



## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

MARCH 15, 2007

CITY OF DUBLIN

Land Use and  
Long Range Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone: 614-410-4600  
Fax: 614-410-4747  
Web Site: [www.dublin.oh.us](http://www.dublin.oh.us)

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

**3. Final Development Plan/Final Plat 07-001FDP/FP – Oak Park Residential  
Oak Park Plan – Mitchell-Dewitt Road and Hyland-Croy Road**

**Location:** 60.01 acres located at the southwest corner of Mitchell-Dewitt Road and Hyland-Croy Road.

**Existing Zoning:** PUD, Planned Unit Development District (Oak Park plan).

**Request:** Review and approval of a final development plan and final plat under the PUD provisions of Code Section 153.050.

**Proposed Use:** The residential component of a mixed-use development that includes 108 housing units.

**Applicant:** HC Associates, 8101 North High Street, Suite 160, Columbus, Ohio 43235; represented by Atlantic Realty Development Corporation, 90 Woodbridge Center Drive, Suite 600, Woodbridge, New Jersey 07095 and Ben W. Hale, Jr. and Aaron L. Underhill, Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.

**Staff Contact:** Judson J. Rex, Planner.

**Contact Information:** (614) 410-4654/jrex@dublin.oh.us

**MOTION:** To approve this Final Development Plan/Final Plat because both are consistent with the standards and conditions approved at the rezoning because the proposal provides high-quality residential architecture, appropriate landscaping and design elements consistent with the approved preliminary development plan. The proposal also complies with the Final Development Plan criteria set forth in Section 153.055(B) and the Final Plat criteria set forth in Sections 153.085 through 152.095 of the Dublin Zoning Code with 14 conditions:

- 1) That the landscaping plans around the Community Center be modified to show the addition of flowering deciduous shrubs and perennials to coordinate with the plantings around the townhouses;
- 2) That all plans be updated to show only one connection to the Metro Park and that the path be constructed according to Metro Park's specifications;
- 3) That a fixture other than an in-ground style be used to provide accent lighting;
- 4) That the applicant design and construct a southbound right turn lane on Hyland-Croy Road, a northbound left turn lane on Hyland-Croy Road, and a westbound left turn lane on Mitchell-Dewitt Road to the development at the proposed street connections. These improvements shall be completed before the proposed public streets are accepted by the City of Dublin to the satisfaction of the City Engineer and the Union County Engineer;

**PLANNING AND ZONING COMMISSION**

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**MARCH 15, 2007**

**3. Final Development Plan/Final Plat 07-001FDP/FP – Oak Park Residential  
Oak Park Plan – Mitchell-Dewitt Road and Hyland-Croy Road (Continued)**

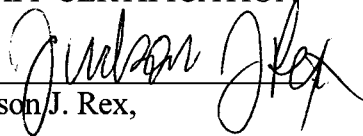
- 5) That the applicant continue to work with Engineering to develop a mutual agreement on how traffic impacts will be mitigated before the issuance of building permits, to the satisfaction of the City Engineer;
- 6) That the applicant contribute to the City of Dublin any right-of-way necessary to construct the site turn lanes and the future roundabout at Hyland-Croy and Brand Road, to the satisfaction of the City Engineer;
- 7) That the applicant field verify supplemental landscaping on the western property line;
- 8) That the plat be modified to identify the No-Build Zone on lots 9 and 10 as a No-Disturb Zone;
- 9) That the plans be modified to incorporate the comments in this Planning Report regarding the hedge and fence treatments along the residential streets;
- 10) That an agreement be made between the City and the developer to establish means for reimbursement for the site-responsible bikepath that will be built by the future City of Dublin Roundabout improvement at Hyland-Croy and Brand Roads, to the satisfaction of the City Engineer;
- 11) That sheet L4.01 (Fence Details) of the Final Development Plan be modified to not include privacy screening options 2, 6, and 10 for the single-family homes;
- 12) That notice to future residents of Oak Park about the development of the commercial portion of the project be provided within sales and marketing materials;
- 13) That the plat be modified to include a No-Build Zone where the Stream Corridor Protection Zone intersects lot 33; and
- 14) That a Final Development Plan application be filed for the commercial portion of the development on or before August 1, 2007.

\*Ben Hale, Jr., Smith and Hale, agreed to the above conditions.

**VOTE:** 7 – 0.

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

STAFF CERTIFICATION

  
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Judson J. Rex,  
Planner



## PLANNING AND ZONING COMMISSION

### MINUTES

MARCH 15, 2007

CITY OF DUBLIN.

Land Use and  
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1. **Staff Presentation – Team Leaders**
2. **Rezoning/Preliminary Development Plan 06-138Z – Senior Star Living – Morse Mast Plan – 6470 Post Road (Informal Discussion Only – No Vote Taken)**
3. **Final Development Plan/Final Plat 07-001FDP/FP – Oak Park Residential – Mitchell-Dewitt Road and Hyland-Croy Road (Approved 7 – 0)**

#### **Administrative Business:**

Chair Rick Gerber called the meeting to order at 6:30 p.m. Other Commissioners present included: Rayna Jones, Ted Saneholtz, Todd Zimmerman, Warren Fishman, Kevin Walter, and Tom McCash. City representatives present included: Steve Langworthy, Gary Gunderman, Claudia Husak, Greg Jones, Tammy Noble, Dan Phillabaum, Carson Combs, Jud Rex, Ebony Subeldia, Aaron Stanford, Kristin Yorke, Paul Hammersmith, and Flora Rogers. Also present was City Attorney Jennifer Readler.

Ms. Jones led the Pledge of Allegiance.

#### **Motion and Vote:**

Mr. Gerber moved for unanimous acceptance of the documents into the record. [No one opposed.]

#### **Motion and Vote:**

Mr. Gerber moved for approval of the March 1, 2007 meeting minutes as presented. Mr. Zimmerman seconded and the vote was as follows: Mr. Walter, abstain; Mr. McCash, yes; Ms. Jones, yes; Mr. Saneholtz, yes; Mr. Fishman, yes; and Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 6 – 0 – 1.)

Mr. Gerber announced that this was Ms. Jones' last meeting. He said she was moving with her family to Philadelphia. He said it had been an absolute pleasure working with her. Mr. Gerber said more often than not, Ms. Jones had been the voice of reason for all of the Commissioners. He said her work was appreciated and she would be missed. He presented her with an engraved plaque and a cake for everyone to enjoy.

Mr. McCash said there was no reference in the text to an attached document or plan. He said zoning speaks through the approved text and the approved ordinance, not through all the meeting minutes of the Planning and Zoning Commission.

Mr. McCash said he was concerned about the height of the building being on the north side of Post Road which was to be a transition down into the residential communities. He said the proposed location of the building is next to a drive going into the parkland area. He said driving to the park, past the four-story buildings will make the overall aesthetics be lost. He agreed that the use is definitely needed somewhere in Dublin, but he was not sure this four-story layout would fit.

Mr. Gerber said Dublin's Community Plan sets forth this as a transition area. He said he did not see anything in the text or records that stated this building should be four-story. Mr. Gerber said generally, they liked to see a 35-foot height, and he thought that the existing 45-foot high building was too large. He agreed that the use was fantastic. He pointed out that residents will have to get used to hearing sirens, etc. and thinking more about healthcare as the Dublin population ages. He reminded everyone that this site is next to the hospital which makes it a good location for this use. However, he said it was too big and imposing, not just for the residents, but also for the community at large. Mr. Gerber said it does not fit and he cannot support it. He recommended that the Commission's concerns be addressed with respect to the building heights and abating noise and lighting trespass in the neighborhood if it comes back before the Commission for review.

Mr. Underhill added that the public speaking system heard by the neighbors originated from the Convallarium, and they will be meeting with those residents regarding it.

Mr. McCash suggested the telephone easement could be rerouted to the side property line. The applicant, John Dobbs, Senior Star Living, said the only thing there was a four-inch fiber optic cable and the telephone company is willing to move it or let them pay for it to do whatever is necessary.

Mr. Gerber called a break at 7:15 p.m. so that the audio problems experienced could be fixed.

### **3. Final Development Plan/Final Plat 07-001FDP/FP – Oak Park Residential – Mitchell-Dewitt Road and Hyland-Croy Road**

Rick Gerber swore in those who intended to testify in regards to this case.

Judson Rex presented this case and said this is a review of the residential portion of Oak Park, which includes 33 park home lots, 39 village home lots, 36 townhomes, and a 6,000-square-foot community center. He presented slides of the proposed elevations for all the homes and the community center. He said the elevations were identical to that shown at the time of rezoning and the building materials include brick, stone, stucco, wood, and dimensional asphalt shingles. He said the townhomes include two different buildings with materials that coordinate with the single-family residences. Mr. Rex said the 6,000-square-foot community center is surrounded by a large park area with ample landscaping as well as a wet pond with a fountain and gazebo.

Mr. Rex discussed condition 11 that addressed the privacy screening options identified by the Commission at the time of rezoning. He discussed the three types of ornamental fencing being proposed. Mr. Rex said Planning has reviewed the proposed development within the context of the review criteria for a final development plan and final plat, and with the 10 Planning Report conditions, and the addition of condition 11, recommends approval of this development.

**Conditions:**

- 1) That the landscaping plans around the Community Center be modified to show the addition of flowering deciduous shrubs and perennials to coordinate with the plantings around the townhouses;
- 2) That all plans be updated to show only one connection to the metro park and that the path be constructed according to Metro Park's specifications;
- 3) That a fixture other than an in-ground style be used to provide accent lighting;
- 4) That the applicant design and construct a southbound right turn lane on Hyland-Croy Road, a northbound left turn lane on Hyland-Croy Road, and a westbound left turn lane on Mitchell-Dewitt Road to the development at the proposed street connections. These improvements shall be completed before the proposed public streets are accepted by the City of Dublin to the satisfaction of the City Engineer and the Union County Engineer;
- 5) That the applicant continue to work with Engineering to develop a mutual agreement on how traffic impacts will be mitigated before the issuance of building permits, to the satisfaction of the City Engineer;
- 6) That the applicant contribute to the City of Dublin any right-of-way necessary to construct the site turn lanes and the future roundabout at Hyland-Croy and Brand Road, to the satisfaction of the City Engineer;
- 7) That the applicant field verify supplemental landscaping on the western property line;
- 8) That the plat be modified to identify the No-Build Zone on lots 9 and 10 as a No-Disturb Zone;
- 9) That the plans be modified to incorporate the comments in this Planning Report regarding the hedge and fence treatments along the residential streets;
- 10) That an agreement be made between the City and the developer to establish means for reimbursement for the site-responsible bikepath that will be built by the future City of Dublin Roundabout improvement at Hyland-Croy and Brand Roads, to the satisfaction of the City Engineer; and
- 11) That sheet L4.01 (Fence Details) of the Final Development Plan be modified to not include privacy screening options 2, 6, and 10 for the single-family homes.

Mr. Gerber said the typical procedure with cases was to hear the presentation from Planning, the presentation from the applicant, ask for resident's comments, and then it is closed for the Commissioners' discussion. He said any questions to the Commission should be directed to him and then they will be addressed as they deliberate the case.

Aaron Underhill, Smith and Hale, representing the applicant, agreed to all eleven conditions as listed above.

Mr. Gerber asked if Oak Park had been decided as the development name. Mr. Underhill said they had considered changing it, but did not because they did not know if changing it was the

consensus of the Commissioners. Mr. Gerber said he regretted not making a name change a condition at the last meeting.

Mr. Gerber said at the last meeting, the Commission wanted to set a new course with Dublin's architectural standards. He asked if the applicant had met exactly what was discussed at the last meeting. Mr. Rex said they had because the elevations submitted were identical to what was seen at the rezoning. He said the quality and materials are the same as the Commission and City Council approved at time of rezoning. Mr. Gerber recalled that the Commission added several conditions with respect to that architecture. Mr. Rex said each unit will be required to have a comparable amount of stone and brick on each of the four sides of the building. Mr. Rex said it would be monitored through the building permit process for each individual unit. Mr. Gerber asked if it was envisioned that the developer has an architectural review staff that certifies that it is in conformance with what the Commission has approved before it goes to the building permit process.

Mr. Underhill said his firm was also representing the developer of Tartan Ridge and the reason they have an architectural review committee was because there were going to be a number of different builders. He said all of the Oak Park homes will be built by the applicant, and so the quality will be easier to control.

Rayna Jones asked for clarification of Condition 4 because it would have an impact on the roadways. Aaron Stanford said it speaks to the new public intersections that will be created with this development. Ms. Jones asked if there was a waterway that had to be crossed. Mr. Stanford said there was a culvert crossing of the North Fork of the Indian Run on the site.

Mr. Gerber said this is a development that includes both commercial and residential areas for the first time in the city. He said previous Commission concerns have been that residents know what future commercial development is coming. He recommended that a sign with a notice of the future commercial site be posted or that there be sales literature to advise future residents. He suggested Condition 12: That the plat is well documented and that there is ample signage explaining that there is a future commercial site planned. Mr. Underhill agreed to that condition.

Kevin Walter asked which of the two different pattern books submitted would be included for future reviews. Mr. Rex said the zoning text and the material submitted at the final development plan will both be on the record for continuing to enforce building within this development. He said the text is the zoning basis, but there is a little more detail in the final development plan packet provided. Mr. Walter said in the final development plan booklet, the village model homes are numbered 2, 4, and 5, but 1 and 3 were missing. Mr. Rex said units 1 and 3 could also be used in the park home lots, so they are interchangeable.

Mr. Walter was concerned about the Stream Corridor Protection Zone having two boundaries, a flood boundary and a larger area. He said manhole #2 sits in the stream corridor, and he wondered about it from an engineering perspective. Mr. Stanford said that one of the two areas was considered floodway and is designated for routing flood water. He said the purpose of the Stream Corridor Protection Zone is also to protect the vegetation that helps the stream with soil erosion. He said it will be wider than the floodway with the intent of encompassing all the

vegetation along that stream bank. Mr. Walter confirmed that the manhole cover sat in the vegetation zone, not in the floodway. He noted that there was no easement on the northwest corner of Lot 33 and asked if that was appropriate. Mr. Stanford said there is a small corner with the Stream Corridor Protection Zone on it, and the Code restricts structures from that zone. Mr. Walter said he was concerned about this particular corner in that it was highly visible and trees will also be taken out of that area to get visibility from the street. He said he would like to see a more definitive statement on that lot in particular, rather than referring to the Code. Mr. Walter said he thought the stream was very important to the City. He said he would like a condition made about Lot 33 that would either expand the easement or restrict activity. Mr. Rex said a No-Build Zone could be designated on the plat in the rear of that lot. Mr. Gerber asked that to be Condition 13.

Mr. Walter said Condition 7 was vague. He expressed that he was not comfortable that it met the intent of naturalizing the western border. Mr. Rex said the intent of the condition was essentially that the applicant work with not only Dublin's Landscaping Inspectors, but with the adjacent property owner. He said the Metro Park does not border this western border, it is a private property owner who has expressed an interest in working with the applicant and Planning to make sure that landscaping along the property line is properly supplemented. He said while it may appear vague, it is intended to be that way so that Planning can work with the adjacent property owner and the applicant to make sure that all parties agree on what should be located there.

Mr. Walter confirmed that the sign package submitted was solely for the residential area and there will be a commercial sign package brought to the Commission for review and approval later.

Tom McCash asked when the commercial portion of the development would come to the Commission for review and approval. Mr. Underhill said they expected it would come forward perhaps in the next quarter. He clarified that Atlantic Realty was doing the residential side of this and Jerry Solove, the underlying owner of the property, is working with individuals to develop the commercial portion.

Mr. McCash said he would like to see a final development plan for the commercial and residential at the same time. Mr. Underhill said they were very careful to identify any issues that would affect the rest of the development. He said those issues, such as parking layout, will be addressed later. He said Atlantic Realty's concern is to begin construction during the peak period. Mr. Gerber said he shared Mr. McCash's concern because that was why he asked for signage identifying the future commercial site. He did not want the commercial to change in two years. He said Dublin has not been successful in putting commercial inside residential areas. Mr. McCash asked if this could be approved by adding a condition that the final development plan component for the commercial is back before the Commission in three or four months. Mr. Gunderman questioned if they do not submit a final development plan then what happens.

Mr. Gerber said the Commission's only other option to ensure the commercial area was to table this application and wait to see the commercial piece. Mr. McCash asked Ms. Readler for advice. Ms. Readler said it was always difficult when dealing with phasing concepts. She said

obviously, there is the commercial component on the plat, and if nothing happens with it, nothing has to happen with it. She said it could just remain open. She was very hesitant holding up building permits, because typically, once all the criteria for the building are met, the building permit has to be issued.

Mr. Gunderman suggested the Commission consider breaking the development up along the townhouse units which are closest to the commercial area.

Mr. McCash asked what the developer wanted to develop first, the single-family units or the townhouse units.

Jeremy Halprin, Atlantic Realty, said he never liked to make promises to a Commission that he could not fulfill. He said everything they had promised over the last year will be fulfilled. He said they do not control the commercial property, but they have been working together to create something that he thinks will be fantastic. He said he was paying for the entire necessary infrastructure with the hopes that when the commercial portion is built, Jerry Solove will repay his portion. He said they are excited about marketing the commercial area in their residential advertising. He apologized that Mr. Solove was not available to testify to the Commission tonight.

Mr. Gerber confirmed that if the commercial development never happened, it was greenspace. He said if Mr. Solove decided to make this portion residential, the Commission would be required to review and approve it.

Todd Zimmerman said if the commercial area was not developed, this layout would not be conducive to a single-family layout. Mr. Gerber said that would become a matter for the Commission to review and approve. Mr. Walter said the verticality of this property had always bothered him. He said it is denser than he would like to see on this plot because of the commercial component that went with it. Mr. Gerber said the Commission had agreed to try a new concept with varying types of homes and a commercial component so residents could walk to store, and now they were splitting it apart. He said typically, when the Commission sees a final development plan, it comes to them with the same amount of land for them to review and approve. He asked how the Commissioners felt about doing this in phases.

Mr. McCash asked for an example of an Auto Oriented Commercial Facility. Mr. Rex said an ATM. Mr. McCash asked where the term was defined. Ms. Readler said it was defined in the Code. Mr. Zimmerman questioned that if the commercial did not go through, would the subdivision have been laid out the same way. Mr. Gerber said he thought Mr. Walter was right in saying the residential area would not have the same layout. Mr. Walter said this was an important piece.

Mr. McCash asked if the Commission could approve the street layout, but before any zoning permits for any building construction is issued, that the commercial component comes in to the Commission for review and approval.



Mr. Gerber asked if they could approve the final development plan, but not the final plat, or the other way around.

Mr. Halprin suggested a condition that they submit a final development plan within six months of today, dealing with at least the first phase of the commercial development. Mr. McCash asked what would happen if they did not meet that condition. Mr. Walter said since the owner of the entire property was not present to speak to his commitments, the only choice was to table this application.

Mr. Underwood said staff had never mentioned this as an issue, nor at the rezoning where they would have been more prepared to make these sorts of commitments. He welcomed the opportunity to reach a compromise to allow the applicants to begin with a product that everyone believes will be special.

Mr. Gerber said sometimes these issues do not come up until the Commission is all at the meeting. He said they deeply respected Mr. Halprin's concerns, but he hoped that the Commission's concerns were also appreciated.

Mr. Halprin requested to address the concept of the worse case scenario. He said this is a 61-acre site, of which approximately 54 acres would be under their control. He said they are a majority stakeholder, even though Mr. Solove is the seller. He said the retail was designed to look like the townhouses. He said if they wound up with approximately two acres on either side of the main road that was all they were talking about because much of Subarea E is the setback and retention basins. He said if the two acres on each side of the road ended up just being a landscaped area, he thought you would have the same look with some two-story buildings.

Mr. Gerber suggested the discussion of this case be suspended for approximately 20 minutes to allow Mr. Halprin to talk with staff and the law director.

Mr. McCash asked if this case were tabled for a month, versus approval tonight, what would be done in the next month. Mr. Halprin said if approved, during the 30-day appeal period they would be completing construction drawings so that construction could begin in June.

Mr. Gerber called a short recess.

[This case continued after the first item on the published Agenda, Staff Presentation on Team Leaders, was heard.]

Mr. Gerber swore in others who arrived to testify in regards to this case.

Mr. Gerber reiterated that this case was presented to the Commission originally as part commercial, part residential, and tonight, they were reviewing the residential portion. He said the issue has come forth with respect to when the commercial may come and how comfortable the Commissioners feel about voting for one without seeing the other. He said a brief recess had been taken to let the parties to meet with staff.

Mr. Rex proposed Condition 14: That a final development plan for the commercial portion of the project be submitted on or before August 1, 2007. He said that was the deadline for application submittals approximately four months from now.

Mr. Hale said businesses will not even talk to developers unless they have received rezoning. He said sometimes tenants require space changes. He said they had always felt that the commercial would drag because of the need to have 50 percent of the tenants to get banks to loan money for the project. He said that Mr. Solove was willing to commit to filing a final development plan within four months.

Mr. McCash said the overall footprint design and style of the buildings will not necessarily change based on tenant mix. Mr. Hale agreed. However, he expected some variety.

Mr. Gerber said the issue the Commissioners were debating was that absent the commercial at this point, and no assurance that it is coming, there are some that would not have approved this. He said they all recognize that if the commercial area never takes place, who ever picks up that piece will have to come back to the Commission for approval. He asked that Mr. Hale and Mr. Solove help with that issue to give the Commission some assurance that the commercial is going to happen.

Mr. McCash noted that the townhouse garages open up into the alley that faces the commercial area and without the commercial, the whole look is changed.

Mr. Hale referred to the Sawmill Kroger where it was mounded, heavily landscaped, and screened with a fence, so that you do not see into the loading area. He said that he was sure that they would be willing to do the same thing here.

Mr. Halprin said there is already a separation between the drive aisle for the retail and the drive aisle for the townhouse garages with fencing and screening.

Mr. Gerber requested that they return to the issue regarding the commitment from the commercial side so that the Commission could continue with their deliberation.

Jerry Solove, said they had no problem committing to the final development plan as requested. Mr. Gerber asked when they intended to submit an application. Mr. Solove replied that he plans to meet with his architect next week to begin the final drawings. Mr. Gerber asked for a particular date.

David Keyser, Meleca Architecture, said they would be able to meet the August 1, 2007 deadline for final development plan submittal. Mr. McCash said only building designs were necessary. Mr. Keyser said they needed to know some of the tenants to develop the plan. Mr. McCash said he understood part of that, but he would not want to see the elevations or the architecture customized to a 40 or 60-foot wide space. He said it did not matter where the demising walls were on the inside of the building to begin developing the plans and the architecture and bring it to the Commission.

Mr. Hale said his clients have been meeting with planning on a regular basis to review preliminary drawings. He said they try to work in a very collaborative manner.

Mr. McCash said he believed they were close on at least the architectural styles and components. He suggested that part of the condition include that Subarea D not be developed until the commercial portion is approved. Mr. Hale clarified that Mr. McCash was saying not to build the townhouses until the commercial final development plan is approved. Mr. McCash said he did not want the townhouses approved, if the commercial does not come in because in that area he would want to change the layout.

Mr. Sanholtz suggested that it would be a matter of phasing, similar to the Tartan Ridge project where there are town homes and a commercial area that were linked together. Mr. Rex agreed it was similar.

Jennifer Readler said fundamentally there are different issues. She said they could absolutely provide for the phasing of developments and there is a clause in the final development plan approval criteria that states it will be phased in a way that provides for orderly development. She said the problem they are having is requiring it at this stage. She said if they were at the rezoning stage, and phasing for final development plan approval was required, it would work, but changing the way the applicant has to submit things at this stage is a concern. Mr. McCash said they already are doing that because they are not doing Subarea E. Ms. Readler explained that giving them a requirement on how they have to submit things that they cannot feasibly do is the issue.

Mr. Walter repeated that his concern was about the density approved in this area. He said they are going from the Metro Park to homes to a large vertical component, and then putting retail in front of that. He said if the retail never develops, then there would be homes, 35-foot buildings, and then open space and that is not natural. He said the Commission expects the project to go through, but if it does not, that central area could be redeveloped into single-family homes or ranch condominiums. Mr. Gerber added that would be subject to Commission review.

Mr. Walter said he was disappointed that this split proposal has come to the Commission. He said the Planning Report was confusing about addressing how the proposal was split.

Mr. Gerber said it was discussed when the Code was being revised approximately four years ago. He said the applicant could have come to the Commission tonight, also with the commercial piece, but that does not guarantee that it will be built. Ms. Readler agreed that fundamentally they could not ensure that anything is built even after receiving any type of approval.

Mr. Gerber said sometimes in Dublin they lose sight of the forest. He said this is a nice project, the Commission likes the architecture, and it will look nice with or without the commercial. He said he thought a good message had been set for future applicants that ideally, the Commission likes to tie this in all at one time, but construction never is clean in that respect. Mr. Gerber said he was inclined to go ahead with this application tonight. He said he was satisfied with Mr. Solove's commitment to do his best effort and get the commercial final development plan submitted in August. He asked if other Commissions felt the same way.

Mr. Fishman said ideally he would like to tie the commercial development to the townhomes.

Ms. Jones said if everything was approved at once, there was no guarantee the commercial would be built, so she had no problem supporting it. However, she said she would like the commitment for the commercial to be submitted before August 1.

Mr. Zimmerman said he would give a positive vote, based on what Ms. Jones and Mr. Gerber said.

Mr. Walter said he would vote against it because he was uncomfortable with the split of the application.

Mr. Saneholtz said he preferred to see the commercial tied into the townhomes. He said to redevelop with townhomes there would perhaps not be in the best interest of the City.

Mr. McCash said even if they approved the commercial and residential, there was no guarantee that it would be built, but then at least enough money would be spent by the applicant that there is more of a commitment that it is going to be built. He said he would like to see the whole project come through at the same time. He suggested that perhaps there could be a commitment that Subarea D not come in until Subarea E is approved. Mr. Gerber said he also would like to see everything at once, but he did not know how it could be done.

Mr. Saneholtz clarified that when this came through at the time of rezoning it affected the entire parcel, including the commercial area. He asked if it would be a standard practice to expect that one application to come back complete. Mr. Rex said most projects are done in phases, but that is determined by the developer. Mr. Saneholtz asked if something less than a full parcel had been approved in the past. Mr. Rex said it was very common and gave Ballantrae and Tartan West as examples where they were phased.

Mr. Langworthy said the difference was that the Commission had not ever seen this mixed-use concept of residential and commercial.

Mr. McCash asked what the concern was about splitting it if Subareas D and E are a separate phase than the rest of it.

Ms. Readler said the concern was the Commission determining the phasing at this stage.

Mr. Halprin said this was their first time in Dublin and they were very excited about the community. He said they really want to put their best foot forward here which is why they agreed to do everything up to this point. He said they agreed with staff to use masonry on the fences. He said they are putting in all the improvements for the commercial site, and if it is never built, they will never get their money back. He said the 200-foot setback from Hyland-Croy Road will also be completed immediately. Mr. Halprin said to change at this time and renegotiate the contracts will just delay the project.

Mr. Langworthy said sometimes, in new concepts a small leap of faith is sometimes necessary. He said his 30 years of planning experience told him that when you get commercial approval, you are not likely to walk away from it. He said if these commercial developers do not do it, someone will. He said it was understandable that the Commission was unsure about it because they had not seen this done this way in the past. Mr. Langworthy expected to see more of this type of situation where the timing is not perfect all the time.

Mr. McCash said he would agree with Mr. Langworthy if this were more of an urban infill site that this would definitely get developed. He said the parcel was on the edge with the Metro Park and that was the part that made him a little hesitant to break it up into pieces.

Mr. Langworthy asked that Mr. McCash look a little longer range than just the next couple of years. He said this area is going to be heavily developed in a couple of years and it will not look as it does today. He said there will be a lot of households and the commercial will be supported and needed.

Mr. Walter agreed that there would be additional development in this area, but his concern was this particular parcel will always be on the edge of the Metro Park.

Mr. Gerber agreed that there was a leap of faith here because even if the commercial parcel was before the Commission tonight, and it all was approved, it does not mean that it would be built.

Mr. Gerber said they have a rezoning/preliminary development plan that prescribes what the development will look like and anything that runs astray from that idea has to come back to the Commission and then City Council for review and approval.

Ms. Jones said this developer has made significant commitments and complied with all that had been asked for, and she preferred to take a leap of faith. She said she looked forward to discussing this concept with someone who is putting so much quality out there and Mr. Solove has put his reputation on the commercial. She agreed that the commercial will come.

Mr. Gerber said the Commission has discussed the past few years that they were tired of seeing the same type of development. He said they want to become more leading edge and this is it. He asked if they were willing to take the risk or not.

Mr. McCash said he thought they were, but the concern was that they had seen something on the edge; they just wanted to make sure that it did not revert back to the same old type of development. He asked how the whole Atlantic Realty residential component interrelated with the commercial area. He asked if the commercial was not there now, how it made sense to develop.

Mr. Halprin said the value of homes are higher with retail. He said the numbers work and it is a high-end housing development.

Mr. Hale said about a month ago, there were questions about commercial demand in this area, and they had a highly respected appraiser and a commercial consultant do a study in the

northwest part of Dublin. He said there were approximately 1,200,000 square feet of commercial space on the west side of the Scioto River. He said they found slightly over 2,000 square feet of vacant retail spaces which equates to an occupancy rate of 99.73 percent. He said there is plenty of commercial demand. He said there is no question that there is sufficient demand for commercial product in this area.

Mr. McCash asked if this would work with Atlantic Realty if there was a condition that said the townhome subarea comes back for further review if Subarea E is not submitted for final development plan by August 1, 2007.

Mr. Halprin said that after he purchased the property and put in approximately \$3.5M for improvements, it would be a tough risk for them to agree to come back and have it changed.

Mr. Solove said they were very pleased to do this in conjunction with all of what Atlantic Realty, the designers, architects, the team and staff to make this happen. He said it was ironic that two retailers were at this property today. He said they were anxious to get this commercial piece moving forward. He said he had been involved in retail development for 29 years, and it was unfathomable to him that this small amount of retail market demand would not be there. He said the only reason for the lag on this is simply the fact that in retailing, tenants are typically lined up before the project begins.

Mr. McCash said he would take the leap of faith to approve this tonight, but he wanted a commitment from Mr. Solove that not only he would be back before August 1, but that he would make this a priority project. Mr. Solove said he had no problem with that.

Mr. McCash asked that since this was near the Metro Park that a Night Sky Preservation component be looked at instead of using the Dublin Exterior Lighting Guidelines.

Mr. Hale said that would not be a problem.

**Motion and Vote:**

To approve this Final Development Plan/Final Plat because both are consistent with the standards and conditions approved at the rezoning, and because the proposal provides high-quality residential architecture, appropriate landscaping and design elements consistent with the approved preliminary development plan. The proposal also complies with the Final Development Plan criteria set forth in Section 153.055(B) and the Final Plat criteria set forth in Sections 153.085 through 152.095 of the Dublin Zoning Code with 14 conditions:

- 1) That the landscaping plans around the Community Center be modified to show the addition of flowering deciduous shrubs and perennials to coordinate with the plantings around the townhouses;
- 2) That all plans be updated to show only one connection to the Metro Park and that the path be constructed according to Metro Park's specifications;
- 3) That a fixture other than an in-ground style be used to provide accent lighting;
- 4) That the applicant design and construct a southbound right turn lane on Hyland-Croy Road, a northbound left turn lane on Hyland-Croy Road, and a westbound left turn lane on Mitchell-Dewitt Road to the development at the proposed street connections. These improvements

- shall be completed before the proposed public streets are accepted by the City of Dublin to the satisfaction of the City Engineer and the Union County Engineer;
- 5) That the applicant continue to work with Engineering to develop a mutual agreement on how traffic impacts will be mitigated before the issuance of building permits, to the satisfaction of the City Engineer;
  - 6) That the applicant contribute to the City of Dublin any right-of-way necessary to construct the site turn lanes and the future roundabout at Hyland-Croy and Brand Road, to the satisfaction of the City Engineer;
  - 7) That the applicant field verify supplemental landscaping on the western property line;
  - 8) That the plat be modified to identify the No-Build Zone on lots 9 and 10 as a No-Disturb Zone;
  - 9) That the plans be modified to incorporate the comments in this Planning Report regarding the hedge and fence treatments along the residential streets;
  - 10) That an agreement be made between the City and the developer to establish means for reimbursement for the site-responsible bikepath that will be built by the future City of Dublin Roundabout improvement at Hyland-Croy and Brand Roads, to the satisfaction of the City Engineer;
  - 11) That sheet L4.01 (Fence Details) of the Final Development Plan be modified to not include privacy screening options 2, 6, and 10 for the single-family homes;
  - 12) That notice to future residents of Oak Park about the development of the commercial portion of the project be provided within sales and marketing materials;
  - 13) That the plat be modified to include a No-Build Zone where the Stream Corridor Protection Zone intersects lot 33; and
  - 14) That a Final Development Plan application be filed for the commercial portion of the development on or before August 1, 2007.


Mr. Hale asked if there was a condition about the commercial area lighting. Mr. Solove said they would do that any way.

Mr. Hale agreed to the 14 conditions listed above. Mr. Zimmerman seconded the motion, and the vote was as follows: Mr. Walter, yes; Mr. Fishman, yes; Mr. Saneholtz, yes; Ms. Jones, yes; Mr. McCash, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 7 - 0.)

Mr. Gerber thanked everyone for their hard work and said he looked forward to seeing Mr. Solove in August.

The meeting was adjourned at 9:27 p.m.

Respectfully submitted,

  
Flora Rogers and Libby Farley

**Ordinance 73-06 (Amended)**

**Adopting a New Compensation Plan for the City of Dublin and Repealing Ordinance 98-96 ("Compensation Plan") and All Amendments Thereto (Ordinances 11-97, 43-97, 86-97, 100-97, 134-97, 08-98, 20-99, 41-00, 77-00, 118-00, 128-00, 26-01, 01-02, 11-03, 43-03, 83-03, 01-04, 38-04, 78-04, 06-05, and 31-05).**

Ms. Brautigam stated that the project team working on the Class and Compensation Study has reviewed one of the positions proposed in the 2007 operating budget, determined where it would fit in the structure, and created a job title for this position. This amendment has been included in the ordinance before Council tonight.

Wallace Maurer, 7451 Dublin Road pointed out Sections 6, 7 and 8 on page 9 of the ordinance. Specifically, Section 6, the special provision regarding minimum pay increase; Section 7, Mayor/Vice Mayor/Council Member compensation; and Section 8, the instant bonus program. He noted that Section 6 makes reference to "2006 employees" and Section 8 makes reference to "all employees." He asked if the Mayor, Vice Mayor and Council Members are regarded as City employees.

Ms. Brautigam responded they are not. They are viewed as the officers of the City, which is distinguished from employees of the City.

Mr. Maurer asked who decides the compensation of the officers of the City.

Ms. Brautigam responded these are set by ordinance and reviewed only by the members of Council.

Mr. Maurer noted that Section 8 includes the language, "demonstrates innovative or creativity in government." It is applicable only to employees, not to elected officials, as he now understands.

Mrs. Boring noted that Council had agreed upon an additional review for some aspects of the Plan at future dates. Is this reflected in the text of the ordinance?

Ms. Brautigam responded that will be done as part of the City Manager's evaluation each year.

Mr. Keenan asked about the length of the contract for services provided by the compensation consultant.

Ms. Brautigam responded that the consultant will perform some additional services this year, including training for supervisors. She is not certain whether that will continue beyond 2006.

Mayor Chinnici-Zuercher recalled that during the budget hearings, it was stated that this consultant would assist with implementation of the Plan for a period of time.

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

**Ordinance 74-06**

**Rezoning Approximately 61.35 Acres, Located on the Southwest Corner of Mitchell-Dewitt Road and Hyland-Croy Road From R, Rural District, To PUD, Planned Unit Development District (Oak Park Mixed-Use - Mitchell-Dewitt Road and Hyland-Croy Road - Case No. 06-064Z).**

Ms. Adkins stated this rezoning was approved by Planning & Zoning Commission at their meeting of September 21, 2006. The site is currently zoned Rural District, and the surrounding zonings are PUD and PLR. The proposal contains 108 housing units and 39,700 square feet of mixed use retail development. The site plan includes five subareas: subarea A is for single-family lots on the periphery of the site, adjacent to the Metro Park; subarea B includes smaller single-family lots clustered along the western edge of the site; subarea C is the neighborhood center, which will include a clubhouse and amenities; subarea D are townhouse units that flank the retail area; and subarea E is the retail area in frontage along Hyland-Croy Road. There are several kinds of residential lots proposed within subareas A and B, and the townhomes in subarea D are alley-loaded. The proposed neighborhood commercial area consists of two L-shaped areas totaling 39,700 square feet maximum. She shared the proposed residential architecture, noting the Planning Commission added a condition at the meeting requiring a comparable amount of brick and stone on all four sides of the building, unless otherwise approved. A theme for the development has been approved with the text. She shared the proposed architecture for the neighborhood center, for the townhomes and for the commercial area along Hyland-Croy Road. Staff is recommending approval

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of the rezoning. She offered to respond to any questions.

Mrs. Boring asked how many households are needed to support the 39,700 square feet of retail? Is there a study which can be cited?

Ms. Adkins responded that she does not know, but can check on this and report back.

Mayor Chinnici-Zuercher invited public testimony.

Ralph Feasel, 8100 Hyland-Croy Road stated that as previously noted in public meetings, he and his wife they have no issues with the housing development, as they are surrounded by similar developments. They do have concerns, however, about the shopping center portion of the proposal. He was in the Muirfield area today and viewed a Center which included stores, restaurants and basic services for the area ten years ago. Today, the buildings are empty. In this development, a shopping center is proposed which will be located 2.4 miles from the Perimeter area. The Perimeter area has over 15 restaurants and many retail stores. He wonders if the proposed shopping center will eventually have empty buildings as well, similar to the Muirfield Center. Council needs to consider the direction they want to take in this regard.

Mayor Chinnici-Zuercher noted that she will ask the developer's representatives to address this matter at the conclusion of the public testimony.

Fred Blythe, 7765 Mitchell Dewitt noted his family owns the property adjacent to the west of the development. They had several issues within the greenspace along their property line, primarily at the road. He has talked with the developers and is confident that the minor details can be worked out. Overall, they believe it is a nice development.

Ben Hale, Jr., 37 W. Broad Street, representing the applicant stated they have attended many meetings about this proposal and listened closely to input from the City officials. This is a neighborhood center of 39,700 square feet. It does not include big box retail. All of the architecture is highly integrated and of high quality. They have been working with Mr. Solove, who is going to be one of the developers of the shopping center, and also with Metropolitan – a company which has done many innovative retail centers in other parts of the country. Metropolitan has built a similar center in New Jersey. They are very confident there is an appropriate place in town for a number of these small shopping centers. The City's consultants have agreed that the smaller centers are beneficial from a traffic point of view, as they service people where they live. This is a growing area of Dublin, and the retailers believe there is sufficient demand to support the center. In terms of integrating the retail and the residential architecturally, this is a good chance for Dublin to do something innovative.

Jeremy Halprin, Atlantic Realty Development Corporation of New Jersey stated that he represents the third generation of their family in this 50-year old business. They are very excited about working in Dublin. They have been flexible in identifying a new site for this concept, after their previous site was designated as part of the future tech center area in Dublin. Their company wants to become involved and become part of the Dublin family. Their high quality units are focused on the empty nester, as most have first floor master bedrooms. They have incorporated all suggestions they have received from the City and the Planning Commission. They are very flexible and willing to work with the City. He thanked the City for taking the time to review their project tonight.

Mayor Chinnici-Zuercher stated that there has been discussion previously about the necessary critical mass within a certain distance to have a viable commercial neighborhood center such as this. She asked him to comment.

Mr. Hale responded that the retailers do consider their customer base and demographics required within a certain distance of the center. There are a large number of houses in the area and a lot of traffic along Hyland-Croy. There has been good response from retailers, and the rents are set fairly high. They have also committed in the text that the first building built will be a main one at the entry. The plan is to file the final development plan for the residential portion at the first of the month, and the retail will lag by a month or two. There will be retail tenants committed at the time of the final development plan filing.

Mr. Reiner asked when this development will be concluded. He knows that there has been emphasis on the Franklin model in terms of quality. Council is expecting to see that. He was hopeful that this portion would be completed before embarking on some of the other portions of the plan.

Mr. Hale responded a meeting took place today regarding the timeframe. Their engineer was present and the plan is to file the final development plan as quickly as possible. Atlantic believes that it is important to see the entire site. So they plan to develop the whole site in one phase, not separately. All of the residential will be built and all of the landscaping will be installed, all the ponds will be installed, and then they will build at least two townhouse buildings -- ten units in total -- and the clubhouse. They believe it is important that enough of the plan be built so they can demonstrate to the public what this development will be. The entrances to Hyland-Croy and Brand Road will be built at the same time.

Mr. Reiner asked if there is an actual timeline in months.

Mr. Halprin responded that if they are able to start in June, it will take 4-6 months for the infrastructure, and they would then begin immediately with two townhouse buildings and five to ten of each type of single-family homes. He estimates this is a three to five-year type of project, depending upon the pace of sales in the market. Hopefully, the majority of what will be seen from the street will be built in 24 months.

Mr. Hale added that part of this relates to the timing of the process. They have to file a final development plan and then hope to be on the Commission's February agenda with the final development plan for the entire residential site and some of the roads in the commercial site. Then the final plat will have to be processed, including final engineering. Construction would likely begin in June.

Mr. Reiner asked if the elevations shown are what will be seen on the site.

Mr. Hale responded that the same architect who designed the concept is now doing the final drawings and they have promised to file architectural drawings for the Planning Commission, showing all sides of the buildings, with equal quality and materials.

Mr. Keenan asked about the scale of the setback along Hyland-Croy.

Mr. Hale responded the setback is 200 feet from the property line, and additional right of way is being provided on Hyland-Croy.

Mrs. Boring stated she has heard Mr. Feasel's comments about the retail center. For future developments, she requested that staff provide figures on the population support needed for retail development. This would be useful in consideration of future rezonings.

Vice Mayor Lecklider welcomed the development to the community. He is positively impressed by what he has seen. In some respects, this is a new concept. He is hopeful and confident it will meet Dublin's expectations. He asked if staff envisions any issue regarding patios with this development, and if so, how will this be addressed in the text. Mr. Smith stated that a meeting took place regarding patios and future issues. He does not have a response this evening and does not know if patios are planned for this development.

Mayor Chinnici-Zuercher suggested that this proposal can continue to move forward with the proviso that Council would want that aspect reviewed and the text changed accordingly -- if determined to be necessary.

Mr. Gunderman responded that staff has spoken to the developer about this and they believe the setbacks for the project are somewhat different than some previously reviewed. The applicant has expressed interest at the Commission meeting in having outdoor patio space.

Mr. Hale responded that with the size of the houses being built and the size of the lots, they are confident that the patios can be accommodated within all setbacks.

Vice Mayor Lecklider clarified that he would not want to foreclose that opportunity, as he believes patios would be appealing in terms of what they are trying to accomplish. He wants to make certain that they can be accommodated within the setbacks.

Mayor Chinnici-Zuercher responded to Mr. Feasel's comments about the Muirfield

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Center. Council has discussed the issues about the Muirfield Center previously and why it has not succeeded. Council has learned that the residents prefer having retail centers nearby where they can walk or ride bicycles to access the services. It will be important to have the bikepath completed in this area to enhance the capacity of residents from all directions to access the area safely. The architecture does lend itself to conversion if needed at some future point.

Mr. McCash asked about the financial partners involved in this development. The application indicates HC & Associates and Atlantic Realty, and Jerome Solove has been mentioned. There have been other names mentioned tonight.

Mr. Hale responded that a company associated with Jerry Solove owns the land today. That company is in contract with Atlantic to purchase the residential portion. Jerome Solove, with a company named Metropolitan Partners, specifically Tim Rollins – who worked on the Easton project – is involved in this development.

Vote on the Ordinance: Mr. Keenan, yes; Vice Mayor Lecklider, yes; Mayor Chinnici-Zuercher, yes; Mr. McCash, abstain; Mrs. Boring, yes; Mr. Reiner, yes.

**Ordinance 75-06 (Amended)  
Authorizing the Provision of Economic Development Incentives to Butler Animal Health Supply to Induce the Expansion of the Butler Animal Health Supply Workforce within the City of Dublin; Authorizing the Execution of an Economic Development Agreement.**

Ms. Gilger noted that Butler Animal Health Supply, located on Blazer Parkway is expanding and the City is offering them an incentive of five years, \$27,155 – a performance incentive tied to Butler achieving pre-determined payroll growth associated with new job creation. This also serves as the local component for the Job Creation Tax Credit. Ms. Gilger pointed out that the ordinance has been amended subsequent to the first reading, with some recalculations to the withholdings. This has changed the numbers by \$11,000.

She introduced Eric Bosserman, Tax Manager, Butler Animal Health.

Eric Bosserman, Butler Animal Health Supply thanked Ms. Gilger for her efforts in working on this agreement as well as the incentive with the State of Ohio. They are a distributor and have been looking at constant opportunities for growth. To that end, they have acquired a software subsidiary in Kentucky a number of years ago and have not been able to fully integrate their business. In order to do so, they need some assistance from the City and the State to induce people to relocate, and to expand the current facilities to accommodate growth. He thanked the City for their willingness to consider these incentives.

Wallace Maurer, 7451 Dublin Road noted that it strikes him that Butler Animal Health Supply is very generous in pointing out its interrelations with other companies. It is obviously a conglomerate. He doesn't know to what extent there is potential for "whistle blowing" of one company over another. He is not implying that is the case here. Is it safe and fair for Council to say that what transpires between the various companies in the conglomerate is not the City's business – as long as Butler Animal Health Supply makes its payments to the City?

Mr. Smith responded that there are laws in place that have to be followed. The City does not investigate the people doing business to ensure they are in conformity.

Mr. Maurer stated he is not concerned with impropriety. He is concerned with decision-making and the impacts on the company being assisted by the City with the incentive. Should he assume this is none of the City's business?

Mr. Smith responded that is an accurate statement.

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

**Ordinance 76-06  
Authorizing the Provision of Economic Development Incentives to Saber Corporation to Induce the Location of the Saber Workforce within the City of Dublin; Authorizing the Execution of an Economic Development Agreement.**

Ms. Gilger stated that Saber is looking to locate at 5555 Glendon Court:

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collection, so the appropriation occurs at the end of the year.  
 Mrs. Boring inquired if that would mean that if the appropriated amount were high, the actual amount collected was high.  
 Ms. Grigsby responded that is correct.  
 Ms. Salay moved to dispense with the second reading/public hearing.  
 Vice Mayor Lecklider seconded the motion.  
Vote on the motion: Ms. Salay, yes; Mrs. Boring, yes; Mr. Reiner, yes; Mayor Chinnici-Zuercher, yes; Vice Mayor Lecklider, yes.  
Vote on the Ordinance: Mr. Reiner, yes; Mayor Chinnici-Zuercher, yes; Vice Mayor Lecklider, yes; Ms. Salay, yes; Mrs. Boring, yes.

**Ordinance 72-06**  
**Amending Ordinance 107-97 (Pizzuti TIF), Passed August 11, 1997, to Supplement the Public Improvements to be Made to Benefit the Parcels Identified in that Ordinance, Removing the Limit on the Amount Deposited into the Fund Established Pursuant to that Ordinance, and Authorizing Certain Amendments to the TIF Agreement Authorized by that Ordinance.**

Vice Mayor Lecklider introduced the ordinance.  
 Ms. Brautigam stated that the Pizzuti TIF has been performing very well. This is year 10 of a 30-year TIF. The request is that the TIF be amended to allow some of the funds to be used for park improvements, street lights, sidewalks and burial of utility lines.  
 Ms. Salay complimented Ms. Grigsby on the memo. It was very well-written and easy to understand.  
 There will be a second reading/public hearing at the November 20 Council meeting.

**Ordinance 73-06**  
**Adopting a New Compensation Plan for the City of Dublin and Repealing Ordinance 98-96 ("Compensation Plan") and All Amendments Thereto (Ordinances 11-97, 43-97, 86-97, 100-97, 134-97, 08-98, 20-99, 41-00, 77-00, 118-00, 128-00, 26-01, 01-02, 11-03, 43-03, 83-03, 01-04, 38-04, 78-04, 06-05, and 31-05).**

Mrs. Boring introduced the ordinance.  
 Ms. Brautigam stated this ordinance would repeal the existing compensation plan and accept the new compensation/classification plan developed for the employees.  
 Mayor Chinnici-Zuercher inquired if this plan has been introduced to staff.  
 Ms. Brautigam responded affirmatively.  
 Mayor Chinnici-Zuercher inquired what concerns, if any, have been raised by staff.  
 Ms. Brautigam responded that some employees have objected to their new classifications. She is not aware of any issues raised regarding how the study was done, the process of the ranges. In the Executive Team meetings, no overarching issues have been identified that would bring about revisions. Although some individuals have objected to the plan, she believes staff as a whole has accepted it.  
 Mayor Chinnici-Zuercher inquired if there is a process available to those employees who believe the new plan would be unfair to them whereby they can request that their classification be reconsidered.  
 Ms. Brautigam responded that the employees could share their objections with their representative on the Executive Team, and that team member could present their case to the team. The Executive Team could then review their case. However, employees have been informed that there will be no changes in the placement of their positions. If the employee believed that his or her job duties were not understood, he or she could request that their description be reviewed, but the classification itself would not be changed.

Mrs. Boring inquired if there are any other changes in the compensation plan proposed by this ordinance.  
 Mr. Harding responded that other than the two minor changes mentioned in his memo, there are no other substantive changes in the area of compensation.  
 There will be a second reading/public hearing at the November 20 Council meeting.

**Ordinance 74-06**  
**Rezoning Approximately 61.35 Acres, Located on the Southwest Corner of Mitchell-Dewitt Road and Hyland-Croy Road From R, Rural District, To PUD, Planned Unit Development District (Oak Park Mixed-Use - Mitchell-Dewitt Road and Hyland-Croy Road - Case No. 06-064Z).**

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Vice Mayor Lecklider introduced the ordinance.

Ms. Adkins stated that is a request for rezoning of 61.35 acres for the Oak Park mixed-use development located on the west side of Hyland-Croy Road, south of Mitchell-Dewitt Road. The Tartan West development is north of the site; Bishop's Run and Bishop's Crossing is southeast; Glacier Ridge Metro Park is west. The site, which is now zoned Rural, would be rezoned PUD to allow the development of 108 housing units, 39,700 square feet of retail development and 31.3 acres of open space. On September 21, the Planning and Zoning Commission voted to recommend approval of the rezoning with 14 conditions, which are listed in the Record of Action attached to the ordinance.

Mayor Chinnici-Zuercher inquired to what extent the surrounding neighborhoods were engaged in discussions with the developer regarding the proposed development.

Ms. Adkins responded that her understanding is that the developer met with one resident, Mr. Feasel, on a couple of occasions to discuss his concerns.

Mayor Chinnici-Zuercher noted the architecture is indicated as "proposed."

Ms. Adkins responded that because the project is at the rezoning stage, the architectural plans are only preliminary. However, this is the architect who will be engaged through the final build-out of the project.

Mr. Reiner inquired if the quality of the architecture for this development would be on par with that of the Franklin, Tennessee development visited by Council earlier this year.

Ms. Adkins responded that is the goal for this development.

Mr. Reiner inquired how that quality would be achieved.

Ms. Adkins responded that this issue was discussed by the Planning Commission. They wanted to ensure that quality architecture occurred on all four sides of the homes, not merely the front. As a result, condition #14 of the approval requires "that a comparable amount of stone and brick be used on the front, sides and rear elevations of the single-family homes, unless otherwise approved by the Planning Commission." The developer intends to show a great deal of detail for most of the units in the final development plan.

Vice Mayor Lecklider noted that condition #3 states, "The applicant agrees to construct or contribute to any improvements the accepted traffic impact study identified to the satisfaction of the City Engineer." Is this intended to address the Hyland-Croy/Mitchell-Dewitt intersection?

Ms. Adkins responded that the study will evaluate the development's projected impact on all adjacent intersections. Based on that study, the developer will be required to contribute financially to those improvements.

Vice Mayor Lecklider inquired if staff believes this condition is adequate to address that concern so that there will be no future disputes with the developer regarding the contribution.

Ms. Adkins responded that staff is satisfied with the condition.

Vice Mayor Lecklider referred to the issue of signage for the proposed retail development. He noted it would be highly desirable to avoid the type of discussions that occurred following the retail development at Avery-Muirfield and Post roads. Has that issue been adequately addressed?

Ms. Adkins responded that she believes it has been addressed. The development will have two main entry signs – one at the entrance on Hyland-Croy Road and one at the entrance on Mitchell-Dewitt. Those signs will provide only the name of the development and no individual retail tenants within the development. Within the retail area itself, each tenant will be permitted: (1) one sign at the main entrance of their store facing the main street; (2) another sign on the side facing the internal parking area; and (3) a pedestrian-oriented sign.

Mayor Chinnici-Zuercher stated that on page 10, it is stated there will be private streets in the development. It also states that the preliminary plan should clarify which streets are public and which are private. She is very concerned about the City permitting private streets to be built. They are an enormous expense to individual homeowners, who are already paying taxes for the purpose of roadway maintenance. She does not understand why this would even be considered for this development.

Ms. Adkins responded that all the streets will be public except the alleyways that serve the townhomes.

Mayor Chinnici-Zuercher inquired who would be responsible for the maintenance of those alleys or private streets.

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Ms. Adkins responded that the homeowners association and the retail development portion would be responsible. Mayor Chinnici-Zuercher stated that she is concerned about that provision. The number of persons with responsibility is small compared to the enormous costs for roadway maintenance. That would not be fair to the homeowners. The responsibility of the retail development for the alleys may be another issue. She asked that estimated costs of maintenance be provided before considering a provision to have the alleys maintained by the homeowners.

Ms. Salay asked why private streets would be considered desirable?

Ms. Adkins responded that staff would discuss that issue with the applicant and report back to Council.

There will be a second reading/public hearing at the November 20 Council meeting.

~~Ordinance 75-06~~

~~Authorizing the Provision of Economic Development Incentives to Butler Animal Health Supply to Induce the Expansion of the Butler Animal Health Supply Workforce within the City of Dublin and Authorizing the Execution of an Economic Development Agreement.~~

~~Ms. Salay introduced the ordinance.~~

~~Ms. Gilger stated that Butler Animal Health Supply is interested in expanding and locating some operations in either Ohio or in Texas. They have been approved for a job creation tax credit from the State of Ohio. The City would be providing a five-year \$27,155 grant which is the minimum matching requirement for the State incentive. The agreement is still being finalized. Any changes will be highlighted in a revised version to be presented for the second reading.~~

~~Mayor Chinnici-Zuercher stated that Ohio and Texas are not similar locations. What are the considerations of the applicant in location selection?~~

~~Ms. Gilger responded that Butler was purchased by a Texas-based company several years ago. The business is located both in Texas and in Ohio and is jointly operated. This particular operation has already been approved by the State of Ohio, so it will be coming to Dublin.~~

~~There will be a second reading/public hearing at the November 20 Council meeting.~~

~~Ordinance 76-06~~

~~Authorizing the Provision of Economic Development Incentives to Saber Corporation to Induce the Location of the Saber Workforce within the City of Dublin and Authorizing the Execution of an Economic Development Agreement.~~

~~Ms. Salay introduced the ordinance.~~

~~Ms. Gilger stated that Columbus was home to a company called Covansys, which was purchased earlier this year by Saber Corporation of Portland, Oregon. Saber has completed an analysis of the space and has determined that the Columbus facility is too small to allow expansion for a data center. The company has identified a site in Dublin, 5555 Glendon Court, where they would like to relocate the Columbus operation, including a new data center. The proposed incentive is a \$100,000 technology grant for the initial investment, with the commitment that by the end of 2007, Saber would move the entire operation to Dublin.~~

~~There will be a second reading/public hearing at the November 20 Council meeting.~~

~~STAFF COMMENTS~~

~~Vice Mayor Lecklider requested that the staff member who will be attending the Post Preserve meeting on Thursday evening share with the residents that he is unable to attend due to a personal commitment. He explained that his daughter's cross country banquet is scheduled for that evening.~~

~~Mr. Hammersmith indicated he would do so.~~

~~COUNCIL ROUND TABLE/COUNCIL COMMITTEE REPORTS~~

~~Mayor Chinnici-Zuercher:~~

- ~~(1) Stated that the celebration of life event last week in honor of OCLC founder, Mr. Kilgour, was very nice and was well attended. The road name dedication as Kilgour Place was greatly appreciated by Mr. Kilgour's family and the OCLC employees. The street sign is now in place.~~

07-001FDP/FP

Final Development Plan/Final Plat

Oak Park Residential

Mitchell-Dewitt Road & Hyland-Croy Road



## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

SEPTEMBER 21, 2006

CITY OF DUBLIN.

Land Use and  
Long Range Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone: 614-410-4600  
Fax: 614-410-4747  
Web Site: www.dublin.oh.us

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

- 1. Rezoning/Preliminary Development Plan 06-064Z – Oak Park Mixed-Use – Mitchell-Dewitt Road and Hyland-Croy Road**  
**Location:** 61.35 acres located at the southwest corner of Mitchell-Dewitt Road and Hyland-Croy Road.  
**Existing Zoning:** R, Rural District.  
**Request:** Review and approval of a rezoning to PUD, Planned Unit Development District under the provisions of Code Section 153.050.  
**Proposed Use:** A mixed-use development that includes 108 housing units, 39,700 square feet of mixed-use space, and 31.3 acres of open space.  
**Applicant:** HC Associates, 5774 Finnegan Court, Dublin, Ohio 43017; represented by Atlantic Realty Development Corporation, 90 Woodbridge Center Drive, Suite 600, Woodbridge, New Jersey 07095, and Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.  
**Staff Contact:** Jamie E. Adkins, Planner.  
**Contact Information:** (614) 410-4644/Email: jadkins@dublin.oh.us.

**MOTION:** To approve this rezoning/preliminary development plan because the high-level of development quality achieved in northwest Dublin is being maintained and will be furthered by this development, based on the evaluation of this development according to the adopted ten Land Use Principles, that Principles 1, 2, 3, 4, 5, 7, and 10 are successfully executed in the proposed neighborhood, the proposed zoning and subsequent development will provide appropriate development standards for the site and will advance the general planning intent of this area, with 14 conditions:

- 1) That all requirements of the Stormwater Management and Stream Protection Regulations are met to the satisfaction of the City Engineer;
- 2) That a Traffic Impact Study be completed acceptable to both the Union County Engineer and the City Engineer prior to submitting for final development plan;
- 3) That the applicant agrees to construct or contribute to any improvements the accepted Traffic Impact Study identifies, to the satisfaction of the City Engineer;
- 4) That the necessary road right-of-way, per the Thoroughfare Plan, be dedicated, with the final plat to the satisfaction of the City Engineer;
- 5) That all proposed access points comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles and be designed to the satisfaction of the Union County Engineer, where applicable;
- 6) That all other access and traffic issues in this report be addressed prior to or during the final development plan as outlined in the report;

**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**SEPTEMBER 21, 2006**

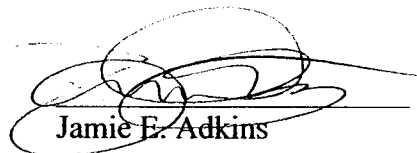
1. **Rezoning/Preliminary Development Plan 06-064Z – Oak Park Mixed-Use – Mitchell-Dewitt Road and Hyland-Croy Road (Continued)**
  - 7) That the text be revised to incorporate comments regarding setbacks as outlined in this staff report;
  - 8) That the single family houses include privacy enclosures around the patio areas that consist of masonry materials, unless otherwise approved by the Planning and Zoning Commission;
  - 9) That the text be revised to require the parking ratio as illustrated on the preliminary plan;
  - 10) That the text be modified to address issues related to signage as outlined in this staff report;
  - 11) That the text be revised to address the landscaping comments in this report;
  - 12) That any connections to the path system within the Glacier Ridge Metro Parks be approved by the Park District staff prior to final development plan;
  - 13) That the text be revised to eliminate restaurant related drive-thrus; and
  - 14) That a comparable amount of stone and brick be used on the front, side and rear elevations of the single family homes, unless otherwise approved by Planning and Zoning Commission.

\* Ben Hale, Jr. agreed to the above conditions.

**VOTE:** 5 – 0.

**RESULT:** This rezoning/preliminary development plan was approved.

**STAFF CERTIFICATION**

  
Jamie E. Adkins  
Planner



~~Mr. Gerber suggested that the most appropriate time to hear the case would be in November. Mr. Gunderman agreed to place it on the November agenda.~~

~~Mr. Gerber said the applicants for Cases 2 and 3 had agreed to the conditions as listed in the staff report. Mr. Zimmerman asked that Case 2 be pulled. Mr. Gerber announced the order cases would be heard was Cases 4, 3, 1, 2, and 5. [The minutes reflect the published agenda order.]~~

**1. Rezoning/Preliminary Development Plan 06-064Z – Oak Park Mixed-Use – Mitchell-Dewitt Road**

Jamie Adkins presented this case and slides. She said this site, zoned R, Rural District, is located at the southwest corner of Mitchell-Dewitt and Hyland-Croy Roads. She said to the northeast is the Dublin Jerome High School and to the southeast is the Bishop's Run subdivision. Ms. Adkins said surrounding property is zoned R, Rural District, PUD, Planned Unit Development District, and PLR, Planned Low Density Residential District.

Ms. Adkins said this case was presented to the Commission on June 11, 2006, and the Commission favored the architecture and high quality of the design, however Commissioners were concerned that the proposed land use density did not match the current Community Plan. She said the Commission was also concerned about the inclusion of retail in close proximity to the high school. Ms. Adkins said the case was tabled at the request of the applicant.

Ms. Adkins said the applicant has worked with staff and revised the plans to address the concerns outlined by the staff, the Commission, and adjacent residents. She said on August 21, City Council established ten Land Use Principles to utilize as development guidelines in conjunction with the existing Community Plan and the evaluation of pending development applications. She said the ten Land Use Principles are to be consulted in order to adequately address policies and decision-making processes that may arise during the Community Plan update.

Ms. Adkins said this rezoning application is for a mixed-use development consisting of 108 housing units, 39,700 square feet of retail and 31 acres of openspace. She said the current Community Plan designates the site as Low Density Residential with 0.5 to 1.0 units per acre, and discusses the need for transition to the Metro Park. She said this plan is proposed at a density of 1.76 units per acre and includes retail. Ms. Adkins said staff believes that the proposed development successfully incorporates many of the principles adopted by City Council and warrants a deviation from the future anticipated land use.

Ms. Adkins said the main change from the previous meeting includes the access points. She said previously, there were two access points located on Hyland-Croy Road and a connection to the west. She said the plan has been modified to have one access point on Hyland-Croy Road and a second one on Mitchell-Dewitt Road. Ms. Adkins said the site layout has been modified in association with the change.

Ms. Adkins said that Subarea A includes single-family lots as previously proposed, however the configuration has changed. She said the new layout of lots addresses staff's previous concerns

regarding the need to separate the lots from the Metro Park and the adjacent lots. She said the design of this Subarea also decreases the density along the periphery of the site in proximity to the Metro Park. Ms. Adkins said Subarea B includes smaller single-family lots clustered around internal openspaces. She said the configuration of this Subarea has been altered. Ms. Adkins said Subarea C remains the same and includes the neighborhood center. Ms. Adkins said Subarea D includes 36 townhome units with a modified layout. She said the applicant had revised the proposal by providing a 12-foot rear yard setback from the alleys to address staff's concerns. Ms. Adkins said Subarea E contains the proposed neighborhood retail center. She said the layout had been changed due to the new access point. She said there may be a need in the future along Hyland-Croy Road for additional right-of-way other than what is proposed with this rezoning application to accommodate the anticipated roadway width discussed with the update of the Community Plan and the future development of the Northwest Area. She said to date, traffic modeling is anticipating the need for a four- to five-lane divided roadway that will become a major north/south connection.

Ms. Adkins said the site remains in compliance with the 200-foot setback recommended in the current Community Plan, and includes a connection to the west in the event that adjacent property may develop. Ms. Adkins said the text and site plan include several types of lots and associated criteria. She said many of the lot standards remain unchanged including the setbacks and lot sizes. She presented a slide of the proposed Park Home lot plan which remains unchanged with a seven-foot building zone in the front of the lots. Ms. Adkins said the Village Home lot plan also has the same seven-foot building zone in the front. She said the Townhome lot plan indicates the increased setback as required by the text for the rear-loaded garages and longer driveways.

Ms. Adkins said the applicant is proposing six-foot privacy fencing for all of the residential units. She said staff is supportive of the fencing for the townhomes units, and although the single-family lots (both sizes) are smaller, they are not consistent in scale to other cluster lots approved for privacy screening within the City. She said staff believes that there may be situations where the proposed fencing may be appropriate, however the text does not sufficiently address that. Ms. Adkins said staff recommends that the applicant revise the text to appropriately address the fencing issue.

Ms. Adkins presented the proposed retail center slide and said further detail will be provided at the final development plan stage. She said however, staff believes in order to maintain the neighborhood quality of this area, the uses proposed within the text should be further limited to exclude drive-thru eating establishments and other uses not suitable for a neighborhood-oriented center. Ms. Adkins said the text proposes that each tenant is permitted a wall sign on the store front that fronts onto a private street, drive aisle, or parking area, and an additional blade sign near the parking area entrance. She said the proposed text further states that the maximum number of walls signs possible for tenant space is limited to two, plus the blade sign. She said the size and details of the wall signs are not listed. Ms. Adkins said staff recommends a standard size and style for all storefronts, regardless of size, consistent with other planned retail development of similar design.

Ms. Adkins said the proposed residential architecture has remained unchanged since the previous proposal. She said the text states four-sided architecture shall be required so that similar architectural design elements and details shall be consistent throughout all elevations of the structure. She said although the text is not extensively specific, staff will continue to work with the applicant to ensure that the high-quality design presented is constructed throughout all phases of the development.

Ms. Adkins said the Village Home, Townhome, Neighborhood Center, and Retail Center architecture remains unchanged. She said the final architecture for the subareas will be reviewed at the final development plan stage.

Ms. Adkins said the proposed development is not intended to be the typical Dublin subdivision. She said while this proposal does not conform to the current recommended land use, staff believes that the high level of development quality achieved in northwest Dublin is being maintained and will be furthered by this development. She said based on the evaluation of this development, according to the adopted ten Land Use Principles, staff believes that Principles 1 through 5, 7 and 10 are successfully executed in the proposed neighborhood. Ms. Adkins said the proposed zoning and subsequent development will provide appropriate development standards for the site and will advance the general planning intent of this area. She said staff recommends approval with the 12 conditions listed in the staff report:

- 1) That all requirements of the Stormwater Management and Stream Protection Regulations are met to the satisfaction of the City Engineer;
- 2) That a Traffic Impact Study be completed acceptable to both the Union County Engineer and the City Engineer prior to submitting for final development plan;
- 3) That the applicant agrees to construct or contribute to any improvements the accepted Traffic Impact Study identifies, to the satisfaction of the City Engineer;
- 4) That the necessary road right-of-way, per the Thoroughfare Plan, be dedicated, with the final plat to the satisfaction of the City Engineer;
- 5) That all proposed access points comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles and be designed to the satisfaction of the Union County Engineer, where applicable;
- 6) That all other access and traffic issues in this report be addressed prior to or during the final development plan as outlined in the report;
- 7) That the text be revised to incorporate comments regarding setbacks as outlined in this staff report;
- 8) That the text be modified to address the comments in this report pertaining to the proposed fencing for Subareas A and B, subject to staff approval;
- 9) That the text be revised to require the parking ratio as illustrated on the preliminary plan;
- 10) That the text be modified to address issues related to signage as outlined in this staff report;
- 11) That the text be revised to address the landscaping comments in this report; and
- 12) That any connections to the path system within the Glacier Ridge Metro Parks be approved by the Park District staff prior to final development plan.

Ben W. Hale, Jr., representing the applicant, HC Associates, said the applicants want to do what Dublin wants by listening closely to the community and doing something that is in keeping with Dublin's vision of what they want to happen in the future. He said this proposed development

has over 50 percent openspace. He said the applicants have recognized the importance of integrated high-quality architecture and materials in designing this project. He said the proposed plan has a variety of uses which is one of the Land Use Principles. He said they bought Corazon Club memberships for everyone that buys a unit. Mr. Hale said there would be five ponds. He said they had made significant changes to the plan after working closely with staff.

Jeremy Halprin, Atlantic Realty Development, said they were excited about becoming a part of Dublin. He said the staff had done an excellent job working with them. He said they will continue to be flexible if there are any unresolved issues.

Michael Fite, The Edge Group, said that Ms. Adkins had done a fabulous job of integrating all the changes that they made. He said they had three goals when they left the Commission meeting last time. He said they wanted to continue to create a truly unique integrated community, to get a positive staff report, and to meet all ten of the adopted Land Use Principles. Mr. Fite said they had met seven of the ten principles. He said primarily, the changes that they had made were based around vehicular circulation. He said they now have only one curb cut which will force driving through the town center part of the project instead of around it. He said they added traffic circles at the end of each road for turnarounds. He said there is a separation between the retail parking and the town home access. Mr. Fite said they reduced the amount of homes around the park. He said they have added water features in front and the plan adheres to the setback. He said they have gone above and beyond on the architecture; trying to be diverse with the lot sizes and what is next to each other, yet having an architectural theme which is very consistent with red roofs from one subarea to the next.

Ralph Feasel, 8100 Hyland-Croy Road, said they met with a representative from Smith and Hale to review the changes. He said they thought limiting the access point off Hyland-Croy Road to one made sense. Mr. Feasel asked which side of the road the turn lane right-of-way would be taken. Ms. Adkins said the developer will be required to dedicate right-of-way on their side for turn lanes. She said if there is not enough right-of-way, the developer would acquire what was necessary.

Mr. Feasel asked about the parking in front of the retail section between the ponds and stores. He said at one time, it was to be parallel parking and the last time it was going to be head-in parking, toward Hyland-Croy Road which meant the lights would shine towards his residence. Mr. Hale said there was parallel parking in front of the building and head-in parking facing Hyland-Croy Road, but they are required by Code to have a minimum three-foot continuous hedge.

Mr. Feasel asked about the two ponds in front of the stores. Mr. Fite said the pond detail would be worked out at the final development plan stage, but the idea was that they would be very manicured because it was the front of the buildings. He said there may even be stone along the back of the pond edge so that it is not a large grade down into the water. He said it would be lawn instead of cat tails.

Mr. Walter asked about the Town Home privacy fences. Ms. Adkins said the text proposes a privacy fence separating the exterior patio area from the adjacent Town Homes. She said that is

consistent with what had been approved recently by the Commission, although it did not meet the Fence Code. She said a six-foot fence is being proposed for both sizes of the single family lots, within three feet of a patio or deck which is not consistent with what the Commission had approved recently. She said however, the Commission had approved some screening elements taller than four feet for cluster condominium developments. Ms. Adkins said staff does not believe that these lots fall into that category, however, there may be a creative solution for the fencing that is not considered in the text now that staff would support. Mr. Hale said they felt especially on the corner lots, the proposed fencing was very appropriate.

Mr. Walter said he was most sensitive to the Town Home fencing and finding a way to not repeat what was seen in Franklin, Tennessee with respect to the row of fencing behind the Town Homes. He requested that when staff looks at the final development plan they consider some variation in the fencing or some differences so there will not be that same continuous fencing. Mr. Gerber agreed and referred to Condition 8 and said it troubled him because he thought the Commission would like to approve it instead of staff. Mr. Hale suggested Condition 8 read: "...subject to final development plan approval."

Mr. Fishman said the fences that had been approved in Dublin do not look good after ten years. He suggested that instead of fences, walls matching the material of the house be used. He suggested also that all the fencing be masonry walls which would lend to the quality of the buildings. Mr. Halprin agreed with Mr. Fishman about the houses having walls, but said the townhouse fences will not be visible from the outside. He said they are on the interior patios of the townhouse buildings. Mr. Hale said they have detached garages, so it is an area which separates yards for privacy. Mr. Fishman asked what would the fence material be and Mr. Fite responded that the fences would be made of a variety of materials such as wood or vinyl. Mr. Gerber said there was not enough Commission support for vinyl fencing.

Mr. Fishman said that there was a commitment for masonry fences where there were single-family homes and he would like it to be upheld. He wanted something substantial used, even though it could not be seen because it affects the character of the neighborhood. Mr. Halprin said he did not think he had a problem with committing to masonry, but he had not had a chance to review the cost of building a masonry wall and foundations. He said for the townhouses, they would not be able to use masonry because it would eliminate an extra foot or two in small areas. He agreed however, on the single-family houses that they would do something beautiful and if they had to come back to show the Commission exactly what it was, they would. He said he could not commit to brick.

Mr. Fishman asked that the wall material match the front of the house, whether it was brick or stone, etc. Mr. Halprin said that it might be landscaping instead. Mr. Fishman said landscaping would be fine if it was more appropriate. He asked if the applicant would agree that on the single-family homes the wall would match the house material. Mr. Fite agreed that they could show the Commission at least one fence that they would like that was not masonry. He said if the Commission did not like it, they would not build it. Mr. Gerber said he did not want to hold this case up on this issue which would be seen at the final development plan stage. Mr. Hale said it would be masonry on the single-family homes, unless the Commission approved something else. Mr. Fishman said he would support that.

Mr. Gerber requested that language for Condition 8 be provided. Mr. Gunderman clarified that Condition 8 applied to single-family homes. He suggested Condition 8 read: “That the text be modified so that all privacy enclosures in the rear yard areas be masonry or other material to be approved at the final development plan.”

Mr. Zimmerman asked if a four- or six-foot fence would be on the single-family lots. Ms. Adkins said the applicants are proposing a six-foot fence for all the residential uses. Mr. Gerber noted that the staff was concerned about the six-foot fences in the staff report. He said he could not support six-foot fences for the single-family, and he did not understand why they were being discussed. Mr. Gunderman clarified by saying that they are not proposing six-foot fencing down the property lines. He said they are proposing enclosures around the patios; an area that would be within the building envelope for most houses.

Mr. Halprin said for the single-family lots, the fence is around the patios and for the Town Homes, it is between the units. He said the fence will not be seen with the four-sided architecture. He said the Homeowners’ Association will see that the fences are maintained.

Mr. Hale agreed that the fences will be only masonry unless the Commission specifically approves something else. The Commissioners agreed that there should be no vinyl fencing between the Town Homes. Mr. Gerber asked that Condition 8 be revised. Mr. Hale requested that the condition read “patios” instead of “rear yards.” Ms. Adkins read revised Condition 8: “That single-family houses include privacy enclosures around patio areas that consist of masonry materials unless otherwise approved by the Planning and Zoning Commission.”

Mr. Walter noted that the staff report indicated that Hyland-Croy Road would be expanded and additional right-of-way will be needed. He asked how that would impact the front of this development and if the ponds would be eliminated. Ms. Adkins said the ponds would not be eliminated. She said the exact number of feet is unknown at this time. She said there still needs to be a setback from future right-of-way, so staff is confident that there will be enough frontage treatment. Mr. Hale said they are 200 feet from the new right-of-way, not the existing one. Mr. Gunderman said the new traffic models have not been run, which is what the right-of-way dedication was based on in the current Community Plan. He said it was the same policy used for all other projects, and he did not know if that envisioned a four-lane divided road in terms of the required right-of-way. He said it was a safe assumption that after the road is built, additional right-of-way will not be needed.

Mr. Walter said a potential bikepath connection across Mitchell-Dewitt Road was brought up at the Community Plan update work session. He said he was not sure of the level of commitment to a bike tunnel because City Council was very concerned about the increasing cost. Mr. Walter asked if the developer would be willing to work with Council on some sort of access across Mitchell-Dewitt Road in the event it does get increased. Mr. Gerber said a bike tunnel was not part of the Commission’s purview. He said Council would see this application next, and if a tunnel was something they were concerned about, it would be discussed.

Mr. Hale said they have agreed to pay for their required traffic improvements, and their fair share for other improvements later. He said they have not requested a TIF. He said it was not

unthinkable that with a roundabout that Council might decide to do a TIF on the commercial part and that might be a way to finance improvements.

Barb Cox said Council had approved a pedestrian bikepath study about tunnels. She said they had discussed one at Tullymore Drive at the entrance on Hyland-Croy Road and the Metro Park. Ms. Cox said that the Engineering staff is currently studying the Hyland-Croy and Brand Roads area. She said they are investigating a roundabout and if needed, they would need a tunnel at that location due to pedestrian safety concerns. Ms. Cox said she did not think they would be looking at identifying a tunnel location at Mitchell-Dewitt and Brand Roads, but Council is considering one at Hyland-Croy Road and Tullymore Drive.

Mr. Walter asked about the bridge treatment over the North Fork of the Indian Run. Mr. Hale said they realized they would have to Dublinize the bridge. He said they have identified with the engineers and staff where they can take out the least amount of trees to cross the creek. He said the pipe under Hyland-Croy Road was undersized, so there is a large floodplain. Mr. Hale said they believed when the roundabout went in, the floodplain would get substantially smaller, but they realized that at the final development plan stage, the bridge will be an issue.

Mr. Walter said he would like the final development plan to address denser plantings to actually increase and augment the existing tree line on the northwest side so that it will add to the rural character. He said that may help address another criteria. Mr. Hale agreed. He said when they cross the creek they will have to remove trees and they were happy to increase the tree line. Mr. Walter said he would like to see the landscaping plan at the final development plan stage to see that it addresses the issue. Mr. Gerber and Mr. Zimmerman agreed that a condition was not needed.

Mr. Hale said their openspace requirement under Code was about 4.5 acres, and they have over 30 acres. He said they are at 51 percent which is over the Conservation Design criteria. He said they have met many of the Conservation Design criteria.

Ms. Jones thanked the applicant for the changes made. She said she particularly liked the entrance on Mitchell-Dewitt Road, however she was concerned about crossing the creek. She said her other concern was that the traffic study was not completed and data was not available, but she thought it had been addressed in Condition 2. Ms. Adkins said staff is supportive of the project, based on the existing submitted study and the condition covered their concern.

Ms. Jones said she wanted to be sure that the applicant works with staff on the right-of-way and cost-sharing. She said she liked the detail of the architecture and appreciated the applicant working with the neighbors. Ms. Jones said she also liked the openspace, especially the 200-foot setbacks in addition to the new right-of-way. She asked that her concerns on the traffic and the corner and the creek are on the record.

Mr. Zimmerman said that Ms. Adkins' staff report was very good and easy to read. He said the architectural detail at this stage is great. He referred to the drive-thru conditional uses listed in the text for Subarea E for the neighborhood commercial and read "...and associated with any permitted use in Subarea E." He said he assumed that that the use would be drugstore type uses,

not fast food. Mr. Hale said the text could say "...except restaurant." He said there will be no drive-thru restaurants. Ms. Jones asked that there be a condition that the text reflects that there will be no drive-thru restaurants. Mr. Gerber requested that Condition 13 be: That the text be revised to eliminate restaurant related drive-thrus.

Mr. Hale said they have 4.5 parking spaces per square-foot, which is slightly under Code.

Mr. Gerber asked what type of retail was expected. Mr. Hale said they hoped that they would get a restaurant and neighborhood kind of uses. He said they will have a variety of neighborhood kinds of uses. He said they want services for residents so that they will not have to drive to Avery Road.

Mr. Zimmerman asked if the third-story was functional on the Town Homes, and Mr. Fishman asked if the third-story was included in the square footage. Mr. Fite said the Town Homes were two story buildings. He said there may be an attic space where someone might build a loft. Mr. Gerber said the text stated that the top could be 58 feet. Mr. Fite said it was an architectural element, purely for looks.

Mr. Zimmerman said he liked the layout and design. He said there is a lot of openspace between and they are not connecting yard to yard. He said he thought the residential, single-family end had adhered to the Conservation concept.

Mr. Fishman said the four-sided architecture was beautiful. He asked if the brick would be all the way around. Mr. Gerber said the elevation showed stucco on the back. Mr. Fishman said they did not want to see stucco on the back and asked for a condition that as much brick as there is on the front be on the back. Mr. Fite said he thought that was dangerous because they may want to do something special on the front, then it has to be on the back also. Mr. Gerber recalled that at the last meeting after they got back from Franklin, that the Commission wanted to change the architecture in Dublin and upgrade it. He said many times, even in Ballantrae, the rear elevations are all stucco. He questioned how they were considered to be four-sided. Mr. Fishman said in Franklin, they carried the brick all the way around. He said the spirit of this was they wanted to walk around the buildings and see brick all the way around. Mr. Gerber agreed with Mr. Fishman that he wanted to see the same materials on the front and the back.

Mr. Halprin said on many of their projects with the four-sided architecture concept, they use the brick or stone on the front for the peaks, etc. He said when it is not appropriate on the back, they will go around the bottom and wrap a four-foot area around the house providing a breakup in the back also. Mr. Fishman said they do not want water tables and they do not want the building to be perceived as a stucco building with a water table. Mr. Fishman said because this was being done with a different density, he did not want to be responsible for a lot of stucco on the rear elevations. Mr. Gerber said the material did not have to exactly match on the back, but he did not want to see just stucco. Mr. Fite said the materials will be integrated. Mr. Gerber asked to see elevations. Mr. Fite said elevations will be part of the final development plan submittal. Mr. Fishman said there should be as much brick on the back as the front of the elevation, unless the applicant can come back to the Commission to convince them otherwise on



a particular building. Mr. Walter suggested that a condition read: “That the character of the back must match the character of the front.”

Mr. Hale said in the past there has been four-sided architecture without any requirements. Mr. Fishman said in the past, Mr. Hale and others had agreed to four-sided integrated architecture and the rear turned out to be stucco. He said in Franklin, Tennessee, the Commission saw stucco on the peak in the back, which was fine. Mr. Gerber said they had discussed architectural enforcement at other meetings. He said all the Commission discusses is matrixes and they see a few pictures. He asked what mechanisms does Dublin have in place to do something similar to that in Franklin. Mr. Gunderman said the City does not have the mechanism like they have in Franklin, because there, the city did nothing – the developer did it. He said what the City had done in all their projects in the last few years is look for what is called architectural diversity. He said it had been a difficult task and has not always been as successful as they would like. However, he said most of Dublin’s subdivisions have been limited to it. He said they did not want to repeat the same model within a certain distance around any particular home. Mr. Gunderman said he thought that had done some good and had been imitated in other places, the Commission is not looking for that type of product in Dublin – they are looking for something different.

Mr. Gunderman asked what was anticipated in terms of the exterior finishes on the fronts if and when the final development stage comes to the Commission for review. He asked if there will be a set number of units ready to review at the time of the final development plan, or had they planned on something more typical of Dublin’s other projects. Mr. Hale agreed to have the architect go from the pretty pictures to drawings that are meaningful architecturally. He said they will show four-sided architecture in those buildings.

Mr. Fite suggested that the condition be that the front sides and rears of all the homes will have comparable amounts of brick on them. He said it was a comparable amount of brick on the sides and rear so they do not get held to a formula. Mr. Gerber suggested Condition 14 read: “That a comparable amount of brick and or stone on all four sides as the front, unless the Planning and Zoning Commission determines otherwise at the final development plan.”

Mr. Fishman asked about the siding. Mr. Hale said it was Hardiplank and cedar. Mr. Fishman asked if the Commission would get to see where those materials would be used in the development, He asked if they could say there was too much Hardiplank, and they did not want it at that time. Mr. Gunderman said yes.

Mr. Fishman said he thought there should be a way to cross the road from the high school. However, he did not want to force them to build a tunnel. He suggested a bike bridge or something to get students across the road. Ms. Cox said that a roundabout was currently being studied as an alternative for that intersection location. She said a recommendation had not yet been made to City Council for programming. She said roundabouts are safe for pedestrians. Ms. Jones asked if it was addressed with Condition 2 with the traffic study and traffic circle. Ms. Cox the part that is in the traffic study for this development will be their contribution to the improvement done at that intersection.

Mr. Gerber said that the retail was something new for Dublin. He was interested in the traffic capacity inside the entire development. He said if they put a chain restaurant in, it will draw customers from other areas and might be packed every night. He asked if staff and/or the applicant is satisfied with the traffic capacity without creating a mess inside the neighborhood or a flow of cars going in and out. Mr. Hale said the street parking spaces get filled first. Mr. Gerber said he was not concerned about the parking, but he was concerned about the traffic flow. He asked Ms. Adkins if staff was satisfied. Ms. Adkins said there will be time to review the specific final layout at the final development plan. She said they have provided a lot of entrances and cross access points, and the gridded pattern helps. Mr. Hale pointed out that the median will also be helpful. Mr. Gerber said in the future, a neighborhood group may complain about traffic or noise, and he wanted to make sure that it will not be a problem. Mr. Fite said there will be traffic calming such as brick pedestrian crossings which make traffic slow down. He said no one will go into the center and try to weave their way into the residential to get off of Mitchell-Dewitt Road.

Mr. Walter asked about the cut-thru lane shown on the northern side of the retail. Mr. Fite clarified that it was the drive-thru lane.

Mr. Gerber asked why the development was being named Oak Park. Mr. Fite said there was a large oak tree in the middle of the site and it is next to a park. Mr. Fite said they will consider changing the development's name.

Mr. Zimmerman asked if the retail and commercial would be built first. Mr. Fite said they had discussed the need to do it first, because it was their entry feature. He said there will probably be a lot of infrastructure, streets, etc. and houses before the retail, but there is no intention to build all the houses and let the retail sit. Mr. Gerber asked that there be a notice to residents or perspective residents that there will be retail and office. He said many times, homeowners are not told by the sales person about future plans. Mr. Hale said they were very confident that some of the retail buildings will get built first. Mr. Halprin said they did not see this as two separate things. He said the retail center was a big sales pitch. He said there will be posters showing the commercial center.

Mr. Gunderman said since they had the discussion on the architecture he wanted to get the concept clear among everyone. He asked if the applicant was expecting to bring with the final development plan package, all the potential elevations. Mr. Gunderman asked how many elevations did they think would be in the single-family. David Keyser said the concept was three or four different types of the larger single-family and four different types of the smaller single-family. He said the Town Homes were already designed. He said they will bring full packages showing everything. He said the only thing that could change would be a sunroom within the building envelope. He said it would have to match with the overall aesthetics, etc.

Mr. Gunderman said he wanted to point that out, particularly in light of the diversity issue. He said this would raise the bar. He said they would be talking about a new level of detail as the starting point at the final development plan stage that most of the other projects discussed would not have had. Mr. Gerber said they had stated at the last time this applicant was here and tonight that the Commission wanted to raise the bar as it relates to this architectural review. Mr.

Gunderman said he could argue whether or not that is raising the bar or if they are building too many of the same houses. He said he was trying to get clear what is expected for the final development plan submission. Mr. Gerber said he hoped it was clear that they wanted to raise the level and quality of the architecture. He said he did not see many different models, which was fine for this project. Mr. Gerber said the final will be a little different with this development and they are going to review the architecture carefully.

**Motion and Vote**

Mr. Gerber made the motion to approve this rezoning/preliminary development plan because the high-level of development quality achieved in northwest Dublin is being maintained and will be furthered by this development, based on the evaluation of this development according to the adopted ten Land Use Principles, Principles 1, 2, 3, 4, 5, 7, and 10 are successfully executed in the proposed neighborhood, the proposed zoning and subsequent development will provide appropriate development standards for the site and will advance the general planning intent of this area, with 14 conditions:

- 1) That all requirements of the Stormwater Management and Stream Protection Regulations are met to the satisfaction of the City Engineer;
- 2) That a Traffic Impact Study be completed acceptable to both the Union County Engineer and the City Engineer prior to submitting for final development plan;
- 3) That the applicant agrees to construct or contribute to any improvements the accepted Traffic Impact Study identifies, to the satisfaction of the City Engineer;
- 4) That the necessary road right-of-way, per the Thoroughfare Plan, be dedicated, with the final plat to the satisfaction of the City Engineer;
- 5) That all proposed access points comply with the Division of Engineering Administrative Policy for Intersection Visibility Triangles and be designed to the satisfaction of the Union County Engineer, where applicable;
- 6) That all other access and traffic issues in this report be addressed prior to or during the final development plan as outlined in the report;
- 7) That the text be revised to incorporate comments regarding setbacks as outlined in this staff report;
- 8) That single-family houses include privacy enclosures around patio areas that consist of masonry materials unless otherwise approved by the Planning and Zoning Commission;
- 9) That the text be revised to require the parking ratio as illustrated on the preliminary plan;
- 10) That the text be modified to address issues related to signage as outlined in this staff report;
- 11) That the text be revised to address the landscaping comments in this report;
- 12) That any connections to the path system within the Glacier Ridge Metro Parks be approved by the Park District staff prior to final development plan;
- 13) That the text be revised to eliminate restaurant related drive-thrus; and
- 14) That a comparable amount of stone and brick be used on the front, side and rear elevations of the single family homes, unless otherwise approved by Planning and Zoning Commission.

Mr. Hale agreed to the above 14 conditions.

Mr. Zimmerman seconded Mr. Gerber's motion to approve, and the vote was as follows: Ms. Jones, yes; Mr. Fishman, yes; Mr. Walter, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 5-0.)



## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

June 22, 2006

CITY OF DUBLIN.

Land Use and  
Long Range Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone: 614-410-4600  
Fax: 614-410-4747  
Web Site: [www.dublin.oh.us](http://www.dublin.oh.us)

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

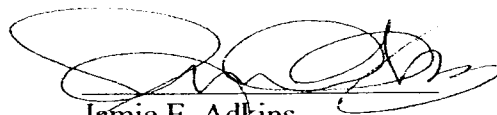
2. **Rezoning 06-064Z – Oak Park Mixed-Use – Mitchell-Dewitt Road and Hyland-Croy Road**  
**Location:** 61.35 acres located at the southwest corner of Mitchell-Dewitt Road and Hyland-Croy Road.  
**Existing Zoning:** R, Rural District.  
**Request:** Review and approval of a rezoning to PUD, Planned Unit Development District under the provisions of Section 153.050.  
**Proposed Use:** A mixed-use development that includes 108 housing units, 39,700 square feet of mixed-use space, and 31 acres of open space.  
**Applicant:** HC Associates, 5774 Finnegan Court, Dublin, Ohio 43017; represented by Atlantic Realty Development Corporation, 90 Woodbridge Center Drive, Suite 600, Woodbridge, New Jersey 07095, and Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.  
**Staff Contact:** Jamie E. Adkins, Planner, and Tammy Noble, Senior Planner.  
**Contact Information:** (614) 410-4644/jadkins@dublin.oh.us, (614) 410-4649/tnoble@dublin.oh.us.

**MOTION:** To table this rezoning/preliminary development plan at the request of the applicant so that the applicant may address the concerns regarding land use and density expressed by the commission.

**VOTE:** 7 – 0.

**RESULT:** This rezoning/preliminary development plan was tabled.

#### STAFF CERTIFICATION



Jamie E. Adkins  
Planner

07-001FDP/FP  
Final Development Plan/Final Plat  
Oak Park Residential  
Mitchell-Dewitt Road & Hyland-Croy Road

Mr. Walter said he preferred the brand identity as long as the color and size requirements were matched. He thought corporate brands were appropriate. Mr. Sanholtz said the font used was not a concern to him. Ms. Jones said she did not have a strong opinion either way, as long as the color, size, and shape are the same.

**Motion:** Mr. Sanholtz moved and Mr. Zimmerman seconded to approve this Final Development Plan because the proposal is in keeping with the land use character approved at the time of rezoning, the landscaping will enhance the appearance of this development and the Emerald Parkway corridor, the proposal allows new businesses to provide essential services to Dublin and surrounding residents, and the development meets the review criteria for final development plans, with nine conditions:

- 1) That access points be added around the patios as required by the Building and Fire Codes, subject to staff approval;
- 2) That the curb cuts not utilized as part of this development be restored to match the existing curb and gutter;
- 3) That the design of private drive pavement meet the City Engineer's requirements for strength and durability;
- 4) That sidewalk connections be made on the north side of the vehicular access points, subject to staff approval;
- 5) That the plans be modified to show any required oil/water separators and that the applicant show compliance with the City of Columbus' Fats, Oils, and Greases Program previous to building permit issuance;
- 6) That the site design comply with the Stormwater and Flood Control Ordinances to the satisfaction of the City Engineer;
- 7) That tenant wall signs facing the street be restricted to 2.5 feet by 12 feet and signs facing the parking lot restricted to 2 feet by 12 feet;
- 8) That all tenant wall signs comply with the 15-foot height restriction; and
- 9) That the 35-square-foot ground sign for the previously proposed gas station be removed from the plans and that the joint identification sign proposed on Woerner Temple Road be relocated in its place.

**Vote:** Mr. Walter, yes; Mr. Fishman, yes; Ms. Jones, yes; Mr. McCash, yes; Mr. Gerber, yes; Mr. Zimmerman, yes; and Mr. Sanholtz, yes. (Approved 7-0.)

## **2. Rezoning 06-064Z – Oak Park Mixed-Use – Mitchell-Dewitt Road and Hyland-Croy Road**

Jamie Adkins presented this case and slides. She said the site, zoned R, Rural District, is located at the southwest corner of Mitchell Dewitt and Hyland Croy Roads. She said surrounding zonings include PUD, Planned Unit Development District, for Dublin Jerome High School, and PLR, Planned Low-Density Residential District, for the Bishop's Crossing development to the east of the site. She said Glacier Ridge Metro Park is located to the west of this site.

Ms. Adkins said a concept plan for this site was reviewed in January by the Commission, and the main concerns expressed were the proposed retail land use and the higher density proposed than the Community Plan suggested. She said an additional concern was the proximity to the high

school. Ms. Adkins said this concept plan application was also reviewed by City Council where concerns expressed related to the density and land use as well.

Ms. Adkins said the site plan proposes a total of 108 housing units and a total square footage of 39,000 for the retail area. She said there were two access points from Hyland Croy Road.

Ms. Adkins said Subarea A includes single-family lots located in the south and west areas of the site. She said Subarea B included smaller single-family lots located in two areas in the center of the site. She said Subarea D includes 36 town home units located in the center of the site. She said Subarea E is the location of the retail and a portion of the open space along Hyland Croy Road. Ms. Adkins said Subarea C includes the neighborhood center. She said the site plan includes 31 acres of open space (approximately 50 percent of the site), in accordance with the Conservation Design Resolution which includes a mix of manicured and rural open spaces. She said the trees have been preserved and the existing large Burr Oak has been incorporated as a signature piece of the development.

Ms. Adkins said the retail area proposes a parking ratio of one space per 300 square feet (139 spaces). She said Code requires one space per 150 square feet. She said staff is concerned that this ratio is not appropriate and a burden on the neighborhood. She said staff believes that the applicant should incorporate the increased parking ratio indicated on the preliminary development plan.

Ms. Adkins said the proposal includes a variety of residential lots. She said the single-family lots as outlined in the text, have a minimum building setback of 13 feet, and a maximum building setback of 20 feet, leaving a building zone at seven feet. She said the text also allows for a 15-foot accessory structure setback, however, staff does not believe that the proposed layout of the proposed residential warrants a decreased setback. She said additionally, there are smaller single-family lots proposed in Subarea B which have the similar seven-foot building zone in the front, and an additional five-foot accessory structure setback in the rear. Ms. Adkins said staff does not believe that this is appropriate with the proposed layout and believes that the incorporation of alleys into the center open space of this subarea may be appropriate for these units.

Ms. Adkins said the proposed townhouse units have a 6.5-foot front yard setback and a 3.5-foot rear yard setback with rear loaded garages. She said staff is concerned that due to the shared access drive for these town homes and the retail use that there may be traffic conflicts and that the 3.5-foot setback will not allow for adequate visibility for residents exiting garages.

Ms. Adkins said the architecture for the single-family units included a mix of different building materials including brick, stone, manufactured stone, and cementitious siding. She said staff is concerned that the text does not adequately address how the proposed illustrative architecture will be implemented throughout build out.

Ms. Adkins said the proposed text provides the permitted signage for the retail area which includes wall signs on every side of a tenant storefront. She said staff is concerned that it is in excess of what Code would allow and that the signage for the center should be further refined

and that more detail may be necessary. She said in addition, the Code permits one center or neighborhood sign at each of the two main entrances on Hyland Croy Road. She said the text states the maximum size of each of these two signs at 50 square feet with a maximum height of six feet. She said the text also permits two other ground signs indicated as directional with a maximum square footage of 25 feet. Ms. Adkins said Code limits directional signage to four square feet, and staff is concerned that the result will not be the standard directional-scaled sign. She said the text also permits two wrought iron arch signs in the retail area at a maximum area of 20 square feet with a maximum height of 18 feet. She said staff does not believe that these individual tenant signs should be allowed on the arch signs - only the name of the overall development.

Ms. Adkins said staff has recognized that some of the issues proposed may require a significant amount of time for staff and the applicant to work through. She said there are a number of remaining unresolved items on which staff would appreciate the Commission's feedback and input. She said staff is recommending a tabling and has included a list of items for the Commission to comment on in order for them to be resolved which include:

- 1) Whether the site is appropriate for the proposed land uses and densities;
- 2) Whether the high-level of development quality achieved in northwest Dublin is being maintained by this development;
- 3) The conflicts between the retail area and the residential portions of this development;
- 4) The development standards associated with the Village and Park homes including the reduced lot sizes and setbacks, high lot coverage, and the fencing, and addition of the alleys; and
- 5) All proposed uses and associated components within the retail area, in order to gain the necessary comfort level with this area.

Mr. Gerber asked since this proposal does not meet the Community Plan, is not consistent with the Future Land Use Map, and there are setback and signage problems, why was this application before the Commission with staff recommending a tabling.

Mr. Gunderman said in regards to this not complying with the existing Community Plan, the Community Plan is in the process of being amended.

Mr. Gerber expressed a concern about not enforcing the current Community Plan until amended.

Mr. Gunderman said the Commissioners had been to a number of joint meetings with City Council where issues concerning this type of development standard had been discussed and favorable responses were received. He said it did not seem appropriate to staff to throw this out in the normal way with just a comprehensive plan to review.

Ben W. Hale, Jr., representing the applicant, said the developer was Atlantic Reality, a New Jersey developer. He said they tried to comply with the ten principles. He said there had been a considerable amount of architectural refinement since this application was last reviewed. He said the townhouses and the residential products are now integrated architecturally. He said the site plan and architecture is of the highest caliber. Mr. Hale said they felt with the Tartan West amenities, they did not need to provide a clubhouse or pool. He said they had contacted Tartan West and made an arrangement to buy memberships for residents of this community.

Mr. Hale said that they had no problem with the conditions listed in the staff report, but some needed further discussion and feedback from the Commission.

Michael Fite, The Edge Group, said they were confident that the issues with the possible conditions could be resolved. He said signage was not an issue. He said the questions were: is the land use appropriate; are they trying to do a quality development; has it been cohesively designed from a land planning and architectural standpoint; are the densities appropriate; and are they trying to accomplish the drafted ten principles. He said they will resolve the 23 issues listed with staff. Mr. Fite requested Commission feedback regarding their feelings about the architecture proposed and if the community theme is appropriate. He wanted to know if the Commission felt they were proposing the diversity of housing types wanted. He said they were present to discuss the first five items listed in the staff report.

Mr. Fite said he believed, from a proposed land use and density standpoint, this proposed development is appropriate. He said the first drafted land use principle was about quality, not density. He said he believed they were proposing a quality development that was equal or a higher scale than anything in the northwest quadrant of Dublin. He said they believed the architecture was integrated with the land use. He said they have created a pedestrian-friendly environment with the town homes, retail, and residential lot sizes and styles which worked cohesively. He said they wanted people to live, work, shop and walk in the development.

Mr. Fite said they adhered to the 200-foot setback on Hyland Croy Road and saved the trees. He said they had 50 percent open space proposed which they felt adhered to the adopted plan of Conservation Design. He said the Community Plan does not mention retail, but in all discussions they had heard from the consultants, this type of community based retail is an answer to traffic concerns and the ability to create communities seen in travels to Franklin, Tennessee. Mr. Fite said the roofs are shaded red to make an integrated as a village. He said they could work out the issue of town home garages versus retail parking lot. He said the small, 36,000 square foot retail center is purposely designed to attract people and to service residents. He asked for advice how to get through the process when the Community Plan was not done.

Mr. Gerber asked to hear from the residents present before further discussion.

Ralph Feasel, 8100 Hyland Croy Road said they were concerned about the 58-foot height and the signage for the mixed use/retail portion of this development. He said their main concern was that the proposed north entrance was directly across from their house and that there will be light trespass from cars into their bedroom. He said they had not been contacted by Mr. Hale as requested at the City Council meeting regarding the light issue. He said at the previous Commission meeting, Mr. Fite said that the north/south street in front of the retail would have parallel parking, however, the drawing tonight indicated that the parking was head-in which meant more headlights would shine towards their house. He said on the plan, trees were shown on the west side, next to a vacant field. Mr. Feasel said the southern entrance would cause light trespass into future Bishops Run residences.



Mr. Feasel recalled that at the previous City Council meeting, Mr. Lecklider made the statement that he did not think that 108 units would support the 36,000-square-foot retail, and said that the answer Mr. Hale provided was that it would draw from the surrounding subdivisions. He said business from other subdivisions would mean more traffic. He said there were contradicting statements made. Mr. Feasel said he preferred the Post Preserve-type of pond in this development over a cat tails.

Steve Simonetti, developer of themed Tartan West, said he thought the concept, theme, and architecture were a good start. Mr. Simonetti said Tartan West residents had expressed a need and to have some amount of small retail in this corridor and he agreed. He said he would continue to support the Commission in their ability to decide if and when the retail is developed.

Mr. Fite said residents will live on or be close to a substantial amount of open space. He said bike trails proposed along Hyland Croy Road will connect to Glacier Ridge Metro Park. He said the village or court homes have three floor plans with a variety of elevations with different colors and lots sizes providing diversity. He said there were front- and side-load garages. He said as a detail they have agreed to set the garage façade back ten feet from the front of the house so that it does not dwarf the house itself. Mr. Fite said they spent much time and energy on the detailed single garage doors so that they do not become an obtrusive protrusion to the structure. He explained that the park homes next to Glacier Ridge Metro Park were scattered, 60 to 80 feet wide, with either front- or side-loaded garages.

Mr. Fite said regarding ponds, the rural landscaping was in keeping with Glacier Ridge Metro Park - very naturalistic with grasses, wildflowers, and wetlands. He said they would work with staff on the front ponds, whether they are manicured or not. He said it was important to note that there was a park structure where people can ride their bicycles from the park and stop at a bicycle shop or perhaps an ice cream shop. Mr. Fite said they are preserving a creek. He said the pond on the 3.5-acre open space will probably be manicured. He said the open space is designed to preserve the massive oak tree.

Mr. Fite referred to Mr. Feasel's comment above regarding the 58-foot height and said the real reason they asked for that maximum height was the entry feature. He said the central entry drive needed to be special and needed the verticality. He said the quality of the architecture will be carried through in whatever fashion the Commission and staff want.

Mr. Hale addressed Mr. Feasel's concern about the commercial area. He said all commercial depends not just on the neighborhood, but other areas too. He said the City needed several neighborhood centers so that people would not drive far, resulting in traffic problems.

Mr. Fite said they would address Mr. Feasel's concern regarding the headlight glare after the exact locations of the entrance points are determined. He said they had committed to making the entrance to the north right-in/right-out, based on Dublin's future plans. He said this was not the appropriate time to discuss how the lighting will be buffered.

Mr. Gerber said if Dublin was going to remain cutting edge, then it should begin adopting the Franklin, Tennessee type of architecture. Mr. Zimmerman agreed.

Mr. Saneholtz said the Franklin, Tennessee architecture was outstanding. He said this proposed architecture was also attractive and different. However, he said there were other fundamental issues beyond design and architecture.

Mr. Gerber and the other Commissioners agreed that a fantastic job had been done on the architecture. He the issue was the future use and the existing Community Plan. He said retail had been discussed, but this was a lot of retail.

Mr. Walter agreed that the architectural detail was of a quality that had not been seen to date and he applauded the applicants. He was concerned about how this parcel related to the Metro Park. He said he was not sure about the density given its proximity to the Metro Park. Mr. Walter said this was not a good use for this site, considering its surrounding uses.

Mr. Walter said he talked to Cathy Berger of Duke Realty regarding a 54-acre Jerome Township site zoned retail by Jerome Township, south of the Metro Park entrance. He said they were currently looking to lease 400,000 square feet of retail space, and so the Commission was contrasting a 39,700-square-foot retail property with a 400,000-square-foot retail property that will be a half mile down the road. Mr. Walter said what happens in Jerome Township cannot be controlled. He said he thought there would be adequate retail for not only this subdivision, but all surrounding subdivisions to get what they need from the 400,000-square-foot space. He said if the retail was located elsewhere, he would have a better feeling about it.

Ms. Jones complimented the architecture and the thematic development. However, she said the City is still very early in the Community Plan update process in this area. Therefore, she said she was hesitant to move forward with any rezoning until there is a chance to further examine the Community Plan. She said at the open house last week, residents commented on different areas and the Commission has not had a chance to see the results. She said she would like to see those comments regarding retail and development in this area. Ms. Jones said if this moved forward and if the Commissioners all agreed that this style of development was something very positive, the retail may be too intense.

Mr. Zimmerman echoed Ms. Jones' comments regarding this proposed land use. He said this corridor will be a huge issue in the Community Plan update. He said his biggest problems were the land use, density issues, and the retail. He questioned how much retail will be enough there. He noted that Bantry Greene will bring 67,000 square feet of retail. He said there has to be a balance. He said this is something to be considered after the Community Plan is updated, the amount of retail uses determined. He did not want to commit to this until the Community Plan is updated.

Mr. Zimmerman complimented Ms. Adkins on her staff report.

Mr. McCash said long-term city planning and development, pre- and post-car, pre- and post World War II, needed to be studied to see how things have developed. He said for a time, they had moved away from having the local, mom and pop shop elements that were in our neighborhoods to the standard subdivisions that are everywhere. All of the retail and uses are

segregated, creating traffic problems which we have in Dublin, and over the years have tried to deal with from a road standpoint. He said people will not be separated from their cars. He said the other way to deal with traffic was to look at the land planning and city planning components, and rather than to have everything located in one central core, is to diversify it – not only by the development, but by the community. He said mom and pop shops and the dry cleaners, etc. are put in the area so that you do not bring all the traffic to Avery-Muirfield Drive.

Mr. McCash said he figured this development was ten percent retail and ninety percent residential. He said the retail was a very small component of the overall plan. However, he was concerned about comments about the amount of retail, thinking that this retail was only going to serve this particular development of residential. He said it was not and was going to also serve Bishops Run and other nearby areas. He gave Indian Run Meadows as an example where Athenry Square and Mary Kelley's were located and he did not have to leave his neighborhood. He said with Dublin's connectivity of sidewalks and bike paths, it is getting people out of their cars to use those areas. Mr. McCash said he thought it important to get away from the 97 Community Plan where in many cases, they were not sure what to do with areas, so they were made a low-density residential component. He said they have discussed that density does not necessarily reflect, or impact on quality. He said it was really a quality issue. Mr. McCash said he thought this was a nice balance of uses and it had an excellent architectural layout. However, he said there were issues that needed to be addressed. He said he would hate to see the auto-oriented uses in the retail, particularly with the proposed Subarea E layout. He said the Community Plan is outdated in that particular cutting-edge design of the City's layout of components. Mr. McCash said he thought it was a good use from that standpoint.

Mr. Sanholtz agreed that there were portions of the Community Plan that need revision. He said he had a difficult time trying to take a new concept and try to apply it in an area that is primarily under the old Community Plan. He said some of the things he saw in Franklin, Tennessee were great, a development of 1,500 acres, 400,000 square feet of commercial space, with a brand new interstate passing by. He said this is not an interstate – existing Hyland Croy Road neighborhoods have a certain character. Mr. Sanholtz said he loved this development. He said though, it was on the edge of the City and Dublin has no control just beyond this site. He thought it was very dangerous for the Commission right now to take on this kind of concept and change the character of the area, not knowing what could happen just to its south and west. He said he could not support this particular development on this particular site. He said it is land use and character of areas for him and he was not willing to overturn the character of that area with 40,000 square feet of commercial/retail. Mr. Sanholtz said he was sure there were parcels in the City where this development could go and it would be wonderful. He said that was why he wanted to get to the five points. He said many people put in a lot of time trying to keep a rural feel to the Metro Park area of Dublin and he would not back away from that until someone said the Community Plan dictated otherwise.

Mr. Fishman said an incredible job was done and he enjoyed reading the book presented. He said he felt that this needed a lot of tweaking. He said this development would be an incredible contribution if it was placed somewhere in Dublin. Mr. Fishman said he did not think 36,000 square feet of commercial is a lot. He said the difference in this and Franklin, Tennessee is that their revenue comes from sales tax. He said they are geared to encourage retail because that is

where they get their revenue where Dublin does not. Mr. Fishman said he did not want to see another struggling center in a neighborhood. He said he agreed with Mr. McCash that the trend was small centers in residential. Mr. Fishman said this proposal would really change the character of the area. However, he would like this to be in Dublin because he felt it was worthwhile and different. He said he did not know whether this site was right or wrong.

Mr. Gerber said the Community Plan for this area provided for some rural characteristics. Mr. Gerber said he thought the surrounding land did lend itself to this. He said he thought Dublin was grossly over-retailed, and what seemed to happen is that every time another shopping center is developed, all the retailers go to it, and leave the old ones behind. Mr. Gerber was undecided as to what the right size of retail would be. He said someplace, somehow this development deserved to be in Dublin and it would be welcomed. He said residents spend a lot of time in their cars going to and from experiencing frustration due to traffic. He said he understood that ODOT would install an exit ramp somewhere nearby. He said there would be a gas station, a Seven-Eleven, and a lot of retail and it was not known what Jerome Township would do. He said all the land along here was zoned for commercial and retail. He said that today's Community Plan is being updated and he did not know where it stood today since there has been much Council, Commission, and resident discussion. He said timing was everything, and perhaps now was just not the time for this development.

Mr. Hale said Dublin's core is developed and if it wants an innovative product, it is going to happen on the edges, not in the middle. He said if the Commission does not think clustering is important and thinks larger lots are wanted, the end product will not be 50 percent open space. Mr. Hale said they had saved the edges north of the creek, setbacks on the front, and the woods on the south. He said by clustering and pulling it in, they have saved more of the rural character. He said good architecture and a good site plan, preserving the important parts of the environments and the setbacks north of the creek addresses a lot of the issues. Mr. Hale said he thought telling this developer to go away was a horrible mistake for the City.

Mr. Walter said preserving land as rural is very important in Dublin's current and proposed future.

Jeremy Halprin, representing Atlantic Realty Development Corporation, clarified that they would not necessarily just go away. He said their company had existed for 50 years and their success was by following his grandfather's feelings that when you enter a city, you want to stay there and do well for yourself and the city because that is how you cultivate relationships and run a successful business. He said Dublin was a special place and he understood why the Commission is scared to change anything and why the adoption of a new Community Plan is a difficult thing because Dublin is such a wonderful place. He said they are a very flexible company.

Mr. Gerber asked what the size of the Shoppers at Athenry was.

Ms. Adkins said it was 42,000 square feet total, including the UDF, offices, and daycare. She said the L-shaped building (the retail shops) is 26,000 square feet.

Mr. Fite asked if it would help to evaluate what the plan would look like as the existing Community Plan suggests.

Mr. McCash said it would be the same old, same old, and part of being the cutting edge really requires a leap of faith in looking at change and other innovative type ideas. He said this was really a dynamic change and the wave of where things were going from a land planning standpoint. He said it was a matter of wanting to stay in a comfort zone, or taking a leap of faith moving towards the cutting edge. He said it was not really a density issue.

Mr. Saneholtz agreed it was not a density issue. He said he was trying to project that this was a sixty-acre parcel that is of a completely different character than the thousands of acres around it. He said the Commission looked at a 1,500-acre development that was setting a new tone for a large area of a city. He said they could have 40,000-square-foot pods of retail in six different locations throughout that coordinated plan for a large parcel of undeveloped land, similar to what Dublin has south of SR 161 in the Southwest Quadrant. He said that was where a coordinated feel and character could be developed. Mr. Saneholtz said he loved this concept and had been one of the proponents of this whole conservation concept. He said he thought this was great, but it just was not great here.

Mr. Fishman said he thought this was a great concept and maybe 39,000 square feet of commercial was a little heavy for this if there is going to be 400,000 square feet south of the site. He noted that there was a strip of land between the site and the Metro Park that was in the township, and asked what was it zoned. Mr. Hale said he believed the Jerome Township Zoning map indicated it was Rural Residential.

Mr. Fishman said he was concerned that the retail use would spread to this area.

Ms. Jones said she definitely liked this concept and she thought this type of development with integrated uses needed to be embraced. She said her concern was with this site because the Community Plan update has not been finished. She said she thought some retail was probably needed in this area, but she wanted to make sure that it was planned for on more of a regional or area wide so that it is not scattered. She said the updated Community Plan should designate where the retail should be so that the character of this area is not changed. Ms. Jones said she was not opposed to an integrated development, she just needed to be confident that this is the right location and that it will fit in the overall scheme. She said if the finished Community Plan designated that this would fit in this area, she would have no trouble supporting it, she just needed to make sure the process is finished before they step forward.

Mr. Fishman said the residents were adamant during the 1997 Community Plan process that as they went west, that the area would become less dense and more rural. He said he thought it was suggested, but never made codified that the Community Plan, for one-unit per acre and that it was to be very rural as the edges of Dublin. He said he thought this was a huge violation, even though this is a spectacular plan.

Mr. Fishman said the Commission learned a lot in Franklin, Tennessee. He said their retail is integrated into the community, yet it is not because it sits on a highway. He said if it were on I-

270 and the shopping center were the buffer that is the way Franklin is. He said another thing about Franklin was that they have not just a park, but thousands of acres of hills around it. He said there will be radical changes in the character. He predicted that future residents will not want the retail because it will bring people in and disturb their peaceful neighborhood. Mr. Fishman said he did not want this applicant to go away, but the plan needed a lot of tweaking. He said it should be drawn out as the Community Plan is developed.

Mr. Fishman suggested a tabling.

Mr. Gerber summarized that some Commissioners said that the plan did not fit the land use. He asked if this was something they felt should be tweaked to fit the Community Plan.

Mr. Sanholtz said when he looked at Dublin's borders, he looked at the eastern border (Sawmill Road) where a large retail center was approved only to have it fail because in an area that Dublin cannot control, the zoning and sign codes were looser and the square footage was less expensive. He said that was his concern. He said any parcels on Dublin's borders that are not already developed that have potential retail/commercial development nearby within a half mile, there is the risk that someone else can build more retail nearby and this will fail. He said he hoped that the consultants were taking that into consideration when they are helping to revise the Community Plan. Mr. Sanholtz said he appreciated Ms. Jones' perspective on this in that they should sit back and do what is best on a macro basis. He said the City's consultants are trying to make everyone understand that at US 33 and SR 42 there is going to be a regional mall in the future. Therefore, he said he could not commit to retail use on these parcels.

Mr. Walter said he did not want to chase away a quality development. He said he preferred not to table this application because if it is tabled and effort on trying to develop this concept is continued and the Commission is fundamentally opposed to the concept, he would rather they spend effort/energy/time/money in finding an alternative site for this type of development than trying to work this space. He said he was fundamentally opposed to this development because it did not meet the review criteria in Section 153.055, numbers 2, 3, 4, and 12. He recommended a vote to provide clarity.

Ms. Jones said it was a timing issue and that she would like to see the Community Plan finished in this area to see how it fits into Dublin's long range plan. She said it was hard to support it today because it was such a departure from the rural characteristic. She did not want to set a precedent that continued down the road. She said she would hate to lose the opportunity to work with the applicant. She said she was not sure this was the right development, at the right place, and at the right time.

Mr. Fishman said he felt the developer should decide if the site is going to be profitable if they are allowed to put in 39,000 square feet of retail.

Mr. Zimmerman noted that staff was recommending a tabling to work on a list of items. He said he was looking more towards a tabling rather than an up and down vote. He said staff still had a lot of issues. He asked where the Community Plan process was in the corridor area of the

Community Plan. He asked if the area could be looked at soon to see what development could be and if this was what was wanted by the open house on June 14.

Mr. McCash noted that two Commissioners were against any retail. He suggested that if the Commission's position was not to have retail in this area, then the developers could save money and the Commission could take it out.

Mr. Hale requested a tabling because they heard comments about the retail. He said it was fair to give them the opportunity to discuss what they had heard and what changes they might have made.

Mr. Gerber said it was the Commission's practice when an applicant requests a tabling that it be granted.

Mr. Sanholtz said for him, it would not work, so he supported Mr. Walter's proposal that the Commission disapprove this rezoning.

Mr. Gerber said the applicant had heard the Commission's comments regarding the Community Plan and its update, uses, the architecture, and whether or not the retail component really fitted. He agreed to table this but said the applicant should not waste the Commission's time by bringing back a plan that would waste their time.

Mr. Sanholtz said he would support a tabling if it were done under that pretext. He wanted it to be clear that it was the applicant's choice.

Mr. Gerber said no promises were being made that the Commission will approve this application next time.

**Motion:** Mr. Gerber moved for a tabling as requested by the applicant's representative, Ben W., Hale, Jr. and Mr. Walter seconded the motion.

**Vote:** The vote was as follows: Ms. Jones, yes; Mr. Sanholtz, yes; Mr. Walter, yes; Mr. McCash, yes; Mr. Fishman, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Tabled 7-0.)

Mr. Gerber requested that Mr. Hale contact Mr. Feasel about his lighting issue, and Mr. Hale agreed.

Mr. Gerber called a short recess at 8:30 p.m.

**3. Rezoning 05-183Z – Bantry Greene – 9756 Hyland-Croy Road**

Mr. Gerber said this case was tabled at the May 11 meeting after the Commission had heard the staff and applicant's presentations and the residents' comments. He said it was tabled primarily to attend a mobile workshop in Franklin, Tennessee to review architecture, layouts, site design among other things, which seemed to flow with not only this application, but the previous application heard.

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Mr. Keenan inquired if the cricket field would be in sufficient proximity to a playground that a ball in play could present a risk to children within the area. How far could a ball travel?

Mr. Deshpande responded that the ball is seldom hit outside the designated boundaries.

Mr. Keenan stated that the layout would need to adequately address safety issues.

Mr. Hahn stated that there would be a significant buffer from the edge of the field to any adjoining use.

Mr. Lecklider inquired if there were any programming conflicts.

Mr. Hahn responded that there are none. He added that in comparison to all other uses, cricket play provides very low impact to the turf.

Mr. McCash inquired if the four soccer fields depicted on the diagram are used.

Mr. Hahn responded that soccer fields would not be located in Emerald Fields. The purpose of the soccer field depiction in the schematic was to provide a comparison of field sizes. The lacrosse fields that will be in the park are much smaller. If Council endorses the concept, staff would proceed with drafting of the agreement.

Mr. Lecklider inquired if the request for frequent mowing would cause any burden to City staff.

Mr. Hahn responded that it would not.

Mr. Lecklider inquired clarification of staff's request from Council tonight.

Mr. Hahn stated that staff requests Council's support of the concept and direction to proceed with development of an agreement. If the terms of that agreement were to provide for less than a full field rental fee, that agreement would be brought to Council.

Ms. Salay requested clarification that women's teams would also be involved.

Mr. Deshpande confirmed that they would be.

Mr. Keenan moved to direct staff to proceed with development of an agreement and to bring the draft agreement along with details on the financial considerations, including capital outlay and waiver of usage fees to Council.

Ms. Salay seconded the motion.

Vote on the motion: Mr. Keenan, yes; Ms. Salay, yes; Mr. McCash, yes; Mrs. Boring, yes; Vice Mayor Lecklider, yes.

• **Concept Plan- Oak Park Mixed-Use - Mitchell-Dewitt Road and Hyland-Croy Road (Case No. - 05-179CP)**

Ms. Adkins stated that the concept plan was heard by the Planning Commission on January 5. Several issues were discussed including land conflicts with the Community Plan, the Community Plan update, proximity to Dublin Jerome High School and the overall proposed density. The site is in northwest Dublin at the southwest corner of Mitchell-Dewitt and Hyland-Croy roads. The high school is on the northeast corner of this intersection. The site is currently zoned R-Rural District. The conceptual plan includes a mix of 108 housing units and 36,000 square feet of mixed use retail space. Surrounding the retail are proposed town homes and single-family homes extending to the west. The plan also includes a community center to serve the development.

Ben Hale, Jr., Smith & Hale, stated that he represents the applicant. The planner, Mike Fite is also present. The applicant, Atlantic Realty is a New Jersey corporation. This company was working on an earlier plan for an area of Dublin that was replaced with the Dublin Innovation Center project. The target market of this builder is empty nesters. They have attended the Community Plan update sessions and noted the preferences expressed by the community. This concept provides for a mixed use development with three different housing types – all high end, selling for \$400,000- \$500,000.

Michael Fite, The Edge Group, 6253 Riverside Group, stated that when Atlantic Realty approached his company, they asked for a plan incorporating the desires of Many principles were observed in creating this concept, including architectu



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and open space. This plan includes 51 percent open space. He reviewed the details of the site plan. The most significant component of the plan is the retail village, which has been integrated into the street pattern and the residential framework. The plan responds to Council's stated desire for developments that include neighborhood retail located in pods within the neighborhood.

Ms. Salay noted that when this plan was reviewed by the Planning Commission, concerns were expressed regarding the proximity of the retail to the high school and the Metro Park. However, the Kroger Center is near Scioto High School and recently, in a proposed development to the north, the retail was pushed to the west where it would abut the Metro Park. With this concept plan, the retail faces Hyland-Croy and is buffered from the Metro Park, yet it is perceived as a problem.

Mr. Hale stated they have had discussions with the school system, and it is their belief the school system will determine this type of development is an advantage to the high school. More importantly, when services are available to residents within their own neighborhood, it minimizes the impact of the development on the overall traffic. This concept is similar to the Market Place in New Albany.

Mr. Fite stated the development also embraces the advantages of being near the Metro Park with a bike trail that includes a gazebo.

Mrs. Boring explained the Planning Commission's concerns about having a similar "Market Place" concept every other block. Although Council has expressed a desire to have this type of development, does the City really want it in the northwest? This is an attractive but substantially large development. For purposes of comparison, The Shoppes of Athenry is an approximately 42,000 square-foot retail center. The Planning Commission did not object to the Oak Park concept plan, but rather raised the question regarding Council's desires on some of the issues.

Mr. Hale stated in addition to discussing the proposed development with the schools, they also met with the Director of Columbus Metro Parks. Mr. Peck believes the development would increase the number of visitors for the Metro Park. The critical question for Council is how much retail space is appropriate for this area.

Ms. Salay inquired if the 200-foot setback along Hyland-Croy would be matched on the east along Bishop's Crossing.

Mr. Fite responded that the setback along Bishop's Crossing is also 200 feet.

Ms. Salay stated that Council is not as concerned with the appearance as with the issue of conflicting uses -- retail adjacent to residential. It would be important to first build the retail, so that the home buyers could purchase their homes with that awareness. They may view it as an amenity if they are aware of its existence before purchasing a home. The noise and appearance issues of the retail use must be appropriately addressed or it will impact the quality of life of the neighborhood.

Mr. Fite responded his client is sensitive to that issue.

Mr. Hale stated a phasing plan -- building some of the retail in the first phase -- and attractive architecture will be extremely important in this development.

Ms. Salay stated she likes the concept plan. Her only concern is with the retail use. The rendering appears to indicate small-scale buildings in the "old village" style architecture, which is very attractive. It would be essential to ensure that the businesses understand that in consideration of the residential component of the development, there would be very minimal signage.

Mrs. Boring noted in New Albany's Market Place, all the businesses have matching front signage.

Ms. Salay added she likes the concept of a self-contained community with the basic retail, park and pool. It will not be necessary then for residents to travel out of the subdivision so frequently. She is concerned about the long, straight street that runs north and south and ultimately stubs to the west. This is the type of street that encourages traffic to pick up speed. She suggested traffic-calming features be incorporated in the street design.

Mr. Lecklider stated this type of road does not lend itself to most traffic-calming. It would be better to construct it sufficiently narrow to discourage speeding.

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Mr. Fite responded they would design the road to address the concern of traffic speed, ensuring a pedestrian-friendly neighborhood.

Mr. Keenan noted student parking could spill over into this area from the nearby school. The high school issues a certain number of parking passes, and the remainder of student drivers often park within the adjacent neighborhoods.

Mr. McCash inquired who owns the small strip of property to the west between this development and Glacier Ridge.

Mr. Fite responded it is currently owned by a landscape nursery. A power line also runs through that strip. The concept plan provides a stub street to it to allow future community access, if desired. To the right of the tower, there is a huge oak tree - hence, the name of the subdivision, "Oak Park."

Mr. McCash inquired if the Metro Park was interested in acquiring the strip of land.

Mr. Fite responded they would probably accept a land donation.

Mr. Hale noted that Metro Parks would not be interested in extending a bikepath crossing over the creek.

Mr. McCash stated the City has had problems with heavy retail located adjacent to a subdivision. However, the City is cognizant of those issues and they can be addressed adequately in a rezoning. He is also concerned about the potential for cut-through traffic on Street B, which runs between Hyland Croy and up to Mitchell-Dewitt Road.

Mr. Fite responded that is a possibility, but it would be easier for traffic to travel to the intersection. As they work through the engineering issues, the locations of intersections will be considered. The original plans did not contain a connection to Mitchell-Dewitt Road for a couple of reasons, one of which was the cost of constructing a crossing over the creek. The connection was added later to enhance the opportunity for interconnecting streets. There is no difficulty with the present layout, however, as it runs parallel to the power line easement. There are no power towers on this site.

Mr. McCash stated if Metro Parks does not acquire the strip of land immediately to the west of this site, he would be interested in seeing a planning concept for that parcel to fit it in with this development.

Mr. Fite responded they would look at a potential use for that land as well.

Mr. McCash summarized this concept incorporates the progressive design standards that Council has been advocating.

Arie Wise, Atlantic Realty thanked Council for taking time to review and comment upon the concept plan. One of the fundamental objectives of their company is to work with municipalities to discover what is desired in a residential development, and then to provide a project that is considered an improvement to the city. They look forward to working with Dublin.

Mrs. Boring inquired if the intent is to maintain these roads as they currently exist - two lanes with a scenic/rural designation.

Ms. Adkins responded that she will research the issue and report back to Council. The Thoroughfare Plan is being updated along with the Community Plan.

Mrs. Boring noted it was not Council's intention to have a conservation design subdivision on every block. She is anxious for Council and the Planning Commission to meet and address the details of those concerns.

Mr. Lecklider stated 108 units cannot support 36,000 square feet of retail.

Mr. Hale responded the retail would also be supported by the development across the street.

Ms. Salay stated there may be a difference related to expectations of those who rent property versus homeowners. Another factor is related to how the retail center is managed. If the center adheres to the City's noise ordinance, there should be no problems for the residents.

Mr. Lecklider inquired about Mr. Hale's reference to a library and gas station development, per the January 5, 2006 Planning Commission minutes.

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Mr. Fite responded that is an error. There will be no library or gas station.

Mr. Hale stated that he does not recall the context of the statement, but he was likely referencing the type of neighborhood oriented uses which could be included.

Mr. Lecklider inquired how the proposed density reconciles with what is occurring in the west and northwest, for example, Tartan West.

Mr. Hale responded the density for this development is 1.8 units per acre. Tartan West is the same. The developments across the street are 2.2 and 2.3 units per acre. The Oak Park development will have a substantial amount of open space. Another consideration for the overall density in the area is that the Metro Parks purchased 500-600 acres more than anticipated at the outset.

Mr. Fite noted it is critical to have a density that will support the community center. Higher density is a good thing, if managed correctly.

Mr. Hale stated there are three issues that cause concern about density: (1) the perception that the more dense a development, the less open space; (2) the impact on the school system; and (3) the impact on traffic. It has been shown this development will have a large amount of open space; the development will appeal primarily to empty nesters, which means it will have a positive impact on the school system; it will also have less impact on the traffic volume than a single-family development (six vehicles/day versus ten vehicles/day).

Mrs. Boring stated the argument that this type of housing is used by empty nesters and not single family is not necessarily true. During City Council's New Albany tour, it was pointed out that many families with children live in the cluster housing near the high school. In fact, they preferred to be near the high school.

Mr. Hale clarified that area was a two-story, single-family cluster - Pickett Place. The single story with master cluster housing near Market Place is primarily used by empty nesters.

Mr. Lecklider requested clarification of Mr. Gerber's comment noted on page 9 of the January 5<sup>th</sup> Planning Commission meeting minutes, questioning the likely agreement of Council and the Planning Commission on this case.

Mr. Hale explained the discussion centered on finalization of the Community Plan update and the unlikelihood of City Council agreeing to the commercial component of this proposal before the Plan is finalized.

Mr. Fite stated the general impression he had from the January 5<sup>th</sup> P&Z meeting was the Commissioners liked the general concept, but could not approve it because it is not included within the current Community Plan. They realize the Plan update will not be approved until late summer or fall. In the interim, they seek only an indication from Council that this concept meets the expectations of the Plan update.

Ms. Salay stated that in the meantime, the City needs to respond to the rezoning applications. It is necessary also to evaluate how the City's draft open space plan would integrate with a village center type of development and to determine how many village center development the City desires.

Mrs. Boring stated it is necessary to be cautious. The City doesn't want to end up with an empty retail center in the middle of a subdivision, similar to the one in Muirfield.

Mr. Lecklider stated he is hopeful that the standard will be set with this plan.

Ralph Feasel, 8100 Hyland Croy Road recalled that the concept of the City's first Community Plan was that Dublin would never extend west of Hyland Croy. When this parcel was annexed to the City, however, he realized that development would occur here in the future. On page 3 of the materials, there is an indication that the Indian Run flows from the east to the west. Of course, it flows from the west to the east, sometimes very strongly. Since the Metro Park was developed, the field across from his family's property has had a constant flow of water during the spring months. The Metro Park removed all the field tiles, so that it would become a wetland area. Consequently, design work will be necessary to address this problem. There are two types of ponds in this area. The pond in Park Place is overgrown with reeds and other pond growth. In Post Preserve, the pond is clean and well-maintained. Regarding the mixed use, the retail buildings taller than the homes. He trusts there is no possibility of a drive-through foo

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alcohol sales. His major concern is with having two major entrances on Hyland Croy, particularly the northern entrance, which is directly across from his house outside his bedroom window. The issue of headlight trespass was recently addressed in an extension of the Ballantrae subdivision. He requests the same consideration be extended to him and his neighbors. He inquired if one entrance from Hyland Croy would suffice. Park Place has 147 units and only one entrance. If two entrances are indeed necessary, could the one be moved further south in the open field and the other further north? If the purpose of the second entrance is to serve the retail center, then he suggests the retail center not be built and that ten additional homes be included instead. At the second entrance of the park, traffic currently backs up to the corner.

Mrs. Boring requested Mr. Fite and Mr. Hale to discuss these issues with Mr. Feasel.

Mr. Lecklider asked Mr. Fite to address the drainage issue, the height of the mixed-use buildings and the pond design.

Mr. Fite responded the maximum height of the building is 35 feet, or two stories. They have not begun the design of the pond. They have discussed attempting to engage Metro Parks in the effort to construct a natural-type pond.

Mr. Feasel indicated that he prefers a manicured pond. There is the potential of constructing a manicured pond in the front setback and a natural pond internally and within the low-lying area near the stream run.

Mr. Lecklider inquired if any consideration had been given to the potential conflict of the north entrance with the Feasel property.

Mr. Fite responded they were aware it is across the street. According to their maps, it is slightly south of the entrance, but they will work with Mr. Feasel to resolve the conflict through landscape or by adjusting the entrance slightly.

Vice Mayor Lecklider thanked Mr. Fite and Mr. Hale for their presentation.

## • Great Race Event

Ms Puskarcik stated information was provided with the meeting materials regarding this event, which will occur on Monday, June 26. The Great Race is an annual transcontinental rally race involving up to 120 pre-1961 vehicles. Dublin has been selected to be an overnight stop. If the event is held in Historic Dublin, temporary closure of Bridge and High Streets would be necessary. Typically, staff does not come to Council when permits are issued for road closures during an event, but because of the potential impact they are seeking input from Council.

Mr. Lecklider asked about the timeframe for the closure.

Ms. Puskarcik responded that because of set-up time, it could be longer than five hours.

Mr. McCash inquired if the race could run through Dublin on the weekend to avoid the week day traffic.

Ms. Puskarcik responded this is a national event and the race is scheduled to travel through Dublin on that day. It is not possible to change the national agenda.

Mr. McCash commented it is not an easy matter to close streets on a weekday; it has a significant impact on traffic, as evidenced with the 5K Run during the Irish Festival. He has already received letters from concerned residents and business owners regarding the potential road closing.

Ms. Puskarcik stated the surrounding property owners would be given appropriate notice.

Ms. Salay expressed support for the event, which fits in well with the community. She particularly likes the opportunity for a family event, despite the inconvenience.

Mr. Keenan stated the event should benefit the businesses in the Historic District. He expressed support for the event.

Ms. Puskarcik will keep Council apprised of any issues as the event approaches.

## CITY MANAGER REPORT/STAFF COMMENTS

Ms. Brautigam noted that:

1. Council recently received information regarding a proposed increase in the City's bid threshold. Staff requests that Council refer this to the Finance Committee for review and recommendation.
2. Information was also forwarded from Ms. Teller, Court Administrator, regarding Chief Justice Moyer's effort to abolish Mayor's courts in Ohio. Staff suggests that Council direct staff to begin a letter campaign in support of Mayor's courts.

Mrs. Boring noted that it was prudent of the City Manager to make Council issue before proceeding. She expressed support for a letter campaign.

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Oak Park Residential

Mitchell-Dewitt Road & Hyland-Croy Road



## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

JANUARY 5, 2006

CITY OF DUBLIN

Land Use and  
Long Range Planning  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

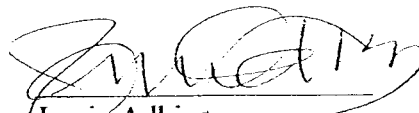
Phone: 614-410-4600  
Fax: 614-410-4747  
Web Site: [www.dublin.oh.us](http://www.dublin.oh.us)

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

- 1. Concept Plan – 05-179CP – Oak Park Mixed-Use – Mitchell-Dewitt Road and Hyland-Croy Road**  
**Location:** 61.35 acres located at the southwest corner of Mitchell-Dewitt Road and Hyland-Croy Road.  
**Existing Zoning:** R, Rural District.  
**Request:** Review and feedback for a mixed-use development concept, under the provisions of Code Section 153.053(C).  
**Proposed Use:** A mixed-use development that includes 108 housing units, 36,000 square feet of mixed-use space, and 31 acres of open space.  
**Applicant:** HC Associates, 5774 Finnegan Court, Dublin, Ohio 43017; represented by Atlantic Realty Development Corporation, 90 Woodbridge Center Drive, Suite 600, Woodbridge, New Jersey 07095, and Ben W. Hale, Jr., Smith and Hale, 37 West Broad Street, Suite 725, Columbus, Ohio 43215.  
**Staff Contact:** Jamie E. Adkins, Planner.  
**Contact Information:** (614) 410-4644/Email: [jadkins@dublin.oh.us](mailto:jadkins@dublin.oh.us).

**RESULT:** Much discussion was given to the Concept Plan. The Commission discussed the issues that the project did not meet the current Community Plan and the Commission was unsure of its relationship to the Community Plan update, that the density was too high, and that the location was inappropriate in close proximity to the Dublin Jerome High School. The Commission also gave positive feedback that it was a creative plan and a high quality project with a good mix of housing. There was no vote taken on this Concept Plan.

#### STAFF CERTIFICATION

  
Jamie Adkins  
Planner

07-001FDP/FP  
Final Development Plan/Final Plat  
Oak Park Residential  
Mitchell-Dewitt Road & Hyland-Croy Road

~~pulled Case 7, and Ms. Reiss pulled Case 8. Mr. Gerber announced the order of the cases would be Case 2, then Cases 1 through 8 in order.~~

**1. Concept Plan – 05-179CP – Oak Park Mixed-Use – Mitchell-Dewitt Road and Hyland-Croy Road**

Mr. Gerber explained that feedback from the Commissioners was being requested for this Concept Plan case. He said typically, the Commission does not engage in resident comment at this time. However, he assured that if this project came back there would be ample time, not only with this forum, but also with City Council to listen to all of the resident concerns and thoughts.

Ms. Adkins presented slides and highlighted the staff report. She said the site, currently zoned R, Rural District located at the southwest corner of Mitchell-Dewitt and Hyland-Croy Roads. She said the Community Plan indicates the site as Low-Density Residential for 0.5 to one-unit per acre. The site plan includes 108 housing units, 36,000 square feet of mixed-use retail, and 31 acres of openspace. She said the site plan adheres to the Community Plan guidelines for a 200-foot scenic road setback.

Ms. Adkins said the proposed residential units fit the land use of this site, however, the density does not meet the current Community Plan Future Land Use Map. She said in addition, the Future Land Use Map does not include the proposed mixed-unit component. Ms. Adkins said staff does not believe that the proposed plan sufficiently addresses the required change of land use. She said recent discussions with the Community Plan consultants, City Council, and the Planning Commission have revealed that a more mixed-use approach to development is desired and staff is continuing to explore this concept with its application to this site. Ms. Adkins stated that the applicant is requesting Commission feedback regarding the appropriateness of this proposed change in land use to residential medium density with mixed-use retail.

Ben Hale, the attorney representing the applicant, Atlantic Realty, explained how this New Jersey company chose Dublin, Ohio for their project. He said they want to build a product that mirrors the suggestions of the Dublin Community Plan consultants. He said this project is designed for empty nesters and said most of townhouses and court homes have first floor master suites. He said the pricing for townhouses will be in the \$300,000 range, the court homes will be in the \$400,000 range, and the single-family homes will be in the \$450,000 range. The development will have a clubhouse and pool that are not typically in a primarily residential single-family subdivision. He said the applicants were concerned about the size of the project because the kind of amenity needed is expensive.

Mr. Hale pointed out that there were many changes going on in this area. He said to understand the commercial use proposed, other things needed to be understood. He said the theory of the commercial uses by the consultants was that in the next few years, Dublin should build approximately 750,000 new square feet of commercial uses. He said that did not include a redeveloped Dublin Village Center. He said the concept was to do the square footage in neighborhoods, so that there is not a lot of traffic. However, he said this intersection would be largely rebuilt with the COIC and the Ohio State University projects. He said what is going on would create dramatic changes in this area and the nature of this intersection.

Mr. Hale referred to the elevation and said they were trying to create a streetscape that was very traditional with very traditional architecture. He said these types of projects more than pay for the number of school children they bring. He said traffic is much less, especially in peak hours because of the nature of the clientele.

Michael Fite, The Edge Group, discussed the site plan. He said initially, their client asked what Dublin wanted. He said greenspace, attention to architecture, conservation principles, and diversity. Mr. Fite said they had tried to include everything in this plan. He said they thought the mixed-use component would make the subdivision vibrant and give people the opportunity to walk to it, versus driving down the street to what is a more regional retail draw.

Mr. Fite said there were not many natural features on this flat site. They preserved a few trees and stream corridor that existed. He said they adhered to the 200-foot setback along Hyland-Croy and Mitchell-DeWitt Road. Mr. Fite said the mixed-use component was centralized. He said diversity was addressed by integrating town homes, which they felt was an appropriate transition from the mixed-use component to the court homes, and the single-family homes.

Mr. Fite said that in regards to greenspace, it is not just important to preserve the trees, but actually integrate greenspace into all parts of the plan. He said the greenspace would wrap around the Glacier Ridge Metro Park. He said a clubhouse is part of the mixed-use component, centrally located, which was unique in a single-family, mixed-use product. He said greenspace is interspersed throughout the entire site.

Mr. Fite said that pedestrian-oriented streetscapes were another important component. He said that was why there were no cul-de-sacs. He said it was a New Urbanism approach where all streets are connected and walkable, all things heard as good planning principles.

Mr. Fite said a stub was shown to the west because a parcel is not owned by the Metro Parks.

Mr. Gerber asked what type of commercial uses were being considered.

Mr. Fite said it was not commercial, in the sense of retail. He said they saw it as retail components, small shops that serve the surrounding neighborhood. He said there was also an opportunity for office uses so that residents can live and work in the development. Live/work units are being considered. He said it was not a strip center. He said the commercial uses are oriented to the street, there are no front parking lots, and the parking is parallel so the street becomes a pedestrian friendly environment. He said the inspiration for this development was downtown Dublin. He said they tried to make the 200-foot setback part of the community and part of the Metro Park with bike racks. He said the bikepaths shown through the 200-foot setback are connected to the Metro Park. Mr. Fite said there were 12 miles of bikepath from the north to the south.

Mr. Messineo asked how this would integrate with Dublin Jerome High School and not become a hangout for students.

Mr. Fite said that they were aware of that concern and they tried to focus the uses on the retail to not attract the students. He said the details had not been finalized.

Mr. Messineo predicted that the students would use it for that. He asked how it would fit with the residential component that seems to be for empty nesters.

Mr. Hale said they were trying to keep empty nesters in Dublin. He said this is also trying to service the hard working person who might work in the proposed tech park.

Mr. Fite said another important component was the different size of the town homes. He said they would appeal to different types of people. He said the single-family lots were interspersed so that the widths were 60-65 feet wide. He said inside of each land use, they were taking it a step further and trying to be diverse within each area. He said there were two layers of diversity.

Mr. Hale said they treated all the houses as though they were straight single-family uses. He said they thought the traffic impact study was very conservative and the numbers were much better than shown.

Jeremy Halpern, Atlantic Realty Development Corporation, said he represented a member of a third generation of the family business dating back to 1957. He said his grandfather taught him a decade ago to work with communities and cities and things would work out the best for everyone. He said what was good for Dublin would be good for them. He said they hoped that the Commission saw the concept plan as a representation of that desire.

Mr. Halpern said, to them the importance of having a small amount of retail with an empty-nester marketed village is that many times the community likes to have small stores near them to make their lives easier. He said a homeowners' association, with the exception of the townhouse, would take care of maintenance of the lawns, snow, etc. A certain number of units are required in order to achieve those goals. He thanked the Commission for their time.

Ms. Reiss said she liked the mixed-use and sizes, however the concept plan was a little before its time because the Community Plan had not yet changed. She said until the Community Plan changed, she could not support the rezoning of this site. However, if the Community Plan is changed and it is finalized, she suggested what she did like and what changes could be incorporated easily. Ms. Reiss said she would like to see a lower density, not by changing the lot sizes, but just drop a unit or two. She asked how the live/work units would be counted into the density of dwelling units. Ms. Reiss said she would like a bikepath tie-in along Hyland-Croy Road more from the neighborhood so that going through the commercial area will not be necessary to utilize the bikepath. She said there was an area in the southeast corner seemed to be closest for a neighborhood bikepath access. Ms. Reiss said she would also like to see bike racks in places other than just the gazebo to encourage bicyclists.

Ms. Reiss asked if the town homes had garages.

Mr. Fite said garages were located in the back.

Mr. Saneholtz was interested if there were a small retail area on this parcel that there be coactivity to the high school and the neighborhood to the east of the site, without having to cross what will become a very busy thoroughfare in the future. He said there should be coactivity created without conflict between the traffic and this island of 60-acres.



Mr. Saneholtz asked what was the purpose of the community center, and was it necessary for a residential community that was too dense if the commercial was developed. He wanted to better understand the analysis of the purpose of the community center and why later. He noted that Tartan West will have an athletic facility available to residents and the Dublin Community Recreation Center is not far away.

Mr. Saneholtz questioned the price points for young professionals.

Mr. Hale said the town homes should attract them. He said they would not be rentals.

Ms. Boring said Ms. Adkins' staff report summarized how she felt. She said she appreciated Ms. Adkins upholding the principles that the Commissioners had expressed earlier. Ms. Boring said at first, she was encouraged, but she had a large conflict. She said the extra retail space is up for discussion as the City Council was not in total agreement. She said the mixed-use concept was interesting, but she asked where it would be. Ms. Boring said her conflict was with the Glacier Ridge Metro Park. She said the further north developed, the more density there is, and she did not agree with that. She said she liked the idea of this elsewhere in Dublin. She asked how to maintain the Glacier Ridge Metro Park ambiance. Ms. Boring said the residents, when the City purchased properties for the park, were led to believe that the metro park idea would be followed, and she was not sure it was being done. She said the conflict has to be resolved as a City Council decision. Ms. Boring said the conflict was too large for her to overcome to consider anything else. She said she had no problem with the clubhouse.

Mr. Messineo agreed with Ms. Boring. He said it was an interesting concept with an interesting mix of commercial and different types of units. He said he was not sure that this was the location for it. He questioned empty nesters wanting to be across the street from the high school.

Mr. Messineo said he wanted to see how it would fit with Dublin's master plan. He asked when it was expected to be completed.

Mr. Gunderman answered that it would depend on a couple of other major projects. He estimated that it would be at the earliest, the middle of 2006.

Mr. Messineo said this was a very interesting concept, but he was not sure it was the location for it.

Mr. Zimmerman complimented Ms. Adkins on her staff report. He said it was well done.

Mr. Zimmerman asked for a comparison of existing retail mixed-use of about the same size. He asked what was the size of the Shoppes of Athenry.

Ms. Adkins said it was about 42,000 square feet.

Mr. Zimmerman said he agreed with Ms. Boring, Ms. Reiss, Mr. Saneholtz, and Mr. Messineo that this was an interesting concept. He was concerned about this being across from the high school because of the noise. Mr. Zimmerman said he was waiting for the updated Community Plan to know where Dublin is going.

Ms. Boring said the Community Plan consultants had provided many ideas to ponder and it seemed the group kept reconsidering those items. She was not sure they had come to any kind of consensus, which was recognized by the staff.

Mr. Gerber said he liked the idea and empty nester homes were needed as well as a variety of homes in Dublin. He said when conservation design was discussed; he thought it was one element very critical to the whole process. However, he said he was concerned with the retail. He did not want to create a natural tension between residents. He said a lot of that had been seen lately, and as time went on, they would see more of it. Mr. Gerber said it made sense to have it integrated because traffic in this area is bad. He said he did not see it improving in the near future.

Mr. Gerber said in the six years he had served on the Commission the Community Plan had been his bible. He told Mr. Hale that it had not been changed and it still ruled today. He said he thought some people are more optimistic than others that, 1) there will be a meeting of the minds with City Council and the Planning Commission and what it ought to be, and 2) when that is going to happen. He said he was not sure this was in the proper location. He referred to another concept for Bantry Greene seen by the Commission a few weeks ago that had alleyways and some other similarities. He said with Tartan West, rural characteristics and density were discussed and those were the things that the whole area is supposed to have. He said ideally, it would be nice to sit with staff in a workshop and discuss that there is a lot going on in the area and perhaps a northwest plan is needed. He said Ms. Boring had made a good comment with respect to the park. Mr. Gerber said he felt the Commission was a little behind the ball here in the City. He said it is not as cutting edge as it used to be and that is unfortunate. He said these new ideas are being brought forth and it was unfortunate that the timing was not the same.

Mr. Hale said it was interesting to him as to what was going on in Dublin because he did business in 26 separate jurisdictions. He said the real estate community really pays attention and says to clients what the city's trying to achieve and what their goals are.

Mr. Fite said they had attended all the community meetings that talked about this and actually seen drawings that indicate this site having some of these similar uses. He said they are here to receive this feedback from the Commission.

Mr. Gerber said there was no doubt, this was one of the most creative projects the Commission had seen in a long time and it was really a breath of fresh air.

Ms. Boring said it looked like something that had been asked for and there was no question that it is far better than seen previously.

Mr. Hale said this is a concept, and at the preliminary stage, all these details will be taken to the next level. He said they had to make this retail successful and do it right. He said two of the buildings are away from the front of the development and it will not look mammoth. He said it would look good.

Mr. Gerber summarized the Commissioner's issues as density issues, proximity issues, and the Community Plan update issue.

Mr. Sanholtz referred to Mr. Hale's previous statement that this community could absorb 750,000 square feet of additional commercial space. He said he was at the Community Plan meeting where it was discussed that Dublin had enough retail space already and that the only thing that made sense was small neighborhood oriented and positioned retail. He said he brought that up because he did not want anyone leaving this meeting thinking Dublin needs more retail.

Mr. Hale said he heard from the Community Plan consultants that over a 10- to 15-year period to properly service the community another 750,000 square feet of service retail was needed. When retail is done in smaller pods, it does not create traffic problems.

Mr. Hale said the project across up the street is very good housing, but it is very monolithic. He said when different buildings are introduced with different heights and shapes, they add to the fabric of the whole community.

Mr. Messineo said he would like to know what type of retail would serve a community like this.

Mr. Fite said the retail type would be something that would help the community and empathize the park amenity.

Mr. Hale said dry cleaners, sit down restaurants, banks, a library, decorators, a coffee shop, gas station, hardware stores are types of neighborhood-oriented retail.

Ms. Boring said the problem was philosophically, the Commission needed to look at what was going on in this area and address all the needs. She said the needs of the area are tied into the amount of traffic. She said the roadway improvements needed to be addressed.

Mr. Hale said what the Commission said tonight was heard.

Mr. Zimmerman asked that it be remembered that there will be residential living on top of the mixed use, and there have been problems lately with dumpsters and noise. He said it does not come into play until later when there is a Code Enforcement issue.

Mr. Hale felt it was important to have a commitment as to what the first phase would be so that the parking lots and major parts of the buildings are done so that it is real and there is a feeling as to what it is so anyone buying will know basically what it would look like.

Mr. Gerber ended the discussion by thanking Mr. Hale.

~~2. Amended Final Development Plan 05-184AFDP – Tartan West, Section 2, Parts I and II  
(Subarea H)~~

~~Mr. Gerber swore in those who intended to testify in regards to this case.~~