

PLANNING AND ZONING COMMISSION

MEETING MINUTES

NOVEMBER 13, 2014

AGENDA

- 1. Riviera** **8025 Avery Road**
14-068Z/PDP/PP **Rezoning/Preliminary Development Plan (Tabled)**
Preliminary Plat (Tabled)

The Chair, Chris Amorose Groomes, called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were, City Council Representative Amy Salay, Todd Zimmerman, Richard Taylor, and Victoria Newell. Amy Kramb and John Hardt were absent. City representatives present were Jennifer Readler, Steve Langworthy, Claudia Husak, Tina Wawzkiewicz, Aaron Stanford, Gary Gunderman, Devayani Puranik, Marie Downie, Sue Burness, Newar Messina, Nicki Martin, Paul Hammersmith, and Laurie Wright.

Administrative Business

Motion and Vote

Mr. Taylor moved, Mr. Zimmerman seconded, to accept the documents into the record. The vote was as follows: Ms. Salay, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 5 – 0)

The Chair briefly explained the rules and procedures of the Planning and Zoning Commission. She said there was only one case on the agenda this evening. She said Staff will give a presentation first, next the applicant will be invited to make any additional comments with respect to their case, and lastly, public comments will be heard. She reported that 10 people had signed up to speak and would be heard first but then anyone else wishing to address the Commission would have the opportunity. She indicated that 45 letters had been received by the Commission from members of the community, and they have all read them and were made part of the public record. She requested that comments be limited to information that had not already been stated by previous speakers.

- 1. Riviera** **8025 Avery Road**
14-068Z/PDP/PP **Rezoning/Preliminary Development Plan**
Preliminary Plat

The Chair, Ms. Amorose Groomes, introduced this application for a request for a rezoning of approximately 168 acres from R, Rural District and R-1, Restricted Suburban Residential District to PUD, Planned Unit Development District for the potential development of the site with up to 240 single-family lots and approximately 60 acres of open space. She said the site is on the west side of Avery Road, north of the intersection with Memorial Drive.

The Chair swore in anyone intending to address the Commission on this case.

Claudia Husak said several staff members will also be part of this presentation. She presented a slide explaining the process of a Planned Unit Development. She reported the Planning and Zoning

Commission reviewed a concept plan in March 2014 for the Riviera Club proposal, which is the first step in a PUD application for establishing the planned district. She said a planned district means the request is for a rezoning to a district that is not currently in the Zoning Code but will have its own development regulations. Ms. Husak said that at that meeting, feedback was given and public testimony heard but no votes were taken at that time. She said the second step of this process is the rezoning with a Preliminary Development Plan and a Preliminary Plat that is the first formal stage step to establish a PUD. She said this includes a development text, with development regulations that will be applicable to this site from here on out. She added it also includes a Preliminary Development Plan, which has the site layout, the access, street design, open space locations, pedestrian circulation, a preliminary tree survey and the replacement information and utility plan as well as the Preliminary Plat. She said at this stage, the Planning and Zoning Commission provides a recommendation to City Council as this requires legislative action; approval by City Council would constitute the rezoning to a Planned Unit Development District. She said the third step is the Final Development Plan and Final Plat, which includes all final details for the development and those usually happen in stages or sections.

Ms. Husak presented the site that is adjacent to three Dublin City Schools: Dublin Jerome High School to the southwest, Grizzell Middle School and Deer Run Elementary School to the northeast. She added adjacent neighborhoods include Belvedere and Shannon Glen to the south, Tartan West to the north, and to the east is Muirfield Village. She noted the county boundaries and the site is in three counties: Franklin, Delaware, and Union.

Ms. Husak described the site that is 167.1 acres but is shown on the county's website as 168 acres. She said it has been surveyed and verified that 167.1 acres is accurate. She said it has 2,000 feet of frontage on the east side of Avery Road and has been a golf course since 1970. She indicated there are two access points on Avery Road that are accessing the parking lot for the clubhouse and banquet facility. She stated that 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. She added a wooded area is in the northwest portion of the site with tree rows along the western and southern site boundaries and there are many mature trees existing on the site.

Ms. Husak showed a view of the concept plan that the Commission reviewed in March. She said the proposal included 284 single-family lots at a density of ± 1.7 units to the acre with 35% of the site dedicated to open space.

Ms. Husak showed a view of the Community Plan that showed the site as parks and open space. She said this site was dedicated as Parks and Open Space in the 2007 Plan update, which staff did specifically at the request of the ownership of the golf course at that time. She explained the Parks and Open Space designation is described as land used for public or privately owned parks and recreational uses that allows the land to be preserved in a natural state. She said this classification may include portions of private lands that have been identified Open Space designations for future development projects but not necessarily targeted for public dedication or acquisition.

Ms. Husak showed the surrounding densities of the site that are 1 to 2 units per acre. She explained the zoning of the site is R-1, Restricted Suburban Residential District and R, Rural District, which both permit single-family lots and have the same development standards, which are 40,000-square-foot lots with 150-foot lot depth. Permitted are agricultural parks and public schools, she said.

Ms. Husak addressed the relationship between the Community Plan and the Zoning Code as it is critical to this application and commonly misunderstood. She explained the Community Plan is a statement of policy while the Zoning Code is a law. She added the Community Plan is a document, which states general principles and no specific issues upon which development and the City is evaluated. She explained the plan itself has no direct legal authority and its adoption does regulate or change the use of land while modifications of the Zoning Code can change uses to which the land may be developed or altered in the

regulations that affect the site. She said the Community Plan affects the future use of land while the Zoning Code affects the use of land today.

Ms. Husak presented a map that Staff provided during the concept plan review where analysis was provided on how the proposed development would fit within the surrounding context in terms of density. She said the research has been done based on plats that were provided for the northern developments and for Muirfield; Staff did a calculation based on picking an area and counting rooftops based on aerial photography. The density results she said were 1.27 units per acre, which included also the commercial lands within that area.

Ms. Husak presented the proposed Preliminary Development Plan that includes 240 single-family lots with access from Avery Road on Riviera Boulevard that terminates into a 2.1-acre central open space around which single-family lots are located. Secondary connections she said are provided through Tantalus Drive and Timble Falls Drive south to the Belvedere subdivision and Firenza Place west to Tartan West. She added a stub street is proposed on the west edge of the site to provide for a future street connection to Hyland-Croy Road.

Ms. Husak reported that Subarea D at the southwest corner of the development is programmed as a potential elementary school with associated improvements. She said if Dublin City Schools does not elect to use the site, it would remain as 15 acres of open space reserved to be owned by the City of Dublin.

Ms. Husak provided a map that the applicant prepared showing the surrounding densities, which resulted in 1.4 units to the acre for Muirfield Village and is probably more accurate than what Staff has provided. In March, she said, 284 lots were proposed with a density of 1.7 units to the acre, and tonight two numbers are proposed: 1) 240 lots with 1.5 units to the acre with the school site taken out; and 2) 240 lots at 167 acres for the total site that equates to a density of 1.44 units per acre.

Ms. Husak showed the four subareas the applicant is proposing and noted the locations on the map and explained the lot sizes and setbacks are very similar to the surrounding neighborhoods. She presented a map of the open spaces proposed and she noted the 52 acres, which the City of Dublin will own and will maintain, and the other 11 acres of open space will be maintained by the Homeowner's Association. She said Planning is concerned that lots within a couple of these subareas impede views into the open spaces and has conditioned the removal of Lots 144 and 169 in Subarea 'B', and Lots 43 and 240 in Subarea 'A' to establish a greater open view corridor connecting Reserves 'J', 'H', and 'I'.

Ms. Husak said Steve Langworthy has some remarks regarding Conservation Design.

Steve Langworthy said Staff has been asked about the Conservation Design resolution that Council passed in 2004. He reported the concept of conservation design was first put forward by Randall Arendt in his "Conservation Design for Subdivision: A Practical Guide to Creating Open Space Networks," published in 1996. He indicated the guidebook was used by many communities to revise their zoning regulation (particularly planned development regulation) to take into account existing natural features such as woodlots, steep slopes, and other natural features that might exist on various properties. He explained this book set forth an elementary design process of identifying potential conservation areas, locating home sites, designing street alignments and trails, and filling in lot lines accordingly. He added 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.

Mr. Langworthy said sometimes this Conservation Design has been mistaken as being a type of subdivision when in fact it is a process to derive a subdivision. He added this process was also used for farmland in the east as a farmland conservation method.

Mr. Langworthy stated he has seen a lot of subdivisions developed during his term with the City of Dublin and said this was the first time the Conservation Design was considered for an application. He said early on, the developer was asked to provide maps of the site's natural features and how they were treating them as part of their development. He said the developer used this process and planned the house sites around the natural features. He said Staff believes the concepts highlighted in the City's Conservation Design Resolution have been incorporated by the developer to the extent possible. He noted on maps to show where and how the developer applied the conservation design principles. He said aerial photos showed what was on this property before it was developed into a golf course and some of the natural features had been disturbed back then.

Ms. Husak said one other plan that was included within the Preliminary Development Plan is a path connection illustration, which shows all the shared use paths and sidewalks. She said the developer plans to use some of the cart paths on the site but certain standards will have to be met. She indicated the applicant has also worked with Dublin City Schools to provide paths for walking or biking to the adjacent schools to which she highlighted on the map.

Ms. Husak introduced Tina Wawskiewicz, traffic engineer.

Ms. Wawskiewicz said the traffic study for any rezoning process is for Staff to understand the impact of the proposed land use on the roadway infrastructure and it is a tool to help determine the developer's responsibility for their site access points as well as their impact to off-site infrastructure. She presented the locations that were studied for the Riviera site. She said with the proposed rezoning, the majority of the site is single-family homes and the potential school site would add trips to the existing infrastructure. She said realistically there would also be some reductions with the existing golf course being converted. She pointed out the ITE trip generation rates were used to develop these and they concentrated on the peak hours (1 hour taken out of a 2-hour period of a count). She said a traffic count would be taken from 7 – 9 am, the highest 1-hour volume within that 2-hour period would be used. She said a benefit of potentially moving the school internally, connecting to the homes, alleviates the trips outside of the roadway network, such as Avery Road, Brand Road, and Hyland-Croy. She said it is important to have a direct connection to Hyland-Croy Road to help distribute the trips in the area and she presented graphics to highlight her point.

Ms. Wawskiewicz said the developer would be responsible for improving Avery Road at their site drive and would need to connect with Hyland-Croy Road. She added a pedestrian crossing would be requested for Avery Road. She said for off-site contributions, percentages would be calculated based on site traffic and applied to the cost estimate for that improvement; this would be presented to the developer through an infrastructure agreement with City Council. She said one of the off-site locations to get a lot of interest is the intersection of Avery Road and Brand Road. She explained that City Council has this intersection included in the Capital Improvement Program.

Ms. Amorose Groomes inquired about the current design fees. Ms. Wawskiewicz said the construction monies have not been programed yet; just the preliminary designs are in the 2014 CIP.

Ms. Wawskiewicz reported they are seeing a little more than 10,000 trips per day using this intersection site traffic and expect an increase of about 7 percent, assuming the school will be on the site and a direct connection to Hyland-Croy. She said without the connection, the increase would be 8 percent. She said currently the intersection operates at a 'C' level of service overall with or without site traffic. Projecting 10 years out, she said, staff anticipates the intersection would fail, with or without site traffic. She noted the other intersections to be included in the infrastructure agreement:

- Post Road and Hyland-Croy Road
- Jerome Road and McKitrick Road
- Hyland-Croy Road and McKitrick Road
- Hyland-Croy Road and Brand Road

Aaron Stanford provided a quick overview of the utility system from a map highlighting the proposed public water and fire protection. He explained this development will get access to public water by means of the installation of these new public water mains and fire hydrants and will connect into both existing 16-inch public water mains at the Avery Road connection just north of the access drive as well as three other connections to Belvedere and Tartan West. He added there will not be any adverse impact onto the existing water pressure services. He said analysis from an engineering consultant recommends new public storm sewer mains, a series of stormwater management ponds, and the installation of new public sanitary sewer mains. He said the site is unique as it was previously identified as Stream Corridor Protection Zone (SCPZ). He said natural areas would be preserved to help the flood carrying capacity. He concluded the consultant's analysis has been submitted and reviewed with four solutions and cost estimates for pipes and will be factored into the infrastructure agreement to be approved by City Council.

Ms. Amorose Groomes inquired about the Stream Corridor Protection Zone (SCPZ). She asked if the ponds were an integral part of SCPZ or could the ponds be reverted back to streams.

Mr. Stanford answered there is probably flexibility to do either depending on how the utilities are set up. He added while the ponds are important for stormwater management, Engineering also considers preserving the natural habitat for vegetation and wildlife to thrive.

Ms. Husak said that all of these maps and analysis were part of the Preliminary Development Plan. She said the other piece of this application is the proposed Preliminary Plat that includes the phasing information, which ties to some of the infrastructure requirements, in particular, the Hyland-Croy Road connection. She explained the Zoning Code includes criteria for approval of the rezoning with the Preliminary Development Plan and Staff has identified 11 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 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 are 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 revised the traffic impact study to the satisfaction of the City Engineer prior to 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.

Ms. Husak said the above conditions come with a recommendation of approval for Rezoning and Preliminary Development Plan.

Ms. Husak said the Preliminary Plat carries different criteria and approval is recommended to City Council for approval with one condition:

- 1) That the Preliminary Plat be updated in terms of open space dedication, prior to Council review.

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

Jeff Brown, attorney with Smith and Hale, 37 W. Broad Street, Columbus, Ohio, said he would be speaking along with Greg Chillog and Charlie Ruma. He said the applicant has been working diligently with Staff and neighbors to make revisions to this plan. He reported the number of units has decreased from 284 units to 240 units, and five acres of open space has been added. He recalled that density was a big question during the Concept Plan Review as to how it relates to the areas surrounding the site. He said the properties to the north are between 1.89 and 3.28 units per acre, to the south 1.58 and 2.0 units per acre, and Muirfield across the street has 1.47 units per acre. He said if the applicant was to decrease the development by four lots as part of one of the conditions proposed by Staff, it brings this proposal down to 1.412 units per acre. He concluded the applicant density is below the neighbors and they have more open space than adjacent property owners.

Mr. Brown said Conservation Design has also been part of the conversation. He said Riviera is the 'hole in the donut'. He said it was developed as a golf course, and things happened as a result of that such as pavement; the clubhouse and maintenance facilities; and the ponds that have been created. He believes the applicant has incorporated the conservation designs into the planning of this development as shown in the preservation of the stream corridor, the pond area, and the wooded areas with this property.

Mr. Brown said contact was made between the school system and Charlie Ruma. He said with the schools adjacent to this site, and the desire to build another, the applicant redesigned their plan and as a result, committed 15 acres as open space that backs up to the high school to create a better buffer between the homes and was dedicated to the City of Dublin.

Mr. Brown concluded that Charlie Ruma has a long history with Dublin and has done many wonderful projects. He said in this particular development, Mr. Ruma has tried to work with the community, numerous changes have been made as a result, and he understands the community standards of Dublin.

Greg Chillog, The Edge Group, 330 W. Bridge Street, Columbus, Ohio, said the proposal is not just 240 single-family homes on 167 acres. He said there are both external and internal influences on this site. He said they have identified the surrounding uses, the densities, and the proximity to this site and believes the applicant is meeting or exceeding the standards. He noted the connection to the surrounding open spaces/parks as well as the internal conservation areas and tree stands. He restated some of the earlier descriptions of this site made by Ms. Husak and Mr. Brown. Additionally, he pointed out the walking paths and their lengths along with entry features. He concluded that this site fits into the neighborhood and products were placed where they need to be.

Charlie Ruma said he has been developing in central Ohio for the past 35 years, including 50 developments, somewhere in excess of 10,000 lots, most notably, Wedgewood Hills. He said he is strict about architecture control, adheres to the Dublin Appearance Code, and hires an architect to approve all of his plans. He indicated he is planning a very high quality program for Riviera with attention to detail. He explained the lots are going to be 100-foot-lots and similar to the high end product of Wedgewood Hills.

Mr. Ruma said he does not want see Riviera Golf Club go away as it has been part of the Dublin Community for the past 50 years but the American-Italian Golf model is not working anymore. He said due to the heavy competition of other golf clubs in the area, membership has dropped significantly. He said the golf course will lose \$250,000 this year and cannot continue to operate. He said Riviera just

wants the same opportunities and rights that their neighbors had to develop this last remaining site in the area.

Mr. Ruma reiterated what was requested at the Concept Plan in March: buffer area to the high school; usable open spaces; connectivity to the schools; age-targeted housing for empty-nesters; Avery Road protected; vistas and setbacks; and lower density. He said the product being proposed tonight connects neighborhoods and allows for a child to go from Pre-K to graduation via the bike or walking paths. He said they will remove the four lots suggested by Staff, which equates to 236 lots on 167.1 acres at 1.412 units per acre for density that meets or exceeds what has been done in the area. He said the connections had been made. He also mentioned his conversation with the Superintendent of the Dublin City Schools where he was asked to reserve some space for a future school, which he has also done by dedicating this open space to the City of Dublin. He concluded this is a very commendable proposal and one of the best developments they have ever put together; they have utilized the land well, and there is a good mix of product.

The Chair announced that the Commission has reached the public portion of the meeting and explained the procedures.

Kevin Walter, 6289 Ross Bend, Dublin, Ohio, thanked the City of Dublin for allowing the citizens to formally address the Planning and Zoning Commission. He stated he represented a coalition of nine homeowner's associations, and various community groups. He said their group is more than a parochial voice concerned about their own backyard. He shared results of their survey over the development of the Riviera Development. He said 2,771 people were surveyed and 696 residents responded with address information allowing the coalition to visually depict the strength of concern over this issue. He said the group's primary objective is opposition to the rezoning.

Mr. Walter said their version of an alternative "staff report" was submitted by his group with the same Dublin City Code review criteria but with vastly different recommendations. He said they recommend disapproval.

Mr. Walter said in 1988, Riviera was depicted as Parks and Open Space. He said in 1997, 83 acres of the site was designated as Parkland in anticipation of its inclusion in the Glacier Ridge Metro Park. In 2003 he said, Council provided a rezoning to the R-1 classification through Ordinance 65-03. He said in 2007, the owner of the Riviera Golf Club requested that depiction of Parks and Open Space on the Community Plan and Council agreed to change the visual representation to the use of Parks and Open Space with an R-1 classification. He said when the Community Plan was updated in 2013, the R-1 classification was affirmed. He said his group supports this classification and all its uses. He said they understand the Community Plan is a guide that is malleable, but is also the stated intention of Dublin City Council and as such, deviation from the plan should be considered against not only the developer application but also balanced against the stated intent of Council and the general welfare of the community as a whole. He said when the classification was affirmed in 2013, Riviera was depicted as appropriate for conservation design subdivision in map 3.2 B. He said Council reviewed three trend build-out scenarios and preferred the mid-range scenario; Riviera was designated as a conservation design development.

Mr. Walter said the Staff Report picks and chooses what parts of the conservation design elements and Community Plan are used as it applies to the development application. He said in 2004, City Council passed Resolution 27-04, affirming conservation design as a desired development pattern with specificity. He said the Staff Report cannot be more wrong on its discussion of the requirements for the Riviera application to conform to conservation design principles. He argues that the Resolution does not just encourage conservation design but compels it. He said the passage about the meaning of Randall Arendt's discussion on golf courses was completely backwards. He proceeded to read Resolution 27-04 and shared a graphic of curvy-linear street patterns for conservation design and said Riviera's proposed street grid did not look like that.

Mr. Walter said a Resolution maintains the same force of law as an Ordinance. He quoted the City Code as stating "Council shall use a Resolution where practical for any legislation of a temporary, informal, or ceremonial nature." He said Resolution 204 was enacted by the City of Dublin to express what conservation design is, where it applies within the City, and how to use it with very prescriptive modeling. He said it is clear Resolution 27-04 applies to the Riviera property. He said City Staff is not at liberty to dismiss the importance of the resolution. Its applicability to the Riviera property would indicate the developer generally followed Randall Arendt's process. He said his theories are completely irrelevant to this application. He said City Council has spelled out in words, pictures, and legislative action on numerous occasions that conservation design is important and the developer must, and the City will, require conservation design principles on new development in northwest Dublin.

Mr. Walter indicated he has read the traffic reports and has done research to find that it appears the traffic study was conducted appropriately and to industry standards but has found some anomalies. He said Belvedere residents incur a significant amount of cut-thru traffic due to the high school. He showed images of backed-up cars. He said the traffic report states Belvedere is a community of 154 homes, it generates 113 right turns from Abbey Glen to Brand Road headed toward the high school. He said Riviera, a community of 240 homes will only generate 38 trips headed to the high school across all exits and only 4 additional trips at Abbey Glen. He said the traffic study shows the number of cars exiting Riviera at Avery Road and turning left onto Memorial Drive, is 0. He said he finds these types of assumptions out of the scope of reality and questions the overall validity of the entire traffic report with regards to the impact the development will have on neighboring traffic volumes at critical intersections such as Brand and Avery Roads.

Mr. Walter said it is clear that the Riviera development text is simply lacking in detail. He said the review criteria for design standards states that the proposed development must meet or exceed the quality of building signs in the surrounding area. He believes the development text is very weak and lacking in specificity and only rises to the bar of meeting City Code. As an example he said, the architectural section of the development text is expressed in 522 words, including 30 words of headers. In contrast he said, the architectural section of Tartan Ridge development text is 4,046 words with 69 pictures and diagrams providing a visual representation of the text. He said the level of detail in the development text assures Dublin that a quality development will become reality. He said today the applicant said it is his "intention" to do that; for Tartan Ridge it was put into words in the development text. He added the development text is the blueprint that is the basis for all building within the development. He said review criteria 13 requires evaluation of the development based on comparable designs in a surrounding community. He said Tartan Ridge offers a wonderful template for acceptable development text, as further example, Tartan Ridge has an in-depth discussion of four-sided architecture. He said the full discussion of architecture in the Riviera application consists of two basic points that are very limited. He believes Riviera should be held to a standard equal or greater than set by Tartan Ridge.

Mr. Walter concluded their recommendation is for disapproval of the Rezoning and Preliminary Development Plan as the application fails to meet review criteria 2, 3, 5, 6, 10, and 13.

The Chair thanked the Homeowners' Associations for their coordinated effort and providing a united front, which will hopefully avoid some repetition during this meeting. She explained the timer will be used for subsequent presentations. The Chair decided that Phase 2 of the Homeowner's presentation should commence first.

Christine Gawronski, 7691 Worsley Place in the Brandon subdivision, said she was the current president of the Brandon HOA and she has been a part of the coalition of concerned citizens comprised of the nine HOAs. She thanked the Commission for their time and allowing the concerned citizens the platform to participate in the community planning. She indicated she has heard the comments that "we're drawing up the draw bridge in Dublin and not letting anyone else in" and that is not what is happening. She agrees with all of Mr. Walter's presentation. She said she hopes the Commission finds this proposal is not

keeping with the Community Plan, is not consistent with conservation development, and that it fails to meet all 16 criteria used to evaluate a development in Dublin and as a result, reject the proposal. She asked the Commission if they do decide to go ahead with the Rezoning, several conditions are requested to be imposed as conditions of approval in addition to what the Planning Department has recommended.

- 1) Density: The density numbers used for Tartan West and Muirfield Village are not an apples-to-apples comparison. She said those include condominiums and should just be matching single-family density, which would be 1.27 units per acre for Muirfield. She believes the 1.412 density number provided by Mr. Ruma includes the 15 acres being donated to the school and asked that the density be based without that 15 acres.
- 2) Building Design: Meet or exceed the surrounding area and that means single-family homes.
- 3) Lot Sizes: She said some lots in the proposal are as small as 55 feet wide and the majority of lots are about 70 feet wide. She said this number of small lots is simply unacceptable. She said for single-family homes in the surrounding neighborhoods, lots are in the 85 – 110 foot range, featuring side-loaded garages or three-car garages. She said the lots appear to be arranged for maximum density by forcing them together. She said the concerned citizens are requesting a minimum lot width of 85 feet, requiring a three-car garage, and keeping parked cars off of the street.
- 4) Inter-development Traffic: She said by placing the school area in the back of the site this proposed development will force significant traffic through Amicon Drive, and Devictor Way and converge on Firenza Place. She said if the land is not used for a school, the placement of the open space is poor and should be spread throughout the development consistent with the conservation design. She said she understands it is generous of Mr. Ruma to dedicate the land to the schools but also knows this was the most problematic portion of the property for his use.

Ms. Gawronski asked that this proposal be sent back for a complete reconfiguration. She said they agree with the Planning Department for a connection with Hyland-Croy Road.

Ms. Gawronski continued:

- 4) Buffering and Parks: Too many lots intrude upon the stream and keep the stream from truly being open space. She said the open space should be a community amenity, unfortunately there is no buffering for Grizzell Middle School. She said they are requesting a 50-foot buffer from all homes as in Belvedere where there is a 30-foot no build zone and 20-foot drainage easement and 60 feet next to Grizzell Middle School similar to what exist adjacent to Karrer Middle School plus better access to open space parks.
- 5) Trees: She recalled comments made at the March meeting regarding the Wellington Reserve Development. She said when that was approved, Mr. Ruma promised the landmark trees would be protected and he was amazed in March to hear that they were not. She said when the development was sold to his son, and the subcontractor began work, there were at least two historic trees, one of which was approximately 200 years old. She said when the contractor was bringing it down, residents told him it was a protected tree but he went ahead and removed it. She said there are multiple landmark trees on the Riviera property and we cannot afford to let that travesty be repeated here. We ask that the developer find a temporary staff member for the City who would be tasked with monitoring and protecting landmark trees and other natural treasures.

Ms. Gawronski concluded this proposal is still inadequate.

Jeffrey Oleski, 7013 Post Preserve Blvd, said he did not have the opportunity to meet with Kevin Walters. He indicated the last three years he has been in search of a new subdivision throughout Columbus, Powell, and have resided in Dublin for nine years. He said when Riviera has the opportunity to become an amazing community. He stated he has played the Riviera Golf Course.

Mr. Oleski said Subarea B was originally 30 acres and is now down to 15 acres and being transformed to an elementary school, which resulted in all of the 280 homes being shoved forward and reduced to 240 but the homes have not changed at all. He said the density is nowhere near where it needs to be. He said the opportunity is here to get it right and to be well under 200 homes.

Mark Mace, 6469 Green Stone Loop, said on behalf of the four homes bordering the course, we would prefer Riviera remain green. He said should this rezoning pass, they strongly believe in the proper buffering and preservation of Riviera's natural beauty and habitat is paramount for this development to ensure environmental sensitivity we respectfully request the ponds bordering Belvedere and natural feature surrounding these ponds remain in place while providing needed buffering and green space. He said he commends Mr. Ruma on the proposed plan to address the concerns by preserving the ponds and the surrounding features attributing to the areas natural beauty and habitat. For these reasons he said, we commend Mr. Ruma and the proposed plan as it relates to preservation of ponds, natural features and a green space bordering Belvedere. He thanked Belvedere homeowners on lots 100, 101, 102, and 103.

Andrew Eilerman 8142 Timble Falls Drive, said he and his wife moved to Dublin in 2012, and lived prior to that in Grove City, at the time we were searching for a safe place to raise children. He said his wife works in Dublin as a pediatrician in Muirfield Square. He asked what was in the hearts, souls, and minds of the residents that live near this area. He said there are tons of children that live in Belvedere and surrounding subdivisions and he is concerned with the retention ponds that are near, especially the proposed elementary school. He said he is concerned about the traffic which is already experienced around his subdivision but going through our subdivision to get to Jerome High School or over to Hyland-Croy. He asked the Commission to do right by our children, who are our future, and keep Riviera green.

Joe Di Cesare, 7636 Worsley Court, said he has been a member of Riviera for 40 years and has been in Brandon for 25 years. He said he is speaking on behalf of the developer and staff, who have worked on this a long period of time. He indicated he is aware of all the HOAs, and wanted to support Riviera becoming a subdivision. He said Mr. Ruma has worked with the schools, Commission, and staff, to present a lot of curvy-linear moves and saw the conservation design. He said the first thing listed is 1.5 units per acre for density, which Mr. Ruma is under. He asked the Commission to vote to allow Mr. Ruma to continue.

Emily Williams, 6290 Belvedere Green Blvd, said she agreed with Andy Eilerman and Kevin Walter. She said she and her husband have lived on Belvedere Green for the last decade and the traffic is horrible. She said they are currently working with the City of Dublin Police on traffic calming solutions but nothing has been achieved yet, and she cannot imagine one more car, turning on that road as a cut through to Jerome High School. She said she is worried about the kids and personally has witnessed two accidents right in front of her house in the past year and that is two car accidents too many in a 25 mph zone. She asked that the Commission take traffic as a serious consideration when voting on this proposal.

Bob Fathman, 5805 Tarton Circle North, Dublin, Ohio, said he read in the Planning Report that Phase 5 would be held up pending approval of a road all the way through to Hyland-Croy Road. He said the whole doggone plan should be "deep-sixed" until that is guaranteed. He said he supports everything Mr. Walter said earlier and the plan should be rejected for all the reasons he outlined. He said per the letter from the schools stating under no condition would the school have any interest at all in selling land of the north edge of Jerome High School to the developers to put an access road in. He stated there is no guarantee that the roads will be built to alleviate traffic. He is concerned if the first four phases go through, what happens if the road is not built. He asked if the project would be stopped at that point. He asked that Mr. Ruma be required to show documentation that a road had been secured before starting the project.

Susan Gruber King, 7015 Tuscany Drive in Tartan West, said she is concerned with the impact this development and road to Hyland-Croy Road will have on traffic. She said there are currently other areas

developing that are causing more traffic on Hyland-Croy Road. She brought up access roads cut through developments to get to main streets. She said Tuscany Drive is 25 mph and during the mornings, they have a constant flow of traffic coming from Glick Road onto Corazon, turn left on Tuscany, going all the way up Tuscany Drive and then turning left onto Hyland-Croy Road to get to the High School, moving at about 45 – 50 mph. She said that traffic goes on days, nights, and weekends. She said the Police have patrolled periodically and hand out tickets but if a connector road is built to Hyland-Croy Road, when that road backs up, the traffic will come back around through the development onto Firenza, onto Tuscany, so they can make a left turn onto Hyland-Croy Road to get to the High School or up to the US 33 and SR 161 to go to work. She said she does not think the traffic impact study correctly reflects the traffic density numbers. She said with 240 homes for this proposal, consisting of families, there will be at least one wage earner, probably two, and there may be a caregiver taking kids to school or a teenager to High School because even if the kids can walk, they may want wheels. She believes there will be a lot more traffic than currently anticipating. She asked if Hyland-Croy will be widened to accommodate all this additional traffic or the speed limit lowered. She said traffic will be a nightmare.

Mike Galeano, 6253 Muirloch Court South, said if this Commission decides to deviate from Resolution 27-04's green space requirements, he wants to know exactly why they plan to deviate, what has changed from 10 years ago to articulate why it is today any less important at 50 percent than it was.

Leslie MacLeod, 8034 Balmoral Court, near the Avery-Brand intersection, said she has lived on this street for 13 years, and it has been increasingly hard to exit from our street, much more so the last few years. She said even tonight at 6:30, trying to come to this meeting, it was difficult to turn onto Avery Road. She said traffic is a nightmare at all rush hours. She has witnessed accidents right in front of her as kids are going to Jerome High School. She said she agreed with Mr. Fathman that a plan to provide access to Hyland-Croy Road has to be distinctly spelled out as far as how it is to be achieved and be required to be part of the initial development, if in fact it is approved, which she opposes. She said she cannot see justification on any level per public safety and the severe impact this development would have on the character of the environment of the area. She said she still has one student attending Jerome High School and has been very active with the school over the years. She said they have supported many levies that have been passed as this school district has grown. She said it is good to hear there is a site being donated for a possible school in the future but all of us here have to support and fund the construction and operating levies that will be required in order to have the school so that is a very big consideration here. She reported that Jerome High School is already over capacity and there are other schools as well. She said what the Commission's role should be to address the density from the current zoning requirements.

Greg Waina 6157 Avoset Court, in Hawk's Nest subdivision, said many good points were brought up tonight. He said the proposal has a certain amount of designated green space but his concern from the Hawk's Nest HOA, the green space that is passive, but one of the jewels we have in Columbus, which is our active green space, for example, Avery Park. He said Avery Park is probably at capacity in terms of what it can withstand right now in terms of activities, and what is needed in that park to rejuvenate the green grass after soccer is played on a regular basis there. He suggests that before this proposal goes forward, that an impact study is done on the City's active recreational spaces in addition to the passive spaces here.

The Chair said the discussion was closed off to the public to hear Commission comments. She said two Commissioners were not available to be with us this evening; Ms. Amy Kramb provided her thoughts in the way of a memo dated November 10, 2014, and will read those comments to be placed in the record.

Ms. Kramb Memo:

I apologize for missing tonight's meeting. I've spent considerable time reviewing the Applicant's materials, the Planning Staff Report, the Friends of Dublin Report, the

Position Report, and all the resident correspondence received as of Friday, November 7, 2014. Based on my review, these are my comments:

1) Discrepancy in Plans needs corrected/clarified

- a. Several of the lot numbers on the tree survey plans don't align/match with the lot numbers on the Preliminary Development Plan. For example, on page 6/11 of the Tree Survey, the lots on the south side of Timble Falls Drive are labeled west to east as 230, 240, 241 and 242; yet, the same lots on page 1/2 Preliminary Development Plan identify the lots as 229, 230, 231 and 232.

2) Density

- a. Calculation for density should not include the 15 acres the developer is allotting for the school. Thus, the calculation should be for the remaining 152 acres (not 167 acres) and 240 residences, so 1.58 dwellings per acre.
- b. The density must be 1.41 units per acre or less, which is the lowest surrounding density.
- c. Open space calculation should also be based on the 152 acres and should not include the 15-acre school site, which when developed, will no longer be 15 acres of open space.

3) Conservation Design Principles

- a. I disagree with the Planning Report regarding the applicability of the Conservation Design Principles. This site is exactly what the conservation design principles are meant to protect; full compliance with these principles is absolutely appropriate for this site.
- b. Conservation design seeks at least 50% open space. At 240 units on 152 acres, the 63 acres of open space is insufficient. The open space should be at least 76 acres.
- c. The roads and lots need to be adjusted to protect landmark trees and preserve as many trees as possible. This most likely means a significant reduction in the number of lots on this site.

4) Trees

- a. Trees are not man-made and should not be treated as golf course additions like cart paths and sand traps. Many of the trees on this parcel existed prior to the creation of the golf course, because I cannot image that a hardwood tree would be 40+ inches in diameter on a 40 year old golf course. The well maintained trees that have been on the parcel for the last 40 years (and longer) are ingrained into the landscape and should be considered natural conditions deserving preservation.
- b. Protect tree #899 at all costs – it is a 72-inch Chestnut Oak in Good Condition (see comments below regarding Subarea D/Preserve L).
- c. Protect Tree #216 – it is a 72-inch Swamp Oak in Fair Condition at the rear of Lot 112. The lot lines need adjusted and/or the Stream Corridor Protection Zone needs extended to include this tree.
- d. Protect Tree #171 – it is a 54-inch Red Oak in Good Condition at the front of Lot 132.
- e. Lots need adjusted or removed to ensure greater tree preservation. For example, Lot 139 has 3 landmark Oak Trees in Good Condition (Tree #161 – 36 inches, Tree #162 – 28 inches and Tree #163 – 28 inches). Lot 139 should be removed to protect the trees. In circumstances where

there is one large landmark tree on a lot, the lot should be positioned or designed to ensure preservation of the tree. For example, Lot 98 has a 40-inch Silver Maple in Good Condition (Tree #41). The narrow front of Lot 98 would certainly result in the removal of this landmark tree. The Lot and/or the adjacent lots should be adjusted to ensure the tree remains protected; and, language should be added to the development text to ensure preservation of these landmark trees.

5) 100-year Floodplain

- a. Lots should not lie within the 100-year floodplain. Lots 43, 44 225, 232, and 239 (on the Preliminary Development Plan) are completely in the flood plain and no house can be built on the lot without being in the floodplain and needing flood insurance. These lots should be eliminated.
- b. Lots 118, 140, 240, 238, 237, 236, 235, 234, 233, 224 (on the Preliminary Development Plan) should be adjusted to not be in the floodplain.

6) Elimination of Lots (Planning's condition #3)

- a. Planning recommended removal of Lots 43, 240, 144 and 169 to open vistas. I agree with the elimination of these lots but for a different reason. I agree with the elimination of Lots 43, 240 and 144 since they are in the floodplain and have landmark trees. I also agree with the elimination of Lot 169 because according to the tree survey the lot has 26-inch and 29-inch Oak Trees in Good Condition (tree survey calls the lot 243).

7) 15 acre Subarea D/Reserve L

- a. The 15-acre school site should be removed from the development plan calculations.
- b. The 72-inch Chestnut Oak in Good Condition (Tree 899) needs protected. According to the tree survey, the tree lies within Reserve L at the rear of Lots 190 and 191. If the canopy and thus the roots of Tree 899 extend into Lots 190 and 191, then I suggest altering or removing these lots. Tree 899 is the largest tree on this site and it needs preserved for everyone to enjoy. Language needs added to the development text to ensure protection before any construction begins and protection no matter what becomes of Reserve L.

8) Development Text

- a. Section XI. Architecture:
 - i. This Section is not specific enough. There is too much default to the Residential Building Code. If this property is rezoned, the new zoning must create a development better than what existing zoning provides.
 - ii. There should be percentages associated with permitted and secondary building materials to ensure lots of brick and stone and less stucco.
 - iii. Allowable roofing materials, like dimensional asphalt shingles, should be described as having a specific thickness, quality, warranty, etc. Likewise, the quality of secondary materials, such as vinyl, should be detailed.

- iv. The Four-Sided Architecture requirement section needs more detail so that more is required than just continuing a one-foot high brick water table around the sides and rear of a house.
- v. The text should come with renderings and sample architectural design showing the diversity and high quality that will make these homes as good as or better than the surrounding neighborhoods.
- b. Section IX. Tree Preservation/Removal
 - i. I don't agree that evergreen trees are an acceptable replacement tree. Existing evergreens being removed may be replaced with evergreens, but removed deciduous trees should not be replaced with evergreens.
 - ii. I disagree with allowing 30% of the replacement trees to be evergreen, especially since the text allows trees within the Avery Road buffer to count as replacement trees. Preferably the trees in the Avery Road buffer would not count towards replacement trees.
- c. Additional, specific text needs added regarding Tree Preservation. Specific landmark trees, such as the three largest trees on the site (#899, #216, #171), need called out in the development text to ensure protection.
- d. The Conservation Design Principles need added to the development text to ensure compliance.

9) Traffic Study

- a. The public comments and concerns regarding the traffic study need addressed. The numbers need explained and reconciled and this information needs shared with all.

In general, I feel this application needs significant re-working to apply the Conservation Design Principles and justify the rezoning of this parcel. I am sure there are additional issues/concerns I have failed to mention above, but I am confident my fellow commissioners will have plenty to add and I suspect we will see this application again.

If I were present at tonight's meeting, I would vote NO on case 14-068Z/PDP/PP because, at a minimum:

- **It fails Criteria 6:** The proposal does not respect and protect the unique characteristics of the natural features and natural resources on the site. The roadways and lots should avoid the landmark trees and make all efforts to avoid the good conditioned, hardwood trees. This site is unique, because these trees have been given room to grow; these trees have well-maintained, large canopies that are not typically found in heavily wooded areas.
- **It fails Criteria 2:** The proposed plan is not in conformity with the Community Plan, which defines this parcel as a Park/Open Space. If I were to grant a rezoning, the new zoning would at least need to conform to the lowest surrounding residential density. Furthermore, questions remain as to whether or not this development will place an unreasonable burden on the existing street network.
- **It fails Criteria 5:** The proposal does not have sufficient open space to meet the Objectives of the Community Plan, which calls for this to be a park/open space and Conservation Design Principles, which urge developments to have at least 50% open space.

- **It fails Criteria 13:** The proposal does not have enough detail to ensure that the building design meets or exceeds the quality of adjacent neighborhoods.

The Chair said she would like to thank Ms. Kramb for her well-addressed thoughts and is a reflection of what this Commission tries to do in looking at all the issues presented. She called for the comments from the balance of the Commissioners.

Amy Salay said what strikes her the most is from the very beginning of this application being thought of or the rumor coming out that this site might be developed, we began to hear from our residents. She said the most important and sacred trust that is placed in Planning Commissioners and City Council is the fact that we were elected to be the voice of the citizens. She said democracy was mentioned and this is how it works at the local level. She said she appreciated that everyone came out tonight and that you place your faith in us to listen to all sides and make decisions accordingly. She indicated that there is a very functional government in Dublin and she is proud of this Commission and our City. She said we are the citizen's representatives so we have to first and foremost, reflect community sentiment and there seems to be almost universal dislike and mistrust with this proposal.

Ms. Salay said she did not know about all the problems with the project off of Brandon Road and when she heard that the trees that we had talked extensively at City Council and the Planning Commission spent a lot of time talking about preserving these trees, and that was sort of one of the only reasons I supported that development because she thought they were getting a lot of trees and then to find out that a contractor just went out there and hacked down a 110-year old tree, that is completely unacceptable. She said there are trees that are gone that should have been saved. She said she would acknowledge that this developer has done some very beautiful neighborhoods in our community and he has done some neighborhoods that are much more traditional and less appealing.

Ms. Salay indicated what she has noticed in other neighborhoods and what she sees happening here if we do not tighten up the architectural descriptions and details; we are going to have way too much HardiePlank. She said if there are going to be homes built on this site, they need to be primarily brick and stone and the other materials would be for trim. She cited an example of Tartan Ridge as being a neighborhood that when we saw the pictures while rezoning it and pictured it in our heads with beautiful renderings provided, you drive through that neighborhood, it looks like what we saw when we rezoned it. She said she appreciated that level of detail when we were approving it and now that I see it built, I really appreciate that level of detail. She said a site like this, we absolutely have to have that level of detail, if not, we might end up with something we are not as pleased with.

Ms. Salay stated there are way too many 75-foot lots. She disagrees with the citizen group that said they should have a minimum of 85-foot lots; the minimum should be 100 feet. She indicated when you look at some of the neighborhoods in our community that have 100-foot lots, the houses grow to fit barely on those 100-foot lots so you end up with a very claustrophobic feeling in the neighborhood. She reported she had walked, biked, and driven by this site in all seasons when she knew this proposal was coming, envisioning what it needs to look like. She said this proposal leaves this site completely unrecognizable and that is very unacceptable to her because of the condition of the trees and you can see and appreciate the individual trees and how amazing they are. She said that is where we apply Conservation Design. She reviewed the tree survey and lots and tried to overlay them and said she would not list all the lots she could see and a number of streets need to be rerouted and at least 70 lots need to be eliminated in order to preserve these individual trees. She said a tree cannot be reproduced. She explained her neighborhood is 20 years old and are just now getting to the point where our trees provide a little bit of shade cover when taking a walk on a warm afternoon. She said it will take 30 years before they get a canopy that is truly providing shade cover. When she looks around the City at immature trees she said this place is going to be amazing in about 50 years when we get the tree growth. She said our children are going to thank us. She said right now, we have this area with so many beautiful large

specimen trees, landmark trees that we cannot possibly get back. She stated she really liked Ms. Gawronski's idea about having an individual who reports to the City of Dublin, and our City Forrester, charged with protecting the trees. She indicated that is the only way to ensure that our trees are not cut down by accident or however it happens. She said once these trees are damaged, they are damaged forever and they are gone forever.

Ms. Salay said she does not believe another typical single-family neighborhood is needed, not here, not now. She said she recognizes the overcrowded school system but believes that can be resolved so children can attend the best school district in Ohio. She said it is our responsibility to not contribute to the overcrowding.

Ms. Salay said she was disappointed in Staff's analysis and finds herself agreeing with the citizen's analysis when it comes to the Community Plan. She recalled a City Council meeting where this area was debated while updating the Community Plan in 2007. She said folks very stridently insisted that we not put anything on this Golf Course but Parks and Open Space so that is what City Council did. She is very happy with that decision and does not see a compelling reason to go against the Community Plan. She stated our community is so carefully planned with our residents, consultants, planners, and ultimately developers come forward and generally speaking, conform to the Community Plan and that is why our community is great. She said in this case, it does not come anywhere close. She said she understands this land may develop at some point but does not think this is the right development. She stated she cannot support the rezoning and cannot even get to the Preliminary Plat or any of the other stuff subsequent to that because she cannot support the rezoning. She indicated she has never voted against the Community Plan.

Todd Zimmerman said he has been in that audience for years and understands what it is like to be out there. He thanked Claudia and Staff because the report was good. He said he was not here for the first preliminary, but was on PZC ten years before and understands what is expected. He asked if all the golf club buildings were being removed and what was the timeframe.

Ms. Husak answered the removal of buildings would be in Phase 1.

Mr. Zimmerman inquired if there have been any drainage issues reported by area homeowners coming from Riviera.

Ms. Husak said she had not. The Chair noted that Mr. Hammersmith shook his head no from the audience.

Mr. Zimmerman said for him to consider approval of this proposal all home lots would need to be removed from the Stream Corridor Protection Zone and/or 100-year flood plain and it would be determined by Staff as to what lots those would be. He said architectural wise, for a PUD, the applicant would need to do better than the Appearance Code providing a higher quality of materials on the exterior trim and roof materials. He referred to condition #6 and asked when the applicant is to provide the details of the direct site connection to Hyland-Croy Road.

Ms. Husak said the site connection to Hyland-Croy Road would be worked out during the Final Development Plan.

Ms. Amorose Grooms said the development text states that it would happen prior to Phase 5.

Mr. Zimmerman asked when the applicant would have to tell us; obviously sometime before we would have to vote on it.

Ms. Husak said yes the Commission would be told where the connection would be, how and when.

Mr. Zimmerman inquired about condition #1. He suggested adding Grizzell Middle School. He questioned Reserve L for the potential elementary school. He asked if the existing basin would need to stay.

Ms. Husak said if the school were to be developed, there would need to be some stormwater management on that site.

Mr. Zimmerman asked if it would have to be as large as it is currently.

Ms. Amorose Groomes said schools normally do not store water on site for safety and it would probably become a dry basin.

Mr. Zimmerman said he agreed with Ms. Salay's points on Conservation Design.

Victoria Newell said she has said this before and will say it again, when looking at the site, her comments were that she would support zoning for a PUD as it gives an advantage of protecting the land. She indicated Mr. Ruma spoke very passionately at the Informal Review of how he was going to develop it and so she was surprised when she looked at the plan. She said she envisioned larger lots because that was her takeaway from the presentation. She said she agreed with Ms. Salay with needing larger lots, closer to 100 feet. She said there are a lot of inconsistencies and the sites are numbered incorrectly. She said the density in the Muirfield development is noted once from Staff as being 1.27 units per acre and included in our Planning Report and the presentation given tonight Muirfield's density is listed as 1.41 units per acre. She said she is left wondering what the true impact of the surrounding is on the other site. She said she cannot support going above the lowest density of any of the surrounding properties. She said the Muirfield site in particular is the largest body of area that seems to have the lowest building development.

Ms. Newell said she spent a lot of time looking at the landmark trees on this site. She reported she tagged all of them that were on the plans. She agrees with Ms. Kramb's comment that there are several more pieces of property on this site that need to be eliminated just for the sake of the trees that need to be preserved on them, especially Lots 144, 143, 142; there is a very significant grove of trees within those areas. She said as she went around this site, there were a number of significant or landmark trees that fall right next to a drive or a street. She said it appears in the plans as though there is an attempt to preserve the tree but there is so much root going to be cut away from those trees and fears in the end, there are going to be a lot more trees lost with the way this site is laid out.

Ms. Newell said along the stream corridor with a lot of the trees that are getting preserved, in the tree report, many of them are actually noted as being in poor condition so in the end, where we are preserving that area she said over a period of time those trees are actually going to be lost. She said a lot of them were identified as Green Ash, will be gone from our city in very short order. She said that makes the other trees on the site that much more important.

Ms. Newell said in terms of the architectural character and the development, she thought the text portion to that site was actually very weak. She said Mr. Ruma had used Wedgewood as an example of how the architecture would be geared and judged on this site. She said he also reported he had used Mr. Apel to have done the architecture review. Ms. Newell said she had the pleasure of working with Bob Apel for 14 years as an employee so she is very aware of the process that went through him. She said Mr. Ruma had some very significant architectural standards and guidelines that he judged that the architecture too for Wedgewood that do not exist in this application. She said that would need to be developed for her to support rezoning. She said she thought PUD would be a better way to go than the R or R-1 classification. She said nothing is compelling her to change the zoning.

Ms. Newell said as she read the text description for each of the parcels, only one of the subareas was there any reference to lot coverage and it was the most dense of the subareas. She said these all need to go hand in hand in the text.

Ms. Newell said she uses the walking system all around Dublin on a regular basis. She said it really adds to the character of community. She said the walking/bike paths on the site stop and are not continuing. She suggested as the site is developed, that is taken into account. She also noted a few short loop paths and suggested a more continual path instead of covering the same ground.

Ms. Newell concluded she cannot support rezoning per her comments stated.

Richard Taylor thanked everyone for coming out this evening. He also thanked Mr. Ruma for addressing some of the concerns that were expressed by this Commission in particular at the Informal Review with regards to fewer lots, path connections to the schools, and providing some accommodation for other segments of our community for empty-nester lots.

Mr. Taylor said when the Commission members receive this packet of information a week before this meeting, we receive it independently and each review it independently and do not come together to discuss it prior to the meeting. He said it is tremendous that all the other members share a lot of the agreement on this application.

Mr. Taylor stated there is still a lot of work needed to be done on this subdivision before it can move any further. He said the 15-acre site should be removed from the calculation for determining density. He said the trees were the most dramatic issue with this application. He said there are a couple of trees on the site that are tremendously large and there are a whole bunch of trees that are very good size. Unlike the trees on Wellington Reserve he said, where it was scrub land/semi-forest, these trees on Riviera have been nurtured, fed, watered, trimmed, and protected for forty years. He said on paper, they may be considered as 'Good Condition', that is as high of a rating you can get on a tree survey. He indicated a lot of the trees, if there were to be such a category would be rated as 'Spectacular'. He said some of them were probably world-class specimens of that type of tree at that age because they have been so well cared for. He said there are several trees that would probably fall in the Landmark category because they are extraordinarily large trees. He said the science of determining the age of a tree without cutting it down and counting the rings is imprecise for sure but there are a lot of commonly accepted estimates for that. He said 72-inch trees by any measure are at least 200 years old and could possibly be 400 years old in some cases. He said that makes them irreplaceable. He said the larger trees (2 at 72 inches, 1 at 54 inches, several that are 48 inches, and a couple that are 40 inches, and on down the line) not only should not be impacted by this development but should be preserved. He does not want to see one of these trees in someone's back yard and a kid nails a tree fort within it. He indicated streams can be rerouted to be preserved but trees that have been there for 300 years are irreplaceable so extraordinary measures should be taken for the design of this development to protect those trees.

Mr. Taylor said he is in favor of the empty-nester homes in Subarea C and does not have a problem with the lot size or lot coverage there but somehow there must be a stipulation whereas first floor master bedrooms are required, or something like that.

Mr. Taylor said his concerns in Subareas A and B are the side yards that step back from the Zoning Code quite a bit. He said in Belvedere for example, the side yards are a total width of 18 feet with a minimum of six on a side, which is similar to the R-3 designation but what is being asked for is just six feet on each side and that is a difference of up to eight feet between two houses. He said the side setback needs to be much closer to the Zoning Code right now so the houses do not get too big on these lots and start to squeeze the lot sizes down.

Mr. Taylor said a lot of his comments are with the development text regarding the architecture and are mirroring what the other Commissioners have stated. He said “meeting or exceeding the Appearance Code” is far too generic and we need to go beyond that. He said the percentages of materials needs to be noted. He said he did not understand copper as a trim material and pvc/foam and vinyl needs to be cleaned up. He said shutters need to be composite or wood, not vinyl. He said roofing needs to be bumped up. He said a definition of four-sided architecture needs to be further defined. He said he had comments on chimneys, garages, architectural diversity, and Plan Approval. He said we need to do a development text and plan review process here because this is such a special site at the same level as places like Tartan Ridge. He said there are still references in the text about cul-de-sacs, which need to be removed.

Mr. Taylor said the elevations along Avery Road need to be enhanced somehow and if we are going to develop that strip of land along Avery Road, it is an opportunity to relocate the multi-use path there and get it further away from the road.

Mr. Taylor said he is unhappy with the Open Space; at the Informal Review he stated he would like to see those as more positive space and less as leftover space in the homeowner’s backyards.

Mr. Taylor said he is not able to totally discern what all the traffic studies mean. He said according to the chart in the Planning Report, even with the Hyland-Croy connection, the traffic on Firenza is predicted to almost double the traffic and quadruple traffic on Summerhouse Lane. He indicated he thought it was the result of the layout of the streets. He said there is enough twists and turns in this that in some cases, easier to leave the development to get out and not go straight out to Hyland-Croy or Avery Road. He said a more direct arrangement of streets might reduce some of the traffic flow on other streets. He said there is a lot of impact on other neighborhoods that could be avoided if this were laid out differently.

Mr. Taylor concluded that the Community Plan and sentiment are of paramount importance as we make decisions here. He said this body is a representative of the public in that regard. He said we do not always follow the Community Plan direct but when we do, the bar is pretty high. He said this proposal has a long way to go before he is willing to go against the recommendations that others have made before us in the Community Plan.

Ms. Amorose Groomes said the flood plain in this area is at 927 feet; she said she highlighted all the contour below 927 feet and some lots in their entirety are in the flood plain. She said this will have to be addressed. She agrees the 15 acres for the school site needs to be removed from the Open Spaces. She reported there are 968 trees on this site and there are 56 trees that are worthy of designing around as they predicated the golf course. She shared some photos taken of the trees to show the true size and excellent condition of the trees relative. She said tagging Landmark trees was started by the Kiwanis Club for our area about 25 years ago and every year, every Brownie, Girl Scout, and Boy Scout Troop, and all the folks that serve our communities so wonderfully took responsibility for a grid and tagged every tree that was greater than 24 inches. She said they may not have gotten every tree but a lot of terrific information came forth. She said this put a stake in the ground that said this is who we are and at this point, we have an inventory of what we have. She said there are 19 Landmark trees on this property. She shared a graphic where the 56 trees were located that likely existed before the golf course did and some of them might be upwards of 300 years old. She said it shows us some hot spots of areas to design around. She said this property cannot be developed and still save every one of these trees but as the proposal stands, 25 percent is not nearly enough in her estimation. For Conservation Design she said, the bar needs to be much higher in terms of the trees that we are committed to saving.

Ms. Amorose Groomes indicated she had a great experience this summer, as a monitor for one of the foursomes at the tryouts for the Dublin-Jerome Girls Golf Team. She said it was a hot August day and she walked this course and watched four unbelievably talented High School golfers play a round of golf at Riviera. She said she was able to walk from tree to tree and stood in the shade throughout the entire golf

course. She said that made for a really great afternoon with her nine-year old. She said this speaks a lot to this property and the condition of these trees. She indicated she is a self-proclaimed tree hugger with a degree in Horticulture so she knows a little bit about trees and can better appreciate these trees.

Ms. Amorose Groomes said she has some concerns about the traffic engineering report; a slide stated 7 percent of the 10,000 trips would give an increase of 7 percent to the existing 10,000 trips which equals 700 trips in 240 homes with 2.91 trips per home. She said a trip leaving your home is one trip and when you return, it is another was her understanding. She said she did not disagree with the guiding principles of the engineering study and how they might work in other neighborhoods but when we have a neighborhood that almost all of the traffic is going to head to the south and to the west we might need to change our modeling a little bit because she does not know that it captures the fact that cars are not going everywhere, they are all going to the same place.

Ms. Amorose Groomes said you asked the Commission to cut out a piece of the pie in Subarea D and in Muirfield you wanted to cut out all of the pieces of the pie that reduced the density and we cannot do that. She said we have to take the pie as a whole, when we are looking at our adjoining neighborhoods because they are whole developments and contributes to the feel or the experience of a neighborhood. Therefore she said, Subarea D cannot be calculated in this. She said although the offer from the applicant is very generous of transferring it to the City, or for the school for maybe a dollar, at the end of the day, there will be a school there and that is no longer Open Space.

Ms. Amorose Groomes concluded for the applicant that they have heard a lot from the neighbors, heard from the Commission. She said we have some decisions to make. She said there were 11 conditions in the Staff Report, including some high hurdles this evening but the applicant is always given the opportunity to pursue a vote or take advantage of some time they might have to fine tune the plans to some concerns raised during the meeting. She invited the applicant forward to state his thoughts.

Mr. Brown said he appreciates the comments from the Commission and the neighbors. He said given the difference of opinion between some of the Commission members here and the Staff Report, the only thing to do is to ask that this application be tabled to allow the applicant to respond to the additional issues that have been raised.

The Chair verified with the applicant their desire to Table both the Rezoning/Preliminary Development Plan and the Preliminary Plat.

Motion and Vote

Mr. Taylor moved, Mr. Zimmerman seconded, to Table the Rezoning/Preliminary Development Plan. The vote was as follows: Ms. Amorose Groomes, yes; Ms. Newell, yes; Ms. Salay, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Tabled 5 – 0)

Motion and Vote

Mr. Taylor moved, Mr. Zimmerman seconded, to Table the Preliminary Plat. The vote was as follows: Ms. Salay, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Tabled 5 – 0)

The Chair adjourned the meeting at 9:43 p.m.

As approved by the Planning and Zoning Commission on February 5, 2015.