

# 17-061Z/PDP – DUBLIN GATEWAY (GORDEN DEVELOPMENT)

## Summary

Request for review and approval of a Rezoning/Preliminary Development Plan (PDP) for a residential development with 91 single-family lots and a 200-unit Adult Congregate Living Facility (ACLF) with 12.7 acres of open space and five public streets.

## Site Location

East side of Hyland-Croy Road, at the intersection with Post Road.

## Zoning

R: Rural District

## Property Owner

Roger & Denise Gorden

## Applicant/Representative

Wes Smith, Schottenstein Real Estate Group,  
and Laura Comek, Laura M. Comek Law LLC

## Applicable Land Use Regulations

Zoning Code Section 153.050

## Case Managers

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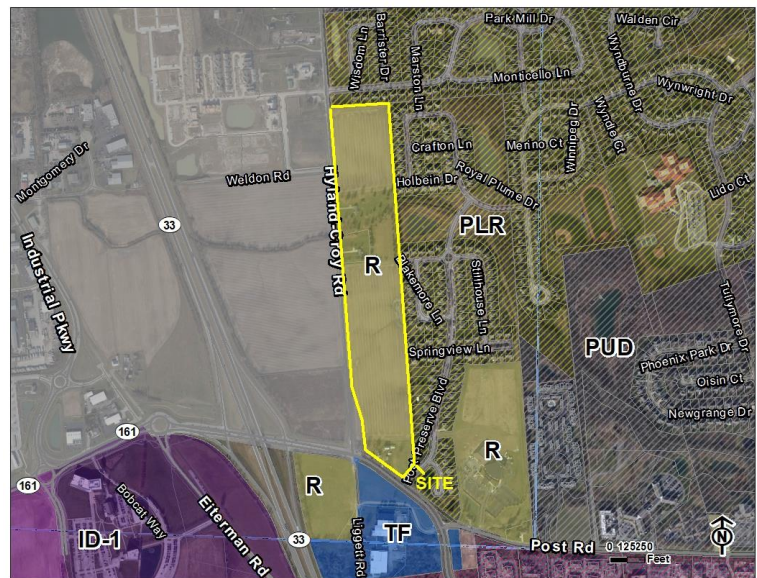
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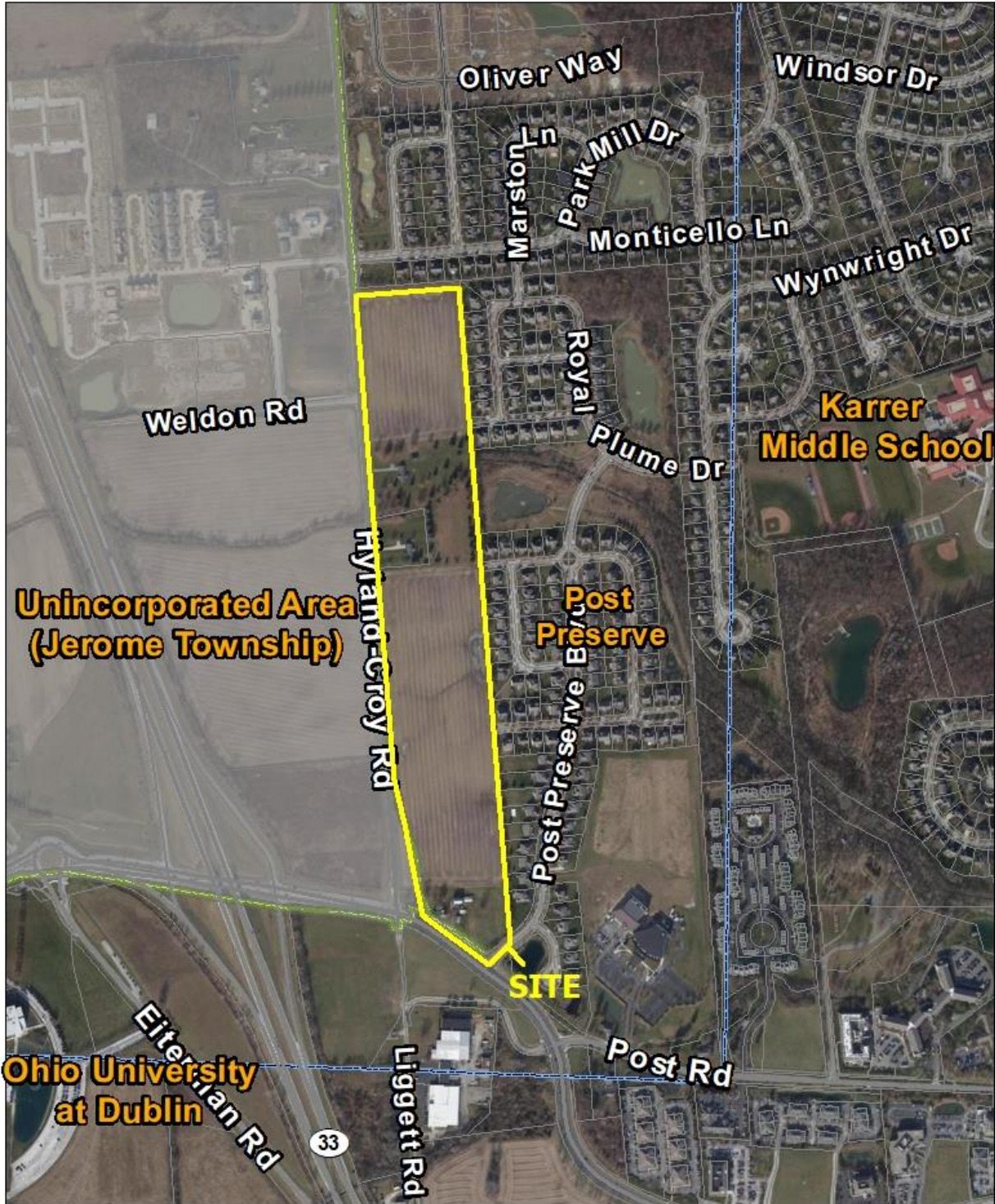
## Next Steps

Upon review and a recommendation of approval of the Rezoning/Preliminary Development Plan by the Planning and Zoning Commission (PZC), the applicant will be eligible to move forward with the request to City Council.

## Zoning Map



# 1. Context Map



17-061Z/PDP  
Rezoning/Preliminary Development Plan  
Dublin Gateway (Gorden Development)  
7270 & 7150 Hyland Croy Road

0 310 620  
Feet

## 2. Overview

### Background

The site is comprised of two parcels totaling approximately 45.5 acres in size. The site is generally rectangular with 3,300 feet of frontage along Hyland-Croy Road and 500 feet of frontage along Post Road with an average width of approximately 550 feet. As exists today, this is a farm site with a farmhouse and outbuildings located on the south side of the property near Post Road and two houses in the center of the site with access off Hyland-Croy Road. The site currently has two driveways from Hyland-Croy Road for the existing homes and one driveway from Post Road to the south.

The site is surrounded by established single-family neighborhoods to the north and east, Park Place and Post Preserve, respectively. Recently, a new multi-family development, Jerome Grand, has been constructed on the west side of Hyland-Croy Road within the Township.

### Case History

#### *January 2018 – Annexation – City Council*

On January 9, 2018, City Council passed Ord. 87-17 accepting the annexation of the subject property from Jerome Township, Union County to the City of Dublin. Previously, the request was heard and accepted by the Union County Commissioners as a regular annexation petition on May 25, 2017.

#### *May 2015 – Concept Plan – Planning and Zoning Commission*

On May 21, 2015, the Commission reviewed a Concept Plan for 32, four-unit residential buildings totaling 128 units, and an independent and assisted living facility containing 125 units. Open spaces with stormwater management basins were conceptually shown throughout the site, and a shared-use path extended along Hyland-Croy Road.

At the time, the Commission encouraged the applicant to meeting with residents and address their concerns prior to moving forward with a Rezoning application. The adjacent residents expressed concerns with the three-story height of the independent living facility as well as the proposed road connections through the site.

### Neighborhood Contact

#### *2019*

Following acceptance of the application on June 13, 2019, City staff encouraged the applicant to conduct an Informal Review with the Planning and Zoning Commission and to contact the adjacent neighborhoods to provide an update given the nearly 5 years that past since the initial review. The applicant declined to pursue these requests until the past week when staff was made aware the applicant contacted a representative of the Post Preserve neighborhood to offer a neighborhood meeting to discuss the project on December 11, 2019. Results of this meeting will be provided at the Planning and Zoning Commission on December 12, 2019.

#### *2015*

The applicant held a neighborhood meeting with representatives from adjacent homeowners associations in January 2015 and May 2015.

**Process**

Rezoning to a Planned Unit Development District (PUD) is the second step in establishing a PUD. PUDs are created to address unique conditions, which cannot easily be addressed by a standard zoning district. The PUD zoning approval includes a development text, which serves as the zoning regulation, and a preliminary development plan, which serves to define the site layout and development parameters.

This application was preceded by a Concept Plan application in 2015. A Preliminary Plat is also being considered in conjunction with this Rezoning/Preliminary Development Plan. A Final Development Plan and Final Plat approving the final details associated with the development would follow the approval of a Rezoning/Preliminary Development Plan.

**Site Characteristics**

*Natural Features*

The site is bisected by a tributary stream to the South Fork of Indian Run flowing east into ML "Red" Trabue Nature Reserve. The stream is overlaid with a Stream Corridor Protection Zone (SCPZ). Tree rows align both sides of the stream, while the majority of the site remains open.

*Surrounding Land Use and Development Character*

North: PLR, Planned Low Density Residential District (Park Place)

East: PLR, Planned Low Density Residential District (Post Preserve and Wyndham Village)

South: TF, Technology Flex District (Vacant Land, across Post Road)

West: Undeveloped land, located within Jerome Township, between Hyland-Croy Road and US 33

*Existing Road, Pedestrian and Bike Network*

The site has approximately 3,300 feet of frontage along Hyland-Croy Road and 500 feet of frontage along Post Road. Currently three street connections from Post Preserve stub into the undeveloped site: Springview Lane, Stillhouse Lane, and Holbein Drive. Two shared-use paths, not associated with a public street, also stub into the undeveloped site from adjacent open spaces: one from Park Place (Reserve B), and one from Post Preserve (Reserve E).

*Utilities*

The site is not currently served by public utilities. The extension of public utilities is included with this development proposal.

**3. Plans & Policies**

**Future Land Use**

The Future Land Use Map in the Community Plan has two land use classifications for the site. The northern third is Suburban Residential Low Density (1-2 dwelling units per acre), while the remaining two thirds are Mixed Residential Low Density (up to 3 dwelling units per acre). The Suburban Residential Low Density is described as "Modern suburban residential pattern that characterizes most development in Dublin. Residences are primarily composed of single-family dwellings on lot sizes that



commonly average 0.25-acre. Public services are necessary, and larger projects may include a mix of densities that together do not exceed the average density.”

The “Mixed” category for residential character is intended for neighborhoods that incorporate a variety of single and multiple family dwelling styles, generally in larger projects. The integration of a broad range of housing within neighborhoods is intended to allow for greater housing choices particularly for younger and older age groups, and provide market flexibility to allow for a wider range of housing choices, consistent with Dublin’s Land Use Residential Principles. Larger sites are expected to incorporate a mix of housing types and to be designed to look, feel and function as a cohesive neighborhood. Smaller sites may include a single housing type, appropriately scaled to the surrounding development context, and consistent with Special Area Plan recommendations where applicable.

Relevant to this particular proposal, the classification is further defined by the following statement for the Mixed Residential Low Density category: “areas are intended to provide a mix of housing options and transition from existing single-family neighborhoods.”

### **Northwest Glacier Ridge Special Area Plan**

The *Hyland-Croy Road Corridor Character Study* was completed in 2011 as a refinement to the Northwest/Glacier Ridge Area plan, which was then incorporated into the most recent update to the Community Plan. The Area Plan concepts are general guides to indicate potential development options. Plans are schematic only, and the actual mix of land uses, locations and configurations of buildings, parking areas, streets and access points are to be determined through the public review process for individual development proposals.

The southwest portion of the Hyland-Croy corridor contains over 140 acres of agricultural land adjacent to US 33, currently in Jerome Township. The site west of Hyland-Croy Road, depicted in the Area Plan as office use, is currently being considered for a large format retail development proposal in Jerome Township. The planned improvement of the US 33/SR 161/Post Road interchange will provide improved access to this location and the intersection of Hyland Croy and Post Road.

The Area Plan for the subject site includes a mix of single family and attached multiple family homes. The Plan states “single-family detached homes should be developed adjacent to the existing lots in the Post Preserve neighborhood, transitioning to a mixture of single-family attached and low-density multiple-family units toward Hyland-Croy Road.



### **Thoroughfare Plan**

The Thoroughfare Plan indicates “Rural Character” as the designation for Hyland-Croy Road. This character results from the cultural and historic use of the region for agricultural purposes.

The roadways are typical of unincorporated areas or old township roads and are informal, evoking a sense of the past prior to development and include the following:

- Generous setbacks ranging from 100 to 200 feet;
- Integration of open views and vistas into adjacent development perhaps greater than 200 feet in some areas to increase the sense of openness;
- Provision of informal landscaping that focuses on native plant species and naturalized forms (meadows, wildflowers, grasses, wetland areas etc.);
- Use of trees, fencerows and woodland plantings to provide additional screening and sense of enclosure;
- Preservation of historic farmsteads, barns or outbuildings that emphasize the agrarian history of the area;
- Creation of meandering bike paths and sidewalks that are informally designed as to not be entirely visible from the roadway;
- Design of naturalized ponds with aquatic plants and informal edges;
- Use of stone walls and split rail fences that are traditionally used in the countryside;
- Integration of "rural" road design that may include berms, swales and/or variable medians; and
- Provision of shared entrances to minimize curb cuts and maintain openness.

Specifically for Hyland-Croy Road, the Plan states that at build-out, development character will transition at various points along the Hyland-Croy Road corridor, with more intensive commercial uses near the freeway interchange, and neighborhood service or civic uses at major intersections. Between major intersections, land use character will consist primarily of residential neighborhoods, individual single-family homes, and Metro Park frontage. Entryways to residential neighborhoods provide additional transition points along the corridor. Roadway character must respond to each of these contexts, and should seamlessly transition between different areas to create a coordinated fabric that functions as a whole.

The Community Plan also includes alternative configurations for Hyland-Croy Road. An option with a narrow median with slight curvature to the roadway alignment and providing consistent open space setbacks on both sides of the roadway is described as most appropriate for implementation with the City's preferred development scenario on the west side of Hyland-Croy Road, as architectural character and open space requirements for this site would be appropriately coordinated with surrounding neighborhoods, if developed within the city. Larger, variable-width medians with substantial mounding and tree massing, and more significant curvature of Hyland-Croy Road should be considered if land to the west of Hyland-Croy Road does not develop within the city.

A more substantial median design can be implemented as a means to buffer nearby residential neighborhoods from incompatible uses and to mitigate visual impacts on the corridor. Implementation of wider medians will result in a narrower open space setback to the east of Hyland-Croy Road. As future development options become clearer, the best design solution may include elements from each of these options.

### **Crossroads Area Plan**

In 2016, the City and adjacent jurisdictions including Union County, Jerome Township, and the City of Marysville undertook a multijurisdictional planning effort, the Crossroads Area Plan, to



of the existing Post Preserve entry features and including an approved entry sign for Post Preserve at this location. As a whole, this new residential development should be designed to integrate with, and be considered part of the larger Post Preserve neighborhood.

## 4. Proposal

### Summary

The proposal includes a residential development with an Adult Congregate Living Facility (ACLF) with a maximum of 200 units and a maximum of 91 single-family homes with associated site improvements on a 45.5 acres site. The proposal includes 12.7 acres of reserve/park space including the Hyland-Croy Road frontage, stream corridor, and three ponds.

Main access is from Hyland-Croy Road onto Grand Gateway Drive. There are two secondary access points along Hyland-Croy Road: Freedom Drive and Holbein Drive. Connections are provided through Springview Lane, Stillhouse Lane, and Holbein Drive east to the Post Preserve subdivision.

The development is comprised of two Subareas. Subarea A (south) is for the ACLF, and Subarea B (north) is for the single-family homes. Subarea A is approximately 10 acres in size, and Subarea B is approximately 35 acres in size.

Subarea B is proposed to be developed in two phases. Section 1 will contain a total of 55 lots, Grand Gateway Drive, Freedom Drive, Stillhouse Lane, and Springview Lane. Section 2 will contain a total of 36 lots and the extension of Holbein Drive and Woodfield Loop.

The lots vary in size, but the most common lot size is 53 feet in width and 110 feet in depth with lot area of 5,830 square feet (or approximately  $\frac{1}{8}$  acre). Lots adjacent to existing neighborhoods are approximately 9,500 square feet in size with the largest lot proposed being over 16,000 square feet (or over  $\frac{1}{3}$  acre).

The Hyland-Croy Road frontage provides a large setback bounded by an internal private drive in Subarea A and internal public streets in Subarea B of the development.

### Use & Density

The proposal permits a mix of residential uses including an Adult Congregate Living Facility, ACLF and single-family homes.

In Subarea A, uses are limited to an ACLF, specifically allowing: one or more buildings providing living accommodations for senior citizens and the elderly with one or more levels of care, including (but not necessarily limited to) nursing care, on-site dispensary facilities for medication prescribed by a physician providing care only to residents on-site, dining facilities, and assistance with other activities of daily living.

The applicant should update the development text to permit Parks and Open Space as permitted uses and Parking as a permitted accessory use within Subarea A given the proposed development character.



In Subarea B, uses are limited to single-family residential, parks and open space, model homes and sales offices, and home occupation.

The density for Subarea A is proposed as a maximum gross floor area (GFA) of 17,000 square feet per acre and the density for Subarea B is proposed as 2.55 units to the acre.

The Community Plan does not recommend General Institutional for the site; although, the Community Plan notes that density for such facilities should be determined based on "use and location". Other similar facilities in Dublin range in intensity from Sunrise Senior Living at 11,742 square feet per acre, to Brookdale Dublin at 13,955 square feet per acre, and Senior Star at Dublin Retirement Village at 17,491 square feet per acre. Based on the proposed intensity of use and immediate adjacency to single-family residential, staff recommends the proposed GFA per square foot be reduced.

The Community Plan does recommend multiple-family and single-family residential at a maximum density of 3 units to the acre for the southern two-thirds of the site and 1-2 units to the acre for the northern one-third of the site, respectively. The proposed single-family residential located in Subarea B generally aligns with the community plan.

### **Lot Sizes, Lot Coverage, and Setbacks**

#### *Subarea A (ACLF)*

In Subarea A, there will be one buildable lot for the ACLK. The applicant will need to revise the plans and development text to define the lot size and buildable area including two separate building and pavement setbacks. A reserve should be established for an open space that dedicates the 1.8 acres of open space along the Hyland-Croy and Post Road frontages to the City, which should be maintained by the ACLK.

The setbacks within Subarea A are loosely defined with a 100-foot parking and building setback along Hyland-Croy and Post Roads. The proposed development text allows a drive aisle to encroach 30 feet into the Hyland-Croy Road setback. This provision should be eliminated as it conflicts with the recommendations of the *Hyland-Croy Roadway Character Study*. Additionally, the development text should be revised to prohibit parking forward of a structure along Hyland-Croy and Post Roads. The plan labels should be revised to change 'parking' to 'pavement' to align with the development text.

The proposed lot coverage is a maximum of 70 percent. The proposed lot coverage is consistent with other institutional care facilities in Dublin.

#### *Subarea B (Single-Family)*

Subarea B contains a variety of lot sizes that differ in area by over 10,000 square feet, which creates challenges in establishing universally applicable standards. The proposed minimum requirements intended to be applied to all lots regardless of size, are as outlined to the right.

<b>Minimum Lot Requirements</b>	
<b>Area</b>	5,830 Square Feet
<b>Width</b>	53 Feet (35 Feet for Corner Lots)
<b>Depth</b>	110 Feet
<b>Front Yard</b>	20 Feet
<b>Side Yard</b>	5 Feet
<b>Rear Yard</b>	10 Feet
<b>Lot Coverage</b>	70% (45% is Code)

#### Lot Coverage

The applicant is proposing a maximum lot coverage of 70 percent for Subarea B. Code permits a maximum 45 percent lot coverage for residential zoning districts including Planned Districts, unless an alternative standard is approved in the development text. The Commission has most recently approved: 70 percent lot coverage for Hamlet on Jerome, 45 percent for Autumn Rose Woods, and 45 percent for Riviera – Subareas A and B and 70 percent for Riviera – Subarea C. Recently, approved lots over 9,100 square feet in area have provided 45 percent lot coverage. The proposed development contains 31 lots that are 9,100 square feet or greater; and 45 lots that are the minimum lot size, 5,830 square feet. Staff recommends the applicant revised the proposed setbacks and lot coverage requirements to be more proportional to lot size.

#### Setbacks

With regard to setbacks, the applicant is proposing corner lots have a front yard and side yard facing two different public rights-of-way, which will be defined with the final development plan. Consistently, the City has applied the interpretation that corner lots have two front yards, one facing each public right-of-way, and two side yards, one facing each interior property line. This is reflected in other recently approved developments. The applicant should revise the preliminary development plan to require a 20-foot building line along all public rights-of-way. The applicant is proposing corner lots be permitted to have a reduced lot width. Typically, corner lots have a greater lot width and larger area to accommodate the two front yards along two public rights-of-way. The applicant should revise the development text to increase the minimum corner lot width consistent with the Subdivision Regulations regarding corner lots.

#### Encroachments

The proposal permits encroachments into required setbacks. Specifically for the single-family homes: stoops, eaves, and covered porches are permitted to encroach 5 feet into the 20-foot front yard setback. Additionally, eaves and rakes are permitted to encroach 1-foot into the 5-foot side yard setback; and, eaves are permitted to encroach 1-foot and patios 5 feet into the 10-foot rear yard setback. In cases where exceptions are universally proposed to a zoning standard, it is appropriate to consider modifying the development standard, lot size, or building size to meet a numeric standard without numerous exceptions. Staff recommends the elimination of all setback encroachments with the exception of 5 feet for at-grade patios in rear yards, as it is consistent with Code.

The plans have numerous drafting errors and inconsistencies. All line work and labels should be updated prior to review and approval by City Council. Additionally, the applicant will need to verify the labels for the 30-foot rear yard setback, as many are labeled as 10 feet.

## **Traffic & Access**

All proposed streets are public. The main access point, Grand Gateway Drive is proposed to provide access from Hyland-Croy Road along with two other access points: Freedom Drive and Holbein Drive. The proposal includes the extension of Springview Drive, Stillhouse Lane, and Holbein Drive, and Woodfield Loop is proposed to intersect Holbein Drive in two locations from the Post Preserve neighborhood. The proposed names have not been verified by emergency services. The applicant will need to coordinate with Engineering to update the plans prior to City Council with the final approved names. The Subarea and Phasing Plan should be updated to eliminate references to 'Public Road D'.

Additionally, pedestrian connections including sidewalks and shared-use path connections are included to provide connectivity to the regional parks/open space network. The applicant should update their plans to provide sidewalk connections on both sides of Freedom Drive and Grand Gateway Drive to the shared-use path along Hyland-Croy Road.

It is the policy of the City Engineer to require the extension of all existing public streets to have the same street section between the existing and new. The proposed Holbein Drive street section should be revised to reflect a shared-use path along the south side of Holbein Drive. Additionally, a shared-use path connection should be provided from the south side of Holbein Drive, between lots 58 and 59, to the proposed shared-use path in Reserves C and D.

The applicant has shown cluster mailbox units (CBU) as part of the preliminary development plan drawings. CBU locations and details are generally determined with the Final Development Plan to allow for adequate review of siting of unit as well as circulation and parking. The CBUs should be removed from the preliminary development plans prior to City Council review. The development text should be revised to require decorative CBUs with the final units and locations to be defined with the final development plan, subject to Staff approval.

## **Traffic Impact Study**

The applicant submitted a Traffic Impact Study (TIS) as required for a rezoning application. The traffic study is currently under review by the City of Dublin and the Union County Engineer's Office. As Hyland Croy Road is within Union County's right-of-way, they are partners in the review of the traffic impact study and also control access to this roadway. The study provides analysis of the anticipated traffic generated by the proposed development and models the traffic on the existing roadways. Currently, a study that recommends certain improvements to mitigate the anticipated development traffic impacts has been submitted, but not accepted at this time by the City of Dublin nor the Union County Engineer's Office. Moving forward, the developer should continue to refine the study to address the concerns raised below and make revisions to ensure the study can be accepted by the City of Dublin and the Union County Engineer's Offices. Once this is completed, the developer will need to work with the City of Dublin and Union County to create an Infrastructure Agreement that will commit the developer to the transportation improvements and contributions to offsite intersections that are recommended as a part of the accepted study.

Generally, the outstanding items for the traffic study includes the following:

- 1) The number of through lanes on Hyland-Croy Road needs to be addressed. The study implies the need for additional through capacity on Hyland-Croy Road in the following ways:
  - a. There is a recommendation for dual eastbound left turn lanes from Post Road to Hyland-Croy Road. This will require an additional northbound through lane to accept both left turn lanes.
  - b. There is an excessive amount of delay expected at the Hyland-Croy Road and the North Gorden Full Access/Weldon Road intersection. In the June traffic impact study, additional through lanes on Hyland-Croy Road helped to mitigate the amount of delay.
  - c. The through movement backup calculations show the peak hour queues for a single lane Hyland-Croy Road will regularly exceed 1,000 ft. Added through lanes will better accommodate the backups.
- 2) The proposed developer contribution for intersection improvements at Hyland-Croy Road and the South Gorden Full Access is not sufficient.
- 3) Turn lane lengths at intersections with existing or proposed traffic signals will need to accommodate the through movement backup calculations, reduced to maximum turn lane lengths as recommended in the ODOT methodology.
- 4) The two proposed full access points will need to provide two exit lanes for a minimum of 50-feet, with standard radius returns. Alignment for a future opposing leg will need to be provided at the South Gorden Full Access, with opposing east-west left turn lanes and through lane alignment.
- 5) The median at the proposed restricted access should be shaped to guide right turn only movements.
- 6) Initial study commitments to be carried forward include:
  - a. Developer contribution towards future improvements at Hyland-Croy Road and Brand/Mitchell-Dewitt Road.
  - b. Construct SBLT and NBRT (see comment 8 below) at North Gorden Full Access.
  - c. Construct SBLT and NBRT at South Gorden Full Access.
  - d. Construct NBRT at Gorden Restricted Access.
  - e. Developer contribution towards future improvements at Hyland-Croy Road and Post Road.
- 7) All site traffic should be assigned to the proposed site access points. Westbound left turns exiting the site, in particular, would not be expected to route to the north.
- 8) At the Hyland-Croy Road and North Gorden Full Access/Weldon Road, there are several references to the need for a northbound right turn lane in the study. This assumption should be carried to the Recommendations section of the study.
- 9) There should be developer contribution to the Hyland-Croy Road & Park Mill Drive turn lane extension.

The applicant should continue to work with the City and Union County to complete the traffic impact study to the satisfaction of the City Engineer and the Union County Engineer, prior to submitting the rezoning for consideration by City Council. Once this is complete, the applicant should work with the City of Dublin and Union County to develop an Infrastructure Agreement for consideration by City Council. This should be submitted in conjunction with the submission of the rezoning to City Council.

## **Parking**

For Subarea A, the applicant is proposing a minimum of .5 spaces/unit and maximum of 1.5 spaces/unit. Based on the proposed 200 units, between 100 and 300 parking spaces will be constructed. The spaces located within a garage will count as a parking space in the parking calculation. Shared parking is proposed throughout Subarea A.

For Subarea B, the applicant is proposing that each home shall have a minimum two-car garage. Two additional off-street parking spaces will be provided in each driveway. Additionally, there will be on-street parking in designated areas to be determined with the final development plan.

## **Open Space**

### *Hyland-Croy Road Frontage*

The building and parking setback along Hyland-Croy Road is 100 feet and the plan is arranged so that no homes back up to Hyland-Croy Road. This is consistent with the minimum recommendation of the Community Plan – Rural Roadway Character as previously detailed. Homes visible from Hyland-Croy Road will have decorative garage doors, appropriate architectural elements in accordance with the City of Dublin’s Appearance Code Standards, and use high-quality materials as detailed in the development text.

### *Reserves Ownership and Maintenance*

The proposal includes five reserves of open space (Reserves A-E) all located in Subarea B. Reserve A provides a .2-acre buffer between the ACLF and single-family homes. Staff recommends Lot 40 (also shown as Lot 35 on some plan sheets) be eliminated to provide a continuous open space buffer between uses. As proposed, there is a 20-foot separation between the two uses provided by two 10-foot setbacks – one on Lot 40 and one on the ACLF property. As proposed, Lot 40 will be challenging to site a home, and Lot 41 (also shown as Lot 36) does not meet the minimum lot width standards at the building line.

Reserve B is 1-acre in size and is the Hyland-Croy Road setback between west of Stillhouse Lane between Freedom Drive and Grand Gateway Drive. The reserve includes entry features and a shared-use path.

Reserve C is a 4.2-acres open space located north of Grand Gateway Drive and south of the stream. The area includes a stormwater management basin, entry feature, and shared-use paths. The stormwater basin in Reserve C is sited extremely close to the rear property line of lots. As shown, there is not enough space for a maintenance berm. The plans should be revised to allow the City sufficient area to maintain the stormwater basin.

Reserve D is a 4.2-acres open space located north of the stream and south of Holbein Drive. The area includes a stormwater management basin, entry feature, and shared-use paths.

Reserve E is 1.3-acres in size and is the Hyland-Croy Road setback north of Holbein Drive. Staff recommends the applicant revise the plans to establish three new reserves: one for the 1.8-acres located within Subarea A, one for the Freedom Drive median in Subarea B, and one for the Grand Gateway Drive in Subarea B.

The plans should be revised to identify the City as the owner all reserves. The Subarea A reserve should be maintained by the ACLF and the Subarea B medians should be maintained by the HOA. The applicant has provided a maintenance distribution graphic, which does not use physical features as demising lines for maintenance. The plan should be revised to require the HOA maintain the entire Hyland-Croy Road frontage; specifically the area west of Stillhouse Lane and west of Lot 18; and the area west of Lot 64 and west of the Reserve D basin. The proposal indicates the City will maintain the stormwater management basins in Reserves C and D and the stream corridor east of the shared-use path.

The development text requires the neighborhood have a forced and funded HOA to contribute to the maintenance of reserves. The development text should be updated to ensure that a detailed landscape and maintenance plan is provided at the Final Development Plan stage, which clearly identifies the level of maintenance the HOA is responsible for with cost estimates.

The plans should be updated to clarify there are not a total of 12.7 acres on open space in Subarea B, but rather across the development.

### **Tree Survey**

The applicant has provided a tree survey indicating the size and health of existing trees. There are 137 trees on site and another 27 trees immediately adjacent off-site. Of the 164 trees surveyed, there are nine dead trees.

Staff will verify the accuracy of the information on the tree survey and tree data table with the final development plan. A detailed tree removal and replacement plan is required to be submitted for the final development plan. Preserving as many protected trees as possible is required by Code. To ensure tree preservation, the tree removal plan needs to include those trees where the critical root zone cannot be fully protected from all utility and grading activities. These removals and replacements are more easily mitigated through the final development plan process versus when the trees are damaged in the field by construction. Tree removals and preservation practices need to be accurately reflected during the public review process to minimize alterations during construction. City inspections and approval of tree protection fencing are required prior to issuance of construction permits.

The applicant should update the development text to assure a performance guarantee for open space improvements. A bond and warranty shall be provided to ensure developers construct the city-owned open spaces per the approved drawings and specifications to the satisfaction of city staff, including staff from Parks, Engineering and Planning. The goal of the PUD process is to ensure this provision is provided and the parks and open spaces are constructed to the highest quality.

The development text should be updated to reflect that street trees are field location by the City forester and not determined as part of the final development plan.

The applicant is proposing to allow all trees that are not otherwise required by Code to count as tree replacements. The intent of the tree replacement provision is to supplement, above and beyond, the minimum required landscape standards. The applicant should revise the development text to only allow 50 percent of trees not otherwise required by Code to count as tree replacements, which is consistent with recent subdivision approvals. The City expects the

developer to provide a landscape plan for the Hyland-Croy Road frontage and all open spaces with the final development plan.

The applicant should coordinate with the City's Zoning Inspector to ensure any outstanding landscape plan notes are corrected and updated prior to Council.

## **Architecture & Building Materials**

### *Subarea A (ACLF)*

The proposal includes the construction of a three-story, 45-foot tall ACLF with detached garages. The development text permits both flat and pitched roofs. The applicant is proposing to permit a variety of primary materials including: brick, stone/synthetic stone, stucco/synthetic stucco, wood siding, fiber cement siding, vinyl, and other materials approved by the Planning and Zoning Commission. The text also defines secondary materials permitted for trim that include: gypsum reinforced fiber cement trim, decorative synthetic millwork for exterior applications, composite trim, metal trim, and vinyl trim. Permitted roof materials are dimensional asphalt shingles (240lbs/sq weight), metal standing seam and EPDM. The development text should be revised to eliminate vinyl as a permitted primary building material and the dimensional asphalt shingles should be minimum of 325lbs/sq weight, which is consistent with other commercial applications in Dublin. The maximum building height should be limited to 35 feet, which is the maximum building height in all residential zoning districts in Dublin. The applicant should revise the development text to require the appearance of a pitched roof and only permit EPDM in areas where it is not visible from grade or any public right-of-way or adjacent property.

The applicant should update the development text to provide standards for the accessory garages, including maximum height. The development text should require accessory structures to be architecturally integrated with the primary structure, with details provided with the final development plan.

The plan permits fences up to 6 feet in height within Subarea A. Limited applications of 6-foot tall fences with masonry piers have previously been approved elsewhere in the City for care facilities. Staff recommends the development text be revised to require a decorative, open metal fence with masonry piers for sections of fence that exceed the normal Code allowance of 4 feet in height to be approved with the final development plan.

### *Subarea B (Single-Family)*

The proposal permits the construction of 1-2-story, single-family homes with a maximum height of 35 feet, which is consistent with the Code allowances in residential zoning districts. The applicant is proposing to permit a variety of primary materials including: brick, stone/synthetic stone, stucco/synthetic stucco, wood siding, vinyl, and fiber cement siding. The text also defines secondary materials permitted for trim that include: gypsum reinforced fiber cement trim, decorative synthetic millwork for exterior applications, composite trim, and vinyl trim. Permitted roof materials are dimensional asphalt shingles (240lbs/sq weight) and metal standing seam. Windows are permitted to be vinyl. The development text should be revised to eliminate vinyl as a permitted primary building material, but vinyl may be used for trim and windows. Front loaded garages are permitted, and decorative doors with stamped pattern and hardware are required. The applicant is proposing garages be permitted to be up to 47.5

percent of the linear façade of the home. Staff recommends the number be revised to a round number that is easily administer.

The applicant is proposing four base single-family homes, which will be modified to meet architectural diversity requirements defined in the development text. The color palette is proposed to be natural earth tones in a warm hue to remain consistent with adjacent development character. Homes fronting Hyland-Croy Road are required to have additional architectural elements including, but not limited to a stone/synthetic stone watertable, shutters with operable hardware or masonry entry piers. Elevation will be submitted with the final development plan along with final material specifications.

Storage sheds and swimming pools are prohibited within Subarea B. Fences are permitted within Subarea B, and are proposed at six feet in height. The development text should be revised to permit fences in accordance with Code and limit the height to four feet.

### **Signs**

The applicant is proposing a total of six signs across the development. Three signs are proposed to be located in Subarea A and three signs are proposed to be located in Subarea B. Signs are intended to be of a consistent character across subareas.

As proposed, within Subarea A the applicant is requesting a ground sign identifying the overall development located within the Hyland-Croy setback at the intersections of Hyland-Croy Road and Post Road. The sign is proposed be attached to a stone wall that is a maximum of 60 feet in length and 4 feet in height. The sign copy is proposed to be a maximum of 32 square feet in size. The applicant is also proposing two additional signs to identify the ACLF use within Subarea A: one 20-square-foot ground sign, 6 feet in height at the Freedom Drive and Hyland-Croy Road intersection, and a second ground sign or wall sign 20-square feet in size. The applicant is requiring external illumination.

In Subarea B, the applicant is proposing two signs for the Dublin Gateway subdivision and a third for the Post Preserve subdivision per City Council's commitment. The proposal is for two signs 20 square feet in size and up to 6 feet in height with one located at Grand Gateway Drive and one located at Holbein Drive. The applicant describes providing a Post Preserve sign, but does not require it and does not provide a size allowance or specify a location. The development text should be updated to require the sign for Post Preserve be provided in accordance with the City Council approved plans (08-013CIP).

Code permits one entry feature sign for a subdivision or multi-family development at a maximum of 20 square feet. Based on the two distinct uses, one sign for the ACLF and one sign for the single-family subdivision should be permitted. The single-family subdivision sign should jointly identify both Dublin Gateway and Post Preserve with each neighborhood identified on a separate panel. The sign design should be substantially similar to the sign design approved for the Post Preserve neighborhood by City Council and located at the Grand Gateway Drive entry.

The preliminary intent is that the majority of the proposed signs be place in landscape medians at entry points. The applicant should clarify that a sign plan shall be submitted with the final development plan, and should revise the development text to reduce the number of permitted signs.



## Stormwater Management & Utilities

### *Stormwater Management and Stream Protection*

The proposal will meet the requirements of the City of Dublin Chapter 53 Stormwater Management and Stream Protection Code by constructing multiple stormwater management retention basins, storm sewer pipes, and associated structures. The applicant has located and sized these facilities based on a stormwater management report that analyzed the existing and anticipated drainage for the area and have provided calculations for the sizing of the retention basins and storm sewer pipes. It should be noted that the retention basin shown on the ACLF site is conceptual as this time and would need to be further refined prior to finalizing location and size.

A stream corridor protection zone is located near the northern third of the proposed site. This area has been delineated and has been kept free of proposed buildings, stormwater management facilities and other prohibited uses in this zone.

### *Water*

Access to public water for domestic and fire protection use will be available by the construction of new public water main from the south along Hyland Croy Road. Additionally, this proposal provides for the construction of new public water main within the development, including new fire hydrants.

### *Sanitary Sewer*

New public sanitary sewer is proposed with this development to provide access for the proposed lots and future ACLF. This will connect to existing sanitary sewer located to the east of this development.

## 5. Criteria Analysis

### *Rezoning with Preliminary Development Plan*

- 1) *The proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code;*

Criterion not met. This proposal is not consistent with the purpose, intent and applicable development standards of the Zoning Code requirements, including inconsistent setbacks, unproportioned development standards, inconsistent sign and fence provisions, unnecessary encroachments, inconsistent building heights and materials. Given the number of outstanding individual items, staff finds this criterion not met and recommends the applicant work to resolve the outstanding items addressed in the report to meet the minimum standards of development.

- 2) *The proposed development is in conformity with Community Plan, Thoroughfare Plan, Bikeway Plan, and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network;*

Criterion Not Met. The proposed development meets a portion of the recommended land use designation with the proposed development within Subarea B. While Subarea A does not meet the Future Land Use designation for the site, staff supports the inclusion of the AFCL within the Subarea to provide a transition between the interchange and the single family development to the east. However, Staff has concerns about the proposed density and height of the development within Subarea A, as the density exceeds the

appropriate square foot per acre and the proposed three-story building height exceeds the maximum height requirements, given its adjacency to the existing single family development. Additionally, the proposal includes a series of encroachments into the designated Hyland-Croy Road setback, which are not recommended in the Community Plan.

- 3) *The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;*

Criterion not met. Overall, staff is supportive of the general layout and uses shown with the proposed development. However, given staff's specific concerns related to minimal Code requirements, proposed encroachments, lot development standards, and outstanding traffic impacts, staff does not find this criterion met at this time. Staff has outlined a number of conditions that the applicant could address to remedy these concerns moving forward.

- 4) *The proposed uses are appropriately located in the city so that the use and value of property within and adjacent to the area will be safeguarded;*

Criterion met. The proposed development meets a portion of the recommended land use designation with the proposed development within Subarea B. While Subarea A does not meet the Future Land Use designation for the site, staff supports the inclusion of the AFCL within this Subarea to provide a transition between the interchange and the single-family development to the east.

- 5) *Proposed residential development will have sufficient open space areas that meet the objectives of the Community Plan;*

Criterion met. The proposed open space provision meets the requirements. Additional refinements to reserve designations and maintenance responsibilities are required.

- 6) *The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;*

Criterion met. The proposal will have to adhere to Code for any removal and replacement of the vegetation on site. The Stream Corridor Protection Zone located near the northern third of the proposed site has been kept free of proposed buildings, stormwater management facilities and other prohibited uses in this zone.

- 7) *Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;*

Criterion met. The proposal will meet the requirements of the City of Dublin Chapter 53 Stormwater Management and Stream Protection Code by constructing multiple stormwater management retention basins, storm sewer pipes, and associated structures. The extension of public utilities is included with this development proposal. The stormwater basin in Reserve C is sited extremely close to the rear property line of lots. As shown, there is not enough space for a maintenance berm. The plans should be revised to allow the City sufficient area to maintain the stormwater basin.

- 8) *Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public*

*safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;*

Criterion not met. The applicant has submitted a Traffic Impact Study that recommends certain improvements to mitigate the anticipated development traffic impacts; however, given the number of outstanding items, the study has not been accepted by the City of Dublin or the Union County Engineer's Office. These items include addressing the needed number of through lanes, intersection design details, and developer contributions. The developer should continue to refine the study to address the outstanding items outlined by staff and make revisions to ensure the study can be accepted by the City of Dublin and the Union County Engineer's Office.

Additionally, the plans do not provide necessary connections to existing shared use path in adjacent neighborhoods. Staff has outlined a series of conditions that the applicant could address to ensure these connections are made.

9) *The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PD and the larger community and maintains the image of Dublin as a quality community;*

Criterion not met. The proposed setback between the AFCL development and the closest single-family lot is identified as 20 feet. Staff has concerns about the need for additional buffering and separation between these two uses, especially considering the proposed intensity of the AFCL use in Subarea A and its commercial nature adjacent to single-family.

10) *The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the city;*

Criterion not met. The proposed density and height of the AFCL, setback inconsistencies within Subarea B, lot development standards, and outstanding traffic impacts do not contribute the orderly development of the property at this time. Staff has outlined a number of conditions that the applicant could address to remedy these concerns moving forward; however, given the significant number of items staff does not find this criterion met at this time.

11) *Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;*

Criterion met. The proposal will meet the requirements of the City of Dublin Chapter 53 Stormwater Management and Stream Protection Code by constructing multiple stormwater management retention basins, storm sewer pipes, and associated structures.

12) *The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Zoning*

*Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Development District regulations;*

Criterion not met. The proposed development text and preliminary development plan includes a number of items outlined in the report related to signs, setbacks, landscaping, lot development standards that do not justify a deviation from the standard development regulations included in the Zoning Code. Staff has outlined a number of conditions that the applicant could address to remedy these inconsistencies moving forward.

*13) The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the city;*

Criterion not met. The development text includes material and designs standards; however, the proposed building materials do not meet the appearance standards and the quality compatible with the surrounding neighborhoods. Staff has outlined conditions that the applicant could address to remedy these inconsistencies moving forward, including the removal of vinyl as a permitted primary material and the inclusion of a pitched roof requirement for the ACFL building.

*14) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;*

Criterion met. The development will be completed in multiple phases.

*15) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area;*

Criterion not met. The Traffic Impact Study has been submitted but not accepted by the City of Dublin or Union County Engineer's Offices. The Engineering Offices has identified a number of outstanding items that will need to be addressed to their satisfaction, prior to acceptance.

*16) The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.*

Criterion not met. The Traffic Impact Study has been submitted but not accepted by the City of Dublin or Union County Engineer's Offices. The Engineering Offices has identified a number of outstanding items that will need to be addressed to their satisfaction, prior to acceptance. The acceptance of the Traffic Impact Study would then allow for the creation of the Infrastructure Agreement that would accompany the rezoning/preliminary development plan to City Council for final determination.

## 6. Recommendation

Staff recommends **disapproval** of the **Rezoning/Preliminary Development Plan** finding that the proposal does not meet the review criteria as outlined above, without significant revision.

Should the Commission consider a recommendation of approval, Staff recommends the following 37 conditions:

- 1) For Subarea A, the applicant update the development text to permit Parks and Open Space as permitted uses and Parking as a permitted accessory use.
- 2) The applicant reduce the proposed GFA per acre of the ACLF use to align with the Community Plan recommendation that the intensity be determined based on the "use and location".
- 3) For Subarea A, the applicant revise the plans and development text to define the lot size and buildable area including two separate building and pavement setbacks.
- 4) In Subarea A, the applicant establish a 1.8 acres reserve of open space along the Hyland-Croy and Post Road frontages, which should be owned by the City and maintained by the ACLF.
- 5) The applicant revise all references from 'parking setback' to 'pavement setback', and the applicant revise the development text to prohibit encroachments into pavement setbacks.
- 6) For Subarea A, the development text be revised to prohibit a private drive aisle within the Hyland-Croy Road setback.
- 7) For Subarea A, the applicant revise the development text to prohibit parking forward of a structure along Post Road and Hyland-Croy Road.
- 8) For Subarea B, the applicant establish lot coverage and setback standards that are generally proportional to lot size.
- 9) For Subarea B, the applicant revise the development text to require corner lots to have a consistent front yard setback along both public rights-of-way, and to require corner lots to have a minimum lot depth equal to or greater than inline lots.
- 10) For Subarea B, the applicant revise the development text to prohibit all encroachments into required setbacks with the exception of 5 feet for at-grade patios in rear yards as it is consistent with Code.
- 11) The applicant coordinate with Engineering to establish final approved names and the applicant update the plans prior to Council. Additionally, all references to 'Public Road D' should be removed from the Preliminary Development Plans and replaced with a proposed name coordinated with Engineering.
- 12) The applicant update the plans to provide sidewalk connections on both sides of Freedom Drive and Grand Gateway Drive to the shared-use path along Hyland-Croy Road.
- 13) The applicant revise the Holbein Drive street section to match the existing section; specifically, that there is a shared-use path along the south side of Holbein Drive, which should be extended.
- 14) The applicant revise their plans to provide a shared-use path connection from the south side of Holbein Drive, between lots 58 and 59, to the proposed shared-use path in Reserves C and D.
- 15) The applicant remove the CBUs from the preliminary development plans prior to City Council review. The development text should be revised to require decorative CBUs with the final units and locations to be defined with the final development plan, subject to coordination with the City Engineer and Staff approval.

- 16) In Subarea B, Lot 40 (also shown as Lot 35 on some plan sheets) be eliminated to provide a continuous open space buffer between uses; and Lot 41 (aka Lot 36) be revised to meet minimum lot standards.
- 17) In Reserve C, the applicant revise the stormwater management basin to allow an adequate maintenance berm, subject to Staff approval.
- 18) The applicant establish three additional Reserves: one for the 1.8-acres located within Subarea A, one for the Freedom Drive median in Subarea B, and one for the Grand Gateway Drive in Subarea B.
- 19) The applicant revise the plans and development text to require the HOA to maintain the entire Hyland-Croy Road frontage; and the City to maintain the portions of Reserves C and D containing the stormwater management basins.
- 20) The applicant revise the plans and development text to require that a detailed landscape and maintenance plan is provided at the Final Development Plan stage, which clearly identifies the level of maintenance the HOA is responsible for with cost estimates.
- 21) The applicant revise the plans and development text to clarify the total open space in Subareas A and B, and the total open space in Subarea A and the total open space in Subarea B.
- 22) The applicant revise the development text to prohibit vinyl as a permitted primary building material in Subareas A and B.
- 23) For Subarea A, the applicant revise the development text to require the appearance of a pitched roof.
- 24) For Subarea A, the applicant revise the development text to require a minimum of 325lbs/sq weight for dimensional shingles for commercial applications, and to only permit EPDM in areas where it is not visible from grade or any public right-of-way or adjacent property.
- 25) For Subarea A, the applicant update the development text to provide standards for accessory garages including maximum height and that the structures be architecturally integrated with the primary structure to be detailed with the final development plan.
- 26) For Subarea A, the applicant revise the development text to require a decorative, open metal fence with masonry piers for sections of fence that exceed the normal Code allowance of 4 feet in height to be approved with the final development plan.
- 27) For Subarea B, the applicant revise the development text to prohibit fences 6 feet in height and permit fences per Code.
- 28) The applicant revise the development text to permit the maximum number of signs to not more than three and not more than 60 square feet divided across three signs.
- 29) The applicant revise the plans and development text to eliminate the stone wall that is a maximum of 60 feet in length and 4 feet in height with a 32-square-foot sign.
- 30) The applicant revise the development text to prohibit wall signs.
- 31) The applicant update the development text to reflect that a sign for Post Preserve will be substantially similar in character and design to the sign previously approve by City Council.
- 32) The applicant update all plans to revise incorrect and conflicting line work and labels prior to submittal to City Council.

- 33) The applicant update the development text to assure a performance guarantee for open space improvements.
- 34) The applicant revise the development text to only permit 50 percent of trees not otherwise required by Code to count as tree replacements.
- 35) The applicant coordinate with the City's Zoning Inspector to ensure all landscape plan notes that are incorrect are updated prior to Council.
- 36) The applicant continue to work with the City and Union County to complete the traffic impact study to the satisfaction of the City Engineer and the Union County Engineer, prior to submitting the rezoning for consideration by City Council.
- 37) That the applicant work with the City of Dublin and Union County to develop an Infrastructure Agreement for consideration by City Council. This should be submitted in conjunction with the submission of the rezoning to City Council.