City of Dublin

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

Date: March 7, 2013

Initiated By: Steve Langworthy, Director of Land Use and Long Range Planning
Claudia D. Husak, AICP, Planner II

Re: Final Plat – Lowell Trace, Section 2, Lots 62, 63, and 64

Summary

This is a request for review and approval of an amendment to a previously recorded final plat for three single-family lots. The proposal is to modify the No Build Zone to extend parallel to the rear lot line rather than following the curvature in the road. The lots are located North of Phoenix Park Drive and west of Newgrange Drive, west of the intersection with Tullymore Drive.

Background

The Planned Unit Development rezoning for Lowell Trace was approved by City Council on May 18, 1987. The final plat for Lowell Trace Section 2 was approved for Lots 46 through 99 on September 6, 1988.

Description

The proposed final plat 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.

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 between 30 and 60 feet for Lot 62 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.

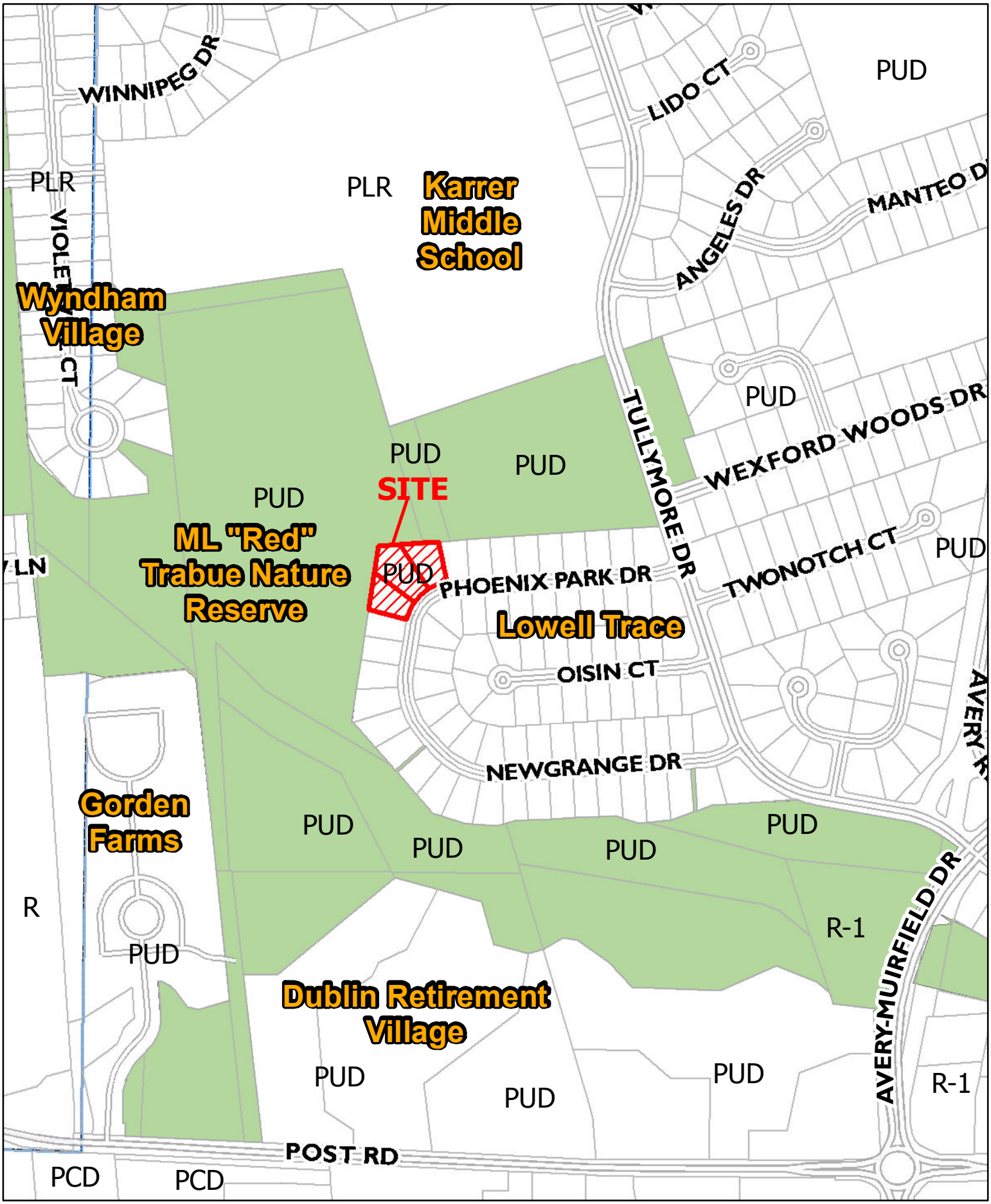
The proposed plan modifies the No Build Zone to extend the existing No Build Zones on adjacent lots to be parallel to the rear lot lines.

Recommendation of the Planning and Zoning Commission

The Commission reviewed and recommended approval to City Council of the final plat without conditions at the February 7, 2013 meeting. The Commission also approved an amended final development plan and a minor text modification, without conditions, to facilitate this change of the No Build Zone.

Recommendation

The proposed plat conforms to requirements of the final plat review criteria and Planning recommends City Council approval of the Final Plat for Lowell Trace, Section 2, Lots 62, 63, and 64 at the March 11, 2013 City Council meeting.



City of Dublin

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

0 250 500
Feet

N

February 2009

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:

- ☐ **Informal Review**
- ☐ **Concept Plan (Section 153.056(A)(1))**
- ☐ **Preliminary Development Plan / Rezoning (Section 153.053)**
- ☐ **Final Development Plan (Section 153.053(E))**
- ☒ **Amended Final Development Plan (Section 153.053(E))**
- ☐ **Standard District Rezoning (Section 153.018)**
- ☐ **Preliminary Plat (Section 152.015)**
- ☒ **Final Plat (Section 152.085)**
- ☐ **Conditional Use (Section 153.236)**
- ☐ **Corridor Development District (CDD) (Section 153.115)**
- ☐ **Corridor Development District (CDD) Sign (Section 153.115)**
- ☐ **Minor Subdivision**
- ☐ **Right-of-Way Encroachment**
- ☒ **Other (Please Specify):** minor development standards text amendment

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.

Property Address(es): 6432 and 6444 Phoenix Park Dr and 6455 Newgrange Dr, Dublin, OH 43016	
Tax ID/Parcel Number(s): 273-004631, 273-004630, 273-004629	**Parcel Size(s) (Acres):** 3 lots in Lowell Trace Sec 2--Lots 62, 63 & 64 total acreage 1.093 ac
Existing Land Use/Development: Single Family Residential	

IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:
Proposed Land Use/Development: Unnchanged, Single Family Residential
Total acres affected by application: 1.093 ac

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

Name (Individual or Organization): Benjamin and Karen Huttsell, Bruce and Jill Rothermund, Perry Mostove and Marilee Krick	
Mailing Address: (Street, City, State, Zip Code) Benjamin and Karen Hutsell--6432 Phoenix Park Dr, Dublin, OH 43016 Bruce and Jill Rothermund--6455 Newgrange Dr, Dublin, OH 43016 Perry Mostov and Marilee Krick--6644 Phoenix Park Dr, Dublin, OH 43016	
Daytime Telephone: c/o Christopher Cline, Atty 614-764-0681	**Fax:** 614-764-0774
Email or Alternate Contact Information: ctc@bhmlaw.om	

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: Christopher T. Cline, Atty	Applicant is also property owner: yes ☐ no ☑
Organization (Owner, Developer, Contractor, etc.): Blaugrund, Herbert & Martin	
Mailing Address: (Street, City, State, Zip Code) 300 W. Wilson Bridge Road, Worthington, OH 43017	
Daytime Telephone: 614-764-0681	Fax: 614-764-0774
Email or Alternate Contact Information: ctc@bhmlaw.com	

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: Christopher T. Cline, Atty.--All contact info same as Item IV, above	
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 Benjamin & Karen Huttsell, Bruce & Jill Rothermund and Perry Mostov and Marilee Krick, the owner, hereby authorize Christopher T. Cline, Attorney 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:	Date: 12/20/12

☐ 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 20th day of December, 20

State of Ohio

County of Franklin

Notary Public

NOTARIAL SEAL STATE OF OHIO

JANICE J. WILLIAMS
Notary Public, State of Ohio
My Commission Expires

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 Benjamin & Karen Huttsell, Bruce & Jill Rothermund and Perry Mostov and Marilee Krick, 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:	Date: 12/20/12

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 Benjamin & Karen Huttsell, Bruce & Jill Rothermund and Perry Mostov and Marilee Krick ☒, 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:	Date: 12/20/12

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

I Christopher T. Cline, Attorney, 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:	Date: 12/26/12

Subscribed and sworn to before me this 26th day of December, 20 12

State of Ohio

County of Franklin

Notary Public

Stamp or Seal

NOTARIAL SEAL STATE OF OHIO

Janice J. Williams
Notary Public, State of Ohio
My Commission Expires 04-24-2015

FOR OFFICE USE ONLY			
Amount Received:	Application No:	P&Z Date(s):	P&Z Action:
Receipt No:	Map Zone:	Date Received:	Received By:
City Council (First Reading):		City Council (Second Reading):	
City Council Action:		Ordinance Number:	
Type of Request:			
N, S, E, W (Circle) Side of:			
N, S, E, W (Circle) Side of Nearest Intersection:			
Distance from Nearest Intersection:			
Existing Zoning District:		Requested Zoning District:	

Adjoining Property Owners (150 ft)
Amended Final Development Plan Lowell Trace Section 2

273-004631	Benjamin and Karen Huttsell	6432 Phoenix Park Dr, Dublin, OH 43016
273-004629	Bruce A. Jill S. Rothermund	6455 Newgrange Dr, Dublin, OH 43016
273-004630	Perry D. Mostov and Marilee Krick	6644 Phoenix Park Dr, Dublin, OH 43016
273-000369 273-005324 273-004076	City of Dublin	5200 Emerald Parkway, Dublin, OH 43017
273-004632	Bradley R. and Kelly A. Dufour	6420 Phoenix Park Dr, Dublin, OH 43016
273-004633	Karen E. Guthrie	6408 Phoenix Park Dr, Dublin, OH 43016
273-004641	Michael Casey and Rebecca Casey	6399 Phoenix Park Dr, Dublin, OH 43016
273-004642	Rahim G. Haghighi, Trustee	6411 Phoenix Park Dr, Dublin, OH 43016
273-004643	Derek and Lisa Stone	6433 Phoenix Park Dr, Dublin, OH 43016
273-004644	Patrick McIntyre and Jacquelyn Koerner	6452 Newgrange Dr, Dublin, OH 43016
273-004645	Ryan and Jessica Aldin	6446 Newgrange Dr, Dublin, OH 43016
273-004628	John and Christy Skrobot	4651 Newgrange Dr, Dublin, OH 43016
273-004627	Daniel and Theresa Davis	6447 Newgrange Dr, Dublin, OH 43016
	Lowell Trace Residents Assn c/o Tim Wilcox	6311 Newgrange Dr, Dublin, OH 43016

REPLAT OF THE REAR NO BUILD ZONE SETBACK LINE FOR LOTS 62, 63, & 64 LOWELL TRACE SECTION 2 (P.B. 69, PG. 5)

Recording Statement
This plat entitled "Replat of the Rear No Build Zone Setback Line for Lots 62, 63, & 64, Lowell Trace Section 2 (P.B. 69, Pg. 5)" is recorded to adjust the rear No Build Zone Setback Line on Lots 62, 63, 64" to the previously recorded plat entitled "Lowell Trace Section 2" as recorded in Plat Book 69, Page 5. Franklin County Recorder's Office. The recording of this plat shall render null and void the rear No Build Zone setback line on Lots 62, 63, & 64 of the plat entitled Lowell Trace Section 2" as recorded in Plat Book 69, Page 5. These revisions have been reviewed and approved by the City of Dublin, Franklin County, Ohio, and owners of Lots 62, 63, & 64. Existing easements within the Lots 62, 63, & 64 remain as previously platted.

Situated in the State of Ohio, County of Franklin, City of Dublin and in Virginia Military Survey Number Nos. 3010 & 3452, containing 1.093 acres of land, more or less, said 1.093 acres being all of Lots 62, 63, & 64 as shown on the subdivision plat entitled " Lowell Trace Section 2" of record in Plat Book 69, Page 5, conveyed to Bruce A. Rothermund & Jill S. Rothermund, owners Lot 62, by deed of record in Instrument No. 199911020275828, to Perry D. Mostov & Marilee Krick, owners Lot 63, by deed of Record in Official Record 18233, Page E11, and to Benjamin J. Hutsell & Karen D. Huttsell, owners Lot 64, by deed of record in Instrument No. 201208010110612, Recorder's Office, Franklin County, Ohio.

The undersigned, Bruce A. Rothermund & Jill S. Rothermund, owners Lot 62, Perry D. Mostov & Marilee Krick, owners Lot 63, & Benjamin J. Hutsell & Karen D. Huttsell, owners Lot 64, owners of the lands platted herein, duly authorized in the premises, do hereby certify that this plat correctly represents their "Replat of the Rear No Build Zone Setback Line for Lots 62, 63, & 64, Lowell Trace Section 2 (P.B. 69, Pg. 5)", do hereby accept this plat of same.

STATE OF OHIO
SS
COUNTY OF FRANKLIN

Before me, a Notary Public in and for said State, personally appeared Marsha I. Grigsby, City Manager of the City of Dublin, Ohio who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed and the free and voluntary act of said City of Dublin, Ohio for the uses and purposes expressed therein.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED THIS OFFICIAL THIS _____ DAY OF _____, 2012.

My Commission expires _____ _____
Notary Public Dublin, Ohio

STATE OF OHIO
SS
COUNTY OF FRANKLIN

Before me, a Notary Public in and for said State, personally appeared Bruce A. Rothermund & Jill S. Rothermund, owners Lot 62 who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed for the uses and purposes expressed therein.

IN WITNESS THERETO, I HAVE HEREUNTO SET THEIR HANDS THIS _____ DAY OF _____, 2012.

OWNER(S) LOT 62

_____
Bruce A. Rothermund

_____
Jill S. Rothermund

STATE OF OHIO
SS
COUNTY OF FRANKLIN

Before me, a Notary Public in and for said State, personally appeared Perry D. Mostov & Marilee Krick, owners Lot 63 who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed for the uses and purposes expressed therein.

IN WITNESS THERETO, I HAVE HEREUNTO SET THEIR HANDS THIS _____ DAY OF _____, 2012.

OWNER(S) LOT 63

_____
Perry D. Mostov

_____
Marilee Krick

STATE OF OHIO
SS
COUNTY OF FRANKLIN

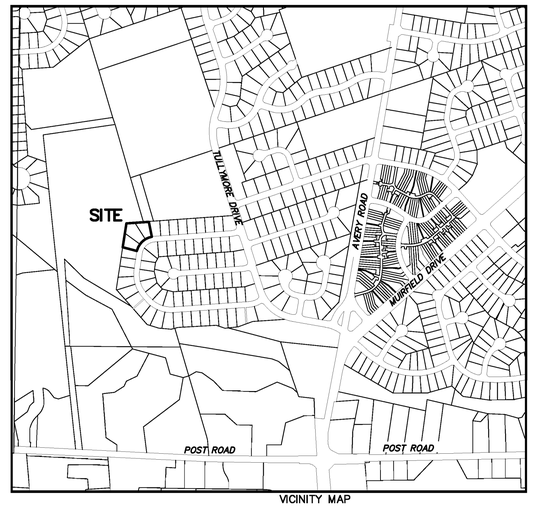
Before me, a Notary Public in and for said State, personally appeared Benjamin J. Hutsell & Karen D. Huttsell, owners Lot 63 who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed for the uses and purposes expressed therein.

IN WITNESS THERETO, I HAVE HEREUNTO SET THEIR HANDS THIS _____ DAY OF _____, 2012.

OWNER(S) LOT 64

_____
Benjamin J. Hutsell

_____
Karen D. Huttsell



VICINITY MAP

SURVEY DATA:

BASIS OF BEARINGS:
The bearings shown hereon were based on Plat Book 69, Page 5, based on the north lines of Lots 63 & 64 being N 84°52' 03" E, and are used to denote angles only.

SOURCE OF DATA:
The sources of recorded survey data referenced in the plan and text of this plat are from records of the Recorder's Office, Franklin County, Ohio.

PARCEL NUMBERS:

LOT 62 – 273–004629 – 0.310 Ac.

LOT 63 – 273–004630 – 0.452 Ac.

LOT 64 – 273–004631 – 0.331 Ac.

TOTAL SUBDIVISION – 1.093 AC.

In Witness Whereof, Marsha I. Grigsby, City Manager of the City of Dublin, Ohio has hereunto set her hand this _____ day of _____, 2012

Signed and Acknowledged in the presence of:

City of Dublin, Ohio

_____ By: _____
Marsha I. Grigsby City Manager

_____

STATE OF OHIO
SS
COUNTY OF FRANKLIN

Before me, a Notary Public in and for said State, personally appeared Marsha I. Grigsby, City Manager of the City of Dublin, Ohio who acknowledged the signing of the foregoing instrument to be their free and voluntary act and deed and the free and voluntary act of said City of Dublin, Ohio for the uses and purposes expressed therein.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED THIS OFFICIAL THIS _____ DAY OF _____, 2012.

My Commission expires _____ _____
Notary Public Dublin, Ohio

APPROVED THIS _____ DAY OF _____, 2012, _____
Secretary of Planning Commission Dublin, Ohio

APPROVED THIS _____ DAY OF _____, 2012, _____
City Engineer Dublin, Ohio

APPROVED THIS _____ DAY OF _____, 2012, BY VOTE OF COUNCIL, WHEREIN THIS PLAT IS ACCEPTED AS SUCH BY THE COUNCIL OF THE CITY OF DUBLIN, OHIO.

In Witness Thereof, I have hereunto set my hand and affixed my seal this _____ day of _____, 2012

_____
Clerk of Council Dublin, Ohio

TRANSFERRED THIS _____DAY OF _____, 2012 _____
Auditor, Franklin County, Ohio

FILED FOR RECORD THIS _____ DAY OF _____, 2012, AT _____M.

RECORDED THIS _____ DAY OF _____, 2012,

_____
Recorder, Franklin County, Ohio

FILE NO. _____

PLAT BOOK _____ PAGES _____

We do hereby certify that we have surveyed the attached premises, prepared the attached plat, and that said plat is correct. All dimensions are shown in feet and decimal parts thereof. Dimensions shown along curves are chord measurements.

_____
Professional Surveyor No. 7068

PATRIDGE SURVEYING L.L.C.
9464 DUBLIN ROAD
POWELL, OHIO 43065

10724–12

REPLAT OF THE REAR NO BUILD ZONE SETBACK LINE
FOR LOTS 62, 63, & 64
LOWELL TRACE SECTION 2
(P.B. 69, PG. 5)

0 50 100

Scale 1" = 50'
August, 2012

LEGEND

- ● found iron pin (3/4")
- ○ set iron pin (capped PATRIDGE SURVEYING)

No Build Zone Area to be terminated.

NOTE A NO BUILD ZONE:

Within the areas designated "NO BUILD ZONE" on this plat, no fencing, dwelling or structures shall be constructed. The following are permitted within this "NO BUILD ZONE": Sodding, earthmounds and landscape plantings.

The notes from the original plat in PB 69 Page 5 remain operative.

PATRIDGE SURVEYING L.L.C.
9464 DUBLIN ROAD
POWELL, OHIO 43065
FAX (614)-799-0030
TEL. (614)-799-0031

10724-12

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

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

FEBRUARY 7, 2013

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

2. Lowell Trace – Section 2 –6432 & 6444 Phoenix Park Dr. Lots 62, 63, and 64
12-088AFDP/FP 6432 and 6444 Phoenix Park Drive
Amended Final Development Plan/Final Plat 6455 Newgrange 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. The 1.09-acre site is located north of Phoenix Park Drive and west of Newgrange Drive, west of the intersection with Tullymore Drive.
Request:	Review and approval of amended final development plan under the provisions of Zoning Code Section 153.050. This is also a request for review and recommendation to City Council of a revised final plat under the provisions of the *Subdivision Regulations*.
Applicant:	Christopher Cline, Blaugrund, Herbert & Martin.
Planning Contact:	Claudia D. Husak, AICP, Planner II.
Contact Information:	(614) 410-4675, chusak@dublin.oh.us

MOTION#1: To approved this Minor Text Modification 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."

*Christopher Cline agreed to the above conditions.

VOTE: 7 – 0.

RESULT: This Minor Text Modification was approved.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes
John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	Yes

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

FEBRUARY 7, 2013

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Request:	Review and approval of amended final development plan under the provisions of Zoning Code Section 153.050. This is also a request for review and recommendation to City Council of a revised final plat under the provisions of the *Subdivision Regulations*.
Applicant:	Christopher Cline, Blaugrund, Herbert & Martin.
Planning Contact:	Claudia D. Husak, AICP, Planner II.
Contact Information:	(614) 410-4675, chusak@dublin.oh.us

MOTION#2: To approve this Amended Final Development Plan application because it complies with the proposed development text, as modified, and the applicable review criteria.

*Christopher Cline agreed to the above conditions.

VOTE: 7 – 0.

RESULT: This Amended Final Development Plan application was approved.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes
John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	Yes

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

FEBRUARY 7, 2013

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

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Amended Final Development Plan/Final Plat 6455 Newgrange Drive

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Request:	Review and approval of amended final development plan under the provisions of Zoning Code Section 153.050. This is also a request for review and recommendation to City Council of a revised final plat under the provisions of the *Subdivision Regulations*.
Applicant:	Christopher Cline, Blaugrund, Herbert & Martin.
Planning Contact:	Claudia D. Husak, AICP, Planner II.
Contact Information:	(614) 410-4675, chusak@dublin.oh.us

MOTION#3: To approve this Revised Final Plat application because it complies with the applicable review criteria.

*Christopher Cline agreed to the above conditions.

VOTE: 7 – 0.

RESULT: This Revised Final Plat application was approved.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes
John Hardt	Yes
Joseph Budde	Yes
Victoria Newell	Yes

STAFF CERTIFICATION

Claudia D. Husak

Claudia D. Husak, AICP
Planner II

PLANNING AND ZONING COMMISSION

MEETING MINUTES

FEBRUARY 7, 2013

2. Lowell Trace – Section 2 - Lots 62, 63, and 64
12-088AFDP/FP **6432 and 6444 Phoenix Park Drive**
6455 Newgrange Drive
Amended Final Development Plan/Revised Final Plat

Chair Chris Amorose Groomes introduced this application requesting a 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. She said the site is located north of Phoenix Park Drive, west of Newgrange Drive, and west of the intersection with Tullymore Drive. She said the application will require three motions. Ms. Amorose Groomes said that the Commission is the final authority on the proposed text modification and final development plan and the revised final plat will be forwarded to City Council on the Commission's recommendation.

Ms. Amorose Groomes swore those intending to address the Commission in regards to this application including the applicant Christopher Cline, Blaugrund, Herbert, & Martin, (300 West Wilson Bridge Road, Worthington, Ohio) and City representatives.

Claudia Husak said that Planning was approached by the new owner of Lot 64 who was trying to get a zoning clearance prior to or after purchasing this residence. She explained that there was a deck located in the No-Build Zone (NBZ), and to receive a clearance from Zoning for this lot the only available avenue is to change the NBZ created on the plat. She presented a graphic showing the distance of the existing NBZ for the three lots. She noted that the surrounding lots have 35-foot NBZ to the north and a 30-foot NBZ to the west. She said this proposal is to continue those two lines and take the hatched area on the approved Final Plat out of the NBZ.

Ms. Husak said that the Minor Text Revision requested is in the Development Text and graphics showing how the lots are laid out and created and where setbacks are supposed to be and where houses are supposed to be are included in the meeting packets. She pointed out that one of the graphics had a note saying 'That No-Build Zones should be 100 feet from the right-of-way for lots that are not corner lots.' She demonstrated where the 100-feet from the right-of-way would have been measured from the line back. Ms. Husak said that Planning is recommending a text modification to no longer require these three lots to have to adhere to that note in the development text.

Christopher Cline, Blaugrund, Herbert, & Martin, said that this was a February 1988 rezoning. He explained that the NBZ mentioned in the text says no fences or outbuildings, so the deck and the at-grade patio was the issue raised by the title company. He said as a real estate lawyer, that it was not a fence or an outbuilding, and that is okay and it has been since the house was built in the 1990s. Mr. Cline said the problem they had now is that there are different definitions of NBZs.
Mr. Cline said the other issue is the matter of interpretation that this minimal graphic says has the language that the NBZ ends up being measured 100 feet from the street. He said never in their history have they measured rear setbacks from the street. He said they have always been measured from the rear property line. He said the out is that the text said '…except for corner lots'. He said these are arguably corner lots and that may well be why this produced this non-sensible resolve on the plat

presented not as part of the zoning, but later in the year, in September. Mr. Cline said the engineer measured apparently from the street, even though he would argue that these looked like corner lots. He said that Planning cannot accept that interpretation because in the current Code there is another way of finding what is or is not a corner lot.

Mr. Cline suggested that what mattered was what the intention was in 1988. He said it seemed to him and he thought to Planning, that why there were lines across the middle of these lots for the NBZ where there was nothing special and why should these lots not be treated the same as all the lots. He suggested if these three lots could be treated the same way as all the others are treated, and measure the same distance from the rear line in defining what the NBZ is which solves the problem. He said it also gives the residents a lot more usability of their rear lots.

Ms. Amorose Groomes asked if there was anyone who wished to make a public comment in regards to this application. [There was none.]

John Hardt said his question had been answered by Mr. Cline's explanation. He asked if this issue was preventing a closing or had the property been sold.

Mr. Cline said that the property was sold with the provision that funds were escrowed because of the survey and filings.

Mr. Hardt said generally, he would be concerned about changing NBZs, but here given the fact that it backed up to a City park, it seemed to cause no harm, but it is not as though the adjacent neighbors are going to end up with a shed in their backyard that they were not counting on or something like that beause there is no neighbor. He said that fundamentally he had no problem with this. He said his only question remaining was on the proposed new plat presented, there is still a 'No-Build Zone' pointing to the old line which seemed to be just as confusing as thing they are trying to fix.

Ms. Husak explained that there was a note on the bottom left corner of the plat that showed the hatched as a legend that said 'No-Build Zone to be Removed.'

Mr. Cline said the proposed revised text also states that this is to revise and remove this area and so now, there will be a new NBZ which is the blue area shown on the amended final plat.

Mr. Hardt said that the text stated the NBZ was to be terminated, but that was not noted on the revised final plat.

Mr. Cline said there had been a lot of discussion between the Engineering Department and people downtown to make sure that it was clear enough for the future.

Mr. Taylor recalled that last year, he had a similar project where the exact same situation appeared along Brand Road, and the issue was the changed interpretation of what is allowed to be built in a NBZ. He said in that case it was a patio that could not be expanded and actually, it needed to be reduced. Mr. Taylor said he understood the financial hardship of replatting a site for something this minor, but he agreed that it was entirely consistent with the area and seemed to be consistent with other lots. He said if everything that has been said is the reason behind this, he had no problem with it.

Joe Budde referred to the aerial view presented and asked what was the structure seen on Lot 62.
Ms. Husak said it was a playground swing set.

Mr. Budde asked if it was a permissible structure to be in that area.
Jill Rotherman, 6455 Newgrange Drive, said it was her understanding from other neighbors that play sets are permitted in a NBZ. She said it existed when they purchased the house.

Steve Langworthy explained there that if it was in a NBZ or a No-Disturb Zone, it would be different. He said since it happened prior to his Dublin employment, he understood it was something to do with the swing set and playground issue that he was sure that many of the Commissioners would remember.

Mr. Budde said that he was just wondering because he thought it looked as though it might have been a shed. He said his question was answered.

Ms. Kramb noted that about five lots south there were another two lots that could be corner lots. She asked if they had the same issue as these lots.

Mr. Cline said they could, but frankly, he was focused only on these three residents solving their problem.

Ms. Newell asked if a Variance might have resolved this issue.

Ms. Husak explained that they could not because there are no variance options for platted NBZs included in the Subdivision Regulations.

Ms. Amorose Groomes requested the three motions.

Motion #1 and Vote – Minor Text Revision
Mr. Taylor moved to approve this Minor Text Modification 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." Mr. Hardt seconded the motion.

Christopher Cline agreed to the condition.

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

Motion #2 and Vote – Amended Final Development Plan
Mr. Taylor moved to approve this Amended Final Development Plan application because it complies with the proposed development text, as modified, and the applicable review criteria. Ms. Kramb seconded the motion.

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

Motion #3 and Vote – Revised Final Plat
Mr. Taylor moved to recommend approval to City Council of this Revised Final Plat application because it complies with the applicable review criteria. Mr. Hardt seconded the motion.

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

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

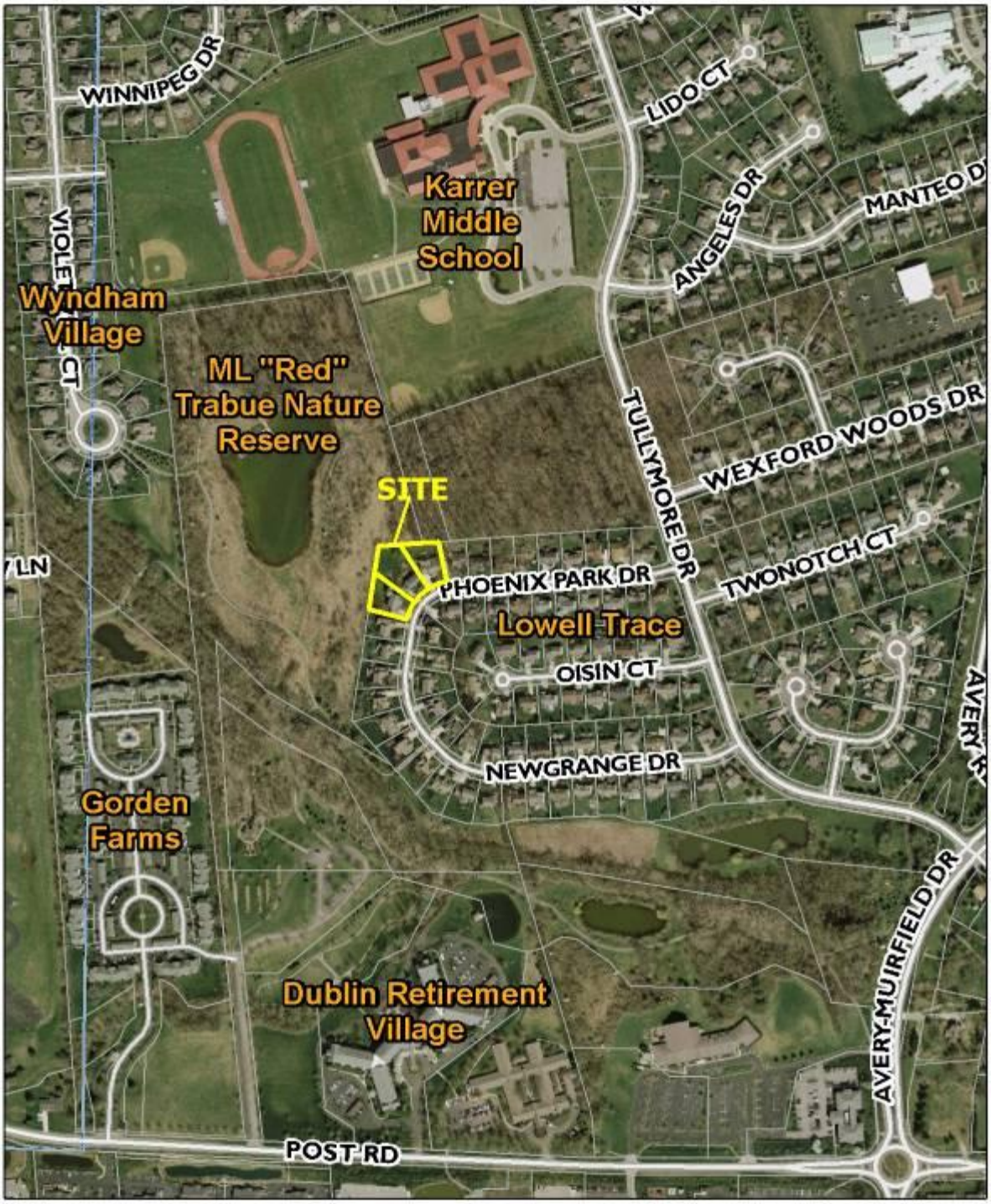
Planning Report

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 final development plan under the provisions of Zoning Code Section 153.050. Review and recommendation to City Council for a final plat under the provisions of Chapter 152, Subdivision Regulations.
Applicants	Benjamin and Karen Huttsell, 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. *Approval – Minor Text Modification* 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." *Approval without Conditions – Amended Final Development Plan* *Approval without Conditions – Revised Final Plat*



City of Dublin

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

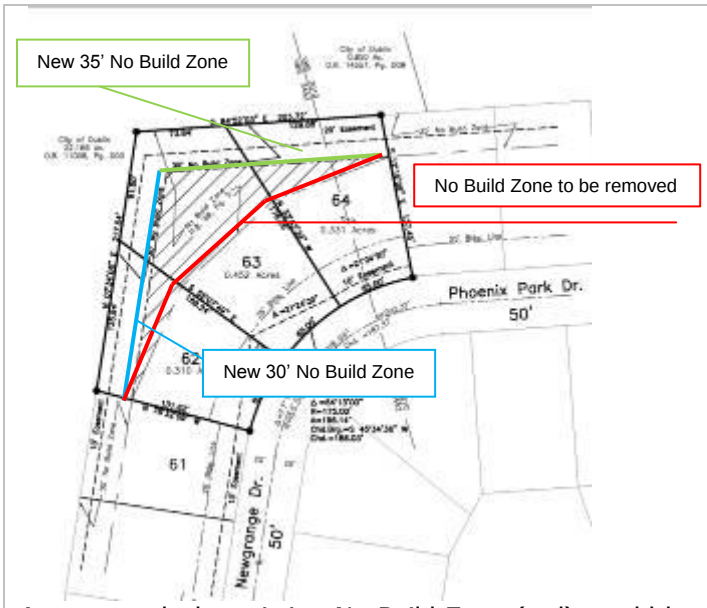
0 250 500
Feet

Facts

Site Area	3 lots, 1.09 acre total
Zoning	PUD, Planned Unit Development District
Surrounding Zoning	• 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	1988 Final development plan and final plat for Lowell Trace Section 2 were approved for Lots 46 through 99. 1987 95.65 acres were zoned Planned Unit Development District (Lowell Trace plan).

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	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. 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. 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.

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) Consistency with the approved preliminary development plan.	**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) Traffic and pedestrian safety	Not applicable.
3) Adequate public services and open space	Not applicable.
4) Protection of natural features and resources	**Criterion met:** The revision to the extent of the No Build Zone will not affect any natural features within the area.
5) Adequacy of lighting	Not applicable.
6) Signs consistent with preliminary development plan	Not applicable.
7) Appropriate landscaping to enhance, buffer, & soften the building and site	Not applicable.
8) Compliant Stormwater management	Not applicable.
9) All phases comply with the previous criteria.	Not applicable.
10)Compliance with other laws & regulations.	**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.
1) Plat Information and Construction Requirements	**Criterion met:** This proposal is consistent with the requirements of the Zoning Code and all required information is included on the plat.
2) Street, Sidewalk, and Bikepath Standards	Not applicable.
3) Utilities	Not applicable.
4) Open Space Requirements	**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:

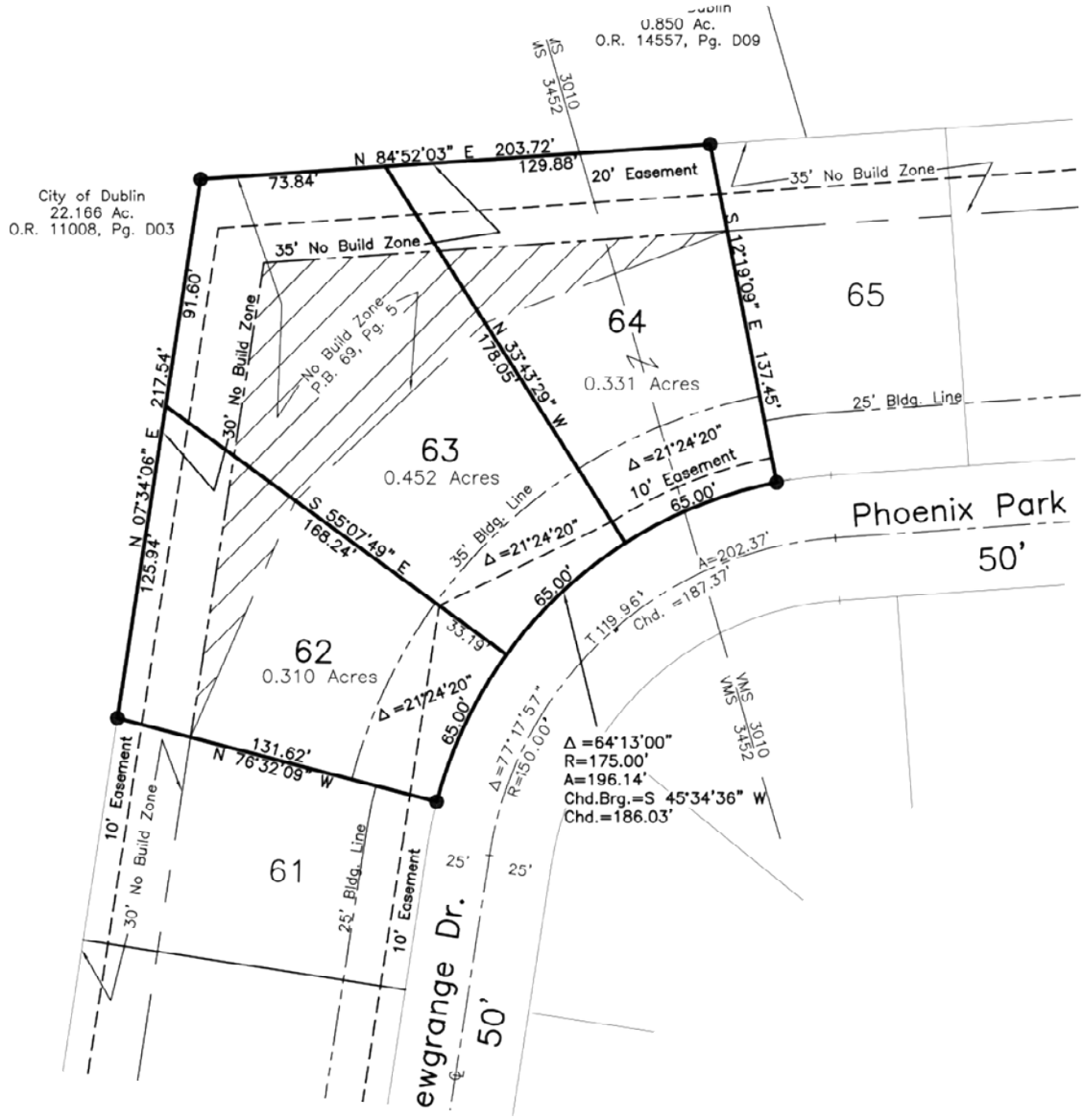
- The proposed final plat document includes all the required technical information.
- Construction will be bonded and completed in an appropriate time frame, inspections will be conducted by the City in accordance with Engineering standards for improvements, and maintenance will be completed as necessary.
- 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.

Existing Conditions

Proposed Plat



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EXISTING DEVELOPMENT TEXT

TEXT FOR PRELIMINARY DEVELOPMENT PLAN
FOR LOWELL TRACE

A. North Point and Scale:

Please see Preliminary Development Plan.

B. Proposed location and size of areas of residential use indicating dwelling unit densities, dwelling unit types and total number of dwelling units for each density area and the total number of dwelling units proposed in the development plan:

Residential uses and types with dwelling unit densities as shown on the Preliminary Development Plan. Development standards for the office/institution proposal have been attached to this text. Additional single family development standards as they relate to the Lowell Trace have also been included with this text.

C. The proposed size, location and use of non-residential portions of the tract, including usable open areas, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership of such areas:

The non-residential areas are shown on the Preliminary Development Plan and consist of office/institutional uses (as permitted in Chapter 1159, Suburban Office and Institutional District) and a park. The park will be dedicated to the Village.

D. The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness:

Sewer has been constructed through the site and the water line is in Avery Road. Surface drainage requirements as per the requirements of the Village will be met in the land area adjacent to Indian Run.

E. The proposed traffic circulation patterns including public and private streets and parking areas indicating evidence of reasonableness:

The Preliminary Development Plan shows the internal street system, which shows a relocation of Avery Road, which will permit a proper alignment with Valley Stream Drive as well as a proposed north-south connector. The

EXISTING DEVELOPMENT TEXT

office/institutional parcel shall have a curbcut on Post Road and a curbcut on Avery Road with the exact location of the curbcuts to be determined at the time of development.

F. The proposed schedule of site development, construction of structures and associated facilities. Such schedules shall include proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas:

Once the zoning has been completed, the developer will move forward with the final development plan for the single family areas. Construction is expected to begin in 1987. The development of the office/institutional parcel shall be determined by market demand.

G. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements:

The preliminary development plan shows non-residential uses along the north side of Post Road. These uses are across the street from property that is currently zoned R, Rural. Said property probably will develop with more intensive uses than the current zoning permit. The single family along Avery Road relates to the single family and apartments found in Indian Run Meadows. The proposed lots are, however, larger than those found in Indian Run Meadows. The bikeway and park system are also continued west of Avery Road.

H. Space for appropriate council ordinance number approving preliminary development plan:

Please see Preliminary Development Plan.

I. The applicant/owner hereby acknowledges that approval of its request for preliminary development plans by the Dublin Planning and Zoning Commission and/or Dublin Village Council does not constitute a guarantee or binding commitment that the Village of Dublin will be able to provide essential services such as water and sewer facilities when needed by said applicant.

The Village of Dublin will make every effort to have these services available as needed. However, the rapid growth of the Village of Dublin and Northwest Franklin County has stretched the Village's capacity to provide

EXISTING DEVELOPMENT TEXT

these services to the limit. As such, the Village of Dublin may be unable to make all or part of said facilities available to the applicant until some future date.

EXISTING DEVELOPMENT TEXT

LOWELL TRACE
SINGLE FAMILY DEVELOPMENT STANDARDS

A. Allowable Uses

The allowable uses on this property shall be single family lots. The first phase shall consist of 99 lots. Such lots shall have a width at their building line of at least eighty (80) feet, a depth of at least one hundred thirty (130) feet and a square footage of at least 10,400 square feet.

B. Site Development

The site shall be developed in general conformity with the preliminary development plan. Such plan may change due to final engineering, topographical conditions, soil conditions or final site development considerations.

C. Additional Development Standards

The site shall be developed in conformity with Exhibit A, Non-Parallel Setbacks, Exhibit B, Cul-De-Sac "Box" Setback, Exhibit C, Corner Angled Setbacks, Exhibit D, "No Building Zone," Exhibit E, Alternate Driveway Locations, Exhibit F, Street Tree Program.

D. Fencing - to permit some form of fencing on individual lots while providing for a consistent streetscape the following type of fence is permitted:

1. A split rail fence, not to exceed three and one-half feet in height, may be installed on any single-family lot except in the no build zone area. Said fence shall be constructed in accordance with the specification appearing in Exhibit G of this document. A black welded wire mesh fence, no part of which may extend above the height of the highest rail in the split rail fence, may be installed behind (i.e. on the internal side of) the split rail fence, in accordance with the specifications appearing in Exhibit G of this document. No stockade or other solid fences shall be permitted.

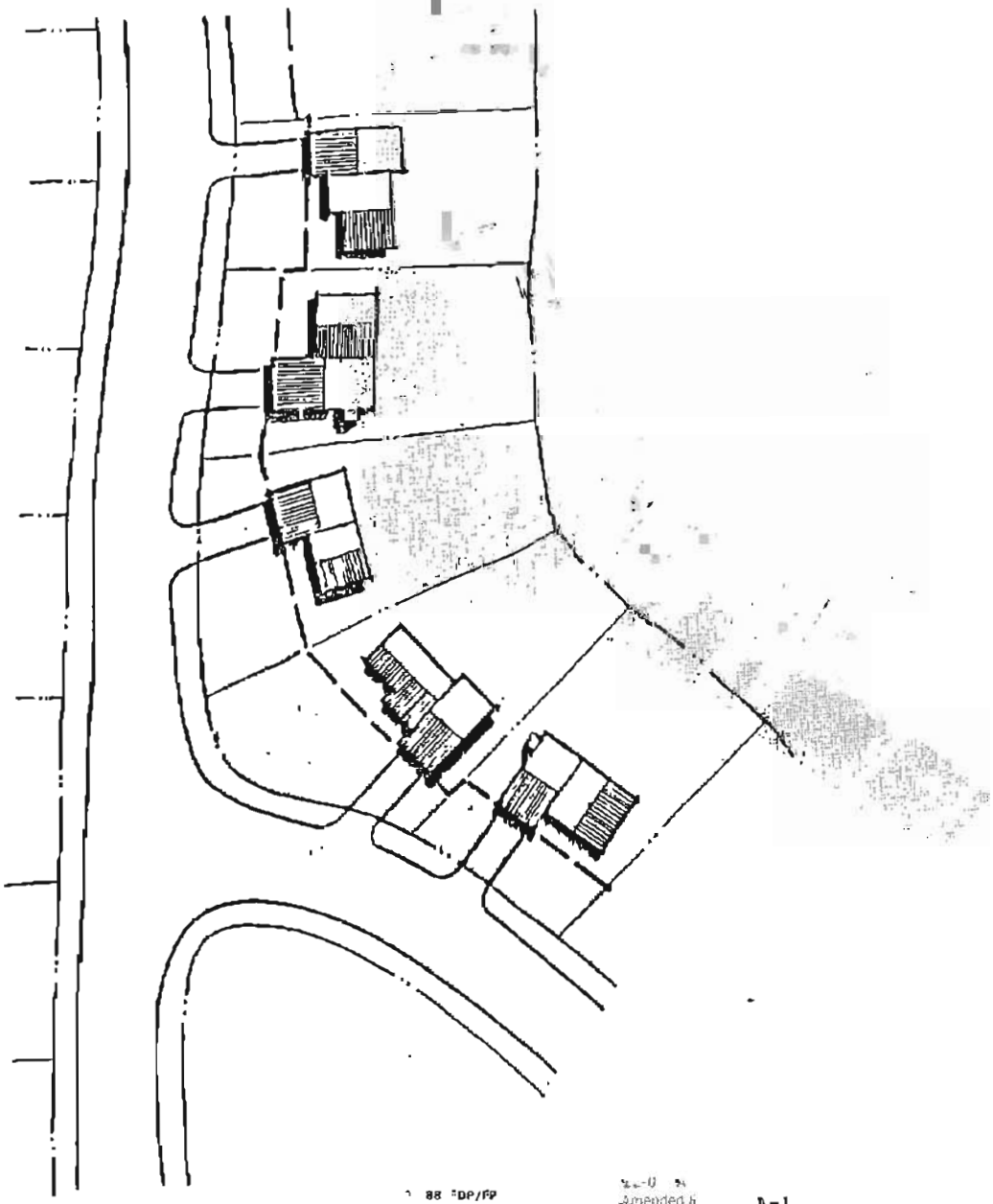
2. Notwithstanding the above, a lot owner may install a fence around an in-ground swimming pool if and only if said fence is in accordance with applicable government regulations.

EXISTING DEVELOPMENT TEXT

E. Buffering Along Fillman Tract

1. The developer shall install either a 6' privacy fence or a 6' evergreen screen along the south and west side of the Fillman Tract. At the time of development of the lots which are adjacent to the south and west side of the Fillman Tract, the current owner of the Fillman Tract shall notify the developer of his/her choice of either the 6' privacy fence or the 6' evergreen screen.

EXISTING DEVELOPMENT TEXT



Non-Parallel Setbacks

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- Section 2 - Lots 62, 63 and
& 64 4 Phoenix Park Dr, 6455 Nawa

Amended b
Lowell Trac

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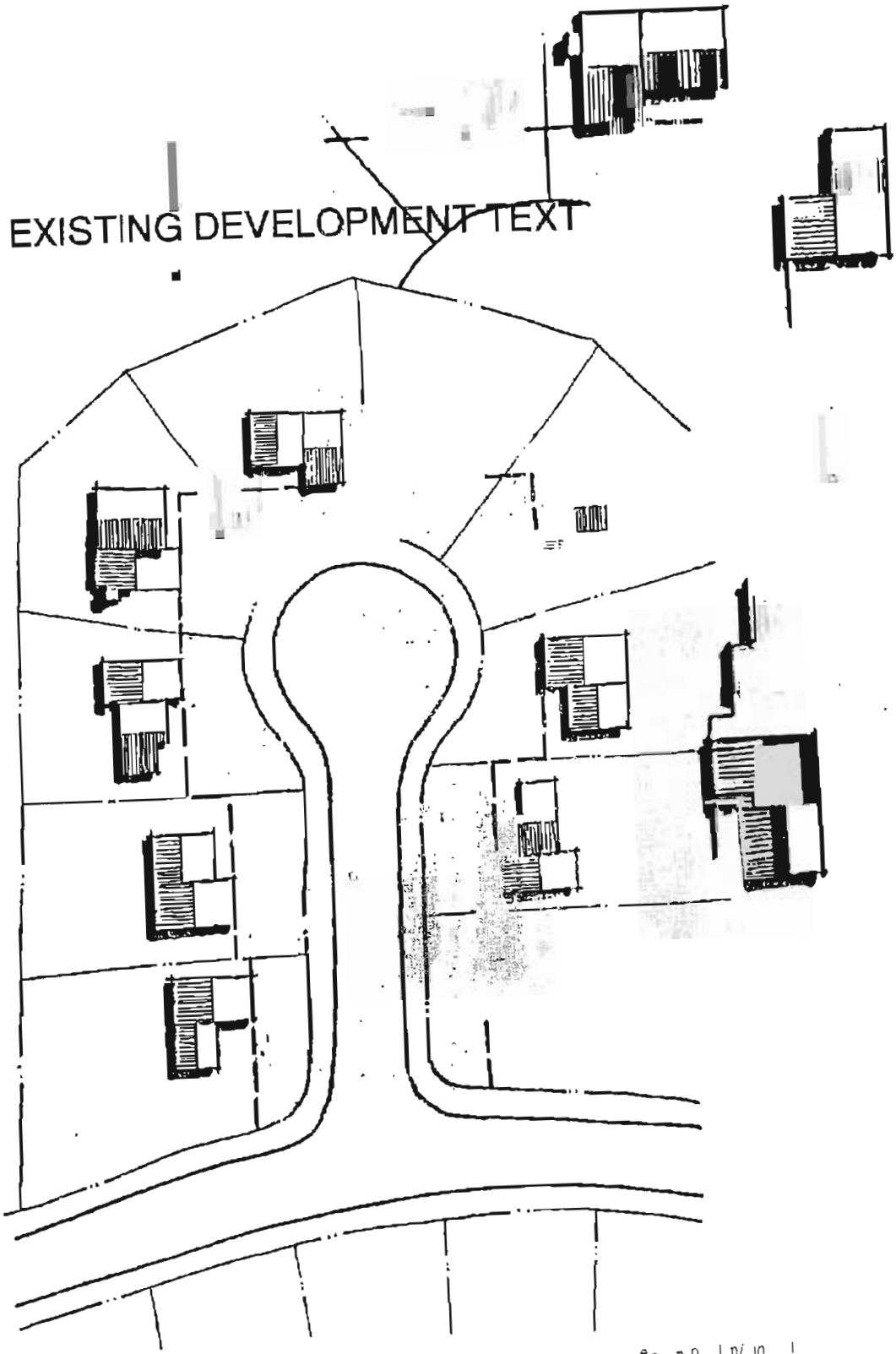
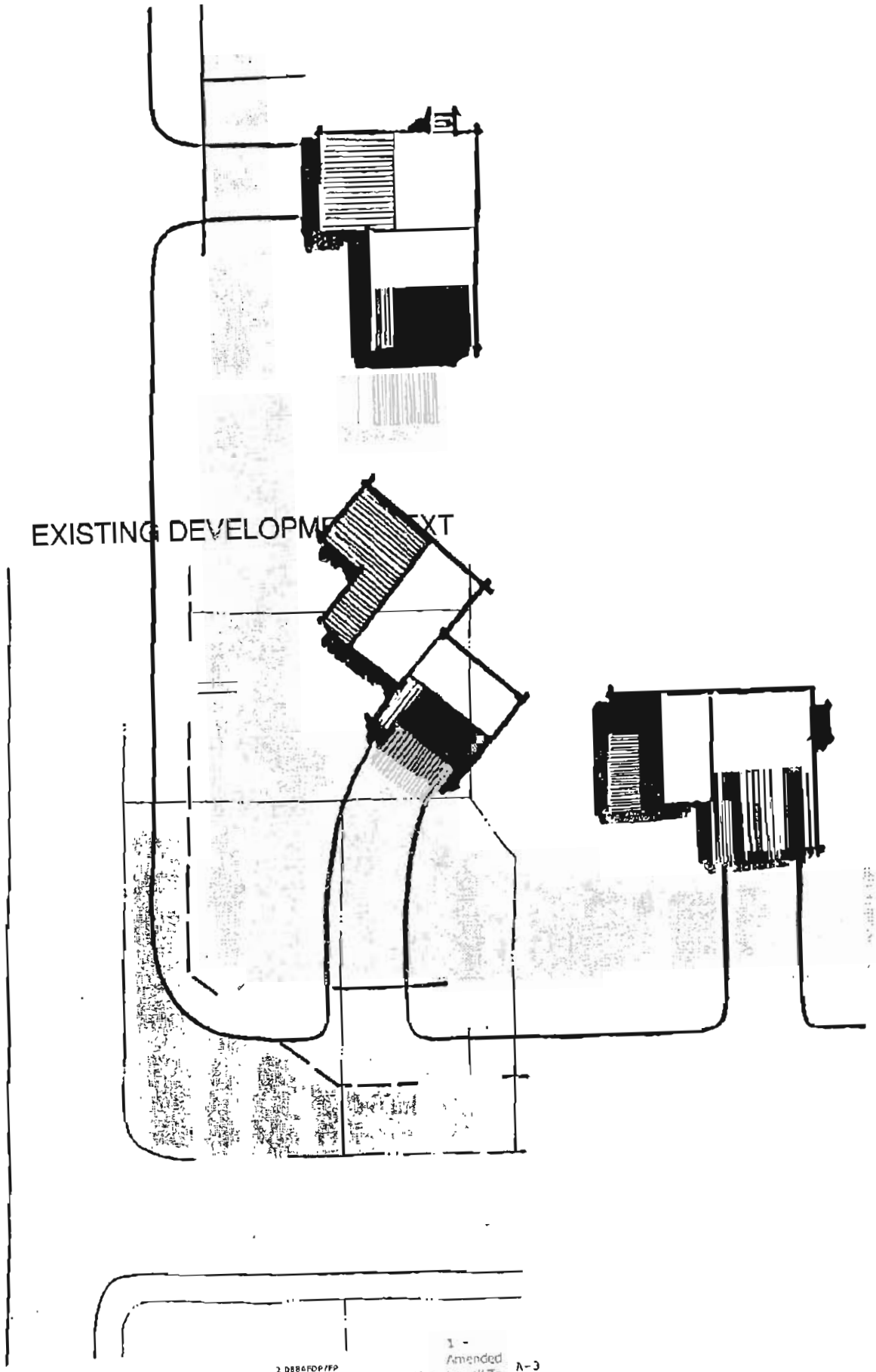


Cul-De-Sac
"Box" Setback



2 0884FDP/FP
Final Development Plan/Final Plat
Section 2 - Lots 62, 63 and 64
Phoenix Park Dr 6455 Nemoyer

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Lorwell Tr
6132

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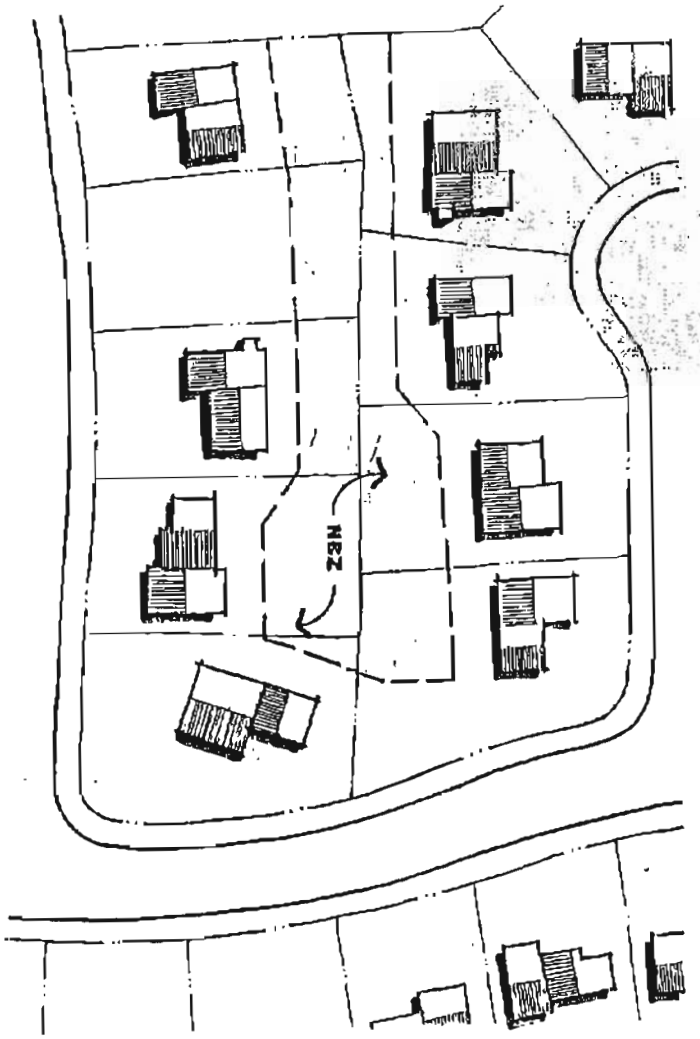
Except for corner lots, the rear yard no build zone shall begin at a distance no greater than 100' from the public right of ' "

"NO BUILD ZONE"
(No fence/Out Buildings)

EXISTING DEVELOPMENT TEXT



Alternate Driveway Locations

12-0882FDP/FP
Final Development Plan/Final Plat
Section 2 Lots 52, 63 and bal
Phoenix Park Dr
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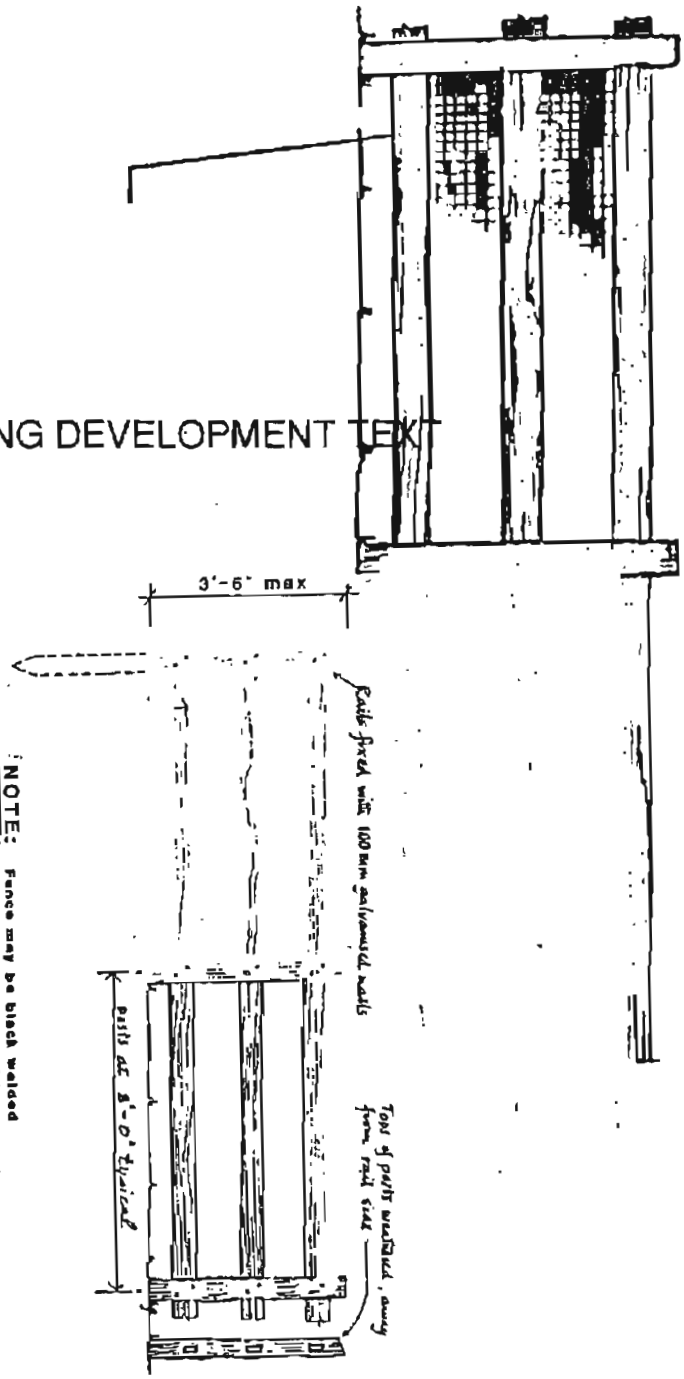
EXISTING DEVELOPMENT TEXT

Street Tree Program

EXISTING DEVELOPMENT TEXT



Typical

C. Alternate materials for sewerlines may be specified by the developer. Three types of piping may be used which meet Dublin Construction Specifications. Storm water control has been handled by the overall Muirfield control detention scheme.

It was noted that the applicant had no problem complying with the suggestions of the City Engineer.

Staff requested that the 50 foot building line be noted on the plat.
The applicant noted that he had mentioned at the last meeting that Muirfield oftentimes allowed that 50' to be altered in specified cases, that a problem could be created if it were put on the plat and it would not be consistent with Muirfield standard development.
Ms. Clarke said that staff's desire was to have a number that was consistent be recorded on the plat, whether it be 30', 35', 40', etc.

It was noted that the rear yard requirement in Muirfield is 25' along the perimeter.
It was also noted that the sewer easement as shown on the final development plan already takes care of 25' because one cannot build across a sewerline.

Mr. Berlin commented that to be consistent that such a requirement should not be put on the plat, that there is nothing on the other plats.
Ms. Clarke said that there had been several done in that manner in the last three years.

The applicant said that he did not have a problem with 35'.

Mr. Reiner moved to approve the Final Development Plan, Marhill at Muirfield, Muirfield Village, Phase 37 with the following conditions:

A. Modification of the typical street section. Suggestion that both typical sections for local streets be shown on the plans so that marketplace variables can be used to determine which section will be built.
B. Removal of existing curb and gutter along Greenstone Point for the entrance of Dundin Court. Note on the plans indicating that no remaining section of curb adjacent to that which is removed shall be less than five feet in length.

Mr. Geese seconded the motion.

The vote was as follows: Grace, yes; Reiner, yes; Geese, yes; Amorose, yes; Berlin, yes; and Jezerinac, yes.

4. Final Development Plan – Lowell Trace, Section 2

Ms. Clarke showed slides of the site and had the following comments:

A. This is the second and final phase for Lowell Trace. The first phase was approved early last fall. The first phase contained 45 lots. This is the final phase and contains 54 lots.

B. Originally 157 lots were zoned with the Lowell Trace Plan. The extra 58 lots were donated or gifted to the City of Dublin for park and wildlife preservation.
C. The parkland to the south, to the west, and to the east has been received by the City.
D. There is a section of parkland to the north that, for financial reasons, (IRS credit) that the City has under lease for a two year period for $1.00 per year. At the end of that period that land will be donated to the City.
The lease has been prepared.

Staff found the submission to be consistent with the approved Preliminary Plan for Lowell Trace and recommended approval with the following conditions:

A. The bike path between Lots 55 and 56 should be so designated on the plat and paved in conjunction with the road construction work.
B. The No Build Zone should be appropriately amended on Lots 93-96 and re-designated on Lots 56 and 60.
C. Street trees for the subdivision should be coordinated with the Dublin Landscape Planner.

With regard to the storm water retention, Mr. Willis reported that it is being constructed toward Phase 1; that it is down along the North Fork of Indian Run, having been dedicated to the City some months ago before work on Phase 1 was completed.

Mr. Tim Kelley, representing the applicant, said that he had no problems with the recommendations in the staff report or the engineering recommendations.

Mr. Kelley said that they would maintain the acre and half of ground in front at the intersection of Avery Road and Indian Run Drive.

Mr. Bowman reported that eventually when the remainder of Muirfield Drive is "hooked up" that Avery Road will be changed and will go into the road that is being built presently.

Mr. Halloran requested that there be storm water retention or detention rather than a storm water swale.

Mr. Geese moved to approve the Final Development Plan - Lowell Trace, Section 2 with the following conditions:

1. The bike path between Lots 55 and 56 should be so designated on the plat and paved in conjunction with the road construction work.
B. The No Build Zone should be appropriately amended on Lots 93-96 and redesignated on Lots 56 and 60.
C. Street trees for the subdivision should be coordinated with the Dublin Landscape Planner.
D. Approval of the signing of a two year lease.
E. Street pavement to meet Dublin's Construction Standards.
F. Major storm drainage to be retention or detention.

Mr. Reiner seconded the motion.
The vote was as follows: Grace, yes; Reiner, yes; Berlin, yes; Geese, yes; Jezerinac, yes; and Amorose, yes.

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Amended Final Development Plan/Final Plat
Lowell Trace - Section 2 - Lots 62, 63 and 64
6432 & 6444 Phoenix Park Dr, 6455 Newgrange Dr