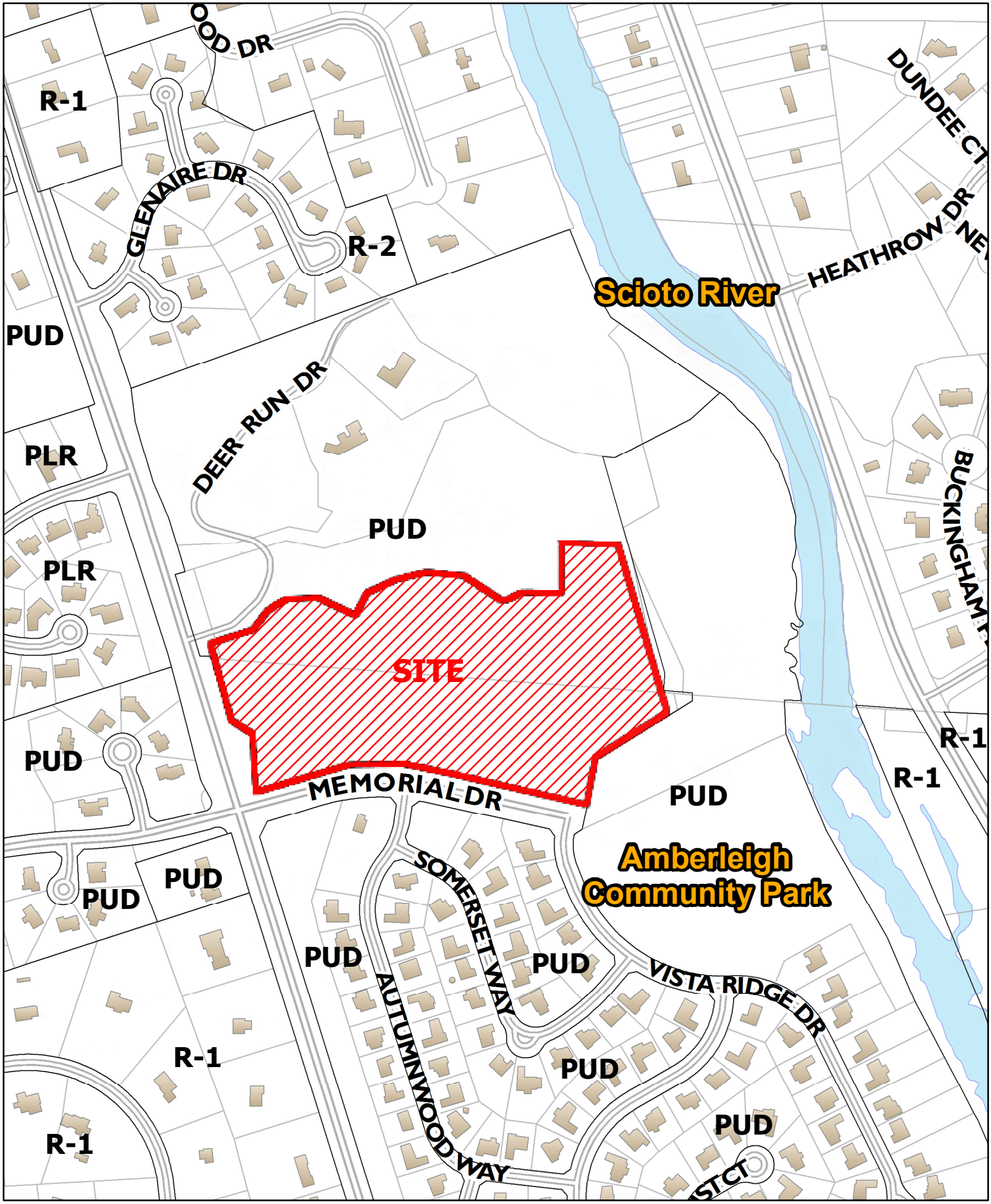

City of Dublin

14-062 FDP/FP
Final Development Plan/Final Plat
Deer Run - Subarea C
Dublin Road & Memorial Drive

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PLANNING AND ZONING COMMISSION

RECORD OF ACTION

SEPTEMBER 18, 2014

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

2. Deer Run PUD, Subarea C-Cortona
14-062FDP/FP

Dublin Road and Memorial Drive
Final Development Plan/Final Plat

Proposal:	To plat and develop 37 single-family, cluster lots with 7.3 acres of open space and associated site improvements for Subarea C within the Deer Run Planned Unit Development, at the northeast corner of the intersection of Dublin Road and Memorial Drive.
Request:	Review and approval of a Minor Development Text Modification and a Final Development Plan under the provisions of Zoning Code Sections 153.050; and review and recommendation of approval to City Council for a Final Plat in accordance with the Subdivision Regulations.
Applicant:	Michael Close, Esq. and Thomas Hart, Esq. for Romanelli & Hughes Building Company.
Planning Contacts:	Jennifer M. Rauch, AICP, Senior Planner; and Marie Downie, Planner I.
Contact Information:	614-410-4690, jrauch@dublin.oh.us; and 614-410-4679, mdownie@dublin.oh.us

MOTION: Mr. Taylor moved, Ms. Salay seconded, to **table** this application for a Final Development Plan and Final Plat.

VOTE: 7 – 0.

RESULT: The Final Development Plan and Final Plat were **tabled**.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Amy Kramb	Yes
John Hardt	Yes
Victoria Newell	Yes
Todd Zimmerman	Yes
Amy Salay	Yes

STAFF CERTIFICATION

Marie Downie

Marie Downie, Planner I

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PLANNING AND ZONING COMMISSION

MEETING MINUTES

SEPTEMBER 18, 2014

2. Deer Run PUD, Subarea C-Cortona **Dublin Road and Memorial Drive**
14-062FDP/FP **Final Development Plan/Final Plat**

The Chair Chris Amorose Groomes introduced this application for a request to plat and develop 37 single-family, cluster lots with 7.3 acres of open space and associated site improvements for Subarea C within the Deer Run Planned Unit Development, at the northeast corner of the intersection of Dublin Road and Memorial Drive. Three motions are required, one for the Development Text Modification, one for the Final Development Plan and one for the Final Plat. The Commission will forward their recommendation to City Council for the Final Plat.

Ms. Amorose Groomes swore in anyone who intended to address the Commission on this case.

Marie Downie pointed out that there were some public comments that were provided to the Commission, prior to the meeting.

Ms. Downie presented the site and said the Rezoning, Preliminary Development Plan, and Preliminary Plat were approved by PZC and City Council in 2011, including a tree waiver due to the large number of trees planted by the owner. She said Subareas A and B have both been approved for Estate Lots. She said Subarea C was approved for cluster lots and is the first subarea in the Deer Run site to continue with the Final Development Plan and Final Plat.
Ms. Downie reported the applicant did arrange a public meeting with the surrounding Amberleigh neighbors a few weeks ago, however, there was zero attendance.

Ms. Downie stated the site is approximately 17.6 acres at Dublin Road and Memorial Drive, surrounded by PUD residential areas as well as the Amberleigh Community Park to the south. She said the proposed Final Development Plan includes 37 single-family lots, clustered behind two main tree preservation areas along Memorial Drive and Dublin Road to preserve the surrounding trees. She said there are 7.3 acres of open space proposed that will be owned and maintained by the Homeowner's Association. She explained that access is provided from Memorial Drive by Sapri Boulevard, a gated private drive aligned with the intersection of Autumnwood Way. She said the streets are all proposed to be private drives which was previously approved by City Council at the time of the rezoning. She said there were no internal sidewalks proposed, which was also approved at the time of the rezoning, however, there is a five-foot sidewalk proposed to the north of Memorial Drive and a four-foot path that connects Pesaro Way to the Amberleigh Community Park.

Ms. Downie reported that the text has specific requirements for each lot. She said there are four lots that are not meeting the minimum 120-foot lot depth or the 60-foot minimum lot width requirements and there is a text modification included in this application for those lots. She explained the minimum width and depth requirements are to ensure that houses will be able to fit on these lots, while providing space for other amenities. She reported the applicant has provided examples of lot configurations in order to demonstrate that these lots have appropriate space; therefore, Staff is supportive of these four lots being as shown in the Final Development Plan.

Ms. Downie presented the 44 on-street parking spaces that are proposed in designated bump-outs, which are permitted, but not required. She said all units are required to have a two-car garage as well as two stacking spaces in the drive-way or auto-court. She said the Development Text specifies that 14 lots must

contain side-loaded garages. She said Staff has clarified that auto-court garages specified in the text are considered to be side-loaded garages and can be used to meet these requirements.

Ms. Downie said Staff requested the applicant provide sample elevations to show how they are meeting the intent of the "Romantic Revival" style of architecture specified in the Development Text for this subarea. She said the text has requirements including four-sided architecture and front facades requiring a minimum of 20 percent to be brick or stone. She explained when rear or side facades are visible from the street; oriented on the street; or visible from a neighboring lot, the amount of brick and stone used is required to be proportional to the amount used on the front façade. She said there are specific lots that require additional architecture due to their orientation, which she included in the conditions.

Ms. Downie said during the rezoning, the applicant provided an architecture appendix to illustrate common characteristics of the "Romantic Revival" style. She said Planning has been working with the applicant regarding the consistency and the fine detailing such as the water table, shutters, and transom windows. She said the exact details of the architecture will continue to be refined in order to ensure appropriate detailing is provided before the submission of building permits. In addition to the approval during building permits, she said the architecture will be reviewed by a design committee.

Ms. Downie said Sapri Boulevard will be the only entrance into Subarea C and is proposed to be gated. She showed five decorative six-foot tall columns with "Craftsman Style" light fixtures consistent with the Dublin Road entrance. She explained three of the columns will be incorporated with the gate. She added the remaining two columns are located on either sides of Sapri Boulevard, south of the proposed gate along Memorial Drive and each will contain identical 1.8-square-foot signs, which are significantly less than the 20 square feet permitted. She said Staff has requested additional landscaping around the service structures at the entry to ensure that it will not be visible from Memorial Drive.

Ms. Downie said the proposed Final Plat includes the "0–10-foot" Required Build Zone, easements, and all setbacks. She said Staff has asked the applicant to: revise Note 'A' regarding front setbacks to clearly state a "0-10-foot Required Build Zone"; to make technical changes prior to the submission for City Council; and that the labels of the reserves be consistent with the Final Development Plan.

Ms. Downie said there is a Minor Text Modification requested to permit Lots 1, 19, 33, and 37 to have lot sizes that are smaller than permitted by the development text. She said these lots will be as shown in the Final Development Plan. She said Planning is recommending approval of this Minor Text Modification due to the fact the applicant has provided sample lot configurations that demonstrate adequate space for homes to fit on these lots.

Ms. Downie said Planning is also recommending approval of the Final Development Plan with the following four conditions:

1) That the applicant adjust the labels of the reserves to be consistent in both the Final Development Plan and the Final Plat prior to the review of Final Plat by City Council;
2) That the applicant continue to refine the architectural details prior to the submission of building permits to ensure the appropriate detailing is provided that meets the text and the overall design theme of the community, subject to approval by Planning;
3) That lots 1-8, 11-13, 18-20, 29-37 provide additional architectural details, as outlined in the Development Text; and
4) That the applicant provides screening of the proposed service structures located at the entry along Memorial Drive, subject to approval by Planning.

Ms. Downie said the proposal complies with the Final Plat review criteria and approval of this request is recommended with three conditions:

1) That the applicant ensure that any minor technical adjustments to the plat are made prior to City Council submittal;
2) That the plat be updated to include "0-10-foot Required Build Zone" in Note 'A' under front yard setbacks; and
3) That the applicant adjusts the labels of the reserves to be consistent in both the Final Development Plan and the Final Plat.

The Chair invited the applicant to come forward and state his name and address for the record.

Mike Close, 7360 Bellaire Avenue, Dublin, Ohio, said he represents Vince Romanelli, who will be the developer of these lots. He stated they are willing to meet all four conditions including the condition of willing to work out the architectural details with Staff prior to the issuing of building permits. He offered to answer any questions from the Commission.

The Chair asked if there was anyone from the general public that would like to speak with respect to this application. [Hearing none.]

Todd Zimmerman said all the questions he had were answered in the Staff Report.

Amy Kramb said she assumed these units would have patios. Ms. Downie said patios were permitted by text to encroach into the rear yard setback by 10 feet.

Mr. Close said there are not going to be big backyards here.

Ms. Kramb was specifically concerned with the two lots on the corners and wanted to confirm the patios are permitted now so patios are not requested later.
Ms. Downie clarified that many of the lots included in the text modification are corner lots, which makes what would be a rear yard actually a side yard that requires five-foot setbacks.

Ms. Kramb commented on the architectural drawings showing the side elevations. She said they seemed plain with very small windows and needed more detail.

Victoria Newell said she had the exact same comment in regards to the side elevation. She said she would like to see the stone come up higher in elevation and have more architectural detail as she did not believe it was meeting the intent of the Code.

Amy Salay said she really likes that architectural style but is not comfortable with the other material besides brick or stone.

Steve Jones, Romanelli & Hughes Building Company, 5545 Harlem Road, said brick will be a minor material, much more stone and stucco would be used, and there will be some use of cementitious siding.

Ms. Salay said the illustrations appear to have too much stucco and would prefer to see more stone. She said she liked the photographs that were presented, but they show facades that are almost all stone with stucco as an accent instead of the primary building material. She agreed that the windows were small but does not know what the interior spaces are and admitted that landscaping makes a huge difference. She asked the applicant if they considered losing a lot or two and spreading the lots out a little bit so there were no abnormally small lots. She said it is one thing to have one lot like that but there are four and a couple of them are located prominently.

Mr. Close said this was addressed during the Preliminary Plan and Rezoning. He said he thought they started with 43 lots and lost six lots.

Ms. Salay said the lots are going to be awkward unless the homeowners do not spend anytime outside. She said they are already small lots and the way the homes are configured is going to be awkward.

Mr. Close said this is similar to a subdivision right off of Fishinger Road. He said they have smaller lots and are very popular with empty nesters since they are low maintenance.

Ms. Salay said it is going to be a very interesting little neighborhood as she likes the architecture.

John Hardt inquired about the service structures mentioned in the presentation located up near the entrance. He said he presumed that one of them is the water meter for the fire hydrants instead of an underground pit.

Jeff Strung, EMH&T, said there is an underground water pit and there is a "hot box", 28 inches tall above grade that is the back flow preventer meter, which is just to the north of that.

Ms. Amorose Groomes asked if the back flow preventer is for the underground irrigation system. Mr. Strung clarified it is for the water line involved in underground irrigation.

Ms. Amorose Groomes asked where the controller would be housed. Mr. Strung replied it is in the underground pit.

Mr. Hardt said he agreed with Ms. Salay. He said when this project came through and the Preliminary Development Plan was approved it was for 37 lots of a certain dimension. He said he was not supportive of relieving that dimension right here on day one. He said he is not sure what has to be done, if a lot has to be lost, or property lines finagled, but the change in the text that is being requested is something he is not terribly supportive of and believes those lot dimensions were agreed upon for a reason. He said Lots 1 and 37 appear to be loaded off the main entry drive, which is mostly boulevard except where it is broken to allow access to those houses. He said he is not a fan of that configuration and would love to see that revisited. He said with all the homeowners coming in and out on that main boulevard drive through the gate, it does not seem to be an appropriate place to have a driveway.

Mr. Hardt said he agreed the side elevations, in particular, are lacking a lot. He said the images that are in the Architecture Appendix show some outstanding architecture and does not believe the black line drawings the Commission was provided reflect the same quality. He said some of these lots have significant side elevations that are exposed to the street and need a considerable amount of work with regards to the architecture. He said the text requires four-sided architecture and he does not believe the applicant has met those criteria.

Richard Taylor said he had similar concerns about the lot sizes. He asked Ms. Husak if she recalled if the issue of these four lots not meeting the requirements came up in the preliminary or is this the first time the Commission has addressed that and if they discussed the need to vary from the original requirement.

Ms. Husak said those four lots were shown like this. She said Lot 1 could be argued it meets requirements based on where the 60-foot width is required to be measured at the building line. She said the lot does not have two, 60-foot lines at the front and the rear. She said due to the other lot configurations, there is always an issue of where that building line sits in terms of the road. She said she did not believe those details were available at the time of the Preliminary Development Plan.

Ms. Kramb said she remembered discussions about Lots 19 and 33 specifically during the Preliminary Development Plan. She recalled they had talked about sidewalks and how it would take much of the space.

Mr. Taylor said they discussed that the other two corner lots would be tight, but does not recall discussing that they would vary from the required lot sizes.

Ms. Kramb recalls how they discussed it would be hard to measure and remembers removing lots from the original plan.

Mr. Taylor stated he did not think the applicant needs to lose any more lots to bring those into compliance but does not understand why the Commission would accept lots that do not meet the requirements at the start. He indicated usually exceptions come when a house will not fit on a lot at a later date. He said it seems like it would be a minor reshuffling of some of these lots to the east to gain what is needed.

Mr. Taylor said there are five lots that have significant side elevations and he realizes the drawings do not represent these specific houses, but those side elevations need to be as spectacular as the front because they are essentially fronts of those houses. He said he does not see anything that comes close to meeting the standard that was set in the preliminary approval when they looked at the photographs of the examples of "Romantic Revival" homes. He said not only is it the details, but it is the massing. He said he was concerned about some of the roof pitches proposed. He said the text also calls for 'custom homes' and the applicants has been building this floor plan for 30 years. He emphasized the applicant has a long way to go on the architecture. He said Mr. Close mentioned Stonegate and that was something the Commission talked about as an example and used as a reference for these houses three years ago, and those for the most part are pretty extraordinarily well done homes. He emphasized that the homes in this application do not meet that standard.

Mr. Taylor concluded that he cannot support this and does not believe that the changes that need to happen are ready to be addressed by Staff yet. He said when the Commission talked about this property originally, the Commission agreed it was probably the last premier piece of undeveloped land left in Dublin and that was their motivation to ensure the homes were beyond spectacular. He said that was certainly the strong impression he was left with at the preliminary stage. He reiterated he was disappointed in what was proposed and does not believe it looks spectacular at all. He said he would like to see something along the lines of Stonegate and the "Romantic Revival" examples shown.

Ms. Amorose Groomes said Lots 1 and 37 should not have the drives loaded off of the boulevard. She said she has more concerns with Lots 19 and 33 being on prominent corners. She said she would really like to see something placed on those lots that was better. She said if the Commission is going to deviate from the lot size, she would like a really good reason to do that. She requested something more imaginative so she could possibly be persuaded to say the Commission justified the relief from the lot size requirements. She said the images the Commission was shown were really great, but said she did not like the drawings they received. She did not know if that was because they were one-dimensional or if the architecture really is not as good as they were hoping it would be. She emphasized she would like to see more work on the architectural component and would like to see the architecture discussed more in the public realm than just between the applicant and Staff.

Ms. Kramb said she agrees that the drives coming off of the boulevard need to be off the north end, instead. Ms. Amorose Groomes clarified the point for the applicant. She said the cars coming in off of the boulevard will have higher speeds and bring significantly more traffic.

The Chair said there were three motions and three votes before them.

Mr. Close said the difficulty with this project, when dedicating more than 40 percent of the value to open space, is that there are constrictions on what can be done. He said 37 lots is about where the applicant can make this happen. He estimated Romanelli & Hughes Building Company have 40 percent of the lots

already reserved and understands architecture can be a matter of taste, but with those comments in mind, he asked the Commission to table this application.

The Chair said to provide clear direction, the Commission is not necessarily asking the applicant to lose any lots, but maybe reconfigure the way the structure might be set on the lot.

Mr. Close said the reality is these homes are going to be $700,000 and up as they are proposed now. He said if they lose another lot, then economics stop working.

The Chair said that was not the request of the body here.

Mr. Close said they can fix the driveways and look into the architecture.

Ms. Kramb said she was fine with the number of lots as this is what the Commission decided upon in the Preliminary Development Plan so she expected these would be tight.

Mr. Close said he understood what was said about side elevations.

Ms. Amorose Groomes said it was not as much the lots themselves as it is the setting of the structures on the lots, what we have seen, and what we might like to see.

The Chair asked if there was a motion on the floor to table this application.

Motion and Vote

Mr. Taylor moved, Ms. Salay seconded, to **table** this application for a Final Development Plan and Final Plat. The vote was as follows: Ms. Kramb, yes; Mr. Hardt, yes; Ms. Newell, yes; Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Ms. Salay, yes; and Mr. Taylor, yes. (Approved 7 – 0)

Vice Mayor Salay requested that Planning staff confirm that construction is complete. Ms. Ray stated that is correct. This rezoning limits all future development by essentially limiting the amount of future impervious surface or lot coverage on the site.

Michael Close, 7360 Bellaire Lane, Dublin representing the applicant stated that in regard to the west side of the site, that is correct – all construction is complete, as it would increase the amount of impervious surface. However, on the east side of the site, there is a contingency to potentially install more parking on the east side, but only after obtaining additional City approval.

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

Ordinance 11-11
Rezoning Approximately 51 Acres Located on the Northeast Corner of the Intersection of Dublin Road and Memorial Drive, from R-1, Restricted Suburban Residential District and PUD, Planned Unit Development District (Wasatch Estates) to PUD, Planned Unit Development District. (Deer Run - Case 10-062Z/PDP/PP)
Ms. Rauch stated that the first reading of this ordinance occurred at the February 28 Council meeting. The rezoning would authorize a planned district of three subareas providing for nine estate lots and 37 cluster lots with 10 acres of open space. At the previous meeting, Council requested additional information, which has been provided in this packet. Council requested a follow-up regarding: (1) the Planning staff's request that Council reconsider the sidewalk addition; and (2) information about the number of side load versus front load garages within Subarea C. At the earlier meeting, the applicant requested a tree waiver; however, a provision addressing this has now been incorporated in the proposed development text for Council's consideration this evening.

Council requested photographs of similar developments within the City, both with and without sidewalks. Photographs of other such developments were provided in Council's packet. The Ballantrae example is similar to this proposal. The sidewalk and tree lawn can be accommodated within the existing proposed easement area on the preliminary plat, and therefore staff requests Council's reconsideration of this request for a sidewalk within that subarea.

Council also requested the number of lots containing side-loaded or court-loaded garages versus front-loaded garages within subarea C. The original development text provided for the February 28th meeting indicated that nine lots 75 feet wide were required to develop with a side-load or court-loaded garage. Staff has worked with the applicant and determined that an additional five lots could accommodate a side-loaded garage, as well, and that has been incorporated into the revised development text.

The applicant had requested a tree waiver, due to the fact that the property owner has planted a significant number of trees on the site. Planning staff has worked with the applicant to determine language for an appropriate fee waiver, which has now been incorporated in the revised text. This request differs from previous tree waivers. Council typically requires tree-for-tree replacement for trees between 6 – 24 inches, and for trees over 24 inches, replacement on an inch-for-inch basis for all site improvements, and also a fee in lieu of. The tree waiver, which has been incorporated into the revised development text, is stricter in that the applicant has agreed to replace trees that are between 6 – 18 inches on a tree-for-tree basis, and trees 18 inches and above, on an inch-for-inch basis, given that the trees planted by the property owner would not have reached a size greater than 18 inches.

In summary, staff recommends that Council reconsider the sidewalk in Subarea C and approve the ordinance with the proposed development text amendments.

Ms. Chinnici-Zuercher stated that over the years, the City has attempted to avoid private streets because of the excessive expense to the homeowners who are responsible, not only for the snow removal, but also the maintenance and replacement of the streets. Yet, this plan provides an entirely private street area.
Ms. Rauch responded that there was staff discussion on that issue. She will defer to the applicant to explain their reasons for a private street rather than a public street.

Ms. Chinnici-Zuercher stated that she would first like to hear staff's position, because, typically, the City's position has been not to approve private streets.
Ms. Rauch responded that due to the small number of lots, particularly in Subareas A and B, and the already existing private street in Subarea A, staff believed a private street would be appropriate in this case.

Mr. Reiner inquired if the private street is coated with a gravel base.
Ms. Rauch responded that it would be in Subareas A and B, consistent with the existing streets. For the lots in Subarea C, the street would be asphalt.

Vice Mayor Salay inquired if it would have been staff's preference to have permitted Subareas A and B to be private streets, but Subarea C a public street. She has spent time in the Tartan West area recently and has noticed a couple of areas where the private streets have significant issues and are in need of replacement, even though this is a new development. She is not aware of the reason for this, but is reluctant to approve further areas of private streets. However, she can understand the reasoning for the private streets in Subareas A and B.

Mr. Reiner stated that the fact that the streets are covered in gravel means that it would not be conducive for the City to plow them. He also understands the desire to achieve a "Euro Estate" look. He would prefer to have the streets remain private, unless the entire design, including the materials used, is changed. However, that is not what the residents in a "Euro Estate" lot area would want to happen. It is not feasible to have City snow trucks plow out the gravel. Therefore, he does not object to these streets remaining private and retaining a private look.

Mayor Lecklider stated that he has also had some experience with this type of private street in the Dublinshire area, specifically Caplestone Lane. The problem is that often when homebuyers purchase a home in these areas they are not aware of the private street status. Then, when it comes time to levy an assessment to the homeowners for a repair, the homeowners ask the City to take over the maintenance of those streets. While it may not be this Council, a future Council will be faced with a significant expense. In the specific case to which he has referred, Council did not agree to assume the responsibility for those streets, but it is an issue to consider.

Mr. Langworthy stated that there are many aspects to consider in the choice between public or private streets. From a professional planning standpoint, staff's preference would be public streets. However, in some development areas, particularly those that are heavily treed with associated topography, a requirement to install public streets could have a significant impact on the environmental aspects of that development. In addition, the City does not have a specific policy or requirement that a street be public or private, so staff cannot require one or the other.

Mr. Keenan inquired if a sinking fund is contemplated to address future maintenance.

Michael Close, 7360 Bellaire Lane, Dublin representing the applicant, stated that there are two reasons that these streets are contemplated as private. First, these streets are built to the City's standards, unlike the private streets built earlier and for which the City is now being asked to assume the responsibility. The only difference in the streets in Subareas A and B to the north and typical City streets is the width. Although the streets are completely built to the City's standards, they will receive a gravel

overlay to provide a more natural appearance, and he does not want the City's snow plows chipping away at that gravel. The streets in Subarea C will be built completely to the City's standards with the regular, flat asphalt finish. The only reason they are included in this plan as private is because of the gate that extends across the street; that gate also applies to Subareas A and B. Subarea C will have a forced homeowners association, which will provide the maintenance for that property and for all the "no-cut" areas. Subareas A and B will share the responsibility for the northern area. In addition, due to the lack of traffic volume in this area, it will not experience the normal wear of the typical City street. He does not foresee a future maintenance issue. However, if the City wants them to be public streets, they would still desire the gates and the gravel overlay in the northern streets.

Ms. Chinnici-Zuercher stated that she understands his position. However, in regard to the Tartan West example, she has been contacted by a resident in that development. The portion of the development referred to has private streets, and there is no one to hold accountable because of the bankruptcy situation. Perhaps the street was installed improperly or with the wrong materials, because it should still be under warranty. The residents will ultimately be financially responsible, because it is a private street. These are the issues that Council should be conscious of when considering the approval of private streets. The area in which she resides has private streets, which she was not aware of when purchasing her home. Shortly after moving in, she received a significant assessment for the street repair. The area had not previously been maintained by the association leadership. It is important Council be cognizant of this issue for the residents. Council has discussed this issue previously.

Mr. Keenan stated that there has been a similar problem with the roadway behind the auto dealership in the Perimeter Center area. But in this case, it is a gated community; for him, that is the distinction. He can support private roadways in this case.

Mayor Lecklider asked if there is any additional discussion regarding staff's recommendation for the inclusion of sidewalks.

Ms. Chinnici-Zuercher stated that she does not support the inclusion of sidewalks in the plan.

Vice Mayor Salay stated that she continues to advocate for sidewalks. A resident of the Muirfield neighborhood shared with her today that they would have preferred to have had sidewalks when raising their children. In her view, Council should always advocate for public streets and sidewalks, typical amenities for communities. In this case, she could support not having sidewalks, as the gates make her more comfortable with not including that amenity.

Mr. Close stated that this issue was discussed at length in the Planning and Zoning Commission meetings. There are a number of communities within Dublin where sidewalks could be installed, but in the context of those neighborhoods, sidewalks really would not serve as an amenity. Due to the size of this subdivision, the situation is similar.

Ms. Chinnici-Zuercher noted that before voting, it will be important to clarify specifically what Council will be approving.

Mayor Lecklider asked if there is Council discussion regarding the tree waiver associated with this development.
Vice Mayor Salay stated that language clarifying what the tree waiver provides and whether the additional side-loaded garages, per the staff report, will be required should be in the motion to provide clarity.

Ms. Rauch stated that these two items are addressed in the amended development

text, which now requires that 14 lots have side-loaded garages. It also articulates the requirements for tree replacement or a tree waiver. Although staff recommended sidewalks, the amended text does not include a requirement for sidewalks in Subarea C. Adopting the ordinance with the amended text should achieve that which Council has indicated support for tonight.

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

Ordinance 12-11
Authorizing the City Manager to Enter into an Agreement for the Purchase of 3.824 Acres, More or Less, Fee Simple Interest from the Muirfield Village Golf Club, Said Acreage Located on State Route 745, City of Dublin, County of Delaware, State of Ohio. (Land Acquisition for Dublin Road Water Tank)
Mr. Hammersmith stated the first reading took place at the March 14th Council meeting. Staff has made no changes.
Ms. Grigsby stated that a question was raised at the last Council meeting regarding the total purchase price. The staff memo describes how the purchase price was determined. There was some discussion regarding the treed area versus the untreed area, but an agreement was reached on the net acquisition, excluding the present road occupied, at $70,000 per acre.

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

INTRODUCTION/FIRST READING – ORDINANCES
Ordinance 13-11
Amending Sections 153.019, 153.020, 153.021, and 153.026 of the City of Dublin Zoning Code to Allow Daycare Facilities to Operate as Permitted Uses in the R, Rural District, R-1, Restricted Suburban Residential District, R-2, Limited Suburban Residential District and the Suburban Office and Institutional District. (Cases 10-084ADM and 11-006ADM)
Mr. Gerber introduced the ordinance.
Ms. Rauch stated that this is a proposed Code modification to include daycare facilities as permitted uses in three residential districts (the Rural, Restricted Suburban Residential and Limited Suburban Residential Districts) and in the Suburban Office and Institutional District. The intent of the proposed amendment is to allow daycare uses in appropriate locations in residential and office areas as a convenient service while minimizing possible negative effects on established development character. Daycare uses are currently permitted only in the CC district as conditional uses and in some planned districts. Staff was recently made aware of a few daycares operating within the City in facilities where the uses were not currently permitted. In an attempt to address that deficiency within the Code, modifications are proposed that will permit the daycare in the three districts listed above if they meet certain criteria, as delineated in the staff memo and in the proposed ordinance. The Planning Commission has reviewed the proposed amendments, and at their January 20th meeting, the Commission voted to recommend approval to Council.

Mrs. Boring inquired if any additional signage restrictions in the residential districts were included.
Ms. Rauch responded that no additional restrictions were added.
Mrs. Boring stated she is concerned that if a daycare were to take full advantage of the permitted sign size, that may conflict with the residential character of the area.

Mayor Lecklider stated that he would support staff's examination of the signage that would be permitted in a residential area.
Ms. Rauch responded that staff would provide that information at the second reading on April 11th.

sanctuary building and some of the parking exceeding the 45 percent lot coverage limitation. Therefore, the applicant originally requested a variance to allow them to keep the parking on the site. It was denied, however the Board approved the use of spaces offsite at Radiant Life, which exceed the Code required limit of 300 feet from the site. The issue relates to the Christmas and Easter church services and the parking overflow needs. For the remainder of the year, the parking spaces are adequate.

- This rezoning commits that there will be no further development on the site beyond what is already permitted. This rezoning will allow the existing parking spaces to be retained. The church has already removed a detention pond on the property, which was a concern of adjacent property owners. There is also a contingency that if the Radiant Life parking agreement is terminated, the Church will build the parking as required on the site. This rezoning simply brings the development into compliance with the requirements. They have met with numerous neighbors who are now satisfied.
- He requested that Council hold over the second reading/public hearing until March 28, as he will be out of town on March 14.

Mrs. Boring asked how stormwater management is being handled, if the detention pond has been eliminated.
Mr. Close responded that the City has already approved a re-engineering of the detention on the site and it has been completed. It was done under the previous R-1 zoning, because the neighbors objected to the detention pond that existed.

Mayor Lecklider recalled some comments in the record about the crosswalk on Avery. Was this resolved?
Mr. Close explained that when the rezoning was done for Brigid's Green, the crosswalk was relocated. There has been no further change.
Mayor Lecklider noted there was some discussion about maintenance of this crosswalk. He asked for clarification.
Ms. Ray responded that a Commission member asked about the parking located on both sides of Avery Road and whether there would be a need for additional maintenance for this crosswalk. It is located in the public right-of-way, but the City will work with the Church to ensure it is maintained properly.
Mr. Close added that the applicant is also improving and widening the existing bikepath along the west side of Avery Road on a portion of this site from a five-foot sidewalk to an eight-foot bikepath.
Ms. Ray noted that there is a portion that tapers to a five-foot sidewalk, and staff recommended that the portion be improved to an eight-foot bikepath.
Mayor Lecklider asked if the concrete sidewalk will be removed and asphalt installed to widen it to the bikepath standard of eight feet.
Mr. Close responded that it could be an asphalt overlay; they will comply with whatever Engineering recommends be done.

Mayor Lecklider noted that he appreciates the efforts of the applicant, staff and the neighbors to work together to address the issues and concerns.

Mayor Lecklider stated that the second reading/public hearing will take place on Monday, March 28 as requested by the applicant tonight.

Ordinance 11-11
Rezoning Approximately 51 Acres Located on the Northeast Corner of the Intersection of Dublin Road and Memorial Drive, from R-1, Restricted Suburban Residential District and PUD, Planned Unit Development District (Wasatch Estates) to PUD, Planned Unit Development District. (Deer Run - Case 10-062Z/PDP/PP)
Mr. Gerber introduced the ordinance.

Ms. Rauch stated that this is a rezoning/preliminary development plan for Deer Run PUD. It was reviewed by the Planning & Zoning Commission on February 3, 2011. She noted the following:

- The site is located on the northeast corner of the intersection of Dublin Road and Memorial Drive and contains 51 acres. Surrounding the site are the Scioto River and Amberleigh Park to the east; Muirfield Village and River Forest to the west; single-family development in Kerry Glen to the north; and single-family development in Amberleigh North to the south of this site.
- The site is heavily wooded and contains a steep ravine and creek.
- As part of the PZC review, there was interest and concern expressed by the neighbors regarding the development. Staff has requested that the applicant meet with the neighbors regarding this proposal. As of the staff memo date, no meeting has been scheduled.
- The applicant is proposing three subareas – A, B, and C. Subareas A and B contain nine estate lots; subarea C at the southernmost portion contains the cluster lots for the proposed development.
- There are two private drive entrances for subareas A and B off of Dublin Road with the existing curb cut. Access for subarea C is located off a proposed new private drive entrance off of Memorial Drive.
- A concept plan was reviewed in 2009, depicting a layout with one less unit for subarea c as proposed with this development.
- At the time of the concept plan review, the Commission expressed concerns that the setbacks be maintained and be consistent with the subdivisions north and south of the proposed development area. What is shown is consistent with those setbacks.
- There has been preliminary stormwater and tree preservation information provided as part of the rezoning and a traffic study is in process at this time.
- For subareas A and B, there are nine estate lots proposed in total. These subareas contain a large ravine and creek area, nearly dividing the two subareas.
- The proposed text accounts for the setbacks for the development as well as architectural and material requirements. Those are the same for both subareas A and B.
- The access for subareas A and B will be provided off Dublin Road and will utilize the same material, private street design and layout as is existing. The only difference between A and B is that within subarea B, the southern portion of lots 5 through 9 contain a platted tree preservation area. This is where a large portion of the substantial trees on the site are located and the applicant has agreed to provide a platting requirement to preserve as many trees as possible.
- In addition, there are open space areas located on the periphery of the site that total approximately three acres.
- Subarea C is the southernmost portion and contains 37 cluster lots. Access is off Memorial Drive and will align with Autumnwood Way in the Amberleigh North subdivision. The proposal does include as part of the final development plan provision of some on street parking spaces around the two larger island areas within the proposed development.
- The text for subarea C addresses setbacks and provides an opportunity for lots to have a zero to 10-foot build zone to which the structure is required to be within. This provides some street presence, bringing the buildings closer to the street, and helps provide character for this cluster lot development area.
- In addition, the lot dimensions in subarea C range from 60 to 70 foot in width with 120-foot depth.
- For proposed pedestrian connections to this development, the applicant has provided a public sidewalk on the north side of Memorial Drive, consistent with the subdivision regulations. This will connect to Vista Ridge Drive -- where the existing stub is located on the east side -- and also provide a connection into the future Amberleigh Park development.
- In addition, as part of this review, Planning recommended to the Commission that an internal sidewalk be provided within subarea C due to the narrower streets and

the potential for on street parking, which could result in potential pedestrian/vehicular conflicts. Planning also wanted to ensure adequate pedestrian circulation and connections within the site and to the offsite improvements. This condition was removed as part of the Planning Commission review, but staff is recommending that Council reconsider this item in order to provide the necessary pedestrian connectivity within subarea C.

- Regarding architecture, the text outlines architectural design and materials but also provides an architectural guideline supplement to the text to show typical architectural layouts and design elements. Two of the images are shown to provide an illustration of the proposed character for the development. Two proposed lot layouts are provided to show the build zone and how a lot could lay out within subarea C.
- As part of the final development plan, the final details of the architecture and materials will be reviewed and approved.

She summarized that Planning Commission recommended approval to Council with four conditions for the rezoning and one condition for the preliminary plat, which the applicant has met. Planning recommends that Council reconsider a requirement for an internal sidewalk for subarea C and approval of the ordinance at the March 28th Council meeting.

Mayor Lecklider asked for clarification about the internal sidewalk. The Planning Commission removed this condition, yet there is a recommendation to reconsider this condition?
Ms. Rauch clarified that staff recommended approval of the internal sidewalk condition. Planning Commission, after discussion with the applicant, did not want to move forward with that condition. Staff felt it is very important to include an internal sidewalk within that portion of the subdivision, and is therefore requesting Council reconsider this.

Mr. Keenan asked why Planning Commission supported removal of this condition.
Ms. Rauch responded that the Commission largely felt that it was unnecessary to provide this internal sidewalk due to the character of the cluster lots. Staff remains concerned with the need for an internal sidewalk for the reasons stated.

Ms. Chinnici-Zuercher stated that this seems similar to the Lea Court area in Muirfield with zero lot lines. Having sidewalks would detract from the homes and their relationship to the street.

Vice Mayor Salay suggested moving the houses back to accommodate a sidewalk.
Ms. Chinnici-Zuercher responded that would change the character of what they are trying to achieve.

Mr. Gerber stated that the Commission has already opined on this. Is staff appealing the Commission's recommendation to Council?
Ms. Rauch responded that staff felt this was an important feature for the site and suggests that Council reconsider this item.

Mayor Lecklider asked if these streets have curb and gutter.
Ms. Rauch responded affirmatively.

Vice Mayor Salay noted that Council had visited a development in Franklin, Tennessee that had a similar character. She recalls that there were sidewalks in front of all of those homes. She is inclined to agree with Planning on the need for internal sidewalks in subarea C. Perhaps staff could obtain some photos of sidewalks in this type of development for review at the next hearing.

Mrs. Boring recalls that other developments they viewed in Franklin had heavily wooded sites and did not have sidewalks.

Vice Mayor Salay pointed out that the trees will be removed in the construction process.
Mrs. Boring stated that she believes sidewalks would take space away in front of the homes.
Vice Mayor Salay responded that the houses would need to be moved back on the lots to accommodate a sidewalk.
Mr. Gerber and Mrs. Boring asked how it would be possible to move the homes back to do this, given the layout.

Mayor Lecklider stated, given the existing zoning, how many lots can be developed on the site?
Ms. Rauch responded that the existing zoning allows 63, and the proposed rezoning allows for 37.

Vice Mayor Salay asked if there is any requirement about the number of garages that face front versus those that are side loaded.
Ms. Rauch responded that the text is not specific about the number of units with front or side loaded garages.

Michael Close, 7360 Bellaire Avenue, Dublin representing the applicant stated that it is much easier to have a side load garage on a 70-foot wide lot than a 60-foot wide lot. The 70-foot wide lots will likely have side load garages and the 60-foot wide lots will have front loading garages.

Vice Mayor Salay asked how many of each width is included in the plan.
Mr. Close responded that this will likely change at the final development plan stage, but it is approximately one-third side loading garages and two thirds front loading.
Vice Mayor Salay stated she is sensitive to this because she has recently spent time at Tartan West development. In the Vineyard Havens section and the Pratalino villa section on the two ends of Corazon Drive, the front load garages completely detract from the architecture and aesthetics. All one views from the front are driveways and garages. She would prefer that one third of the homes be front load garages and two thirds be side load to have some variation.
Mr. Close responded that the slides shown tonight depict the Rivergate community on the south side of Fishinger Road, between Dublin Road and the river. This is a very high-end development as is this proposal. In moving homes back to accommodate sidewalks, trees will be lost. The applicant wants to preserve as many trees as possible. The sidewalk is not a "deal breaker." However, the ambiance of the proposed development would be impacted by installing sidewalks. Further, with the lower volume of traffic, internal sidewalks are not necessary. They did add the sidewalk parallel to the main drive entering subarea C because there was a need to provide a pedestrian route to connect to the sidewalks outside of the development. This is a down zoning that will reduce the proposed homes by 33 percent from the current zoning. This proposal also removes two allowable curb cuts, making it one to connect to Autumnwood Drive.
He added that there is an issue with tree preservation that Council should be aware of at this point. Mr. Walter planted thousands of trees on this site, and Mr. Close will return for a future discussion with Council about whether all of the trees must be replaced with this development. The internal sidewalk issue was fully discussed with Planning Commission, and they unanimously recommended there not be an internal sidewalk on this site. This applicant traded .6 acre of land with the City last year, and this rezoning implements the plan for development.

Mrs. Boring noted that the county line crosses this development. Will that be an issue?
Mr. Close responded that the surveyors indicate that between Avery Road and Riverside Drive, there are no monuments that are appropriate for use in surveying. They will need to work with Franklin and Delaware county. For the most part,

subareas A and B will be in Delaware county, and subarea C in Franklin county. He is confident this will be worked out when the surveys are completed.

Mayor Lecklider asked for clarification about the front and side load garage question. He believes there is a Code requirement with respect to the percentage of the frontage for garages. Would that be applicable? He recalls this discussion as part of the appearance code.
Ms. Rauch responded there are regulations about how much percentage a garage can take up of the front façade. It does not relate to the percentage of front loaded garages versus side load garages on a certain number of lots. They will have to comply with the Appearance Code.
Mayor Lecklider asked about the percentage of the façade specified in the Appearance Code.
Ms. Rauch recalls it is 40 percent, but she can confirm this at the second reading.
Mayor Lecklider asked Vice Mayor Salay if she believes that the examples she cited in Tartan West exceed that 40 percent requirement.
Vice Mayor Salay noted she is uncertain, but encouraged Council to drive through these cluster design neighborhoods to view them.

Mr. Close stated that, obviously, this village type concept will be different from some of the other examples cited.
Vice Mayor Salay agreed that the development will be beautiful, but she wants to ensure it is as nice as possible.
Mr. Close added that this is the nicest piece of land remaining in Dublin, with the ravine and topography.

Pat McMillen, 8397 Somerset Way, Dublin stated that she is a resident of Amberleigh North subdivision. The main concern of Amberleigh residents is the traffic that will be created with the entrance on Memorial Drive to the 37 cluster homes. With the current traffic at Memorial and Dublin Road at peak hours, it is difficult to exit. A fear is that many who are in a hurry will opt to travel down Autumnwood Way and weave through the Amberleigh North development to exit. With the swimming pool and tennis courts in that location and the many children using these facilities, the traffic generated by the cluster homes will increase the traffic levels. It would be preferable to have the cluster home entrance and exit off Dublin Road. There is an existing exit used by Mr. Walter, and there is better line of sight in both directions at this location versus the Memorial Drive entrance to Dublin Road. The construction of Amberleigh park has begun, and the park will create a lot more traffic for Amberleigh as well. Another concern is when the construction of the cluster homes begins, there will be parking of construction vehicles on Memorial Drive. (She distributed a photo taken this morning of the cars and trucks parked along Memorial Drive.) In addition, there will be a lot of noise from trucks and dirt generated by the construction, and this will impact the pool and tennis court users. They would appreciate consideration of not having the entrance to the cluster homes at Autumnwood. Her house does face the entrance. She asked if there is a projected start date for the project, and the timeline for buildout.

Mr. Close responded that, as indicated in the text, Mr. Walter has no intention of moving at this time. The intent of this rezoning is to ensure that when this property is developed at some future date, it is done correctly. He cannot project the timeframe at this point. The large lots in subareas A and B could be developed one at a time. Typically, with a cluster home area, the development would take place over a tight timeframe, based on experience. However, there is no firm start date.

Steve Smith, 4886 Gillingham, Dublin stated that he is a Board Member of the Amberleigh North Association. He reiterated the comments made by Ms. McMillen. He noted that Mr. Tom Hart has now contacted the neighborhood to offer a meeting to discuss concerns. Ms. McMillen does live directly across from this entrance to the cluster homes. Some in the neighborhood attended the recent Planning Commission hearing and spoke about the possibility of having the curb cut through the drive onto

Dublin Road. The reason for this is that the entrance off of Memorial Drive will create more traffic at this cross-area. With the park development, even more traffic will come into this area. There is a traffic study underway, and he is hopeful that Council will consider the impacts on Amberleigh. The construction traffic, parking, and mud is a concern that has been raised, and the City will need to address that. The Amberleigh residents had previously requested that the entrance to Amberleigh Park be on Memorial Drive to discourage traffic from coming through Amberleigh subdivision. However, the park entrance will be directly across from the middle of Amberleigh subdivision. Residents moved to Amberleigh due to its ambiance, and more traffic will now be fed into the neighborhood. They asked for consideration of all of this when Council is reviewing approval of the subdivision.

Mayor Lecklider asked staff why they are recommending access to the 37 cluster homes be off Memorial Drive versus Dublin Road.
Ms. Cox responded that the applicant's proposal included an entrance for the cluster homes off Memorial Drive. Memorial Drive is a collector street and having multiple neighborhoods access that road would not be unusual. Staff did not consider another location for this entrance. If the entrance was between the Memorial Drive intersection with Dublin Road and where the drive enters the Walter property, there would not be adequate room to space the access points for safety. She does not believe the applicant wants to combine all of those entry points onto Dublin Road. The Memorial Drive location for the access seems appropriate, in staff's view.

Mr. Keenan asked if there are terrain issues within subareas A and B, which would preclude access to subarea C other than off of Memorial Drive.
Ms. Cox responded that the topography is a consideration, as well as the trees. The profile of Dublin Road and accommodating more access points is another challenge.
Mr. Keenan recalled that a bridge was once planned for Memorial Drive in this location, which would indicate that the road was expected to be heavily traveled.
Ms. Cox confirmed that the previous Community Plan showed Memorial Drive as a bridge location.

Vice Mayor Salay stated that Ms. McMillen indicated that egress onto Dublin Road from Memorial is difficult at certain times of day and that sight distance is not adequate. Is staff aware of any engineering concerns if the traffic volumes are increased at this location, and whether there is a sight distance issue? She recalls that Dublin Road was modified near Coventry Woods due to some sight distance issues.
Ms. Willis responded that Engineering staff reviewed the sight distance at Memorial and Dublin Road, and adequate sight distance has been provided for the homes.
Vice Mayor Salay asked if it is adequate with traffic moving at 45 mph on the roadway.
Ms. Willis responded it is adequate at those speeds.
Mr. Keenan added that the standards are established by the State, not by the City of Dublin.
Ms. Willis agreed, noting that the City follows those guidelines.
Ms. Chinnici-Zuercher recalled that when the tunnel was constructed under Dublin Road, the roadway was modified.
Ms. Willis responded that the hill was flattened to improve the vertical sight distance.

Vice Mayor Salay stated that there is construction traffic at the location related to the sewer relining project, as shown in the photos. When development occurs, does the City regulate mud and other such issues?
Ms. Rauch responded that these are zoning compliance enforcement issues. The City ensures that the streets are kept free of debris from construction.
Ms. Cox added that, during construction, the Engineering department has inspectors assigned to the projects. They work with the contractors to address issues such as parking and mud. There has recently been construction underway in this area due to the sewer relining project.

Vice Mayor Salay stated that once the street is built into subarea C, the traffic for construction will likely be contained within the subdivision.
Ms. Cox responded that once the streets and utilities are installed, the contractors will park as close as possible to the home sites.

Mayor Lecklider stated that the second reading/public hearing will take place on Monday, March 28th as requested by the applicant tonight.

INTRODUCTION/PUBLIC HEARING – RESOLUTIONS
Resolution 05-11
Accepting the Lowest/Best Bid for the Dublin Springs Renovation Project.
Vice Mayor Salay introduced the resolution.

Mr. Hahn stated that staff recommends award of this contract to McDaniel's Construction. Most of this is renovation, with the exception of providing a staircase off the 161 bridge deck down to N. Riverview Street. Currently, from N. Riverview, there are stairs that provide access to the park itself. In addition, some stormwater improvements in the area will be done in conjunction with this project. He offered to respond to questions.

Mr. Keenan asked about the low bidder who withdrew their bid. Are they penalized for this?
Mr. Hahn responded that it is at the City's discretion. The low bidder had errors in their calculations, and because there were other bidders, the City felt there was no reason to penalize them. There was a very sound second low bidder.

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

Resolution 06-11
Authorizing the City Manager to Enter Into an Agreement With the Ohio Department of Transportation (ODOT) for Preliminary Engineering and Detailed Design for the I-270/US 33 Interchange Upgrade, Phase 1. (FRA-270-17.29) (ODOT PID Number 88310)
Vice Mayor Salay introduced the resolution.

Ms. Willis stated that this authorizes an agreement with ODOT for the Phase 1 portion of the I-270/US 33 preliminary engineering and environmental field work project. Staff and ODOT have worked diligently on this agreement and to establish the financial responsibilities and how they are articulated in the agreement. She offered to respond to questions.

Ms. Chinnici-Zuercher asked about the projected timeframe.
Ms. Willis responded that, initially, the consultant was to be under contract as of November of 2010, but that did not occur. That pushes the timeline to complete Part 1 of this project to November/December of 2011 and Part 2 at approximately the end of 2012.

Mr. Keenan asked if these plans bring about any actual construction or improvements in this location, which he assumes is still years out in the future.
Ms. Willis responded that this agreement relates to the environmental phase, which is necessary before moving forward to detailed construction design phase. This is very preliminary.

Mayor Lecklider asked for confirmation that the funds have been programmed for this in the Capital Improvements budget.
Ms. Grigsby responded that the funds were programmed for this in the CIP for 2010, and staff will bring forward an appropriation ordinance for this piece of the project.

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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

FEBRUARY 3, 2011

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

3. Deer Run Estates
10-062Z/PDP/PP

Memorial Drive and Dublin Road
Rezoning/Preliminary Development Plan
Preliminary Plat

Proposal:	Creation of a new Planned Unit Development District (PUD) for a single-family development, which includes 9 estate lots, 37 cluster lots and over 10 acres of open space, located on the northeast corner of the intersection of Memorial Drive and Dublin Road.
Request:	Review and recommendation of approval to City Council of a rezoning and preliminary development plan under the Planned District provisions of Code Section 153.050.
Applicant:	Robert Walter, owner; represented by Michael Close.
Planning Contact:	Jennifer M. Rauch, AICP, Planner II.
Contact Information:	(614) 410-4690, jrauch@dublin.oh.us

MOTION #1: To recommend approval to City Council of this Rezoning with Preliminary Development Plan because it complies with all applicable review criteria and the existing development standards within the area with four conditions:

1) The plans be revised to relocate the gate and boulevard treatment at the entrance along Memorial Drive farther into the development to provide stacking space for vehicles waiting to enter;
2) The text and the plans be revised to incorporate a five-foot sidewalk along the north side of Memorial Drive, and the sidewalk be continued to connect to existing sidewalk stub on the east side of Vista Ridge Drive, subject to Engineering approval;
3) The applicant revise the proposed development text to reflect the changes requested by the Commission, subject to Planning approval; and
4) The text and plans be revised to extend the four-foot sidewalk between lots 28 and 29 from the proposed development into Amberleigh Park to allow easy access to the extensive park trail system, subject to approval by Engineering and Parks and Open Space.

* Michael Close, on behalf of the applicant, agreed to the above conditions.

PLANNING AND ZONING COMMISSION
RECORD OF ACTION
FEBRUARY 3, 2011

3. Deer Run Estates
10-062Z/PDP/PP

Memorial Drive and Dublin Road
Rezoning/Preliminary Development Plan
Preliminary Plat

VOTE: 7 – 0.

RESULT: Approval of this Rezoning with Preliminary Development Plan will be recommended to City Council.

MOTION #2: To recommend approval to City Council of this Preliminary Plat because it complies with all applicable review criteria and the existing development standards within the area with the following condition:

1) The applicant should ensure that any minor technical adjustments to the plat should be made prior to City Council submittal.

* Michael Close, on behalf of the applicant, agreed to the above condition.

VOTE: 7 – 0.

RESULT: Approval of this Preliminary Plat will be recommended to City Council.

STAFF CERTIFICATION

Jennifer M. Rauch, AICP
Planner II

Ms. Amorose Groomes asked how the Commission could help NCR meet the Code so that the Commission does not have to feel that they are compromising on so many fronts to get them to come to Dublin.

Ms. Norris said they were very disappointed in the Commission's reaction. She said a lot of time was spent with staff and their team over the last month trying to find ways to accommodate the Commission's concerns within their budget.

Ms. Norris suggested that this application be tabled while they seek guidance from City Council. She said they have concerns about getting their construction started and their timeline based on their regulatory obligations. She reiterated that the best option would be table to try for more clarification to see if they can continue to work this through. She appreciated that the Commissioners endorsed the concept and have been trying to work with them.

Motion and Vote
Mr. Taylor made the motion to table this Final Development Plan as requested by the applicant. Mr. Fishman seconded the motion.

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

Ms. Amorose Groomes called a short recess at 8:05 p.m.

3. Deer Run Estates **Memorial Drive and Dublin Road**
10-062Z/PDP/PP **Rezoning/Preliminary Development Plan**

Ms. Amorose Groomes introduced this Rezoning with Preliminary Development Plan application which involves the creation of a new Planned Unit Development District, PUD for a single-family development including nine estate lots, 37 cluster lots, and over ten acres of open space, located on the northeast corner of the intersection of Memorial Drive and Dublin Road. She swore in those intending to address the Commission regarding this case, including the applicant's representative, Michael Close; and city representatives.

Jennifer Rauch presented this request. She said the area includes 51 acres and the surrounding developments include the Amberleigh North subdivision to the south, the Scioto River to the east, and the Kerry Glen subdivision to the north. She presented the plan that included the proposed three heavily wooded subareas. She said Subarea A includes two existing residential structures, and a creek runs between Subareas A and B.
Ms. Rauch said the Concept Plan was reviewed by the Commission in 2009 and the proposed plan is consistent. She said the Commission expressed concerns about the architectural details, particularly in Subarea C, which the applicant has addressed in the proposed development text. She said in addition, the Commission discussed the setback of the lots within Subarea C to be consistent with developments to the north and south. Ms. Rauch said the property and proposed site plan indicate two private drive access points. She said the existing drive on Dublin Road provides access to Subareas A and B, and a new proposed private drive will be located on Memorial Drive and align with Autumnwood Way, within the Amberleigh North subdivision on the south side, and provide access to Subarea C.

Ms. Rauch said the proposed development text, the uses and density meet the Community Plan. She said the setbacks for proposed Subarea C are 100 feet from Dublin Road, which match the setbacks for Kerry Glen and Amberleigh North subdivisions. She said stormwater and tree preservation is addressed within the development text, but the final details will be provided, should this be approved at the Final Development Plan. She said a traffic study was conducted, and at this point no additional traffic improvements are required based on the study.

Ms. Rauch said Subareas A and B contain the nine estate lots on sites ranging from two to seven acres. She said the proposed development text for these two subareas are practically identical, the only difference is the five lots in Subarea B have a platted tree preservation zone indicated on the preliminary plat to protect the substantial number of trees in that area.

Ms. Rauch said the architectural standards and materials were highlighted in the text. She said the review of the final architecture will be completed by a design committee in accordance with the text, should it be approved. She said the proposed text discusses the material and design of the private drive for Subareas A and B, which is consistent with the existing material, which is asphalt with a decorative gravel topcoat. She said the widths of those are less than typical streets, but meet the requirements of Engineering and Fire in terms of fire hydrant locations, turning radii, and durability. Ms. Rauch said open space areas are identified on the preliminary plat and include 3.2 acres, in areas surrounding the edges of the property which will be owned and maintained by the homeowners association.

Ms. Rauch said Subarea C proposes 37 cluster lots in the southernmost portion of the site and access to the site will be provided via a private drive. She said the plans indicate a boulevard and gated entrance into this portion of the site. She said Planning recommends a condition that the applicant move the gate and boulevard treatment farther into the site to provide additional stacking space. Ms. Rauch said the applicant is proposing a four-foot wide sidewalk along the north side of Memorial Drive, and Engineering is requesting it be increased to five feet to meet City standards, in addition to providing to an existing sidewalk stub into Vista Ridge Drive.

Ms. Rauch said the development text accounts for setbacks for these individual lots which include a build zone in the front of the yard of zero to ten feet in which a portion of the building must be located. She said the text and the plat indicate 60- and 70-foot wide lots with a 120-foot minimum depth. She said as indicated in this proposal, some of the lots do not meet those requirements, but will be modified prior to approval by City Council. Ms. Rauch said no internal circulation is provided for pedestrians within Subarea C. She said Planning recommends within the private drive easement a sidewalk be provided for pedestrians.

Ms. Rauch said architecture and materials are specified within the development text. She presented architecture examples and potential layouts submitted by the applicant to meet the requirements within the text. She said in addition to the development text, the applicant has provided architectural guidelines to help provide a context for the theme and appropriate design elements.

Ms. Rauch said based on Planning's analysis of the rezoning with the preliminary development plan and the preliminary plat, Planning recommends approval of the two requests with the conditions, as listed in the Planning Report.

Rezoning with Preliminary Development Plan

1) The plans be revised to relocate the gate and boulevard treatment at the entrance along Memorial Drive farther into the development to provide stacking space for vehicles waiting to enter;
2) The text and the plans be revised to incorporate a five-foot sidewalk along the north side of Memorial Drive, and the sidewalk be continued to connect to existing sidewalk stub on the east side of Vista Ridge Drive, subject to Engineering approval;
3) The text and plans be revised to incorporate a four-foot sidewalk within the private street easement for Subarea C; and
4) The text and plans be revised to extend the four-foot sidewalk between lots 28 and 29 from the proposed development into Amberleigh Park to allow easy access to the extensive park trail system, subject to approval by Engineering and Parks and Open Space.

Preliminary Plat

1) The applicant should ensure that any minor technical adjustments to the plat should be made prior to City Council submittal.

Mike Close, representing the applicant, stated the applicant and the City conducted a 0.6-acre landswap. He said the proposal is a down zoning, as in 1995 it was part of the development of Amberleigh with 63 units in the area south of Deer Run and 11 units north of Deer Run where the Walter residence is located. He said they were backing off 30 units from what was previously approved. Mr. Close said in 2002 a rezoning was approved by City Council, but because the conditions attached by City Council were not satisfactory to the applicant, they did not make any changes to the text. He said pursuant to an opinion by the then Planning Director, as approved by the City Law Director that zoning expired 18 months after the approval and reverted back to the zoning of 63 units, plus 11 units.

Mr. Close said they had no problem with the conditions listed in the Planning Report, except one. He said Planning is asking for a sidewalk within Subarea C. Mr. Close said the Commission should consider the proposed sidewalk, as the applicant is trying to balance the amount of impervious surface and the need for a sidewalk system. Mr. Close offered to construct a sidewalk along the boulevard entrance from Memorial Drive into Subarea C. He said given the size of the proposed development the applicant did not believe sidewalks were necessary.

Mr. Close pointed out the area where most of the construction will take place. He said the applicant in conjunction with the Ohio Department of Natural Resources has planted all the trees and there is a request that with the final development plan City Council approve a tree waiver.

Mr. Close said a waiver has been requested on the normal three-year time period to begin development. He said the property owner, Mr. Walter, has no intention of leaving where he lives now, and no intention of building on this site at the present time. He said Mr. Walter is attempting to guarantee the zoning on the best buildable parcel in Dublin.

Mr. Close said they held a community meeting regarding this proposal when they first submitted the Concept Plan. He said the plan is very similar and he said as a result, they sent letters to all the neighbors inviting questions. He said they got one question from a neighbor, who was with the homeowners association and they mailed him the entire development packet. He said they had not yet met with the other neighbors and he apologized if it would have been helpful.

Mr. Taylor asked who would be the potential buyers in this development. Mr. Close said the property would not be inexpensive and would largely be empty nesters.

Kevin Walter referred to a resident's note regarding proper notice for this hearing. He asked if an appropriate notice had been mailed. Ms. Rauch said notices had been mailed, but the particular residence was located outside the required notification of property owners, which by Code, is 300 feet from the edge of this site. She said as a practice, Planning notifies homeowners associations so that they are aware of what is happening.

Mr. Walter said he visited the property and saw the notification signs posted by Planning.

Jim Houk, Bird Houk OHM, explained the background of the proposal. He said the intent was to maximize the preservation of the quality trees on the site. He said the homesites were field located. He said an important element is a natural swale drainage area that ran between Subareas and most of the quality trees exist in this area. He said in the area where it was sparse there was reforestation. He said they tried to cluster the homes in the area where they could minimize the impact on the grade to preserve the trees, and pushed it back 100 feet with the hope that they can continue to preserve and maintain a natural forest. He said the intent was to have a high quality cluster back in the middle of a beautiful wooded area.

Mr. Houk said the intent was to pull the homes up close to the street. He said there was a 30-foot rear yard to try to preserve the trees and develop a strong character. He said they agreed when they saw the Planning comments they missed the opportunity to provide the sidewalk into the development along the proposed boulevard entry. He said they believe with only 37 lots, people will walk down the street naturally.

Mr. Walter asked if they plan on retaining the trees with the open space areas. Mr. Houk said they would retain and augment the existing trees in the open space. He said along the frontage, all the existing trees will be preserved and they will add trees within that zone with the hope that the homes will not be visible from Memorial Drive.

Ms. Amorose Groomes invited public comments regarding this application.

Patricia McMillen, 8397 Somerset Way, said she recently received the notification and it was the first she knew of this development. She said many of her neighbors had concerns regarding not having proper notification. She said a main concern was the new road proposed across from Autumnwood Way. She said many times it was difficult to get out onto Dublin Road during peak traffic, and approximately 148 more vehicles would be added with the 37 cluster homes, not counting school buses, service trucks, or visitors. She said soon traffic will be arriving and leaving from the new park. She said that would be a tremendous amount of traffic at Autumnwood Way onto Dublin Road. She preferred to see two entrances on Dublin Road, perhaps at each end rather than having all the traffic put on the neighborhood. She also thought residents would use Autumnwood Way to avoid the traffic, causing more traffic through their neighborhood. She asked how they would ever know when this development would begin and end.

Ms. Rauch said a final development plan would have to be submitted and reviewed by the Commission, and additional notification would be provided regarding the hearing.

Ms. McMillen was concerned about construction parking and traffic for those who build the homes. She asked if there would be restrictions for trucks and how many people can park along

Memorial Drive. She said that might possibly be a problem for those visiting the park. She was also concerned about construction dust, dirt, and noise when construction begins affecting the Amberleigh swimming pool. She asked if there would be a swimming pool on this property because they have found neighboring communities use their swimming pool by jumping the fence.

Nicole Kelbick, 8373 Autumnwood Way, said they heard about this proposal less than a week ago and she notified the neighborhood. She said they had contacted Mr. Walter's attorney regarding notification. She asked what address was used for the Association. Ms. Rauch offered to check and discuss the mailings after the meeting.

Ms. Kelbick said the main concern she had heard was about the increased traffic that will result with this proposed development. She said she was informed the traffic study conducted and indicated that the amount of increased traffic did not justify a traffic light or roundabout. She requested a copy of the traffic study.

Ms. Kelbick asked about house values and sizes.

Ms. Amorose Groomes explained this was a rezoning and preliminary development plan, and those questions are typically discussed with the final development plan. She said the same notifications would be mailed prior to that hearing. She said they appreciated the applicant would maintain the existing trees along Memorial Drive.

Jim Olmstead, 8381 Somerset Way, said he resided outside of the 300-foot notification area, but he had lived at his address for six years and he has been a member of the Amberleigh North Community Association the entire time. He said traffic in the area was severe on Dublin Road during peak times. He said when there was construction outside Amberleigh North, people used their development as a throughway and speedway. He said traffic flow and number of cars for this development are a great concern. He asked how the number of units will impact the power grid and availability of power in the area. He was also worried about overflow into the park area and safety if there is a retention pond proposed. He said the sign posted outside the property was the first time he was aware of this zoning application.

Ms. Amorose Groomes suggested that anyone interested in being placed on the notification mailing list see Ms. Rauch after the hearing to exchange information.
Okey Eneli, 8382 Autumnwood Way, who had experience with rezoning applications, said to find out one day before that this development is proposed, is critically unfair. He said he personally thought this might be a good development, but without knowing more about it, he cannot ask pertinent questions. He said traffic is a concern with the park and this development. He said he did not think the traffic study had combined both the impacts of the park and this development to the Amberleigh North neighborhoods. He said he would like to see the study and the date it was completed, the nature of the property, and the cost of the materials. He said it was frustrating after being a resident of the subdivision for six years that somehow this was happening right next to him. He said without knowing more, he could not ask the right questions, so he asked that the applicant to meet with the neighbors and tell what they are building.

Jennifer Readler reminded everyone that the Commission was making a recommendation tonight to City Council, and that the final decision for the rezoning will be made by Council.

Mr. Walter said the same notice provision occurs to the same distance from that property, and he thought the residents needed to pay attention to the 300 feet distance, because it was a large area. He said very few properties were within that notice area. He suggested that not be used that for their sole trigger for notice.

Ms. Rauch assured the residents their names and addresses can be added to the notification list after the meeting.

Meredith Mann, 8306 Amberleigh Way, thanked the Commission for their time and consideration. She said they understood that this was preliminary. She said she was an honorary member of the Amberleigh North Association, and their three main concerns they asked the Commission to consider were their property values, traffic, and the safety of their families, especially their children. She said it was really their desire to work as closely with the applicant and Mr. Close as they possibly can move forward.

Oye Olatoye, 8372 Somerset Way, reiterated that at 300 feet, not many residents were notified, but 300 feet from the pool meant that everybody that lived on Amberleigh North should get a notice. He asked that be considered. He said they use the swimming pool and have a vested interest in the pool, and everyone that lives on Amberleigh North should be notified.

Mr. Olatoye said his concern was for children living in Amberleigh North and the increased traffic. He was concerned the cost of the cluster homes would not be similar to those in Amberleigh North and their property values might depreciate as a result of this development. He asked if the properties would devalue the existing property in the area. He said he believed the preliminary meeting with the homeowners should happen first before this Commission makes a recommendation to City Council.

Elisha Morrison, 8374 Autumnwood Way, said she also was concerned about the lack of notification because it did not give them enough time to meet with the homeowners association and be more prepared for this discussion. She said she would like to see the roadway moved onto the main street, not coming into Memorial Drive, or at least have another exit so that traffic has an additional way to leave. She said on the plan the cluster homes on average were on minimum 0.16-acre, and that was not consistent with the lot sizes in their neighborhood. She said one of her main concerns was they want to safeguard the value of their properties in the Amberleigh North development. She said they would like to see information on what kind of studies were conducted regarding the traffic flow, whether the park was included, and finalized studies regarding stormwater runoff and the impact into the Scioto River.

Ms. Amorose Groomes asked the Commissioners' discussion begin.

Richard Taylor said regarding the traffic and property value concerns of the residents, traffic is something that everyone has to deal with, he said when he pulled out onto Dublin Road from Bellaire Avenue 20 years ago, there was no roundabout, Donegal Cliffs, Amberleigh North or South, Reserve, or Brandon. He said the roundabout meant traffic never stops, but that was something he had to endure. He said in terms of property values, sometimes it can be misunderstood that property values means that the next house built has to be exactly the same as the house that is built by you to maintain property values. He said if this development was a street grid built directly adjacent, connected, and visible to Amberleigh, he would agree that it

might be a potential property value situation that would be a concern, however, this is a very isolated development. He said this kind of cluster home development, with high end houses as shown on the plan, very comparable to Riversgate Village on Fishinger Road, which is now ten years old, had a positive effect on area properties. He said he thought there was a potential here, given the high quality of architecture proposed and the seclusion of this proposal that it is not going to be a problem. He said he did not think this will generate much traffic, especially for the age range of people considered here. He said that was his personal opinion which will be born out more with studies.

Mr. Taylor said he was curious about what the City would do in terms of the intersection and if any improvement is being contemplated.

Mr. Taylor said on the details submitted, he would like to see changes in the development text. He referred to pages 5, 10 and 16 of the development text, where it discussed each subarea, *That the height shall be measured from the finished grade to the mean height of the roof.* He suggested it be changed to, "the height of the dominant roof mass", so it is clear that they are talking about the significant roof, and not just any roof, but the larger one.

Mr. Taylor also suggested that there be a statement somewhere in the development text that every effort will be made to maintain significant natural features on the site. He said that specifically refers to Subarea B, and he was sure that was the intent because that was dramatic property back there and it will enhance that.

Mr. Taylor had a comment on page 19, under V. Architectural Standards, 2) *A minimum of 20 percent of the front façade shall be stone or brick materials, and the front of the house must turn the corner to the side* elevation conflicted with 3) *A change in materials must occur in architecturally appropriate locations.* He said the unfortunate affect of 'turn the corner' is a house ends up being stone in the front with two foot wings on the side, and then it is stucco from there back. He said he thought that looked worse than if they made appropriate architectural transition between materials. He asked that it be deleted.

Mr. Taylor said 5) b. – Fascia size 7) a – Minimum Roof Pitch, specifically the section *That eaves shall be a minimum of 12 inches; and* 11) *Doors shall include windows in the upper portion and have simulated panel details*, are okay, except that given the architectural style proposed, it is very common in these styles to have very small overhangs and none in some cases. He pointed out that some of the pictures showed that. He said in some places, they would not actually have a fascia board, so in order to keep it high quality and a European style they are looking for, he thought those restrictions probably hurt it more than they helped it.

Mr. Taylor referred to the Appendix I, second page that began F) Roofs, one of the examples is good and one not, so he would like to see the second one taken out because he thought it was a substantially lower quality design than the others. He said on the following two pages, the small vignette details were great, but on Appendix I with the Romantic Revival examples, he would like to see three removed. (Two top ones and bottom center one.) He said on the last page there was a sharp house with a turret, but the previous turret was bad and he would like to see it removed.

John Hardt echoed the comments made by Mr. Taylor. He said he supported this application because the proposal would result in less than half the number of residences on this property than

the zoning that exists. He said that was something important that they needed to make sure did not get lost in conversation. He thanked Mr. Taylor for doing all the homework on the residential details.

Mr. Hardt referred to page 5 of the proposed text, the first page of Subarea A – Setbacks – 3) *Minimum rear yard setback 30 feet from the property line.* He said on the preliminary plat there were cases where the property line at the rear of the estate lot is either in the ravine or across the ravine. He said Lot 8 shows a setback of 30 feet off the rear property line that does not make a lot of sense. He suggested establishing rear setbacks off the centerline of the creek or the 100-year flood plain. He said he assumed the intention was not to have homes hanging off the side of the ravine because that would destroy the environment there.

Mr. Hardt referred to page 6 – Private Streets, item seven states, *All private streets shall be designed per City of Dublin Engineering Standards.* He said that seemed to be a conflict. He said if it said *All public streets shall be designed per City of Dublin Engineering Standards, except as noted above,* it would make sense.

Mr. Hardt referred to the top of page 7, *The existing bridge shall be evaluated at the final development plan to verify that vehicle load limits are suitable for emergency access.* He asked what if the bridge is not suitable for emergence access.

Mr. Houk said they were trying to locate the original construction documents regarding the bridge, and if they cannot be located, then they will have an engineering test to determine that. He said he understood that until they satisfy the condition, they cannot build more homes there.

Steve Langworthy said if the applicant evaluates the bridge at the final development plan, and improvements are needed, the applicant will be required to complete the improvements prior to the first building permit request.

Mr. Hardt said he understood Mr. Houk to say that if it does not comply with the requirements for emergency access, it would be upgraded. Mr. Hardt said that it said, *The bridge would be evaluated to verify that it was suitable for emergence access. Signage identifying load limits shall be posted.* He said that left open the possibility that the bridge would not be sufficient and they simply would put up a sign that said it a ridiculously low number, and it would not work for emergency access.

Mr. Houk said the intent was to ensure the bridge can carry the required load. Mr. Hardt asked it be rewritten.

Mr. Hardt referred to page 9, regarding the entry gate: *Access shall be permitted to have an entry security gate allowing 24-hour emergency access. Shall be approved by Washington Township Fire Department. The existing gate shall be permitted to remain.* He said if the existing gate does not work for the Washington Township Fire Department, then what.

Ms. Amorose Groomes said she understood the existing gate meets the Fire Department requirements with the appropriate bypass systems.

Alan Perkins, Washington Township Fire Department, said the existing gate meets their current requirements and they have been there a couple of times for fire alarm responses and have crossed that bridge. He said the Fire Code specifies that they have a verification that it meets

load requirements. He said the bridge was constructed before the present 2003 Fire Code. He said because they are adding onto this road, they asked for more specifications. He said the Fire Code specifies that it has to be posted particularly on the entry side. He said they have tankard vehicles from other stations that may be responding or construction vehicles that need to see the load sign. He said the bridge met the specifications and the tankard vehicles have crossed the bridge.

Mr. Hardt said that his comments about the rear setbacks and the design of the public streets exist in the text of Suabarea B, as well.

Mr. Walter spoke to the residents and said when this property was originally rezoned it was for 63 homes and if the applicant chooses to do nothing, he can put 63 homes there. He said moving it from 63 to 37 homes was a big improvement and when you think about this property, it is going to be a fabulous development and their property values will only be impacted positively by having a known quantity that is going to be there.

He said normally, the Commission does not usually see a text and quality specifically laid out that says what they will do. He said this proposal is specific and the applicant is doing that on purpose so that he can monetize this property and develop a great property within the City. He encouraged the residents to work with staff and their Council representative, and to express to City Council their concerns about traffic in the area, safety, the intersection and the impacts on their property. He said there was a real difference in the demographics and when they go to work, the Deer Run residents will not be going there. He said the residents' concerns were valid and they had an active association. He said they really needed to work to express those concerns in a way that will really have an impact.

Mr. Walter said his specific concern was the HOA conveyance and he asked if deed restrictions were spelled out in the final development plan. Ms. Rauch said the City was not involved in this, but it happens once a final development plan is approved.

Mr. Walter said his concern was with the private street and the maintenance and expense. He said it needed to be conveyed and he would like to see a maintenance plan or what the City would determine to be an acceptable maintenance load for that street network.

Mr. Walter said from the applicant's perspective, he concurred that there should not be interior sidewalks.

Ms. Kramb echoed Mr. Walter's comments about the traffic issues. She did not think this development will cause any more problems than what is already there. She strongly agreed that the entrance to this development is where it should be, and she would not approve any additional entrances onto Dublin Road with the higher speeds and conflict points.

Ms. Kramb said she thought this proposal was great and she was very excited about rezoning it as a PUD so that all this detail can be included so that they know exactly what is going there. She said to see this much detail up front was excellent. She said she definitely agreed with the waiver because whenever it is built, it will be wonderful.

Ms. Kramb said she found one grammar error on the front page, *It straddles the boundary line between Franklin and Delaware...*

Ms. Kramb referred to page 9, Entry Feature Signage. She said nowhere did they say a limit to the amount of signs. She said that usually defaulted to Code. She noted it said *Entry sign(s),* but she assumed they got one sign because they had one entrance and one on Memorial Drive.

Ma. Kramb had concerns about the Subarea A and B Tree Preservation Zones, where it said, *The Tree Preservation Zone is not considered a common area, therefore it is not covered by homeowners, it is covered by property owners.* She said these are going to be very hard to determine who is the property owner because there will be a huge area of trees and it will be difficult to determine whose tree fell.

Ms. Amorose Groomes said when a tree falls in that area, it just lies and there is nothing to do. She said it is a preserved area and they will not be allowed to do anything. Mr. Langworthy said that becomes an advantage to the City if there becomes some sort of enforcement problem. He said it was easier for Code Enforcement to go after a single property owner than a homeowner/s association responsible for it.

Ms. Kramb said she agreed with Mr. Close about the sidewalks and tree preservation, but she questioned if the internal roadway should be a little wider than 22 feet, which does not allow for any on street parking at all. Ms. Rauch said there is on-street parking shown in the northern portion and each side of this open space area.

Warren Fishman echoes what Mr. Walter said to the residents about the downzoning. He said he was concerned about the private streets because he has seen them when they go into disrepair, years later they petition the City to take them because they do not want to repair them. He asked if all the streets would be built to City standards.

Mr. Houk said the width will be varied and all the pavement will meet City standards.

Mr. Fishman said he also agreed that if there should be no internal sidewalks, if the applicant does not want them. He said he thought that was the ambiance of the neighborhood.
Mr. Fishman said so often the Commission sees beautiful elevations, and no matter how you transition, there is a beautiful elevation and three sides of stucco. He said the Appearance Code requires four-sided architecture, however four-sided architecture when dissected by the builders is if there is brick in the front, you can bring a watertable around in brick, and then it gets covered with bushes, and that is their four-sided architecture.

He said since they are interested in a high quality development, he would like to see in the text specify the percentage of material on the sides and rear. He said if there is 100 percent brick in the front, it should be at least 75 percent brick in the back, not a water table or brick trim around a door. He said he would like to see materials brought around on four sides.

Mr. Houk said when houses are set close together there will be more articulation on the front. He said to put that much money on the side, right up against another side did not make fiscal sense He said this is typical in these type of cluster home developments. He said he would be glad to work with their architects to find the right wording so there is the right mix, but they certainly do not want to take the articulation to the side that is six to ten feet from another house and is rarely seen. He said he would be glad to work the language out that if the side is seen from a roadway that it is consistent.

Mr. Taylor said it was very difficult to legislate. He said the applicant is interested in doing whatever is necessary to build this development correctly. He said the neighbors at Amberleigh will be surprised to learn how expensive these houses are going to be.

Mr. Zimmerman echoed that this downsizing is a huge plus for Amberleigh.

Ms. Amorose Groomes said she agreed with the comments made by the other Commissioners that the downzoning is a real benefit to the City and to all of its residents. She said she believed the park will have a far more profound impact on the traffic than this proposed development will. She said fortunately the City has a very responsive group in Engineering and she encouraged everyone if it were to become more problematic as the park and this develops to engage them. She said there are certain tests that they will run that will indicate whether or not there is some action required. She said if it needs to happen and it is justifiable it ultimately will be improved. Ms. Amorose Groomes said this development far exceeds of Dublin's Code in terms of quality, layout, density, and lot coverage. She said this is a legacy development which she thought was a great thing to live around.

Mr. Olatoye said he did not want the Commission to think that they were against this development. He said if they were included in the process many of them might not be there. He said hearing the comments from the Commissioners put their minds to rest. He said when there is a neighborhood association in Dublin, the 300-foot definition for notifications should be in the common use area, which is the swimming pool for them.

Ms. Rauch asked if the Commissioners agreed that Condition 3 regarding the internal sidewalks should be eliminated. Ms. Amorose Groomes said she heard consensus on this topic.

Ms. Rauch said she would strike Condition 3 and add another, The applicant change the text to reflect the modifications made by the Commission.

Mr. Langworthy said he did not think the Commission should approve any residential development without an internal sidewalk.

Motion #1 and Vote – Rezoning with Preliminary Development Plan
Mr. Taylor made a motion to recommend approval to City Council of this Rezoning with Preliminary Development Plan because it complies with all applicable review criteria and the existing development standards within the area with four conditions:

1) The plans be revised to relocate the gate and boulevard treatment at the entrance along Memorial Drive farther into the development to provide stacking space for vehicles waiting to enter;
2) The text and the plans be revised to incorporate a five-foot sidewalk along the north side of Memorial Drive, and the sidewalk be continued to connect to existing sidewalk stub on the east side of Vista Ridge Drive, subject to Engineering approval;
3) The applicant revise the proposed development text to reflect the changes requested by the Commission, subject to Planning approval; and
4) The text and plans be revised to extend the four-foot sidewalk between lots 28 and 29 from the proposed development into Amberleigh Park to allow easy access to the extensive park trail system, subject to approval by Engineering and Parks and Open Space.

Mr. Fishman seconded the motion.

Michael Close, on behalf of the applicant, agreed to the above conditions.

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

Motion #2 and Vote – Preliminary Plat
Mr. Taylor made the motion to recommend approval to City Council of this Preliminary Plat because it complies with all applicable review criteria and the existing development standards within the area with the following condition:

1) The applicant should ensure that any minor technical adjustments to the plat should be made prior to City Council submittal.

Mr. Zimmerman seconded the motion.

Michael Close, on behalf of the applicant, agreed to the above condition.

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

Ms. Amorose Groomes reiterated that residents should see Ms. Rauch to get their names and addresses on the notification mailing list and that Mr. Close should communicate with them.

Ms. Amorose Groomes adjourned the meeting at 9:45 p.m.

As approved by the Planning and Zoning Commission.

CITY OF DUBLIN.
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Creating a Legacy

PLANNING AND ZONING COMMISSION

RECORD OF DISCUSSION

DECEMBER 10, 2009

4. Deer Run Residential **Dublin Road and Memorial Drive**
09-093CP **Concept Plan**

Proposal:	A single-family development consisting of nine estate lots and 38 cluster lots for 51.7 acres located at the northeast corner of Dublin Road and Memorial Drive.
Request:	Review and feedback of a concept plan under the Planned District provisions of Code Section 153. 050
Applicant:	Wasatch Partners, Deer Run Land and Deer Run Associates; represented by Michael L. Close, Esq., Wiles, Boyle, Burkholder et al.
Planning Contact:	Jennifer M. Rauch, AICP, Planner II.
Contact Information:	(614) 410-4690, jrauch@dublin.oh.us

RESULT: The Commission reviewed this proposal for a single-family development consisting of nine estate lots and 38 cluster lots for 51.7 acres located at the northeast corner of Dublin Road and Memorial Drive and was generally supportive of the proposal moving forward as a formal rezoning/preliminary development plan application. Some Commissioners advised the applicant to review the setbacks along Dublin Road and ensure they are adequate. The Commission requested the applicant explore a more village-like lot arrangement for the cluster lots in an effort to preserve more of the sit's natural features. The provision of high quality design and architectural standards were also emphasized and the Commission requested these high quality standards be incorporated in the future development text.

STAFF CERTIFICATION

Jennifer M. Rauch

Jennifer M. Rauch, AICP
Planner II

He said if two dwelling units per acre would work for the applicant, that would be fine, however he would not support anything that exceeded two units per acre.

Warren Fishman pointed out that there are a number of advantages of having this type of multi-family infill, since it would minimize access points on Avery Road. He said the Commission would make sure there is a strong condominium association and development standards. He added that if developed, there would be a development text that specifies certain building materials and what the units would look like.

Mr. Fishman said he was not for or against this project, but to do this type of infill, the two lots to the south would have to be included to create a cohesive neighborhood with one entrance on Avery Road. He agreed that this proposal was not there yet. He commented that the architecture would need more stone to fit with the church. Mr. Fishman said he was not ready to commit whether he would support this project based on the density because they had a long way to go on the site plan and architecture.

Ms. Amorose Groomes said she thought a condominium product would fit here, but she would prefer that they be detached rather than attached condominiums. She strongly believed in the PUD process that provides so much detail for the construction and materials, but it also comes with development standards that would govern how the development must be maintained. Ms. Amorose Groomes said she was in favor of a single access point on Avery Road for the entire property, and she would like to see a provision for connection with the properties to the south and maybe to the north. Ms. Amorose Groomes said the neighbors had a right to expect similar rear yard setbacks on this site as well as their own yards.

Mr. Fishman said it would be desirable to have the curb cut align with the one across the street at Manteo Drive. Mr. Close said there could be a way to align the access a bit better.

Ms. Amorose Groomes confirmed that Mr. Close had received the input he needed. She wished Mr. Close the best of luck and reminded him to remain in touch with the neighbors. Ms. Amorose Groomes thanked the residents for their comments.

4. Deer Run Residential — Dublin Road and Memorial Drive
09-093CP — Concept Plan

Chair Chris Amorose Groomes introduced this application involving a Concept Plan for a single-family development consisting of nine estate lots and 38 cluster lots on 51.7 acres located at the northeast corner of Dublin Road and Memorial Drive.

Jennifer Rauch presented this Concept Plan requesting Commission review and feedback. She described the surrounding area and the multiple-parcel site located in two approved developments. She said the northernmost portion of this proposal consists of 11 platted estate lots as part of the Deer Run Estates, platted in 1984, zoned R-1, Restricted Suburban Residential District. She said only two of the seven lots, have houses constructed on them. She said the southernmost portion is undeveloped and was originally part of Sections 4 and 5 of the Amberleigh North subdivision, which is located south of this site, across Memorial Drive. Ms. Rauch said in 2002, City Council approved another Preliminary Development Plan for the southern portion titled Wasatch Estates, permitting five estate lots, and a gatehouse and caretaker's quarters.

Ms. Rauch explained the proposed plan is divided into three subareas with nine estate lots located in the northern portion, divided into two subareas with the northernmost portion containing four of the proposed nine lots, accessed from the existing curb cut. She said the middle portion includes the remaining five estate lots as part of the northern portion, located south of the existing creek. She said the estate lots range between two and seven acres, depending upon their location and the topography. Ms. Rauch said the southern portion, containing 38 cluster lots located on a new cul-de-sac and curb cut within a third subarea. She said the cluster lots would utilize a new access point that aligns with Autumnwood Way as part of the Amberleigh North subdivision. She said there are ten acres of common open space provided throughout the development, located along Memorial Drive and Dublin Road, and then a larger wooded open space area in the middle separating the cluster lots from the estate lots. She said the proposed density for the site is 0.7 dwelling units per acre, which meets the Future Land Use designation of Residential Low Density, which would permit up to 51 dwelling units, or 0.5 to one dwelling unit per acre.

Ms. Rauch said the applicant has provided images from the River's Gate development as reference of what the cluster lots could look like. She said in Planning's opinion, the proposal is consistent with the recommended density of the Community Plan's Future Land Use Map, and the Land Use Principles are either met or met with modifications as outlined by Planning. She said the proposal incorporates a high-quality design, strives to preserve the natural features on the site and provides common open space. She said Planning recommends the applicant proceed with a Rezoning and Preliminary Development Plan, which is the next step in the Planned District process.

Ms. Rauch suggested the following three discussion points for Commission feedback:

Does the Commission support Planning's analysis of the proposal and recommend the applicant move forward with a rezoning/preliminary development plan for the combination of estate and cluster lots?

What design considerations should the applicant utilize to meet the Land Use Principles?

Does the Commission believe the proposed architecture concept is appropriate for the development and compatible with the surrounding neighborhoods?

Michael L. Close, representing the applicants, Wasatch Partners, Deer Run Land, and Deer Run Associates, said that this Concept Plan anticipated adding an additional half-acre on the northern part of the park, which is unusable because of its severe elevation. He pointed out that the area was registered as an agriculture recruitment area as a tree farm. He said the owner has planted thousands of trees, most of which will not be a problem because they are too young. He said it is a heavily wooded area, and they plan to keep the heavy forestation wherever they can. He said the area between the middle and southern sections is anticipated to be a No Disturb Zone, and through a series of deed restrictions, each of these subdivisions separately will be required to maintain those portions of the forest that they own.

Mr. Close said the connectivity issues raised he did not see as being any problem. He expected that they would have to move the wooden fence on City property. Mr. Close pointed out that contrary to what the Planning Report stated, the parkland was dedicated when the property was first rezoned.

William Duecker, 8719 Glenamoy, a Kerry Glen resident, said he had no issue with this proposal, but he would like to know what would be included in the PUD. He said fencing or debris would flood his house, therefore he wanted it guaranteed that there would be no fencing on the northern end where the creek was located. He said he also did not want to see a chain link fence behind his house.

Jerry Ellis, 10815 Edgewood Drive, a Concord Township Zoning Commissioner, said the site plan was wonderful and it was a good use of the land. He noted the southern end was at the ravine, which made it a very attractive nuisance next to the parkland. He was also concerned how to separate the proposed development from public access. Mr. Ellis requested an archeological survey of the parkland and this site to check for Indian artifacts and remains.

John Hardt said he thought this was a good plan and he was pleased. He encouraged the applicant to move forward with plans to rezone his property. He said although it is intended to be a gated community, he asked that when the development text is written consideration be given to how it is done, if at all. He questioned how traffic would circulate in the cul-de-sac in the middle of the southern portion of the site, and said it should carefully be considered when going forward.

Mr. Close said for safety reasons, they had to satisfy the Fire Department and emergency vehicles with regard to the turn around and traffic circulation, which they will address.

Todd Zimmerman said he supported the project and the proposed density. He said on the required setbacks should be maintained along Dublin Road.

Warren Fishman asked if this development would be a gated community. Mr. Close said the north two subareas are proposed to be gated but he did not know if the bottom ones would be gated.

Mr. Fishman confirmed there would be access to the river from the park. Mr. Close said there was public access to the park along Memorial Drive. He thought Mr. Ellis was concerned about there being river access from the park to the subdivision to the north. Mr. Close concurred with Mr. Ellis that they did not want access across the river to the north subdivision.

Amy Kramb said she would like to see how there would be path connections within the proposed neighborhoods through the proposed open space. Mr. Close said there would be connectivity to Amberleigh, to the park to the east, and to the bikepath to the west, but not paths through the proposed open space area. He said he expected it would end up as a No Disturb Zone. Ms. Kramb confirmed that there would be no connections between the estate properties and the other properties.

Kevin Walter said he was sure this will be a beautiful property with high standards and high quality, but he was concerned that it might not do the site justice. He preferred to see even more of the natural character retained with a winding road and clusters of homes in a more conservation oriented design, because of the site's topography. He said it might be an opportunity lost if something even more special is not done to preserve the site, which is one of the most beautiful sites in Dublin.

Richard Taylor said this was also one of the last pieces of developable riverside property north of I-270, so it takes on special importance. He said he liked the north half of this plan, but he was

not crazy about the south half because it looked like they were clear-cutting the whole area. He said River's Gate had the character of a European Village, which was stated as a goal on this site. Mr. Taylor said this layout is essentially a modified series of culs-de-sac and he did not think that achieves the village character of River's Gate or would be appropriate for this site. Mr. Taylor suggested the pond or open space around the edge of the site be transferred to the interior to save more trees, and create more of a village-like environment. He said he would like to see a substantial improvement of the layout. Mr. Taylor was concerned about the properties at both ends of the cul-de-sac because the lots were oddly placed.

Mr. Taylor said his biggest concern was with the quality of the houses to be built. He said since this is going to be a PUD, the Commission had the opportunity to make sure that there were extraordinary high quality standards for the houses. He was concerned that without a very strict development text in place, these lots like many others in Dublin, will be sold to builders whose goals are quite different from the developer's original intent. Mr. Taylor said for the good of the community, this property and the existing houses he would like to see those standards maintained in whatever is built on the site. He said the best way to do that is to make sure there is a very good set of text requirements focused on architectural.

Ms. Amorose Groomes said this was not one of the most beautiful pieces of property in Dublin, it was *the* most beautiful piece of property, developed or undeveloped. She said she would like to see tree preservation happen particularly on the northern portion of the site with high landscape standards that would deter anyone from removing the virgin forest as it stands today. She said the canyon walls will begin to be lost if the vegetation holding them up is removed. She said she would like to see strict requirements to ensure trees aren't removed, particularly on the north portion. She said she would like more setbacks on Dublin Road, which might impact one or two lots because there is a nice tree stand coming from Dublin Road and the creek washes through there. She wanted to see a little more buffer maintained on Dublin Road on the southern half of the development.

Ms. Amorose Groomes ended the discussion saying this was a great proposal for this property and it was the best shot at preserving it to the extent possible. She said the only other pipedream would be if it could be given to the City as a park that everyone could enjoy. She said short of that, this was the next best thing that could be done. She confirmed that Mr. Close had received enough feedback from the Commissioners.

Mr. Close thanked the Commission and said they would be back again.

Ms. Amorose Groomes called a brief break at 8:41 p.m. before beginning the next case.

5. NE Quad PUD, Subarea 5A – Kroger Marketplace – Menchie's Frozen Yogurt
7545 Sawmill Road
09-100AFDP/CU Amended Final Development Plan/Conditional Use

Chair Chris Amorose Groomes introduced this application involving a 170-square-foot patio space for five tables in front of a tenant space for a frozen yogurt shop within the Kroger Marketplace shopping center. She swore in those who intended to speak in regard to this case including the applicant Sandra Leess, Menchie's Frozen Yogurt, and City representatives.

Todd Zimmerman and John Hardt, who requested that this application be pulled from the consent items, agreed to forego the staff presentation.

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RECORD OF ACTION

OCTOBER 2, 2003

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

2. **Area Rezoning 03-082Z – Deer Run**
Location: 14 parcels comprising an area of approximately 26 acres as annexed from Concord Township in 1977, east of Dublin Road, north of the Delaware County Line, and south of Muirfield Place.
Request: Review and approval of an ordinance to establish the R-1, Restricted Suburban Residential District.
Property Owners: Anthony and Michele Lowe, 10741 Dublin Road, Dublin, Ohio 43017; Lou Ann Moritz, 4900 Deer Run Drive, Dublin, Ohio 43017; Margaret Walter, 5000 Deer Run Drive, Dublin, Ohio 43017; Trang Bui, 8644 Dublin Road, Dublin, Ohio 43017; Christopher and Anita Biratsis, 8686 Dublin Road, Dublin, Ohio 43017.
Applicant: City of Dublin, c/o Jane S. Brautigam, City Manager, 5200 Emerald Parkway, Dublin, Ohio 43017.
Staff Contact: Anne Wanner, Planner.

MOTION: To approve this area rezoning because it will apply an appropriate Dublin zoning classification, will provide for effective development administration, will maintain the established development pattern, and is consistent with the Community Plan.

VOTE: 7-0.

RESULT: This area rezoning was approved. It will be forwarded to City Council with a positive recommendation.

STAFF CERTIFICATION

Barbara M. Clarke

Barbara M. Clarke
Planning Director

Ms. Wanner said one parcel that is owned by Columbus was deleted from this application. It is leased by Dublin as parkland along the river for the boardwalk. The historical maps indicate commercial zoning, but representatives of the City of Columbus thought R-1, Restricted Suburban Residential District zoning would be more appropriate for park land. It has since been placed in the CDD residential application.

She said three property owners attended the informational meeting, and several called on the phone. This action is a housekeeping effort to avoid any future Code enforcement problems arising from township or county zoning. Staff recommends approval of this rezoning.

Mr. Saneholtz made a motion to approve this amended area rezoning because it will apply an appropriate Dublin classification, provide for effective development administration, maintain the established development pattern, and is consistent with the Community Plan. Ms. Boring seconded the motion, and the vote was as follows: Mr. Ritchie, yes; Mr. Zimmerman, yes; Mr. Sprague, yes; Mr. Messineo, yes; Ms. Boring, yes; and Mr. Saneholtz, yes. [Mr. Gerber, upon return to the meeting voted affirmatively.] (Approved 7-0.)

2. Area Rezoning 03-082Z – Deer Run

Anne Wanner showed several slides. She said this area rezoning includes 14 parcels totaling 26 acres located between Dublin Road and the Scioto River in Delaware County. Three parcels are on Dublin Road, and the remaining parcels are within Deer Run Estates, originally platted in 1984. There are two homes in Deer Run Estates on Deer Run Drive, which is private. She said Dublin R-1, Restricted Suburban Residential District is proposed. Land immediately to the south was rezoned to a PUD, Planned Unit Development District last year which changed the entrance of Deer Run Drive, approximately 1,600 feet to the south. As part of that rezoning, the applicant was to file a revised plat, but it has not yet been received.

She said staff has spoken with a few property owners. The informational meeting was sparsely attended. Ms. Wanner said this was a housekeeping effort and is intended to avoid any future enforcement problems arising from township or county zoning. It will establish the R-1 District, and staff recommends approval of this rezoning.

[Mr. Gerber returned to the meeting at this time.] Mr. Saneholtz made a motion to approve this area rezoning because it will apply an appropriate Dublin zoning classification, provide for effective development administration, maintain the established development pattern, and is consistent with the Community Plan. Mr. Ritchie seconded the motion, and the vote was as follows: Mr. Messineo, yes; Mr. Sprague, yes; Mr. Zimmerman, yes; Ms. Boring, yes; Mr. Gerber, yes; Mr. Ritchie, yes; and Mr. Saneholtz, yes. (Approved 7-0.)

3. Area Rezoning 03-083Z – Bellaire Area Rezoning

Anne Wanner showed several slides. She said this area rezoning included 76 parcels within five subdivisions. There are 15 estate lots at the north end of Bellaire Drive and the east side of Dublin Road. The total acreage is 133 acres. Streets within the subdivisions include Bellaire Avenue, Manor Court East and West, Limerick Lane, and Bellaire Court. The lots generally range in size from one to three acres.