

# RECORD OF PROCEEDINGS

outages than in some communities. These factors are critical in providing optimum patient care.

Mayor Lecklider noted that the City strives to provide excellent service in those areas, so it is good to hear that feedback. Council is pleased that they have chosen Dublin as the location for their consolidated business and wishes them continued success.

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

### **Ordinance 31-11**

**Rezoning Four Parcels Totaling Approximately 17.98 Acres from PUD, Planned Unit Development District (Earlington Village), to PUD, Planned Unit Development District.** (Earlington Village PUD, Subarea D) (Case 11-019Z/PDP/FDP).

Ms. Ray stated that this rezoning adds new Subarea D to the Earlington Village PUD for pre-existing church sites. The text amendment adds three new uses: day care, educational facilities and religious and public assembly. No modifications are proposed with this application. There are no changes from the first reading. Planning recommends approval of the rezoning.

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

### **Ordinance 32-11 (Amended)**

**Amending Sections 153.037 to 153.043 of the City of Dublin Codified Ordinances (Zoning Code) to Modify the Central Ohio Innovation Center Zoning Districts as the Innovation Districts.** (Case 11-011ADM)

Mr. Combs stated that, as the memo provided to Council indicates, staff requests that Council postpone this item to the June 27 Council meeting. Currently, they are working with one of the property owners to resolve some issues.

Mr. Keenan moved to postpone Ordinance 32-11 to the June 27 Council meeting.

Mr. Gerber seconded the motion.

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

## **INTRODUCTION/FIRST READING – ORDINANCES**

### **Ordinance 33-11**

**Authorizing the City Manager to Execute Necessary Conveyance Documentation for the Acquisition of a Combined 2.294 Acres, More or Less, Fee Simple Interest from Michael and Heather Harber.**

Mr. Gerber introduced the ordinance.

Mr. McDaniel stated that this land purchase is related to Emerald Parkway, Phase 8 construction. The exhibit with the ordinance reflects a shaded area that denotes the property that is required for this right-of-way; however, the proposal is to purchase the entire property as a total taking. The value established by the City's appraiser before the taking was \$250,000. Following negotiations, the proposed purchased price is \$275,000.

Council indicated the intersection in the map is mislabeled.

Mr. McDaniel stated that a correction in the documents will be made for the June 27 Council meeting.

Mayor Lecklider asked if the agreement provides for the residents to enter into a lease.

Mr. McDaniel responded that the agreement permits the residents to remain in the house for one year to allow them to transition out of the property.

Ms. Grigsby noted that the purchase agreement will allow the residents to remain in their home for one year, which is similar to previous negotiated arrangements that the City has had with property owners.

There will be a second reading/public hearing at the June 27 Council meeting.

### **Ordinance 34-11**

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Held \_\_\_\_\_

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Mr. Keenan stated that the differences are not significant. He, too, has no preference.

Mr. Gerber stated that the distribution is so closely aligned that leaving the ward boundaries as they exist makes sense. However, he would support Scenario 2 to improve the balance.

Vice Mayor Salay stated that her preference would be to maintain the current disbursement as it would be less confusing to the citizens. However, she would be satisfied with any of the scenarios.

Mayor Lecklider stated that adopting Scenario 2 would make Ward 4 the ward with the greatest population.

Vice Mayor Salay responded that the scenarios are based on projections that may not occur. Ward 2 is larger in physical area because it contains farmland that was annexed. The anticipated development has not yet occurred. Currently, the numbers are closely aligned and changing ward boundaries at this time does not seem necessary.

Mr. Keenan moved to adopt Scenario 1, leaving the ward boundaries as they currently exist.

Ms. Chinnici-Zuercher seconded the motion.

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

Ms. Ott stated that the boundary description for Scenario 1 will be provided with the ordinance for the second reading/public hearing on June 13.

### **Ordinance 30-11**

#### **Authorizing the Provision of Certain Incentives to Pain Care Specialists to Induce It to Acquire a Facility and Locate An Office and Associated Operations and Workforce within the City, and Authorizing the Execution of an Economic Development Agreement.**

Mr. Gerber introduced the ordinance.

Ms. Gilger noted that staff has been in discussions with Pain Care Specialists regarding expansion opportunities for its two medical practice facilities in Hilliard and Westerville. The company has explored facility acquisition, new facility construction, and consolidation opportunities from Hilliard to Westerville, along the I-270 northern arc. The company specializes in interventional pain management for chronic pain. They have now identified an existing building on Emerald Parkway for acquisition. The Economic Development Agreement proposed includes a \$15,000 location grant payable upon proof of ownership and occupancy permit of a Dublin facility, and a five-year, 20 percent performance incentive on withholdings collected, which is capped at \$125,000 for the term of the agreement, in consideration of the company creating 34 jobs in Dublin by the end of 2014. Additionally, if the company meets all five of the annual targets, it automatically qualifies for a sixth year performance payment of \$25,000. The overall agreement cap payment for the Pain Care Specialists incentive is \$165,000, and the City expects to net approximately \$525,000 in new withholdings. A company representative will be present at the second reading/public hearing on June 13.

There were no questions from Council.

There will be a second reading/public hearing at the June 13 Council meeting.

### **Ordinance 31-11**

#### **Rezoning Four Parcels Totaling Approximately 17.98 Acres from PUD, Planned Unit Development District (Earlington Village), to PUD, Planned Unit Development District. (Earlington Village PUD, Subarea D - Case 11-019Z/PDP/FDP)**

Mr. Gerber introduced the ordinance.

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Ms. Ray stated that this rezoning proposes a development text amendment to permit existing daycare and pre-school uses in a new subarea consisting of four parcels in the Earlington Village Planned Unit Development District. No site modifications are proposed. She presented a PowerPoint of the PUD site. Earlington Village is one of the older planned districts in the City, rezoned in the 1980's. The PUD includes a number of subareas, primarily residential, from single family to cluster single-family and multi-family. It also includes subareas for churches and school uses. When the text was approved with the Preliminary Development Plan, no particular development standards were included for the churches. They were approved with the Final Development Plan. The subjects of the rezoning are three churches in this area: the Dublin Baptist Church, Coffman Road; the Prince of Peace Lutheran Church, Brand Road and Earlington Parkway; and the Dublin Presbyterian Church on Dublinshire. The proposed uses include religious or public assembly, adult or child daycare, and educational facility. The proposed uses are consistent with use categories proposed with the recent Zoning Code amendments. Any future modifications would be approved by the Planning and Zoning Commission through their typical amended Final Development Plan process or would default to the Zoning Code requirements.

Ms. Chinnici-Zuercher asked if Subarea D shown on each of the properties actually formalizes the location of the daycare or public assembly area.

Ms. Ray responded that the three sites designated as Subarea D are the existing church sites. They already have the current church uses and the daycare uses in place, as well. The rezoning applies to the entire site – it does not specify the exact location of the daycare facility.

There will be a second reading/public hearing at the June 13 Council meeting.

## **Ordinance 32-11**

**Amending Sections 153.037 to 153.043 of the City of Dublin Codified Ordinances (Zoning Code) to Modify the Central Ohio Innovation Center Zoning Districts as the Innovation Districts. (Case 11-011ADM).**

Mr. Gerber introduced the ordinance.

Mr. Combs stated that, as a follow-up to the EAZ plan that was adopted earlier this evening, this ordinance represents the first reading of the Code modifications for the EAZ. The general district purpose and intent of the Code in Section 153.037 includes language that staff has been working on with property owners. The language addresses existing uses and structures. In particular, they have been working together regarding issues of financing and how updating the Codes would impact future financing for businesses. The redlining indicates the language changes subsequent to the Planning Commission review.

1. The Code creates four innovation districts, which are based generally geographically on visibility, access, other site selection elements, the expected architecture and types of uses.
  - The first district is the ID1 or Research Office District, which is the most proximate to U.S. 33, and will have more emphasis on higher profile office and research type uses.
  - The Research Flex District or ID2 District is an intermediate zone and focuses more on flexible space much like the tech flex District with upgraded materials.
  - The third district is the ID3 or Research Assembly District, a site most proximate to the western edge of the EAZ. This is geared more toward the larger manufacturing and clean assembly type uses.
  - The fourth district is the ID4 or Research Mixed Use, which includes a variety of residential/live/work and office type uses that are intermixed.
2. In terms of District uses, there is also a designated research support buffer within the Code. Those areas most proximate to the interchanges are areas where conditional use requests can be made for additional types of retail and support uses. Under the District uses – much like Tech Flex and the Bridge Street Corridor -- there are new use categories in the table as well as additional



**PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
MAY 5, 2011**

**5. Earlington Village PUD – Text Modification – Daycare & Preschool Uses**  
**11-019Z/PDP/FDP** **Rezoning/Preliminary Development Plan**  
**Final Development Plan**  
**5475 Brand Road, 7195 Coffman Road & 5775 Dublinshire Drive**

**MOTION #2:** To approve this Final Development Plan because this proposal complies with the proposed development text, the final development plan criteria and existing development in the area, with one condition:

- 1) That the property owners work with Planning to identify landscaping improvements that will be necessary to make the sites comply with the Zoning Code and the approved final development plans, and that the deficiencies be corrected within 60 days of the effective date of the rezoning.

\*Rachel Ray, representing the City of Dublin, agreed to the above condition.

**VOTE:** 7 – 0.

**RESULT:** This Final Development Plan was approved.

STAFF CERTIFICATION

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Rachel S. Ray, AICP  
Planner I

**5. Earlington Village PUD – Text Modification – Daycare & Preschool Uses  
11-019Z/PDP/FDP Rezoning/Preliminary Development Plan  
Final Development Plan  
5475 Brand Road, 7195 Coffman Road & 5775 Dublinshire Drive**

Chris Amorose Groomes introduced this application involving modifications to a development text to permit existing daycare and preschool uses in a new subarea consisting of three parcels in the Earlington Village Planned Unit Development District (PUD). She said that the Commission has to make two motions, a recommendation to City Council on the preliminary development plan and rezoning, and a final vote on the final development plan. Ms. Amorose Groomes swore in those intending to address the Commission on this case including the applicant's representative, Rachel Ray and other City representatives.

Ms. Ray presented this application for the Earlington Village PUD. She said the rezoning was for a text amendment to add a new subarea for daycare and preschool uses for three churches. She said no site modifications are proposed. Ms. Ray presented an aerial photograph of the Earlington Village PUD. She explained that the existing development standards include requirements for the residential uses, but nothing is specified for the non-residential uses. She said that the site and architecture of the three churches were specifically reviewed by the Commission through the final development plan process. Ms. Ray described and provided construction dates for each of the existing three churches in the Earlington PUD.

Ms. Ray said that City Council recently reviewed and approved the Zoning Code Amendments to add daycares and preschools as permitted and conditional uses in some residential zoning districts and the SO, Suburban Office and Institutional District to address similar situations for other existing daycares in church facilities elsewhere in the City. She explained that since these three churches are zoned PUD within the Earlington Village planned district, their only option was to file a text amendment to allow those uses specifically. Ms. Ray said earlier this year, the churches requested a Fee Waiver of City Council to file this application and instead of approving the Fee Waiver, City Council directed staff to pursue a City-sponsored rezoning to add these uses to the Earlington Village planned district.

Ms. Ray said that this application includes a new subarea, Subarea D, with new permitted uses that include religious or public assembly, adult or child daycare, and educational facilities, all of which are consistent with some of the use categories the Commission was seen with recent Zoning Code amendments.

Ms. Ray said for the development standards, since no site modifications are being proposed, Planning is recommending that future site modifications be approved by the Commission through the final development plan or amended final development plan process, or be deferred to the Zoning Code as appropriate. She said that Planning has reviewed this application, based on the review criteria for rezoning with preliminary development plan and final development plan, and recommends approval of the rezoning with preliminary development plan, and approval of the final development plan with one condition:

- 1) That the property owners work with Planning to identify landscaping improvements that will be necessary to make the sites comply with the Zoning Code and the approved final development plans, and that the deficiencies be corrected within 60 days of the effective date of the rezoning.

Ms. Amorose Groomes invited public comments in regard to this application. (There was none.)

Amy Kramb confirmed that educational facilities were added to cover the preschools because they did not fall under a daycare.

Ms. Kramb asked why the original 13-acres allotted to churches had increased to 17.98 acres. Ms. Ray explained that it was difficult to tell because the original approved rezoning included a general area for the Dublin Presbyterian Church, but a later cluster home development was approved and some of the acreage shifted a little.

Ms. Kramb confirmed that the 17.98 acres existed between the three churches and that did not allow them to build any more.

Mr. Hardt noted that he did not see a playground shown for the Presbyterian Church and he asked if there were plans for one. Ms. Ray said there was nothing proposed at this time for a playground.

Mr. Hardt asked if the Commission was able to vote on a final development plan before a final rezoning action was made by City Council. Jennifer Readler explained that if City Council did not approve the rezoning, then a final development plan approved by the Commission tonight would not be effective.

**MOTION #1 – Rezoning/Preliminary Development Plan**

Mr. Taylor made a motion to recommend to City Council approval of this Rezoning/Preliminary Development Plan because this proposal complies with the rezoning/preliminary development plan criteria and the existing development standards within the area.

Mr. Hardt seconded the motion.

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

**MOTION #2 – Final Development Plan**

Mr. Taylor made the motion to approve this Final Development Plan because this proposal complies with the proposed development text, the final development plan criteria and existing development in the area, with one condition:

- 1) That the property owners work with Planning to identify landscaping improvements that will be necessary to make the sites comply with the Zoning Code and the approved final development plans, and that the deficiencies be corrected within 60 days of the effective date of the rezoning.

Ms. Ray, on behalf of the applicant agreed to the above condition.

Mr. Fishman seconded the motion.

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



CITY OF DUBLIN

**DUBLIN PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
APRIL 6, 1995**

The Planning and Zoning Commission took the following action at its regularly scheduled meeting:

**3. Final Development Plan - Earlington Village - 5775 Dublinshire Drive - Dublin Presbyterian Church (Phase I)**

**Location:** 5.001 acres located on the south side of Dublinshire Drive, approximately 350 feet west of Ashlord Court.

**Existing Zoning:** PUD, Planned Unit Development District (Earlington Village Plan).

**Request:** Review and approval of a Development Plan under the provisions of Section 1181.07 of the Planning and Zoning Code.

**Proposed Use:** A new church of 13,274 square feet.

**Applicant:** Dublin Presbyterian Church, c/o Robert J. Apel, Meacham & Apel Architects, 5640 Frantz Road, Dublin, Ohio 43017.

**MOTION:** To approve this Final Development Plan finding it conforms to Earlington Village Refinement, has been planned with sensitivity toward the adjacent residential neighborhood, and meets the subarea standards with the following six conditions:

- 1) That Phase II be reviewed and approved by the Planning Commission at a later date;
- 2) That lighting conform to the Dublin Lighting Guidelines;
- 3) That the Landscape Plan be revised to include: replacing the Red Maples with a hardier species, replacing the deciduous shrubs around the parking lot with evergreen shrubs and adding additional evergreens at the northern portion of the parking lot, and adding street trees to the plant list;
- 4) That floodway, floodway plus 20 feet, and floodplain boundaries be accurately shown on all plat, planning, building permit, and engineering documents and that all City Codes be met regarding floodways and floodplains;
- 5) That signage conform to Code and be externally illuminated; and
- 6) That the driveway be widened to 22 feet.

\* Robert J. Apel, representing the applicant, agreed to the above conditions.

**VOTE:** 5-0-1.

**RESULT:** This Final Development Plan was approved.

**STAFF CERTIFICATION**

Mary H. Newcomb  
Mary H. Newcomb  
Graduate Landscape Architect

11-019Z/PDP/FDP  
Rezoning/Preliminary Development  
Plan/Final Development Plan  
Earlington Village PUD Text  
Modification

- 9) That a bikepath be installed along Brand Road, and a buffer plan be provided for the lots which abut Brand Road;
- 10) That a left-turn lane and street lighting be provided at the entrance to the site in coordination with the Shannon Glen subdivision;
- 11) That all changes be made to the text and plan to the satisfaction of Staff prior to scheduling this application before City Council; and
- 12) That four additional lots (adjacent to the park along the north side of the North Fork of the Indian Run) be dedicated as parkland, and the rear property lines of the two deep lots which abut the southern park area be moved farther west.

Mr. Ferrara seconded the motion. The vote was as follows: Mr. Fishman, yes; Mr. Sutphen, yes; Mr. Zawaly, yes; Mr. Rauh, yes; Mr. Ferrara, yes; Ms. Chinnici-Zuercher, yes. (Approved 6-0.)

### **3. Final Development Plan - Earlington Village - 5775 Dublinshire Drive - Dublin Presbyterian Church (Phase I)**

Mr. Rauh stated he would abstain from discussion and voting on this case and turned the meeting over to Ms. Chinnici-Zuercher to chair.

Mary Newcomb presented this case and slides. This is a request for approval of a Final Development Plan for Phase I of the Dublin Presbyterian Church. The site is located on 5.001 acres on the south side of Dublinshire Drive, approximately 350 feet west of Ashlord Court. It is located in the Earlington Village PUD within the Turnberry Refinement. The Final Development Plan for Turnberry was originally approved in 1988 and included 50 single-family cluster homes. Only three of the cluster units were constructed. In 1990, a plan refinement for 37 standard single-family homes and the five-acre church site was approved. The single-family area is The Woods of Dublinshire. There is an existing bikepath that runs along the eastern and southern boundaries. Ms. Newcomb said there will be one access point off Dublinshire Drive.

Ms. Newcomb said Phase I consists of 13,274 square feet of church, with parking for 154 cars on the eastern portion of the site. The applicant anticipates a future addition of about 17,000 square feet, with an additional 91 spaces. This building meets the setback requirements of 30 feet along Dublinshire Drive for both pavement and building, and 15 feet on the sideyards for pavement and 30 feet for the building. Additional information about floodplain should be required to ensure all applicable Codes are met.

Ms. Newcomb said the applicant will construct a sidewalk along Dublinshire Drive. Staff requests that this section match the existing adjoining sidewalks. The applicant proposes substantial buffering along the western property line. There is an existing mound and evergreen planting on the eastern property line. The applicant has been working with the residents to create a combined mound and buffer. Staff recommends minor changes to the landscaping plan.

The building will be constructed of stucco stone and stucco with dryvit basebands. The roof is to be dimensional weathered wood color shingles; the trim is to be stained cedar. Ms. Newcomb said the building fits well into the residential character of the neighborhood. Staff recommends approval with the following six conditions:

- 1) That Phase II be reviewed and approved by the Planning Commission at a later date;
- 2) That lighting conform to the Dublin Lighting Guidelines;
- 3) That the Landscape Plan be revised to include: replacing the Red Maples with a hardier species, replacing the deciduous shrubs around the parking lot with evergreen shrubs and adding additional evergreens at the northern portion of the parking lot, and adding street trees to the plant list;
- 4) That floodway, floodway plus 20 feet, and floodplain boundaries be accurately shown on all plat, planning, building permit, and engineering documents and that all City Codes be met regarding floodways and floodplains;
- 5) That signage conform to Code and be externally illuminated; and
- 6) That the driveway be widened to 22 feet.

Ms. Newcomb said tonight's approval is just for Phase I, but the applicant submitted an outline of Phase II. She stated the applicant made a substantial effort to involve the neighborhood by distributing flyers and conducting meetings, which were well attended.

Bob Apel, Meacham and Apel Architects, agrees with all the conditions as recommended in the Staff Report. He said the church would like to be an integral part of the community. The sanctuary is the largest mass and will be to the east to avoid parking wrapping around the building. Where the building is closest to residences, a stone wall was added to the mound to provide a better barrier. He said he has a letter of intent to create an easement with six affected neighbors to accomplish buffering in common. He said the cupola is for ventilation and there are no bells. The lighting will conform with Dublin Lighting Guidelines.

Ms. Chinnici-Zuercher asked how close the corner of the fellowship hall (part of Phase II) is to the mounding and houses. Mr. Apel said it would be a minimum of 30 feet.

Mr. Zawaly said the cupola was the only cedar-sided area. Mr. Apel chose the color to blend with the other roof elements and dormer, but a lighter color would also work.

Mr. Fishman asked if the mounding would be put in before the building. Mr. Apel said yes.

Mr. Sutphen made a motion to approve this Final Development Plan finding it conforms to Earlington Village Refinement, has been planned with sensitivity toward the adjacent residential neighborhood, and meets the subarea standards with the following six conditions:

- 1) That Phase II be reviewed and approved by the Planning Commission at a later date;
- 2) That lighting conform to the Dublin Lighting Guidelines;
- 3) That the Landscape Plan be revised to include: replacing the Red Maples with a hardier species, replacing the deciduous shrubs around the parking lot with evergreen shrubs and

- adding additional evergreens at the northern portion of the parking lot, and adding street trees to the plant list;
- 4) That floodway, floodway plus 20 feet, and floodplain boundaries be accurately shown on all plat, planning, building permit, and engineering documents and that all City Codes be met regarding floodways and floodplains;
  - 5) That signage conform to Code and be externally illuminated; and
  - 6) That the driveway be widened to 22 feet.

Mr. Ferrara seconded the motion. The vote was as follows: Mr. Zawaly, yes; Mr. Ferrara, yes; Mr. Fishman, yes; Ms. Chinnici-Zuercher, yes; Mr. Sutphen, yes; Mr. Rauh, abstain. (Approved 5-0-1.)

~~4. **Rezoning Application Z95-004 - McKitrick Property - Revised Preliminary Development Plan**~~

~~This case was postponed to April 20, 1995, prior to this meeting.~~

~~5. **Final Development Plan - Perimeter Center - McDonald's Restaurant**~~

~~Vince Papsidero presented this case and slides of a Development Plan for construction of a new 2,958 square-foot fast food restaurant with drive-thru service. The site is 1.237 acres located at the northeast corner of Avery-Muirfield Drive and Perimeter Loop Road. It is in Subarea E of the Perimeter Center PCD development, which permits free-standing fast food restaurants. Architecture, site planning, traffic, lighting, etc., are within the Commission's authority.~~

~~Mr. Papsidero said the structure is in the center of the site, there is one service drive, three proposed pick-up windows, and a stacking lane for eight cars. Under the standards for the subarea, eight stacking spaces per window are required. The standard follows the Columbus Code. For multiple windows, six spaces per window are required, for a total of 18. There is a 10-foot buffer yard on the north property line and a 5-foot yard abutting a 5-foot buffer along the Bank One site. 59 parking spaces are required by Code, and the plan shows only 52, one of which blocks the trash dumpster. The interior landscaping within the parking area falls short of Code. Staff also recommends the inclusion of additional plant material. The proposed parking and stacking are indications of overdevelopment of the site.~~

~~Regarding right-of-way along Avery-Muirfield Drive, Mr. Papsidero noted an error in the Staff Report. An additional 12 feet is requested for a continuous right-turn lane in front of both properties to accommodate Perimeter Drive. A more suitable area is provided for a permanent landscape buffer. Mr. Papsidero showed a slide of a proposed landscape plan submitted today responding to the Staff Report. It has not been evaluated. Street trees are an issue. It does show the 3-foot hedge/column treatment for the shopping center.~~

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Minutes of Dublin City Council Meeting

Meeting

DAYTON LEGAL PLANK CO. FORM NO. 1024B

Held June 4, 1990

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2. That industrial park is generally located in the southeast corner of Shier-Rings Road and Wilcox Road.
3. It is immediately north of a subdivision under construction called Heather Glen
4. The cul-de-sac serves approximately 18 acres of industrial property, and the applicant has indicated that there could be approximately five lots that would be surrounding the cul-de-sac.
5. Enterprise Court would have a right-of-way of 60 feet with an actual pavement width of 32 feet.
6. All deed restrictions placed upon the property with regard to the single family property to the south and in terms of mounding, landscaping, etc. that have been submitted and agreed to, are on the plat.
7. The Planning Commission and Staff both recommended approval with the following conditions:
  - A. Provide drainage detention as per the MORPC guidelines approved by the City Engineer.
  - B. The actual drive design to be approved by the City Engineer.
  - C. The applicant has had discussions with the City Engineer as to the possible need for a roadway ditch which would also be approved by the City Engineer.
  - D. Another proposed ditch along the north and east property line would also be at the direction and at the pleasure of the Engineer.

Mr. Bob Parkinson of R. D. Zande said that there had been discussion regarding a ditch around Wilcox Road, plans have been prepared and submitted, being part of the overall plat which was submitted and approved.

Mr. Bowman noted that Avery Road will be improved to the south side of the bridge. The intersection at Shier-Rings and Avery, which is in the county, has also been studied, and Mr. Willis said that a traffic plan has been completed for that intersection.

Ms. Maurer moved to approve the Preliminary Plat - Enterprise Court. Mr. Amorose seconded the motion.

Vote - Mr. Campbell, yes; Mr. Strip, yes; Ms. Maurer, yes; Mr. Amorose, yes; Mrs. King, yes; Mayor Rozanski, yes.

**\* Request for Approval of Refinement of Preliminary Plan - Turnbury at Earlington Village.**

Mr. Bowman commented as follows:

1. The subject site is along the south side of Dublinshire Road, west of the pool on the south side of Dublinshire.
2. There are three existing cluster homes within the subdivision.
3. In 1988 it was approved for 50 detached cluster units, three of which were built.
4. The area is approximately 19.75 acres.
5. The following changes were made in the plan:
  - A. Five acres is being proposed to be sold to a church.
  - B. The remaining 14.7 acres would include larger 37 single family lots.
  - C. There is a proposed circular street system with a private, not public street with 24' pavement.
  - D. There is a tree preservation plan with an on-site arborist; as many trees as possible will be saved, and there is a tree preservation construction video available as well.

*Turnbury*  
*Refn*  
**Final Devel. Plan  
 Dublin Presbyterian Church  
 Earlington Village  
 5775 Dublinshire Dr.  
 History**

# RECORD OF PROCEEDINGS

Minutes of Dublin City Council Meeting

Meeting

MAYSON LEGAL BLANK CO. FORM NO. 10148

Held June 4, 1990

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6. The overall density of the development is 2.5 dwelling units per acre with this plan, changing the average density from 3.8 dwelling units per acre to 3.4 dwelling units per acre.
7. The general character of Turnbury would become predominantly traditional, two story homes, specifying the actual architectural character with matching materials and other deed restrictions placed on the property.
8. The minimum lot size would be 70' by 140'
9. Sidewalks would be installed along 1100' of Dublinshire Drive frontage.
10. An 8' bike path would be built on the east and south property lines by the developer to make a connection to Scottish Corners. The bike path from Indian Run Meadow through the park would be the responsibility of the municipality and the developer's obligation would be to extend the path through this development to Dublinshire and to the pool.
11. The developer is making every attempt to be sensitive to the current residents of Turnbury, while trying to develop a viable plan which would have a better chance of being marketed. The current residents have been in constant contact with the developer and do support the plan.

The Planning Commission and the Staff recommend approval with the following conditions:

1. Review and approval by the Washington Township Fire Department.
2. Maintain tree preservation with snow fencing, provide an on-site arborist, and notify the City if there is a problem prior to construction.
3. Provide street trees along Dublinshire in accordance with the Landscape Code.
4. Provide proper vacation of existing recorded plat; portions of plat were recorded; those will have to be vacated and changed accordingly.
5. Verification of proper dwelling unit count and acreage still within the area B-1 of Earlington Village. (That has been accomplished.)
6. There are to be no walk-out basements.
7. That bike paths be installed and paid for by Newtowne Development.
8. That the detention area be owned and maintained by the association with access given to the City for maintenance and pedestrian use.

It was noted again that the street would be private.

Mr. Bob Apel, architect, noted that the church site will occupy a portion of the acreage that is not covered with trees.

Mr. Apel said that in working with the residents that it was determined that the houses/garages surrounding the existing homes will be clustered to create a similar appearance.

It was noted that specific development standards had been spelled out regarding no build zones, setbacks, side yards on the 70' x 140' minimum lots.

Mrs. King express a concern regarding the issue of private streets, noting that second and third purchasers of homes often do not understand or are not aware that maintenance of private streets is their responsibility, noting that often they seek assistance from the City when those streets have to be repaired, etc.

It was noted that the Planning Staff preferred to keep it a private street to allow retention of more of the trees; that a public street would require a larger right-of-way, because Mr. Willis would not want to bury the utilities.

It was also noted that currently there are no plans for curbs and gutters.

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# RECORD OF PROCEEDINGS

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Mrs. King said that she wanted to see some assurance in the deed restrictions that each successive owner of property understand their responsibility regarding maintenance of the private street.

The association would be responsible for determining when the street needs to be repaired, but the City would have to work with them to make certain there would be access for emergency vehicles.

Discussion following regarding the construction of the bike path. Mr. Apel said that the developer and the church are willing to grant the easement for construction of the bike path this year. The City will construct the bike path, probably in 1991, and the developer will reimburse the City when he is able to proceed with the development, when the street goes in.

With regard to detention, Mr. Apel said that a preliminary engineering study supported the fact that the storm drainage retention capacity with a three to one slope would meet the needs of both this development and the church property.

Further explaining, Mr. Apel said that it would be a detention pond, filling that capacity when needed, the storm drainage would be directed to that area and then to the ditch and metered out so that it meets the requirements.

He also said that he did not think that the natural swamp would have to be drained, that not being the intention but that it will be deepened with a three to one slope.

Mr. Campbell noted that presently there is a swamp with trees at that location and said he wondered whether the environment would be preserved or would it be "washed out".

Mr. Riat said that the retention basin was designed as recommended by the engineers and that it has not been changed from the previous plan.

Mr. Campbell said that he understood the necessity for the detention pond, but that he had a great interest in preserving the trees.

Mr. Riat said that if that detention could be accomplished in another way that they would do it.

Ms. Maurer moved to approve the plan with the conditions adopted by the Planning and Zoning Commission with an additional one - the bike path will be constructed by the City and the developer will reimburse the City when he is able to proceed with the development, when the street goes in.

She also added that the detention area to be maintained by the association will be maintained to City standards which are to be developed and which will be determined between staff and the developer.

The City Staff will be developing maintenance standards for detention ponds.

It was also noted that since the developer still owned the church site that he would negotiate at the time of sale shared maintenance of the detention pond.

Mr. Strip seconded the motion.

Vote - Mr. Amorose, yes; Mr. Campbell, yes; Mrs. King, yes; Ms. Maurer, yes; Mayor Rozanski, yes; Mr. Strip, yes.

~~Status Report from Dublin Arts Council.~~

~~No one from the Dublin Arts Council was present to give a report.~~

~~Request to Refer to Service Committee Report from Staff Regarding Macbeth Culvert.~~

~~Mr. Foegler reported that the report was authorized by Council to look at the alternatives that have been identified as potential drainage problem. He requested that the report be~~

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#### 4. Earlington Village - Turnbury Refinement

Ms. Clarke presented slides of the site and surrounding area with information regarding the proposal as contained in the Staff Report dated May 10, 1990. The original Turnbury Final Development Plan, approved on January 8, 1990, included 50 detached single-family "cluster" homes with density of 2.76 dwelling units per acre. The plan showed the units situated in pods or clusters of three to six units around a circular private street, with access from Dublinshire Drive. The design was intended to save as many of the numerous trees on the site as possible. The applicant, however, has apparently not been as successful in selling this proposal to potential homeowners. Only three of the 50 units were built and are occupied at the present. The issue at hand here is a new proposal for Turnbury and the major changes with this Refinement Plan are as follows:

- 1) The land use has been changed to include a 5-acre church site along the eastern one-third of the 19.5 acres;
- 2) The remaining 14.7 acres is to include 37 single-family lots including the three existing original cluster units;
- 3) The proposed circular street will be private, not public, with 24 feet of pavement;
- 4) The tree preservation plan has been amended to include an on-site arborist, and the applicant is working to provide a tree preservation construction video to builders; and
- 5) The density of this residential development is 2.5 dwelling units per acre and with this new proposal, the total average density changes from 3.8 dwelling units per acre to 3.4 dwelling units per acre.

Ms. Clarke stated that there are two issues for consideration. One is that the eastern 5 acres would be sold for a church. The present zoning does not indicate church as permitted use. The other issue is to abandon the original final development plan and to adopt more traditional single-family arrangement for its development. It will continue to use the boulevard entrance, there will be a loop street that would go through the woods. The western 14.7 acres becomes 34 new lots.

The developer is making every attempt to be sensitive to the current residents of Turnbury while providing a viable development plan. The residents appear satisfied with the proposal. Staff believes the major issues here are with maintaining the original density figures, satisfying the needs of the existing homeowners, and the tree preservation/drainage. The applicant has directed its efforts toward these matters. Staff recommends approval of the

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refinement for Turnbury with the following conditions:

- 1) Review and approval by Washington Township Fire Department;
- 2) Maintain the tree preservation areas with snow fending, provide an on-site arborist, and notify City if there appears to be problems prior to and during construction;
- 3) Provide street trees along Dublinshire Drive in accordance with the landscape code;
- 4) Proper vacation of the existing record plat; and
- 5) Verification of the proper dwelling unit count and acreage still within B-2 or Earlington Village.

Mr. Amorose asked if there would be curbs and gutters. Not there will not.

Mr. Geese asked Mr. Willis if he had any comments. Mr. Willis had no additional comments.

Mr. Bob Apel, Meacham & Apel Architects, representing Newtowne, the developers of Turnbury stated that the developer has made a conscious attempt within a time frame to do that, to save as many trees and provide a different concept. Unfortunately, it was not accepted in the trial period, and many attempts were made to modify the buildings and price range, but it would not compete against the single-family residence. The development, in the new form, has two parcels, one which will be a church site. The church has entered into an agreement to purchase. It gives the City the opportunity to see the plans, because it is a part of PUD. This will allow a church to be developed in the residential area and will give the Commission the opportunity to pass on the development. He stated that there will be substantial no-build zones, both in the center and on the perimeter to keep as many trees as possible. The applicant retained the private street and discouraged sidewalks and some of the other things that would have eroded the trees. The idea is to try to keep some of the special qualities of the site and develop it in such a way that it will be accepted in the community. Mr. Apel, referring to the plan, stated that the storm drainage area is a natural low area that provides collection and detention now. The church will have access to the detention pond, and the pond will be deeded to the City since it is performing that function.

Mr. Apel distributed drawings to the Commission that address some of the concerns of the current three Turnbury residents. He further stated that in addition to the design and keeping with the spirit of the PUD, one of the concerns of the existing residents was that the new units around them continue to feel like a cluster, and those immediately adjoining their units. He said what they are

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proposing is to cluster the eight lots adjoining the entrance and the existing three lots. When those units are developed, that they be developed (pointing to drawings) not parallel to the street, but oriented in such a way to start a cluster between those two units. So they will be clustered two units in these groupings, so that the whole area will have the cluster feel and be a transition to more traditional single-family development in the latter part of the site.

Mr. Apel said this is a key element that has been worked on between the developer and the owners, and was not available at the time it was submitted.

Mr. Berlin asked Mr. Apel if the drawing was suggesting a joint driveway, or if it just looked like one. Mr. Apel replied (while pointing at drawing) that one and the one right next to it at least will be developed in that manner. The drawing shows the two possible ways to do it, but the idea is to get the distance down to the minimum 5 feet on each property, so that they come together with an enclosed space in front of them. All of the intentions in planning the no-build zone was to retain trees that are 10 feet from the foundation.

Mr. Geese asked about the no-build zone on lot 26 and whether there were trees there too.

Mr. Apel said the trees are shown on the survey. The owners have said that they are not there. It was not an attractive place for a house, and the space helps to screen out head lights and other things and maintains as much of the character as was originally intended.

Regarding the conditions, Mr. Apel said number 1 has been completed, number 2 has been agreed to in the letter you have before you. Number 3 would be provided, that also extends across the church property as they develop, the street trees would be provided. He said obviously, we will have to have a proper vacation of the recorded plat in order to proceed and we agree to that and I believe we have provided a table. The units that were saved will not appear later in another area.

Ms. Clarke stated that what she really needs them to verify the number of acres that are left, because Dublinshire Drive within Earlington Village got shifted from its original location. The configuration of the park might be changed, the school site might be changed, and a small section that is south the creek was rezoned as part of Dublinshire.

Mr. Apel said they will do everything they can to get the developer

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to supply the information she needs. He said they would agree to no walk-out basements because that is not envisioned in the designs that they would have.

Mr. Apel further stated his understanding of the timing on the bike paths. They will proceed as they are able to, as the sewer problem is resolved. He said they will not proceed with the development of the lots until they can obtain building permits for them because he cannot finance the rest of the development. When this is developed, the bike paths will be installed.

Karen Zent, a representative from the church said she had talked with Janet Jordan about bike paths and the church considers the path an asset to their property, and they are willing to work with the City on this.

Mr. Geese asked Mr. Apel if he is the architect for the church. Mr. Apel replied that he is not at the present time.

Maxine Silverman, a Turnbury resident, stated that she wants to be sure that as they see the placement of those units on the plat, that it be recorded with it, so that they are assured that continuation of the cluster feeling.

Mr. Apel said that they are incorporating a copy of the drawing as a part of the application.

Ms. Silverman also stated concerns that the developers remain in control -- that after the homes are built -- and keep the integrity of what is there at the present time. Deed restrictions, normal kinds of materials and square footage.

Mr. Geese asked Ms. Silverman, as a land owner, if the modifications were what they requested. Ms. Silverman said they are a compromise that they are comfortable with.

Rick Terrel, who is also one of the present residents, stated that he wants to make sure that there is a landscape buffer zone. When they bought a year ago, they envisioned more cluster units in the woods. They agree with what the developer has proposed to them with the clustering effect. It is their best opportunity to get some neighbors and to get some value out of their property. He commends the developer for what has been done.

Mr. Geese asked Janet Jordan if she had any questions. Ms. Jordan said she had some reservations about the timing for the bike path. This is the second year the City has rolled over the capital improvement money for the City's portion of the bike path. She worked on this project last year with representatives from Newtowne

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to determine where to cross the stream. Negotiations fell apart in the middle of last summer. The City rolled the money over again this year to put the bike path through the park, to the pool. The church was not planning to build for years. She would like to know that the developer will work with the City to get this project done this summer. It may not make the pool season this summer, but she doesn't want to see it roll over to next year.

Mr. Geese asked Ms. Jordan if she wants all the bike paths installed at this time. Ms. Jordan replied, yes. Ms. Jordan stated further that the developer will pay for everything that is on private property and the City is paying from everything that is in the park south of the site. Ms. Jordan wants to know that this can be worked out. Mr. Apel said they will do everything they can to get it worked out.

Mr. Leffler asked if the road would be 24 feet wide. Mr. Apel said this is correct.

Mr. Leffler also asked if there would be sidewalks in the development. Mr. Apel replied that they went through a long process to work this out. The City Engineer thought it was okay without sidewalks as long as it remained a private street. At one time it was drawn as a public street with sidewalks on both sides with street trees, but the effect on the woods was too great. The Staff and residents preferred the private street. The Engineer did not have a problem as long as it remained private, but if it was going to be public, then the construction requirements kept getting bigger because the utilities and the pavement cannot occupy the same area in a public street.

Mr. Leffler asked the residents how they felt about no sidewalks. No problem was indicated and a preference for the natural setting stated.

Mr. Geese asked who picks up the trash. It was indicated that trash collection would be private.

Mr. Leffler asked about park land dedication. Ms. Clarke said the requirements have already been met in Earlington Village overall by the 26 acre park site, etc.

Mr. Amorose asked Mr. Apel if there would be curbs. Mr. Apel replied there would not be curbs. Mr. Amorose said that automobiles would destroy the appearance of lawns if there are no curbs and gutters. There was considerable discussion whether to have curbs and gutters and what the various options could be.

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Mr. Amorose stated a concern regarding the storm water detention basin. He asked how the arborist felt about the storage of storm water in a wooded area.

Mr. Apel replied that he believes the area already acts in that capacity. It is a swampy area. He thinks this was a way to address that and minimize the damage to the other trees. It is not a good buildable site to start with, but there hadn't been any specific recommendations from the arborist.

Mr. Amorose said he was concerned with the increase in storm water runoff caused by the addition of pavement and roofs. The trees, at the present time, may be able to tolerate current rainfall, but they may not if a lot more runoff is in a concentrated area.

Mr. Apel said that on the utility plan, it shows that they will have to create an area that is dedicated to retention. The area was selected because it is the lowest on the site and seemed the natural place. It was modified on the recommendation from Staff so that the slopes are 3-to-1.

Mr. Amorose asked Ms. Jordan if the City necessarily wanted to maintain this property and accept liability, and whether it should be dedicated to the City or be maintained by the association.

Ms. Jordan said her concern is with the design and construction of the basin itself.

There was discussion concerning whether the City should maintain the detention or whether it should be maintained by the association. Steve Mack said the City needs access in order to make sure it is maintained.

Mr. Geese asked if there will ever be sidewalks on the south side of Dublinshire and who has obligation to build the bike way on the north side of Dublinshire Drive. Staff replied that there would be a sidewalk and that the bike path was the obligation of the overall developer.

Mr. Kranstuber stated that he agrees with Ms. Jordan that the bike path should be built now, regardless of how long development takes.

Mr. Geese asked Mr. Willis who should own the detention basin. Mr. Willis replied that detention is required to be provided for each development. Dublin needs to be able to control the maintenance as well. The City can't control it if it is on private property.

Mr. Amorose told Mr. Willis that sometime ago this Commission asked the Engineering Department to come up with some specifications for  
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a storm water maintenance program and options on various types of maintenance programs. He said that it is important that there is a set design for retaining storm water and some kind of guidelines on how we are going to maintain them.

Mr. Willis said he doesn't fully remember that conversation and he can't answer for the service department, the people who have the maintenance responsibility.

Mr. Amorose said that if we are not maintaining the City owned ones right now, why do we want another one to maintain? He would rather see the association have control over this storm water detention with a City easement in case repairs are needed.

Mr. Willis again stated that it needs to be some kind of ownership in which the City has control.

Mr. Amorose stated that he would like to see the homeowners maintain the detention area.

Mrs. Melvin asked Mr. Willis if the church parking is going to increase the amount of runoff into the detention basin. Mr. Willis said the detention for the total site, including the five acre church site, will be retained in the detention basin.

Mr. Amorose stated that in his opinion there is or will be an association, and the detention area should be part of the responsibility and under the ownership of that association.

Mr. Banchevsky recommends that the City have access easement for maintenance, and perhaps pedestrian access also.

Mr. Manus moved that the Commission approve this rezoning application subject to the five recommendations from Staff:

- 1) Review and approval by Washington Township Fire Department;
- 2) Maintain the tree preservation areas with snow fending, provide an on-site arborist, and notify City if there appears to be problems prior to and during construction;
- 3) Provide street trees along Dublinshire Drive in accordance with the landscape code;
- 4) Proper vacation of the existing record plat; and
- 5) Verification of the proper dwelling unit count and acreage still within B-2 or Earlington Village.
- 6) That there will be no walk-out basements;
- 7) That bike paths would be installed and paid for by Newtowne Development; and
- 8) That the detention area be owned and maintained by the

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association with access given to the City for maintenance and pedestrian use.

Mr. Apel said that he has only one problem. He didn't think it was Dublin's policy to require that bike path go in before construction. Otherwise all paths would be finished up all over the City. The developer can't even get a loan to do it because of the sewer moratorium, and this is unreasonable.

Mr. Geese said that the City Parks Director said that there is some intent that those bike ways should have been built previous to this.

Bill Riat, representing Newtowne Development, said he thought they were talking about the alignment but does not even own that land yet. It is unreasonable to go in there and finish up bike paths before beginning development.

Mr. Amorose said to Bill Riat that there are children on the other side of the drainage ditch that want to get over to the swimming pool.

Bill Riat said he didn't think there would be a problem with the City installing the bike path. The developer has no funds and can't get financing to do any of the development.

Mr. Amorose asked Mr. Riat if he would agree that the City should put it in now and be reimbursed later. Mr. Riat said he would agree, and would reimburse when they have the funds to do it.

Turnbury resident - stated that he is all for the bike path but he would like to see the Turnbury residents get more consideration in recouping their investment.

Mr. Berlin stated that if the bike path is put in before construction that it will get torn up and that it is not smart to put the bike path in before the land is developed.

Mr. Manus said he would like to amend item number 8 to allow the City to construct the bike path and the developer to reimburse the City at such time as his funds allow.

Bill Riat agreed as long as he doesn't have to pay for it twice. If it is put in now and it gets torn up with sewers and things going in, then he would have to pay for it twice.

Mr. Geese said that the Catholic church negotiated a bike way across their property. Bill Riat said he can't put it in without owning the land or if it is going to have utilities going under it.

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Mr. Geese asked if there was a second to the motion. Mr. Leffler seconded the motion, and the vote was as follows: Mr. Amorose, yes, Mr. Berlin, no; Mr. Geese, yes, Mr. Kranstuber, yes, Mr. Leffler, yes; Mr. Manus, yes; Mrs. Melvin, yes. (Approved 6-1)

5. Rezoning Application - Z90-003

Ms. Clarke presented slides of the site and surrounding area along with information regarding the proposal as contained in the Staff Report dated May 10, 1990. This is a rezoning application for 38.368 acres to the north and east of the intersection of Wilcox and Tuttle Crossing Boulevard. It is contained within a 500-plus acre application for annexation from Washington Township to the City of Dublin. Annexation is expected to be complete in July. The land is bounded on the east by a portion of the Tuttle Crossing project in the City of Columbus which is zoned for multi-family use (zoned L-AR-12) which carries a maximum density 12 units per acre. To the north and partially along the west boundary are larger tracts of land mostly used for agricultural purposes and scattered rural-type residential development. Along the balance of the west and south sides are a series of homes on one-acre lots which front on Wilcox and Tuttle Roads. The site and land to the north, west and south are all contained within the pending annexation and currently carry R-1A zoning in the township which is roughly equivalent to Dublin's R-1, Restricted Suburban Residential District.

The proposal is to rezone the land to the R-12, Urban Residential District for a multi-family residential development. The City staff worked on a land use plan for the property under annexation, and the proposed land use indicated is "Multi-family (R-12)" for this site. There have been numerous discussions with the applicant during the early annexation process, and Council passed a motion supporting the land use configuration and development conditions for the area which included roadway consideration, agreement to accept a 'fee in lieu' or off-site park land, and a somewhat expedited rezoning process. The applicant, for his part, agreed to submit a site plan and other evidence of a commitment to a quality project. This information has not yet been received. The applicant has met several times with the neighbors to address their concerns. One of the major concerns is for buffering, especially as the Dublin Code does not mandate any sort of buffering between different types of residential use.

The applicant's plan, which was delivered to Planning Commissioner's residences last night, does reflect the commitment to deed one-half of the right-of-way for this portion of the new Rings/Wilcox Connection proposed in the <sup>Final</sup> ~~Final~~ Devel. Plan. However, several property owners have expressed dis

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