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City of Dublin Planning and Zoning Commission

Planning Report

Thursday, November 13, 2014

Riviera

Case Summary

Agenda Item	1
Case Number	14-068Z/PDP/PP
Site Location	8205 Avery Road West side of Avery Road, north of the intersection with Belvedere Green Boulevard
Proposal:	A new residential subdivision with 240 single-family lots, approximately 63 acres of open space and associated site improvements on 167.1 acres.
Requests	Review and recommendation to City Council of a rezoning with preliminary development plan under the Planned District provisions of Zoning Code Section 153.050 and a preliminary plat under the provisions of the Subdivision Regulations.
Applicant:	Charles Ruma; represented by Smith and Hale.
Planning Contact:	Claudia D. Husak, AICP, Planner II | (614) 410-4675, chusak@dublin.oh.us
Planning Recommendation:	***Approval of the rezoning with preliminary development plan with 11 conditions; and*** ***Approval of the preliminary plat with 1 condition.*** In Planning's analysis, the rezoning with preliminary development plan proposal complies with the rezoning/preliminary development plan criteria and the existing development standards within the area. The proposal for the preliminary plat complies with the preliminary plat criteria and a recommendation to City Council for approval of both requests is recommended.

Conditions

Rezoning with Preliminary Development Plan Conditions

1) That the development text be updated to include language highlighting that Riviera is proposed near a very active high school with year round activities and that homeowners will likely be affected by the noise and light that typically accompanies such activities;
2) That the development text be updated text be updated to describe the intent of the ownership of Subarea D;
3) That Lots 43 and 240 in Subarea A and Lots 144 and 169 in Subarea B be removed to provide larger open space vistas;
4) That the development plan and text be updated to consistently name the reserves and provide accurate information regarding their sizes;
5) That the applicant work with Planning to determine a method of either physically delineating Stream Corridor Protection Zone (SCPZ) areas, and/or ensuring the property owners are aware of the presence of the SCPZ and its restrictions;
6) That the applicant provide a direct site connection to Hyland-Croy Road to the satisfaction of the City Engineer to be completed with Section 5 of the proposed development;
7) That the applicant enter into an infrastructure agreement with the City, prior to submitting the first final development plan, for development thresholds and public project contributions;
8) That the developer revises the traffic impact study to the satisfaction of the City Engineer prior a City Council hearing of the rezoning;
9) That as part of the development of Section 1, the applicant provide a northbound left turn lane on Avery Road into the site and a pedestrian crossing system for Avery Road, to the satisfaction of the City Engineer;
10) That the applicant evaluates existing cart paths intended to remain on site and upgrade if necessary to ensure compliance with City standards; and;
11) That the development text be clarified as to the required location of the hedge for court-loaded garages and that sight visibility triangles will be maintained.

Preliminary Plat Conditions

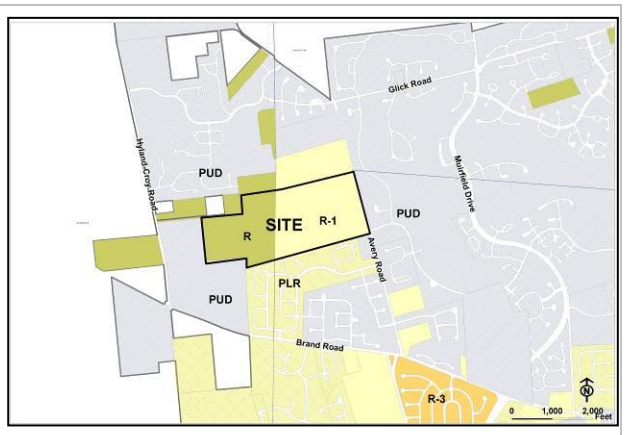
1) That the preliminary plat be updated in terms of open space dedication, prior to Council review.

City of Dublin

14-068Z/PDP/PP
Preliminary Development Plan/ Preliminary Plat
Riviera
8205 Avery Road

0 400 800
Feet

Facts

Site Area	• Total site: 167.1 acres • The site is comprised of three parcels, divided along county boundaries with 9.3 acres in Franklin County, 65.23 acres in Union County, and 4.3 acres in Delaware County.
Zoning	Existing • Eastern parcels: R-1, Restricted Suburban Residential District (99± acres) • West parcel: R, Rural District (69± acres) Both the R and R-1 Districts permit a density of just over 1 unit per acre (40,000-square-foot lots and 150 foot lot widths). Proposed: PUD, Planned Unit Development District (Riviera)
Surrounding Zoning and Uses	North: Grizzell Middle School and Deer Run Elementary School zoned R-1. Single family and multiple family sections of Tartan West, zoned PUD, Planned Unit Development District. East: Muirfield Village, zoned PUD, across Avery Road. South: Residential subdivisions including Celtic Estates (zoned PUD) and Belvedere (zoned PLR, Planned Low Density Residential District). Shannon Glen is farther to the south (also zoned PUD). West: Large lot single family homes, accessed from Hyland-Croy Road (one home shares a property line with the golf course). Dublin Jerome High School is located to the southwest and is zoned PUD. 
Site Features	• Generally rectangular site with 2,000 feet of frontage along Avery Road. • Natural features include two tributary streams to the North Fork of the Indian Run which converge at the center of the site flowing south into Shannon Glen Park. A wooded area is in the northwest portion of the site with tree rows along the western and southern site boundaries. There are many mature trees existing on the site. • The western fork of the stream has significant floodway and a Stream Corridor Protection Zone (SCPZ) is laid over the stream. • The site was developed as a golf course 40+ years ago and therefore includes many man-made features such as ponds, trees, fairways, greens, cart paths and varying topography. • There is a two-story clubhouse and banquet facility with a large parking lot located along the Avery Road frontage. • The site currently has two access points from Avery Road serving the parking lot for the clubhouse.

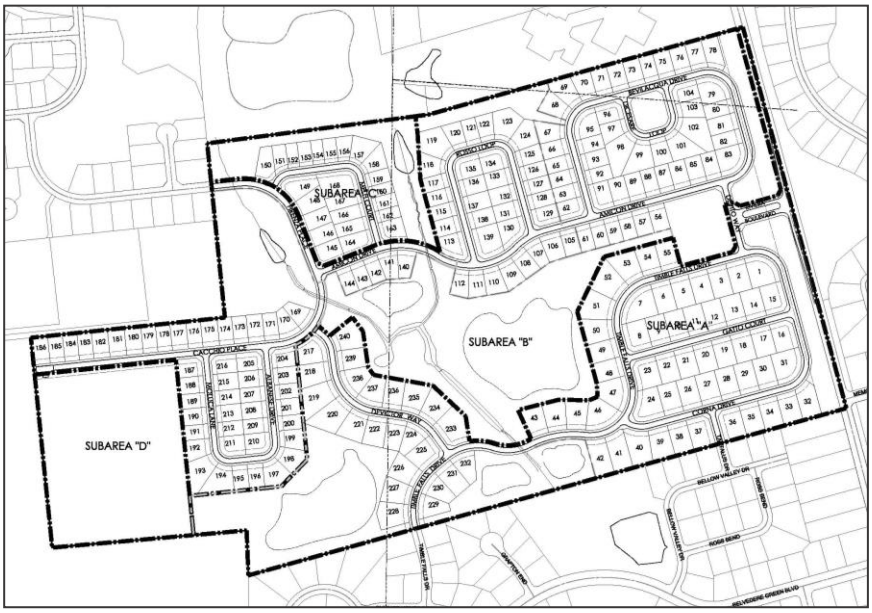
Facts	
Site Background	The Planning and Commission reviewed a concept plan for this proposal on March 13, 2014 for 284 single-family lots with 58 acres of open space. The Commissioners evaluated the proposal with respect to compatibility of proposed land use, appropriateness of proposed density, compatibility of the proposed development with adjacent parcels, and appropriateness of proposed open space size and location. The Commission determined that the proposal was a compatible land use given adjacent uses and existing zoning on the property. The Commission commented that the density of the proposal should be reduced to be equal to or less than adjacent developments. It was also noted that the plan would benefit from more usable open space. The Commission also commented that special consideration should be paid to how the site layout works with the adjacent schools specifically addressing some of challenges like noise and light. Members from the public expressed their concerns about the proposal in terms of the Community Plan designation of Parks and Open Space, the increase in traffic and attendance at nearby schools. Public comments also included suggested alternative options such as a land purchase by the City for open space. This application was scheduled for review by the Planning and Zoning Commission on October 16th and was postponed prior to the meeting as requested by the applicant.
Neighborhood Contact	The applicant presented the concept plan at a meeting with representatives from adjacent Homeowners Associations in January. The applicant informed Planning that the Associations indicated their preference not have the site remain undeveloped. Planning has been in contact with representatives from Belvedere and the Muirfield Village Civic Action Committee who have provided a packet of information for review by the Commission parallel to the packet provided by the applicant and Planning. The City has continued the web presence for this development established with the concept plan application to address many of the inquiries, which include concerns about loss of open space and natural features, traffic, impacts on utilities, school capacity and property values. The site has been updated with the most recent development proposal. Written correspondence from the public is included in the application materials for review by the Commission.
Dublin City School Contact	The developer and Staff have engaged the Dublin City Schools to ensure coordination between the development and adjoining schools. This included discussion about connection points and responsibilities for construction. At a subsequent meeting, the Dublin City Schools requested the City to discuss with the applicant the possibility of obtaining approximately 15 acres of land for a potential future school site. The City contacted the developer who subsequently

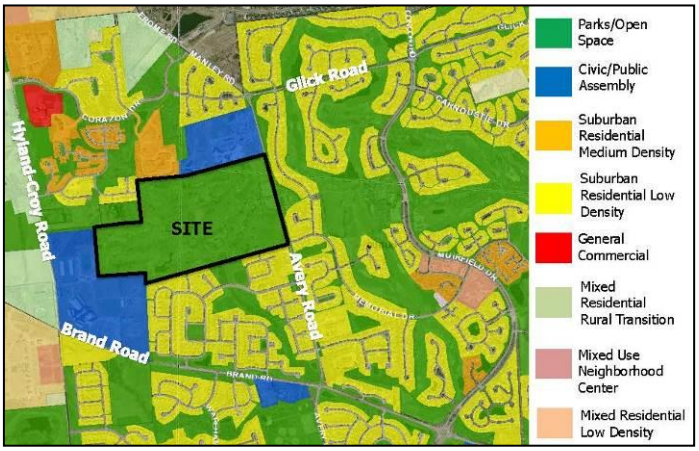
Facts

	contacted the Schools directly and worked out an agreement that the developer would provide 15 acres at the southwest corner of the development for a potential future school site, but with a further provision that if the Schools did not wish to use the site, it would revert to City of Dublin ownership as open space and could not be used as an additional development site.

Details — Rezoning with Preliminary Development Plan

Process	Rezoning to a Planned Unit Development requires approval of a development text to serve as the zoning regulation; the Zoning Code covers all requirements not addressed in the development text. A preliminary development plan is also required. The proposed development text establishes a new Planned Unit Development District (Riviera). The text creates three subareas and includes development regulations that apply to the 167.1 acres.
Plan Overview	This is a proposal for a residential development with a maximum of 240 lots with a mixture of different sized single family lots. The proposed plan provides walkable streets, multi-use path system, and a substantial open space network. The proposal includes approximately 63 acres of reserve/park space including preserved tree stands, paths and ponds for use by the neighborhood and the community. Main access is from Avery Road on Riviera Boulevard. Riviera Boulevard terminates into a 2.1-acre central open space around which single-family lots front. Secondary connections are provided through Tantalus Drive and Timble Falls Drive south to the Belvedere subdivision and Firenza Place west to Tartan West. A stub street is proposed at the west edge of the site to provide for a future street connection to Hyland-Croy Road.



Details	**Rezoning with Preliminary Development Plan**
Plan Overview	The Avery Road frontage includes a large setback and the applicant is not proposing to front homes toward Avery Road. Development is proposed in pods along the north, south and western boundary. The plan includes two large lot residential areas in Subarea A to the south, medium sized lots in Subarea B in the northeast and west portions of the site and smaller, single family lots targeted at empty nesters in the northwest portion of the site as part of Subarea C. An approximately 26-acre open space is proposed in the center of the site, including the two tributary streams to the North Fork of the Indian Run and the Stream Corridor Protection Zone over the western fork.
Community Plan *Future Land Use*	 The Future Land Use Map in the Community Plan designates the area as Parks/Open Space, which is described as, "Land used for public or privately owned parks and recreational uses, or lands that are to be preserved in a natural state. This classification may include portions of private lands that have been identified for open space preservation as part of future development projects, but not necessarily targeted for public dedication or acquisition." Prior to the 2007 Community Plan update, the 1997 Future Land Use Map identified the west half of the site as future Metro Park and the east half as 'Residential – Medium Density' [1-2 dwelling units per acre]. Adjacent residential development approved during that time provided street stubs to the site, including Firenza Place in Tartan West, Timble Falls Drive and Tantalus Drive in Belvedere. Through the public review process, the property owner requested the current designation, and staff was directed by City Council to avoid identifying this site for redevelopment on the Future Land Use Map. The majority of the residential developments around this site are in the Residential Medium Density future land use classification. This permits a density of 1-2 units per acre. At 1.44 units per acre, this proposal is consistent with surrounding land use classifications.

Details	**Rezoning with Preliminary Development Plan**
Community Plan *Thoroughfare Plan*	The Avery Road setback is as provided in the Community Plan for a Rural Character roadway, which is characterized by: • Application of generous setbacks ranging from 100 to 200 feet; • Integration of open views and vistas into adjacent development perhaps greater than 200 feet in some areas to increase the sense of openness; • Provision of informal landscaping that focuses on native plant species and naturalized forms (meadows, wildflowers, grasses, wetland areas etc.); • Use of trees, fencerows and woodland plantings to provide additional screening and sense of enclosure; • Preservation of historic farmsteads, barns or outbuildings that emphasize the agrarian history of the area; • Creation of meandering bike paths and sidewalks that are informally designed as to not be entirely visible from the roadway; • Design of naturalized ponds with aquatic plants and informal edges; • Use of stone walls and split rail fences that are traditionally used in the countryside; • Integration of "rural" road design that may include berms, swales and/or variable medians; and • Provision of shared entrances to minimize curbcuts and maintain openness. Details of how these characteristic may be achieved will be included in the final development plan for the first Section of development. The development text requires a 100-foot setback along the road and describes that the amenities permitted within the setback will enhance the rural character within the area.
Conservation Design	Some neighborhood discussion has taken place regarding the applicability of a Council resolution passed in 2004 regarding "Conservation Design." The concept of conservation design was first put forward by Randall Arendt in his "Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks," published in 1996. The guidebook was used by many communities to revise their zoning regulations (particularly planned development regulations) to take into account existing natural features, such as woodlots, steep slopes, and other natural features that might exist on various properties. This book set forth an elementary design process (generally already in common use) of identifying potential conservation areas, locating home sites, designing street alignments and trails, and filling in lot lines accordingly. The potential conservation areas noted were unbuildable wetlands, floodplains, and steep slopes, and, where present, historic, cultural, or scenic features that cause them to stand out.

Details	**Rezoning with Preliminary Development Plan**
Conservation Design	Arendt frequently notes some unique aspects of golf course development, stating in one instance: > "Because 18-hole golf courses typically consume more than a quarter of a site's developable area, and generally leave much less than a quarter of the buildable land in a relatively undisturbed state, development featuring them are usually not considered to reflect "conservation design," where one of the primary objectives is the protection of natural areas. They are, instead, specialized forms of recreational developments, and they of course play an important role in meeting one kind of recreational need." (pg. 7) Resolution 27-04 encourages, but does not require, the incorporation of conservation design practices in future residential developments in all appropriate locations. Planning, early in the review process for this development, requested the developer to identify natural features, including wetlands, significant tree areas, and identified protection areas (Stream Corridor Protection Zone), and include them in the application materials for review against the proposed layout (see page 16 of the application booklet). Few clearly "natural" areas are disturbed by this plan. The process used by the developer generally met the four-step process recommended by Arendt, but it is clear in Arendt's view that the process has very limited, if any, applicability to properties that have already been developed with man-made features. As such, Staff believes the concepts highlighted in the City's Conservation Design Resolution have been incorporated by the developer to the extent possible, but that full adherence to conservation design principles are not appropriate for this site and its context with the surrounding area.
Traffic and Access	This proposal includes one main access point: Riviera Boulevard will provide site access from Avery Road and ends at Devito Way adjacent to the central park. Devito Way provides north and south access to Subareas A and B. All proposed streets are public and the names have been approved by the City. Several streets loop through the development to provide access to smaller pods of homes. Street connections to existing stubs in surrounding developments include Firenza Place to the northwest, and Timble Falls and Tantalus Drives to the south. A street stub (Cacchio Place) is provided at the west edge of the site to allow for a future connection to Hyland-Croy Road. The Washington Township Fire Department will require this connection to be made as part of the development of Section 5 (Cacchio Place) as this Section proposes too many lots with a single access point.

Details — Rezoning with Preliminary Development Plan

Traffic Impact Study

The applicant has submitted a Traffic Impact Study (TIS) as required for a rezoning application, the details and subsequent requirements of which are discussed below.

The proposed site, consisting of 240 single family homes and potentially an elementary school, is expected to generate about 509 trips in the morning peak hour and 347 in the evening peak hour. These trips will be distributed across the roadway network based on the road connections proposed. The TIS has identified the need for the developer to construct a northbound left turn lane along Avery Road into the proposed site and install an enhanced pedestrian crossing system for Avery Road, to the satisfaction of the City Engineer.

Off-site transportation impacts will be addressed through an infrastructure agreement. The applicant will contribute financially to off-site improvements based on the percent site traffic contributions listed in the TIS. Locations included in the agreement include the Avery Road and Brand Road intersection, the Hyland-Croy Road and Post Road intersection, the Jerome Road and McKitrick Road intersection, the Hyland-Croy Road and McKitrick Road intersection, and the Hyland-Croy Road and Brand Road intersection.

As required by the Washington Township Fire Department for safety, a direct access point directly onto Hyland-Croy Road has other added benefits. As noted in the TIS, distribution of trips across the roadway network improves the safety and efficiency of the transportation system. About 40% of the site traffic is distributed to and from the west. Connectivity for vehicles, bikes, pedestrians, deliveries and services will all be improved with a direct route to Hyland-Croy Road. The surrounding neighborhoods are likely to see less cut-through traffic by providing this connection.

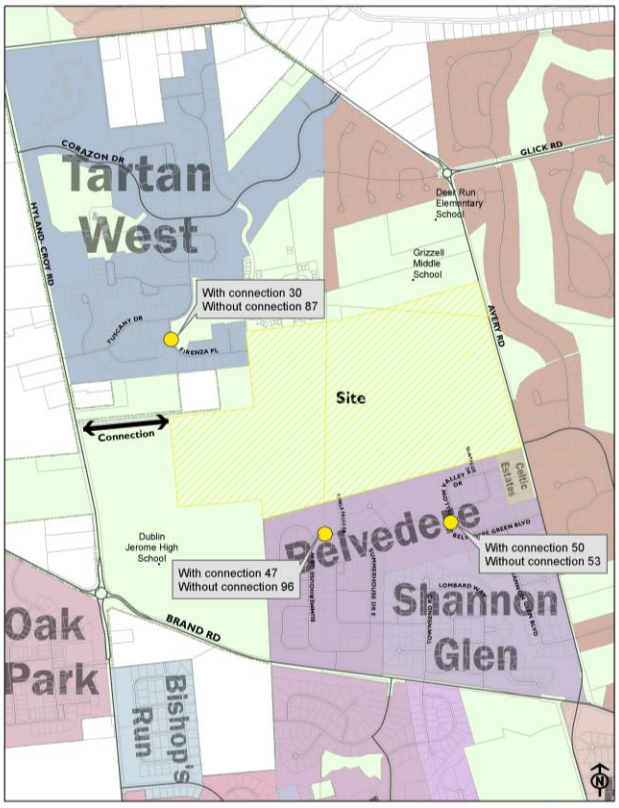
Engineering has created a table and graphic using the findings for the TIS that demonstrate the traffic volumes with and without the direct connection from the site to Hyland-Croy Road.

Adjacent Residential Street Volumes
With and without a direct site connection to Hyland-Croy Road

Street Name	Existing Peak Hour Traffic Volume	With Hyland-Croy Rd Site Connection	Without Hyland-Croy Rd Site Connection
	AM Peak Hour Traffic Volume		
Firenza Pl	18	30	87
Summerhouse Dr	12	47	96
Bellow Valley Dr	21	50	53
	PM Peak Hour Traffic Volume		
Firenza Pl	22	31	79
Summerhouse Dr	16	33	54
Bellow Valley Dr	26	42	47

= Two-direction peak hour volume

With the site connection to Hyland-Croy Road, Firenza Place in Tartan West is expected to carry 12 additional trips from the proposed site in the AM peak hour. Without the connection, Firenza Place is expected to carry 69 additional trips in the same hour.

Details	**Rezoning with Preliminary Development Plan**
Traffic Impact Study	Similarly, Summerhouse Drive is expected to carry 35 additional trips with the connection or 84 without the connection in the AM peak hour. The Avery Road and Brand Road intersection and the other adjacent neighborhoods and intersections also carry fewer site trips with the direct connection to Hyland-Croy Road.  The stub street (Cacchio Place) at the west edge of the site ends at the Dublin City Schools property for Jerome High School. While this proposal attempts to fulfill Staff's request for a connection to Hyland-Croy Road, it falls short from providing a full connection. Additionally, large residential lots to the north of the school property share a driveway from Hyland-Croy Road which runs east to the Riviera site. This driveway has a width of approximately 60 feet which would meet the City's requirements for right-of-way for a public street. It is Staff's opinion that the connection to Hyland-Croy Road could convert these driveways to a public road. The applicant should provide the full connection to Hyland-Croy Road and amend the development text Section VI accordingly to include a description of this connection. The proposed terms of the infrastructure agreement state that the applicant will be responsible for the land acquisition and construction of this direct site connection to Hyland-Croy Road. The alignment of the connection must be to the satisfaction of the City Engineer and the connection will also require improvements along Hyland-Croy Road at the proposed intersection, as described in the TIS. The traffic impact study must be accepted by the City Engineer prior to the City Council hearing of the rezoning.

Details — Rezoning with Preliminary Development Plan

Development Details

Use

This is a single family residential development with 240 lots and 63 acres of open space in 12 Reserves.

Density Compatibility

The 240 lots on 167.1 acres results in a density of 1.44 units to the acre. By comparison, the surrounding Shannon Glen, Belvedere and Tartan West developments range in density from 1.5 to 1.98 units per acre. The applicant has included a detailed map showing surrounding densities within the area for various areas identified on the exhibit. The map shows the density of the adjacent Muirfield area as 1.41 units per acre. This number is slightly higher than a previous assessment by Planning that showed 1.27 units per acre. The applicant's density calculation appropriately excluded commercial/non-residential areas from the density area.

Minimum Lot Requirements

Minimum Lot Requirements	Subarea			
	A	B	C	D
Area	14,000 sq. ft.	9,750 sq. ft.	6,600 sq. ft.	N/A
Width	100 ft.	75 ft.	55 ft.	N/A
Depth	125 ft.	125 ft.	110 ft.	N/A
Front Yard	25 ft.	25 ft.	20 ft.	35 ft.
Rear Yard	25 ft.	25 ft.	20 ft.	35 ft.
Side Yard	8 ft.	6 ft.	6 ft.	35 ft.
Lot Coverage	45% (Code)	45% (Code)	70%	45% (Code)

Subarea A

Subarea A is in the southeast and south portion of the site and includes the Riviera Boulevard entry off Avery Road as well as the lots adjacent to the Belvedere subdivision. The Subarea's 79 lots are served by Gatto Court, Corna Drive, and Timble Falls Drive, the primary east-west street in the south portion of the site. Devictor Way connects Timble Falls Drive to Cacchio Place, the east-west street in Subarea B planned to eventually connect to Hyland-Croy Road. This Subarea includes both street connections into Belvedere by way of Tantalus Drive in the east, and Timble Falls Drive in the west.

The following Reserves are in Subarea A:

- Reserve A (2.4 acres along Avery Road, size not consistent in drawings versus tables);
- Reserve B (.1 acres in the entry boulevard from Avery Road);
- Reserve I (3.7 acres along the south central site area); and
- Reserve K (9 acres at the southwestern portion of the site; incorrectly labeled as 15 acres on the Open Space Plan).

Details	**Rezoning with Preliminary Development Plan**
Subarea B	Subarea B has 137 lots are in the northeast, central, and western portions of the site. There are 89 lots in the north and east portions, and 48 lots in the west. The northern portion of Subarea B provides a path connection to Grizzell Middle School. Access to the northeast and central portions of the site includes: • Amicon Drive, the principal east-west street on the north side of the site, provides direct access to about 26 lots. • Amicon Drive leads to Bevilacqua Drive (the Tree Survey Sheets use different street names, which needs to be corrected on the plans) which, in turn leads Dicesare Loop; 34 lots in total. • Amicon Drive continues west to serve another development pod around Rosso Loop, used by 27 lots. The westernmost portion of Subarea B includes Firenza Place, the street connection into Tartan West. Albanese Drive and Mollica Lane are served through Cacchio Place (the eventual connector to Hyland-Croy Road, as noted above). The following Reserves are in Subarea B: • Reserve C (2.1 acres along Avery Road); • Reserve D (2.1 acres as a central green at the T of Riviera Boulevard); • Reserve E (center island for Dicesare Loop); • Reserve F (1.4 acres, including the connection to Grizzell); • Reserve H (17 acres in the center of the site); and • Reserve J (5.6 acres at the northwestern portion of the site). Planning is concerned that lots within this Subarea impede views into the open spaces and has conditioned the removal of Lots 144 and 169 in Subarea B, and Lots 240 and 43 in Subarea A to establish a greater open view corridor connecting Reserves J, H, and I.
Subarea C	Subarea C is in the northwest portion of the site and includes 24 lots targeted toward empty-nesters according to the applicant. These lots are small compared to the other Subareas with a minimum lot size of 6,600 square feet. The 70% lot coverage permitted in Subarea C is the same as other recent developments for smaller, more intensely developed lots. The applicant has indicated that the housing product for this Subarea is likely a ranch-type home with a first floor master bedroom to attract empty-nesters. Reserve G, at 4.2 acres includes a portion of the Stream Corridor Protection Zone
Subarea D	This Subarea is Reserve L, with 15 acres (incorrectly labeled as 9 acres on certain sheets) at the southwest corner of the development. This Subarea is programmed as a potential elementary school with associated improvements. However, if Dublin City Schools elect not to use the site, it would remain as an open space reserve to be owned by the City of Dublin. The development text should reflect this provision.

Details	**Rezoning with Preliminary Development Plan**
Open Space Characters	Avery Road Frontage The open space along Avery Road is 100 feet and the proposal is laid out so that no homes back up to Avery Road. The development text should be revised to include requirements that garages are located opposite the Avery Road side for lots with frontage along Avery Road, and that side-loaded or courtyard garages be used for Lots 80-83. Vistas The larger expanses of open space are concentrated in the center of the site, including water features, the streams and major tree stands. Wide, open space vistas through this area are important to this project. As noted earlier, the vista between Reserves J, H, and I would be improved with the removal of Lots 144 and 169 in Subarea B, and Lots 240 and 43 in Subarea A. Connections There are other open space connections made to other surrounding active and passive recreation areas, and trail connections are provided at various points around the site. Connections to both school properties are provided and the development text indicates that the developer will coordinate with the Schools for the location and construction of the connections into the school properties. The developer is responsible for the construction of these connections and paths. Open Space Use Large areas have been set aside for potential active use, while allowing extensive passive areas to remain. These areas are intended to be reactive to the needs of the residents, as is the City's practice. To this end, Reserves D, and H-K will be owned and maintained by the City and developed accordingly either as active or passive spaces. Reserves The development text includes development details for each Reserve, which can be administratively approved if they are not included as part of future final development plans to allow for resident input after homes are built. Reserve L, should the Schools exercise their option to construct an elementary school, will be reviewed as a final development plan application.
Stream Corridor Protection Zone	The site includes a Stream Corridor Protection Zone (SCPZ) over the streams. This Zone is intended to preserve the flood water capacity of existing drainage ways, limit stream erosion and preserve riparian habitats. The width of the Zone is determined by the contributing drainage area upstream of the segment.

Details	**Rezoning with Preliminary Development Plan**
Stream Corridor Protection Zone	The applicant has submitted a study from the engineering firm EMH&T that models this zone using HEC-RAS software. The SCPZ regulations prohibit activities such as disturbance of natural vegetation, buildings, and stormwater management facilities. The applicant has included the zone, as required within the development plans, and shown it on the preliminary plat. Consideration was made to locate lots outside of the boundary of the SCPZ as much as possible. However, a small number of lots includes SCPZs in the rear yard. The final plat will delineate these zones further and include the required regulations. As the boundaries of these areas are not always clear to the adjacent property owners, some method either physically delineating these areas, and/or ensuring the property owners are aware of the presence of the SCPZ and its restrictions should be considered.
Tree Preservation	The applicant has provided a preliminary tree survey indicating size and health of existing trees. No removal information is required at this stage. Given the open nature of the site and the number of trees planted as part of the development of the golf course, as well as the requirement of pushing development areas away from the streams, there will be significant replacements necessary. The City's tree preservation and replacement requirements dictate that trees larger than 6 inches in diameter in fair and good condition be replaced inch-for-inch on-site. The text allows for a 30% replacement with evergreens.
Architecture and Building Materials	The development text requires a similar or higher quality character of architectural design as surrounding neighborhoods. Permitted exterior building materials are brick, stone, manufactured stone, stucco and fiber-cement siding. The permitted trim materials are wood, aluminum, vinyl, PVC, urethane foam, EIFS copper and fiber-cement. Natural and earth-tone colors are required as is four-sided architecture. The text requires chimneys to be clad in masonry and prohibits cantilevered chimneys. The homes will be required to meet the other Appearance Standards of the Zoning Code. Side-loaded garages are encouraged and the text requires a 30-inch tall hedge in front of parking areas for auto-court-type garages. The text should be clarified as to where this hedge is required to be located and ensure it does not inhibit sight triangles at intersections. The text addressed architectural diversity requirements and requires the master developer to approved individual elevations.

Details	**Rezoning with Preliminary Development Plan**
Utilities & Stormwater Management	A 12-inch water line exists on the east side of Avery Road. This will be the main connection point for this development to obtain public water service. Looping of the water line system will be accomplished along any new streets as well as connecting to the existing 8-inch water lines in the adjacent subdivisions. This connectivity will provide adequate public water service for development of this property without adverse effects to existing users on the system. The North Fork Indian Run sanitary trunk sewer exists along the southern and western boundaries of this property. This 18-inch sewer line was installed to provide service to land to the northwest of this site as part of the development of the Tartan West subdivision. When the extension was made in 2003, an analysis was performed that indicated capacity issues downstream in the trunk sewer with full build-out considered for the land in northwest Dublin. This analysis assumed that the Riviera property would remain as a golf course. With the proposed change in use of this property from golf course to single family housing, the impact of this change on the City's trunk sewer was separately studied. Knowing that there is a system deficiency, the applicant modeled the proposed development impact on system deficiency and proposed improvements. The applicant will partner with the City via the infrastructure agreement to construct the necessary sewers to mitigate the impacts of development on the sanitary sewer system. The development will be required to follow Chapter 53, the Stormwater Regulations. The existing ponds on the property could be used for this if enough investigation is done and the correct modifications are implemented to demonstrate compliance. The tributary for the North Fork of Indian Run provides ample outlet opportunities for managing the stormwater on this property. The latest FEMA maps show that this tributary has a 100-year floodplain bisecting the site. Adherence to the requirements of Chapter 151 is required for this area. At the northern side of the site, an area that is outside of the FEMA designated floodplain, along one of the streams, will need to follow the Stream Corridor Protection Zone regulations in Chapter 53. Existing developments in this area have arranged their lot layouts to avoid any new lots being created in the designated floodplains. This minimizes the need for flood insurance requirements for future residents.

Analysis	**Rezoning with Preliminary Development Plan**
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for a rezoning/preliminary development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.
1) Consistency with Dublin Zoning Code	**Criterion met:** This proposal is consistent with the purpose, intent and applicable development standards of the Zoning Code requirements except as altered in the proposed development text. The proposed size of the lots and development standards associated with each Subarea are similar to recently approved developments.
2) Conformance with adopted Plans	**Criterion met:** As previously discussed the Community Plan shows the site as Parks/Open Space as the owner at that time of the 2007 Community Plan Update requested that no development be shown. As a proposed development site, a more appropriate land use classification needs to be considered. As with the past reviews of similar rezonings, the applicant was asked to provide an appropriate density taking into account surrounding development. The majority of the residential developments around this site are in the Residential Medium Density future land use classification. This permits a density of 1-2 units per acre. At 1.44 units per acre, this proposal is consistent with these adjacent land use classifications.
3) Advancement of general welfare and orderly development	**Criterion met:** This proposal is compatible with the surrounding neighborhoods and will not impede the normal and orderly development and improvement of the surrounding areas. The proposal preserves the streams and their associated protection corridors on this site, and the proposed layout creates an attractive public realm by providing ample open space and preserving trees within these open spaces. The streets and paths within the development and the connections proposed contribute to walkability and continue the distinct high quality development character as evident in surrounding developments. The Avery Road setback will be enhanced with park amenities and landscaping that continues the rural character of the road. Street connections to surrounding stub streets will provide for additional ways for people to travel throughout the community. It will be increasingly important at the site develops to provide a direct connection to Hyland-Croy Road as discussed below to distribute traffic evenly throughout the area.
4) Effects on adjacent uses Conditions 1 & 2	**Criterion met with Conditions:** The development is appropriately located within the City and is compatible with existing development. Homes are required to be of similar of higher quality as surrounding areas and the applicant has included larger lots with larger setbacks adjacent to existing homes. The applicant should update the development text to include language highlighting that Riviera is proposed near a very active high school with year round activities and that homeowners will likely be affected by the noise and light that typically

Analysis	**Rezoning with Preliminary Development Plan**
	accompanies such activities. The text should also be updated to describe the intent of the ownership of Subarea D.
5) Adequacy of open space for residential development Conditions 3 & 4	**Criterion met with Conditions:** The applicant has provided sufficient open space for this community and the City as a whole. An appropriate mix of passive and active open spaces has been programmed. In some instances the potential visual impact of the open spaces is diminished by the relatively narrow segments provided. This vista could be improved by the removal of Lots 144 and 169 in Subarea B, and Lots 240 and 43 in Subarea A. The development plan and text should be updated to consistently name the reserves and provide accurate information regarding their sizes.
6) Protection of natural features and resources Condition 5	**Criterion met with Condition:** The development text requires tree replacement per Code. The lots and proposed infrastructure are laid out to preserve tree stands, streams, floodplain and natural vegetation to the greatest extent possible. Many existing ponds will be retained and enhanced to function as stormwater management ponds to reduce the need to further disturb the site. As the boundaries of the SCPZ areas are not always clear to the adjacent property owners, the applicant should work with Planning to determine a method of either physically delineating these areas, and/or ensuring the property owners are aware of the presence of the SCPZ and its restrictions.
7) Adequate infrastructure Conditions 6	**Criterion met with Condition:** The proposal includes adequate and necessary utilities, roads, drainage, and retention facilities to serve the proposed development and not adversely affect the functionality or provision of utilities outside of the site. The applicant will be required to enter into an infrastructure agreement with the City to mitigate off-site traffic impacts and address the required sewer upgrade.
8) Traffic and pedestrian safety Conditions 7, 8, 9	**Criterion met with Conditions:** Street connections to surrounding stub streets will provide for additional ways for people to travel throughout the community. It will be increasingly important as the site develops to provide a direct connection to Hyland-Croy Road to distribute traffic more evenly throughout the area. The additional access points and street connections are designed to minimize traffic congestion on the surrounding public streets and to maximize public safety. The applicant will need to work with Engineering to provide a direct site connection to Hyland-Croy Road to the satisfaction of the City Engineer using the existing private access drive from Hyland-Croy Road to be completed with Section 5 of the proposed development. The applicant will also be required to provide improvements on Hyland-Croy Road at this access point. The proposed street and path system will accommodate adequate pedestrian and bike circulation so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians. To address this, the applicant should revise the development text to clarify as to where

Analysis	**Rezoning with Preliminary Development Plan**
	a hedge for court-loaded garages is required to be located and ensure it does not inhibit sight triangles at intersections. In addition, and as outlined in the development text and/or TIS, the applicant will be required to enter an infrastructure agreement with the City to help to mitigate off-site traffic impacts, and install a turn lane and pedestrian crossing on Avery Road. The traffic impact study must be revised to the satisfaction of the City Engineer prior a City Council hearing of the rezoning.
9) Development layout and intensity Condition 10	**Criterion met with Condition:** This proposal meets the criterion for ensuring that the plan is overall acceptable and will not hinder the orderly development of land within the City. The density, use, setbacks, open space and public infrastructure have a bearing on this proposal being acceptable as a high quality development within Dublin. The proposed layout includes streets in accordance with City standards including bikepaths and sidewalks as well as adequately sized tree lawns. Street connectivity as discussed in the Community Plan is provided within the development and to surrounding neighborhoods and with the inclusion of the street connections and the Hyland-Croy Road access. The proposed streets and paths within the development and the connections proposed contribute to walkability and continue the distinct high quality development character evident in surrounding developments. The applicant is proposing shared paths throughout the development and has committed to ensuring that existing cart paths intended to remain on site will be tested and upgraded if necessary to ensure compliance with City standards. Pedestrian connections will also be provided to adjacent schools and the applicant has worked with the Dublin City Schools to provide for off-site connections as well. A total of 182 lots would be permitted under the site's current zoning classifications for a gross density of just over one unit per acre. A gross density measurement means that the total site size is divided by the minimum lot size required by zoning, in this case 40,000 square feet, to determine the permitted number of dwellings. A more realistic density under the existing zoning would likely be somewhat less, given the required lot width of 150 feet at the building line, the presence of a Stream Corridor Protection Zone, site shape, the need for stormwater management areas, required open space, and other site conditions.
11) Stormwater management	**Criterion met:** Adequate provision is made for stormwater management, storm drainage within and through the site to maintain usual and normal swales, water courses and drainage areas.

Analysis	**Rezoning with Preliminary Development Plan**
12) Community benefit	**Criterion met:** The proposal will provide additional housing options to the City and as stated above, the design and site arrangement of a majority of the proposal is consistent with the intent of the Planned Development District regulations. The inclusion of smaller single family lots intended to target empty nesters provides an additional housing option that can encourage multi-generational living within Riviera. The proposal preserves many of the natural features on this site, and the proposed layout creates an attractive public realm by providing ample open space. The Avery Road setback will be enhanced with park amenities and landscaping that continues the rural character of the road. Street connections to surrounding stub streets will provide for additional ways for people to travel throughout the community. Connectivity for vehicles, bikes, pedestrians, deliveries and services will all be improved with a direct route to Hyland-Croy Road. The surrounding neighborhoods are likely to see less cut-through traffic by providing this connection. As with any new residential development, additional students will be part of this project. Previously, commenting on the 284-lot concept plan, the Dublin City Schools noted that their calculations for students showed the following: Elementary School—145 Middle School—102 High School—105 At 240 units the count would likely be somewhat proportionately less. These counts would be absorbed over the build-out period of the development (typically 6+ years) as students move from one school level to the next.
13) Design and appearance	**Criterion met:** The proposed architectural requirements meet or exceed the quality of the building designs in the surrounding area and all applicable appearance standards of the City. The requirements include high quality materials, four-sided architecture and architectural diversity.
14) Development phasing	**Criterion met:** The development plan includes a phasing plan that shows build-out over five phases. As outlined in the proposed conditions, certain infrastructure improvements are tied to different phases of the development.
15) Adequacy of public services	**Criterion met:** There are adequate services for the proposed development existing and/or planned. Necessary public improvements will not impair the existing public service system for the area. The applicant will partner with the City on the infrastructure agreement to construct the necessary sewers to mitigate the impacts of development on the sanitary sewer system.

Analysis	**Rezoning with Preliminary Development Plan**
16) Infrastructure contributions Condition	**Criterion met with Conditions:** The applicant will be entering an infrastructure agreement with the City to mitigate off-site traffic impacts and address the required sewer upgrade.

Recommendation	**Rezoning with Preliminary Development Plan**
Approval	In Planning's analysis, this proposal complies with the rezoning/preliminary development plan criteria and the existing development standards within the area. Approval with seven conditions is recommended.
Conditions	1) That the development text be updated to include language highlighting that Riviera is proposed near a very active high school with year round activities and that homeowners will likely be affected by the noise and light that typically accompanies such activities; 2) That the development text be updated text be updated to describe the intent of the ownership of Subarea D; 3) That Lots 43 and 240 in Subarea A and Lots 144 and 169 in Subarea B be removed to provide larger open space vistas; 4) That the development plan and text be updated to consistently name the reserves and provide accurate information regarding their sizes; 5) That the applicant work with Planning to determine a method of either physically delineating Stream Corridor Protection Zone (SCPZ) areas, and/or ensuring the property owners are aware of the presence of the SCPZ and its restrictions; 6) That the applicant provide a direct site connection to Hyland-Croy Road to the satisfaction of the City Engineer to be completed with Section 5 of the proposed development; 7) That the applicant enter into an infrastructure agreement with the City, prior to submitting the first final development plan, for development thresholds and public project contributions; 8) That the developer revises the traffic impact study to the satisfaction of the City Engineer prior a City Council hearing of the rezoning; 9) That as part of the development of Section 1, the applicant provide a northbound left turn lane on Avery Road into the site and a pedestrian crossing system for Avery Road, to the satisfaction of the City Engineer; 10) That the applicant evaluates existing cart paths intended to remain on site and upgrade if necessary to ensure compliance with City standards; and 11) That the development text be clarified as to the required location of the hedge for court-loaded garages and that sight visibility triangles will be maintained. ;

Details	**Preliminary Plat**
Plat Overview	The proposed preliminary plat subdivides 167.1 acres of land into 240 single-family lots and 12 reserves of open space. Rights-of-way included in the plat are for: • Albanese Drive • Amicon Drive • Bevilaqua Drive • Cacchio Place • Corna Drive • Devictor Way • Devito Way • Dicesare Loop • Firenza Place • Gatto Court • Melfi Court • Mollica Lane • Riviera Boulevard • Rosso Loop • Tantalus Drive • Timble Falls Drive All streets within the preliminary plat are public and are a typical residential section with a 50-foot right-of-way. Bikepaths are sidewalks are included on each side of the street. The applicant must include a street section in the preliminary plat prior to Council review of the application. The preliminary plat shows existing conditions, proposed development sections and includes setback requirements and the appropriate development standards. The plat includes the open space acreages in the maintenance table. Lot depths should be shown consistently for all lots.

Analysis	**Preliminary Plat**
Process	The Subdivision Regulations identify criteria for the review and approval for a plat. Following is an analysis by Planning based on those criteria.
1) Plat Information and Construction Requirements	**Criteria met:** The applicant has included all necessary information and construction requirements appropriately on the preliminary plat.

Analysis	**Preliminary Plat**
2) Street, Sidewalk, and Bike path Standards	**Criteria met:** The plat includes a street section for the streets. Sidewalks and bikepaths are provided throughout the development.
3) Utilities	**Criteria met:** The plat makes appropriate provisions for utilities and the location of future utilities.
4) Open Space Requirements Condition 1	**Criteria met with Condition:** The Subdivision Regulations require the dedication of 17 acres of open space based on the size of the site and the maximum number of units proposed. The plat includes reserves labelled A through K, which range from small open spaces in boulevard and landscape islands to large, expansive open space in the center of the site. Area labels for Reserves K and L are reversed and need to be corrected. The total dedicated open space amount is 63.5 acres and exceeds Code requirements by 46 acres.

Recommendation	**Preliminary Plat**
Approval	This proposal complies with the preliminary plat criteria and a recommendation to City Council for approval of this request is recommended with one conditions.
Conditions	1) That the preliminary plat be updated in terms of open space dedication, prior to Council review.

REZONING/PRELIMINARY DEVELOPMENT PLAN CRITERIA

The purpose of the PUD process is to encourage imaginative architectural design and proper site planning in a coordinated and comprehensive manner, consistent with accepted land planning, landscape architecture, and engineering principles. The PUD process can consist of up to three basic stages:

1) Concept Plan (Staff, Commission, and/or City Council review and comment);
2) **Zoning Amendment Request (Preliminary Development Plan; Commission recommends and City Council approves/denies); and**
3) Final Development Plan (Commission approves/denies).

The general intent of the preliminary development plan (rezoning) stage is to determine the general layout and specific zoning standards that will guide development. The Planning and Zoning Commission must review and make a recommendation on this preliminary development plan (rezoning) request. The application will then be forwarded to City Council for a first reading/introduction and a second reading/public hearing for a final vote. A two-thirds vote of City Council is required to override a negative recommendation by the Commission. If approved, the rezoning will become effective 30 days following the Council vote. Additionally, all portions of the development will require final development plan approval by the Commission prior to construction. In the case of a combined rezoning/preliminary development plan and final development plan, the final development plan is not valid unless the rezoning/preliminary development plan is approved by Council.

Review Criteria

Section 153.050 of the Zoning Code identifies criteria for the review and approval for a Rezoning/Preliminary Development Plan. In accordance with Section 153.055(A) *Plan Approval Criteria*, Code sets out the following criteria of approval for a preliminary development plan (rezoning):

1) The proposed development is consistent with the purpose, intent and applicable standards of the Dublin Zoning Code;
2) The proposed development is in conformity with the Community Plan, Thoroughfare Plan, Bikeway Plan and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network;
3) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
4) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded;
5) Proposed residential development will have sufficient open space areas that meet the objectives of the Community Plan;
6) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;
7) Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
8) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public

safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;

9) The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PD and the larger community and maintains the image of Dublin as a quality community;
10) The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plan's contribution to the orderly development of land within the City;
11) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
12) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Dublin Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Development District regulations;
13) The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the City;
14) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
15) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area; and
16) The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.

PRELIMINARY PLAT CRITERIA

If approved, the preliminary plat will be reviewed at a later date by City Council. If the Commission disapproves the preliminary plat, it must state its reasons for doing so. Approval of the preliminary plat is effective for 24 months and authorizes the developer to proceed with construction after meeting all Engineering requirements. The Commission and City Council will later review the final plat for each phase, generally after infrastructure is complete, to ensure that it conforms to the preliminary plat.

Review Criteria:
In accordance with Chapter 152, the Code sets out the following requirements as part of the platting requirements for the subdivision of land:

1) The proposed plat provides the minimum plat contents required by Sections 152.018(B) and 152.018(C);
2) The proposed plat will comply with all applicable subdivision improvement procedures as defined by Sections 152.035 through 152.053;
3) The proposed plat will provide required improvements as specified by Sections 152.065 through 152.072.