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City of Dublin Planning and Zoning Commission

Planning Report

Thursday, March 7, 2013

Perimeter Center Subarea F3 – The Learning Experience Daycare

Case Summary

Agenda Item	2
Case Number	10-082AFDP
Site Location	6329 Perimeter Loop Road On the west side of Perimeter Loop Road approximately 230 feet south of the intersection with Perimeter Drive.
Proposal	The construction of an 8,738-square-foot daycare building, 4,810-square-foot playground and all associated site improvements on a one-acre parcel located on the west side of Perimeter Loop Road at the intersection with Mercedes Drive.
Requests	Review and approval of an amended final development plan under the Planned District provisions of Zoning Code Section 153.050.
Applicants/Owners	Paolo & Marilena Cugini
Case Manager	Rachel S. Ray, AICP Planner II (614) 410-4656 rray@dublin.oh.us
Planning Recommendation	<p><u>Approval of 2 Minor Text Modifications</u> Planning recommends approval of two minor text modifications allowing a pavement setback along Perimeter Loop Drive of 25 feet instead of 35 feet, and for parking at a rate of one parking space per 250 square feet of area instead of one parking space per employee and one space for every six students.</p> <p><u>Disapproval of 1 Minor Text Modification</u> Planning recommends disapproval of the requested minor text modification to permit the use of a six-foot fence instead of a four-foot fence around the playground.</p> <p><u>Approval of the Amended Final Development Plan with 5 Conditions</u> In Planning's opinion, this proposal complies with all applicable review criteria and the existing development standards in the area and approval is recommended with conditions.</p>
Conditions	<p>Amended Final Development Plan</p> <ol style="list-style-type: none"> 1) That the four-foot fencing on the south and west sides of the building be eliminated, and that the fencing around the playground use a four-foot black wrought-iron style fencing in lieu of six-foot vinyl privacy fencing; 2) That Mercedes Drive be improved as a Fire Apparatus Access Road (FAAR) meeting the requirements of Dublin Fire Code Appendix D for FAARs, subject to the approval of the City Engineer and the Washington Township Fire Chief;

- 3) That Mercedes Drive and the service road on the west side of the site directly behind the building be marked as Fire Lanes meeting the requirements of Dublin Fire Code Sections D103.6.2 and D103.6;
- 4) That the 10-foot sidewalk easement be dedicated to the City prior to building permitting, and the applicant coordinate the two-foot sidewalk connection with the City should a sidewalk connection be installed on the property to the north; and
- 5) That the plans be revised to demonstrate compliance with the landscape requirements for outdoor recreation areas.



Facts	
Site Area	Development Site: 1.003 acres Mercedes Drive (Private): 0.268-acre
Zoning	PCD, Planned Commerce District (Perimeter Center PCD, Subarea F3)
Surrounding Zoning	North: PCD, Planned Commerce District (Perimeter Center, Subarea F3) South: PCD, Planned Commerce District (Perimeter Center, Subareas D and I (Crown Chrysler Dealership)) East: PUD, Planned Unit Development District (Perimeter Center, Subarea J (MAG Campus)) West: PLR, Planned Low Density Residential District (Perimeter Center, Subareas G1 and H (Manor at Craughwell Village))
Site Features	<ul style="list-style-type: none"> • 120 feet of frontage along Perimeter Loop Road; 316-foot lot depth • Slight increase in elevation toward the center of the lot • Existing 3,200-square-foot two-story building centrally located with parking areas east and west of the building • Existing ground sign at the southeast corner near the intersection with Mercedes Drive (private drive) • Two driveways off Mercedes Drive, and a third driveway from a private unnamed service road to the west • Trees and shrubs along the common property line to the north providing heavy screening between the parcels • Existing mature trees along the south and west property lines
Case Background	<p>The Learning Experience – Site History</p> <p>April 22, 2010: Informal review by the Planning and Zoning Commission of a proposed rezoning with final development to revise the development text to allow daycare as a permitted use in Perimeter Center, Subarea F3. The informal review included a proposed 10,000-square-foot daycare center with associated site improvements. The Commissioners encouraged the applicant to increase the building setback from Perimeter Loop Road. The Commission also agreed that the development density should be reduced to no more than 8,700 square feet per acre to be consistent with the Community Plan.</p> <p>Since the 2010 informal review, the Zoning Code was amended in April 2011 to permit daycare as a permitted use in several standard zoning districts, including the SO, Suburban Office and Institutional District. Since the Subarea F3 development text references the SO District for uses permitted in this area, daycare is now a permitted use, making a rezoning unnecessary.</p> <p>Previous Site Development History</p> <ul style="list-style-type: none"> • September 9, 1993: Approval of a revised development plan for architectural modifications to the existing restaurant building. • August 6, 1992: Approval of a development plan for a 3,450-square-foot building (Margarita’s restaurant) and associated site development.

Details	Amended Final Development Plan
Process	<p>The final development plan conforms with applicable provisions of the planned development text. The final development plan includes all of the final details of the proposed development and is the final stage of the PUD process.</p> <p>Since this site has been previously zoned and developed with a final development plan (Margarita's Restaurant), the redevelopment of this site requires an amended final development plan and the proposed redevelopment is required to adhere to applicable subarea development text standards.</p>
Proposal	<ul style="list-style-type: none"> • 8,738-square-foot single-story building with a permitted daycare use • 36 parking spaces • 4,810-square-foot playground surrounded by a proposed 6-foot fence • 4-foot high fencing surrounding the walkways along the west and south sides of the building • Driveway from Mercedes Drive; no additional driveways proposed on Perimeter Loop Road • New public sidewalk along the Perimeter Loop Road frontage, with private sidewalk connection along Mercedes Drive • Continuation of the Perimeter Center stone column and hedge landscape treatment along the Mercedes Drive frontage • Stormwater bioretention basin within a central parking lot island • One existing ground sign to be reused
Development Standards	<p>The site is within Subarea F3 of the Perimeter Center Planned Commerce District, which allows uses in the SO (Suburban Office and Institutional District), OLR (Office, Laboratory, and Research District), permitted uses in the CC (Community Commercial District), drive-in facilities associated with a permitted use, and accessory commercial uses associated with office uses.</p> <p>The development text includes setbacks based on frontage along streets within the Perimeter Center area, and a continuous hedge and stone post landscape treatment. Parking, signs, and landscaping are all required to conform to the Zoning Code requirements.</p>
Layout	<p>The proposal is for an 8,738-square-foot single-story daycare facility on the westernmost portion of the site, with 36 parking spaces in front of the building along the Perimeter Loop Road frontage. The parking lot is accessed from a driveway off of Mercedes Drive, which is a private drive owned by the applicant.</p> <p>A 4,810-square-foot playground is proposed north of the building, with access through the building and through an enclosed walkway along the south and west sides of the building. A new public sidewalk is proposed along Perimeter Loop Road.</p> <p>The proposed dumpster is in the northwest corner of the parking lot, and a large island within the center of the parking lot serves as a bioretention basin providing stormwater management for the site.</p>

Details	Amended Final Development Plan
Density/Lot Coverage	<p>The maximum permitted density in Subarea F3 is 10,000 square feet per acre. The proposal is for 8,738 square feet for this 1.003-acre lot, which meets the development text requirement. The existing lot coverage is 71%, and the proposed lot coverage is 61%.</p>
Use	<p>The Zoning Code was amended in April 2011 to permit daycare as a permitted use in several standard zoning districts, including the SO, Suburban Office and Institutional District. Since the Subarea F3 development text references the SO District for uses permitted in this area, daycare is now a permitted use.</p>
Daycare Operating Details	<p>The site can accommodate 18 employees and 165 children, which will be between the ages of 6 weeks to 6 years of age. Hours of operation are 6:30am to 6:30pm. The applicant has provided information from other similar daycare facilities indicating that peak hours are typically 7:30-8:30am and 4:30-5:30pm.</p>
Parking	<p>This daycare use requires 46 parking spaces based on the Zoning Code requirement of one space per employee and one space for every six children. The applicant has indicated that no buses or vans are proposed for this daycare center, which would take up additional parking spaces, and that trash removal will be scheduled during off-peak hours to avoid parking lot circulation conflicts.</p> <p>The applicant has stated that the daycare will only require a maximum of 36 parking spaces based on their program needs (one parking space per 250 square feet of area). This reduced parking allowance requires a minor text modification. The Planning and Zoning Commission has previously approved reduced parking requirements or parking deferrals for other daycare centers including the Gardner School (38 spaces provided, 52 required) on Emerald Parkway and the Primrose Daycare (43 spaces provided, 54 required) on Post Road.</p>
Setbacks	<p>Required setbacks from Perimeter Loop Road are 35 feet for pavement and 50 feet for buildings. No pavement or building setbacks are noted for Mercedes Drive and the service road west of the site. The proposed building is set back approximately 185 feet from Perimeter Loop Road. The proposed pavement setback is 25 feet, which is consistent with the existing pavement setback and the parking setback for the bank located on the parcel to the north. A minor text modification is needed to permit the reduced pavement setback.</p> <p>Minimum five-foot setbacks are provided elsewhere on the site, which is consistent with the minimum Zoning Code requirements for setbacks not otherwise specified.</p>

Details	Amended Final Development Plan
Vehicular & Pedestrian Access	<p>A single driveway is proposed off of Mercedes Drive. No access is warranted nor proposed along Perimeter Loop Road. The parking lot aisles are 22 feet wide to allow two-way circulation. Wheel stops are provided for the parking spaces located adjacent to the walkway in front of the building.</p> <p>A new five-foot public sidewalk is proposed along the Perimeter Loop Road frontage, sited to provide adequate space from the existing street trees. A 10-foot public sidewalk easement is provided for the walkway. The 10-foot sidewalk easement will need to be dedicated to the City prior to building permitting. In addition, the proposed sidewalk stops two feet short of the north property line due to existing grades on this property and the property to the north. Should a sidewalk connection be installed on the adjacent property, the applicant will need to coordinate with the City to provide the two-foot sidewalk connection.</p> <p>A five-foot private sidewalk provides pedestrian connectivity to the building. A four-foot fence is proposed around a portion of the sidewalk around the building to provide additional security to the daycare occupants. Planning recommends that the fencing on the south and west sides of the building be eliminated to minimize landscape maintenance conflicts for the hedge.</p> <p>Fire access to the site is provided from Mercedes Drive, and fire hydrants are located along Perimeter Loop Road. Mercedes Drive is required to be a Fire Apparatus Access Road (FAAR) and shall be required to meet the requirements of Dublin Fire Code Appendix D for FAARs. In addition, Mercedes Drive and the service road on the west side of the site directly behind the building shall be required to be marked by the owner as a Fire Lane on one side of the Fire Apparatus Access Road per requirements listed in Dublin Fire Code Sections D103.6.2 and D103.6.</p>
Architecture	<p>There are no specific architectural requirements for Subarea F3 of the Perimeter Center Planned Commerce District, therefore architectural character is to be determined with this amended final development plan application. At the informal review of this proposal, the Planning and Zoning Commission expressed concern with the massing of the building, how it will be perceived from Mercedes Drive, and how it coordinates with surrounding development.</p> <p>To address building massing, the size has been reduced from 10,000 square feet to 8,738 square feet, and more proportional architectural details were added to minimize the perceived scale of the roof and the appearance of the building from Mercedes Drive.</p> <p>The proposed building will be clad primarily with brick veneer (<i>Cushwa, Georgian Antique</i>) with a limestone (<i>Dutch Quality Stone, Ohio White Vein Limestone</i>) water table and limestone gable ends on the front (east) and rear (west) elevations, as well as the south elevation facing Mercedes Drive.</p> <p>The proposed windows and doors are residential in scale and character. Dormers are proposed on the south and north elevations to reduce the scale of the roof, which uses dimensional asphalt shingles (<i>CertainTeed, Weathered Wood</i>).</p>

Details	Amended Final Development Plan
	<p>Decorative wood louvers are proposed on the gable ends in keeping with the building's character. The louvers, wood window trim, and wood siding within the dormers will all be painted a cream color (Sherwin Williams <i>Roycroft Vellum</i>). All mechanical units will be roof-mounted and will be fully screened by the pitched roof parapet.</p>
Playground	<p>This site will feature a playground (GameTime) on the north side of the building. Color samples for the play structures, including beige, forest green and brown have been submitted and are in keeping with color palettes previously approved for other daycare centers in Dublin. The play structures will not exceed 13½ feet in height. A mulch surface (Zeager Woodcarpet System) is proposed within the playground area. A fade-resistant canvas awning (Sunbrella, <i>Forest Green</i>) is proposed on the north side of the building adjacent to the playground.</p>
Fencing	<p>The Zoning Code limits the height of fences to four feet and the applicant is proposing a six-foot tall vinyl privacy fence around the entire playground on the north side of the building. The applicant has indicated that the six-foot fence height and privacy fence style is required due to security concerns; other daycare centers in the City of Dublin use four-foot wrought-iron style aluminum fencing, and Planning recommends a similar application for the fencing around the proposed playground and that the Commission deny the required minor text modification.</p> <p>A four-foot tall black aluminum wrought-iron style fence is proposed around the walkway circulating the south and west sides of the building.</p>
Utilities & Stormwater Management	<p>Sanitary sewer service is available from an eight-inch line that runs along the north side of the property, north of the playground area. Water service is available through an eight-inch waterline on the west side of Perimeter Loop Road.</p> <p>The site has no existing stormwater management facilities. The proposed plan reduces lot coverage from the existing development, and the applicant has submitted plans showing a series of catch basins and a bioretention basin within the large parking lot island. The bioretention basin is designed with a four-inch underdrain (smooth walled PVC pipe with perforations), and an observation well with a grate to facilitate maintenance is also proposed. See the Utility Plan (plan sheet 5 of 9).</p> <p>The stormwater management information meets the City's requirements for preliminary review. The applicant will be required to demonstrate full compliance with the City's stormwater management regulations at building permitting.</p>
Landscaping	<p>The development text requires that all landscaped areas meet Code. Additionally, specific landscaping treatments along Perimeter Loop Road and Mercedes Drive were also approved as part of the development text.</p>

Details

Amended Final Development Plan

Street Trees/Perimeter Loop and Mercedes Drive Landscape Treatment

The proposed landscape plan shows the location of the 9 existing street trees (Honeylocusts) along Perimeter Loop Road and Mercedes Drive. The street trees are incorporated into the stone column and 3½ foot hedge (Taxus) landscape treatment required by the development text and is consistent with existing landscaping on adjacent sites.

Vehicular Use Area Screening

Code requires that vehicular use areas be screened with a minimum 3½ foot hedge, mound, or wall with a shade tree a minimum of every 40 feet. A stone column and hedge landscaping is used to screen vehicles on the south and west, and existing Arborvitae, Birds Nest Spruce and Hornbeam are used along the north side of the parking lot to meet Code.

Interior Vehicular Use Area Landscaping

Code requires that 5% (654 square feet) of interior vehicular use areas be landscaped with trees and shrubs and one tree provided for every 5,000 square feet of building and vehicular use area. River Birch and Elm trees are used to meet these requirements.

Service Structure Screening

Code requires screening of all service structures by landscaping or a fence/wall. Further, the development text states that all waste and refuse shall be containerized and fully screened from view by a solid wall or fence. A dumpster is proposed in the northwest corner of the parking area and will be screened by a six-foot cedar enclosure to meet the text requirement. The plans also show a transformer in the southeast portion of the site near the existing ground sign screened by Taxus.

Bioretention Basin Plantings

Two deciduous (River Birch) trees are planted in the bioretention basin, allowing the island to partially count toward the interior vehicular use area landscaping requirement. The basin itself will be planted with Little Joe Pye Weed, which is suited to the environment and low enough to maintain visibility through the parking lot, and will be surrounded by a grass filter strip.

Daycare Outdoor Recreation Area Landscaping

The Zoning Code has perimeter landscaping requirements for outdoor recreation areas. Required landscaping includes a mix of evergreen and deciduous shrubs along the outside of the fencing to soften the boundary and to provide a minimum 50% opaque screen within four years of installation. In addition, a small- to medium-sized deciduous tree is required every 30 feet along the outside of the play area fence.

The applicant is proposing to plant 19 Hornbeam (serving as replacement trees) around the north and east sides of the play area. A minimum of two deciduous trees are required along the west side of the play area to meet this requirement.

Details	Amended Final Development Plan
Tree Preservation, Removal, Replacement	<p><i>Tree Preservation</i> Most existing trees located on the site were planted as a result of previous vehicular use area landscaping requirements. These trees, primarily Honeylocusts, are generally in good condition and located in the parking areas and around the building.</p> <p><i>Tree Removal and Replacement</i> A total of 84 inches are required to be replaced, all of which are proposed on site. The replacement trees include 19 Hornbeams in the northwest portion of the site around the playground, in addition to Purple Robe Locust and Scarlet Oak located along the Perimeter Loop frontage and Ivory Silk Lilac along the west property line, west of the playground area.</p> <p>The applicant is proposing to preserve the existing Honeylocusts along the site's perimeter. The plans show heavy-duty tree protection fencing around these trees, include temporary chain link fencing to protect the existing trees around the proposed building from the stresses of site redevelopment. Additional snow fencing is proposed to protect the other existing trees.</p> <p>Although the applicant is proposing to take appropriate measures to protect the existing trees during construction, the Zoning Code requires that any trees that are determined to have been damaged or injured to the extent that they are likely to die or become diseased as a result of the construction activity must be replaced.</p>
Sign	<p>An existing ground sign is located at the southeast corner of the site near the intersection of Perimeter Loop Road with Mercedes Drive. The applicant is proposing to use the existing internally illuminated cabinet ground sign and replace the face with the new tenant information. The existing ground sign is 40 square feet in area and 6 feet, 10 inches high (including the brick base and existing mounding). The applicant will be required to demonstrate compliance with appropriate sign design and construction requirements at sign permitting.</p>
Lighting	<p>All existing light poles in the parking areas will be removed. The two proposed parking lot lights are new metal halide cut-off fixtures mounted on 18 foot high dark bronze poles within the central parking lot island. Proposed wall-mounted exterior building lights feature bronze residential-style carriage lights (Minka Group, 9142-291 Kent Place). Lighting for this project will be required to conform to the Zoning Code requirements for site lighting and Building Code requirements for egress lighting.</p>

Analysis	Minor Text Modifications
Process	<p>Zoning Code Section 153.053(E)(2)(b)4b allows the Commission to approve modifications 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 modifications would allow:</p> <ul style="list-style-type: none"> • A pavement setback along Perimeter Loop Drive of 25 feet instead of 35 feet; • Parking at a rate of one parking space per 250 square feet of area instead of one space per employee and one space for every six students; and • A six-foot fence instead of a four-foot fence around the playground.
Pavement Setback: <i>Approval</i>	<p>Planning supports the modification for the pavement setback along Perimeter Loop Drive because it reflects existing site conditions and is consistent with sites to the north and south along Perimeter Loop Road. The proposed setback permits adequate space for sidewalks, street trees, and landscaping.</p>
Parking: <i>Approval</i>	<p>Planning supports the modification for parking. The minor text modification will allow the site to develop with an appropriate number of parking spaces given the operational data supplied by the applicant, while minimizing impervious surface on this small one-acre site.</p>
Fence Height: <i>Disapproval</i>	<p>Planning recommends disapproval of the minor modification to the development text allowing a six foot high fence. Other daycare centers in Dublin operate with four-foot fencing and provide a safe and secure environment for the children. Should the Commission feel that increased fence height is appropriate for this facility, Planning suggests an additional condition that the fencing be black wrought-iron style, rather than a solid vinyl privacy fence.</p>

Analysis	Amended Final Development Plan
Process	<p>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.</p>
<p>1) <i>Consistency with the preliminary development plan.</i></p> <p>Condition 1</p>	<p>Criterion met with Text Modifications and Condition: This proposal is consistent with the requirements of the preliminary development plan. The proposed pavement setback and parking requirement will require the approval of two minor text modifications.</p> <p>Planning recommends that the four-foot fencing proposed on the south and west sides of the building be eliminated from the plans, and that the fencing around the proposed playground use a four-foot black wrought-iron style fencing in lieu of the proposed six-foot vinyl privacy fencing.</p> <p>Should the Commission determine that six-foot fencing is appropriate for this facility, approval of the third minor text modification would be necessary.</p>

Analysis	Amended Final Development Plan
<p>2) <i>Traffic and pedestrian safety</i></p> <p>Conditions 2, 3 & 4</p>	<p>Criterion met with Conditions: The proposal provides safe vehicular and pedestrian circulation. Mercedes Drive is required to be a Fire Apparatus Access Road (FAAR) and shall be required to meet the requirements of Dublin Fire Code Appendix D for FAARs. In addition, Mercedes Drive and the service road on the west side of the site directly behind the building shall be required to be marked by the owner as a Fire Lane on one side of the Fire Apparatus Access Road per requirements listed in Dublin Fire Code Sections D103.6.2 and D103.6.</p> <p>The 10-foot sidewalk easement will need to be dedicated to the City prior to building permitting, and the applicant will need to coordinate with the City to provide the two-foot sidewalk connection should a sidewalk be installed on the property to the north.</p>
<p>3) <i>Public services and open space</i></p>	<p>Criterion met: As an existing site proposed for redevelopment, the site has adequate public services. No open space dedication is required.</p>
<p>4) <i>Natural features and resources</i></p>	<p>Criterion met: The applicant has included tree protection fencing for the existing landscaping.</p>
<p>5) <i>Lighting</i></p>	<p>Criterion met: Proposed site lighting is appropriate and meets all Code requirements.</p>
<p>6) <i>Signs</i></p>	<p>Criterion met: The existing sign meets all applicable Code requirements for this site for height, area, number, and location. The applicant will be required to demonstrate conformance to the Code requirements for sign design and construction prior to sign permitting.</p>
<p>7) <i>Landscaping</i></p> <p>Condition 5</p>	<p>Criterion met with Condition: The plan conforms to Code requirements for vehicular use areas, service structure screening, and the development text requirements for landscaping along Perimeter Loop Road and Mercedes Drive. The plans will need to be revised to comply with the landscape requirements for outdoor recreation areas.</p>
<p>8) <i>Stormwater management</i></p>	<p>Criterion met: The proposed bioretention basin appears to provide adequate stormwater management for this site. Compliance with the City's stormwater management Code will need to be demonstrated at building permitting.</p>
<p>9) <i>Phasing</i></p>	<p>Not Applicable</p>
<p>10) <i>Other laws & regulations.</i></p>	<p>Criterion met: The proposal appears to comply with all other known applicable local, state, and federal laws and regulations.</p>

Recommendation	Amended Final Development Plan
<p>Approval</p>	<p>In Planning's analysis, this proposal complies with the proposed development text and preliminary development plan, the final development plan criteria and existing development in the area. Planning recommends approval of this request with five conditions.</p>

Recommendation	Amended Final Development Plan
Conditions	<ol style="list-style-type: none">1) That the four-foot fencing on the south and west sides of the building be eliminated, and that the fencing around the playground use a four-foot black wrought-iron style fencing in lieu of six-foot vinyl privacy fencing;2) That Mercedes Drive be improved as a Fire Apparatus Access Road (FAAR) meeting the requirements of Dublin Fire Code Appendix D for FAARs, subject to the approval of the City Engineer and the Washington Township Fire Chief;3) That Mercedes Drive and the service road on the west side of the site directly behind the building be marked as Fire Lanes meeting the requirements of Dublin Fire Code Sections D103.6.2 and D103.6;4) That the 10-foot sidewalk easement be dedicated to the City prior to building permitting, and the applicant coordinate the two-foot sidewalk connection with the City should a sidewalk connection be installed on the property to the north; and5) That the plans be revised to demonstrate compliance with the landscape requirements for outdoor recreation areas.

AMENDED FINAL DEVELOPMENT PLAN

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.

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](#).