

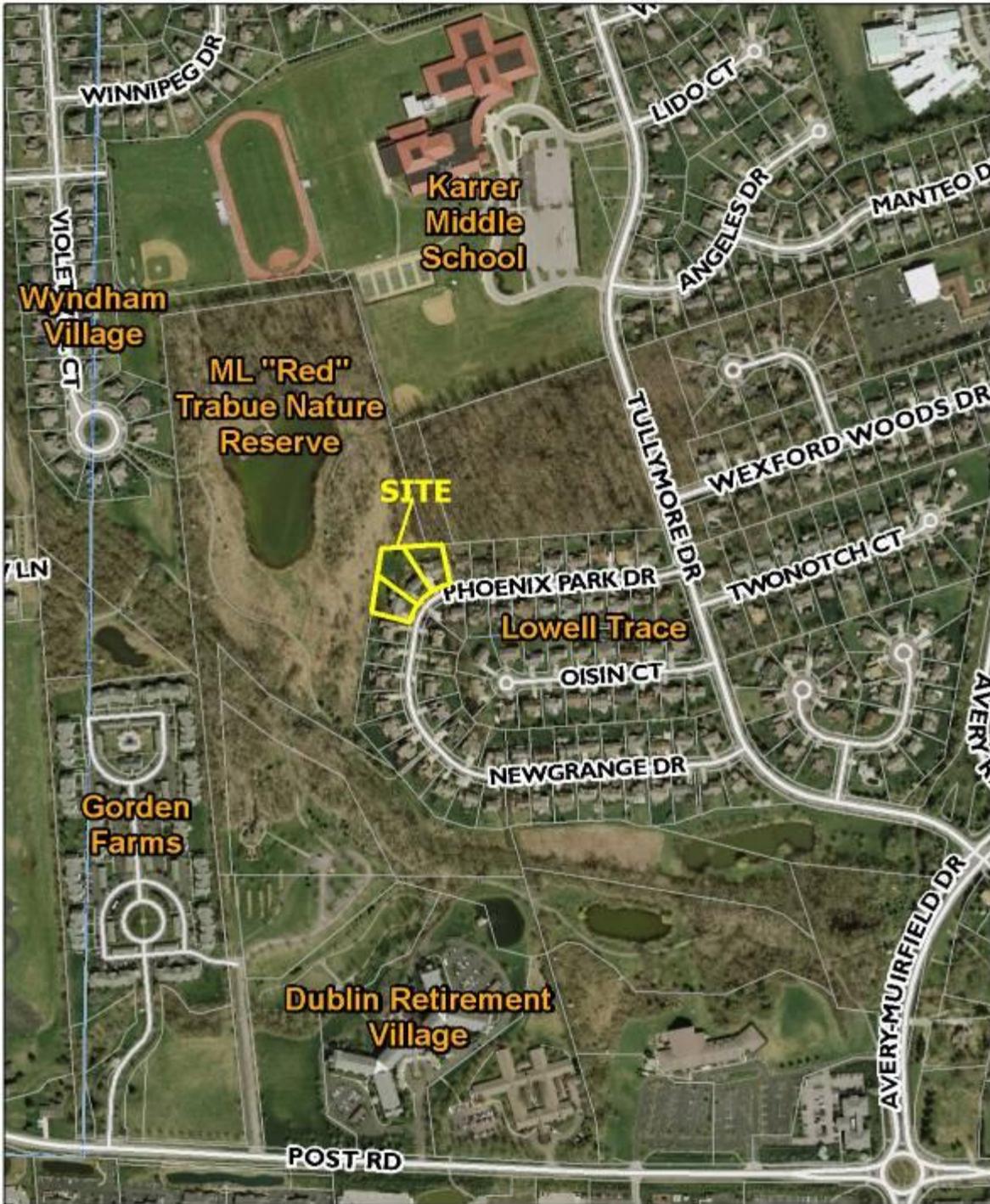
Planning Report

Thursday, February 7, 2013

Lowell Trace, Section 2 – Lots 62, 63, and 64

Case Summary

Agenda Item	2
Case Number	12-088AFDP/FP
Site Location	6432 and 6444 Phoenix Park Drive 6455 Newgrange Drive North of Phoenix Park Drive and west of Newgrange Drive, west of the intersection with Tullymore Drive.
Proposal	Modification to an approved development text to revise the No-Build-Zone requirements for three developed single family lots and to revise the final plat accordingly.
Requests	Review and approval of a <u>final development plan</u> under the provisions of Zoning Code Section 153.050. Review and recommendation to City Council for a <u>final plat</u> under the provisions of Chapter 152, Subdivision Regulations.
Applicants	Benjamin and Karen Huttzell, Bruce and Jill Rothermund, Perry Mostov and Marilee Krick, represented by Christopher Cline, attorney.
Case Manager	Claudia D. Husak, AICP, Planner II (614) 410-4675 chusak@dublin.oh.us
Planning Recommendation	In Planning's opinion, this proposal complies with all applicable review criteria and the existing development standards and approval is recommended. <i>Approval – Minor Text Modification</i> To modify the Lowell Trace Development Text Exhibit "D" to read: "The required No Build Zone for Lots 62, 63, and 64 is that which is approved on the revised final plat." <i>Approval without Conditions – Amended Final Development Plan</i> <i>Approval without Conditions – Revised Final Plat</i>

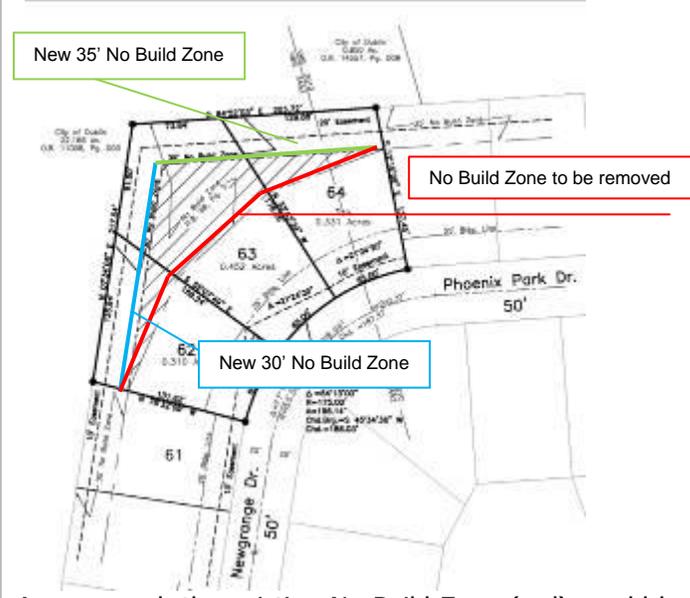


 <p>City of Dublin</p>	<p>12-088AFDP/FP Amended Final Development Plan/Final Plat Lowell Trace - Section 2 - Lots 62, 63, and 64 6432 & 6444 Phoenix Park Dr, 6455 Newgrange Dr</p>	<p>0 250 500 Feet</p> 
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Facts	
Site Area	3 lots, 1.09 acre total
Zoning	PUD, Planned Unit Development District
Surrounding Zoning	<ul style="list-style-type: none"> • All surrounding land is in the Lowell Trace PUD • North and East – ML "Red" Trabue Nature Reserve • South and West – Developed single family lots
Site Features	Irregular shaped lots, each developed with a single family home with outdoor amenities; no topographic features.
History	<p>1988 Final development plan and final plat for Lowell Trace Section 2 were approved for Lots 46 through 99.</p> <p>1987 95.65 acres were zoned Planned Unit Development District (Lowell Trace plan).</p>

Details	Amended Final Development Plan
Proposal	This is a proposal to amend a previously approved and recorded plat and final development plan to revise a No Build Zone extending from the rear lot line for three developed single family lots. This application intends to modify the No Build Zone to extend parallel to the rear lot line rather than following the curvature in the road.
Plan Overview	<p>The proposed amended final development plan is for three lots in Lowell Trace, Section 2, Lots 62, 63, and 64. An exhibit in the approved development text requires a No Build Zone at a distance not less than 100 feet from the right-of-way, except for corner lots. Lots 62, 63, and 64 are not considered corner lots by definition and were therefore platted with a No Build Zone 100 feet from the right-of-way following the curvature of the road.</p> <p>A majority of the lots within Lowell Trace, Section 2 have No Build Zones between 20 to 35 feet along the rear lot line, which is comparable to typical rear yard setback requirements in the City of Dublin. The location of the subject lots along a curve in the road and their somewhat irregular shapes, led to a platted No Build Zone for Lot 62 between 30 and 60 feet and between 35 and 75 feet for Lot 64. Lot 63 has an average No Build Zone of 120 feet. Each of the lots has a 35-foot front building line, resulting in a reduced buildable area for each lot.</p> <p>The proposed plan modifies the No Build Zone to extend the existing No Build Zones on adjacent lots to be parallel to the rear lot lines.</p>

Details **Amended Final Development Plan**



As proposed, the existing No Build Zone (red) would be removed and the 30-foot No Build Zone (blue) along the western boundary and the 35-foot No Build Zone (green) along the northern boundary would meet.

Text Modification

Exhibit "D" in the approved development text requires No Build Zones no greater than 100 feet from the right-of-way and, as proposed, the revised No Build Zones will be between 110 and 175 feet from the right-of-way, requiring a minor modification to the development text.

Analysis **Minor Text Modification**

Process

Code Section 153.053(E)(2)(b)4b permits the Commission to approve a modification to the development text and Zoning Code if they determine that all of the appropriate provisions are satisfied (full text of criteria attached). The requested modification is:

 To modify the Lowell Trace Development Text Exhibit "D" to require No Build Zone for Lots 62, 63, and 64 to be that which is approved on the revised final plat.

Recommendation **Minor Text Modification**

Approval

Planning supports the minor modification to the development text allowing the No Build Zone for Lots 62, 63, and 64 to be that which is approved on the revised final plat.

Analysis		Amended Final Development Plan
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for a final development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.	
1) <i>Consistency with the approved preliminary development plan.</i>	Criterion met: This proposal is consistent with the requirements of the proposed preliminary development plan with the approval of a minor modification to the development text.	
2) <i>Traffic and pedestrian safety</i>	Not applicable.	
3) <i>Adequate public services and open space</i>	Not applicable.	
4) <i>Protection of natural features and resources</i>	Criterion met: The revision to the extent of the No Build Zone will not affect any natural features within the area.	
5) <i>Adequacy of lighting</i>	Not applicable.	
6) <i>Signs consistent with preliminary development plan</i>	Not applicable.	
7) <i>Appropriate landscaping to enhance, buffer, & soften the building and site</i>	Not applicable.	
8) <i>Compliant Stormwater management</i>	Not applicable.	
9) <i>All phases comply with the previous criteria.</i>	Not applicable.	
10) <i>Compliance with other laws & regulations.</i>	Criterion met: The proposal appears to comply with all other known applicable local, state, and federal laws and regulations.	

Recommendation		Amended Final Development Plan
Approval	In Planning's analysis, this proposal complies with the proposed development text, as modified, and the amended final development plan criteria. Planning recommends approval of this request.	

Details		Final Plat
Process	The purpose of the final plat is to assure conformance with the requirements set forth in Sections 152.085 through 152.095 of the Subdivision Regulations, exclusive of other standards in the Code.	
Plat Overview	The revised final plat is for Lots 62, 63, and 64 of the Lowell Trace development to revise the extent of a previously platted No Build Zone. The plat contains no right-of-way.	
Plat Notes	The plat includes notes and line work describing the revision.	

Analysis		Final Plat
Process	Following a recommendation by the Commission, the final plat will be forwarded to City Council for final action. The plat can be recorded after City Council approval. After approval the applicant can proceed with the building permit process.	
<i>1) Plat Information and Construction Requirements</i>	Criterion met: This proposal is consistent with the requirements of the Zoning Code and all required information is included on the plat.	
<i>2) Street, Sidewalk, and Bikepath Standards</i>	Not applicable.	
<i>3) Utilities</i>	Not applicable.	
<i>4) Open Space Requirements</i>	Criterion met: Open space dedication has been fulfilled with previous plat.	

Recommendation	
Approval	This proposal complies with the review criteria and approval of this request is recommended without conditions.

APPLICABLE REVIEW CRITERIA

MINOR TEXT MODIFICATION (Section 153.053(E)(2)(b)4,b)

4. Compliance with the preliminary development plan. In reviewing the application, the Planning and Zoning Commission shall determine if the final development plan substantially complies with all specific requirements, the purposes, intent and basic objectives of the preliminary development plan, and any commitments made or conditions agreed to with the adoption of the preliminary development plan and if it represents an expansion and delineation of the approved preliminary development plan.
 - a. Planning and Zoning Commission may determine that the proposed plan complies with the preliminary development plan and may proceed to review the Final Development Plan in accordance with the procedures of this section.
 - b. The Planning and Zoning Commission may, in reviewing the final development plan, approve a modification of a provision of the development standards text if they determine that all of the following provisions are satisfied:
 - (i) The Planning and Zoning Commission determines that, for this PD, the code compliance is not needed in order to ensure that the PD is consistent with the Community Plan and compatible with existing, approved, or planned adjacent development;
 - (ii) Planning and Zoning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Community Plan;
 - (iii) The proposed modification results in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);
 - (iv) The principles of § 153.052(B) are achieved; and
 - (v) The development, as proposed on the final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
 - c. Any proposed modification to a preliminary development plan that fails to meet the above criteria shall require a zoning amendment to the preliminary development plan according to § 153.234.

AMENDED FINAL DEVELOPMENT PLAN CRITERIA

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.

FINAL PLAT

Review Criteria

The Zoning Code does not contain specific criteria to guide the review of plats. Planning bases the evaluation on the conformance of the plat with the requirements set forth in Chapter 152: *Subdivision Regulations* of the Code, which are summarized below:

- The proposed final plat document includes all the required technical information.
- Construction will be bonded and completed in an appropriate time frame, inspections will be conducted by the City in accordance with Engineering standards for improvements, and maintenance will be completed as necessary.
- The proposed lots, street widths, grades, curvatures, intersections, and signs comply with the standards set forth in these Code sections.
- The proposal includes provisions for water, storm drainage, sanitary sewer, electric, telephone, and cable supplies in accordance with approved standards.
- The proposed development complies with the open space and recreation facility requirements or payment into the Parkland Acquisition Fund is made in lieu of dedication.

In addition, the Planning and Zoning Commission is to determine that the final layout and details of the final plat comply with the approved preliminary plat. The Commission is to consider several factors in making its recommendation:

- 1) The final plat conforms with the approved preliminary plat;
- 2) The plat conforms to the adopted Thoroughfare Plan and meets all applicable parkland dedication and open space requirements; and
- 3) The final plat conforms to the subdivision and zoning regulations, municipal stormwater regulations, and other applicable requirements.