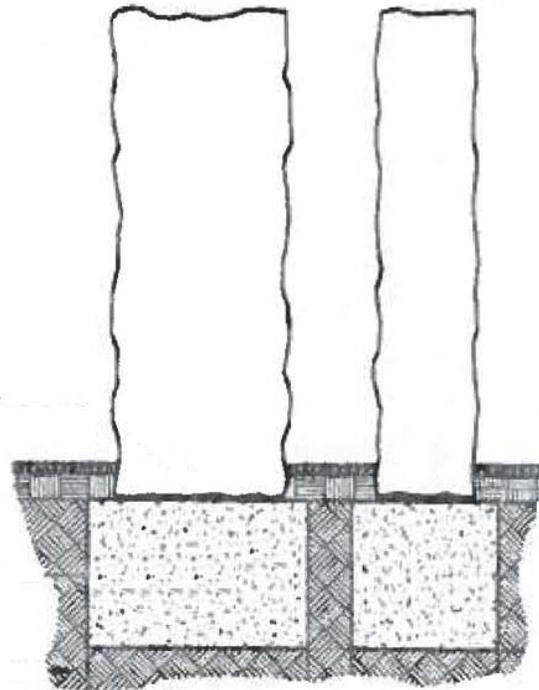
# Proposed Site Plan



 Proposed Monolith Locations



# Proposed Monolith



# Existing Entry Feature in Ballantrae





**CITY OF DUBLIN.**

Land Use and  
Long Range Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1234

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

*Creating a Legacy*

**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**DECEMBER 11, 2008**

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

- 2. **Ballantrae – Entry Features** **Baronscourt Way, Larne Drive,  
Barronsmore Boulevard**  
**08-096AFDP** **Amended Final Development Plan**

**Proposal:** The addition of three entry feature monolith signs for the approved Ballantrae subdivision, proposed at the intersections of Baronscourt Way and Shier Rings Road, Larne Drive and Cosgray Road, and Barronsmore Boulevard and Cosgray Road.

**Request:** Review and approval of an amended final development plan under the Planned District provisions of Code Section 153.050.

**Applicant:** Edward Golf Communities; represented by Charlie Driscoll, Edwards Companies.

**Planning Contacts:** David Stromberg, Planning Assistant; Jennifer M. Rauch, AICP, Planner II

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

**MOTION:** To approve this Amended Final Development Plan it is consistent with the standards and conditions approved with the rezoning/preliminary development plan and with the final development plan criteria set forth in Section 153.050 of the Dublin Zoning Code, with the following two conditions:

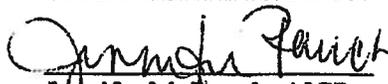
- 1) The height of the engraving is no greater than six feet from grade; and
- 2) Any entry feature lighting, if provided, will be subject to approval by Planning.

\*Charlie Driscoll agreed to the above conditions.

**VOTE:** 6 – 0.

**RESULT:** This Amended Final Development Plan was approved.

**STAFF CERTIFICATION**

  
Jennifer M. Rauch, AICP  
Planner II

12-065AFDP/ROW  
Amended Final Development Plan/  
Right-of-Way Encroachment  
Ballantrae, Sections 1 and 2  
Eiterman Road and Dalmore Lane

**2. Ballantrae – Entry Features  
08-096AFDP**

**Baronscourt Way, Larne Drive,  
Barronsmore Boulevard  
Amended Final Development Plan**

Todd Zimmerman swore in the applicant, Charles Driscoll, The Edwards Company, who agreed with the two conditions as listed in the Planning Report.

**Motion and Vote**

Mr. Zimmerman made the motion to approve this Amended Final Development Plan because it is consistent with the standards and conditions approved with the rezoning/preliminary development plan and with the final development plan criteria set forth in Section 153.050 of the Dublin Zoning Code, with the following two conditions:

- 1) The height of the engraving is no greater than six feet from grade; and
- 2) Any entry feature lighting, if provided, will be subject to approval by Planning.

Warren Fishman seconded the motion. The vote was as follows: Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Taylor, yes; Mr. Freimann, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes. (Approved 6 – 0.)

**3. Emerald Town Center  
08-098AFDP/CU**

**5625 Woerner Temple Road  
Amended Final Development Plan/Conditional Use**

Todd Zimmerman swore in the applicant, Todd Dillion, The Anchor Companies, City representatives, and any others who intended to speak in regards to this case.

Chris Amorose Groomes expressed concern that the proposed patio would not comfortably accommodate seven tables and chairs as shown in the proposal without the patio being enlarged. She asked if the Commission was supposed to consider both the size of the patio and the number of tables for the conditional use request.

Rachel Swisher explained that the proposed patio was shown with seven tables and that the patio size could not be increased without approval of an amended final development plan reducing the remaining square footage allowed for the other patios in the development. She said the shopping center was permitted a total of 1,300 square feet in order to meet parking requirements and lot coverage.

Ms. Amorose Groomes said she wanted the applicant to understand that the Commission was approving the site and use of the proposed patio and not a specific number of tables.

**Motion and Vote**

Mr. Zimmerman made a motion to approve this Amended Final Development Plan and Conditional Use because it complies with the final development plan criteria set forth in Section 153.050 and the existing development standards within the area and the conditional use criteria set forth in Section 153.236 of the Dublin Zoning Code, with two conditions:

- 1) That the proposed furniture shall be stored off-site during the off-season; and
- 2) That the use of umbrellas be limited to black or subdued-color umbrellas with no text or logos, subject to approval by Planning.

**12-065AFDP/ROW**  
Amended Final Development Plan/  
Right-of-Way Encroachment  
Ballantrae, Sections 1 and 2  
Eiterman Road and Dalmore Lane



CITY OF DUBLIN

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Long Range Planning  
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**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**AUGUST 9, 2007**

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

- 5. **Eiterman Road Right-of-Way** **5625 Eiterman Road**  
**07-058PP/FP** **Preliminary Plat and Final Plat**

Proposal: The extension of the Eiterman Road Right-Of-Way south from Ballantrae Place to Rings Road.

Request: Review and approval of a preliminary and final plat under the provisions of Sections 152.015 through 152.022, and Sections 152.085 through 152.095.

Applicant: City of Dublin and Hilliard City Schools; represented by Jeff Franklin.

Planning Contact: Eugenia M. Martin, ASLA, Landscape Architect

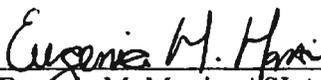
Contact Information: (614) 410-4650, emartin@dublin.oh.us

**MOTION:** To approve this Preliminary Plat and Final Plat application because it complies with the plat criteria set forth the Dublin Zoning Code and the existing development standards within the area.

**VOTE:** 5 – 0.

**RESULT:** This Preliminary Plat and Final Plat application was approved.

**STAFF CERTIFICATION**

  
 Eugenia M. Martin, ASLA  
 Landscape Architect

**12-065AFDP/ROW**  
 Amended Final Development Plan/  
 Right-of-Way Encroachment  
 Ballantrae, Sections 1 and 2  
 Eiterman Road and Dalmore Lane

would go though the Commission. He said it would not require both – it would be either/or. Mr. Langworthy confirmed that this potential change would not have impact on that process.

David Garcia, 109 South Riverview, said one of the main reasons why the residents wanted rezoned was that they wanted to preserve the consistency, at least in this very small section. He said it was a quaint street without sidewalks with a speed limit of 15 mph. He said some businesses and residences are seen in certain historic areas, but as it stands today, particularly with no sidewalks and a lot of children on the street, that is why the residents decided with one voice to try to preserve this as a residential section. He said that would not prevent someone in the future, if they did want a bed and breakfast or something, from requesting it.

Mr. Fishman confirmed this HR rezoning was still for a single-family residential district.

Mr. Gerber recalled that this rezoning process began approximately three years ago. He said it was to distinguish between business and residential areas. He said this new rezoning will preserve the residential areas more than it does now.

#### **Motion and Vote**

Chris Amorose Groomes made a motion to approve this Rezoning application because it is in keeping with these previous objectives and goals of both the residents of the Historic District and the City of Dublin. Mr. Gerber seconded the motion. The vote was as follows: Mr. Zimmerman, yes; Mr. Fishman, yes; Mr. Walter, yes; Mr. Gerber, yes; and Ms. Amorose Groomes, yes. (Approved 5 – 0.)

#### **5. Eiterman Road Right-of-Way 07-058PP/FP**

#### **5625 Eiterman Road Preliminary Plat and Final Plat**

Ed Reinhard, 6634 Strathern Court, thanked the Commission and Planning for the additional review of this plat. He said initially, it was set to go through the tree line and remove the existing buffering, but the redesign maintained the tree line and added an additional 15 feet of buffer.

Mr. Reinhard brought up the issue of the proposed speed limit of 35 mph and said children from the Ballantrae neighborhood will cross the road to get to the school. He was concerned about their safety. He asked for a reconsideration to reduce the speed limit to 25 mph.

Steve Smith, Jr. explained that most speed limits are set statutorily, depending on the type of road and there is a process to go through to either lower and/or raise a speed limit. He suggested that Mr. Reinhard contact the Engineering department.

Mr. Reinhard said he had already discussed the speed reduction with Engineering, but he did not feel like it was being heard properly.

Mr. Gerber stated that this was a preliminary plat and final plat, and they would be reviewed and approved or disapproved by City Council. He recommended that Mr. Reinhard attend the City Council meeting when this is scheduled to express his concern.

**Motion and Vote:**

Mr. Gerber made the motion to approve this Preliminary Plat and Final Plat because they comply with the plat criteria set forth the Dublin Zoning Code and the existing development standards within the area. Mr. Zimmerman seconded the motion. The vote was as follows: Mr. Walter, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 5 – 0.)

**6. NE Quad Kroger Centre, FIG  
07-063CU**

**7537 and 7541 Sawmill Road  
Conditional Use**

[No discussion took place on this Consent Agenda item.]

**Motion and Vote**

Rick Gerber noted that there were no conditions listed for this Conditional Use application in the Planning Report and made the motion to approve this Conditional Use because it complies with the conditional use criteria and the applicable development standards of the NE Quad Planned Unit Development and is not expected to have a negative impact and the use is suitable for the surrounding development. Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Fishman, yes; Mr. Walter, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 5 – 0.)

**7. NE Quad, Kroger Centre, Mutts and Company  
07-064CU**

**7549 Sawmill Road  
Conditional Use**

[No discussion took place on this Consent Agenda item.]

**Motion and Vote**

Rick Gerber noted that there were no conditions listed for this Conditional Use application in the Planning Report and made the motion to approve this Conditional Use because it complies with the conditional use criteria and the applicable development standards of the NE Quad Planned Unit Development and is not expected to have a negative impact and is suitable for the surrounding area. Mr. Zimmerman seconded the motion. The vote was as follows: Mr. Walter, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 5 – 0.)

**8. NE Quad, Kroger Centre, Shepherd Chiropractic  
07-065CU**

**7533 Sawmill Road  
Conditional Use**

[No discussion took place on this Consent Agenda item.]

**Motion and Vote**

Rick Gerber noted that there were no conditions listed for this Conditional Use application in the Planning Report and made the motion to approve this Conditional Use because it complies with the conditional use criteria and the applicable development standards of the NE Quad Planned Unit Development and is not expected to have a negative impact and is suitable for the surrounding area. Mr. Zimmerman seconded the motion. The vote was as follows: Mr. Walter,