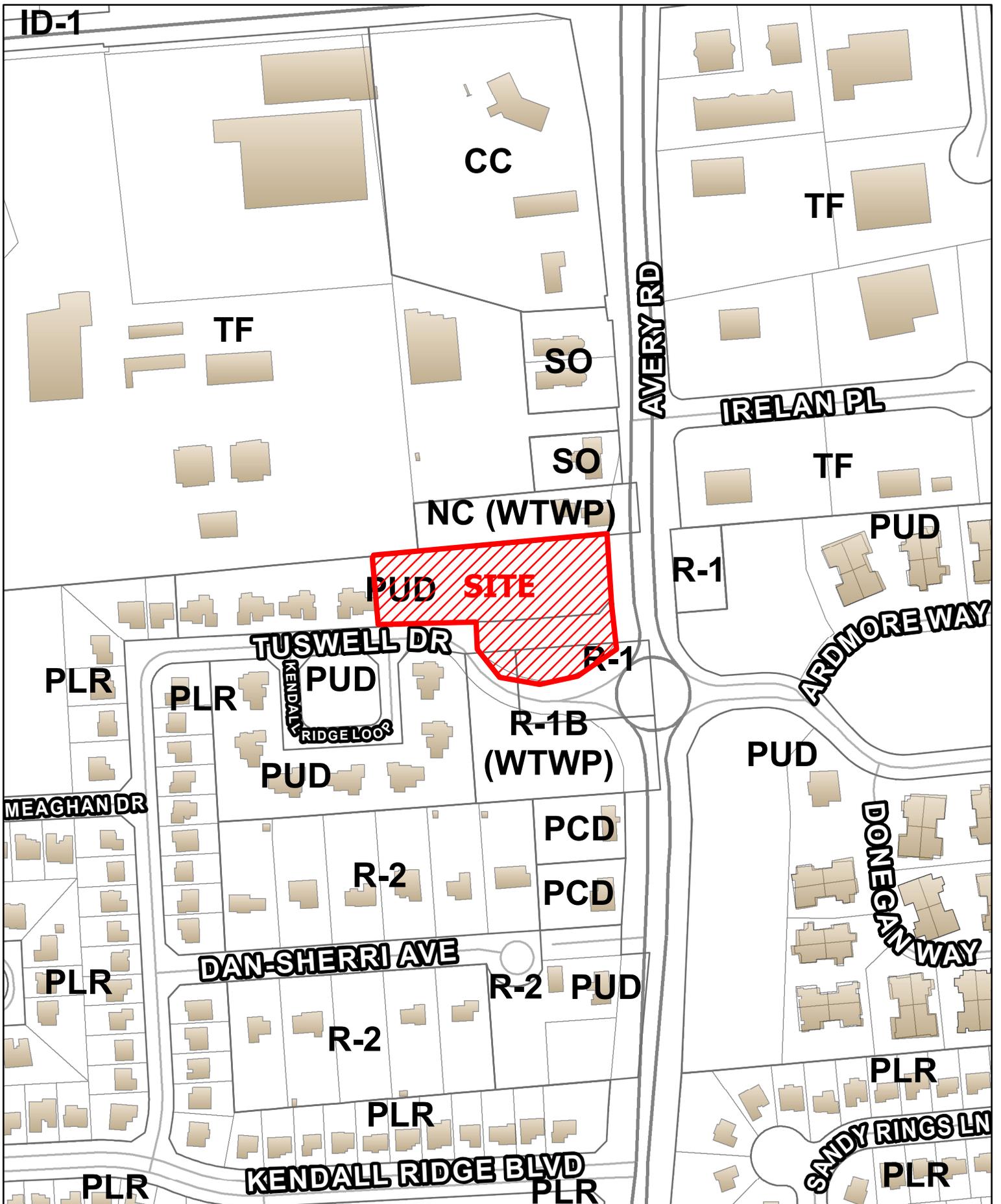
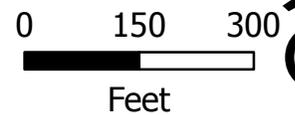


ID-1



17-031PDP/Z/FDP
 Preliminary Development Plan/ Rezoning/
 Final Development Plan
 Kiddie Academy
 6055 Avery Road





RECORD OF ACTION

Planning & Zoning Commission

Thursday, May 18, 2017 | 6:30 pm

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

**2. Kendall Ridge Offices and Condos PUD, Kiddie Academy 6055 Avery Road
17-031Z/PDP/FDP Rezoning/Preliminary and Final Development Plans**

Proposal: A rezoning of a 2.33-acre site from PUD, Planned Unit Development District (Kendall Ridge Offices and Condos), R-1 Restricted Suburban Residential District, and R-1B, Limited Suburban Residential District (Washington Township) to PUD, Planned Unit Development District (Kendall Ridge Daycare) to permit a 10,000-square-foot daycare center and associated site improvements. The site is northwest of the intersection of Avery Road and Tuswell Drive.

Request: Review and recommendation of approval to City Council for a Planned District rezoning under the provisions of Zoning Code Section 153.050. This is also a request for review and approval of Preliminary and Final Development Plans under the provisions of Zoning Code Section 153.050.

Applicant: Andrew Gardner, Bird+Bull

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

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

MOTION: Mr. Brown motioned, Ms. Mitchell seconded, to table the Rezoning/Preliminary and Final Development Plan Reviews.

VOTE: 7 – 0

RESULT: The Rezoning/Preliminary and Final Development Plan Reviews were tabled.

RECORDED VOTES:

Victoria Newell	Yes
Amy Salay	Yes
Chris Brown	Yes
Cathy De Rosa	Yes
Robert Miller	Yes
Deborah Mitchell	Yes
Stephen Stidhem	Yes

STAFF CERTIFICATION

Claudia D. Husak, AICP, Senior Planner





MEETING MINUTES

Planning & Zoning Commission

Thursday, May 18, 2017

AGENDA

- 1. Ohio Sinus Institute** **5378 Avery Road**
17-026Z **Rezoning (Recommendation of Approval 7 – 0)**
- 2. Kendall Ridge Offices and Condos PUD, Kiddie Academy** **6055 Avery Road**
17-031Z/PDP/FD P **Rezoning/Preliminary and Final Development Plans**
(Tabled 7 – 0)
- 3. Tree Replacement Fee Waiver**
17-041ADM **Administrative Request (Recommendation of Approval 7 – 0)**

The Chair, Victoria Newell, called the meeting to order at 6:33 p.m. and led the Pledge of Allegiance. Other Commission members present were: Chris Brown, Cathy De Rosa, Deborah Mitchell, Stephen Stidhem, Amy Salay, and Bob Miller. City representatives present were: Phil Hartmann, Vince Papsidero, Claudia Husak, Nichole Martin, Logan Stang, Shawn Krawetzki, Brian Martin, and Laurie Wright.

Administrative Business

Motion and Vote

Mr. Brown moved, Ms. Salay seconded, to accept the documents into the record. The vote was as follows: Ms. Newell, yes; De Rosa, yes; Mr. Miller, yes; Ms. Mitchell, yes; Mr. Stidhem, yes; Ms. Salay, yes; and Mr. Brown, yes. (Approved 7 - 0)

Motion and Vote

Mr. Brown moved, Mr. Miller seconded, to approve the meeting minutes from April 20, 2017, and May 4, 2017. The vote was as follows: Mr. Stidhem, yes; Ms. Mitchell, yes; Ms. De Rosa, yes; Ms. Salay, yes; Ms. Newell, yes; Mr. Miller, yes; and Mr. Brown, yes. (Approved 7 - 0)

The Chair briefly explained the rules and procedures of the Planning and Zoning Commission. She said the Ohio Sinus Institute case this evening is eligible for the Consent Agenda. She determined the Consent Case would be heard first and cases 2 and 3 would follow in order.



**2. Kendall Ridge Offices and Condos PUD, Kiddie Academy 6055 Avery Road
17-031Z/PDP/FDP Rezoning/Preliminary and Final Development Plans**

The Chair, Victoria Newell, said the following application is for a rezoning of a 2.33-acre site from PUD, Planned Unit Development District (Kendall Ridge Offices and Condos), R-1 Restricted Suburban Residential District, and R-1B, Limited Suburban Residential District (Washington Township) to PUD, Planned Unit Development District (Kendall Ridge Daycare) to permit a 10,000-square-foot daycare center and associated site improvements. She said the site is northwest of the intersection of Avery Road and Tuswell Drive. She said this is a request for a review and recommendation of approval to City Council for a Planned District rezoning under the provisions of Zoning Code Section 153.050. This is also a request for review and approval of Preliminary and Final Development Plans she said under the provisions of Zoning Code Section 153.050.

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

Nichole Martin presented an aerial view of the site that includes three parcels as well as a vacated City of Dublin right-of-way. She noted that parcels to the south are remnants from the construction of the roundabout at Avery Road and Tuswell Drive. As part of an Ordinance 67-06, she reported the City agreed to vacate the right-of-way just north of those parcels and combined the parcels as well as the vacated right-of-way with the 1.63 acres to the north that is currently zoned as part of the Kendall Ridge Office and Condominium Planned Unit Development; therefore, the total site area is 2.33 acres. As part of the rezoning application, she said Planning reviews the application against the Community Plan and Future Land Use recommendations. She said the daycare use is consistent with the neighborhood Office and Institutional recommendation for density as found in the Community Plan. She explained that rezoning is required for an existing PUD when either general development standards for a geographic area or use and density are unable to be met. She said in this instance, the rezoning portion and Preliminary Development Plan portion is required to incorporate the additional area into a new Planned District as well as permit a density of a 10,000-square-foot daycare facility located on the 2.33 acres.

Ms. Martin said the Final Development Plan portion of this request is as follows:

- 10,000-square-foot daycare;
- 40-space parking lot;
- Three fenced play areas with play structures;
- Dumpster enclosure;
- Sidewalk to the public right-of-way;
- Sign; and
- Additional landscaping.

Ms. Martin added a retention basin located on the western portion of the site provides stormwater management for the proposed development as well as the existing development to the west. She said the structure is oriented with the entrance facing Tuswell Drive as that is the proposed site access.

Ms. Martin said the proposed development text permits the site to be parked at the office parking requirement of 1 space per 250 square feet, or 40 spaces for a 10,000-square-foot building. While the Code requires daycares to provide parking based on staffing levels and enrollment, she reported that several facilities within Dublin have varied from that requirement.

Ms. Martin noted the landscape plans meet the requirement for interior parking lot landscaping and deciduous tree replacement. She said two light poles are located within the parking lot islands but these will be placed at least 10 feet from the trees as required by Code. She said deciduous trees are located every 40 feet around the parking lot; the parking lot is adequately screened with an evergreen hedge.

Ms. Martin said three sections of a low rubble wall are located adjacent to Avery Road and are complemented by landscaping and the wall design matches the walls around the roundabout. The development sign is proposed in front of the rubble wall near the roundabout she said and the walls are located outside of the right-of-way but the sign as proposed exceeds requirements and the applicant will need to reduce the size of the sign.

Ms. Martin said the landscape plan shows screening around the playground fence. A deciduous Bayberry hedge and Maple trees will be added she said to help buffer the use from adjacent properties. She affirmed that Staff will work with the applicant to substitute Lilac shrubs for some of the Bayberry to improve diversity.

Ms. Martin noted an aerator is proposed within the pond to help circulate the water, improve water quality, and add a visual amenity to the site. She indicated a starburst fountain is typically used within ponds in Dublin though the application does not specify a type; one will need to be identified on the building permit submittal.

Ms. Martin presented the proposed elevations along Tuswell Drive as well as the northern entrance adjacent to an undeveloped site to the north that includes architectural details for this traditional, single-story building to be clad primarily with a limestone veneer and an ivory Stucco finish.

Ms. Martin presented the Avery Road elevation and reported staff has requested that additional architectural detail be provided to have a more substantial and prominent presence along the public right-of-way to be consistent with other developments in Dublin. She indicated that Planning recommends the gas meter be screened and additional foundation plantings are provided along the east façade of the structure to soften the appearance along Avery Road.

Ms. Martin presented the Rezoning and Preliminary Development Plan Criteria for which the applicant has been met, therefore, staff recommends approval to City Council with no conditions. She said the Final Development Plan Criteria have all been met with six conditions as follows:

- 1) That the plans and details be reconciled as to the proposed height of the playground fence, prior to submitting for a building permit;
- 2) That the applicant provide additional architectural detail to add prominence to the east elevation; subject to staff approval;
- 3) That the applicant provide wheel stops for the parking spaces located adjacent to the walkway in front of the building;
- 4) That the sign be revised to meet all Code requirements to be verified at sign permitting;
- 5) That the proposed fencing on the south and east sides of the building be eliminated to minimize landscape maintenance conflicts and to soften the appearance of the structure along Avery Road, unless daycare licensing requirements interfere with this request; and,
- 6) That the applicant continue to work with staff, and be subject to staff approval prior to building permitting for the following items:
 - a. Substitute lilac shrubs for bayberry in select locations;
 - b. Select an aerator for the stormwater management basin;
 - c. Provide foundation plantings, and gas meter screening along the east elevation; and
 - d. Extend the hedge and trees along the entry drive to the right-of-way to help buffer views into the parking lot.

Chris Brown inquired about the placement of the entry drive. Ms. Martin explained location was determined based on the design of the roundabout at Avery Road, 200 feet east of the intersection with Tuswell Drive.

Mr. Stidhem asked how close the entry drive was to the neighbor's drive on the other side of the street.

Mr. Brown said his concern was when one is headed out in the morning, the car lights could potentially shine right into the neighbor's house. Ms. Martin indicated the house was oriented toward Kendall Ridge Loop.

Amy Salay inquired about the rubble wall. Ms. Martin said the intent is to match the character of the stone walls existing adjacent to the roundabout; and that the applicant used the term "rubble wall" on their plans. Claudia Husak clarified that the stone is not stacked in mortar, but rather more loosely placed. Ms. Salay asked if that type of wall has durability over time. Ms. Husak said there are some of these walls in Ballantrae and a few stones have fallen. Ms. Salay said she would rather see a stacked wall with stones in place; the walls at Ballantrae are supposed to look like ruins. Ms. Husak said the design is existing in the vicinity so that is why staff thought it was appropriate.

Victoria Newell pointed out that there are a lot of dry-stacked stone walls in Dublin. She said if the walls are properly installed, they will stay that way for a long period of time before requiring maintenance.

Mr. Stidhem said there is a driveway that comes up Tuswell Drive and asked how close the entry/exit is to that person's driveway. Ms. Martin said she did not know the exact distance.

Cathy De Rosa inquired about the fencing. She said the applicant is requesting to have fencing all around the property. She said she also wanted to know staff's reasons for recommending to limit that. She noted the big retention pond behind the proposed building and wondered what type of fencing is required or prudent for that.

Ms. Martin indicated the applicant would be better suited to speak to the daycare needs with respect to the fence. She said generally, other daycares in Dublin that have been approved, have fencing only around the play areas and most of them have been approved for fences that are four feet in height with wrought iron character. She pointed out that the development text of the Kendall Ridge Office and Condominiums allowed for a five-foot high fence, which the applicant has continued in this proposed development text. She said staff is not supportive of the fence along the Avery Road and Tuswell frontages based on the character; however, the applicant has indicated there are some operational needs and potential state licensing requirements that necessitate a fence. She said the City's experience has been that a fence is not required for all sides of the structure to comply with regulations.

Ms. Martin said the original Kendall Ridge Office and Condominiums required the play area for this future daycare to be located in the north and west portion of the site likely to keep a fair amount of distance from Avery and Tuswell Roads. She said the stormwater pond is fairly large so it provides a buffer from the existing residential development to the west. She said an aerator will be installed into the pond to soften any noise. From a safety perspective, she indicated the fence is adequate to prevent children from accessing the stormwater basin.

Andrew Gardner, 6628 Burbank Place, Westerville, OH, said he was with Bird + Bull Engineers and Surveyors and the civil engineer for the Stonehenge Company and Kiddie Academy. In general, he said they agree with the staff's recommendations. He noted there is a height discrepancy on the plans with regard to the fence. He said their intention is to have a five foot fence around the playgrounds and the fencing elsewhere would be four feet in height. He indicated he spoke with Ms. Martin about decreasing the amount of fencing in front of the building to where the doors are to eliminate it in front of the landscape beds. He said they have to have emergency exits from all of the classrooms. He said the main entrance of a daycare is monitored at all times. The other RC exits (albeit alarmed), need to have that fence outside for added security he said.

Ms. De Rosa asked what the requirements are for schools and daycares with a close proximity to water. Ms. Husak said there are no zoning rules that address that.

Ms. Newell said some schools have concerns with it and can request a school district to have a fence.

Lassaad Driss, 6331 Meaghan Drive, said he has been a resident for 6.5 years with two little kids. He said his greatest concern is the main entrance that almost faces the condominium to the left and the safety of the roundabout as there is almost an accident there every day. He said now he has to worry about people picking up kids after a long day. He said he is an engineer and if the entrance were to be placed in the back, the problem may be solved. He suggested there are more properties available that would be better suited for this daycare; he is worried about his house value.

Jamie Schroyer, 6121 Tuswell Drive, said traffic was his main concern. Since the roundabout has been put in, the amount of traffic that goes past his house has doubled. He said when the daycare will have holiday presentations, with all the parents invited, there will be cars all up and down their street and Tuswell is a narrow street anyways. He believes there is only supposed to be parking on one side. He said cars go flying through there; his two daughters are not allowed to play out front unless an adult is out there because the traffic is so bad.

Rajasekhara Vuyyuru, 6323 Meaghan Drive, said his concern is traffic.

The Chair called for more public comment. [Hearing none] She closed the public portion.

Mr. Stidhem asked how long this has been planned to be a daycare. Since 2007 Ms. Martin answered. Mr. Stidhem asked if there is a condominium association to which Ms. Martin answered affirmatively. Mr. Stidhem asked if the developer had made any contact with the Homeowner's Association. Ms. Martin said staff always encourages developers to reach out to the HOAs, but that she is aware of contact with the residents.

Ms. Salay asked the developer if they had any meetings with the Kendall Association. Mr. Andrews said his representative from Stonehenge was not present and could not answer that question accurately but to his knowledge there were no meetings with the association. He said he did not know that was expected with the zoning process. He said the location of the entrances were dictated by the City Engineers as the entrances had to be a certain distance from the roundabout. He said the drives are not really aligned. He said the information that this could be developed into a daycare has been available as long as that development has been there. He indicated he appreciated the comments from the residents.

Ms. Husak said the Ordinance regarding the right-of-way vacate for old Tuswell showed the access point for this parcel and was approved by Council in 2007. The access for the parcel to the south, if it ever were to develop, has also been approved; the City owns that portion as part of the realignment for the roundabout. Ms. Newell added that this property is already zoned for a daycare facility.

Ms. Newell said she has some questions about the Final Development Plan. She asked that the wrought iron fencing be clarified in the text, which would require an additional condition. She said she cannot recall a single daycare facility that has the whole perimeter fenced in. She said she understands the philosophy that if you really want to contain the children but we have never allowed that. In terms of the current text, she said permitted fencing at the height of five feet when our limitations are normally four feet in height. She said the Commission has made exceptions in the past for daycare facilities. She indicated that if adult daycare facilities requested the same five-foot fence she could not support it. She noted that in the past, the Commission has requested that the applicants break up the fencing with brick or masonry pier.

Ms. Husak said staff had a condition requiring the applicant to clarify where five-foot fencing was proposed and where four-foot fencing was proposed because there were some discrepancies on the plans.

Mr. Gardner said their intention after hearing the concerns on the fence to go back and discuss with staff ways they can reduce the amount of fencing across the front and side. He said they would like to have fencing across the doorway areas with a gate. He said their intention is for the five-foot fencing to be placed around the play areas, the dividers internal to the play areas will be four foot, and any fencing remaining around the buildings would all be four feet in height.

Ms. Salay said she agreed with Ms. Newell about the perimeter fencing. She indicated she understands the applicant wanting to contain the children but that is a management issue that should be handled internally and to not rely on an external fence. She said she could not support any fence other than the one proposed for the west side to fence in the play area. She said breaking the fence up with stone pillars or landscaping would be needed. She said her concern about fencing across a door hinders emergency exits.

Mr. Gardner offered to sketch what he is suggesting for the front. He said along the back of the building there are a lot of egress doors and that is where the older children are (5 – 6 year olds/school age children) and would like to keep that fencing along the north elevation.

Ms. Salay asked the applicant about details of the fencing. Ms. Newell asked if the proposed fencing had been approved by Building Standards or the Fire Marshall. Mr. Gardner said that still needs to be worked out.

Ms. Salay indicated the proposal is not ready for a Final Development Plan approval.

Ms. Newell recalled that the Building Official and the Fire Inspector were not supportive of the fencing.

Ms. Husak reported she and Nichole Martin conducted a lot of research on other daycare centers in the area and found there are no daycares in Dublin that are completely fenced in as this one is proposed. Most of them she said have at least the frontage open for their main entrance. She recalled that Learning Experience that received approval for six-foot fencing and masonry columns around the playground area because it was located at the rear of the site and does not have fencing on frontage but it has fencing on all other sides as does Primrose, Goddard, and Gardner. Ms. Martin clarified that Primrose has play structures on three sides of the building so that is why they have fencing on three sides. She added that generally, daycares that have play equipment in one area will just have that area fenced in. The Learning Experience does not fit that model. They were also granted a six-foot fence with columns in between and a four foot fence along the two other sides but not along the front elevation. She said they also compared the floor plans operationally and found the daycares are very similar to each other.

Chris Commarota, Kiddie Academy Domestic Franchising, 3415 Box Hill Corporate Center Drive, Abingdon, Maryland 21009, said they are different than the franchises mentioned. He explained they have an open design on the inside of the building and they provide two means of egress because of their design. He said the means of egress to the outside shortens the length of the exit path that the children have to use. He said the two means of egress also require them to conduct fire drills once a month. He explained that the staff member in front and the staff member in back take the children to the area of refuge, which is located likely in the playground area. He said the fence is to help corral the children and guide them to where they need to go. He explained that the purpose of the five foot fence is much more difficult for someone to reach over and grab a child. He indicated there are instances where parents have issues with each other and it is almost impossible for a parent to reach over.

Chris Brown asked why a fence is needed over the infant area. Mr. Commarota said they could sacrifice that. He said they like it on every doorway to promote the safety environment. He said they could compromise on the toddler area but the corridor on the east side is a challenge for them and they were hoping that landscaping would help to reduce the impact on the look of the building.

Ms. Newell inquired about the egress doors out of each classroom and confirmed that all the rooms on the front are toddler and infant occupied and the rooms across the back of the building have older children. She asked what the difference was for the treatment of the fence for the front versus the back. Mr. Commarota answered the infants will be coming out four in a crib and will be wheeled out so they are not a challenge; the children in the toddler room will come out in a buggy and under the control of a staff member; the children in the back (older toddlers) they will be walking with staff.

Ms. Newell said her concern is because the children are contained in that fence area and this has not been typically approved. She said her understanding is when you have a fence on the perimeter of that structure you are detaining someone from egressing the building and the travel distance needs to be calculated from inside of the building and all along the fence area until they are reaching the designated area. She said before she could approve the fence, she would want to know the travel distance.

Mr. Commarota said they have 186 locations around the country including one that is opening on Monday and those locations have a fence around the building and some of them are larger buildings and all meet that requirement for the length of travel.

Ms. De Rosa agreed that the Commission needs to understand this a little bit more. She indicated the back fence from a water perspective made a lot of sense to her. She questioned what could or should be done around the retention pond.

Mr. Commarota said they have locations in Florida and New Jersey that have much larger retention ponds and staff is trained well to manage that. He said children are not allowed outside of that fenced in area.

Ms. Salay indicated there is additional work that needs to be done and is not comfortable voting on this. She said her concerns are the height of the fence, a revised sign, and a perimeter fence that will take away from the building and would like to see some nice perimeter landscaping on the eastern and southern elevations. She said for the fence along the back, she is interested in the Building Code issue and the distance of travel for egress. She reiterated that there are no other daycares that have a perimeter fence. She said before voting she would like to see the architectural details, fence plans modified, landscape plans modified, and see a landscape wall that is more in keeping with what we have in the roundabout.

Mr. Gardner offered to sacrifice the fencing along the southern and eastern facades and asked if the Commission would be supportive maintaining a fence along the north then.

Bob Miller said he would be in favor of that but it would need to be added as a condition depending on the validation of this travel distance issue.

Mr. Gardner said that is something they could show during the building permit stage and address the fire code issues to present to staff.

Mr. Miller said he supports Ms. Salay's perspective that the east elevation detail is valuable in reviewing this application.

In regard to the elevation, Mr. Gardner said they revised it once by adding a gable feature over the doors on the east and west sides. He asked what the Commission is looking for specifically on that elevation to

give it additional prominence. He said a double door was mentioned but he is not sure that would work with the hallway width.

The Chair requested to see the staff conditions again. Ms. Martin presented the original six conditions as well as a draft of the seventh condition per Ms. Newell.

- 1) That the plans and details be reconciled as to the proposed height of the playground fence, prior to submitting for a building permit;
- 2) That the applicant provide additional architectural detail to add prominence to the east elevation; subject to staff approval;
- 3) That the applicant provide wheel stops for the parking spaces located adjacent to the walkway in front of the building;
- 4) That the sign be revised to meet all Code requirements to be verified at sign permitting;
- 5) That the proposed fencing on the south and east sides of the building be eliminated to minimize landscape maintenance conflicts and to soften the appearance of the structure along Avery Road, unless daycare licensing requirements interfere with this request; and,
- 6) That the applicant continue to work with staff, and be subject to staff approval prior to building permitting for the following items:
 - a. Substitute lilac shrubs for bayberry in select locations;
 - b. Select an aerator for the stormwater management basin;
 - c. Provide foundation plantings, and gas meter screening along the east elevation; and
 - d. Extend the hedge and trees along the entry drive to the right-of-way to help buffer views into the parking lot.
- 7) That the development text be updated to reflect a metal wrought iron style fence be required.

Mr. Stidhem asked for the justification for increasing the 7,500 feet to 10,000 feet. Ms. Martin answered from a staff perspective, the request meets the future land use recommendation and Community Plan for density. Ms. Husak said any daycares the City has approved in the last 14 years have been 10,000.

Mr. Commarota said their average size building is around 10,000 square feet, their largest is 16,000 square feet, and the oldest is smaller at the 7,500-square-foot range. He said the 10,000 square feet came about 15 years ago.

Ms. Salay asked if there is a limit as to how many children are permitted based on square footage. She asked if they have a plan for 182 children maximum here for 10,000 square feet of space to which the applicant agreed. She asked if the square footage was reduced to 7,500 square feet, how many children would they be permitted. Mr. Commarota answered it would reduce the capacity but does not know the exact number. He said that business model may not work for the developer or the franchisee.

Deborah Mitchell said she agrees with her fellow Commissioners about the perimeter fencing and finds the applicant's willingness to reduce fencing is a positive step in the right direction.

The Chair asked the applicant what he would like to do this evening. Mr. Gardner said they formally request to table the Final Development Plan but could get a vote on rezoning.

Ms. Husak said since the rezoning has included the five-foot fence height in certain geographical locations, and the applicant is not currently in agreement with those, it may be beneficial to table both.

Mr. Brown suggested the fence on the north side be kept at four feet and five feet around the play area to discourage abduction from disenfranchised parents.

Ms. Newell said she agreed with the five-foot elevation.

Mr. Brown requested a rendering of the elevation with the stacked wall that shows more prominence and gravity so it reads well from the street such as with landscaping and the elimination of the fence on the east and south side.

Ms. Mitchell agreed and said she does not have an issue with the 10,000 square feet and the business model with this proposal.

Mr. Stidhem highly recommended that the applicant talk with the Condominium Associations to gain their feedback before going on with next steps. He said a proposal is always more powerful when the applicant comes before the Commission with the support of the Condominium Associations and no objections.

Mr. Gardner requested to table both the Rezoning and the Preliminary and Final Development Plan Reviews.

Motion and Vote

Mr. Brown moved, Ms. Mitchell seconded to table the Rezoning, and Preliminary and Final Development Plan Reviews. The vote was as follows: Mr. Miller, yes; Ms. Newell, yes; Ms. De Rosa, yes; Ms. Salay, yes; Mr. Stidhem, yes; Ms. Mitchell, yes; and Mr. Brown, yes. (Tabled 7 – 0)



CITY OF DUBLIN

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DUBLIN PLANNING AND ZONING COMMISSION

RECORD OF ACTION

February 3, 2000

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

2. Final Development Plan 99-118FDP - Kendall Ridge Condominiums

Location: 8.165 acres located on the west side of Avery Road, approximately 600 feet north of Dan-Sherri Avenue.

Existing Zoning: PUD, Planned Unit Development District (Trees Plan).

Request: Review and approval of a final development plan under the PUD provisions of Section 153.056.

Proposed Use: Eleven two-family condominium buildings and a 7,500-square-foot office building.

Applicant: The Stonehenge Company, c/o Doug Tailford, 6253 Riverside Drive, Suite 200, Dublin, Ohio 43017.

MOTION: To approve this final development plan because it conforms to the preliminary development plan and will provide an attractive gateway to the neighborhood to the west, with 14 conditions:

- 1) That right-of-way for Avery Road which complies with the MS Consultants Alignment Study (100 feet from the existing centerline) be deeded to the City at the time of rezoning;
- 2) That the left turn lane widening on Avery Road be provided at the entrance to the site, as approved by staff;
- 3) That the rear elevations be revised to include a similar amount of brick or stone as the other elevations, consistent with the text;
- 4) That the west elevation of the office building be revised to have the same level of quality in architecture and materials as the east elevation;
- 5) That fencing be limited to the type and locations shown on the submitted plans, unless otherwise revised by the Commission;
- 6) That the landscape plan be revised to include tree preservation and replacement, to replace the proposed shrubbery within Reserve B with deciduous trees, and to conform to Code and the comments contained within the staff report, subject to staff approval;

DUBLIN PLANNING AND ZONING COMMISSION

RECORD OF ACTION

February 3, 2000

2. Final Development Plan 99-118FDP - Kendall Ridge Condominiums (Continued)

- 7) That the slope within Reserve B be limited to a maximum of five percent;
- 8) That payment in lieu of land dedication (approximately \$51,750) be provided to meet the park and open space requirement prior to issuance of building permits;
- 9) That the design of all public roads and utilities meet the requirements of the City Engineer;
- 10) That the vehicle backing area nearest the office entrance be eliminated;
- 11) That the final plat and the engineering drawings be reconciled with respect to lot lines;
- 12) That a staking plan showing conformance to the minimum setback requirements be submitted;
- 13) That the office site lighting plan be revised to show the correct site layout and meet the Dublin Lighting Guidelines; and
- 14) That revised plans be submitted within two weeks and prior to scheduling the building permit pre-submittal meeting.

* Mo Dioun, Stonehedge Company, and Ben W. Hale, Jr. agreed to the above conditions.

VOTE: 7-0.

RESULT: This final development plan was approved.

STAFF CERTIFICATION



John Talentino
Planner

~~Road, and one building was permitted to expand several times. It is now so valuable as a converted house and it may never be razed.~~

~~Mr. Eastep said meeting the Building Code to convert a house is not cost-effective. Mr. McCash disagreed and thought a variance would be granted for a hardship.~~

~~Mr. Sprague suggested commercial reuse of a residence be made a permitted use, limited to two years only.~~

~~Mr. McCash said regarding storm water, it is shown on the Vogel property. Mr. Gibson said Condition 1 addresses this. Mr. McCash did not think this will work with individual owners; one ownership is needed. Mr. Schmidt agreed, but said it will need to be assembled in the future. Rezoning speeds up the process as requested.~~

~~Ms. Clarke said 12 years ago, the David Road neighbors, without Dublin's assistance, had their neighborhood packaged together for a car dealership. In the end, the deal fell apart. Since then, the problem is being solved a little at a time. She said the zoning will create value and widen the arena of developers who might be interested in it.~~

~~Mr. Fishman made a motion to table this rezoning application/composite plan, and Mr. Eastep seconded. The vote was as follows: Mr. Sprague, no; Mr. Harian, yes; Mr. McCash, no; Mr. Peplow, yes; Mr. Lecklider, yes; Mr. Eastep, yes; and Mr. Fishman, yes. (Tabled 5-2.)~~

~~Mr. Lecklider called a five-minute recess.~~

2. Final Development Plan 99-118FDP - Kendall Ridge Condominiums

John Talentino presented this final development plan. *[There was a tape recording malfunction during the staff and applicant presentations on this case. The recording is intact for most of the questions to the applicant. The next few paragraphs have been recreated from staff notes.]*

Mr. Talentino said this site contains 8.2 acres on the west side of Avery Road and is zoned PUD. The proposal is a condominium development of 22 units. The plan includes 11 two-family dwellings. There is also a 7,500 square foot office building along the frontage. There is a detention area set aside between the office and condo areas. He showed several slides of the site and adjacent area.

He said the entry road is called Tuswell Drive. The condo buildings are laid out around a 0.5 acre open space "reserve". The southern side of it includes Kendall Ridge Drive. The plan for the reserve shows it being steeply mounded.

Mr. Talentino said the plan conforms to the Thoroughfare Plan and the recent MS Consultants' study. The park requirement is being met by a monetary contribution, rather than a land dedication, for this site.

Mr. Talentino described the proposed buildings and architecture. He said staff recommends approval with 13 conditions:

- 1) That right-of-way for Avery Road which complies with the MS Consultants Alignment Study (100 feet from the existing centerline) be deeded to the City at the time of rezoning;
- 2) That the left turn lane be widened on Avery Road be provided at the entrance to the site, as approved by staff;
- 3) That the rear elevations be revised to include a similar amount of brick or stone as the other elevations, consistent with the text;
- 4) That the west elevation of the office building be revised to have the same level of quality in architecture and materials as the east elevation;
- 5) That fencing be limited to the type and locations shown on the submitted plans, unless otherwise revised by the Commission;
- 6) That the landscape plan be revised to include tree preservation and replacement and to conform to Code and the comments contained within the staff report, subject to staff approval;
- 7) That payment in lieu of land (approximately \$51,750) be provided to meet the park and open space requirement prior to issuance of building permits;
- 8) That the design of all public roads and utilities meet the requirements of the City Engineer;
- 9) That the vehicle backing area nearest the office entrance be eliminated;
- 10) That the final plat and the engineering drawings be reconciled with respect to lot lines;
- 11) That a staking plan showing conformance to the minimum setback requirements be submitted;
- 12) That the plan be revised to show the correct site layout and meet the Dublin Lighting Guidelines; and
- 13) That revised plans be submitted within two weeks and prior to scheduling the building permit pre-submittal meeting.

Mr. Fishman asked about the proposed grading within the reserve. He preferred to see flat open space. Mr. McCash agreed and also emphasized the need to provide adequate drainage. Mr. Eastep recommended a grade of six percent or less with maximum elevation of 929 (feet above sea level).

Ben W. Hale, Jr. represented the applicant. He stated the applicant was in agreement with the conditions in the staff report.

Mr. Lecklider preferred less mounding and more landscaping within the reserve. Mr. Fishman suggested the applicant work with staff to reduce the mound to a maximum five percent slope, eliminate the bushes within the reserve, and replace them with trees.

Mo Dioun, the applicant, said there would be a mixture of bushes and trees around the reserve. He stated that balancing dirt on the site is one consideration for the mound, but that the site is short of dirt overall. The mound will provide more visible green space. Mr. Dioun stated that the homeowners association will maintain the reserve.

Mr. Dioun stated the architecture reflects the appearance of single homes. The material palette is varied as requested by the Commission.

[Tape resumed.] Mr. Eastep suggested replacing the bushes with deciduous trees and reducing the slope on the mound to five percent. Mr. Lecklider suggested a three to five percent slope; Mr. McCash suggested three to four percent. Mary Newcomb agreed to three to five percent. Mr. Eastep wanted it to be done tastefully with deciduous trees. Mr. Peplow agreed. Mr. Fishman suggested installing a lot of trees.

Mr. Hale said the streets were going to be public streets and meet all of the codes. The center island will be maintained by the homeowners' association. Mr. Hale agreed to all the other conditions.

Mr. Fishman said all of the buildings are going to be stone or brick except two, and what is not stone or brick, will be Hardi-plank. Mr. Talentino agreed and said nine buildings will have brick or stone and Hardi-plank, and two will be all Hardi-plank. The nine rear elevations are all Hardi-plank, and staff suggests using stone on some prominent elevations, and the applicant agreed. The applicant prefers not to use brick facing the service complex. Staff wants a varied appearance.

Mr. Dioun said any elevation seen from the street will be a mix of stone, brick and Hardi-plank, except for two buildings. The buildings that are not visible from the street will have Hardi-plank. The houses in Kendall Ridge are all vinyl siding, and he thought it was unfair to require more expensive materials here than in Kendall Ridge.

Mr. Fishman suggested that no two buildings side by side have Hardi-plank rear elevations. He complemented Mr. Dioun on the work he had done. Mr. Dioun said no two buildings in a row will have all Hardi-plank.

Mr. Talentino said the text requires the same quality of architecture and materials on all sides. The amount of brick or stone should be the same on all four sides. The other goal is to assure the buildings all appear to be different buildings, and the applicant has done a great job on that. As proposed, all these buildings have the same appearance on the rear. Staff suggests instead of reducing the amount of brick and stone on the other

three sides, that brick or stone be used on the alternating houses, which will still give the look of having different sides. Mr. Talentino said that meets the spirit of the text.

Mr. Dioun said they focused on the street scene and what is effectively being seen. He said the buildings are still attractive enough if two of them are next to each other. He said their emphasis is on mounding and greenery with trees in the middle area. He agreed to comply with the text and as the Commission defined it.

Mr. McCash said those houses whose rear elevations faced the service complex and bus garage were fine with the Hardi-plank as proposed.

Mr. Dioun said the Hardi-plank was off-white, and the trim will be a different shade of white. The buildings will have plytrim as the trim material. Mr. Eastep said that is actually a better product for white because there will be no bleeding.

Mr. Lecklider recollected that the architecture was one basis for the density.

Mr. Fishman agreed that the applicant should comply with the text and follow the staff recommendations. He had confidence Mr. Dioun would comply. Mr. Lecklider agreed and said he felt Mr. Dioun would do a first-quality project. Messrs. Harian, Sprague, and Peplow also agreed.

Mr. Eastep said this looked great. He also agreed that more density was given in exchange for architectural appeal, interest, and diversity. He said he would like to see a little break-up on the rear. He suggested perhaps a six-foot water table of brick or stucco stone on a few homes and alternating a couple of the rear gables.

Mr. Dioun agreed to work with staff on the rear elevation diversity.

Mr. Fishman wanted to see as much stone and brick as the text required. He said a water table did not appeal to him because they get covered by foundation plantings.

Mr. Eastep made a motion to approve this final development plan because it conforms to the preliminary development plan and will provide an attractive gateway to the neighborhood to the west, with 14 conditions:

- 1) That right-of-way for Avery Road which complies with the MS Consultants Alignment Study (100 feet from the existing centerline) be deeded to the City at the time of rezoning;
- 2) That the left turn lane widening on Avery Road be provided at the entrance to the site, as approved by staff;
- 3) That the rear elevations be revised to include a similar amount of brick or stone as the other elevations, consistent with the text;
- 4) That the west elevation of the office building be revised to have the same level of quality in architecture and materials as the east elevation;

- 5) That fencing be limited to the type and locations shown on the submitted plans, unless otherwise revised by the Commission;
- 6) That the landscape plan be revised to include tree preservation and replacement, to replace the proposed shrubbery within Reserve B with deciduous trees, and to conform to Code and the comments contained within the staff report, subject to staff approval;
- 7) That the slope within Reserve B be limited to a maximum of five percent;
- 8) That payment in lieu of land dedication (approximately \$51,750) be provided to meet the park and open space requirement prior to issuance of building permits;
- 9) That the design of all public roads and utilities meet the requirements of the City Engineer;
- 10) That the vehicle backing area nearest the office entrance be eliminated;
- 11) That the final plat and the engineering drawings be reconciled with respect to lot lines;
- 12) That a staking plan showing conformance to the minimum setback requirements be submitted;
- 13) That the plan be revised to show the correct site layout and meet the Dublin Lighting Guidelines; and
- 14) That revised plans be submitted within two weeks and prior to scheduling the building permit pre-submittal meeting.

Mr. Fishman seconded the motion, and the vote was as follows: Mr. Sprague, yes; Mr. McCash, yes; Mr. Peplow, yes; Mr. Lecklider, yes; Mr. Fishman, yes; Mr. Harian, yes; and Mr. Eastep, yes. (Approved 7-0.)

~~3. Development Plan 99-130DP – The Offices at Bradenton – 5100, 5130, and 5150 Bradenton Avenue~~

~~Mr. Eastep made a motion for tabling, as requested by Mr. Cline. Mr. Fishman seconded, and the vote was as follows: Mr. Harian, yes; Mr. McCash, yes; Mr. Lecklider, yes; Mr. Sprague, yes; Mr. Peplow, yes; Mr. Fishman, yes; and Mr. Eastep, yes. (Tabled 7-0.)~~

~~4. Code Amendment 99-043ADM – Scenic Road Setback~~

~~Bobbie Clarke said this scenic road setback Code amendment is better known as the “Road to Wow!” She said a joint Commission and City Council meeting produced a request for a standard 200-foot setback along all scenic roads, as generally recommended in the Community Plan. The Law Director’s office drafted an ordinance that directly to Council without Commission review. There was much opposition at the public hearing, and it was defeated by City Council. As a follow-up motion, staff was directed to look at some innovative way to set a better aesthetic setback standard. Council wanted an ordinance that would not be as problematic for individual acre lots.~~

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 4, 1999 (YEAR)

Plan for its top award in the category of, "Comprehensive Planning for a Small Jurisdiction" and the award was for Contribution and Excellence in Planning. Staff will accept this award on Dublin's behalf at an upcoming meeting in Cleveland.

LEGISLATION

POSTPONED ITEM

Resolution 42-99(Amended) - A Resolution Adopting a Traffic Calming Policy for the City of Dublin:

Mr. Hansley stated that the amended version incorporates the changes that were discussed at the last Council meeting.

Vote on the Resolution - Mr. Adamek, yes; Mayor Kranstuber, yes; Mr. Reiner, yes; Mrs. Boring, yes; Mr. McCash, yes; Mr. Peterson, yes.

SECOND READING/PUBLIC HEARING - ORDINANCES

Ordinance 09-99 - An Ordinance Providing for a Change in Zoning for 8.3 Acres Located on the West Side of Avery Road Approximately 600 Feet North of Dan Sherri Avenue from R1-B, Restricted Suburban Residential District, to: PUD, Planned Unit Development District. (Trees Property) (Applicant: The Stonehenge Company, c/o Mo Dioun, 6253 Riverside Drive, Suite 200, Dublin, Ohio 43016; represented by Jack Reynolds, Smith and Hale, 37 West Broad Street, Columbus, Ohio 43215)

Ms. Clarke stated the site consists of 8 acres and is located north of the Dan Sherri subdivision. It is currently zoned R-1B, a Washington Township residential zoning classification, and the proposal is to rezone to PUD. This site was exempted from a moratorium in the southwest area because it had previously received concept plan approval. That concept plan has been carried forward in the form of the preliminary development plan. The proposed use is for 11 two-family condominiums, with an office or small day care center along the front edge of the site. The Planning Commission recommended approval with 13 conditions on September 2, 1999:

- 1) That the text be revised to include a commitment for a unique landscape design along the Avery Road frontage subject to approval at final development plan;
- 2) That the text be clarified to commit to equal quality architecture on all sides of all buildings, coordinating the architecture of the office/day care with the residential component, complying with the Tree Preservation Ordinance and Landscape Code, and providing buffers between this site and Dan-Sherri Avenue and along any non-residential areas;
- 3) That all bikepaths and sidewalks be shown on the plans;
- 4) That right-of-way for Avery Road, which complies with the MS Consultants alignment study (100 feet from the existing centerline), be deeded to the City;
- 5) That left turn widening on Avery Road be provided at the entrance to the site along with adequate street lighting, as approved by staff;
- 6) That the access to the office/day care site along Tuswell Drive be subject to approval by the City Engineer;
- 7) That payment in lieu of land dedication (approximately \$51,750) be paid prior to any building permits being issued, to meet the park requirement;
- 8) That all Engineering Division requirements be met on design of public roads, public and private utilities, and storm water management;
- 9) That the commercial property fronting Avery Road have a maximum lot coverage of 60 percent;
- 10) That only one type of fence be used within the development and be approved at the final development plan stage;
- 11) That there be a maximum of two residential buildings with all wood siding, and the remaining buildings be a mixture of masonry and wood;
- 12) That the homeowners' association maintain all common property; and
- 13) That Conditions 1, 2 and 3 be met prior to this case being scheduled for City Council consideration.

Mrs. Boring asked about the extension of water and sewer lines to the Dan Sherri subdivision.

Mr. Kindra stated that there is a possibility that the extension will be done independent

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 4, 1999, (YEAR)

of this which was discussed at the last Council meeting.

Mrs. Boring stated it was her understanding that Mr. Hale had agreed to the sewer and water line extension as part of this concept plan.

Ms. Diamond, resident of Dan Sherri stated that she and her neighbors continue to have water problems, either drought or construction related. She contacted Mr. McDaniel and he sent her a petition to request a water and sewer study by the City. The Dan Sherri residents have signed the petition and are in agreement with this course of action. It was not her understanding that it was a commitment of the developer as part of the rezoning. The study is now underway.

Mr. Hale, representing the developer stated that their plan is to bring the sewer line across the back of the properties to allow access to the sewer line by the residents of Dan Sherri.

Mrs. Boring stated that she served on the Planning Commission at the time of the concept plan, and she recalled that Mr. Hale stated that sanitary sewer will be made available to the residents of Dan Sherri.

Mr. Hansley clarified that the developer is proposing to build the sewer line in such a way that it would be easily accessed by the existing neighborhood. They could have serviced their project in a couple different ways, but they are purposely serving it in a way that it can be accessed by the existing neighborhood. The engineering study that Council authorized at the last meeting will provide more specifics for the homeowners.

Mr. Hale suggested that Council can require that the sewer be installed along the back of those four lots in order to provide access. The Kendall Ridge developers have already made a commitment to cul-de-sac Dan Sherri at a cost of \$30,000. This was in response to the homeowners' request.

Mr. Adamek moved to add a condition that the applicant work with staff on the coordination of water and sewer lines in order to service the Dan Sherri residents as effectively as possible.

Mr. McCash seconded the motion.

Mr. Hale agreed to the condition.

Vote on the motion - Mr. Reiner, yes; Mrs. Boring, no; Mr. McCash, yes; Mr. Peterson, yes; Mr. Adamek, yes; Mayor Kranstuber, yes.

Vote on the Ordinance - Mr. Adamek, yes; Mr. McCash, yes; Mr. Reiner, yes; Mayor Kranstuber, yes; Mr. Peterson, yes; Mrs. Boring, no.

Ordinance 73-99(Amended) - An Ordinance Providing for a Change in Zoning for 13.69 Acres Located at the Southwest Corner of Mercedes Drive (Private) and Perimeter Loop Road from PCD, Planned Commerce District, Subarea D of the Perimeter Center Plan, to: PCD, Planned Commerce District, Subarea I of the Perimeter Center Plan, under Section 153.058 of the Dublin Codified Ordinances. (Crown Mercedes and Crown Chrysler/Jeep/Eagle - Perimeter Loop Road - 99-063Z) (Applicant: Muirfield Drive Partners, c/o John McKittrick, 2333 Gulf of Mexico Drive, #124, Longboat Key, FL 34228; and Dwayne Hawkins, Crown Auto Dealerships, 6001 34th Street North, St. Petersburg, FL 33714; represented by Victoria Newell, Meacham and Apel Architects, Inc., 6161 Riverside Drive, Dublin, OH 43017.)

Mayor Kranstuber announced that Mr. McCash and Mrs. Boring will abstain on this matter. They left the Council Chambers at this time.

Ms. Clarke stated there are some slight text changes for the car dealerships which are located in Subarea I. That area is also being expanded by an additional 5 acres, and it will extend into the vacant area on the north side of Perimeter Loop Road. She then showed slides of the site and surrounding area. She noted that there were some errors found in the existing text, therefore this whole area is being rezoned and the text is being

DUBLIN PLANNING AND ZONING COMMISSION

RECORD OF ACTION

September 2, 1999



CITY OF DUBLIN

Division of Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/TDD: 614-761-6550
Fax: 614-761-6566
Web Site: www.dublin.oh.us

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

6. **Rezoning Application 99-002Z - Preliminary Development Plan - Kendall Ridge Condominiums (previously known as Trees Property)**
Location: 8.3 acres located on the west side of Avery Road, approximately 600 feet north of Dan-Sherri Avenue.
Existing Zoning: R-1B, Restricted Suburban Residential District (Washington Township).
Request: PUD, Planned Unit Development District.
Proposed Use: Eleven two-family condominiums and an office/daycare center of 7,500 square feet.
Applicant: The Stonehenge Company, c/o Mo Dioun, 6253 Riverside Drive, Suite 200, Dublin, Ohio 43016; represented by Jack Reynolds, Smith and Hale, 37 West Broad Street, Columbus, Ohio 43215.

MOTION: To approve this rezoning application with 13 conditions:

- 1) That the text be revised to include a commitment for a unique landscape design along the Avery Road frontage subject to approval at final development plan;
- 2) That the text be clarified to commit to equal quality architecture on all sides of all buildings, coordinating the architecture of the office/daycare with the residential component, complying with the Tree Preservation Ordinance and Landscape Code, and providing buffers between this site and Dan-Sherri Avenue and along any non-residential areas;
- 3) That all bikepaths and sidewalks be shown on the plans;
- 4) That right-of-way for Avery Road, which complies with the MS Consultants alignment study (100 feet from the existing centerline), be deeded to the City;
- 5) That left turn widening on Avery Road be provided at the entrance to the site along with adequate street lighting, as approved by staff;

DUBLIN PLANNING AND ZONING COMMISSION

RECORD OF ACTION

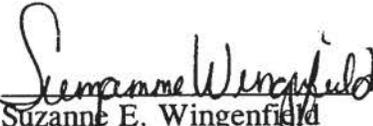
September 2, 1999

6. **Rezoning Application 99-002Z - Preliminary Development Plan - Kendall Ridge Condominiums (previously known as Trees Property)(Continued)**

- 6) That the access to the office/daycare site along Tuswell Drive be subject to approval by the City Engineer;
- 7) That payment in lieu of land dedication (approximately \$51,750) be paid prior to any building permits being issued, to meet the park requirement;
- 8) That all Engineering Division requirements be met on design of public roads, public and private utilities, and stormwater management;
- 9) That the commercial property fronting Avery Road have a maximum lot coverage of 60 percent;
- 10) That only one type of fence be used within the development and be approved at the final development plan stage;
- 11) That there be a maximum of two residential buildings with all wood siding, and the remaining buildings be a mixture of masonry and wood;
- 12) That the homeowners' association maintain all common property; and
- 13) That Conditions 1, 2 and 3 be met prior to this case being scheduled for City Council consideration.

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

STAFF CERTIFICATION


Suzanne E. Wingenfeld
Planner

~~being made to the text as requested. He said the signs should meet Code, and ground signs should be limited to six feet in height. He wanted no wall signs along US 33/SR 161. Mr. Fishman agreed.~~

~~Mr. McCash said the text language in Item 2.09, Paragraph 1: Signage and Graphics, needed to be clarified to state what exactly is wanted.~~

~~Mr. Hale requested a tabling of this application.~~

~~Mr. Peplow said he was in general agreement with 9,000 square feet and a 60 percent lot coverage. He will review the Community Plan regarding density numbers.~~

~~Mr. Lecklider said the density answer will be clear at buildout, but that is too late.~~

~~Mr. Harian made a motion to table this rezoning application, and Mr. Fishman seconded. The the vote was as follows: Mr. McCash, yes; Mr. Lecklider, yes; Mr. Sprague, yes; Mr. Peplow, yes; Mr. Eastep, yes; Mr. Fishman, yes; and Mr. Harian, yes. (Tabled 7-0.)~~

~~**5. Final Plat 99-078FP – Hawk’s Nest, Section 2, Phase 3, Lots 153-157 and 170-207 (Approved 7-0)**~~

~~Due to the late hour, this application was postponed to the next agenda. There was no discussion or vote taken.~~

6. Rezoning Application 99-002Z – Preliminary Development Plan – Trees Property

Suzanne Wingenfield presented this rezoning for 8.3 acres on the west side of Avery Road. She said the plan repeats the land uses proposed at the concept plan. She showed a few slides.

Ms. Wingenfield said the proposal is 22 residential units on eleven lots and a small office or day care along Avery Road. There is a half-acre of open space at the center of the site, and a wet pond for stormwater on the north edge. This plan shows 100 feet of right-of-way along Avery Road which conforms to the current alignment study. The building setback is 30 feet from the new right-of-way line. Because this section of Avery Road is a transition between industrial and residential areas, a 30-foot setback is appropriate, provided that there will be a specific and unique landscape plan implemented along the frontage.

Ms. Wingenfield said the text requires residential design and natural materials. The residential units will be designed to reflect a single-family look, and this should be repeated on the office use. The maximum building height is 30 feet. The day care or office use will be 7,500 square feet, and the residential units will be a minimum 1,550 square feet.

Ms. Wingenfield said staff recommends approval with nine conditions:

- 1) That the text be revised to include a commitment for a unique landscape design along the Avery Road frontage subject to approval at final development plan;

- 2) That the text be clarified to commit to equal quality architecture on all sides of all buildings, the architecture of the office/daycare coordinating with the residential component, compliance with the Tree Preservation Ordinance and Landscape Code, and provisions of buffers between this site and Dan-Sherri Avenue and between any non-residential areas;
- 3) That all bikepaths and sidewalks be shown on the plans;
- 4) That right-of-way for Avery Road, which complies with the MS Consultants Alignment study (100 feet from the existing centerline), is deeded to the City;
- 5) That left turn widening on Avery Road be provided at the entrance to the site along with adequate street lighting, as approved by staff;
- 6) That the access to the office/daycare site along Tusswell Drive be subject to approval by the City Engineer;
- 7) That payment in lieu of land dedication (approximately \$51,750) be paid prior to any building permits being issued to meet the park requirement;
- 8) That all Engineering Division requirements be met on design of public roads, public and private utilities, and stormwater management; and
- 9) That Conditions 1, 2 and 3 be met prior to this case being scheduled for City council consideration.

Ms. Wingenfield said the condo association is a forced association. She said the density is 2.69 dwelling units per acre, well within the Community Plan range. She said they do not have an exact computation of the lot coverage.

Mr. Lecklider said his preference is to reduce the lot coverage below 70 percent. Mr. Fishman agreed.

Mr. Lecklider likes the parking behind the building being screened from Avery Road. Ms. Wingenfield said they will dedicate 100 feet of right-of-way with this rezoning to meet the Thoroughfare Plan. A 30-foot setback from the new right-of-way is proposed. Ms. Wingenfield said Kendall Ridge has a 75-foot building setback based on the road widening.

Ms. Wingenfield said Avery Road is a scenic road. This section of Avery Road has a wide variety of uses and setbacks. Staff believes a 30-foot setback would be appropriate if they have a unique streetscape, more than a mound with a row of trees.

Ms. Clarke said the first preference would be to switch the office and stormwater facility along Avery Road. Unfortunately, the engineering will not work with the pond along Avery Road. Staff believes this setback will make it compatible over the long term. Ms. Clarke said they are looking for an extraordinary landscape plan.

Mr. Eastep thought placing a rezoning on a consent agenda was inappropriate. The intent of a consent agenda is to whip through cases, and rezoning actions are too critical for this procedure.

Mr. Eastep asked if there is a concern of wedging the office/daycare into a single-family

neighborhood. He asked if there has been any neighborhood opposition at this point. Ms. Wingenfield said she received a few phone calls, but not any opposition.

Mr. Eastep said the pond may be too small to be attractive and suggested combining reserves. He asked about the size of the Reserve A pond. Ms. Cox said it takes up all of the reserve and is designed for the two-family area and part of Kendall Ridge. The day care site naturally drains toward Avery Road. She said this has been approved and is under construction.

Mr. McCash asked if the 70 percent calculation of the exterior natural material used includes windows. He suggested it would be more appropriate to state that 70 percent of the opaque walls are natural materials.

Ms. Wingenfield said they wanted the text to require equal architecture on all sides of the building, specifically for the day care or office along Avery Road.

Mr. Lecklider thought that the commitment for subdued colors should be in the text. Ms. Wingenfield agreed.

Mr. Lecklider asked what is staff's view on a unique landscape design. Ms. Wingenfield said it could take many different forms, possibly a grove of trees.

Ms. Wingenfield said the sideyard is five feet for the residential units, and staff could not support any encroachments into those yards. She said the applicant has indicated that they do have rear porches or patio well within the permitted buildable area.

Mr. Eastep asked about a note on fencing indicating chain link, board on board privacy, or plastic fencing shall be prohibited. Each of the twin-single owners will be able to put up his own fence along the property lines. Ms. Wingenfield said the only place they have indicated using a fence is with the day care.

Mr. Eastep is not worried about the day care. Mr. McCash thought this would be addressed with the fence code revisions. Mr. Fishman said fences should be restricted in the text.

Ben Hale, 37 West Broad Street, said this is a condo, and people are not going to own the lots. People will own their unit but the rest of the ground is owned and maintained by a condo association. The condo association will control fencing and it will be uniform.

Mr. Hale said this project has been before the Commission as a concept plan, and it is a condo unit. He said Mo Dioun is the owner and developer. The condos will be built first.

Mr. McCash asked about the maximum non-owner occupancy limitations in the condominium declarations. For FHA funding, they cannot go over ten percent non-owners occupied. Mr. Fishman said it is 30 percent. Mr. Hale said that when someone owns more than ten percent of the units they will start having financing problems. Mr. Fishman said Fanny Mae requires 70 percent owner occupied. Mr. Hale said it could be a zoning restraint on alienation.

Mo Dioun, the applicant, said this is to be the entrance to Kendall Ridge. It must look like a single-family setting. Every unit will have an attached two-car garage. He said every building has one side-loading garage and one front loading garage. He said they mixed the materials, and each building has designated materials that will be alternated for variety and mix.

Mr. Dioun said he is excited about the project and feels it will be a high-quality project. He said they will use wood siding on this project. Mr. Dioun said it would be basically brick and wood siding with 25-year shingles, zero clearance prefaced fireplaces, and masonry chimneys.

Mr. Harian asked if they were willing to meet with the Dan Sherri residents about back yard landscaping and buffering. Mr. Hale said yes.

Mr. Fishman said if there were only two all-wood buildings, the rest should be a mix. Mr. Dioun agreed.

Mr. Lecklider was concerned about the office setback after the widening of Avery Road.

Mr. Hale said the setback on the first house located in Kendall Ridge is less than this. He said because the cemetery is across the street, all of the eventual right-of-way comes from this side of the street. He said they have agreed to do exceptional landscaping.

Mr. Hale did not know what the lot coverage is, but agreed not to exceed 70 percent.

Mr. Sprague said the Dublin Service Complex had tall dump trucks. He asked what is seen over that mound. Mr. Hale said if they need to add additional landscaping or a fence, etc., they will do so.

Mr. Fishman said he does not know that 70 percent is appropriate for this rural area. It seems too high, and he suggested 50 percent.

Mr. Hale said they would not exceed the lot coverage shown.

Mr. McCash said everyone is pushing 60 percent maximum lot coverage for the southwest area plan, but they should limit commercial to 60 percent lot coverage.

Mr. Fishman does not have a problem with the residential use and believes they will do a quality job. He said he likes the concept with the lot coverage limit, but the text needs to be clear in case the site is sold. Mr. Lecklider said it is acceptable to him.

Ms. Clarke asked if there going to be lot lines in the residential area. Mr. Hale said no.

Mr. Eastep said he supports no fences at all. The condo association controls it as continuous property, and there should be no fencing. Mr. Dioun said they might want to create some privacy with uniform fencing.

Mr. Sprague said the Commission would approve any future fencing.

Mr. Harian said there could be no perimeter fencing. Mr. Dioun agreed.

Mr. Hale said the location and the design will be approved at the final development plan stage.

Mr. Lecklider is not in favor of fencing at all. Mr. Eastep agreed.

Mr. Dioun said they would try and avoid fencing, but he would like an approval for some type of tasteful fencing. He said it would look better without fencing, but families living here will want to create some privacy.

Mr. Fishman said only one kind of fence will be allowed for the entire project. Mr. Eastep said most Dublin subdivisions do not have any fencing.

Mr. Dioun said the condo association would handle fence maintenance. There may be no fences, but he did not want fencing eliminated as a possibility. Mr. McCash said privacy fencing should be permitted for duplexes, with the plan showing "approved" fence locations..

Mr. Fishman made a motion to approve this rezoning with 13 conditions:

- 1) That the text be revised to include a commitment for a unique landscape design along the Avery Road frontage subject to approval at final development plan;
- 2) That the text be clarified to commit to equal quality architecture on all sides of all buildings, coordinating the architecture of the office/daycare with the residential component, complying with the Tree Preservation Ordinance and Landscape Code, and providing buffers between this site and Dan-Sherri Avenue and along any non-residential areas;
- 3) That all bikepaths and sidewalks be shown on the plans;
- 4) That right-of-way for Avery Road, which complies with the MS Consultants alignment study (100 feet from the existing centerline), be deeded to the City;
- 5) That left turn widening on Avery Road be provided at the entrance to the site along with adequate street lighting, as approved by staff;
- 6) That the access to the office/daycare site along Tusswell Drive be subject to approval by the City Engineer;
- 7) That payment in lieu of land dedication (approximately \$51,750) be paid prior to any building permits being issued, to meet the park requirement;
- 8) That all Engineering Division requirements be met on design of public roads, public and private utilities, and stormwater management;
- 9) That the commercial property fronting Avery Road have a maximum lot coverage of 60 percent;
- 10) That only one type of fence be used within the development and be approved at the final development plan stage;
- 11) That there be a maximum of two residential buildings with all wood siding, and the remaining buildings be a mixture of masonry and wood;

- 12) That the homeowners' association maintain all common property; and
- 13) That Conditions 1, 2 and 3 be met prior to this case being scheduled for City Council consideration.

Ben Hale agreed to the above conditions. Mr. Harian seconded the motion, and the vote was as follows: Mr. Eastep, yes; Mr. Peplow, yes; Mr. Sprague, yes; Mr. Lecklider, yes; Mr. McCash, yes; Mr. Harian, yes; and Mr. Fishman, yes. (Approved 7-0.)

7. ~~Final Plat 99-075FP - Kendall Ridge, Section 2~~

~~This case was been postponed prior to the meeting until a later date. Notices were sent to the property owners. There was no discussion or vote taken.~~

8. ~~Concept Plan 99-081CP - Old Dublin Town Center, Phase 2 - Franklin Street and West Bridge Street~~

~~Suzanne Wingenfield said this concept plan includes the Dublin Community Church, its parking lot and a duplex on Franklin Street in Old Dublin. She said the church and a small parking lot on the southeast corner of Franklin and Bridge Streets were rezoned PUD in 1996. The corner is proposed for a new 10,000 square foot building. All the church property is included in this application, but no changes are proposed to the church itself.~~

~~Ms. Wingenfield said the Architectural Review Board (ARB) informally considered this on August 25, and generally supported it. The ARB wanted attention to be given to landscaping and screening of the proposed parking lot from the homes on Franklin Street and to pedestrian connections between the parking lot and the building. She showed slides of the area.~~

~~She said an alley south of the corner lot is proposed for development. The duplex will be razed and replaced by a 76-space parking lot. She referenced the Old Dublin Area Plan of the Community Plan. The proposed building is two stories with restaurant and office uses. The architecture will be similar to that of the building under construction at Bridge and High Street. Materials include brick and cedar siding, asphalt shingles and standing seam metal roofs. Specific materials and colors must be submitted for approval by the ARB.~~

~~She said the brick sidewalks along Bridge Street should be extended down Franklin Street with benches, etc. A fence is proposed along the parking lot, and it should be either brick or stone to serve as a buffer along the homes. She said the plan needs more interior landscaping, street trees along Franklin Street, additional parking lot buffering, and tree preservation.~~

~~Ms. Wingenfield said it is consistent with the Old Dublin character. Staff suggests additional work on the parking lot layout, pedestrian connections to the building, and sidewalks, lighting, etc. along Franklin Street. Staff recommends approval with seven conditions:~~

- ~~1) That the applicant meet with the Franklin Street residents regarding this proposal;~~
- ~~2) That brick sidewalks be extended south along both sides of Franklin Street;~~
- ~~3) That a vacation plat for Sells Alley be approved by City Council;~~

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 130-98

Passed 19

AN ORDINANCE EXTENDING THE TEMPORARY ZONING MORATORIUM IN THE SOUTHWEST AREA OF THE CITY, AND DECLARING AN EMERGENCY

WHEREAS, Dublin City Council enacted emergency Ordinance 77-98 on the 6th day of July, 1998 implementing a temporary rezoning moratorium in the Southwest Area for a six (6) month period; and

WHEREAS, the aforementioned ordinance, a copy of which is attached hereto and incorporated herein, described the Southwest Area of the City as the area located generally south of S.R. 33 and west of I-270, as an area experiencing increasing development pressures; and

WHEREAS, during this six (6) month period, Staff and Council's Community Development Committee have interviewed and retained a consultant to prepare a Southwest Area Study which is the first in a two step process to fully develop a revised plan for this area; and

WHEREAS, the Community Development Committee met on November 9, 1998 to review a proposal submitted by Wallace Roberts & Todd to serve as urban planning and design consultants for the Southwest Area Plan; and

WHEREAS, the Community Development Committee recommended that the temporary rezoning moratorium in the Southwest Area be extended for an additional six (6) month period and that the aforementioned consultants be retained to finalize the planning process; and

WHEREAS, Staff has recommended that four development proposals which entered the rezoning process prior to the implementation of the temporary moratorium, be exempted from this moratorium extension in order that they may proceed with development; and

WHEREAS, for all the reasons set forth above, and for the reasons set forth in Ordinance 77-98, Council finds it necessary to extend the temporary rezoning moratorium in the Southwest Area to enable the planning process to continue to insure compatible growth and development within the Southwest Area.

NOW, THEREFORE, BE IT ORDAINED by Council of the City of Dublin, State of Ohio, 7 of the elected members concurring that:

Section 1. The temporary rezoning moratorium as set forth in Ordinance 77-98 is hereby extended for an additional six (6) months through July 5, 1999.

Section 2. Except as set forth in Section 3 herein, during this extended moratorium period, City Council and the Planning Commission shall not formally act upon any rezoning applications for land located within the Southwest Area of the City unless the aforementioned issues have been addressed by Staff to the satisfaction of Council.

Section 3. The following parcels/developments shall be exempt from the terms and provisions of this moratorium;

Young Tract, Eiterman Road; Rezoning Application 97-097Z;

Windmiller Parcel, Wilcox Road; Rezoning Application 97-033Z;

Trees Tract, Avery Road; approved Concept Plan 97-035Cp;

Avery Village Commons, Avery Road; approved Concept Plan.

99-002Z

Rezoning Application
Trees Property
Avery Road

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 80043

Ordinance No.

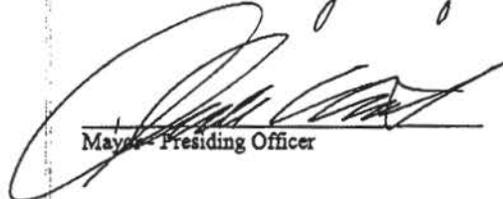
Passed

Page two

Section 4. This moratorium shall not apply to any complete rezoning applications which were properly submitted to the City for approval prior to the effective date of Ordinance 77-98.

Section 5. This Ordinance is declared to be an emergency for the immediate preservation of the public health, safety and welfare, and due to the fact that development issues specific to the Southwest Plan are currently being addressed in order to preserve the character and nature of that section of the City of Dublin, and to meet the goals of the Community Plan.

Passed this 5th day of January, 1998.



Mayor - Presiding Officer

ATTEST:

Anna A. Clark
Clerk of Council

I hereby certify that copies of this Ordinance/Resolution were posted in the City of Dublin in accordance with Section 731.25 of the Ohio Revised Code.

Judith H. Beal
Asst. Clerk of Council, Dublin, Ohio

DUBLIN PLANNING AND ZONING COMMISSION
RECORD OF ACTION
April 17, 1997



CITY OF DUBLIN

5800 Shier Rings Road
Dublin, OH 43016-7295
Phone/TDD: 614/761-6550
Fax: 614/761-6506

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

1. **Concept Plan 97-035CP - Trees Property**

Location: 8.3 acres located on the west side of Avery Road, approximately 585 feet north of Dan Sherri Avenue.

Existing Zoning: R-1B, Limited Suburban Residential District (Washington Township Zoning District).

Request: Review and approval of a concept plan under the PUD, Planned Unit Development District provisions of Section 153.056.

Proposed Use: A development of 11 two-family buildings and an 8,000 square foot daycare center.

Applicant: Marion E. Trees, 227 West Cook Road, Columbus, Ohio 43214; and Patrick M. Grabill and Company, 5500 Frantz Road, Dublin, Ohio 43017; represented by Jackson B. Reynolds III, 37 West Broad Street, Columbus, Ohio 43215.

MOTION: To approve this concept plan because it is consistent with the Southwest Area Plan and the MS Consultants alignment study, with ten conditions:

- 1) That right-of-way for Avery Road which complies with the MS Consultants Alignment Study (100 feet from the existing centerline) be deeded to the City at the time of rezoning;
- 2) That left turn lane widening on Avery Road be provided at the entrance to the site, as approved by staff;
- 3) That access to Avery Road be prohibited for the daycare center, and that access to the east-west road be provided as far west as possible.
- 4) That a landscaping plan be provided at the time of preliminary development plan application;
- 5) That architectural design standards be provided at the time of preliminary development plan application;
- 6) That stormwater management include a wet basin design on Reserve "A";
- 7) That payment in lieu of land be provided to meet the park and open space requirement, about \$51,000;
- 8) That a 16-inch water line be extended from the north and be provided across the entire Avery Road frontage;

**DUBLIN PLANNING AND ZONING COMMISSION
RECORD OF ACTION
April 17, 1997**

1. Concept Plan 97-035CP - Trees Property (Continued)

- 9) That all Engineering Division requirements be met on design of public roads, private drives, public and private utilities, and stormwater management; and
- 10) That a common maintenance be established for the residential areas.

* Ben W. Hale, representing the applicants agreed to the above conditions.

VOTE: 7-0.

RESULT: This concept plan was approved. It will be forwarded to City Council at a later date.

STAFF CERTIFICATION



John D. Talentino
Planner



MINUTES

DUBLIN PLANNING AND ZONING COMMISSION

APRIL 17, 1997

CITY OF DUBLIN

5800 Shier Rings Road
Dublin, OH 43016-7295
Phone/TDD: 614/761-6550
Fax: 614/761-6506

1. **Concept Plan 97-035CP - Trees Property (Approved 7-0)**
2. **Informal Review - Development Plan 97-040DP - Wellington Place/Brandon Wellington Place Park Improvements - 7467 Coventry Woods Drive (No action taken)**
3. **Rezoning Application 97-036Z - Revised Preliminary Development Plan - Metro Center - Pizzuti Development - 545 Metro Place North (Tabled 7-0)**
4. **Final Development Plan 97-010FDP - Metro Center - Extended Stay America - 450 Metro Place North (Approved 5-2)**

Marilee Chinnici-Zuercher called the meeting to order at 6:30 p.m. Other Commissioners attending were John Ferrara, Joe Harian, Cathy Boring, George Peplow, Tim Lecklider and Jim Sprague. Staff members attending included Lisa Fierce, Mary Newcomb, John Talentino, Janet Jordan, Mitch Banchevsky, Randy Bowman, and Libby Farley.

Ms. Boring made a motion to accept all of the documents into the record. Mr. Peplow seconded. The vote was as follows: Mr. Ferrara, yes; Ms. Chinnici-Zuercher, yes; Mr. Lecklider, yes; Mr. Sprague, yes; Mr. Harian, yes; Mr. Peplow, yes; and Ms. Boring, yes. (Approved 7-0.)

Ms. Chinnici-Zuercher said that the applicant for Case 1: Concept Plan 97-035CP - Trees requested his case be delayed until later this evening because of a previous commitment.

1. **Concept Plan 97-035CP - Trees Property**

John Talentino presented this concept plan and slides of the area. He said the site is zoned R-1B, and 22 units of two-family housing plus a daycare/office area are proposed. The site contains 8-plus acres, and the density is about three units per acre. The Galli tract density, as approved by Council, is to be 2.8 units per acre. The Southwest Area Plan proposes a density of 2.75 overall for Subarea 10. The MS Consultants Avery Road alignment study needs to be incorporated for right-of-way. A boulevard entrance design is proposed.

99-002Z

Rezoning Application
Trees Property
Avery Road

The park is one-half acre and is too small to meet the city policy, and staff recommends payment of a fee rather than land dedication here. Staff believes the pond should be a wet basin design. He said this developer is working with another developer for cooperative storm water facilities.

He said the land uses are compatible and it is consistent with the Southwest Area Plan. It conforms to the MS study and provides a connection to the Galli tract. Staff recommends approval with nine conditions:

- 1) That right-of-way for Avery Road which complies with the MS Consultants Alignment Study (100 feet from the existing centerline) be deeded to the City at the time of rezoning;
- 2) That left turn lane widening on Avery Road be provided at the entrance to the site, as approved by staff;
- 3) That access to Avery Road be prohibited for the daycare center, and that access to the east-west road be provided as far west as possible.
- 4) That a landscaping plan be provided at the time of preliminary development plan application;
- 5) That architectural design standards be provided at the time of preliminary development plan application;
- 6) That stormwater management include a wet basin design on Reserve "A";
- 7) That payment in lieu of land be provided to meet the park and open space requirement, about \$51,000;
- 8) That a 16-inch water line be extended from the north and be provided across the entire Avery Road frontage; and
- 9) That all Engineering Division requirements be met on design of public roads, private drives, public and private utilities, and stormwater management;

Ms. Chinnici-Zuercher asked about the park donation. Mr. Talentino said the greenspace was a nice feature, but public maintenance of a series of many small parks is not a viable concept. He said larger parks are more efficient.

Ms. Boring said there are other parks being developed in the area.

Ms. Fierce said the staff is planning for another major park to the west of this site.

Ben Hale said he has a standing conflict on the third Thursday of the month and needs a late slot on that agenda for his cases. He said this site abuts the Galli tract and demonstrated the available park sites. He said this is an empty-nester concept, something like Weybridge.

Mr. Hale is working with M/I on the detention requirements. The plan will meet the right-of-way dedication requirements and will not have direct Avery Road access. It is a good transitional use. Sanitary sewer will be made available to the residents of Dan Sherri.

He said the green space will remain in the plan whether or not there is park credit, and a homeowners association will maintain it. He agreed to all of the staff report conditions.

Ms. Boring *generally* supported the plan *as a transitional use between the existing neighborhood and the property to the north and emphasized that the concept plan is non-binding.** She thought the park area needed to be private. Mr. Harian and Mr. Peplow agreed.

Mr. Harian said he agreed with the staff report that a five-foot sideyard was quite minimal, and encroachments should not be permitted. Mr. Peplow agreed.

Mr. Hale said a lot will be deleted from Galli. He said the general maintenance will be taken care of by one entity. The initial intent is not to sell units. The rear setback will be 25 percent of the lot depth.

Mr. Peplow said this appears to be a good transitional use.

Marion Trees said he and his wife own the property. He asked for a copy of the staff report.

Phyllis Diamond presented a letter to the Commission from her neighbor in the Dan-Sherri neighborhood. She said she preferred small offices or single-family development. She did, however, like the idea of a common maintenance if this is rental property. She said the Dan-Sherri subdivision has a one unit per acre density, and this project may be a bit too dense.

Jeff Kaltenbach agreed with Ms. Diamond's's comments. He thought a buffer zone, trees, or mounding would be appropriate along the property line. He wanted more architectural details about this proposal.

Mr. Hale said he will meet with the neighbors again about the architecture as the project develops. Ms. Chinnici-Zuercher said this is highly encouraged.

Ms. Chinnici-Zuercher wanted a condition regarding the homeowners' association and common uniform maintenance. Mr. Hale agreed. She thought a lower density project would be more preferable. Mr. Lecklider reiterated these comments.

Ms. Fierce said it is in the Hilliard School District.

Mr. Harian supported a lower density, consistent with the Southwest Area Plan.

Ms. Boring emphasized that a concept plan is non-binding. The views of the neighbors should be incorporated. Other Commissioners agreed.

Mr. Sprague thought this offered a good transitional use. He wanted landscaping incorporated. He believes this plan uses more integrated approach within the Avery Road corridor.

Mr. Ferrara made the motion for approval because it is consistent with the Southwest Area Plan and the MS Consultants alignment study, with ten conditions:

- 1) That right-of-way for Avery Road which complies with the MS Consultants Alignment Study (100 feet from the existing centerline) be deeded to the City at the time of rezoning;

**Italics* indicate where amended on June 5, 1997 by Commission.

- 2) That left turn lane widening on Avery Road be provided at the entrance to the site, as approved by staff;
- 3) That access to Avery Road be prohibited for the daycare center, and that access to the east-west road be provided as far west as possible.
- 4) That a landscaping plan be provided at the time of preliminary development plan application;
- 5) That architectural design standards be provided at the time of preliminary development plan application;
- 6) That stormwater management include a wet basin design on Reserve "A";
- 7) That payment in lieu of land be provided to meet the park and open space requirement, about \$51,000;
- 8) That a 16-inch water line be extended from the north and be provided across the entire Avery Road frontage;
- 9) That all Engineering Division requirements be met on design of public roads, private drives, public and private utilities, and stormwater management; and
- 10) That a common maintenance be established for the residential areas.

Mr. Lecklider seconded the motion and the vote was as follows: Mr. Peplow, yes; Ms. Chinnici-Zuercher, yes; Ms. Boring, yes; Mr. Sprague, yes; Mr. Harian, yes; Mr. Lecklider, yes; and Mr. Ferrara, yes. (Approved 7-0.)

Ms. Chinnici-Zuercher noted that the letter from Mrs. Diamond was submitted for the record.

2. Informal Review - Development Plan 97-040DP - Wellington Place/Brandon - Park Improvements - 7467 Coventry Woods Drive

Lisa Fierce presented this informal review of a development plan which was postponed at the April 10 Commission meeting due to the late hour. The development plan is for an active neighborhood park located on a 5.755-acre site zoned PLR, Planned Low Density Residential District, on the west side of Coventry Woods Drive, approximately 600 feet north of Crosshaven Lane, and north of Kilbrittain Lane. The site is relatively flat with some plant material along the periphery. There is a wooded area to the south with a sinkhole. The intent of this informal review is to receive feedback from the Commission prior to the formal review expected in May.

The frontage of the site on Coventry Woods Drive and Kilbrittain Lane includes the development of large, open play areas at the northwest and southeast corners and tennis, basketball, and tetherball courts in the middle. A taupe-colored shelterhouse constructed of wood and metal with a dark green standing seam or dark brown dimensional shingled roof will be constructed. Also planned are a dark green and tan colored metal and plastic play structure in the tot lot, picnic tables, and benches.

Ms. Fierce said funding for the first phase of the \$350,000 project had been approved by City Council and after the bidding process, construction should begin in August and be completed in

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK CO. YORK OH 43155

Held June 23, 1997

19

OTHER

*** Preliminary Plat - Anderson parcel, 182 S. High Street**

Ms. Clarke stated that the proposal is to subdivide the parcel into three lots. The land is zoned R-4 and the three lots will conform to R-4 standards. The Planning Commission recommended approval on May 1 with 8 conditions;

- 1) That 40 feet of right-of-way along South High Street be dedicated to the City with the final plat consistent with the Thoroughfare Plan;
- 2) That existing trees and stone walls be protected with fencing (shown on all construction drawings and placed at least 15 feet from the tree trunks or wall) prior to and during construction;
- 3) That a 10-foot no build zone be indicated on the plat for the purpose of protecting the stone walls;
- 4) That a minimum setback be established with the plat, which is appropriate for the area, to the satisfaction of staff;
- 5) That the park fee be generally in the range of \$3,100 to \$4,218, to be resolved prior to forwarding this plat to City Council and be paid prior to recording of the final plat;
- 6) That the applicant apply formally for a storm water detention waiver prior to City Council review of the preliminary plat;
- 7) That public sanitary sewer be extended to the southern proposed lot prior to issuance of any building permits, and construction drawings for same meet the requirements of the City Engineer; and
- 8) That properties using the existing leach field be connected to public sewer (when it is available), and the necessary permits be obtained from the Franklin County Board of Health for the leach field abandonment, with copies provided to staff prior to issuance of building permits.

Mrs. Stillwell asked if the recommendation from ARB was favorable as well.

Ms. Clarke stated that it was.

Mr. Campbell noted that it states "West side of South High Street" but this should be "East side of South High Street."

Pat Grabill, applicant, 5500 Frantz Road stated that it should be east side - that is a typographical error. He added that they are bringing in architects who specialize in historic restoration and they intend to place homes on each side of the property. He does have a question on the setbacks, as they would like to stagger them.

Mr. Smith responded that the language of the condition reads, "to the satisfaction of staff."

Mayor Kranstuber moved to approve the preliminary plat with the 8 conditions of Planning Commission.

Ms. Hide Pittaluga seconded the motion.

Vote on the motion - Mr. Campbell, yes; Mr. Reiner, yes; Ms. Hide Pittaluga, yes; Mrs. Boring, yes; Mayor Kranstuber, yes; Mr. McCash, yes; Mrs. Stillwell, yes.

Storm water detention waiver - Anderson parcel, 182 S High Street

Mr. Kindra stated that this is a small parcel of 1.2 acres and waiving the storm water detention simply means they don't have to have a detention basin. They still have to address how the water will flow to the river. Staff has reviewed this and is recommending approval.

Mr. Campbell moved to approve the storm water detention waiver at 182 South High Street.

Mr. Reiner seconded the motion.

Vote on the motion - Mrs. Stillwell, yes; Mayor Kranstuber, yes; Mr. McCash, yes; Ms. Hide Pittaluga, yes; Mrs. Boring, yes; Mr. Campbell, yes; Mr. Reiner, yes.

*** Concept Plan - Trees Property**

Mrs. Boring stated this concept plan involves 8 acres on the west side of Avery Road, approximately 600 feet north of Dan Sherri. The proposal is to put a public street into service in that area, and it would be developed with office or day care at the front end along Avery Road. Behind that would be 11 two-family dwellings. The staff found this to be a good transitional use and recommends approval. The Planning Commission recommended approval on April 17, 1997 by a vote of 7-0. Their approval was based on 10 conditions contained in the Record of Action:

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council Meeting

Page 11

Meeting

DAVISON LEGAL BLANK CO. FORM NO. 1012E

Held June 23, 1997

19

- 1) That right-of-way for Avery Road which complies with the MS Consultants Alignment Study (100 feet from the existing centerline) be deeded to the City at the time of rezoning;
- 2) That left turn lane widening on Avery Road be provided at the entrance to the site, as approved by staff;
- 3) That access to Avery Road be prohibited for the day care center, and that access to the east-west road be provided as far west as possible;
- 4) That a landscaping plan be provided at the time of preliminary development plan application;
- 5) That architectural design standards be provided at the time of preliminary development plan application;
- 6) That storm water management include a wet basin design of Reserve "A";
- 7) That payment in lieu of land be provided to meet the park and open space requirement, about \$51,000;
- 8) That a 16-inch water line be extended from the north and be provided across the entire Avery Road frontage;
- 9) That all Engineering Division requirements be met on design of public roads, private drives, public and private utilities, and storm water management; and
- 10) That a common maintenance be established for the residential areas.

Ms. Clarke stated that approval of a concept plan for a PUD does not vest any rights with the developer and does not affect the actual zoning of the property. It authorizes the developer to go forward with more complicated and costly engineering work in order to submit a preliminary development plan or rezoning application. Under the City's PUD requirements, the preliminary development plan must be filed within 6 months following Council's approval of the concept plan. Staff believes this is a good plan and that the street can be extended to the west to service the Galli tract. The Galli tract lies immediately to the south of this property.

Ben Hale, representing applicant Pat Grabill stated that with this site, they will have to work on the design of the units in order to provide a lot of detail at the preliminary development plan stage. They believe this use constitutes a good transition between existing single family to the south and essentially commercial property to the north.

Mr. Reiner asked if Reserve C will be maintained by a homeowners association.

Mr. Hale responded that they agreed at Planning Commission to have a homeowners association for purposes of lawn maintenance, etc. His assumption is that the City Engineer will require this maintenance by the homeowners association. It will be a mandatory association.

Ms. Hide Pittaluga commented that in view of the recent tabling of a rezoning along Avery in this area, perhaps discussion of a bigger plan for the area would be appropriate versus piecemeal rezonings.

Ms. Stillwell asked if Mr. Hale would comment on the proposed density for this area.

Mr. Hale responded that they believe the density is appropriate in view of the essentially commercial area to the north. They have tried to maintain the green space, incorporate the roadway, and accommodate the property to the south.

Mr. Reiner asked what the materials will be for the units.

Mr. Grabill responded that it has not been determined at this point.

Mrs. Stillwell noted that she likes the fact that the green space will remain whether or not credit is given for it.

Mr. McCash stated that his only concern is that the text be developed as an integrated neighborhood with the Galli tract.

Mrs. Boring reminded the applicant that he was instructed by Planning Commission to keep the area residents informed of the plans.

99-002Z
Rezoning Application
Trees Property
Avery Road

RECORD OF PROCEEDINGS

Minutes of

Dublin City Council Meeting

Page 12

Meeting

Held

June 23, 1997

19

Mr. Hale responded that they have met with the neighbors and have assured them that sewers will be done on both the north and south. He will meet with them again when the design is completed prior to the Planning Commission meeting.

Mr. Campbell moved to approve the concept plan subject to the conditions of Planning and Zoning Commission.

Mr. Reiner seconded the motion.

Ms. Hide Pittaluga asked if Council would be interested in having a Committee discuss comprehensive planning for this whole area north and south of Avery.

Mr. Campbell responded that this is being discussed as part of the Community Plan work.

Vote on the motion - Mr. Campbell, yes; Mr. Reiner, yes; Ms. Hide Pittaluga, yes; Mrs. Boring, yes; Mayor Kranstuber, yes; Mr. McCash, yes; Mrs. Stillwell, yes.

Final Plat - McKittrick Subarea 4, Killilea, Section 1

Ms. Clarke stated that Council action is needed on the final plat before it can be recorded. Planning Commission recommended approval on August 1, 1996 with 14 conditions:

- 1) That the developer meet all the zoning and preliminary plat conditions;
- 2) That the definition of "no-build zone" be amended and noted on the plat, and homeowners' association shall maintain the landscaping in the no-build zones;
- 3) That all "no parking" zones be noted on the plat, and "no vehicular access" be noted on the plat for all lot frontages on Dublin Road or Emerald Parkway;
- 4) That the fencing information from page 3 of the preliminary development plan text (July 2, 1996 version) be noted on the plat with the fence details, which are included in the text as figures 1, 2 and 3;
- 5) That it is demonstrated to the satisfaction of staff that Lots 1, 2, 10-12, and 18 are buildable with similar dwellings, structures, and features that are typical on lots in Coventry Woods in compliance with all development standards;
- 6) That the applicant provide a clear design control plan for the architecture on all sides and rear facades of houses abutting Emerald Parkway;
- 7) That slope easements along Dublin Road and Emerald Parkway frontages be shown on the plat;
- 8) That the side yard setbacks requirements shown in the single family design guidelines of the approved text be changed to read "Note: 8' minimum one side; combined side yard setback 20 percent of lot width";
- 9) That revised final landscape and grading plans be submitted that are consistent with the designs for Emerald Parkway and street tree plan be submitted, as approved by staff;
- 10) That 1.36 acres (25 percent of the proposed 5.45 acre park) be dedicated to the City by general warranty deed in conjunction with the recording of Killilea, Section 1;
- 11) That the developer provide the necessary erosion mitigation of the existing swales downstream of the box culvert, the 24-inch culvert, and the culvert being installed by the City, as required by the City Engineer;
- 12) That the developer install an eight-foot bikepath along Dublin Road as part of the public improvements for the subdivision, and that the developer cooperate with the plan for a ten-foot (federal standard) bikepath along Dublin Road, including revision of the grading plan, landscape plan, and plat for parallel easement(s), if City Council chooses to pursue that design;
- 13) That all of the changes required above be submitted to staff within 30 days; and
- 14) That all restrictions affecting developability of lots be included in the deed restrictions.

Mayor Kranstuber moved to approve the final plat of Killilea with the conditions of Planning and Zoning Commission.

Mr. Campbell seconded the motion.

Vote on the motion - Mayor Kranstuber, yes; Mrs. Stillwell, yes; Ms. Hide Pittaluga, yes; Mr. Reiner, yes; Mrs. Boring, yes; Mr. McCash, yes; Mr. Campbell, yes.

Final Plat - Riverside Hospital PCD - Avery Square

Ms. Clarke stated that the final plat for the Riverside Hospital PCD involves the roads that are necessary to service the shopping center which is nearing completion. The final plat includes