

Planning Report

Thursday, August 18, 2016

Deer Run – Subarea B

Case Summary

Agenda Item	1
Case Number	16-052FDP/FP
Proposal	The subdivision and development of 5 single-family estate lots located in Subarea B of the Deer Run Planned Unit Development.
Request	<p>Review and approval of a <u>minor modification to the development text</u> under the provisions of Zoning Code Section 153.050.</p> <p>Review and approval of a <u>final development plan</u> under the provisions of Zoning Code Section 153.050.</p> <p>Review and recommendation of approval to City Council of a <u>final plat</u> under the provisions of the Subdivision Regulations.</p>
Site Location	East side of Dublin Road, 300 feet north of the intersection with Memorial Drive.
Applicant	George Bennett, Deer Run Land LLC.
Representative	Michael Close, Deer Run Land LLC.
Case Manager	Logan Stang, Planner I (614) 410-4652 lstang@dublin.oh.us

Planning

Recommendation Approval of a Minor Modification to the Development Text

In Planning's analysis, these text modifications are minor in nature; meet the review criteria; and rectify any zoning compliance issues that would arise with this proposal. Planning recommends approval of the three modifications.

Proposed Modification

- 1) *To modify the development text so that the rear yard setback is defined by the tree preservation line, 100 year floodplain, or 30 feet from the property line, whichever is greatest.*
- 2) *To modify the development text to state that the location of the private street and connections to all lots will be depicted on the final development plan drawings.*
- 3) *To modify the development text to revise the location of the tree preservation zone per this application.*

Approval of a Final Development Plan

Planning recommends approval of the proposal because it complies with the final development plan criteria and the existing development standards. Planning recommends approval of this request with three conditions.

- 1) The applicant provide the name of the private drive subject to Engineering and Fire approval prior to submitting for building permitting;
- 2) The applicant continue to work with staff to identify the required number of caliper inches to be replaced on the site; and,
- 3) The applicant pay a tree replacement fee for outstanding caliper inches prior to submitting for building permitting.

Approval to City Council of a Final Plat

Planning recommends approval of the proposal because it complies with the final plat criteria and existing development standards. Planning recommends approval of this request to City Council with one condition.

- 1) That the applicant ensures that any minor technical adjustments to the plat are made prior to City Council submittal.



 <p>City of Dublin</p>	<p>16-052FDP/FP Final Development Plan/Final Plat Deer Run Subarea B Deer Run Drive</p>	<p>0 150 300 Feet</p> 
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Facts	
Site Area	15.643-acre site
Zoning	PUD, Planned Unit Development, Deer Run
Surrounding Zoning and Uses	<p>North: PUD; Planned Unit Development District, Deer Run, Subarea A (Single-family Residential)</p> <p>South: PUD; Planned Unit Development District, Deer Run, Subarea C (Single-family Residential)</p> <p>East: City of Columbus (Single-family Residential)</p> <p>West: PLR; Planned Low Density Residential District, The Reserve (Single-family Residential)</p>
Site Features	<ul style="list-style-type: none"> • Deer Run Creek located along the northern edge of Subarea B • Private street, Deer Run Drive, with connection to Dublin Road on the west side of the site • Heavily wooded with mature trees throughout the entire site • Significant grade change due to Deer Run Creek and Scioto River to the east
Site History	<p>Deer Run Subarea A received approval for a final development plan and recommendation of approval for a preliminary plat and final plat by the Planning and Zoning Commission on May 5, 2016. City Council approved the preliminary plat and final plat on May 23, 2016.</p> <p>Deer Run Subarea C, located north of Memorial Drive, received approval for a final development plan and recommendation of approval for a final plat by the Planning and Zoning Commission in December of 2014. City Council approved the final plat in January of 2015.</p> <p>The rezoning, preliminary development plan, and preliminary plat were approved by the Planning and Zoning Commission in February of 2011. City Council approved Ordinance #11-11 rezoning 51.7 acres from R-1: Restricted Suburban Residential District to Planned Unit Development District (Deer Run) in March of 2011. The preliminary plat had established 11 Lots predominately located within Subarea A towards the northern edge of the site. The private street had access within Subarea A and a reserve along the Scioto River for common open space.</p>

Details	
Minor Text Modification	
Proposal	<p>This proposal includes minor modifications to the Subarea B standards of the approved Development Text. The modifications to the development text are to address requirements based on the relocation of the tree preservation zone and private drive. These modifications include revising rear yard setbacks, redefining the location of the tree preservation zone and detailing the location of the private drive.</p>

Details		Minor Text Modification
Development Text	<p>The Deer Run PUD rezoning and associated development text was approved in 2011. The preliminary development plan had conceptually defined the lots and location of the tree preservation zone and private streets. The proposed modifications are a result of this application and are necessary to ensure compliance of this proposal with the approved development text.</p>	
Text Modification	<p>The applicant is proposing a total of three minor text modifications that are required to address proposed changes from the preliminary development plan and ensure compliance with the development text. The following are the three modifications associated with this application and the rationale behind each modification.</p>	
	<i>Setbacks</i>	<p>The preliminary development plan indicated that the lots were located on the north side of the private drive opposite the tree preservation zone. The previous proposal meant that only the floodplain or property lines would be used to determine the rear yard setback for each lot. The applicant is proposing to locate the private street north of the lots with the tree preservation zone located in the rear of each buildable lot. This modification will identify that, in some instances, the tree preservation line can act as the rear yard setback so long as it is the greatest of the three options.</p>
	<i>Private Streets</i>	<p>The approved development text outlined requirements for the private street that described the general location, width, materials, and additional information specific to Subarea B. With the applicant's proposal to relocate the private street this modification will state that the private street and associated connections to each buildable lot will be identified and depicted on the final development plan drawings.</p>
	<i>Tree Preservation Zone</i>	<p>The tree preservation zone was originally proposed as a separate area with the private street acting as the dividing line. This divider assisted in defining the protected area and therefore minimizing any impact that could occur during the construction process. The applicant is proposing to move the private street and place the buildable lots adjacent to the tree preservation zone. This modification will provide clear detail of the proposed tree preservation location and the regulations associated with the zone.</p>

Analysis		Minor Text Modification
Process	Code Section 153.053(E)(2)(b)4b permits the Commission to approve a modification to the development text and Zoning Code if they determine that all of the appropriate provisions are satisfied.	
Request	The requested modifications are: <ol style="list-style-type: none"> 1) <i>To modify the development text so that the rear yard setback is defined by the tree preservation line, 100 year floodplain, or 30 feet from the property line, whichever is greatest.</i> 2) <i>To modify the development text to state that the location of the private street and connections to all lots will be depicted on the final development plan drawings.</i> 3) <i>To modify the development text to revise the location of the tree preservation zone per this application.</i> 	

Recommendation		Minor Text Modification
Approval	Planning supports the minor modifications to the development text as they meet the review criteria and rectify any zoning compliance issues that would arise with this proposal.	

Details		Final Development Plan
Process	The final development plan conforms with and provides a detailed refinement of the approved preliminary development plan. The final development plan includes all of the final details of the proposed development and is the final stage of the PUD process.	
Proposal	The proposal includes the subdivision of 5 single-family residential lots and one reserve with a single private street servicing the subdivision. An existing private drive, Deer Run Drive, is located on the western edge of the site that will provide access to Dublin Road. The site is heavily wooded with mature trees and contains severe grade change due to Deer Run Creek running along the northern edge of the subarea.	
Setbacks and Buffering	The development text requires a 25-foot front yard setback from the private street easement, 25-foot side yard setbacks, and a minimum rear yard setback of the 100-year floodplain, or 30 feet from the rear property line, whichever is greater. Due to the location of Deer Run Creek and the proposed private drive the 100-year floodplain only impacts Lots 19 & 20. The text has outlined that in these instances the 100-year floodplain line can serve as the rear yard setback. The applicant is also requesting a text modification to permit the tree preservation line as the rear yard setback so long as it exceeds the setback from the property line or floodplain. A 100-foot building setback is required from Dublin Road which is contained entirely within Reserve "B" and does not impact any of the proposed lots.	

Details	Final Development Plan
	<p>Reserve "B" is located on the east side of Dublin Road and is approximately 2.45 acres. The development text requires that Subarea B contain 1.9 acres of common open space along Dublin Road that is maintained by the homeowners association. This reserve will serve as the common open space for the neighborhood and will provide a sufficient buffer along Dublin Road.</p>
Architecture	<p>The proposed architecture for Subarea B is intended to be custom built and, per the development text, would require review and approval by a Design Committee created by the trustees of the homeowners association. The committee will ensure that architectural character meets all applicable standards as outlined in the development text and Dublin Zoning Code.</p>
Tree Preservation and Replacement	<p>The Deer Run development received approval of a tree waiver for all three subareas at the time of rezoning. The tree waiver allows for trees in good or fair condition to be removed from common open space area or from rear yard setbacks measuring between 6 inches up to 18 inches to be replaced on a tree-for-tree basis. Trees measuring 18 inches or greater in good or fair condition removed from the site shall be replaced on an inch-for-inch basis. Although the site is heavily wooded the tree waiver allows for a decreased number of replacement inches. However the applicant has worked with staff to preserve as many trees as possible.</p> <p>Based on the proposed private street and creation of the loop road, a total of 1620 caliper inches will be removed from the site. Of these removed inches, 457 inches are required to be replaced per the tree waiver outlined in the development text. As a result, 188 trees (at 2.5 caliper inches each) are required as replacements. Further review of the tree removal and replacement plan has identified a discrepancy in the calculations provided by the applicant. A number of replacement caliper inches were not added to the final count and in one instance a tree was not counted on an inch for inch replacement even though it exceeds and 18 inch size. The applicant and staff will continue to work together to identify the correct number of replacement inches prior to submitting for building permitting.</p> <p>The applicant is proposing to plant 97 trees on site for a total of 242.5 caliper inches and the remaining caliper inches will be paid to the City as a fee in lieu. The applicant will be required to pay this fee prior to submitting for building permitting and has indicated that tree protection fencing will be installed to ensure no additional trees are impacted by development. Tree replacements for each individual lot will be addressed at the time of building permitting and a note has been added to the plans outlining this requirement.</p>
Access	<p>The development text states that all streets in Subarea B will be privately owned and maintained. The proposed drive will connect to Deer Run Drive on the west and will utilize the existing gated entry off Dublin Road. The proposed drive extends east from Deer Run Drive diverging into a loop road to ensure proper access to Lots 18, 19, & 20. The Fire Marshal has reviewed the plans with the</p>

Details	Final Development Plan
	applicant to ensure the private drive provides appropriate fire access and hydrant locations.
Entry Feature/Sign	The existing gated entry feature and Deer Run sign are to remain and no changes are proposed with this application.
Stormwater Management	<p>This site will meet the requirements of the Stormwater Management Code for water quality by constructing new storm sewer infrastructure and bioretention swales.</p> <p>Section 53.070 provides for certain exemptions from on-site stormwater runoff control (water quantity control). As this site is located within the area identified as the Scioto River Corridor, it is exempt from providing water quantity.</p>
Utilities, Lighting and Grading	The proposed utility connections will be extended along the private street within the access and utility easement. The only site grading taking place is around the private street with minimal impact to the surrounding site. Due to the site conditions the grade change is significant along Deer Run Drive varying upwards of 20 feet along the proposed street. No lighting is proposed with this application and lighting is not a requirement as part of the development text.

Analysis	Final Development Plan
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for an amended final development plan. Following is an analysis by Planning based on those criteria.
1) Consistency with the approved preliminary development plan	Criterion met with Text Modifications: This proposal is consistent with the requirements of the Zoning Code and the Deer Run development text. The location and size of the private street have been modified in order to rectify concerns regarding fire access to the eastern properties. The proposed text modifications ensure that the proposal is in compliance with the development text and provides a clear understanding of the various boundaries.
2) Traffic and pedestrian safety Condition 1	Criterion met with condition: The proposed private drive meets all applicable construction standards and provides for safe vehicular travel. Sidewalks are not required and are not proposed with this application since there are a limited number of lots within the subarea. The applicant will need to receive Engineering and Fire approval for the name of the proposed drive prior to any site improvements.
3) Adequate public services and open space	Criterion met: The site has access to adequate utilities. Additional open space dedication is not required with the proposal, however Reserve B serves as a common open space for the neighborhood.
4) Protection of natural features and resources	Criterion met with conditions: The applicant has worked with staff to minimize the impact the proposed development will have on the site. Tree preservation has been carefully outlined with the proposed private street and tree preservation zone. Due to the heavily wooded site the applicant is limited as to

Analysis	Final Development Plan
Conditions 2 & 3	appropriate planting areas and therefore a deficit regarding tree replacement has been identified. The applicant and staff will continue to work with one another to determine the correct amount of replacement caliper inches and any remainder, after taking into account proposed landscaping, will be paid for with a fee in lieu prior to submitting for building permitting.
5) Adequacy of lighting	<i>Not Applicable.</i>
6) Signs consistent with preliminary development plan	Criterion met: The existing entry feature sign meets the Deer Run development text and applicable Code regulations. No changes to the sign or entry feature are proposed with this application.
7) Appropriate landscaping to enhance, buffer, & soften the building and site	Criterion met: The heavily wooded site creates a sufficient buffer between adjacent properties both within and outside the site. The tree preservation zone, location of the reserve, and large lot sizes also serve to buffer and enhance the natural environment that surrounds the site. Additional landscaping has been provided within the loop further improving the aesthetics of the private street.
8) Compliant Stormwater management	Criterion met: The applicant has provided a stormwater management report that meets all applicable standards.
9) All phases comply with the previous criteria	<i>Not Applicable.</i>
10) Compliance with other laws & regulations	Criterion met: The proposal meets all other applicable laws and regulations.

Recommendation	Final Development Plan
Approval	In Planning's analysis, the proposal complies with the final development plan criteria and the existing development standards. Planning recommends approval of this request with three conditions.
Conditions	<ol style="list-style-type: none"> 1) The applicant provide the name of the private drive subject to Engineering and Fire approval prior to submitting for building permitting; 2) The applicant continue to work with staff to identify the required number of caliper inches to be replaced on the site; and, 3) The applicant pay a tree replacement fee for outstanding caliper inches prior to submitting for building permitting.

Details	Final Plat
Process	The purpose of the final plat is to assure conformance with the requirements set forth in Sections 152.085 through 152.095 of the Code, exclusive of other standards in the Code.
Plat Overview	<p>The proposed plat subdivides 15.643 acres of land into five lots and one reserve. An existing private drive and associated access easement is located in Reserve "B" that provides the single connection from Dublin Road to Subareas A & B. A new private drive and associated access and utility easement will be established throughout Subarea B to provide service to the five proposed lots. A tree preservation zone is proposed on the south edge of the site abutting Subarea C and is approximately 3.9 acres. Existing access easements will be vacated with this plat due to the location of Deer Run Drive.</p> <p>The lot sizes vary considerably due to existing site conditions and developable land. The lot sizes are as follows; Lot 16 is 2.142 acres, Lot 17 is 2.001 acres, Lot 18 is 3.223 acres, Lot 19 is 3.094 acres, and Lot 20 is 2.733 acres. The reserve, Reserve B, is 2.450 acres and is located on the western portion of the site adjacent to Dublin Road.</p>
Private Street	An existing private street, Deer Run Drive, currently services the two subareas extending into Subarea A. This proposal includes a new private street that will connect to Deer Run Drive on the west and contain a loop on the east to serve Lots 19 & 20. The private street will be constructed within the access and utility easement established on all five properties.

Analysis	Final Plat
Process	Following a recommendation by the Commission, the final plat will be forwarded to City Council for final action. The plat can be recorded after City Council approval.
1) Plat Information and Construction Requirements Condition 1	Criterion met with condition: This proposal is consistent with the requirements of the Subdivision Regulations and Zoning Code. Any other minor technical adjustments shall be made prior to Council review.
2) Street, Sidewalk, and Bikepath Standards	Criterion met: An access easement is provided for the private street. Sidewalks and bikepaths are not required as outlined in the Deer Run development text for Subarea B.
3) Utilities	Criterion met: This plat establishes necessary easements for the construction and maintenance of utilities in accordance with all applicable standards.

Analysis		Final Plat
4) Open Space Requirements	Criterion met: No open space dedication is required with this application. A common open space for the community is required per the Deer Run development text which has been provided within Reserve B.	

Recommendation		Final Plat
Summary	This proposal complies with the final plat review criteria and approval of this request is recommended with one condition.	
Conditions	1) That the applicant ensures that any minor technical adjustments to the plat are made prior to City Council submittal.	

MINOR DEVELOPMENT TEXT MODIFICATION

Code Section 153.053(E)(2)(b)4 b permits the Commission to approve a modification from the development text and Zoning Code if they determine that all of the following provisions are satisfied.

- (i) The Planning and Zoning Commission determines that, for this Planned District, the code compliance is not needed in order to ensure that the Planned District is consistent with the Community Plan and compatible with existing, approved, or planned adjacent development; and
- (ii) The Planning and Zoning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Community Plan;
- (iii) The proposed modification results in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);
- (iv) The principles of § 153.052(B) are achieved; and
- (v) The development, as proposed on the amended final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

FINAL DEVELOPMENT PLAN REVIEW CRITERIA

Review Criteria

In accordance with Section 153.055(B) Plan Approval Criteria, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- 8) Adequate provision is made for storm drainage within and through the site feeding into regional stormwater basin which complies with the applicable regulations in this Code and

any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;

- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.

FINAL PLAT CRITERIA

The Zoning Code does not contain specific criteria to guide the review of plats. Planning bases the evaluation on the conformance of the plat with the requirements set forth in Chapter 152: *Subdivision Regulations* of the Code, which are summarized below:

- The proposed final plat document includes all the required technical information.
- Construction will be bonded and completed in an appropriate time frame, inspections will be conducted by the City in accordance with Engineering standards for improvements, and maintenance will be completed as necessary.
- The proposed lots, street widths, grades, curvatures, intersections, and signs comply with the standards set forth in these Code sections.
- The proposal includes provisions for water, storm drainage, sanitary sewer, electric, telephone, and cable supplies in accordance with approved standards.
- The proposed development complies with the open space and recreation facility requirements or payment into the Parkland Acquisition Fund is made in lieu of dedication.

In addition, the Planning and Zoning Commission is to determine that the final layout and details of the final plat comply with the approved preliminary plat. The Commission is to consider several factors in making its recommendation:

- 1) The final plat conforms with the approved preliminary plat;
- 2) The plat conforms to the adopted Thoroughfare Plan and meets all applicable parkland dedication and open space requirements; and
- 3) The final plat conforms to the subdivision and zoning regulations, municipal stormwater regulations, and other applicable requirements.