



West Innovation District Development Plan Review

13-0026WID – DP

AEP Amlin Substation

7723 Plain City-Dublin Road

This is a proposal for the development of a new electrical substation for electrical transmission and distribution on approximately five acres. The site is adjacent to City of Dublin land along Houchard Road and SR 161 in the West Innovation District. This is a request for review and approval of a Development Plan Review application under the provisions of Zoning Code Section 153.042(D).

Date of Application Acceptance

Thursday, April 4, 2013

Date of ART Determination

Thursday, April 11, 2013

Case Manager

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PART I: APPLICATION OVERVIEW

<i>Zoning District</i>	ID-3 Research Assembly
<i>Review Type</i>	Development Plan Review (Innovation Districts)
<i>Development Proposal</i>	A 4.83-acre electric substation with buffer landscaping and safety fence. This proposal includes a temporary access drive and temporary stormwater basin on City of Dublin property.
<i>Administrative Departures</i>	Fence height (§153.080(B)(3)); use of barbed wire §153.080(C))
<i>Property Address</i>	7723 Plain City-Dublin Road
<i>Property Owner</i>	Ohio Power Company (AEP), City of Dublin
<i>Applicants</i>	Andrew Schall, EMH&T
<i>Case Manager</i>	Justin Goodwin, AICP, Planner II (614) 410-4677 jgoodwin@dublin.oh.us

Application Review Procedure: Development Plan Review

The purpose of the Development Plan Review is to provide an efficient and predictable review process for development projects within the West Innovation District. The Development Plan Review is necessary to ensure that applications for development meet the requirements of Chapter 153 of the Dublin Code. Following acceptance of a complete application for Development Plan Review, the Administrative Review Team shall approve the Development Plan application when all of the requirements of the Innovation Districts and the intent of the West Innovation District Plan (formerly EAZ Plan) is met, including Administrative Departures if applicable, as required by §153.042(D)(5)(e)1. The Administrative Review Team may alternatively issue a decision that the application should be reviewed by the Planning and Zoning Commission as a Site Plan Review, based on the criteria of §153.042(D)(5)(e)2. A determination by the Administrative Review Team is required not more than 28 days from the date the request was submitted.

Zoning Code Analysis

ID-3 Research Assembly

§153.038 – District Uses

Electric substations are Permitted Uses. The 700-foot minimum distance requirement from residential districts is met.

§153.039 – Innovation District Requirements

Lot size and lot coverage requirements are met. This site does not have street frontage and thus has no front yard setback requirements. Without street frontage there is also no clear differentiation between side and rear yards for this site.

An approximately 240-square-foot substation control building in the north portion of the site meets all minimum building setback requirements. Architectural requirements for the Innovation Districts are intended for publicly accessible and/or visible buildings and cannot be practically applied to this utility structure. This building will be adequately screened from all sides with perimeter landscape buffering (see *Site Development Requirements* below).

The minimum side pavement setback in the Innovation Districts is 15 feet. This proposed substation will consist of a continuous compacted gravel pad, surrounded by the perimeter landscape buffer. An approved real estate purchase agreement between the City of Dublin and AEP provides for a 10-foot landscape buffer on the east boundary of the site, thereby modifying the pavement setback requirements in this location.

§153.040 – Site Development Requirements

Fence setbacks and landscape buffer requirements are outlined in the real estate purchase agreement between the City of Dublin and AEP, and include:

- A 50-foot buffer on the north, west and south site boundaries
- A 10-foot buffer on the east site boundary
- 1 deciduous shade tree (mix of large and medium size trees) per 30 lineal feet of boundary
- A double offset row of evergreen trees (8-foot to 10-foot height at time of planting and a mix of species) planted in conjunction with the deciduous shade tree mix on a mound of appropriate height that will be interplanted with pockets of deciduous flowering shrubs
- A black vinyl-coated chain-link fence that shall be located a minimum of 25-feet from the property line and shall be buffered by the deciduous and evergreen trees (height of the fence is subject to applicable regulations – see *Fence* below)

The perimeter fence is also permitted by a recorded utility easement between the City and AEP, which requires design approval by the City and stipulates AEP's maintenance responsibilities. The purchase agreement also notes an 'Excluded Landscaping Area' for portions of the site located within a utility easement.

Fence

A seven-foot tall, black vinyl-coated chain link fence with an additional one foot of barbed wire is proposed to enclose the interior portion of the site, located approximately 55 feet from the north, west and south property lines and 15 feet from the east property line. The City of Dublin Law Director has verified that the purchase agreement includes sufficient flexibility to allow the fence to be located within 15 feet of the property line, consistent with the required 10-foot landscape buffer. Code Section 153.080(B)(3) permits chain link fences in commercial districts to be located on a site perimeter, with a maximum height of six feet. An Administrative Departure is needed to permit the fence height exceeding six feet. Code Section 153.080(C)(1) prohibits the use of barbed wire. An Administrative Departure is needed.

Landscape Buffers

The Law Director has also verified that the purchase agreement provides sufficient flexibility in applying the quantitative landscape requirements that cannot practically be met within the 10-foot landscape buffer on the east site boundary. Specifically, the double offset row of evergreen trees and deciduous shade trees cannot fit in this area. The proposed landscape plan includes a single row of evergreen trees in this location.

Other Site Development Requirements

The Innovation Districts require one parking space per use for utilities. This requirement is adequately met with the internal site drive of the substation. Bicycle parking and loading space requirements are not applicable. A temporary gravel access drive from SR 161 is proposed, with a concrete apron at the SR 161 entrance. This drive is located in an access easement recorded between the City and AEP. An internal site drive indicated on the plans is shown for illustrative purposes; this drive will be part of the gravel pad serving as the base for the substation structures. Although Code Section 153.205(A) requires all off-street parking areas and driveways to be hard-surfaced with asphalt, concrete or a combination thereof, the access easement specifies a gravel drive as permitted.

PART II: ADMINISTRATIVE REVIEW TEAM COMMENTS

Land Use and Long Range Planning

Landscape Details

Planning has identified specific corrections to the landscape plan and general items for consideration that should be addressed with the Site Plan Permit submittal to Building Standards:

- The botanical name for Keteleeri Eastern Red Cedar is incorrect. The correct name is *Juniperus chinensis*.
- The noted size and quantity of the Juniper varieties included in the plant schedule may be difficult to acquire. Also consider using Mount Batten Juniper and Hooks Juniper.
- The common name for *Picea pungens* is incorrect. The correct name is Blue Spruce. Note that the size and quantity for this species may be difficult to acquire.
- The key code for *Itea virginica* (IHG) is incorrectly noted in multiple locations on the plan.
- Consider the following substitutions for *Itea virginica*: Kerria, Forsythia, Jane Magnolia, Barberry, and Knockout Rose. These are more suited to this plant zone and for growing conditions on this site.
- Consider tree species substitutions depending on likely installation season; *Sassafrass albidum*, *Taxodium distichum* and *Ostrya Virginiana* should not be planted in autumn.
- Consider appropriate plant spacing and the size/delineation of individual mulched landscape beds based on mature plant sizes to minimize maintenance of seeded areas between individual plants.
- Consider adjustments to the grading plan in the vicinity of the future access point at the southwest corner of the site to minimize impacts on landscaping with future construction.
- The landscape requirements 'per deed' (real estate purchase agreement) should be removed from the Landscape Plan to avoid confusion with the adjustments to quantitative requirements as depicted on the plan and described in this report.

Engineering

Engineering has identified a number of general and technical clarifications that should be addressed with the Site Plan Permit submittal, as described below.

Agreements, Easements and Permits

- An easement or written agreement between the City and AEP will be necessary for the temporary stormwater basin. This should cover the storm sewers, the detention area and the underdrain and should entail who will install, maintain and remove the items later when the development of the remainder of the City's property is complete.
- The applicant should provide a copy of the application for the ODOT ROW permit for the driveway when the plans are submitted for the Site Permit. A copy of the ROW permit should be provided to the City once it has been issued by ODOT.

Cover Sheet

- The address for this site is incorrectly noted as 7123 Dublin-Plain City Road. The correct address number is 7723.
- There is a graphical error in the shading used to depict the City of Dublin in the Vicinity Map.
- The proposed driveway is outside of the access easement on the Index Map.

General Notes

The contact for AEP on the General Notes may need to be updated.

Site Plan North

- Full height headwalls at the storm sewer outlet will not be required. ADS flared-end sections will be adequate as these are temporary.
- AEP should notify the adjacent property owner that they will be accessing the drainage easement at the rear of their property off of Fishel Drive. This may be one or two owners. The property owner noted for Lot 8 (Fishel Investments, LLC) appears to be incorrect.
- The gravel berm/shoulder for the temporary access drive is shown extending to the edge of pavement of SR 161. This should be eliminated where the concrete pad begins.
- Consider the installation of a sign at the SR 161 access point indicating 'private drive', 'no outlet', 'no turnaround' or a similar warning to discourage motorists from mistakenly entering this drive.

Site Plan South

- Plans should verify if the gravel pad is the same build up/depth within the fencing as with the temporary drive.
- Plans should indicate dimensions to the control building from the property lines.
- Consider depicting a connection to the internal site drive at the future gate access point at the southwest corner of the site to avoid conflicts with other substation improvements in this location.
- A full stormwater report (signed and sealed by a PE) will be required with the Site Permit submittal.
- Silt fence and inlet protection should be included on the plans for erosion control. Some additional notes may be needed to create the Stormwater Pollution Prevention Plan required by the OEPA.
- A seeding specification for the detention basin should be shown and reviewed by Parks and Open Space.

Grading Plan South

The size of pipe is shown incorrectly at the outlet into the existing drainage swale. It should be 18 inches.

Fire

The proposed 20-foot wide temporary access drive and 24-foot gate will meet Washington Township Fire Department approval. If the gate is to be manually opened, it will require an approved key box (Knox) per Dublin Fire Code §D103.5, and should be noted on the Site Plan Permit submittal.

Building Standards, Parks and Open Space, Police, Economic Development

No comments.

PART III: APPLICABLE REVIEW STANDARDS

Development Plan Review

The Administrative Review Team shall review this application based on the Innovation District requirements and the West Innovation District Plan, including Administrative Departures as may be applicable.

Analysis

The proposed substation is described in the West Innovation District Plan and is considered a critical improvement to provide additional system redundancy necessary to support economic development in the District. All applicable Innovation District requirements are either met, met through Administrative Departure, or have been otherwise addressed through the separate purchase agreement and easement between the City and AEP.

Many of the Innovation District requirements are intended for office or industrial facilities with on-site employment and cannot be practically applied to an electric substation. Additional purchase agreement

requirements for fence location and landscape buffering are appropriately addressed, with modifications to specific quantitative requirements consistent with the provisions of the purchase agreement. Administrative Departures for fence height and use of barbed wire are needed, as described below.

Administrative Departure Review

The Administrative Review Team shall grant a request for an Administrative Departure provided the request meets the general purpose and intent of the District and one or more of the following criteria:

- A. Is not so substantial in nature or degree that it represents a major divergence from the intent of requirements of the District;
- B. Is necessitated by a condition related to the site, rather than simply as a means to reduce costs or a matter of general convenience;
- C. If approved, would maintain the specific purpose of the requirements and conditions of the regulation that is the subject of the request; or
- D. Is limited to that necessary to account for special site conditions or development requirements specific to an individual user.

Analysis

Fence Height: Criteria A, C, and D are met.

The additional fence height is needed to meet the public utility's standards for safety and property protection and is clearly related to the unique nature of this essential service. The intent of §153.080(B)(3) is to allow taller fences in commercial districts, provided they maintain a high quality appearance; this fence will be black vinyl-coated, as otherwise required.

Barbed Wire: Criteria A, C, and D are met.

The use of barbed wire is needed to meet the public utility's standards for safety and property protection and is clearly related to the unique nature of this essential service. While the purpose of Dublin's fence requirements include the protection of property and assurance of safety and security (§153.078), the intent of §153.080(C)(1) is to preserve the neat and orderly appearance of the community. Barbed wire fencing, when used in excess or not properly maintained, can detract from the aesthetic quality of a development. The use of barbed wire is appropriate for this specific use as a public safety measure. In keeping with the intent of the Code, the barbed wire should be painted or coated black to match the chain link fence, and should be maintained in a good, safe and slightly condition, as is otherwise required for the fence as part of the existing recorded utility easement.

PART IV: PROPOSED ADMINISTRATIVE REVIEW TEAM DETERMINATION

Approval for this Development Plan Application, with two Administrative Departures:

- 1) Departure from §153.080(B)(3) to permit the proposed chain link fence to exceed six feet in height; and
- 2) Departure from §153.080(C)(1) to permit the use of barbed wire fencing.