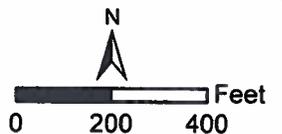


City of Dublin  
Land Use and  
Long Range Planning

14-011AFDP  
Amended Final Development Plan  
Wellington Reserve-Virginia Homes -  
Tree Preservation, Removal, & Replacement  
Brand Road



# RECORD OF PROCEEDINGS

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Festival website, best TV promotion, and best social media site. At the conference, the City also received seven Pinnacle awards.

He invited Ms. Puskarcik to share the video submitted for the World Festival and Event City award.

Ms. Puskarcik stated that one of the winning aspects of the video was that it did not have words – the images, viewed around the world, were quite effective. She acknowledged Joe Fox and John Nichols of Shared Vision, who produced the video. [Video was shown.]

Mayor Lecklider noted that the City staff also brought the Presidents Cup with them to the conference, which drew substantial interest, including photo opportunities for many attendees.

## CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road noted that he is recovering from a recent illness, but would like to share some words of praise for Council members and City management. In the first decades of this country, Presidents Washington, Madison, Jefferson and a fourth figure he cannot recall warned the country strongly to avoid a party system because it would “water down” a focus on the issues of the country and deteriorate into nothing more than name calling. These forefathers were right. The country is thinking about nothing important, and it is on the brink of sinking. Reflecting back over the many years he has been before Council, he could not recall a single time that any Council or administration wasted a single minute. Every minute has been used to consider and pass legislation to govern the City. He congratulated Council and the administration. He hopes his comments are added to the accolades the City is receiving this evening. Council has insisted that politics remain local. He recalls previous efforts of politicians outside the City to become involved in City elections. However, Council has firmly refused to permit that to happen. Therefore, the candidates’ goals and discussions are substantive. He noted that “Project Vote Smart” is conducted by many volunteers who review the background of every politician in the country. They ask each candidate if they consider themselves to be a reliable politician. Every candidate that he has looked up so far indicates they are not, because they are aware that the organization has documented all the votes they have made on every issue.

## CONSENT AGENDA

Mayor Lecklider noted that six items are proposed for action on the consent agenda. He asked whether any Council Member requests removal of an item for further consideration under the regular agenda.

Hearing none, Mayor Lecklider moved approval of actions requested for the six items as proposed on the consent agenda.

Vice Mayor Salay seconded the motion.

Vote on the motion: Mr. Reiner, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes.

1. Minutes of September 10, 2012 Council meeting
2. Notice to Legislative Authority re New D3 liquor permit for Emerald Liquor Two LLC, 5689 Woerner Temple Road, Dublin, OH 43016
3. Notice to Legislative Authority re New D5 and D6 liquor permits for Emerald Liquor One LLC, 5637 Woerner Temple Road, Dublin, OH 43016
4. **Ordinance 60-12 (Introduction/first reading)**  
Authorizing the City Manager to Execute Any Documentation Necessary to Vacate a Portion of the Four Fives LLC Bikepath Easement Granted to the City in 2007.  
(Second reading/public hearing October 8 Council meeting)

**14-011AFDP**

Amended Final Development Plan  
Wellington Reserve - Virginia Homes  
Brand Road

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**5. Ordinance 61-12 (Introduction/first reading)**

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.135 Acres, More or Less, Fee Simple Interest (With 0.082 Acres as Present Road Occupied), a 0.086 Acres, More or Less, Fee Simple Interest, and a 0.046 Acres, More or Less, Temporary Construction Easement from Jubilee LP. (Second reading/public hearing October 8 Council meeting)

**6. Acceptance of Final Plat – Wellington Reserve (Case 12-034FDP/FP)**

**SECOND READING/PUBLIC HEARING – ORDINANCES**

**Ordinance 53-12**

**Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 2.085 Acres, More or Less, Fee Simple Interest from Northern Dreambuilders Corp.**

Mr. Hammersmith stated that the request is for acquisition of property owned by Northern Dreambuilders Corp., which consists of two parcels -- one at 4052 Bright Road and the other at 4030 Bright Road. Initially, this was acquisition of only right-of-way, but due to the effect on the property after the road construction, it was determined to be more equitable to the property owners to acquire the entire parcels for the amount of \$390,000. Both parcels combined comprise over two acres.

Vote on the Ordinance: Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mrs. Boring, yes; Mr. Keenan, yes; Mr. Gerber, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes.

**Ordinance 54-12**

**Authorizing the City Manager to Execute Necessary Conveyance Documentation for the Acquisition of a 0.784 Acres (with 0.355 Acres as Present Road Occupied), More or Less, Fee Simple Interest, a 0.195 Acres, More or Less, Permanent Utility and Drainage Easement, and a 0.125 Acres, More or Less, Temporary Construction Easement from Orella Lyon.**

Mr. Hammersmith stated that this is an acquisition request related to the Hyland-Croy and Brand Road roundabout. The property, owned by Ms. Orella Lyon, is located at 7500 Mitchell-DeWitt Road. The City will acquire permanent right-of-way, permanent easement, and temporary construction easements. A total compensation of \$43,363 has been negotiated with the property owner. The permanent right-of-way is just over 0.40 acre. It is the last acquisition associated with this project, and construction is anticipated for next year.

Vote on the Ordinance: Mr. Gerber, yes; Mrs. Boring, yes; Mayor Lecklider, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Keenan, yes; Vice Mayor Salay, yes.

**Ordinance 58-12**

**Designating Eligible Financial Institutions as Public Depositories.**

Ms. Mumma stated that this routine legislation comes before Council every five years. The Ohio Revised Code requires the City to designate formally the financial institutions that will act as depositories for public funds. There are nine institutions listed in the legislation. The staff report also notes that the City will be undertaking an analysis of its current banking relationship with J.P. Morgan Chase, where the City has its active deposits, the funds needed for daily operations, to ensure the City is receiving the best rates available.

Vote on the Ordinance: Mrs. Boring, yes; Mr. Gerber, yes; Mr. Reiner, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

**14-011AFDP**

Amended Final Development Plan  
Wellington Reserve - Virginia Homes  
Brand Road



City of Dublin

Land Use and Long Range Planning

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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

AUGUST 23, 2012

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

**1. Wellington Reserve PUD  
12-034FDP/FP**

**5144 Brand Road  
Final Development Plan/Final Plat**

Proposal: To plat and develop 28 single-family lots within the Wellington Reserve Planned Unit Development. The site is located on the north side of Brand Road, approximately 700 feet east of its intersection with Coffman Road.

Request: Review and approval of a final development plan under the provisions of Code Section 153.050 and a final plat under the provisions of the *Subdivision Regulations*.

Applicant: Charles Ruma, represented by Ben W. Hale, Jr.

Planning Contact: Claudia D. Husak, AICP, Planner II.

Contact Information: (614) 410-4675, chusak@dublin.oh.us

**MOTION 1:** To approve this Final Development Plan application because the proposal complies with all applicable review criteria and the development standards, with ten conditions:

- 1) That, in lieu of constructing the multi-use path along Brand Road, the applicant contribute financially to the City's Brand Road multi-use path installation, to the satisfaction of the City Engineer;
- 2) That the plans indicate the material of the sign panel; prior to scheduling the final plat for City Council review;
- 3) That the final development plan indicate lawn to be maintained by the HOA within the potential extension of Ballybridge Drive and include a sign detail indicating a potential future road extension, subject to Planning approval, prior to scheduling the final plat for City Council review;
- 4) That the applicant work with Planning to establish a phasing plan if plants will not be installed within the same growing season;
- 5) That the landscape plans be revised to indicate numbers for each lot and that maintenance requirements for the native rough and native basin seed mixtures be described; prior to scheduling the final plat for City Council review;
- 6) That the applicant work with Engineering and adjacent residents to finish the drainage connections as requested by adjacent residents, and at the developer's cost;
- 7) That the applicant will construct the offsite turn lane widening of Brand Road prior to obtaining conditional acceptance of the subdivision improvements, to the satisfaction of the City Engineer;
- 8) The applicant be permitted to utilize full brick and thin-brick on the building elevations;
- 9) The applicant incorporate an underdrain at the base of the dry basin along Brand Road, subject to approval by the City Engineer; and
- 10) The applicant work with Planning to make modifications to the proposed landscape plan to incorporate more Asian Longhorn Beetle resistant species, primarily the maple trees.

\* Ben W. Hale, Jr., agreed to the above conditions.

**14-011AFDP**

Amended Final Development Plan  
Wellington Reserve - Virginia Homes  
Brand Road



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**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**AUGUST 23, 2012**

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

**1. Wellington Reserve PUD  
12-034FDP/FP**

**5144 Brand Road  
Final Development Plan/Final Plat**

**VOTE:** 5 - 2.

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

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	No
Warren Fishman	Yes
Amy Krumb	Yes
John Hardt	No
Joseph Budde	Yes
Victoria Newell	Yes

**STAFF CERTIFICATION**

Jennifer M. Rauch, AICP  
Planner II

**14-011AFDP**

Amended Final Development Plan  
Wellington Reserve - Virginia Homes  
Brand Road



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**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**AUGUST 23, 2012**

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

**1. Wellington Reserve PUD  
 12-034FDP/FP**

**5144 Brand Road  
 Final Development Plan/Final Plat**

**MOTION 2:** To recommend approval to City Council of this Final Plat application, because the proposal complies with the preliminary plat, with four conditions:

- 1) That the final plat be revised to indicate the Tree Enhancement Zone and rear yard setback on each lot;
- 2) That the final plat be revised to not assign side yard setback numbers for Lot 6;
- 3) That plat notes "H" and "I" regarding the Tree Preservation and Tree Enhancement Zones include the maintenance responsibilities for these areas; and
- 4) That the plat notes be revised to accurately reflect open space ownership.

\* Ben W. Hale, Jr., agreed to the above conditions.

**VOTE:** 5 – 2.

**RESULT:** Approval of this final plat was recommended to City Council.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	No
Warren Fishman	Yes
Amy Krumb	Yes
John Hardt	No
Joseph Budde	Yes
Victoria Newell	Yes

**STAFF CERTIFICATION**

Jennifer M. Rauch, AICP  
 Planner II



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## PLANNING AND ZONING COMMISSION

### MEETING MINUTES

AUGUST 23, 2012

#### AGENDA

##### New Case

##### 1. Wellington Reserve PUD

12-034FDP/FP

(Approved 5 – 2 - Final Development Plan)

(Approved 5 – 2 - Final Plat)

5144 Brand Road

Final Development Plan/Final Plat

Chair Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Richard Taylor, Amy Kramb, Victoria Newell, Warren Fishman, Joe Budde, and John Hardt. City representatives were Steve Langworthy, Gary Gunderman, Jennifer Rauch, Rachel Ray, Aaron Stanford, Jennifer Readler, Tori Proehl, Sharonda Whatley, and Flora Rogers.

##### Motion and Vote

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

##### Communications

Jennifer Rauch said that the Commissioners should be receiving emails regarding the Architectural Review Team applications and actions taken with a website link to the documentations. She said the goal to discontinue sending Commissioners emails to their personal accounts was September 1, unless someone wanted to wait until the end of September. She asked that they inform Planning if they had issues or difficulty logging into the system. Ms. Rauch said that for Commissioners owning an iPad access to the electronic packets was an available option.

Steve Langworthy requested a few minutes at the end of the agenda to discuss different approaches to the sign regulations.

Ms. Amorose Groomes said that would be okay.

##### Administrative Business

Chair Chris Amorose Groomes briefly explained the rules and procedures of the Commission.

##### 1. Wellington Reserve PUD

12-034FDP/FP

5144 Brand Road

Final Development Plan/Final Plat

Chair Chris Amorose Groomes introduced this request for review and approval of a final development plan and review and recommendation to City Council of a final plat for the purpose of developing 28 single-family lots within the Wellington Reserve Planned Unit Development, located on the north side of Brand Road, approximately 700 feet east of its intersection with Coffman Road. She said the Commission is to make a recommendation to City Council on the final plat and the Commission is the final authority on the final development plan; therefore, two motions and votes are necessary. She swore in those

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Amended Final Development Plan  
Wellington Reserve - Virginia Homes  
Brand Road

intending to address the Commission regarding the final development plan, including Ben W. Hale, Jr., Smith & Hale (37 West Broad Street, Columbus, Ohio); representing the applicant, Charles Ruma, Davison Phillips (4020 Venture Court, Columbus, Ohio); Greg Chillog, The Edge Group (1400 Goodale Boulevard, Columbus, Ohio), Steve Schehl, (5500 New Albany Road West), and City representatives.

Jennifer Rauch presented this application. She said that to the east of the site is the Wellington Place subdivision and to the west are properties in Washington Township. She pointed out that the City has purchased land farther to the west of the site in Washington Township for future parkland which resulted in a change in the internal right-of-way connection for this proposed development. She explained that when the Commission recommended approval to City Council of this preliminary development plan in January, the connection through to the west was indicated in the northwestern portion of the site in order to provide larger access to the parcels to the west, should they develop in the future. She said that because of the parkland purchase, the larger connection further to the west was not necessary. She said the purchase of the parkland occurred at the same time as City Council's review and approval of the preliminary development plan. Ms. Rauch said the proposed new access will align with Ballybridge Drive and provide future connection to the remaining parcel should it develop in the future to the west.

Ms. Rauch said that the proposed final plat for 28 single-family lots includes 3.4-acres of open space. She said that Planning recommends a condition that the applicant clarify the owner and maintenance of the open space on the plat before it proceeds to City Council. She said in addition, the final plat includes right-of-way dedication along Brand Road and the new public road, Wellington Reserve Court, as well as the extension of Ballybridge Drive from existing Wellington Place to the west. She said it includes a 40-foot wide Tree Preservation Zone along Lots 16, 17, and 18 and a Tree Enhancement Zone along the rear of the remaining lots. She said the lots located along the western boundary and south of the Ballybridge Drive extension are 30 feet wide and the lots on the north side of the Ballybridge Drive extension are 40 feet wide for the Tree Enhancement Zone. Ms. Rauch said the proposed final plat incorporates the setback requirements specified in the text. She said that Planning has conditioned that the applicant remove the side yard setback requirements from Lot 6 on the plat which has unique setbacks before it goes to City Council. She explained that they still will have to adhere to them, but it was not wanted to be shown on the plat.

Ms. Rauch said the site has existing vegetation, so the final development plan includes a Tree Removal/Tree Preservation and a Tree Replacement Plan that meets the approved Tree Waiver for this site. She said a large portion of the tree replacement occurs within the Tree Enhancement along the rear of these properties. She said that the applicant has worked not only to meet the perimeter landscape buffer that is within the text, but also to understand the desires of the existing neighbors to meet their buffering needs as best they can along the eastern property line.

Ms. Rauch said that Planning recommends a condition that if the landscaping is not installed within the same planting season that the applicant work with Planning to establish phasing to ensure that it all is incorporated in a timely fashion. She said Planning has also requested that within the future extension to the west of Ballybridge Drive, the trees shown within the Tree Enhancement Zone be replaced elsewhere on the site in order to avoid a false sense that the roadway connection could not happen. Ms. Rauch said that Planning has also requested that the applicant install a sign at the end of the stub to indicate to the neighbors that the road extension is possible in the future.

Ms. Rauch said also addressed as part of the rezoning was the stormwater and how it was going to be accommodated on this site and how any existing issues with neighbors located along the eastern property line would be addressed. She said the applicant has included stormwater systems along the eastern property line to allow the existing residents within Wellington Place to tie in to and alleviate their existing drainage issues. She said that Planning has conditioned as part of the final, that the applicant continues to work with Engineering and the neighbors to finalize how the connections are made as requested by those residents.

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Wellington Reserve - Virginia Homes  
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Ms. Rauch said additional stormwater on the site includes dry detention located on each side of the Brand Road Wellington Reserve Court entrance. She said a large portion of landscaping is included along the Brand Road frontage within the 100-foot required setback that they meet, as well as there are sidewalk and bike path connections that are incorporated within the final development plan portion of this that are connected throughout the proposed development as well as they will tie into that future Brand Road bike path connection. Ms. Rauch said that the applicant is contributing financially to the construction of that Brand Road bike path which is included in Dublin's 2013 CIP. She said also within the Brand Road frontage treatment, there is a formal entry feature which includes the subdivision identification sign. She said Planning recommends a condition that they work with the applicant and that the material of the sign face be specified. Ms. Rauch said that Planning recommends approval with eight conditions for the final development plan:

- 1) That, in lieu of constructing the multi-use path along Brand Road, the applicant contribute financially to the City's Brand Road multi-use path installation, to the satisfaction of the City Engineer;
- 2) That the trees shown on the final development plan in the area of the potential extension of Ballybridge Drive west of Wellington Reserve Drive be placed elsewhere on the site; prior to scheduling the final plat for City Council review;
- 3) That the plans indicate the material of the sign panel; prior to scheduling the final plat for City Council review;
- 4) That the final development plan indicate lawn to be maintained by the HOA within the potential extension of Ballybridge Drive and include a sign detail indicating a potential future road extension, subject to Planning approval, prior to scheduling the final plat for City Council review;
- 5) That the applicant work with Planning to establish a phasing plan if plants will not be installed within the same growing season;
- 6) That the landscape plans be revised to indicate numbers for each lot and that maintenance requirements for the native rough and native basin seed mixtures be described; prior to scheduling the final plat for City Council review;
- 7) That the applicant work with Engineering and adjacent residents to finish the drainage connections as requested by adjacent residents; and
- 8) That the applicant will construct the offsite turn lane widening of Brand Road prior to obtaining conditional acceptance of the subdivision improvements, to the satisfaction of the City Engineer.

Ms. Rauch said that Planning also recommends that the Commission make a recommendation of approval to City Council, with four conditions for the final plat:

- 1) That the final plat be revised to indicate the Tree Enhancement Zone and rear yard setback on each lot;
- 2) That the final plat be revised to not assign side yard setback numbers for Lot 6;
- 3) That plat notes "H" and "I" regarding the Tree Preservation and Tree Enhancement Zones include the maintenance responsibilities for these areas; and,
- 4) That the plat notes be revised to accurately reflect open space ownership.

Ben W. Hale, Jr., representing the applicant, said that they consented to the conditions recommended by Planning. He said that they made adjustments after meeting with the existing neighbors regarding the landscaping. He said that the neighbors were told that at the time of the installation of the landscaping, that if there were any field adjustments needed when the landscaping went in, they would continue to work with them and Planning. He said that the plans tonight reflect the conversations they had with most of the neighbors along the border.

Mike Ensminger, 7502 Kilbrittain Lane, said that he represented the Wellington Place Homeowners Association, and that they had talked to Mr. Chillog and Mr. Ruma who addressed the majority of their

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concerns. He said they were satisfied with most everything. He referred to Condition 7 regarding the drainage issue and asked that any tie-ins be at the developer's expense. He said although he had drainage issues along the western edge, he was going to see how the installation of the new road, stormsewers, and inlets along the eastern portion of Wellington Place would alleviate them. He asked that the applicant work in good faith to address the neighbors' drainage concerns and absorb the financial burden if indeed there is some excess overflow from the stormwater.

Mr. Enminger said if the new trees die in the Tree Enhancement Zone he wanted to make sure that the developer was responsible for replacement and that the City made sure that it actually happened. He said he understood that the coverage in the 40-foot Tree Enhancement Zone was expanded and they were okay with that. He said the Association was happy with the tree species and the attempt to meet the 75 percent opacity requirement from zero to six feet and requested that it remain. Mr. Ensminger pointed out an error in the Planning Report saying that rear-loaded garages were proposed. He said they wanted to make sure that there were only side or front-loaded garages with a 36-inch hedge on the driveways. He commended the applicants for working with the Association.

Mr. Hale said that they had no problem with the requested clarifications. He said they will pay for any drainage enhancements that happen. He said they had to guarantee the trees that were part of the development plan, so if they died, they had to be replaced. Mr. Hale said that they were leaving trees that they believed would survive, but in some instances because of the drainage, they have to get into their drip line. He said if there was a question whether a tree would live, they have replaced it. He confirmed that there are no rear-loaded garages proposed.

Mark Juras, 7453 Katesbridge Court, asked when the two large trees located on the property line would be removed and replaced with smaller trees.

Greg Chillog, (1400 Goodale Boulevard, Columbus, Ohio) said at his initial meeting with the neighbors he presented a buffer plan that assumed most, if not all the trees along that property line were going to be removed due to the grading and utility plan at that time. He said that after meeting with the neighbors they made another effort to look at the grading to revise some of the utility locations to save some of the pockets of trees, especially on the Juras property. He explained that their intent was to save as many trees as possible, and according to Code, if they entered the drip line; trees are considered impacted. He said that they tried to identify those trees on the plan and say that they were going to try to save this tree. He said however, if a bulldozer or a catch basin puts a tree in jeopardy, they had the right to remove the tree and they had already accounted for that.

Ms. Amorose Groomes asked if the trees shown were provisional replacement trees.

Mr. Chillog said that they were.

Warren Fishman asked if protective tree fencing would be used.

Mr. Chillog said there will be Tree Protection Zones around the trees that they will preserve. He said however, the trees identified as 'potentially impacted' will remain, and will be removed if they become impacted too severely.

Mr. Hale said that they had already replaced the trees that might potentially be impacted because sometimes it took two or three years before that can be determined. He reiterated that they had already replaced the trees, just in case.

Ms. Amorose Groomes called the Commissioners' attention to correspondence distributed from Frank Pagnatta, Trustee of the Wellington Place Homeowners Association which expressed the Wellington

Reserve Homeowners Association's appreciation for the efforts of the developer and Greg Chillog to address their concerns.

Victoria Newell referred to the Planning Report in relation to the architectural standards and the definitions for materials. She asked what Planning intended 'brick' to be. She said that 'brick' was all-inclusive. She recalled that a full weight brick as opposed a thin brick veneer had been a Board of Zoning Appeals issue.

Ms. Amorose Groomes said it needed to be made clear in the text.

Ms. Rauch said suggested that there could be a condition added to address the Commission's preferred type of brick.

John Hardt said when he read the text he thought 'brick' meant full depth modular brick.

Richard Taylor said he assumed that since the architectural standards allow for cultured stone that thin brick would fit into that same category.

Mr. Chillog explained that when writing the text, they discussed types of materials, and it was assumed that it was all-inclusive and stucco stone, thin brick, was a natural material that they could use. He said that was the intent that they wanted.

Ms. Newell said she did not object to the use of thin veneer brick, but wanted to make sure that it was clear.

Ms. Amorose Groomes requested an additional condition for clarification.

Joe Budde complimented the applicants for the plan based on conversations, cooperation, and working with the neighbors. He said it was wonderful that this conclusion was reached.

Warren Fishman asked about the special material at the bottom of the dry basin.

Mr. Chillog said that it was still the same as described in the approved preliminary development plan. He said the intention was to create the appearance of a reforested area by having the ground plane after the basin is planted look like the existing grassland. He said that could be accomplished with a different type of seed mix and with plants and grasses that will come up on the bottom two feet of the basin. Mr. Chillog said the sides of the slope and flat areas will be planted with a no-mow grass seed mix. He said the 18-inch tall grass is similar to what exists in the area with about 400 trees planted within it to look like a naturally maintained area with a forest growing on it. He said they selected trees that will survive water in the basin. He said that in a rain event they anticipate the basin to fill to a maximum level of two feet for a maximum of 24-hours.

Mr. Fishman asked if a forced homeowners' association would maintain the basin.

Mr. Chillog said that maintenance of the basin would be the responsibility of a forced homeowners association. He said the frontage was designed to minimize maintenance because there are only 28-lots. He said it would need maybe a fertilizer or weed control application and be mowed twice a year instead of every week.

Amy Krumb asked why a four-foot chain link fence on the northern border was being proposed.

Ms. Rauch said the text permits either a chain link or wood fence to be located around that particular tree as extra protection. She said typical tree protection fencing is not as sturdy as a chain link fence. She said when the construction is complete the fence will be removed.

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Wellington Reserve - Virginia Homes  
Brand Road

Mr. Hardt complimented the applicant for working with the neighbors and the ground that had been covered in bringing this proposal from where it began to where it is today.

Mr. Hardt asked to see the map showing the 14-acres purchased by the City. He said he understood the logic for the change to this site layout since the Commission last saw it with the change to the cul-de-sac at the north end, but he was concerned that the City may be creating a problem. He asked if Engineering or Planning had thought about what to do with the six to seven acre site that sits between Wellington Reserve and the City parcel.

Steve Langworthy said that the only arrangement that they considered was a single-loaded street, and that was why the stub to the north was removed. He said that they did not intend to allow an access to Brand Road. He said if the northern stub remained, those lots, if developed, the single-loaded street without access to Ballybridge Drive would have to go all the way to the north, cross and back down again to get access eventually to Brand Road. He said the likelihood of that is the reason they are not expected to build the street up to the lot line as they would normally if they thought the property would be readily developable within a short period. Mr. Langworthy said they still had to plan for the potential for that to happen. He said that it could develop as a few lots, which would have an awkward layout due to the narrowness of the parcel. He said there could only be a single-loaded street.

Mr. Hardt suggested another possibility might be if a sliver of the easternmost edge of the City land were made available so that the six-acre parcel could be wider to accommodate a double-loaded street.

Mr. Langworthy said he did not know if there were restrictions placed on the City property when it was purchased, so he was not certain that could be done.

Mr. Chillog clarified that the location of the street was approved by City Council on the Preliminary Development Plan, and it had not been changed.

Mr. Hardt pointed out that it was different from what the Commission had reviewed previously.

Mr. Hale said that the title for the property had a five-acre restriction on it. He said eventually, that restriction would go off, whether now or in ten years from now. Mr. Hale said he understood that staff was looking in the future.

Mr. Hardt reiterated that he thought the City was creating a problem.

Mr. Langworthy said it was a balancing act between creating a problem or making sure that the City addresses the potential for a future situation. He said it is not known what will happen to the adjacent property. He said another thing that happened between the time the Commission saw it and City Council approved it was that purchase that was not known about then, otherwise it would have been a lot less of an issue going through. He said that if it develops, it has the potential of being an awkward layout; however, the City has to provide some sort of access just in case of that potential.

Mr. Hale said that the purchase of the property was on the same night that they were scheduled, so they tabled so that the purchase could be approved, and then at the next City Council meeting, they came back and made the change in the entrance.

Mr. Fishman asked how wide the strip of land was.

Mr. Taylor said the strip was 258 feet wide.

Mr. Fishman anticipated that in the future, the Wellington Reserve residents would be upset how it was developed. He asked if there was another option.

Mr. Langworthy explained that the sign regarding the potential of the road going through was to inform them of a possible future development. He said the other option would be to allow direct access to Brand Road and that was problematic as well.

Mr. Hardt said his presumption of the original layout was that the stub at the north end would tie somehow through the 21-acres and ultimately, connect to Coffman Road at the 12 o'clock position of a roundabout or something. He said the City changed the game through no fault of the applicants.

Mr. Langworthy said that the best guess was given to assure the property had access from somewhere.

Mr. Hardt said that the Commissioners are supposed to be concerned with the future planning of the City and so is staff. He said when he looked at the possible outcomes for the parcel; he did not see any that he liked.

Mr. Taylor said he was in favor of this in October and January, but he was not in favor of it now for the reasons that Mr. Hardt mentioned. He said the previous plan with the stub street to the northwest provided the opportunity for that vacant land, and the existence of the stub street was a strong suggestion of what might happen with the land in the future, or at least what this developer's intent is for it in the future. He said that had gone away. Mr. Taylor said as far back as 2004, the City Council minutes for the same site, for a different project and developer reflect that the applicant's attorney commented that they would be more than happy to be patient and wait for that property to come onto the market. Mr. Taylor said when that becomes a cul-de-sac, connection to that property is impossible. He pointed out that the surrounding neighborhoods are populated with culs-de-sac, but the Community Plan discourages them. He said if Ballybridge Drive is taken through and connected to the Spears property and someone decides to construct a single-loaded street with a maximum of ten lots, there is no way around there being another cul-de-sac. Mr. Taylor said if those lots were of the same high caliber as these lots, he could not imagine ten lots will be feasible to develop. He said he wondered if it would even meet the density. He said if Ballybridge Drive went through and it develops, there would be two dead end culs-de-sac next to each other and the entire development would be two culs-de-sac.

Mr. Taylor said he could not support this proposal. He said previously, his support was because of the ability of connectivity to the future properties that would be developed. He said the possibilities are that at some point, the developer acquires the Spears property, in which case either there is a plan to develop the entire thing as one, or the City acquires that property and makes it part of the park and then makes the Ballybridge Drive stub the park entrance. Mr. Taylor said as he sees it, the Spears property is undevelopable for a similar kind of project, but there is no reason to provide the stub at Ballybridge Drive across from Wellington Reserve to the Spears property, and if there is no reason for that, he did not think there was a reason to provide the stub from Wellington Place through Ballybridge Drive to Wellington Reserve because no one will ever use it. He said then, it is a subdivision with only one cul-de-sac. He said until there is a resolution that allows this to at some point become connected to the larger street grid in the City, that he could not support it.

Ms. Amorose Groomes said she was not inclined to punish this particular project for those reasons. She said she agreed that the Spears property might never be developable and that the stub would ever go anywhere. She said that the Spears were notified of this meeting and that by their lack of participation, that they did not have strong opinions. She said she was not willing to penalize this applicant for those reasons, although they are very well thought out and valid. Ms. Amorose Groomes said that this cannot be fixed tonight and she did not think they ever could fix it. She said that the Commission needs to do the best they can on this property and she believed that this proposed development is good.

Ms. Amorose Groomes said she had many concerns when dry basins are built within the City because they have built very few good ones and a bunch of bad ones. She said these dry basins need to be good. She said while she was sympathetic that there are not many homes in this small Homeowners Association, she was not willing to sacrifice the vista from the balance of the community because there are not many homes, and they cannot pay for it. She said she did not believe the logic in that was sound. She said the landscape here has to fit in the community, be up to the standards held to all of the other forced Homeowners Associations, and have the same curb appeal that Bristol Commons and other dry basins throughout the corridor have. Ms. Amorose Groomes said if they cannot afford it, then other options need to be found. She said she did not believe that the standards should be lowered because there are not enough homes to pay for it.

Ms. Amorose Groomes said she could not find any drawings that would help her understand the outflow of the pond that runs parallel to Brand Road. She said the Master Grading and Erosion Sediment Control Plan included in the packets had elevations and it appeared that the bottom of the detention basin was 891 and it dropped from west to east. She said the lowest point to the east where the outflow is located is at 888, but the one to the east looks like the lowest elevation is 882.

Steve Schehl, EMH&T, 5500 New Albany Road West, explained that the drainage for this site actually went from east to west, and there was a micro pool on the smaller basin area required per the EPA for water quality. He referred to Sheet 8 of 11 and said the outlet is HW-5 to Structure 6 which leaves the site to the existing Structure 13. He said the water enters the basin through a couple areas of storm sewer, and then the lowest portion of that basin is the small micro pool.

Ms. Amorose Groomes said that it could not be seen how it is to be constructed to ensure that it will drain over a long period. She asked what kind of sediment filters or kind of aggregate is it going to move through and what is the potential for clogging that aggregate in it. She said if the Homeowners Association is low on cash already, these exit structures have to be well thought out and well done.

Mr. Schehl said that during construction, it will be a sediment basin used to capture sediment as construction happens, and there will be a standpipe on the end of the structure. He said as the site is stabilized, the standpipe is removed. He said it was a maintenance-free design after construction was completed.

Ms. Amorose Groomes said she did not understand how the water gets out of it. She asked if there was a 24-inch grate that was open on the top.

Mr. Schehl said there will be a storm sewer outlet which is a pipe that goes into a structure and during the lower events, the water will go through the headwall and start to drain out and as the pond rises and starts to hold back water, then it will activate the next structure and goes into a window.

Ms. Amorose Groomes asked if they had any perforated drain tile or fingers coming out from it.

Mr. Schehl said this design was not a buried pipe underneath engineered soil as in a rain garden situation.

Ms. Amorose Groomes noted that the grades were very tight. She said it looked like the percentage of slope there was less than one percent. She said she would like to see structures through the bottom of the basin that would ensure that it dried out so that it can be maintained. She said that no-mow turf that will grow 15-inches high with a one-quarter percent slope will be muck and a breeding ground for mosquitoes.

Mr. Chillog said that at the bottom of the basin was a special detention basin mix, not turf grass. He said that it can take an extended wet or dry period. He said the species of plants and grass on the bottom of

the basin are different from what will be on the surrounding slopes and upper land areas.

Ms. Amorose Groomes recalled that the same thing was done at the Dublin Jerome High School and the basin did not turn out very well.

Mr. Chillog said that the intent was for it to look different from the Dublin Jerome High School basin. He said previously, the attempt for dry basins was to make a feature out of them, and they are not trying to make a feature, but trying to make it blend in with what was happening on the upland side and make it look like it was part of the basin. He said it would be a consistent aesthetic across the frontage.

Ms. Amorose Groomes said she was not sure that she would accept a no-mow type grass frontage along Brand Road in an area where all of the adjacent areas have a finished landscape look. She said she specifically recalled discussing at length last time, how they were they going to dry out this basin and that the Commission wanted to see details but there were none submitted.

Mr. Schehl said they had the volume to steepen the slope from east to west.

Ms. Amorose Groomes said a significantly higher slope would be needed to move water through no-mow grass than for fine turf.

Mr. Schehl said the intent was that with the amount of trees and grass proposed the moisture will be soaked upwards.

Ms. Amorose Groomes said she could not support this application because she would not support this type of development along Brand Road of these no-mow areas. She said that after this quantity of trees in the bottom of this basin, there was no way it was going to drain. She said without seeing the technical details of how they intend to drain this basin with confidence, she was a skeptic at best with this number of trees. She said it will soak up to the point of saturation and then there will be another tremendous amount of rainfall, and the trees will die. Ms. Amorose Groomes said this conversation was being repeated again and she saw no details to confirm it.

Mr. Schehl said if they needed to look at under drain that was something they could install in the basin.

Ms. Amorose Groomes said she thought they needed to ensure that the basin will dry and she did not know if they will say the trees or turf will suck it up. She said they probably will for the first few significant events, but in subsequent events, the saturation point will be reached. She said percolation in this area is notoriously bad because of the proximity of the shale and limestone just beneath the surface. She said a lot of movement would not occur through the soil profile, so another good way to get it out of the basin is necessary.

Mr. Schehl said that adding an under drain to this plan was not an issue.

Ms. Amorose Groomes said regarding the tree plantings in the balance of the neighborhood, she understood that many trees such as ash will fail, but that the next big thing on the horizon is the Asian Longhorned Beetle. She said she researched trees that were resistant to the beetle and cross-referenced the proposed tree plantings schedule. She said there were 349 trees that were of a non-resistant variety and 246 trees that were of a resistant variety. She said they did have to have 100 percent resistant trees, but that the percentages should be raised considerably more so that mass quantities of trees are not lost in four to ten years. She said Green Mountain Sugar Maples, which are favorites of the beetle, need to be substituted with other varieties such as Skyline Honey Locust, Kentucky Coffee, Tulip, Dawn Redwood, most oaks, or lindens. She said she would like to look at a few of those species, primarily the maples to see what they can get in terms of resistance. She suggested that Honey Locust, Swamp White Oaks, Horn Beans, or lindens might be available. She said they should look at maples and those four tree

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varieties. Ms. Amorose Groomes emphasized that not every tree that an Asian Long Horned Beetle might eat needed to be replaced, but just four or more of the largest quantities of trees. She said she thought that would be a good practice for the City as a whole, given what has recently been learned about the Emerald Ash Borer.

Ms. Amorose Groomes said she would like to see assurances on how the basin can be drained and make certain that they are not creating a problem for others to solve later. She reiterated that she thought a no-mow natural area along Brand Road was not appropriate.

Mr. Fishman said he worried about the proper maintenance of the dry basin. He said if there was a drought and the special grass died, he could not see how the non-expert Homeowners Association could maintain it. He said originally, he wanted it to be a wet basin that could be mowed and easily maintained.

Mr. Fishman said he was surprised about the park purchase. He said when the neighbors show up before the Commission in the future, there will be something in the minutes why the Commission made the decision. He agreed that dry basins were a concern because he had not seen in Dublin many dry basins that looked good. He said the best one is sod and mowed at Muirfield Village. He said sometimes, when it rains it does not look good and it is unusable.

Ms. Amorose Groomes said after reading the City Council minutes, she did not believe that there should be a wet basin in this proximity to Brand Road for a host of safety reasons.

Mr. Fishman said that they needed to solve the problem so that it was low maintenance for the homeowners and that it looks good all the time.

Victoria Newell said she envisioned from the plan an artificial wetland. She agreed that most of Dublin's dry basins are not very attractive and do not grow grass well. She said she was excited at what she saw on the plan until she heard the comments of Ms. Amorose Groomes. She asked if there were better plant materials that could be used to create a more wetland-type natural atmosphere that would look good and serve the desired purpose in a dry basin.

Ms. Amorose Groomes said the plant material selection in the bulk of the basin was fine and will handle a wet soil, but not a saturated soil for an extended period. She said most trees will go between 72 and 150 hours underwater without it being problematic on catastrophic events. She said what they are looking at will be a saturated soil profile for long periods even if the water there cannot be seen without a drain tile. Ms. Amorose Groomes said the plant mix was not problematic in terms of the trees and shrubs. She said she would like to see a turf that could be mowed regularly, perhaps on a six-inch mow schedule. She said in order to get oxygen to the root system, there will have to be drain tile to dry out the soil profile because it is not going to come up through the soil and get into the tile that is there through the storm sewer drain and get out. Ms. Amorose Groomes said there needs to be something at the bottom that will help.

Mr. Chillog said that he had experienced that dry basins will be dry more than mucky or wet. He said the proposed plant materials are drought tolerant that also handle inundation. He said he was not concerned about the plants dying if it was not wet. He said they designed a rain garden at Tartan Ridge in Section 2 that had a similar concept with an under drain, perforated pipe, and fewer trees.

Ms. Amorose Groomes said she had no problem with the idea, just with drying the basin.

Mr. Chillog said that was legitimate and why they installed an under drain in Tartan Ridge. He agreed to do the under drain for this dry basin also.

Mr. Hardt said he was in favor of the dry basin versus a wet basin in this location; however, he would want to be comfortable that it would be done right and that it would look good.

Ms. Kramb referred to Condition 2 regarding the removal of the tree from the final development plan on the extension. She asked if the street trees were to be included.

Mr. Chillog said that the street trees will not be installed before the streets because the City Forester typically locates the trees along the street.

Ms. Kramb said she was not sure Condition 2 included street trees. She asked if there would be a street tree gap where the future extension was located. She said she thought the street trees and the Tree Enhancement Zone should go in because a 20-foot gap would look strange. Ms. Kramb said to strike Condition 2 because she thought the street trees should be planted as though the street will never be built.

Ms. Amorose Grooms said she agreed.

Charles Ruma, Davison Phillips, the applicant said regarding the parkland, that he had tried to purchase the two adjacent properties and he found that they both had five-acre minimum deed restrictions placed on them. He said that legally, he thought the restrictions could be removed. He said the Spears property will end either up being one property or maybe two if there is a flag lot, or probably in all likelihood, a future park. He said that the park should probably extend all the way to Brandonway. He said that would be the best for the neighborhood and the people who are buying his lots.

Ms. Amorose Grooms said she would like to see the under drains that extend to the extent of the bottom of the basin and if there would be perforated drain tiles, they be backfilled with 57 round, 8 or 12 inches all the way around.

**Motion 1 and Vote: Final Development Plan**

Ms. Kramb moved to approve this Final Development Plan application because the proposal complies with all applicable review criteria and the development standards, with ten conditions:

- 1) That, in lieu of constructing the multi-use path along Brand Road, the applicant contribute financially to the City's Brand Road multi-use path installation, to the satisfaction of the City Engineer;
- 2) That the plans indicate the material of the sign panel; prior to scheduling the final plat for City Council review;
- 3) That the final development plan indicate lawn to be maintained by the HOA within the potential extension of Ballybridge Drive and include a sign detail indicating a potential future road extension, subject to Planning approval, prior to scheduling the final plat for City Council review;
- 4) That the applicant work with Planning to establish a phasing plan if plants will not be installed within the same growing season;
- 5) That the landscape plans be revised to indicate numbers for each lot and that maintenance requirements for the native rough and native basin seed mixtures be described; prior to scheduling the final plat for City Council review;
- 6) That the applicant work with Engineering and adjacent residents to finish the drainage connections as requested by adjacent residents, and at the developer's cost;
- 7) That the applicant will construct the offsite turn lane widening of Brand Road prior to obtaining conditional acceptance of the subdivision improvements, to the satisfaction of the City Engineer;
- 8) That the applicant be permitted to utilize full brick and thin-brick on the building elevations;

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- 9) That the applicant incorporate an under drain at the base of the dry basin along Brand Road, subject to approval by the City Engineer; and
- 10) The applicant work with Planning to make modifications to the proposed landscape plan to incorporate more Asian Longhorn Beetle resistant species, primarily the maple trees.

Ben W. Hale, Jr., agreed to the above conditions.

Mr. Fishman seconded the motion. The vote was as follows: Mr. Budde, yes; Ms. Newell, yes; Mr. Hardt, no; Mr. Taylor, no; Ms. Amorose Grooms, yes; Ms. Krumb, yes; and Mr. Fishman, yes. (Approved 5 – 2.)

#### **Motion 2 and Vote – Final Plat**

Ms. Krumb moved to recommend approval to City Council of this Final Plat application, because the proposal complies with the preliminary plat, with four conditions:

- 1) That the final plat be revised to indicate the Tree Enhancement Zone and rear yard setback on each lot;
- 2) That the final plat be revised to not assign side yard setback numbers for Lot 6;
- 3) That plat notes "H" and "I" regarding the Tree Preservation and Tree Enhancement Zones include the maintenance responsibilities for these areas; and
- 4) That the plat notes be revised to accurately reflect open space ownership.

Ben W. Hale, Jr., agreed to the above conditions.

Mr. Fishman seconded the motion. The vote was as follows: Mr. Budde, yes; Ms. Amorose Grooms, yes; Mr. Taylor, no; Mr. Hardt, no; Ms. Newell, yes; Ms. Krumb, yes; and Mr. Fishman, yes. (Approved 5 – 2.)

Ms. Amorose Grooms called a recess from 7:51 p.m. until 7:56 p.m.

#### **Administrative Discussion - Signs**

Steve Langworthy presented research found regarding different sign regulation approaches in other cities, and suggested what approach might work best for the Dublin Bridge Street District sign regulations. He said it was an attempt to help get at what constitutes quality and what can be included for sign design in the regulations. He explained that he had named the four sign styles for reference only.

Mr. Langworthy said that the Westlake sign regulations had more detail about locations, materials, colors, and desired design. He said that they were leaning toward a mixture of that with more detail so that more specific guidance to people can be given, rather than qualitative language. He said that they will continue to work on that.

Ms. Amorose Grooms and Mr. Taylor suggested the Commission should visit Crocker Park to see their signs.

Mr. Langworthy said it was important to have the intent language included for sign locations, materials colors, and design. He said each had some purpose language before the actual regulatory details. He said they could do both to give that qualitative attempt language, yet give more specific guidance as to what they really want to see.

Mr. Taylor said on many things, not just signs, they need to not be afraid to tell people to throw some money into their signs. He said he looked at the lists presented and he liked where it was going. He said

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he kept thinking about the Coco Fit sign and wondered how this would have impacted it. He said they needed to take a look at this from all perspectives and take a sign that they all agree is wonderful in all or most respects that still does not pass this, and then find signs that they do not like at all that still pass that and find out where the middle ground is so that can get good and not bad signs. Mr. Taylor said they needed to look at actual signs to make sure that they are looking at the criteria in terms of what does that resolve, exactly.

Mr. Taylor said he was looking forward to visiting Crocker Park because there was a lot more to learn from its mixed use urban development than there was in Columbus.

Ms. Amorose Groomes said her concern now, as it was when they worked on the Code, was that they said that more words did not make a better code. She said she was more concerned about the theory behind signs than the words behind Dublin's sign ordinance. Ms. Amorose Groomes said her point in having the joint meeting with Council was that she thought it was most important that theoretically, they are all on the same page and that they codify them to the best of their ability. She said the groove that will hold the Code together will be that they are all of one theory of what they want this to play out like in the real world. She said she did not get any false security because they have more words now.

Mr. Fishman said that he thought composition was important, too. He pointed out that Easton did not have three huge signs in a row and it was well composed. He said Easton had done an outstanding job with their signs.

Ms. Amorose Groomes asked if there were other comments. [There were none.] She adjourned the meeting at 8:10 p.m.

As approved by the Planning and Zoning Commission on September 20, 2012.

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1. The need for the Site Plan Review Waiver is caused by unique site conditions, the use of or conditions on the property or surrounding properties, or other circumstances outside the control of the owner/lessee, including easements and rights-of-way.

Mr. Gerber seconded the motion.

~~Vote on the motion: Mrs. Boring, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes.~~

Vice Mayor Salay thanked all of staff who have worked very hard over the past few weeks on all of the modifications to enable tonight's unanimous vote on this Code.

(Mr. Reiner returned to Council Chambers at this point.)

## SECOND READING/PUBLIC HEARING -- ORDINANCES

### **Ordinance 14-12**

**Rezoning Approximately 18.5 Acres, Located on the North Side of Brand Road, Approximately 700 Feet West of Coventry Woods Drive from R and R-1 to Planned Unit Development District (Wellington Reserve PUD) to Establish a 28-Lot Single-Family Detached Residential Development and 3.6 Acres of Open Space. (Case 08-038Z/PDP/PP) (Wellington rezoning)**

Ms. Husak noted that Planning, Engineering and the applicant have met since the last reading and the applicant has submitted a revised set of drawings and development text. She noted the following:

- The site plan reflects a shifting of the cul de sac and road slightly west to increase the lot depth of those lots adjacent to lots within Wellington Place. Those lots depth are now the same as what was reviewed at the PZC stage, which is what the residents who testified on March 12 supported.
- The issues identified at first reading related to drainage, the road alignment, tree preservation, landscape buffering, and the maintenance by the HOA.
- Engineering prepared a separate memo and exhibits for the packet regarding the drainage. The road was shifted to allow for more depth on the eastern site.
- Residents to the north expressed concerns with tree preservation. The applicant has created a 40-foot tree preservation zone in the northern portion of the site that includes along Lots 16 and 17 and those are also the heavily wooded areas. The remainder of the site has a 30-foot tree enhancement zone or a 40-foot tree enhancement zone, adjacent to Wellington Place.
- The applicant has revised the development text to require a heavy-duty metal or wood construction fence along the tree preservation zone during the construction activity. Planning further suggests that a tree outside the zone, No. 740, be preserved and that a fence be placed around this sizable tree.
- The applicant has also provided an illustrative master plan that depicts in lighter color the trees that could be preserved, and in darker color the trees that would be replacement trees, if all trees identified as potentially replacement trees must be replaced.
- In follow-up to the discussion of March 12, the applicant has revised the development text to mirror the tree waiver typically granted by Council for heavily wooded sites -- for six to 24-inch trees.
- The plan also shows the likely design for the frontage treatment of Brand Road. Most of these details will be in the final development plan, but the intent is for the Brand Road setback to be used as an area for reforestation, with the effect of a natural woodland. This will also assist in the HOA maintenance of this

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area after the land is turned over to the HOA, as it will likely be heavily wooded by that time.

- The applicant also included in the submission for second reading an aerial photo that reflects the health of the trees in Wellington Park area and reflects that the trees are more substantial and healthy in the corner identified.
- In regard to the design of the perimeter buffer and how many trees it will require, the applicant has provided an example of what that buffer could look like. The intent is to have ornamental trees – either existing or replacement ones – and shrubs to provide a buffer that is opaque through the seasons and to have varying heights of the buffer. As suggested by PZC, and as reflected in the development text, the buffer intent is for 75 percent opacity, but the PZC can review existing trees that may help meet this requirement.

Staff is recommending approval of the ordinance with the 10 conditions of the Planning and Zoning Commission, and an 11<sup>th</sup> condition to install a fence around tree #740 as she has indicated.

Ben Hale, Jr., Smith & Hale, 37 W. Broad Street representing the applicant noted:

1. Mr. Geese has discussed with them the possible need for a fence or guardrail along the area of the dry basin on the Brand Road frontage. While they do not want to commit to that tonight, they would agree to a condition that they work with staff to implement what is appropriate in this location. They would commit to do this prior to the final development plan review, but the Engineering division needs to determine what is appropriate.
2. Some property owners present at the last hearing talked of their serious issues with drainage on their lots. Staff indicated that it may be helpful as the storm system is installed to serve this development to add an inlet or French drain on these properties to address the issues. The developer has agreed to do this, subject to staff's approval and subject to the property owners granting permission to do so. They would be willing to do this in select locations where it is needed.
3. The applicant also agreed that the HOA would have the obligation to maintain the area where the street will be extended in the future, until that extension occurs. He believes this is in the text.

Ms. Husak confirmed this is included in the text.

4. They are also in agreement with Condition #11 to install a substantial fence for the preservation zone and around the large beech tree.

Mayor Lecklider invited public testimony.

Ron Geese, 5584 Brand Road, Dublin distributed a handout summarizing his comments regarding the rezoning.

- Some of the surrounding residents wonder whether this area would be better served with streets and houses and at what density. However, that is a Council and Planning and Zoning Commission matter.
- There are dangerous driving conditions on Brand Road. As a 60-year resident of Brand Road, he notes there are curves, potholes and poor maintenance of the curve. He questions the location of a detention basin that will be 40 feet from the center of the road, with a depth of 10-12 feet. If a car veers off the road into the detention basin, it will overturn. This is too close to the roadway for such a basin. As an example, in front of his property, there is a guardrail in place because of the number of cars that have driven off the road into the 12-foot deep creek. To install a basin without guardrail and with a bikeway in front of it will be a dangerous situation.
- He wants to ensure that there are concrete tiles in the ditches in view of the 6-7 feet drop-off. This is important so that drainage is effective, and he

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encourages a gradual, 1-3 foot grade off the road. It is not in the text, but he assumes this will be addressed.

- He has many concerns with the nearby deer population and believes they will relocate into the Brandon or Wellington Park areas. The deer population grows 40 percent per year, absent a deer management program or predator. He advocates a deer management program, so that the deer do not continue to multiply. He has three family members who have been involved in collisions with deer.
- He asked about mounding along Brand Road in this plan. In reviewing Earlington and most of the developments along Brand Road, there are sizable mounds of six feet. There should be sizable mounding provided for this development with trees planted on the top. He does not believe this is included in the text.
- He pointed out a health, safety and welfare issue that needs to be addressed. There should be some flattening of the curve on Brand Road at the City's expense. This is a sharp turn, and it should be modified and extended somewhat to the north.
- He thanked Council for their service to the City.

Dave Jenkins, 5071 Brand Road, Washington Township commented that he would like this project to be consistent with the rest of Brand Road development in terms of mounding. He does not understand why a dry basin is to be installed versus a wet basin, as there are wet ponds all along Brand Road. He is skeptical that the dry basin will appear as the drawing indicates. He agrees with the safety issues that Mr. Geese has highlighted. He added that there are too many houses facing Brand Road in this development. With the elimination of some of these houses, a wet basin could be installed.

Bruce McCloughlin, 5131 Brand Road, Washington Township noted that he and his wife have lived in their home for 30 years, and are located across the street from the westernmost portion of the proposed development. He previously sent in written comments regarding the rezoning. He commented as follows:

- It is hard to understand how various rezoning proposals can be discussed for 4-5 years, one is finally approved by Planning and Zoning Commission, and what is before Council tonight is not what Planning and Zoning Commission approved. The most logical solution is to send this rezoning proposal back to PZC so that those who have been involved in the discussion have another opportunity to review this. He does not understand setting a precedent to make a decision at PZC and change it when it comes to City Council. The plan on the website is not what is proposed to Council tonight. This does not seem to be appropriate.
- In driving from Dublin Road to Hyland Croy, he sees no location along the roadway with the six-house scenario of Lots 1-6 in this development. Council's job is to protect the aesthetics of Brand Road, and he believes Council should instruct the developer to build no more than three houses along the Brand Road frontage, consistent with the remainder of the roadway. He sees no reason to damage the character of Brand Road in this way.
- The original plan had 195-foot deep lots on the east side of the roadway and 155-foot lots on the west side of the road. It seems the lot depths should be balanced on both sides.
- Storm water management up and down Brand Road consists of wet basins. There are two lovely wet basins in Wellington. The developer indicates the Planning staff has forced them to install dry basins for this development. He objects and believes Council should demand these be wet ponds.

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- He has mentioned landscape mounding at the bottom of the road that travels from north to south. The architect showed him tonight that there is mounding proposed in that location. If that is part of the final development plan, he has no issues with this item.
- The City of Dublin saved \$1 million by not installing bike lanes on Brand Road. A left turn lane will be installed by the developer of this project. There is a multi-use path to be installed on Brand Road. With all of this construction and the cost savings, the Engineer should consider moving the roadway 10 feet or so to modify the existing curve, improving the safety of the citizens.
- He would like the City to consider some kind of extension of the sewer system along Brand Road instead of allowing it to be routed back into the subdivision. There are many Washington Township residents in this area who would like to annex to Dublin, but their opportunity for sewer service is nonexistent. This could be an opportunity to have a sewer line available, which would be a great enticement for property owners to annex to Dublin.

Bill Riat, Casto, 19 Sessions, Columbus, Ohio responded to some of the comments. The only changes they have made in response and at the request of the neighborhoods relate to trees and lot setbacks. Secondly, regarding the Brand Road setback, the fronts of five homes face Brand and are set far back from the street. The adjacent neighborhood homes are quite a bit closer to Brand Road, and there are 10-12 homes that back up to Brand Road. The dry basin is a result of being responsive to the system desired by the Engineering department. The dry basin is only 8 feet deep at one end, and 3 feet at the other end and is heavily treed.

Mr. Keenan asked about the curve in Brand Road as referenced. Is this at the point at which the guardrails come together and the traffic is squeezed, or is it west of what they are addressing?

Mr. Hammersmith responded that he believes it is located just to the west of that.

Mr. Keenan noted that in the discussion of the multi-use path, there was some discussion about bridging at that juncture and the potential ability to make some changes.

Mr. Hammersmith clarified that there was discussion of the potential of adding width to the road, but not changing the horizontal curve. It is presently a 35 mph speed limit roadway.

Mr. Keenan commented that if there is some improvement that can be made, it would make the road much safer.

Mr. Hammersmith responded that staff can review this matter further.

Vice Mayor Salay noted that to the west of this development, the intersection with Coffman Road will be a modern roundabout. This will likely slow the traffic through the area. It seems that widening the roadway could lead to increased speeds. If there is a speeding issue, perhaps the Police could increase their patrol in this area. Mr. Hammersmith agreed that added lane width on a roadway generally leads to increased speeds.

Vice Mayor Salay noted that she assumes staff will address the guardrail issue as appropriate in the final development plan stage.

Mr. Hammersmith agreed.

Mr. Keenan stated that all of Council is interested in the appearance of Brand Road into the future. Recently, the City purchased the Wallace property along Brand Road, which consists of 14 plus acres, taking it out of any development potential. Council has invested a considerable amount of funds to maintain this 14 acres as passive parkland.

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Mrs. Boring noted that she travels Brand Road regularly and does not recall Coventry Woods and Wellington as having mounding in place.

Ms. Husak responded that there are manicured ponds in these locations.

Mrs. Boring stated that if mounding were added to this property, it would not be consistent with what is in place. She prefers it be consistent with the appearance of existing neighborhoods along Brand Road.

Ms. Husak noted that subsequent to development of Coventry Woods and Wellington, the Community Plan was updated, incorporating a slight change to the road character within the Plan. Brand Road was identified as having more of an informal effect along the frontage and for this reason, staff suggested the dry basin as an informal frontage treatment.

Mrs. Boring noted that several citizens have suggested mounding, but based on this, it would not be consistent with the surrounding neighborhoods.

Ms. Husak confirmed that mounding is not present in the adjoining neighborhoods.

Ms. Chinnici-Zuercher asked staff to provide information on the setbacks along Brand Road for houses facing Brand.

Ms. Husak responded that there is a 100-foot setback requirement from Brand Road. There was originally 130 feet of setback proposed within this plan. From the road, the setback is 130 feet. For Wellington Place and Sheffield Place, there is 100 feet of setback to the homes. For these homes, the proposal is for 150 feet setback from Brand Road.

Ms. Chinnici-Zuercher stated that as one travels west, past the roundabout, there is a phase of Muirfield consisting of about six homes. What is the setback for those homes?

Ms. Husak responded she is not certain, but recalls that many of those developments were approved with a 200-foot setback from Brand Road.

Ms. Chinnici-Zuercher asked if there is a reason why the City would not install the sewer system along Brand Road so that properties on the south side could take advantage of it.

Mr. Hammersmith responded that staff would need to review this. Either the developer could do this, or the extension could be done in association with this project. Staff has reviewed all of these unserved areas, but he does not recall how it is to be served. He will check on this and report back.

Ms. Chinnici-Zuercher noted that this would give the City an opportunity to implement the service for this area in conjunction with the other construction projects.

Mr. Hammersmith stated that it may be an issue of depth of the eight-inch sewer going west. It works with routing up through the development, as the property grade falls from the northwest towards Brand Road. Staff will review this.

Ms. Chinnici-Zuercher asked that staff stay in communication with the township residents interested in sewer service so they are aware of what decisions are made and for what reason they are made.

Ms. Chinnici-Zuercher noted that another issue brought up is in regard to the dry basin versus a wet basin. She understands that staff is recommending a more natural approach to this, but in terms of consistency and continuation of appearance, it seems the water ponds would add value to the aesthetics of the entry as well as those on the south side of Brand.

Ms. Husak responded that another consideration was the maintenance issue for the future, and the fact that a woodland area would require less maintenance costs for the HOA. Another concern was the safety aspect of having a pond located close to the roadway, and staff believes the dry basin is a better option. She noted that guardrail has been added in areas previously, as warranted.

Ms. Chinnici-Zuercher commented that she is familiar with only a couple of dry basin areas and those have not been well maintained. She is concerned with the ability to keep them properly maintained. The guardrail is an alternative that should be

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considered with any ponds, as has been discussed, for safety reasons. She believes that when the guardrail was installed near Mr. Geese's property, the decision was to install a wood guardrail for aesthetics. She would hope this would be considered in this area as well, in keeping with the natural wooded areas along Brand Road. Ms. Husak commented that the PZC was also concerned with the dry basin and emphasized to the applicant that this would be looked at very thoroughly within the final development plan review. The applicant, therefore, is aware that the expectation is for a dry basin that will retain its state.

Mr. Keenan stated that there is a dry basin in Coventry Woods, which is well maintained and is utilized as a play area for the neighborhood.

Ms. Chinnici-Zuercher asked who is responsible for maintaining a dry basin – the homeowners association?

Ms. Husak responded affirmatively.

Ms. Chinnici-Zuercher noted that the HOA will need some education to understand how to maintain it.

Mayor Lecklider noted that one of his concerns is with the shallow depth in this area. There are existing water features on Brand, west of Muirfield Drive on the north side of Brand. There was not adequate depth in that location to do anything more. In retrospect, it would be more appealing if left in a natural state, as proposed for this development.

Mr. Reiner asked about the basin. Will the bottom be planted so that it is forested, or is it to be a mowable one that is easy to maintain?

Ms. Husak responded that the details are not yet determined. Some of the discussions indicated there would be mowable area around the basin, but not at the bottom.

Vice Mayor Salay stated that, based on the rendering, it would be treed with some water loving plants.

Mr. Hale stated that the intent is to have a wooded preserve. He clarified that the houses are 200 feet back from the roadway.

Greg Chilloq, The Edge Group, 1400 Goodale Boulevard stated that the intention for the bottom of the basin is to have trees, shrubs, and no mow grass resistant to periodic flooding. From the frontage, it will appear very natural. There is a 4 to 1 slope on the sides at the steepest, so this is a gentle slope. The feature is not the basin, but the wooded frontage.

Mr. Reiner asked if bald cypress trees will be utilized for this.

Mr. Chilloq responded affirmatively, adding that there will be different zones – some areas with more water than others. The deep areas will require a bald cypress tree type plant, while the areas on the fringe will have shrubs. The overall bottom of the pond will not be mowed, but it will be some type of basin planting mix.

Mr. Reiner noted that at the last hearing, there was discussion of excavation of the houses and hauling away of the dirt. With the option of the mounds and the cost savings for not hauling away the dirt, is there any interest in creating mounds along the street?

Charles Ruma, 4020 Venture Court, Columbus responded that they will do whatever the City desires in this regard. It would certainly be less costly to retain the dirt on site and build mounds versus hauling it away. He noted that there are only two ponds

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along Brand from Dublin Road to Muirfield Drive. There is not a prevalent system of wet ponds along Brand Road. This area is very wooded. They believed it was preferable to have the front of the homes on Brand Road versus the back of the homes. The setback is at least 200 feet along those houses, and this will be a very pleasant community along Brand Road.

Mr. Reiner responded that he is pleased to hear that the 200-foot setback is being maintained along this scenic highway. He is aware that there is a difference of opinion about the preference for mounding or a natural appearance. The Asherton apartment complex is heavily mounded, but it was developed 20 years ago.

Mr. Riat stated that there is not adequate depth to accommodate a wet pond along the frontage. The only two other ponds along this portion of Brand serve as an entry feature for the Wellington subdivision. They are willing to continue working with staff on finalizing the details for the development.

Mrs. Boring stated that the large beech tree referenced will eventually be part of someone's back yard, once the lot is sold, and the City will have no control over that tree. Is that correct?

Ms. Husak responded that this is true, but the tree is on the property line within the side yard setback, so the likelihood of someone building in that location and removing the tree seems remote. It is true, however, that the property owner would have control over the tree in the future.

Mr. Gerber stated that he agrees with the use of a dry basin, based on this discussion. In addition, he is supportive of investigating options for bringing the sewer line to the west, which would be beneficial to the overall community.

Mrs. Boring asked if there is a pipe draining water into the dry basin, because there is an unsightly pipe at the Lowe's basin. How can the City ensure that does not occur with this development?

Mr. Hammersmith responded that the City's new design standards provide that if there is a headwall, it requires stone facings. The Lowe's development pre-dates that requirement for aesthetic treatment.

Mrs. Boring asked if the owner of Lowe's can be required to make the pipe shorter, as it is unsightly.

Mr. Hammersmith responded that staff will review this.

Mayor Lecklider summarized that there are 10 conditions listed in the memo, and asked Ms. Husak to summarize the two additional conditions discussed tonight.

Ms. Husak responded that these two additional conditions are:

11. That a temporary metal or wood construction fence be installed around the critical root zone of Tree #740;
12. That the applicant work with Engineering to install, if deemed appropriate, a wood guard rail along the Brand Road frontage; and

Mayor Lecklider asked if these are consistent with Council's understanding.

Hearing no comments, Mayor Lecklider moved to approve Ordinance 14-12 with the 10 conditions identified in the memo, and the two conditions appended by Council tonight.

A citizen in the audience requested to testify.

Collette Feldmann, 5053 Ballybridge Drive, Dublin stated that she submitted a letter signed by all seven of the homeowners on Ballybridge Drive in Wellington Place that backs up to this development. She is not certain that Council has heard their concerns. These seven properties that back up to Brand Road knew there was a 100-

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foot setback and expected that when the farmland was sold, it would benefit them. The designation of Brand Road as a scenic roadway meant that what would eventually be built behind their homes would be similar to what is seen across Brand Road – beautiful estate homes that are set back from the road. They had expected no more than three such homes in this area, as Mr. McLoughlin has indicated. Now that the homes are 200 feet back – 100 feet more than required by Code – pushing the homes directly into their backyards, it is very disappointing. They chose to build on lots that backed into farmland and they expected when the land was sold, it would be developed to maintain the scenic roadway nature of Brand. While the developer has cooperated to improve things, all seven property owners are very unhappy and do not believe what has been proposed maintains the scenic roadway of Brand Road.

Mike Ensminger, 7502 Kilbrittain Lane, Wellington Place trustee noted he has additional comments.

- The developer and their representatives have been very cooperative throughout the process. He noted that the neighborhood continues to be opposed to this development in their back yards, compromising the rural nature of Brand Road. They are pleased with the trees and landscape buffer, and the level of opacity they are providing. They are pleased with the setbacks restored to the original sizes.
- One issue he continues to have concerns with is the drainage issue. He asked that Council append a 13<sup>th</sup> condition to the rezoning – that the developer continue to work with staff and residents to mitigate drainage issues.
- He appreciates the developer's willingness to work with the residents to resolve these issues.

Mr. Hale stated that they have no objection to this 13<sup>th</sup> condition.

Mr. Ruma added that all of this property flows from west to east, and it is pretty severe. So all of the water coming from the two or three properties to the west are all flowing to Mr. Ensminger's back yard. What the developer will do is install a street, and the only water that will affect Mr. Ensminger's property is the water from the highest street curb back to his lot. At his lot line, there is a storm sewer to catch the drainage before it gets to his lot. So, in essence, his current problems will disappear. If a problem continues, the developer is willing to help with French drains or other means to help dry it out.

Mr. Ensminger stated that he appreciates the commitment and hopes the communication will continue at the final development plan stage.

Mayor Lecklider amended his motion to add a 13<sup>th</sup> condition:

13. That the applicant works with adjacent property owners to address their drainage issues.

Mr. Keenan seconded the motion.

Vote on the motion to approve Ordinance 14-12 with 13 conditions: Mr. Reiner, yes; Mr. Keenan, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mayor Lecklider, yes.

### ~~Ordinance 15-12~~

~~Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.302 Acres (all of which is Present Road Occupied), More or Less, Fee Simple Interest, a 0.426 Acres, More or Less, Permanent Utility Grading and Drainage Easement, and a 0.107 Acres, More or Less, Temporary Construction Easement from Bates Property Management, Ltd.~~

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withdrawn its previous recommendation for a condition related to the mounding. She shared a PowerPoint graphic of the plan as approved by the Planning and Zoning Commission (PZC), for which Council indicated support of – including a 3-1/2 foot mound on the U-shaped, finger-like car display area, and a six-foot mound beginning with the vacant land to the east.

Mrs. Boring stated that she assumes there will be a gradual transition between the 3-1/2 foot and six-foot mounds.

Ms. Husak responded that the mound would gently slope upward.

Ben Hale, Jr. 37 W. Broad Street, Columbus, stated that the applicant has agreed to the conditions appended by PZC. The architect and property owner are present to respond to any additional questions.

There were no additional questions and no requests for public testimony.

Vote on the Ordinance: Mr. Reiner, yes; Vice Mayor Salay, yes; Mrs. Boring, yes; Mayor Lecklider, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

### **INTRODUCTION/FIRST READING – ORDINANCES**

#### **Ordinance 14-12**

**Rezoning Approximately 18.5 Acres, Located on the North Side of Brand Road, Approximately 700 Feet West of Coventry Woods Drive from R and R-1 to Planned Unit Development District (Wellington Reserve PUD) to Establish a 28-Lot Single-Family Detached Residential Development and 3.6 Acres of Open Space. (Case 08-38Z/PDP/PP) (Wellington rezoning) (Second reading/public hearing March 26 Council meeting)**

Vice Mayor Salay introduced the ordinance.

Ms. Husak stated that this item was re-scheduled to this agenda to permit staff to address some access issues with the applicant.

- These 18.5 acres on the north side of Brand Road are immediately adjacent to the Wellington Place subdivision. To the north is the Brandon subdivision, and to the west is unincorporated land within Washington Township.
- The proposed preliminary plat includes 28 lots on the 18.5 acres for a total density of 1.5 units/acre, which meets the Community Plan requirements.
- There is an access point off Brand Road and a generous setback off Brand Road. It is required to be 100 feet; there are approximately 100-120 feet of Brand Road setbacks in the neighboring subdivisions.
- The plan includes a connection to Wellington Place, to the east, through Ballybridge Drive.
- There is a dry detention area proposed along Brand Road with ample landscaping and a form of naturalized wooded landscaping.
- The plan has been revised from what the Planning and Zoning Commission reviewed. The applicant has been working with Planning and Engineering to make some changes to the potential future access to the parcel in the west. That parcel may or may not develop, but if it does, it is important to ensure access for this parcel.
- The proposal now is to create a small cul-de-sac in the northern portion of the site. This is different from what the Planning Commission considered, which was the potential future road connecting in that particular area. As suggested by Engineering, the applicant has provided right-of-way in the new plan for a potential future extension of Ballybridge Drive to the west.

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- That area would be seeded only at this time; they will not be required to install pavement.
- The plan is unique in that it proposes tree enhancement areas within the rear yards of all the lots.
  - There was significant neighborhood attendance at the Planning and Zoning Commission meeting. Many of the neighbors to the east and north were concerned about having development close to their rear yards. There were also concerns about drainage and access. Planning and Zoning Commission and the applicant have worked with the residents in an attempt to alleviate some of those concerns. The tree enhancement zone was proposed for that reason. It is between 30 and 40 feet, depending on the lot.

Mrs. Boring inquired if there was an updated site plan in the meeting packet.  
Ms. Husak responded that the packet includes an updated site plan.

- Lots 1 through 6 have a 30-foot tree enhancement zone along their rear yards. A 40-foot zone is proposed along the lots adjacent to Wellington Place, as well as 40 feet to the north and 30 feet to the west. The intention of that zone is to preserve existing vegetation where possible. However, in one particular area, there will be a lot of grading activity due to utilities being placed in that area and preserving trees is not realistic for that area. The tree enhancement zone allows trees to be placed there. The intent is to make it look as it currently does – fairly wooded, but taking out the underbrush.
- The applicant has also provided in the development text an opacity requirement within that zone. Some residents were concerned that existing vegetation would be removed in order to achieve the opacity requirement. That language has been revised since the PZC meeting to clarify that the intent is for 75 percent opacity, but that existing vegetation can account for that; existing holes will be filled with landscaping. The intention is not to remove vegetation where that is not needed for grading or utilities.
- Another feature unique to this development and only a couple others is that the front of the lot has a build zone that is 20 to 30 feet. The home is required to be located within that build zone, which means that all of the homes along this road will be a little closer to the roadway, opening up more area in the back yard for patios or other amenities.
- In view of the roundabout that has been designed for the northern portion of this site, these lots will have the benefit of a little privacy in that area.
- The potential layout of the entryway is addressed in the text. The intent is that the area will be natural and wooded, so there will not be the typical, formal subdivision entry.

Staff recommends approval at the second reading. There are 10 conditions required by the PZC. Some of those have been met; the others will be monitored during the final development plan stages. Correspondence has been received from an adjacent resident in the northern portion of the site concerning the possibility of making this tree enhancement zone a tree preservation zone. Staff believes that can be done, so there is a potential condition to address that, if Council so desires.

Ben Hale, Jr., Smith & Hale, 37 W. Broad Street, representative for the applicant, Davidson Phillips/Charles Ruma, stated that Mr. Ruma has other developments in Dublin and dealt with several builders. Mr. Ruma believes the housing market is improving, and is purchasing this site for development by those builders. Before beginning construction of the site, Mr. Ruma will have a meeting at which the

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builders may select lots. He anticipates all lots will be taken. This subdivision has been designed to meet the builders' requirements.

- All of the lots are a minimum of 90 feet in width. The price point of these homes will be \$450,000 to \$650,000. The 90-foot lots will permit all of the homes to have a side-loaded, three-car garage. All of the neighboring lots are smaller and have front-loaded garages. Deeper lots were placed adjacent to those neighboring lots.
- This property has a large number of trees, but many are Ash trees not in good shape, due to extensive vining. Approximately 500 trees will be replaced, and this site will become very wooded with 75% opacity.
- The City requested that the site plan be replaced with the current plan. Due to this change, drainage is no longer needed on the northern lots - Lots #16, #17 and #18, and instead of a tree replacement zone, there can be a no-disturb zone, leaving the existing trees. This is possible because there is no necessity to install drainage. This site falls heavily from left to right, providing natural drainage. Some of the property owners along that border do have existing drainage problems. There is a larger area that drains from west to east, and some of these neighbors have experienced flooding. However, the street that will be extended through there will cut off some of that overland flow. Along the eastern and southern borders, along Lots #1 - #5, there are a number of drainage inlets. They have agreed to work with each of those neighbors. They have committed to direct the drainage away from those property owners. If this does not completely address their problem, it will greatly improve the existing condition.
- Because of the size of the subdivision, Mr. Ruma has committed to the City and the neighbors to install the subdivision all at once. It will not be a phased development. The street area in front will be cleared. Individual lots will not be cleared, other than what is needed to install utilities. When the individual builders become involved, then selected trees will be removed from the lots. This maximizes the trees that can remain.
- This is an attractive plan - bigger and deeper lots, significant tree preservation, buffer along the edge, three-car, side-loaded garages and custom builders. They will be a good neighbor to the neighbors to the east, and enhance their property values.

William Riat, Casto, 191 W. Nationwide Boulevard, Suite 200, Columbus, stated that during the last 8-10 years, they have attempted three or four times with different approaches to have this land rezoned with other single-family builders. They now have a contract with Mr. Ruma, who intends to do a very high quality, low-density development. They have worked with staff for an extended period of time on this plan. These homes will be set back farther from Brand Road than many of the existing homes on Brand Road, and only the fronts of the homes are viewable from the road. The Planning Commission vote was unanimous to recommend Council approval of this plan.

Greg Chillog, EDGE Group, 1400 Goodale Boulevard, Columbus, planner and landscape architect, stated that they spent significant time on this plan. One of the biggest hurdles was tree replacement for the site. Their original request to PZC was for the standard waiver of tree replacement guidelines -- trees measuring 6 to 24 inches in caliper would be replaced tree for tree. Trees greater than 24 inches would be replaced inch for inch. Unfortunately, at the PZC hearing, they agreed to a condition to replace trees greater than 12 inches, inch for inch, and trees measuring 6 to 12 inches in caliper would be replaced tree for tree. That

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would have a significant economic impact to them with this site. Under the standard waiver, they would be required to replace 550 trees on the site, and that is what is represented on the plan before Council tonight. If they are held to the condition that they agreed to at the PZC hearing, they would be required to replace 1,125 trees on the site. In addition to the economic impact, it would also have a significant impact on the environmental conditions for tree growth on the site. Although 1,125 trees could be added to the site, in 10 years, they will be competing for space, resulting in the death of some of the trees. Because those trees would be required by this rezoning, however, someone would also be required to replace them – either the lot owner or the City, if in the setbacks. They would like to discuss having the ability to return to their original request for a standard tree replacement waiver.

Mr. Hale stated that they are not objecting to tree replacement, but if it is overdone, it can create problems for the trees. Their intent is that, immediately after the site is cleared and the streets and drainage are installed, all the trees will be replanted. Their commitment can be that all of the tree replacement can be reviewed by the City's arborist to ensure the replacement is in conformance with good landscaping practices. They would like to work with City staff to amend the condition accordingly for consideration at the second hearing of the ordinance. The desired process would be that the applicant be required to plant as many trees as the City arborist determines would not overcrowd the site. In summary, to adhere strictly to the current PZC condition would result in over-planting in some places.

Ms. Husak stated that staff is not aware of any previous tree replacement waiver granted by Council that is as restrictive as what PZC required (and the applicant agreed to) with this case. The tree replacement waiver granted by Council in the past has been for trees 6 to 24 inches and trees exceeding 24 inches. Therefore, staff is supportive of the applicant's request.

Mayor Lecklider invited public testimony.

Roger Reeves, 5149 Reddington Court, Dublin provided copies of two proposed options to Council members. His residence is located adjacent to Lot 17 on the proposed plat. Neighbors also in attendance tonight have lots adjoining Lots 16 and 18. He has sent emails to Council during the past five days. He represents the adjacent Brandon subdivision homeowners. He would like to propose a couple of alternatives to what is proposed by the developer.

- City staff has indicated that the tree enhancement zone would be replaced by a tree preservation zone along the 40-foot boundary on the northern edge of the property, where Lots 16, 17 and 18 are located. He and his neighbors prepared their own tree survey in a 40 x 80 foot area. They did use a different standard. The City measures diameter; they measured circumference at chest height. They identified 60+ trees that exceeded 12 inches in circumference. The largest tree was a beech tree, 91 inches in circumference, or 40 inches in diameter per the City's survey. That tree is located 50 feet inside the rear property line and is in good condition. The standard requirement for removing a tree is a minimum distance of 40 feet from the center of that tree before any excavation can begin. Any closer would kill the tree. This tree is a marked and tagged Historic Tree. There are several other trees, although not marked and tagged, that are very close in size across these three lots. They would like to propose that the

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40-foot tree enhancement/tree preservation zone across the northern boundary be extended to 80 feet. Option #1 that he has provided to Council tonight is that the entire Lot 17 be a "no build" lot. That would allow for the 80-foot tree preservation zone off the rear of Lots 16 and 18, and still allow for 30 feet from the back of the footprint of the house on Lot 18 to the edge of the new 80-foot tree preservation zone. It would allow 40 feet off the rear corner of the house on Lot 16 to the tree preservation zone. Accordingly, there would be room just to the south of Lot 28, toward the southern edge of the property, for a potential Lot 29, which would have over 90 feet frontage from the road. It would be wider than the other lots along the street, but narrower at the rear – 60 feet, but a house would fit within the 10-20 foot setback off the street. This option would permit the developer to have the same number of lots that they have proposed. It would enhance the woods at the northern edge of the property and would meet the intent of the City's Zoning Code Section 153.140, which states that it is the City's goal to try to preserve trees wherever possible. Allowing only a 40-foot tree preservation zone along the Lots 16 – 18 would necessitate many trees being removed. The applicant has requested a waiver, which staff is willing to recommend. If granted, 1,125 trees that would need to be replaced would be reduced to approximately 500 trees. Option #1 would mean that a large number of trees on Lots 16 -18 would not need to be replaced. In that case, the waiver would not need to be granted, as Option #1 would preserve a large number of trees.

- He also provided Option #2, which would be to bring the end of the cul de sac in front of Lots 16, 17 and 18 30 feet to the south of where it is currently proposed. The property lines between Lots 16 and 17 and between Lots 17 and 18 allow for a 90-foot frontage in front of the home on Lot 17. By doing that, the 80-foot rear yard tree preservation zone could still be created, and still have 30 feet off the edge of the 80-foot tree preservation zone to the rear of the house on Lot 17. Either of these options would provide for the 80-foot tree preservation zone and still provide the developer with the same number of lots they have requested.

He requests that Council consider these proposals, and try to the greatest extent possible to enforce the City's Zoning Code Section 153.140 – to preserve as many trees as is possible.

Mayor Lecklider inquired if Mr. Reeves had presented the two options to either City staff or the applicant before this evening.

Mr. Reeves responded that he had not.

Ms. Husak clarified that staff has responded via email to Mr. Reeves regarding the theory of these options, which he did describe. Staff had not seen drawings of the options.

Mr. Reiner asked if Mr. Reeves had been able to ascertain the quality/condition of the beech trees he has mentioned.

Mr. Reeves responded that on the City's survey, the 40-inch beech tree was considered to be in good condition. He mapped the location of all these trees, included the circumference of each tree, and forwarded that information to Council in his first email. Every one of those trees is in good condition. He did not include any trees that were hollow or in poor condition.

Ms. Chinnici-Zuercher requested that staff address two issues: (1) a statement with the tree survey that indicated some of the trees in the area were not in good

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condition, and (2) the issue regarding the setback between Mr. Reeves' home and Lots 16, 17 and 18.

Ms. Husak responded that the tree survey in the meeting packet included all trees six inches or greater. The master plan does include some sizable trees within that area, including the 40-foot beech tree, in good condition, that Mr. Reeves mentioned. The aerial photo of that site looks heavily treed. When staff walked the site, they noted a large amount of underbrush, trees entangled with weeds, and many small trees with multiple branches. She agrees with Mr. Reeves that there is a significant stand of trees within the northern portion of this site. In regard to the setback from Mr. Reeves' home, the drawing he provided depicted footprints of homes on the adjoining lots, but the actual homes could have different footprints. What is unique about this subdivision is that the requirement for all these homes is to be close to the street to create a larger rear yard area. The proposed 40-foot setback is actually much larger than what is required in the surrounding neighborhoods. With many homes constructed in the City, the homeowners often have difficulties if they want to add a patio, deck or pool. Staff believes the 40-foot setback is appropriate for this site. The people who will buy these houses will likely want to have the trees remain, as they provide both value and privacy.

Vice Mayor Salay requested, prior to the next Council meeting, a note from the City forester about the landmark beech tree, and the other large trees that Mr. Reeves mentioned; their condition; and what is likely to happen to them if those lots are built. Has the developer had an opportunity to respond to Mr. Reeves' suggestions – pulling in the cul de sac slightly? There is the financial component for the developer, but if that lot is regained somewhere else, is that satisfactory? If the developer is not required to replace 1,100 trees, but permitted to replace 550 trees, that would also be a savings to them. She requested a response in regard to Mr. Reeves' proposal, and a note from the City forester regarding the large trees.

Mayor Lecklider invited Mr. Hale to respond.

Mr. Hale stated that the concept of moving a lot to the front was discussed at a Planning Commission meeting. Because they are attempting to create a woods in that area, they believe the lot is better where it is. Changes within that area have been made. Previously, Mr. Reeves did not want the street to go to the west; that issue has now been resolved. One of the assumptions that Mr. Reeves is making is all the trees will be removed on that lot. However, it is in Mr. Reeves' best interest to keep as many trees as possible. As mentioned earlier, they will not be clearing the whole site, but will consider it lot by lot. Those lots are more valuable with trees on them than without. They believe a reasonable setback is being provided.

Mr. Riat added that the houses generally are much smaller than these footprints. Most of the trees in that area can and will be saved. They have now switched to a total preservation zone, where no utilities will be provided. They are doing as much as they can to address the concern. The applicant could agree to fence off the landmark beech tree at the drip line and not encroach into the root area. They welcome the idea of working with the City forester. The densities are low; the setback is large – it is a good plan. The applicant has addressed many issues, but is willing to do more.

Vice Mayor Salay requested that the City Forester's memo address what the developer is proposing will be saved.

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Mrs. Boring stated that she would like to see a definite plan regarding the trees. The developer can say they will try to save these trees, but then a builder or contractor comes in and does otherwise. She disagrees with Mr. Hale. With Wedgewood Hills, there was little tree preservation effort made, and the area was essentially mowed. The City needs to protect those trees specifically defined, because beech trees are often impacted by construction activities.

Vice Mayor Salay agreed. While the applicant may be suggesting something very reasonable, a contractor may not be as passionate about saving the trees.

Mr. Riat stated that Council can require that, until construction is complete, a temporary construction fence remain in place. The only means to keep a builder away from the trees is to fence them.

Vice Mayor Salay stated that it would need to be more than just an orange snow fence type.

Mr. Riat responded that something can be staked at that beech tree's drip line, and the entire tree preservation zone fenced off.

Mr. Keenan asked if this could be an added condition that the developer would agree to.

Vice Mayor Salay reiterated that it must be more than an orange snow fence.

Mr. Riat responded that they could erect something more substantial. Mr. Ruma will be addressing the construction on this.

Mr. Reiner asked if there is an architectural style established for this community.

Ms. Husak responded that there is no theme for the community. There are requirements, which must be met and approved by an architectural review board. The community will be composed of different builders' homes.

Mr. Reiner stated that 28 lots are proposed with trees 10 feet off center, which calculates to 280 trees. Is the 75% opacity requirement for both summer and winter? Will only 25% of a house be visible?

Ms. Husak responded that there was much discussion on this at the PZC meeting. What staff recommended, and the Commission also supported, was to provide language that would indicate the intent is 75%. The intent was to leave that to the final development plan stage, when they will have a much better idea of what is actually in place, such as the utilities. At that point, staff will work with them on a lot-by-lot basis to determine the most appropriate plant materials and location for the materials for each lot. The intent is for the opacity to be present year-round.

Mr. Reiner stated that he walked the site and did view a large amount of scrub vegetation. He is concerned about the drainage being correct. They will save the trees, excavate the basements, but there will be a need to remove the basement soil.

Mr. Riat responded that they were very concerned about the north property line and the agreement to save all these trees. Fortunately that land slopes and has a nice, natural drainage. Along the eastern side, however, there are some severe drainage issues. At the PZC meeting, some of the neighbors had photos of flooding in their yards. They can certainly ensure the builders do not put the basement soil where the trees are. It is necessary to put it close to the homes or the streets.

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Steve Shell, EMH&T, 5500 New Albany Road, Columbus, stated that in regard to drainage along the north property line, there is 10 feet of fall, west to east – great drainage. In regard to the basement excavation soil, all of that will be hauled off site.

Mr. Reiner inquired if he is making a commitment that the dirt will all be hauled away and the grades will be maintained correctly.

Mr. Shell responded that they will establish the grades and the side yards first with whatever dirt is needed, and then the excess dirt will be removed.

Mr. Reiner stated that the adjacent neighbors often experience problems later with water retention on their properties caused by the new construction/development. The site plan indicates a series of catch basins. Are they expected to provide adequate drainage?

Mr. Shell responded that they would drain the property correctly. The drainage pattern on this property is from west to east. Currently, in the existing neighborhood, the stormwater runs to the west, and they have a significant amount of standing water. There will be multiple catch basins along that property line. In regard to the north property line, the water will fall along the grade.

Mr. Reiner asked if they would cut a swale and install the catch basins.

Mr. Shell responded that along the north property line, there will be a swale that is cut outside the preservation zone. The swales will be established during the construction of the homes. The intent is to remove only the trees necessary to build the infrastructure, leaving as many trees as possible. The same effort will be made during construction of the homes.

Mr. Reiner asked in regard to opacity if there is any interest in having evergreens, which would give more privacy, or will there be primarily deciduous trees.

Mr. Hale responded that to accomplish the desired opacity, it will be necessary to have some evergreens.

Mr. Chillog stated that they will fill in the gaps with a combination of deciduous trees, evergreens, understory trees and shrubs. These decisions will be made during the final development stage, after the location of the utilities is known, and which trees will be saved. The saplings and undergrowth along the edges that will be removed to construct the grading and drainage will be replaced and augmented with a complete, naturalized buffer.

Mr. Reiner inquired if his commitment is to work with the residents on this effort.

Mr. Riat stated after the last meeting, they met with some of the residents along that property line, including a resident on the south side of Brand Road for whom they agreed to plant some trees to block the glare of headlights from cars exiting from this street. They do not have a specific plan for trees yet because they prefer to wait and plant the type of tree desired where they are needed. What they do along that side will address some drainage problems, as well.

Mrs. Boring stated that swales will be installed along the property lines, but how will the swales be maintained? Is that information included in the homeowner deed documents? Ten years later, the property owner may have changed, and if they decide they do not want the swale and fill it in, it could cause a problem.

Ms. Husak responded that she would check into that, and provide the information at a later date.

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Vice Mayor said that she does not believe that would be in the plans. It appears catch basins will be installed on the east property line. How will that be compatible with all of the trees in that area?

Mr. Hale responded that along the east property line, most of the trees are on the neighboring properties, not on this site. The catch basins and storm drainage line are not along the property line; they are along the edge of that 40-foot strip. Inside the 40-foot strip is where they will plant the trees to create the 75 percent opacity. There will not be any conflict between the trees and the drainage pipe.

Vice Mayor Salay asked if a French drain would run along the back of the lots. Mr. Shell responded that the storm sewers would be designed per Dublin code, which requires a minimum size of 12 inches for a public storm sewer. Along the east side, there will be removal of trees and grading to allow for the installation of that storm sewer. After the proper grade for drainage is established, trees will be planted. The subdivision to the east was set up for a similar design, but unfortunately, it only has two inlets for the entire area. There will be five inlets installed along this property line, which is the area in which there has been a serious drainage problem.

Mr. Hammersmith stated that in recent years, the City has been very generous with rear yard inlets. In the past, that was not the case, and situations such as this, where only two inlets were constructed, were the consequence. It is much easier to install them in conjunction with the development. Also, only the rear half of the lots drain toward the rear property line; the front half of the lots drain toward the street and are captured in the street curb and gutter system.

Vice Mayor Salay asked if it is his belief that all the ponding will be rectified. Mr. Hammersmith responded that it will absolutely be much improved from what exists today.

Ms. Chinnici-Zuercher stated that she attended the PZC meeting in which this development was initially discussed, and she believes Option 1 was discussed at that time. She does not support that option. The proposed Lot 29 would not be a property of value and would detract from the overall appearance desired. She believes that staff will need to manage this project thoroughly to make sure what results actually adheres to the approvals and the intent of this conversation. In reality, the City should have required the neighboring developer to correct this problem long ago. Fortunately, there is another developer who is able and interested in resolving this problem. Much of what was discussed at the PZC meeting has been addressed in the iterations before Council. She requested clarification – did PZC require double the number of trees replaced than staff requested?

Ms. Husak confirmed that is correct.

Mrs. Boring asked if space would be set aside for the extension of Ballybridge Drive.

Ms. Husak confirmed it would.

Mrs. Boring inquired if it would be paved.

Ms. Husak responded it would not.

Mrs. Boring asked who would be responsible for the maintenance of it in the interim.

Ms. Husak responded that it would be the City's responsibility.

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Mr. Hale stated that the homeowners association will maintain the area in front. In the interim, the developer will maintain it.

Mrs. Boring requested that be included in the text.

Mrs. Boring stated that many times what can occur is that the homeowners of the adjacent lots -- lots 26 and 27 -- do not realize that land is not theirs.

Ms. Husak responded that there is a condition that requires notification of that be provided to those homeowners -- perhaps a sign in the area, or a statement in their closing documents.

Mrs. Boring stated that she believes a small sign is a good idea. The text should clarify that it is the homeowner association's responsibility.

Mr. Reiner stated that there are a limited number of lots in this development -- only 28 homes. Will this be a fully funded homeowners association?

Mr. Hale responded that the entire front will be woods and heavily planted, so there should not be extensive maintenance. They have also offered to become a part of the Wellington Association, if they would be interested in doing that. However, they do intend to have a fully funded homeowners association.

Vice Mayor Salay stated that when that street extension is eventually installed, the owners of lots 26 and 27 will invariably indicate that they were not told by the salesperson, or that the road extension was not noted on their plat. It is essential that it be noted on the plat, even if there is a sign in the neighborhood, which could disappear.

Mr. Keenan asked if the homeowner can be required to sign a document indicating their understanding and agreement.

Mr. Riat responded that it can be included on the title. Perhaps there could be a deed restriction that runs with the title that would require every buyer of the property to acknowledge it.

Mr. Smith stated that they would identify the correct method to address that issue prior to the second reading of this ordinance.

Vice Mayor Salay that in the past, there was a homeowners association that had a significant burden with mowing and upkeep of the evergreens in their neighborhood. The conclusion was that it was unfair to the homeowners that the City had obligated the HOA with maintaining that amount of landscaping. The City developed a calculation for how many homes would be necessary to support, with reasonable HOA dues, the land in their neighborhood. It will be important to apply that formula in this case to ensure fairness. There are not many homes in this reserve, and they may choose not to be part of the Wellington HOA, or Wellington may choose not to accept them.

Mike Ensminger, 7502 Kilbrittain Lane, stated that his home is located in the eastern portion of Wellington Reserve. They have had some dialogue with Mr. Hale, and the developer has met some of their requests. Planning staff acknowledges, as does Mr. Ruma, that this is a difficult piece of property to develop. That is evidenced by the necessary tree replacement and the size of the houses with the lot coverage. There are several issues he would like to communicate to Council.

- The first issue relates to the 40-foot rear yard setbacks. The setbacks were originally set for 20 or 25 feet. The residents requested 75 feet, which was negotiated down to 40 feet, with the understanding that the lots on the right side, Lots #08 - #16 would be approximately 190 - 200

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feet deep. Mr. Hale stated that those lots were deeper than those on the left. Since the PZC hearing and the revised preliminary plat, those lot depths have been reduced, bringing those houses 10-15 feet closer to them than what they were originally told at the Planning Commission.

- Secondly, in regard to the landscape buffer, they appreciate the hedges for their driveways to block the light from headlights.
- In addition, the development text originally prohibited rear-load garages in this development. The staff report with this ordinance mentions rear-load garages as being permitted. They have been opposed to those from the outset, and request the prohibition be expressly stated in the development plan.
- Along the northern property line, at Kilbrittain and Katesbridge, there is mostly brush and not many good trees. The 30-40 foot tree enhancement zone was included in this plan as a result of a specific request. They requested a tree enhancement zone rather than a tree conservation easement because if everything is cleared except 30-40 feet of the existing brush, it would be unsightly. They have asked to have utility easements and to be able to clear out some of the underbrush, keep the existing good trees, and replant the others with 75% opacity requirement. Mr. Reeves wants a tree conservation zone along the northern property boundary; however, they want the tree preservation zone and 75% opacity. Not only would it create a nice buffer, it will also help address the drainage issues. Their yard is muddy and unusable and frequently, there are ducks swimming in it. Mr. McDonald, who lives adjacent to Lot #16 has a worse situation than he does. For the developer to state that they will not be installing any utility easements or drainage there is very concerning. Their neighborhood so strongly desires the 75% opacity requirement. There was discussion at the PZC meeting. The drainage issues are so severe that he would not have purchased this home, if he had been aware of them. They ask Council's support for a reasonable escrow for drainage issues. They have no enforcement mechanism once the developer sells these properties to the different builders. For the year or so during which this subdivision is being developed, the drainage is still not being fixed. When the land is cleared and graded, there will be significant flooding, blocking the entire drain with mud. Engineering staff have visited his property and can attest to the serious drainage issue. The Ballybridge residents to the south cannot cut their back yards in the summer due to the flooding. An escrow account would be greatly appreciated by the residents.
- The final issue is the "back-pedaling" regarding lot length, opacity, and the tree replacement plan – reduced from 1,022 to 522 trees.

He summarized that they are concerned that the communication they were promised and expect as neighbors is currently lacking. They have no ability to hold the developer or builders to anything, so they are asking Council for their support.

Mayor Lecklider asked if the residents are experiencing communication issues with City staff.

Mr. Ensminger responded that it is not with City staff; it is with the developer. Ms. Husak and Mr. Stanford have been very helpful and responsive. He wants to ensure the communication with the developer continues and improves during this process so that if the project is approved, they can ultimately be good neighbors.

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Mr. Reiner thanked him for his honesty regarding the visual aspects of the terrain. He commented to the consulting engineer that there is an entire group of people with flooding on their private property. Does the consulting engineer believe that the existing drainage problems will be resolved by the work being done on this adjoining property?

Mr. Shell stated that they are not installing the storm sewer on the adjacent property, but on this project. The storm drainage coming from the west to the east will be captured. Any water that falls directly on the homeowners' lots on the adjacent property cannot be controlled. There are four acres of offsite land drainage that comes from the west, including the subject property itself and what results from this drainage will be handled onsite.

Mr. Keenan asked his opinion about what portion of the existing drainage issue for these homeowners originates from the property west of this.

Mr. Shell responded that the majority of it. There are four acres to the west of the site and this site itself that will be handled in their system.

Mr. Reiner noted that one of the most expensive options available is buffering and screening along the property line, and this, together with the drainage system, could result in a major improvement for everyone's properties. He asked if Ms. Husak could review the opacity numbers and the lineal feet of the lots and property lines and provide Council with information about the number of trees needed to obtain the desired opacity.

Mrs. Boring commented that she understood the developer is working with each resident.

Mr. Riat stated that there is a possibility there are drainage issues on the homeowners' lots because their catch basins are inbound on their lot and their swale. The best way to resolve this is for everyone to work together as the system is being constructed for the new development. Perhaps some minor grading could be done on the individual properties – and this would need to be a cooperative effort between the City, the property owner and the developer. Secondly, when Dublin requested a cul de sac, the street was offset somewhat to the west, making the lots a bit larger. They could work with the Engineer to slightly offset that cul de sac and make the lots somewhat larger on the east side once again. That was an oversight on their part that they were not aware of. If acceptable to Dublin, they could make this adjustment.

Ms. Chinnici-Zuercher noted that, given the property under discussion tonight has existed for many years with this flooding problem, what is the history in regard to the previous developer, the City and the homeowners in trying to correct the problem?

Mr. Hammersmith responded that he does not know the details of this specific situation. Typically, in the past, this type of situation resulted from lack of rear yard catch basins and the fact that there were not many installed in years past. Over the past ten years, more of these systems have been installed at the outset – avoiding the need for later installation of systems to correct it. In terms of the new subdivision under review, new outlets will be created so that property owners to the north could tap in with extensions from their property. If they have an existing drainage problem on their property, they can undertake their own correction. The City is aware of the existing situation, and when the detailed construction drawings are submitted, the City will make sure that the existing

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problems can be corrected as much as possible. This is a good opportunity to do so.

Mr. Keenan asked what kind of permission would be needed to do this.

Mr. Hammersmith responded it is based upon the nature of the problem. It may require an easement from the property owner so that the City can maintain the system. For a minor issue, the property owner could install a 4 or 6-inch drain that is connected to the City system and maintained by the property owner. That has been done in many locations.

Mr. Keenan asked about the future roadway planned – the extension of Ballybridge. When would that be extended, or is it simply an emergency vehicle access?

Ms. Husak responded that this is a provision for the future, and it is unknown. The land immediately adjacent is not within the City of Dublin.

Mr. Keenan noted he is referring to the east side.

Ms. Husak responded that extension will be installed as part of the development.

Mr. Keenan noted his concern with all of the traffic exiting in one location, adding to the existing congestion.

Mr. Reiner asked if the existing residents want to tap into the drainage system to be constructed with the new development, what would be needed in terms of legal steps to do so.

Mr. Smith responded that if the property owner has a minor issue, it can simply be addressed without providing an easement. However, for a major flooding issue where they want to tie into the City's system, an easement will be needed.

Mr. Shell, EMH&T stated that the storm sewer shown in the plan is basically public infrastructure in a public easement, and the City has the right to maintain and control it. The easement goes to the property line, and any conduit that comes into a catch basin that crosses that property line is in the public easement.

Mr. Riat added that when they install the system, if each property owner wanted to discuss this with them, it would not cost much to run the small yard drains. There could be some grading issues and perhaps some small French drains could be installed for the homeowners and tied into the system.

Mayor Lecklider asked if Mr. Hammersmith and Ms. Husak could facilitate this discussion. It sounds as if the system being installed will address the problem to a large extent.

Mrs. Boring asked about the 40-foot setback. What is the rear yard setback for the existing homes in Wellington?

Ms. Husak responded that Wellington Place has a requirement of 20 percent of the lot depth, so it varies. They also have a 25-foot no build zone. For the most part, the rear yard setback is approximately 25 feet.

Mrs. Boring asked for confirmation that the rear yard setback for the new subdivision is 40 feet.

Ms. Husak responded affirmatively, and for the north, it is a 30-foot requirement and they are proposing 40 feet.

Mrs. Boring stated that it seems equitable in that regard.

Mayor Lecklider invited any other citizens who wanted to provide testimony to do so.

Edward Thomas, 5165 Reddington Court, Dublin, stated that neither he nor his neighbors have been contacted by the developer in terms of the tree preservation

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effort. They have expectations that they will do so, but it has not yet occurred. He is simply clarifying the record.

Mr. Riat responded that they expect their land planners and architects to meet with these homeowners. They have been making the changes to the plans over the past few weeks. It is not their intention not to meet with the residents.

Mr. Hale stated that the contact with the neighborhood has been primarily through the homeowners association, but they will contact the individual homeowners as well going forward.

Mr. Riat agreed.

Mayor Lecklider thanked everyone for their comments. The second reading/public hearing will be on March 26.

## INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

### Resolution 15-12

**Adopting a Statement of Services for a Proposed Annexation of 2.5 Acres, More or Less, from Washington Township, Franklin County, to the City of Dublin.**

Mr. Reiner introduced the resolution.

Mr. Gunderman stated that this is a petition for annexation from TALG Limited. The property is located at 7672 Fishel Drive, as indicated on the map. The next two items on the agenda are also related to this annexation petition. The petition is for an Expedited 2 annexation, which requires a statement of services resolution from the City indicating what services the City will provide to the property. It also requires a statement of possible incompatible land uses, which indicates the City may require a buffer to the property in certain circumstances. The City must file these resolutions within 20 days after the petition was filed so that they are available for the Franklin County Commissioners' hearing on April 3. In addition, the applicant has requested a waiver of the \$3,700 City annexation petition processing fee. The Administration has indicated their support of this waiver, as the property owner was cooperative in providing an easement previously for the sanitary sewer connection to the Job Ready site on the adjacent property. Staff is recommending approval of the two resolutions, as well as the fee waiver request. After Franklin County Commissioners act upon the annexation petition, it will be brought back to City Council for acceptance in the timeframe specified by statute.

Vote on the Resolution: Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes.

- Request for Waiver of City of Dublin Fees for an ARI **14-011AFDP**  
Located at 7672 Fishel Road

Mayor Lecklider moved to approve the fee waiver.

Vice Mayor Salay seconded the motion.

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Brand Road



**City of Dublin**  
 Land Use and Long  
 Range Planning  
 5800 Shier Rings Road  
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**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**JANUARY 5, 2012**

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

- 1. Wellington Reserve 5144 and 5056 Brand Road  
 08-038Z/PDP/PP** **Rezoning with Preliminary Development Plan  
 Preliminary Plat**

**Proposal:** A subdivision of three vacant parcels with 28 single-family lots for land currently zoned R, Rural District and R-1, Restricted Suburban Residential District, located on the north side of Brand, approximately 700 feet west of Coventry Woods Drive.  
**Request:** Review and approval of a rezoning with preliminary development plan under the Planned District provisions of Zoning Code Section 153.050, and a preliminary plat under the provisions of Sections 152.015 through 152.022.  
**Applicant:** CASTO; represented by Ben W. Hale, Jr., Smith and Hale LLC.  
**Planning Contact:** Claudia D. Husak, AICP, Planner II.  
**Contact Information:** (614) 410-4675, chusak@dublin.oh.us

**MOTION #1:** To recommend approval to City Council of this rezoning with preliminary development plan, because the proposal meets the Community Plan designation for this site and the applicable review criteria for a Planned Development, with ten conditions:

- 1) That the developer be required to notify the future property owners in the northern part of this site regarding the possible future road extension;
- 2) That the development text be modified to clarify the proposed landscape buffer planted within the tree enhancement zone of Lots 1 through 18 will be installed by the developer and maintained by the individual homeowners;
- 3) That, if deemed appropriate by the City Engineer, in lieu of constructing the multi-use path along Brand Road, the applicant contribute financially to the City's Brand Road Multi-use path installation;
- 4) That the applicant install an off-site left turn lane from Brand Road to Wellington Reserve Drive as recommended by the traffic study, to the satisfaction of the City Engineer;
- 5) That the development text be revised to duplicate the fence restrictions of the surrounding neighborhoods;
- 6) That the development text and plans be updated to indicate multi-use paths instead of bikepaths;
- 7) That the tree replacement language in the development text be revised to require inch-for-inch replacement for trees 12 inches and greater;
- 8) That the text clarify that any supplemental plantings within the Tree Enhancement Zone shall not be counted toward required replacement trees;
- 9) That the details of plantings within the proposed Landscape Buffer be reviewed and approved at the final development plan stage to ensure existing trees are preserved where possible and incorporated into the buffer; and
- 10) That the developer work with the residents to the south of the proposed access point to provide a landscape screen, subject to approval by Planning.
- 11) *That a temporary metal fence or wood construction fence be installed around the critical root zone of Tree #740;*
- 12) *That the applicant work with Engineering to install, if deemed appropriate, a wood guard rail along the Brand Road frontage; and*
- 13) *That the applicant works with adjacent property owners to address their drainage issues.*

\* Ben W. Hale, Jr., representing CASTO, agreed to the conditions.

*Conditions in italics were added at the approval of Ordinance 14-12 at the March 26, 2012 City Council meeting.*

**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
JANUARY 5, 2012**

- 1. Wellington Reserve 5144 and 5056 Brand Road  
08-038Z/PDP/PP** **Rezoning with Preliminary Development Plan  
Preliminary Plat**

**VOTE:** 7 - 0.

**RESULT:** Approval of this rezoning with preliminary development plan was recommended to City Council.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Todd Zimmerman	Yes
Warren Fishman	Yes
Amy Krumb	Yes
John Hardt	Yes
Joseph Budde	Yes

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**MOTION #2:** To approve this preliminary plat because it meets the requirements of the Subdivision Regulations with two conditions:

- 1) That the applicant ensure that any minor technical adjustments to the plat should be made prior to City Council submittal; and
- 2) That the plat be revised to include utility easements, a minimum of 20 feet in width, centered on all proposed public sewer, accessible to the public right of way and a drainage easement over the areas of the stormwater basins defined by the anticipated 100 year storm water surface profile.

\* Ben W. Hale, Jr., representing the applicant, agreed to the conditions.

**VOTE:** 7 - 0.

**RESULT:** This preliminary plat was recommended for approval to City Council.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Todd Zimmerman	Yes
Warren Fishman	Yes
Amy Krumb	Yes
John Hardt	Yes
Joseph Budde	Yes

**STAFF CERTIFICATION**

  
Claudia D. Husak, AICP  
Planner II

**1. Wellington Reserve  
08-038Z/PDP/PP**

**5144 and 5056 Brand Road  
Rezoning with Preliminary Development Plan**

Chair Chris Amorose Groomes stated that the following application involves the subdivision of three vacant parcels with 28 single-family lots for land currently zoned R, Rural District and R-1, Restricted Suburban Residential District, located on the north side of Brand Road, approximately 700 feet west of Coventry Woods Drive. She said the Commission will make a recommendation to City Council on the preliminary development plan and rezoning as well as the preliminary plat.

Claudia Husak said the Commission reviewed this case in October 2011 and there were a lot of concerns by the Commission and adjacent residents with the setback from Brand Road and the existing drainage issues, and tree preservation. She said the Commission also wanted additional information regarding the Brand Road access point and the potential for having the subdivision be accessed from the existing Wellington Place neighborhood. She said the Commission agreed with the conditions that Planning at that time had proposed for clarifying the requirements and development standards that were being proposed in the development text.

Ms. Husak said that Aaron Stanford with Engineering will also present information regarding this application as many of the previous questions and concerns centered around engineering issues. She said the site plan proposes 28 lots on a new road to be accessed off Brand Road with a unit density of 1.5 units per acre which is comparable to what is surrounding the area. She said the lots are proposed at a 12,000-square-foot minimum with a 90-foot minimum width and a 140-foot minimum depth. Ms. Husak explained that there is a 20- to 30-foot front building zone required and there are six-foot side yards with a 14-foot total side yard which is comparable to the surrounding neighborhoods. She said the applicant has proposed a 100-foot setback from Brand Road which due to the required curvature of the road has not changed the locations of the lots on the north side of Brand Road. She said the applicant has increased the rear yard setback for Lots 1-7 which are the ones on the north side of Wellington Reserve Drive and there is a 40-foot rear yard setback proposed for lots on the north side of the extension of Ballybridge Drive going all the way north and then to the west, the lots on the west side of Wellington Reserve Drive are proposed with a 30-foot rear yard setback which has increased by 5 feet compared to what was proposed in October.

Ms. Husak said the applicant is proposing at the rear of each of the lots on the east and west side of Wellington Reserve Drive to require a Tree Enhancement Zone. She explained the intention of the Tree Enhancement Zone is to prioritize an area for tree replacement to take place. She said that there will be a lot of grading activity that needs to take place to alleviate existing stormwater issues that the neighbors in Wellington Place have and also deal with stormwater management for this proposal. She mentioned that lots adjacent to lots in Wellington Place and on the north also include a landscape buffer which the developer will plant and the homeowner will be required to maintain at 75% opacity. She said the a hedge or wall treatment is required for court loaded garages to eliminate the views into those driveways and the applicant is proposing a hedge treatment that will be for side loaded garages that would be at the rear of the driveway to help with shielding head lights.

Ms. Husak said the applicant continues to propose a naturalized landscape treatment for Brand Road with a dry detention pond as suggested in the Community Plan and there will be a new road from Brand Road serving the subdivision with an extension to the western portion of the unincorporated land within Washington Township. She said a new intersection is proposed with Brand Road to access the site with a turn lane and there were a lot of questions at the October meeting from the residents and the Commission regarding the necessity of a separate access point for this site and whether or not it could be served through the extension planned through Ballybridge Drive. Ms. Husak said she was informed by the Washington Township Fire Department that the existing the subdivisions surrounding this site are not meeting the Fire Code for access, so this proposal could not be served by existing roads and is helping Wellington Place with their existing Fire Code access issues.

**14-011AFDP**  
Amended Final Development Plan  
Wellington Reserve - Virginia Homes  
Brand Road

Aaron Stanford said with this application a traffic study was performed by the applicant and it modeled the traffic that would be generated by this development and identified any offsite improvements that would be required to be performed by the applicant and with this application it identified a left turn lane will be constructed at the time of their subdivision on Brand Road.

Mr. Stanford said the other element was to analyze site distances for the proposed intersection which helps to identify safe access point locations and shows that there are adequate site distances at the proposed location. He said they have found that the spacing from Coffman Road is approximately 1,500 feet and the spacing from the next adjacent intersection to the east at Coventry Woods Drive is approximately 730 feet. He said the desirable point of location is determined by pushing the intersection point away from the heavier volume of the intersection at Coffman and Brand Roads and improves the spacing from Coffman and Brand which has additional traffic and there is adequate spacing from Coventry Woods with the anticipated traffic. He said there is an intersection improvement planned for the intersection of Coffman Road and Brand Road with the installation of a roundabout and in the 5-year Capital Improvement Plan they have provided for funding for preliminary engineering which will be performed this year, but the funding for final engineering or construction has not been determined.

Mr. Stanford said site grading was previously identified that some of the house pad locations along the eastern boundary of the site were raised to an extent where it may create some excessive grading with the adjacent lots and the Wellington Place Subdivision, since then the grading plan has been improved reducing the change in grade of the site which helps the natural transition of the grading of the site and from the western edge to the eastern edge of this site there is approximately 12 to 14 feet of grade change and they have managed it fairly well and reduced the grading at the rear of the lots.

Mr. Stanford said currently within the CIP there is a Brand Road Bikepath project that will be within the area of this project because of the timing of the bikepath along Brand Road it is likely that the City would be constructing this portion of the path and would like to request reimbursement from the applicant for the bikepath that will be constructed this year.

Ms. Husak said the applicant has provided a rendering of the site of what it might look like at the development stage and confirmed a lot of the discrepancies they had between the text and the plans at the last meeting were resolved with this submittal and the applicant has eliminated the one-foot driveway allowance that was proposed last time and there is open space dedication that has been resolved and accurately reflected and the maintenance of the open spaces have also been accurately revised.

Ms. Husak said Planning has reviewed the proposal thoroughly and analyzed its compliance with the review criteria and is recommending approval of the rezoning with preliminary development plan with four conditions as outlined in the report and approval of the preliminary plat with two conditions.

Ben Hale Jr., 37 West Broad Street, Columbus, Ohio, representing the applicant, said Bill Ryatt with Casto and Charle Ruma who is the developer is present if there are any questions. He said they wanted to talk about Mr. Ruma's intent with this subdivision. His development company is Davidson Phillips and they will be developing this subdivision, his son is Charles Ruma who owns Virginia Homes. Mr. Ruma is doing this development on his own and also developed other subdivisions, the most similar is Wedgewood which is also in Dublin. There are a number of builders there that are having a difficult time finding lots and what Mr. Ruma does is to meet with the builders to select lots and make deposits and at the time he believes all these lots will be spoken for. He said Mr. Ruma will have the builders in place and the minimum will be \$125,000 per lot which will render a house at \$450,000 to \$550,000 range. He said there was a concern of where Mr. Ruma was going to get the loan for this project and he is using his own money there will not be a loan to develop this site.

Mr. Hale said they have seen an improvement in the market and he knows that these builders want places to build and they will be developing a subdivision that is a terrific development.

Mr. Hale said they were asked if they could make the curve coming in the front of the subdivision more severe and reduce the setback and increase the lots on the north side of the road and they were not able to do that because the curve as proposed has to meet safety requirements. They tried to provide for the neighbors along the western and northern property lines with setbacks that were increased to 40 feet.

Mr. Hale said part of the Tree Enhancement Zone and the tree replacement is to emphasize trees and provide 75% opacity along that border which means they will plant a fair amount of pines trees. He explained if there is a side loaded garage they will provide plantings to block the lights of those driveways.

Mr. Hale said the 40-foot Tree Enhancement Zone cannot be invaded with a porch, pool, deck, or a patio and there are other substantial areas between the houses and the 40-foot setback that will be planted heavily and additional open area will be provided by setting the houses closer to the road. He said their experience is that they need the ability to have decks and patios, they could have made the area deeper but then they would have a very small back yard that would prevent patios or decks.

Greg Chillog, Edge Group, said the frontage treatment is an area for them to reforest and create a natural element with the replacement trees that will be located along the Brand Road frontage to create a community amenity. He said this area will also have a living retention basin or rain garden and will be a wooded naturalized area with a basin with soft grading and plantings with deciduous trees, evergreens, shrubs and natural grasses it will appear as a wide expansive land and there will not be a definite boundary or an edge to a dry basin or a pond. He said the frontage will be very natural and free flowing and blend in with the community character. Mr. Chillog explained that they are trying to bring a nice front door onto Brand Road and create a community amenity.

Mr. Hale said any trees that have to be replaced as a result of putting in the streets, Mr. Ruma will replace them within the frontage and along the edges of the subdivision and their experience is not to remove trees from the lots until they know which house will be there because a wooded lot is more valuable any tree removed off the lot will be replaced back on the same lot and he said that Mr. Ruma is responsible for making sure this happens.

Bill Ryatt, Casto, said this is about the fourth attempt at the zoning since they have come by the land and when Mr. Ruma came along they knew they needed something nicer, with much larger lots, less density and really high standards. He said they have 5 home sites along the section of Brand Road and the neighboring properties have 11 homes in that same area and the same situation happens along every boundary line and comparable to all the neighborhoods surrounding this property they feel really good about their project.

Ms. Amorose Groomes announced that there are people that have signed up to speak, she will call their names and anyone who did not sign up will have an opportunity to speak.

Roger Reeves, 5149 Reddington Court, said he is in the Brandon Subdivision and backs up to Lot 17. He said he has lived in his home for 22 years and probably longer than any of the other adjacent property owners. He said this is the fifth attempt to try and develop this site and in 2005, the Edwards Land Company made an attempt to develop this and in terms of commenting to what Mr. Ryatt said he sees very few if any changes or modifications to the current plan from what the Edwards Land Company was trying to do. He said at that time a number of the adjacent homeowners went around the neighborhood and the Wellington neighborhood and solicited comments from property owners both adjacent and affected properties. He said that they approached 156 homeowners in both subdivisions and asked what they wanted to see done with this site and they got 150 responses that they did not want to see this property developed. He said when he moved in he had no expectation that this would not be developed, but they felt they wanted to see something done responsible and that is similar to what already exists.

Mr. Reeves said this particular site is probably one of the last heavily wooded sites in the City of Dublin that has not been developed and he suggested a much larger no-build zone along the northern border of the property. He requested a 200-foot no-disturb zone off the northern property line and the applicant agreed to increase that to a 40-foot Tree Enhancement Zone. Mr. Reeves believes this is inadequate and he was not supportive of the 75% opacity requirement in the replanting area. He was concerned that this requirement would necessitate taking existing trees out as they would not be adequate to meet the new requirement. He proposed an alternative that involves moving the road that stubs to the west and eliminating Lot 19 to make the northern three lots deeper by about 141 feet. He suggested that this way a large almost 188-foot no disturb zone could be created.

Mr. Reeves said both Wellington and Brandon have restrictions against any type of fencing and in the proposed plan there is no such restriction and they requested that a fence prohibition be added to the request for this subdivision as well and finally he wanted to say that his fellow homeowners in Wellington both along the eastern boundary and along Ballybridge on the southern end, they have all met and they are unanimous in their concerns as well as requests for modifications of this plan.

Hamid Mehrizi, 5173 Reddington Court, said he is two houses down from Mr. Reeves and is in 100 percent agreement with Mr. Reeves.

Gregory Andrews, 5157 Reddington Court, said he expresses his full support in what Mr. Reeves has presented.

Dave Jenkins, 5071 Brand Road, said he is opposed to the whole project and thought it is way too many houses on this kind of a lot. He said the proposal is not keeping in line with what Brand Road is all about with five to seven houses along there and he does not know what kind of trees they are planting along Brand Road, but it makes a big difference of how big they are and what kind they are and he thinks there is way too many houses. He said he knows this is awful late but he was not here for the first meeting because he was out of town and he lives right across the street from it and if there were less houses there would not be a need for a curb cut coming out to Brand Road and that is his feeling. He does not know why they didn't have the other project had ponds out front in Brand and now they are proposing a dry retention pond.

Ms. Husak said the Community Plan does suggest dry detention and a more naturalized treatment as opposed to a more manicured ponds.

Mr. Jenkins said the big problem that he sees with it and it looks good and if they put all that landscaping in and screen it off, but he still thinks there is way too many houses along Brand Road and that is not the way Brand Road is and if they take one or two maybe three houses out of there and he would suggest building a bigger nicer house on a bigger lot and that would satisfy everybody. He said they are talking about getting other builders in there and he knows Virginia Homes and they should know who they really think they are going to line up and what kind of house they are building and what is the starting price and he sees homes being built all over Dublin start at 7 or 800,000 Dollars and they are talking about a 450,000 Dollar house and he would like to see a bigger house on a bigger lot.

Collette Feldman, 5053 Ballybridge Drive, thanked everyone for the opportunity to come and express their opinions, she and her husband have lived in Dublin for 23 years, and they do not utilize the school system they live in Dublin solely because of the amenities such as trees and bike paths and the green spaces and parks. She said they chose their current home location 11 years ago and will back up to the homes that front Brand Road and when they chose that home location they were confident that because they are in Dublin no future development would be allowed that detract from their home value and they remain confident that Dublin will respond to voices of all the residences that are here and were here back in October to express their opposition to this development and they presented a letter in October that

was signed by every resident that backed up to this area on Ballybridge Drive and they had three main concerns, visual barrier and they felt that the 75% opacity requirement has addressed that concern.

Ms. Feldmann said the second concern was regarding drainage and because that concern is shared by the residents of Kilbrittain she is going to wait and let Mike address that, the third concern was the setbacks and they are still here primarily opposed because of the setbacks. She said the development of Brand Road was never intended to provide a roadway that accessed a new neighborhood, if they look at the summary that was provided, quote "the Community Plan identifies Brand Road between Dublin and Muirfield as River Character with modest setbacks ranging from 60 to 100 feet" and it says "there is the assertion that this development will safe guard the value of property within and adjacent to the area" and finally it says "the proposal strives to maintain the existing development patterns". She said when they purchased lots that backed up to farm property they were not naïve, they knew that the farm would someday sell and there would be the possibility of development, but what they anticipated was development like is seen on the rest of Brand Road.

Ms. Feldmann said from the Dublin Road roundabout all the way to Muirfield Road the only thing that has been built was a one beautiful home and that is the type of home that was expected would be developed in their back yards. She said they put together an image that shows that if this development basically mimicked what is already there. She said the renderings that have been presented do look really beautiful and if it were developed to that extent she thought it would be gorgeous, but she does not think anybody could look at that rendering and say it represents 75% opacity and it looks like you cannot see their homes at all and at best case scenario is 75% opacity within two years and the rendering does not accurately reflects the development plan.

Mike Ensminger, 7502 Kilbrittain Lane, said he was speaking on behalf of the Wellington Place homeowners, particularly those situated on the lots to the eastern boundary of the proposed development along Kilbrittain and Katesbridge Court. He said over the past three months they have been anxious to see the revisions, they welcome the concessions that have been made by the applicant regarding the rear yard setbacks and maximum lot coverage and the hedge requirements for the side loaded garages, they collectively agreed that the bigger picture and the more detailed issues still remain unaddressed and unresolved. He said they cannot support the development of Wellington Reserve as proposed. He said they believe that the development is not sound long range planning and detrimental to the City and its residents, both the City and the developer admitted that this "L" shaped parcel presents challenges in its development.

He said, contrary to what the developer is saying, this is the worst new build housing economy in American history and it is difficult for them to understand why the City would consider sacrificing the esthetics and rural character that has been laid out in exchange for one developer to make a profit to what he has referred to the last remaining piece of developable property in the Dublin Coffman School District. He said creating another curb cut along a narrow and well traveled Brand Road presents visibility and traffic issues that are already a concern to residents in surrounding neighborhoods especially with two existing high volume intersections at Brand and Coffman and Brand and Coventry Woods. He said when coupled with large tracts of land immediately to the west and he knows those are in Washington Township but he is sure people have their eyes on them, and the installation of the proposed roundabout at Coffman and Brand Roads, he thought the additional curb cut and development on such a busy thoroughfare does not conform with comprehensive roadway traffic and safety studies typically found in municipalities' long range planning goals.

Mr. Ensminger said it is important to note that each of the nearly 25 homeowners on Ballybridge, Katesbridge, Kilbrittain and Reddington that back up to this proposed Wellington Reserve have unique issues that they would like to see satisfactorily addressed by staff, the applicant and the Commission. He said drainage is the major issue for many of the residents with serious flooding of back yards occurring as water runs from the current land and with additional development and the grade change they know that

additional run is a distinct possibility and asked that a reasonable escrow be established by the developer and the City and that they work with the City Engineer to address these issues. He said earlier in the day Mr. Stanford had visited their property and viewed pictures that show the flooding issues. He said the rear yard setbacks have been increased from 20 to 40 feet and they originally asked for 75 given the lot depth and realized that is on the high end especially along Kilbrittain and Katesbridge, but given the significant depth of the proposed lots, they request a 50-foot rear yard setback to be adopted by the Commission. He said the plans indicate a 20- to 30-foot build to zone and the developer has presented approximately a house print of 60 feet, then the 50-foot rear yard setback is reasonable and a good compromise. He said they are pleased with the applicants willingness to provide 75% opacity along Katesbridge and Kilbrittain, they would prefer to have the tree replacement with deciduous and evergreen mix. He said the conditions indicated that the trees would be installed by the developer and maintained by the homeowner and they realize that the developer's responsibility cannot last forever, but asked that a performance bond and escrow be established to provide assurance to the tree enhancement zone viability.

Julie Hubler, 5025 Brand Road, said they have lived at this house over 13 years and when they bought the house they asked why there was a split driveway. She said the previous owners were Engineers and at that time they were not using the Dublin School District. She said they indicated that the house is well built and to trust that Dublin has the best Planning and Zoning Commission in the world and they will do what is responsible and they did not give an extra driveway because Brand Road is considered a scenic road and it is one of the small prices you have to pay in order to live in Dublin. She said they expect to live here for 30 or 40 years and really care about property values they are only concerned with safety. She said they are going to have their ritual with about seven to eight cars in their ditch on Brand Road which is a weekly event throughout the winter. She asked that the Commission look at the road and the safety issues. She is concerned that the end of her driveway is going to be an entrance to the new subdivision and cares about being able to pull out of her driveway safely. She said they have not been contacted by the developer since the October meeting and she does not know what went on with the revisions. She said the developer gets their own driveway and she was not able. She said she urged the Planning and Zoning Commission to please delicately balance the developers right and the greatest benefit for the greatest number of people and if they decide that is the price she has to pay then she will do that, but when it comes to a safety issue, she invited them to come to her drive way around 6 am with a little snow there will be someone in the ditch. She asked that the Engineers look at the practicality and not just works on paper and she will buy them a cup of coffee and they can look at the traffic going by her house.

Carol Hunter, 5183 Reddington Drive, said they have lived here for 19 years and she wanted to say they support what Mr. Reeves and Mike Ensminger said and with the way it was said. She is disappointed that the applicant said the proposal contained fewer lots than 5 years ago, because that is not the case. She said the discussion 5 years ago is the same as today: fewer lots should be allowed here. She thanked the Commission for their time and asked them to please be as meticulous about this case as they were about the black and white striped awnings discussed earlier.

Cindy Snider, 7483 Katesbridge Court, said they have loved their home and lived there for 16 years and she wanted to speak about the wild life. She said they are at the very end of Katesbridge Court adjacent to this property and between Wellington Park. She said they have 10 to 15 deer go through a day and all kinds of wild life. She said what concerns her the most, is taking down all the trees and hurting the rural aspect of that property.

Bruce McLaughlin, 5131 Brand Road, said he and his wife have lived there for 31 years and his home is directly across from the western portion of this property. He said he is stunned that no one has done anything about the curve in Brand Road that is so dangerous, and with all the work being done to create a left turn lane, that no one in Planning has insisted that they somehow get rid of the curve for safety reasons. He said he is against the curb cut and he has read the analysis from the fire department so he

gave in. He requested that if the project is approved and a curb cut is installed along Brand Road, more money should be spend to straighten out Brand Road so that it is not unsafe. He suggested that this may also help Ms. Hubler's problem. He took exception to the gentlemen from Casto that said this is a great looking subdivision. He said he counts six houses along Brand Road and thought that they cannot show him any place along Brand Road where there is that many houses on a length of property. He felt that this proposal included too many houses along Brand Road and it was not in keeping with the roadway character.

He said the impact of the property on the wild life that runs along this property down along the Indian Run Creek will have dramatic impact on them and he knows they cannot consider that when they review development, but it would be nice if they would cut down the number of lots, create a more treed area and made an opportunity for the wild life to continue to thrive in this area.

Richard Weirich, 7466 Katesbridge Court, said he has comments pertaining to the multi-use path that runs along Brand Road and said the plan uses the term bikepath and he asked that they change to the term multi-use path to not get confused with bike lanes. He said there were a lot of hours spent and he wanted to clean that language up.

Ed Thomas, 5165 Reddington Court, said he wanted to support the plan that Roger had put forward earlier and said it is important that they do not tear down the large trees in their back yards because wild life is running through there, including a large owl. He thanked the Commission for their time.

Mark Juras, 7453 Katesbridge Court, said they are in the middle of the eastern boundary, and by looking at the plan, the Wellington Place and Sheffield Place subdivisions a very large well planned expanses of land and what they are dealing with now is a very narrow, odd "L" shaped piece and that is why there is so much difficulty getting this done. He said there is a big pod of land to the west that they need a comprehensive plan for that will determine how that entire plat will eventually be developed. He said trying to do a piece meal solution is very difficult. He said his concern is that there will be several catch basins that will be put along the eastern portion and sounds like there will be a lot of heavy equipment tearing up ground and trees and doing a lot of damage and does not reconcile with preservation trees, but there is a big drainage issue on this property. He said if they go farther down to the Brandonway entrance there is a well developed and nicely landscaped area where they preserved the river character of Brand Road that is something consistent with that feel and they will need more land to do it. He said they need to be patient and let Dublin evolve gracefully as the property becomes available.

Frank Pagnatta, 7465 Katesbridge Court, said he is a Trustee of the Wellington Place Homeowners Association and over the years he has talked to a lot of their residents about the five different proposals and that Mike and Collette have done a nice job summarizing the concerns of the homeowners and he would like to say as a homeowners association, consisting of 130 homes overwhelmingly support not just what they have heard, but what they have heard from the Brandon Subdivision and Brand Road residents affected by this development.

Joseph McCarthy, 7489 McCarthy Court, said on one of the slides shows a retention pond that comes in behind his house and he has concerns about that and currently the water drains to their property from that field and he is concerned that somehow that retention pond will be hooked up to the Wellington storm sewers and he is not sure what the process is. He said the past proposals said that would not be the case but their experience with the home is that the developers and the developer that developed Wellington has had drainage problems just like everyone else and they did not take care of their responsibilities and he is concerned that as this gets developed, the City of Dublin takes its responsibilities seriously because they worked with the City for a while and ended up having to pay to get the drainage problem fixed. He said with the five proposals nothing has worked and nothing has changed and from what they have seen and developers and still trying to get it through.

Jeff Blasinski, 7511 Bardston Drive, said this is his first meeting that he has attended and it has been fascinating and they moved into a home in Dublin just over 10 years ago and it was supposed to be a temporary move and had dreams of building his own home and has been eager to watch new developments go in with great interest and participated with developers and discussed the ideas of the developments. He said what has been striking to him has been how dense the lots have been and even if he had the money to build these homes, he would not want to buy the types of homes that have been going in with extremely small yards and in some cases no yards as in Tartan Ridge, but if the City could look at a comprehensive design and look at more modern sustainable design or something that would preserve the wild life and the natural aspects of what makes this part of the country beautiful and try and build a home that has a degree of green space that is not across the street and maybe have a garden in your own yard, but a completely revolutionary kind of design that would be more modern or something different that is not a traditional grid type design, something that would inspire people to want to live there rather than large square footage.

Kimberly Shepherd, 7412 Charmonte Court, said she is on the other side of Coventry Woods in Wellington Place and has no vested interest in terms of property values or one of the homes that back up to this. She said she has concerns with how the property is currently being maintained and used and she was at the last meeting and they got her curiosity peaked and she went for a hike on this property and found illegal dumping and a military style home gym buried in the woods, so she just wanted to raise the concerns about the property maintenance.

Ms. Amorose Groomes asked if there was anyone else that wanted to speak to this application. [There was none.]

Ms. Amorose Groomes indicated she assumed everyone had the opportunity to read the correspondence that was given out at the meeting. She said there are two items requested the rezoning with the preliminary development plan and the preliminary plat. She said they will start with the rezoning with the preliminary development plan.

Mr. Budde said he likes what the developer has presented and he noted that the size of the lots compared to the lots that this development backs up to are larger and he said he thought he was hearing that people do not want this in their back yard and at some point this is going to be developed and he likes what he sees and has no objections, but he is concerned about the water drainage.

Mr. Fishman said he admires the passion of Dublin residents and he has been here a long time and was here for all the zonings around this development. When Brandon came in the room and the lobby was packed with residents that felt just as passionate about the other subdivisions going in and they were concerned the wild life would be eliminated. He feels the developer has come a long way. He heard the concern about Brand Road and the density. He also discussed density when the other subdivisions came in and he was against the density of those subdivisions that exist today.

Mr. Fishman said Lot 1 is a concern and he could not support this with Lot 1 remaining. He said Lot 1 is a headlight lot and when he visited the site it ruins the entrance. He felt that Lot 1 would need to be eliminated to Dublinize the entrance. He said he noticed that on this proposal the lots and setbacks are bigger than the surrounding neighborhoods.

Mr. Zimmerman said he understands Mr. Fishman's concern for Lot 1 and agrees that the setbacks are larger than that of the neighboring subdivisions and he thanked the applicant for making that change and making it work better. He said at the entrance of the subdivision across the street are two homeowners that have been there for a number of years that share a joint driveway and when this entrance is being used they will experience head light trespass into their homes and would like to see the developer work with the homeowners to install landscaping on their individual properties to eliminate the trespass issues.

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Ms. Kramb said she agrees with the comment to work with the homeowners on the south side of Brand Road with landscaping and agrees with the comment regarding Lot 1. She said at the last meeting her biggest concern was the curb cut and after reading the traffic report her concerns have been addressed. She said agrees that the intersection should not be any closer to Coffman Road because of the curve. She agrees with straightening the curve as suggested by Mr. McLaughlin but thought that was a City issue and not related to this application.

Ms. Kramb agrees that there is a lot of homes on the site plan and that ideally they should look at the larger parcel, but unfortunately it is in Washington Township and not under their review and they cannot require a property owner to acquire more land to make it bigger and it comes back to this is going to be developed and this proposal has made a lot of accommodations and the lots will not decrease the value of adjacent properties because the lots are bigger and the setbacks are bigger.

Ms. Kramb said the drainage comments have been addressed and will be improved greatly and the neighboring residents will be quite satisfied.

Ms. Kramb said she is heartbroken over all the trees that will be lost with this development, but glad to see the Tree Enhancement Zone where the replacement trees will be planted but would like the wording in the text corrected. She has heartburn over allowing as many evergreen trees and trying to create a 75% opacity because they will be tearing down a lot of trees to create that opacity. She said the tree replacement plan to have a tree for tree replacement for 6 to 24 inches in caliper and would like that reduced to 6 to 12 and anything over 12 should be replaced at caliper for caliper. She said the provisions for the tree replacements only apply to Lots 1 – 18 as far the landscape buffer of 75%. She said the Code reads for the western boundary that they can cut everything down and replace it with ornamental grasses, ground covers, fine or rough turf and it does not specify that they need to put trees in there and she was concerned that if the developer grades the whole site, the homeowner comes in and decides to cut down the 2-inch trees he never has to replace them according to the way it is written and that means the western boundary could have nothing on it and wanted to extend the buffer to include the entire property.

Ms. Amorose Groomes said they will have an opportunity to address the treatment of the boundary at the final development plan.

Ms. Husak said that if there are replacement trees installed they would be protected and would not be able to be removed based on the text and the Zoning Code and would be preserved or replaced.

Mr. Hardt said he wondered if this is the right parcel for this proposal and the developer has come back with a proposal that is considerably better. He agrees with the statements that have been made and at this point they have a proposal for single-family homes which is the most desirable option for the land and the standards that the development has been laid out with meet or exceed the standards of the neighboring subdivisions.

Mr. Hardt said his issues were setbacks and how they were reflected in the text and those have been cleaned up and have been resolved by having larger setbacks.

Mr. Hardt said the other issue was the curb cut on Brand Road and asked for a traffic study and it answered the questions and was surprised by the small number of trips that will be generated with this subdivision, but it works out at a car every two or three minutes at the peak hour and the clarification of the Fire Code has resolved the concerns.

Mr. Hardt said the stormwater was an issue and was not surprising that there is drainage issue on these properties now, but as the development installs 16 new catch basins, that are not there today, will address the drainage issue. He does want to make sure that they do take more trees than necessary.

He said on the plans the catch basins fall within the tree enhancement zones and asked if an option was considered to move those out of the setback.

Ms. Husak said why they called it a Tree Enhancement Zone is because of the catch basins and the tree survey indicated trees along the eastern property line are not in good or fair condition or the size that would require replacement. There are more trees along the western property line.

Mr. Hardt said he wondered if the catch basins could be moved or tweaked to preserve trees. Aaron Stanford said there is always room for the catch basins to be moved in a minor way. He said they run into the grading situation that the basins create and if they would push too close to a home it would create a grading situation which they try not to have, but there can be fine tuning to the drainage structures.

Ms. Amorose Groomes said she did not think they were suggesting the basins come closer to the homes, could they be moved on the western side of the road to the western property line. Mr. Stanford said they would like to see them within 10 feet of the property line due to maintenance needs.

Mr. Hardt said he did not want to re-engineer this tonight, but if they could look at it and improve for the final review of the plans. Mr. Stanford agreed.

Ms. Kramb said there are prohibitions against fences in the neighboring subdivisions and she would like this development to be consistent. Mr. Hardt agreed.

Mr. Taylor said he appreciates the passion of the neighbors and appreciated Mr. Fishman's historic knowledge and perspective because he has been here a long time. He said at the last meeting they asked the applicant to reduce the size of the lot coverage to 45 percent and they have made the lots bigger and the homes smaller reducing the coverage. He said this is at least as nice as the neighbors and if they added land it would not change this it would just add another street just like the one proposed.

Mr. Taylor said one of the residents had a number of questions about details, but there is another stage after this that they will be looking at the very specific details should this pass the preliminary plan.

Mr. Taylor said he is happy with the build zone on the front of the property will increase the size of the back yards. He said for these size lots and houses there is a maximum practical depth of the lot. He said they have achieved a good balance between the developers and homeowners.

Mr. Taylor said he is convinced that the location of the curb cut is the only place it could be based on the traffic study that balances the safety of that between Coffman Road, Coventry Woods Drive and the curve and would like to see the curve straightened but that is an issue for the City and not this applicant.

Mr. Taylor said that the six lots that face Brand Road are set back farther than the lots that back up to Brand Road along Balfour and he would much rather see the fronts of homes rather than the backs of them that is the case along Balfour.

Mr. Taylor said the text indicates on item DS3 that the developer retains the right to have final review of the individual homes or at what point will it be turned over to the HOA. He asked the applicant to elaborate.

Charlie Ruma, 4020 Venture Court, Columbus, Ohio 43228, said they developed Wedgewood Hills and the Conine property in Wedgewood Glen and Riverside Woods which is similar and in all cases they retained the whole process of plan approval to make sure that they fulfilled the obligation that they presented in the matrix so that they did not get homes that are identical to each other or across the street from each

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other and they made sure the color patterns and the use of materials were complimentary to the whole subdivision and if necessary they hire an architect and the builder paid the architect to make comments and look at colors and roof and materials and they reviewed the overall look and appearance of the subdivision and by doing that they ended up creating more value for the unsold lots than they would have if they just let builder go about their way.

Mr. Ruma said he is a builder, but he is also a developer and they would retain the right for plan approval and the time of being complete they would turn it over to the Home Owners Association.

Mr. Hale said they had talked to Wellington Place because this is a 28 lot subdivision they had indicated at some point this should be within the Wellington Place Association and that happens at 80 or 90 percent of the lots being built out. He said the current trustees have indicated they will allow it.

Mr. Taylor said at the final he would like to see the stub at the end of Wellington Reserve Drive at the northwest be treated as if it was something other than the end of the pavement, no orange bollards or a mound of dirt, something nicely landscaped treatment since it is likely to be there for some time.

Mr. Fishman said, in his experience, there should a sign similar to the one in Donegal or Amberleigh that identifies that the street will be extended in the future.

Ms. Amorose Grooms said she does believe that this proposal is being held at the same standard as the surrounding developments and with the 40 foot tree enhancement zone and the lots are significantly deeper than the existing lots and appreciative that was accomplished.

Ms. Amorose Grooms said they need to talk more about Lot 1.

Ms. Amorose Grooms said she is in favor of the prohibition of the fencing in this area for the reasonable expectation of the neighbors.

Ms. Amorose Grooms said the drainage has been addressed and the issues will be significantly relieved by having this new drainage in place and the prevention of the migration of water from west to east across this property.

Ms. Amorose Grooms agrees with the under 12 inches tree replacement that it can be tree for tree replacement and over 12 inches it is caliper inch for caliper inch replacement. She said there is room for a lot of trees on this property with the Tree Enhancement Zones and there are a lot of places to put them and they want to get as many trees on this property as they can.

Ms. Amorose Grooms said she agrees with the gentleman who asked for the multi-use path to be cleaned up in the text and would like to make the change City wide that they only refer to them as multi-use paths.

Ms. Amorose Grooms said she is concerned with the dry basin and wanted them to understand it is very important for them to look at how they dry out that basin and that it does dry out for a long period of time to avoid becoming a maintenance issue or a haven for an insect problem down the road. She said the one by the Bailey Elementary School is done very well and there are some done poorly by Jerome High School.

Ms. Amorose Grooms agrees that the Tree Enhancement Zone needs cleaned up in the language of the text that there should be deciduous trees and evergreen trees where appropriate. She said there has to be some leeway to the 75% opacity and at some point a field judgment will need to be made as to what is in the best interest of the landscape as a whole and they will need to explore that and come up with some solutions and she wanted them to condition it to be cleaned up at the final development stage.

Ms. Amorose Grooms asked if everyone was okay with Lot 1. Mr. Hardt said he was okay with it remaining because he would rather see the headlights being blocked by the house and not be hitting the backs of the homes on Ballybridge. Ms. Kramb said she was leaning toward Mr. Fishman's recommendation to eliminate Lot 1. Mr. Budde said he was okay with leaving it. Mr. Zimmerman said he agrees with both opinions. Ms. Amorose Grooms said she agrees with Mr. Hardt and nothing blocks a head light like a house. She said she did not see pursuing this further and suggested that Lot 1 remains.

Ms. Amorose Grooms said that the language needs to be cleaned up with the Tree Enhancement Zones within the text and to not allow any other plant material to be counted toward a replacement tree.

Mr. Chillog said they just did not want to preclude anyone from planting other materials there, but would not be counted towards a replacement tree.

Ms. Amorose Grooms said that the Home Owners Association union is not something this Commission can address and is not something that cannot happen unless they agree to it.

Ms. Amorose Grooms said that the first motion is with respect to the Rezoning with the Preliminary Development Plan and there are four conditions in the staff report and now there are nine. The first four remain unchanged. She the additional conditions:

5. That the development text be revised to duplicate the fence restrictions of the surrounding neighborhoods.
6. That the development text and plans be updated to indicate multiuse paths, instead of bike paths.
7. That the tree replacement language in the development text be revised to require inch for inch replacement for trees 12 inches or greater.
8. That the text clarify that any supplemental planting within the tree enhancement zone shall not be counted toward required replacement trees.
9. That the details of plantings within the proposed landscape buffer be reviewed and approved at the final development plan stage to ensure existing trees are preserved where possible and incorporated into the buffer.

Mr. Zimmerman asked if there needs to be a condition for the homes across the street with landscaping to be installed by the applicant to help with the light trespass. Mr. Ryatt said they are willing to work with the neighbors and plant trees.

Ms. Amorose Grooms said there will be a 10<sup>th</sup> condition that they will work with staff and coordinate with the homeowners to plant landscape screening.

Mr. Hale agreed to the conditions.

Mr. Reeves said the Brandon residents would much rather have them keep the existing trees then try to obtain 75% opacity. Ms. Amorose Grooms said it was something that they will be working through at the final development stage and a notice will be sent so that they are aware of the application and they will have the ability to come and provide comment to incorporate those into the final landscape plan.

Ms. Amorose Grooms said there are 10 conditions on the screen, Number 10 reading: That they will work with the neighbors across the street for screening issues.

Ms. Amorose Grooms asked if the applicant agreed to the 10 conditions. Mr. Hale agreed.

#### **Motion and Vote**

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Mr. Taylor made a motion to approve the rezoning with preliminary development plan with 10 conditions. Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Budde, yes; Mr. Hardt, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

**Motion and Vote**

Mr. Taylor made a motion to approve the preliminary plat with two conditions. Ms. Amorose Groomes asked if the applicant agreed to those conditions. Mr. Hale agreed. Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Budde, yes; Mr. Fishman, yes; Mr. Hardt, yes; Ms. Kramb, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Ms. Amorose Groomes thanked everyone for their comments.



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**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**OCTOBER 6, 2011**

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

**3. Wellington Reserve 5144 and 5056 Brand Road  
08-038Z/PDP/PP Rezoning with Preliminary Development Plan  
Preliminary Plat**

**Proposal:** A subdivision of three vacant parcels with 28 single-family lots for land currently zoned R, Rural District and R-1, Restricted Suburban Residential District, located on the north side of Brand, approximately 700 feet west of Coventry Woods Drive.

**Request:** Review and approval of a rezoning with preliminary development plan under the Planned District provisions of Zoning Code Section 153.050, and a preliminary plat under the provisions of Sections 152.015 through 152.022.

**Applicant:** CASTO; represented by Ben W. Hale, Jr., Smith and Hale LLC.

**Planning Contact:** Claudia D. Husak, AICP, Planner II.

**Contact Information:** (614) 410-4675, chusak@dublin.oh.us

**MOTION:** To table the Rezoning with Preliminary Development Plan and Preliminary Plat.

**VOTE:** 7 - 0.

**RESULT:** The Rezoning with Preliminary Development Plan and Preliminary Plat was tabled.

**STAFF CERTIFICATION**

  
 Claudia D. Husak, AICP  
 Planner II

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~~Mr. Merritt, on behalf of the applicant, agreed to the four conditions.~~

~~The vote was as follows: Ms. Krumb, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; Mr. Hardt, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 7 - 0.)~~

**3. Wellington Reserve  
08-038Z/PDP/PP**

**5144 and 5056 Brand Road  
Rezoning with Preliminary Development Plan  
Preliminary Plat**

Chris Amorose Groomes introduced this application which involves the subdivision of three vacant parcels with 28 single-family lots for land currently zoned R, Rural District, and R-1, Restricted Suburban Residential District, located on the north side of Brand Road, approximately 700 feet west of Coventry Woods Drive. She explained that the Commission would be making a recommendation to City Council on the preliminary development plan and rezoning.

Claudia Husak said that since 2003, Planning has worked with several different property owners in an attempt to develop this parcel. She said last time it was submitted with new information was 2008, and it was scheduled for a Commission work session for a condominium project, and the applicant chose not to move forward with that proposal. She said the applicant has worked since the summer with Planning on this proposal.

Ms. Husak said that the site is comprised of three parcels, totaling 18.5 acres, just west of the Wellington Place subdivision and south of the Brandon subdivision. She said to the west is unincorporated land in Washington Township.

**Preliminary Development Plan**

Ms. Husak said the applicant is proposing a preliminary development plan, and a preliminary plat for 28 single-family lots. She said the Community Plan calls for a mix of housing units on this parcel at a density of a maximum of 1.5 units per acre, so with 28 lots, they are meeting the maximum permitted density. She said the traffic study submitted and approved by Engineering calls for a new intersection with Brand Road as well as a turn lane off Brand Road. She said the plat includes the new street, Wellington Reserve Drive, which accesses all of the lots in the development and provides a stub to the west in the northern portion of the development. Ms. Husak said recommended Condition 1 deals with notification of potential homebuyers in that area to the north, and advising them that the street is slated to be extended if development would occur to the west. Ms. Husak said Ballybridge Drive that currently stubs into Wellington Place will be extended to intersect with Wellington Reserve Drive.

Ms. Husak said proposed is minimum lot width of 90 feet and depth of 145 feet. She said Lot 1 does not meet the lot width and therefore a condition is recommended. She said the applicant proposes to include a 10-foot wide build zone along the front of each lot instead of a front building line. She said that zone is between 20 and 30 feet. Ms. Husak said the rear yard proposed is 25 feet. She pointed out that there is some discrepancy between the zoning text which requires the 25-foot rear yard and the plans submitted which show a 20-foot rear yard, so that should be corrected on the plan. She said a 6-foot side yard is required, 14 feet total, typical of what is seen in the City.

Ms. Husak said that Planning had concerns about the proposed setbacks in the development text that would allow driveways to be within one foot of the side lot line in case there are side-loaded garages. She said Code allows driveways within three feet of the adjacent lot line, and Planning would want the applicant to adhere to that requirement. She said that the text also proposes rear loaded garages, something not seen in adjacent neighborhoods. Ms. Husak said a 130-foot setback is required from Brand Road in this development. She said the Community Plan classifies Brand Road in this area as having River Character, which is showcased by requiring natural landscaping, earth forms, more informal

plantings, and setbacks in the Plan are stipulated between 60 and 100 feet. She said the applicant is proposing a 100-foot pavement setback and a 130-foot building setback. Ms. Husak presented what the 60-foot and 100-foot setbacks would look like and the 130-foot building setback proposed. She said that neighbors on the south side of Ballybridge Drive that would back up to these lots have raised concerns regarding this part of the development text. Ms. Husak highlighted that there was approximately a 100-foot setback to most of the existing buildings along Brand Road.

Ms. Husak presented the surrounding development patterns of this plat and that of Wellington Place Section 2 for a comparison of lot sizes and widths. She said that the applicant stated that they were trying to make the lot development similar to those in the surrounding neighborhoods. She said that the other lots are slightly larger and a little deeper, but have a similar development pattern.

Ms. Husak said the proposed grading plan included 3.6 acres of open space in the setback along Brand Road and a detention basin. She reiterated that the development text requires the informal natural landscaping that would meet the Community Plan. She said that the applicant has been asked to clarify that the open space is to be deeded to the City and that there will be amenities included in the open space. She said that the applicant also proposes a bikepath connection to Brand Road and the City is currently working on the Brand Road Bikepath project to be undertaken in the near future.

Ms. Husak said that it has been requested that the applicant work with Planning at the final development plan stage to identify areas for tree preservation zones. She said the applicant has also been requested to not differentiate for tree replacement responsibilities between the developer and the homebuilder because that is a very difficult requirement to enforce. She said the trees have to be replaced, and there should not be a differentiation between who is responsible for replacing them. Ms. Husak said that the proposed development text includes a tree waiver that would be required to be approved by City Council. She said it was typical for what Planning has seen in developments such as this. She said the applicant is also allowing a portion of the tree replacements to be evergreen trees, and Planning wants to make sure that there can be a mix of evergreen trees and deciduous trees in the open space area.

Ms. Husak said that Planning has worked with Engineering and looked in more detail to the grading and there are some significant differences between the finished floor elevations of the proposed lots and to what is in Wellington Place currently existing. She said that Planning wants the applicant to work with them to lower the grading so that these houses are not 10 feet higher.

Amy Krumb asked if the height difference was due to the topography.

Ms. Husak said there seemed to be some artificial raising of the grade, due to where the road and home pads are located. She said that Engineering did not think it had to be that way.

Ms. Krumb asked if the existing topography of that is equivalent to the adjacent property. Ms. Husak said it was similar enough but they may not get it down to the same grade.

Ms. Husak said that Planning's review of this application was based on the 16 review criteria for a preliminary plan, included in the Planning Report. She said Planning recommends to City Council approval of this rezoning with preliminary development plan with nine conditions:

- 1) That the developer be required to notify the future property owners located to the north of this site regarding the future road extension;
- 2) That the development text be modified with the following provisions:
  - a) Clearly state that the open space will be dedicated to the City and that a mix of evergreen and deciduous trees and shrubs are permitted in these areas;
  - b) Additional amenities be required as deemed appropriate by the Parks and Open Space Director and to allow these amenities within the Brand Road setback;

- c) The differing tree replacement responsibilities be eliminated;
  - d) That the one-foot driveway setback for side-loaded garages and the rear-loaded garage language be eliminated; and
  - e) A 30-inch high wall or hedge be required in the front of homes where a courtyard is created by a two-car court-loaded garage; and that all lots are accurately reflected in the lot diversity matrix, as approved by Planning.
- 3) That the applicant identify lots where a tree protection zones are appropriate, as approved by Planning, and include those on the final plat;
  - 4) That the plans be revised to indicate a bikepath along Brand Road instead of a "leisure trail;"
  - 5) That, if deemed appropriate by the City Engineer, in lieu of constructing the bikepath along Brand Road, the applicant contribute financially to the City's Brand Road Bikepath installation;
  - 6) That the applicant install an off-site left turn lane from Brand Road to Wellington Reserve Place Drive as recommended by the traffic study, to the satisfaction of the City Engineer;
  - 7) That the Build Zone for Lot 1 be straightened to allow sufficient room for home placement and to meet lot width requirements;
  - 8) That the applicant revise the site grading to reduce the difference in elevations of the proposed homes in relation to the existing homes in Wellington Place to the extent possible, to the satisfaction of the City Engineer; and
  - 9) That the plans be revised to correctly indicate the 25-foot rear yard setback.

Ms. Husak said that Planning recommends approval the **preliminary plat** with the following two conditions:

- 1) That the applicant ensure that any minor technical adjustments to the plat should be made prior to City Council submittal, including accurate lot depth and setback requirements, Build Zone locations and open space dedication; and,
- 2) That the plat be revised to include utility easements, a minimum of 20 feet in width, centered on all proposed public sewer, accessible to the public right of way and a drainage easement over the areas of the stormwater basins defined by the anticipated 100 year storm water surface profile.

Ben Hale, Jr., 37 West Broad Street, the attorney representing the applicant, said this property is now in contract with Davidson Phillips, which is the same group that developed Wedgewood and Riverside Woods. He said this is not going to be built by Virginia Homes, but a group of approximately ten builders that Charlie Ruma has done business. He said the lots will cost around \$125,000 to \$150,000 yielding custom-built houses with minimum prices of \$450,000 up to \$700,000.

Mr. Hale said that they agreed with all the Planning recommended conditions except the one for the side yard for the drive. He said that they want to do a one-foot side yard with the other side, a full setback because it is believed by Mr. Ruma in this price point, that the homeowners want side loaded garages, and three car garages. He said the experience Mr. Ruma has had is that there are certain houses that these builders build that are wider, and the 90-foot lot makes the house deeper and some of those models are a little more difficult to get on the lot. Mr. Hale said Mr. Ruma said that two-feet makes a big difference, so he wants the proposed side yard setback.

Mr. Hale said that they were asked why they did not have another neighborhood meeting. He said they had worked since summer on many issues with staff and the plan details had changed. He said they met with the two civic associations and received feedback. He said for instance on the lots to the north, they were asked to increase the rear yard setback, and the rear yard setbacks on the two western lots have been increased. He said the Wellington neighbors requested that they use every effort to retain the tree line along the common border and they would be happy to do so. He said when the street is constructed, any lost trees and the diseased or dying trees in the tree line will be supplemented and replaced; as well as those that die because of development.

Mr. Hale referred to resident's correspondence requesting that the road move farther toward the street so that the lots that abut the houses on Ballybridge Drive can be a little deeper to provide a little additional setback in the rear. He said that these lots are deep and bigger than theirs are, but they understand that they would like to have as much there as possible. He said that they met Code and making it 120 feet instead of 130 feet, was the City's call.

Mr. Hale said that although the developer is responsible for trees taken out as part of the development, putting in streets and utilities, there will also be some tree loss as the lots develop. He said they have agreed to the extent possible, working with the City Forester, to have all the tree replacements on the lot so if a tree comes off a lot, they will put it back. Mr. Hale said they will also reforest or fill in on lots that abut them, and maybe after working with the Forester, they may find the best thing is to use either deciduous or pine trees.

Mr. Hale said another concern was expressed about drainage problems in Wellington backyards. He said their engineer believes that the neighbor's drainage issues will be addressed.

Ms. Amorose Grooms invited public comments.

Julie Hubler, 5425 Brand Road, said that their driveway will be directly across from this development entrance. She said they were not concerned about property values, but concerned about safety. She invited everyone to try to drive out of her shared driveway onto Brand Road. She said that they were not allowed a separate curb cut because the road was designated by the City as Scenic. She said it shocked her to know that they could have a subdivision entrance just to accommodate 28 vehicles on Brand Road. She said there have been many accidents near or in her driveway. She distributed to the Commissioners written comments and offered to speak to the developers after the meeting.

Bruce McLoughlin, 5131 Brand Road, said they lived directly across from the westernmost portion of the development in Washington Township. He said it was not a good idea to have another curb cut on Brand Road with the amount of traffic. He said it was not far from the Coventry Woods entrance and past Commissions and developers have already made it so that you can access this from Ballybridge Drive. He questioned why a second access was needed for fire trucks. He said safety here should be paramount in the Commission's considerations. Mr. McLoughlin said in conjunction, there is a nasty curb after the entryway proposed on Brand Road, and he implored the Commission to make sure that if the developers go forward, they somehow straighten out that curve for safety. He said that on Brand Road there are times of the day you cannot get out of your driveway when the students leave Coffman High School. He said in his opinion, if another curb cut is allowed, there will be more accidents.

Mr. McLoughlin asked the Commission to ask the City Engineer if he can engineer the sewer system in such a way that all of the residents on the south side of the street might have access in the future to tap into the sewer system. He said he was talking about running a lateral somewhere in the area from Lot #28 or #6. He suggested it might be the enticement that Dublin needs to get the balance of the residents in Washington Township to annex. He said currently, there is no reasonable way that he knew for them to get into the sewer system; therefore, there is no reason to annex. He said the water is in the street, so they have easy access to water, but if it is not too much of a problem, if the inverts are correct, it would certainly be a very small addition to the cost of the sewer improvements to make ready for the annexation of these lots in the future if that becomes something mutually desirable.

Kimberly Shepherd, 7412 Charmonte Court, said although not immediately impacted by the development, she had three young children who walk to Bailey Elementary School and she was concerned about their safety when drivers cut through this new road to go to Ballybridge Drive, and cut over to find an alternative route to get to Dublin Road. She asked if there was anything that could be done to mitigate cut throughs should that occur.

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Collette Feldmann, 5053 Ballybridge Drive, outlined three concerns; the setback, drainage issues, and the trees. She said Mr. Hale had addressed their concerns about the trees. She said regarding the setback, she understood the Community Plan requires a setback between 60 and 100 feet, and this developer has chosen to go 130 feet. She said as homeowners and property taxpayers in the City of Dublin, they believed that the Historic designation and the River Road designation from Brand Road was going to help make it more scenic, not push potential homes, literally into their backyards. She referred to Item 4 in the Planning Report analysis: The proposal is located in the City and will safeguard the value of property within and adjacent to the area and said she did not think that was true, especially considering that they are proposing required side load garages. She said those homes are close to their backyards which meant that at all hours; they will have headlights in their back yards. She said the tree line, when the vines are removed will not screen the headlights.

Ms. Feldmann said they are all concerned about the drainage that will go down the street from these new homes. She said the previous developer, when their homes were built, had to come back and add French drains in order to alleviate the problem. She said additional homes will only make the problem worse.

Ms. Feldmann said regarding the proposed setbacks, she suggested that if the Wellington Place homes and the homes on Ballybridge Drive were looked at in relation to Brand Road, compared to the homes on Balfour Circle, and these homes in this neighborhood were in alignment with the homes on Balfour Circle, they would not be concerned with the setback. She said that they would feel that was a reasonable distance, but it was not, they are literally push all the way back into their entire backyard.

Igor Sirotni, 5215 Reddington Drive, said he was concerned about the value of their homes and what was going to be developed to the west of this development. He was also concerned that displaced deer and wildlife in this area might cause car accidents.

Brett Ingram, 5035 Ballybridge Drive, said that currently, he had drainage issues in his backyard. He said from his patio, there is a gully, which is where his drainage goes, and then there are trees. He asked for the drainage from the property behind them, it could be specifically written to be self-contained within that backyard. He said from his patio, it is a two-foot drop and he would not want to have additional water moving from these new properties into theirs. He said he and his neighbors paid for a French drain, but it did not fully address the problem.

Mr. Ingram said if there was not an access directly to Brand Road, and there was a thought of having a single Ballybridge Drive access for this new neighborhood without any direct access to Brand Road, it raises a counter safety issue of many children on Ballybridge Drive. He said an extra house could be built if you did not even cut over on Briarwood Drive and maybe extra profit in the overall effort.

Mike Ensminger, 7502 Kilbriitian Lane, spoke on behalf of the homeowners living on his street and Katesbridge Court whose backyards are adjacent to the aforementioned eastern edge of the proposed development. He pointed out that a week ago, the Federal government reported that new home sales fell for the fourth straight month in August, even though summer is traditionally the peak time for homebuyer. He said that has left many in their subdivision wondering if this is the right time to propose new homes build on heavily wooded land in the heart of Dublin. He said the Planning Report indicated that these three parcels have been described both by staff and by the past developers as difficult to profitably develop due to its unique nature character, the L-shape, as well as the heavily wooded lots. He said as a new resident it was his fear that some of these lots will become 'McMansions', no land and big houses, which is why they moved from Washington, D.C. He said their strong preference is that this land remains wooded as they chose Dublin for its commitment to keeping green and open spaces and the beautiful that largely surrounds every development.

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Mr. Ensminger said one of the most critical comments he had tonight was the need for an increased rear yard setback on the entire north, south, and east sides of the Wellington Reserve development. He said a 25-foot rear yard setback was not acceptable to them. He said it was a gorgeous parcel of land with wildlife. He said they would request a 50-foot minimum setback. He said the plat posted on the Commission website actually showed up to 200-foot long property lines and he was not sure where the 145-foot goes. He said he liked the build-to-zone because it would assure that the houses stay closer to the front of the street and will give the residents a nice separation between the houses. Mr. Ensminger suggested that if the trees considered to be in poor condition are removed, that it be committed in writing to replace those trees with some deciduous or coniferous ones, maybe staggered to create a privacy berm between the existing and proposed developments, it would go a long way to benefiting both the existing and future buyers of this land.

Mr. Ensminger said that the ten-foot grade difference proposed is unacceptable. He said in March, he had ducks living in his backyard in the water running off this property. He said a ten-foot grade difference will only make that worse. He said he would like more details on the pipe Mr. Hale mentioned that would be in the backyards. Mr. Ensminger said he would like to see the grade reduced to something comparable to what exists up to a three-foot difference. He said the proposed conditions are very ambiguous and he asked that they be tightened.

Mr. Ensminger said that Ballybridge Drive was too narrow for a school bus to pass a parked car. He said parked cars on the street would prevent emergency access.

Mr. Ensminger said that Ms. Husak and Aaron Stanford had been fantastic in addressing their concerns and they were appreciative of the time taken to listen to them.

Christine Gawronski, representing the Brandon Homeowners Association, said most of their concerns had been mentioned by Mr. Ensminger. She said overall, they were pleased that so many of their concerns from the last few attempts were addressed in this proposal. She said it was nice to see that the greenspace and density was met. She reported that Mr. Ruma and Mr. Hale had met with them and agreed to the 30 and 40-foot setbacks on the homes and they were appreciative of that. She said they wanted to emphasize a 'No Disturb Zone,' keeping as a wildlife preserve, the setbacks between the houses. Ms. Gawronski said they were happy to hear that there will be a mix of deciduous and coniferous trees so that the winter screen will remain. She said they would like a copy of the traffic study for the drive. She said they understood that it looked like the only place it could go and would probably address the safety issues.

Ms. Gawronski said both neighborhoods want the integrity of Brand Road and Dublin's commitment to its rural character to be maintained. She pointed out that other neighborhoods in Dublin have greenspace, ponds, and beautiful homes, however they are very manicured and sparse. She said there are those areas in Tartan and on Brand Road by Avery that do not fit with the rest of Dublin. Ms. Gawronski said they were requesting, as they had already mentioned to Mr. Hale and Mr. Ruma, at least 150, 2½-inch to 3-inch caliper trees around the front detention pond to preserve the rural character and integrity of the look of Brand Road so that it does not look manicured, but natural. She said they agreed that there should be restrictive covenants that the trees cannot be taken down by the homeowners on the 40- or 30-foot setback that they have.

Marty Ciriaco, 4915 Brand Road, said they had lived in their historical home for 19 years and any change to Brand Road affects their property value. She said they liked the rural look of Brand Road and did not like everything manicured. She said she did not think it was necessary to develop 28 more houses when there are many areas that are empty. She said she did want to see the trees removed and a bunch of signs to sell lots from her home. She said she was against this proposal.

Dana Mack, 7417 Charmonte Court, a trustee of the Wellington Place Homeowners Association, said he wanted to know what was going to be the overall mission or zoning with these three parcels; the overall plan. He asked also if the intersection of Coffman and Brand Roads was proposed for a roundabout.

Mr. Hale said that Reserve C was to be a passive recreation area with places for people to sit or throw frisbees. He said it would not be playfields. He said that they cannot force this on the Wellington Place homeowners. He said they have looked at the grade, and the grades will be much closer to the neighbors than they are on the preliminary development plan and they will be set at the final development plan stage. He said they will try to get the grades as close to what exists as they can, taking into consideration that this site is higher. He said they would not unnaturally buildup the grade in any way. Mr. Hale said they also intend to have a dry basin and plant trees in that area and reforest it with the City's approval, with trees in the detention area to forest the set back area and make it a very natural area.

Mr. Hale said regarding the lots that back up to Wellington Place, they made the lots on the east side of the Wellington reserve about 190 feet, and on the other side they are about 165 feet so that the depth was as deep as they could. He said he did not think there was a problem with increasing that setback to 40 feet which will give them more room to plant. He said this subdivision will not drain towards the neighbors. He said the houses, streets, and driveways all come into the street. He said then there are the areas behind and the lawns which will be picked up with the drainage.

Steve Schehl, EMH&T, referred to the grading plan and said lowering the development to better match the existing property was not a problem. He said when he reviewed this site he found there were about 13 acres that fall from the west to the east with one catch basin which was a problem. He said they propose a storm sewer along the property line, beginning between Lots 9 and 10 with 5 to 7 inlets that will pick up all of that flow. He said that actually outlets through the 21-inch storm sewer between the Goodwin and Rodriguez property. He said it will not get all the flow that is accepted because they are cutting off drainage coming from the west four acres through this property into the rear of those lots. He said it would be designed as a system that picks up all of the impervious area and takes it to the basin, cleans per Code, and then the clean water will go through the pipe into the 21-inch storm sewer and eventually to the river. He said that Lots 1, 2, 3, 4, and 5 will also have inlets added to spring drainage through the basins.

Tracy Ingram, 5035 Ballybridge Drive, said they had been present in 2001, 2003, and 2008, during the Commission hearings for this site, and they appreciated the developer trying to accommodate some of their concerns, however she did not hear addressed the drainage in the back yards of these proposed homes backing up along Ballybridge Drive being accommodated so that it does not come into the existing property.

Ms. Amorose Grooms closed the meeting for the Commission discussion.

Amy Kramb said she thought the proposal was failing Criteria 4, 5, and 6 which address the adjacent uses, the open space, and the natural features. She said she thought they were close, but not all the way yet, because Mr. Hale mentioned Riverside Woods where a wonderful job of preserving trees was done. She said there is a very nice central tree preservation area in which about 90 percent of the trees were preserved. She said she did not see a similar area on this development, which she found disappointing because they were using the setback as an excuse to not develop the southern end of the property. She said that was the most unattractive part of the entire property, and they were saving it for the open space.

Ms. Kramb said no one is ever going to enjoy that area, and there is great land on this parcel that can be enjoyed. She said she would like to see a stand of trees preserved which unfortunately might mean one less lot. She said personally, she would give the lower setback in front, taking it down to 90 feet on Brand Road to give an extra lot up front, if in the back northwest corner they could preserve the good

trees on Lots 17, 18, and 19. She said they could preserve those trees by making a small cul-de-sac at the end of the road instead of just a stub, and should they figure out what happens to the development on the west, maybe the road could be extended and there would be a finished road instead of a dead-end one at the sake of some nice trees. She said using Riverside Woods as a good example, where there is a nice tree buffer along Hard Road, Riverside Drive, the homes backing up to Hanna Hills where they did a wonderful job preserving all the trees. She said along Riverside Drive, some, but not all of the rooftops can be seen. She noted that someone tonight had mentioned 30-foot setbacks, and nowhere on the plan submitted did she see them noted. Ms. Kramb said they needed to consider marking the tree preservation areas off. She said she was not happy with the dry retention basin solution. Ms. Kramb asked if the traffic study indicated that the intersection should be signalized or signed.

Aaron Stanford said the traffic study said what was needed to mitigate the traffic would be a left turn lane or widening of Brand Road, but did not show in the 10-year horizon that was studied, a need for an intersection improvement being a roundabout or a traffic signal. He said the new roadway would be stop controlled.

Ms. Kramb said she did not know for 28 houses that they needed to create a new curb cut on Brand Road, but she had not read the traffic study. She said her first thought was that traffic be routed down the existing street. She said the new homeowners will have children also, so especially if they become members of the same homeowners association, they are not going to speed down the neighborhood streets and will be courteous to those walking down the street as well.

Ms. Amorose Groomes requested that Mr. Stanford speak with Mr. Mack regarding his question about a roundabout after the meeting.

John Hardt referred to the neighbors' concerns about stormwater and explained that the City has regulations in place that apply to every site in the City stipulating that stormwater from one site cannot run across the property line onto another. He said the stormwater plan submitted showed seven stormwater catch basins along the western edge of this site, which from an engineering perspective, are designed to catch the water from the undeveloped Washington Township land that is currently flowing in their direction. He said another eight catch basins are shown along the eastern side of the site, and all are connected by underground storm pipes that range from 12 inches in diameter, flowing down into the pond. Mr. Hardt said he was comfortable that the problem has been solved and that the City Engineer will scrutinize everything to make sure that the way it is being designed by the developer is consistent with the City regulations, and it will function as it is intended. Mr. Hardt said that he was comfortable that it will make things better than it is now and he was not terribly worried about it at this time.

Mr. Hardt said regarding the access, it was not focused that the Engineering Department is requiring a left turn lane on Brand Road, which tells him that any cars needing to turn into this development will have a place to go to get out of traffic. He said he was not sure that two ways into this development where needed. He said right now, there is a proposal for a curb cut on Brand Road and a tie-in at Ballybridge Drive, and he did not have an opinion yet on which is the better option. He said he would like to see the traffic study to know how many vehicles and trips these 28 homes will produce before he forms his opinion.

Mr. Hardt said the setback on Brand Road is confusing to him because the Community Plan calls for 60 to 100 feet, the neighborhood to the east has 100 feet, and this proposal is for 130 feet, and he was not clear from what he heard tonight, who is asking for the 130-foot, why, where is it written, and what is the requirement.

Ms. Husak explained that in the 2007 Community Plan the River Character streets are stipulated to have a minimum setback of 60 to 100 feet. She explained that they were meeting Code by being more than 100 feet, at the developer's discretion.

Mr. Hardt said the Commission has heard tonight that supposedly promises were made about larger setbacks at the rear yards, and 30 feet and 40 feet where the numbers mention, but the documents in front of the Commission indicate they are 20 feet which does not sound like the right number. He said whatever it is, it should be a tree preservation zone, not simply a setback.

Mr. Hardt said he believed that single family homes on this site are consistent with the Community Plan, and it is probably the right thing to do. He said it was certainly better than the proposals seen in the past. He said there were many discrepancies regarding the rear setbacks, the one-foot issue on the side yards for side-loaded garages, the confusion about tree replacement, and the diversity matrix had an error. He said at a minimum, he would like to see everything cleaned and polished before he would vote on this proposal.

Richard Taylor agreed with the other Commissioners regarding the stormwater and tree preservation issues. He said one concern he had was with the location of the drive. He said just looking at the character of Brand Road from Dublin Road to Jerome High School, there are very few access points. He said there is nothing from Brand Road until you get to Coventry Woods and nothing from Coventry Woods to Coffman, nothing from Coffman until Brandonway, and on and on. He said he had concerns about adding small bits of road here and there on an existing road that has a rural character.

Mr. Taylor said the L-shape sliver of land with a lot of available undeveloped land adjacent to it was his biggest concern, but that was beyond the control of the Commission. He said according to this plan, there had been some consideration that some day that land might become available and can be connected, and if this current road plan were accepted, and additional land to the west was acquired as part of this, there is going to be another curb cut onto Brand Road connecting this. He said in a perfect world, he would be much happier seeing all of that land as one neighborhood with one access onto Brand Road, but he saw this as adding another potential road in the future because he could not imagine it would continue to a large cul-de-sac or large loop that never exits onto Brand Road again.

Mr. Taylor said he agreed with the existing residents of the area about the current danger on Brand Road because it is narrow and additional traffic was potentially a problem.

Mr. Taylor said he agreed that along Brand Road the character needs to be park-like and not just a manicured grove of trees. He noted that there was nothing included about the intent of the landscaping of the development itself in the future which comes with the final development plan, but he would like to know its intent. He wanted to know if there was any intent to do any kind of neighborhood-wide landscaping at the street.

Mr. Taylor referred to the 100-foot setback for the Ballybridge Drive lots and said his concern was that he appreciated the residents' concerns with the lot size, but the existing lots he saw on the south side were actually shorter than the new lots being proposed.

Mr. Taylor said he could see about a 10-foot difference between the grade running north to south that backs up to Kilbrittain Lane and Katesbridge Court. He pointed out that in a different kind of development and layout, that grade could be used to the advantage of this development and the streets could be shaped to complement that to make that work with it. He said if this proposal goes ahead, they are just painting the whole thing with lots, and if that was the case, he could not see any reason that cannot be graded relatively flat and remove the bump so those properties are down closer to the elevation of the existing homes behind them.

Mr. Taylor said regarding the side yards, he was concerned about the driveways being too close, not to each other, but to the property line in the sense they would have one foot, unless they create a condition where two side-loaded garages cannot face each other, there could be two driveways two feet apart. He

pointed out that it was not only an aesthetic problem, but a big drainage problem because the properties in any subdivision like this have to drain between them and then off the property. He said he was not close to accepting having driveways two feet apart, especially for houses this big.

Ms. Husak explained that the development text currently requires the hedge treatment for courtyard garages that are three garages deep, and Planning would like to include the hedge treatment for courtyard garages that are two garages deep.

Mr. Taylor referred to a notation from staff that if the developer does not want to build the bikepath they can contribute money in lieu. He said at some later meeting, he would like to be updated on the status of the Brand Road bikepath. He said if there is to be a bikepath; it needs to be constructed when this development is built.

Mr. Taylor asked if there was any specificity as to what the 30-inch wall at the courtyards could be.

Ms. Husak explained that it would be a final development detail required to be submitted.

Mr. Taylor noted that these single-family lots are significantly larger than the existing lots in the area, and that had to do with not only the front, back, and side setbacks, but that the lot coverage was 50 percent. He pointed out in the rest of the City, the residential lot coverage was 45 percent. Mr. Taylor made some calculations that illustrated what the difference in the 5 percent more lot coverage entailed. Mr. Taylor said he was not yet prepared to vote.

Joe Budde said he agreed with Ms. Kramb about the tree preservation zone, and he liked the concept. He said he too, was not ready to make a decision about the curb cut to Brand Road. He said he thought having the entrance on Ballybridge Drive would be a viable option, but he would like to know more.

Warren Fishman said he thought that the one-foot setback was completely out of the question. He said regarding lot coverage, he disagreed because he did not care how big the houses were, but he did not think there should be more than a 40 percent lot coverage which most of the Dublin developments have, not 45 percent which is a huge difference. He said that a 40 percent lot coverage would eliminate many of the other problems discussed. Mr. Fishman said that they had to be very careful with a No Build Zone because about five years ago City Council allowed swing sets to be placed in them. He said it was amazing that the swing sets seem to have killed the trees.

Mr. Fishman referred to the dry pond being proposed instead of a wet pond. He said he only knew of a few Dublin dry ponds that were as attractive as wet ponds. He said he was definitely against a dry pond and recommended a beautiful, heavily landscaped wet pond instead because this was on Brand Road.

Mr. Fishman said he and Mr. Zimmerman thought Ballybridge should run across this and it should be cut through in the first phase. He said he was undecided about the curb cut on Brand Road because it might not be needed if this is developed that on the west, there is Ballybridge and the rear street to get through the development. He said more curb cuts were certainly not needed on Brand Road.

Mr. Fishman said that the bikepath was needed instead of the money.

Todd Zimmerman said he definitely was set on the 130-foot setback from Brand Road. He said he would like entrances on Brand Road and Ballybridge Drive. He said that Ballybridge Drive was designed to be a street to connect, not an entrance to a development. He said when an entrance is proposed on Brand Road across from residential, such as was at the Conine property on Summitview Road, the entrance was lined up to a house across the street for safety. He said he believed Mr. Hale represented the developer on that project and they landscaped across the street for light transparency across the street. He suggested that should be done for the Hublers and the other residence, but it was between them and

this developer. Mr. Zimmerman said that for the side-loaded garages he wanted the setback to meet Code. He said he hoped that Ballybridge Drive will be phased in with Phase 1 of the development. He pointed out that wet pond maintenance would be a lower cost for the 28 homeowners in the association. Mr. Zimmerman confirmed that the standard lot coverage in Dublin was 45 percent.

Mr. Zimmerman said he understood Mr. Taylor's concern and one way to eliminate some of the problem is to eliminate a couple of lots and make the lots 95-feet wide.

Mr. Fishman recalled that Tartan West had a 50 percent lot coverage, but there was a huge area around it that had common properties and that was why that coverage was allowed.

Mr. Fishman said regarding the setback on Brand Road, the 100-foot setback had been that way for 30 years. He said it was not put in writing, but it was tradition that there was to be a 100-foot setback minimum on Brand Road. He recalled recently that a variance was granted for a Coventry Woods house addition that was proposed to be a few feet into the Brand Road setback and it was very controversial.

Ms. Amorose Grooms said she would like Mr. Hale to meet with Mr. McLoughlin later to discuss the sewer issues which are not part of the Commission's discussion tonight.

Ms. Amorose Grooms said she had concerns with the connectivity to the west and the uncertainty of that parcel of land is not this landowner's problem, but it is the responsibility of the Commission to consider. She said she, too would be aggrieved to see more curb cuts along Brand Road. She said she would like to see the capability of those existing roads, particularly Ballybridge Drive of handling EMS traffic. She said she would like to hear from emergency services what it would take to make it safe. She said she would be more willing to have a curb cut if there was no other way to provide that safety.

Ms. Amorose Grooms said she liked the courtyard garages, but she would be opposed of setting a minimum of a one-foot side yard. She said she appreciated the thought of the courtyard garages if they wanted to maintain a side load kind of appearance without having to mitigate the side load areas. Ms. Amorose Grooms said she believed a lot coverage of 45 percent would resolve some of the problems. She said she would like to know the setbacks for all of the existing homes so that the Commission can make sure that they require at least that of the new homes, and hopefully more.

Ms. Husak said that the side yard setbacks are the same and the front yard setbacks have a 30-foot build line so there is a little more by ten feet. She said the homes backing up to this property have a 25-foot No Build Zone required and the setback requirement in this neighborhood is 20 percent of the lot depth, so it is different, depending upon the lot depth. She said usually, they have the 25-foot No Build Zone and on top of that they have a rear yard setback that could vary a little.

Ms. Amorose Grooms requested that the greatest be calculated and they would use the highest watermark.

Mr. Zimmerman asked what the depth of the lots was.

Ms. Husak said the adjacent lots are 125 feet deep and the average was about 135 feet deep.

Ms. Amorose Grooms would like to see the information so that these residents can be assured that the requirements of their incoming neighbors are at least what they have, if not greater.

Ms. Amorose Grooms said she was in favor of a No Disturb Zone versus a setback in the rear so that even if there were no trees because they died, they still could not have a play set in that location.

Ms. Husak said that Planning's preference was currently a tree protection zone because in a No Disturb Zone there is no clearing of evasive species allowed, and in Deer Run they have proposed tree preservation zones with language that was in the development text.

Ms. Amorose Groomes pointed out that dry detention basins are very difficult to maintain. She suggested it be handled in another way; maybe with a rain garden or something of that nature. She said a wet basin would be nice if there is enough room on the site for a living environment that is sustainable.

Ms. Amorose Groomes said her rough calculation resulted in around 190 caliper inches of Ash trees. She requested that when an application for the final development plan is submitted, those trees need to be calculated into the tree requirements for the balance. She said did not see any evidence of them being treated, so they will likely perish in the next 18 months.

Mr. Hale said they had received sufficient guidance and requested a tabling so that they could meet with staff to work through the issues and meet with both homeowners associations again afterwards to make sure the concerns are addressed to the extent they can.

Ms. Amorose Groomes thanked everyone and said that this is going to be a better project by their participation.

#### **Motion and Vote**

Mr. Hardt made a motion to table this rezoning with preliminary development plan and preliminary plat. Mr. Zimmerman seconded.

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

Ms. Amorose Groomes called a brief recess at 8:19 p.m., and reconvened the meeting at 8:25 p.m.

#### **4. 2012 Annual Items of Interest 09-080ADM**

#### **Administrative Request**

Chris Amorose Groomes introduced this discussion regarding the creation of an Items of Interest list for 2012 that will be forwarded to City Council.

Ms. Kramb asked if the Commission could submit what had been submitted last year because they had not completed it.

Ms. Husak explained that last time, City Council approved one of the items and that was the Site Visit, but it has not been done because the Commission had been busy with the Bridge Street Corridor and Code and it was difficult to find an appropriate time to do it. She agreed that it could be carried forward.

Ms. Amorose Groomes agreed. She said she was hesitant for the Commissioners to come up with a long list of things that they might want to do. She said they all knew they needed to get the Bridge Street Code finished and she did not know if it would be helpful to come up with another list that may or may not ever happen even if City Council picks one. She said it, however, was very important for the Commission to state their commitment for getting the Bridge Street Corridor issue wrapped up and published, ready to go. She asked for suggestions.

Ms. Kramb and Mr. Hardt agreed that getting the Bridge Street Corridor Code done and done right was plenty to focus on and that they could not think of anything more important to do.

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