

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 52-17

Passed \_\_\_\_\_, 20\_\_\_\_

AN ORDINANCE REZONING APPROXIMATELY 2.9 ACRES FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT (OAK PARK, SUBAREA D) TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT (OAK PARK, SUBAREA D) FOR AMENDMENTS TO THE APPROVED DEVELOPMENT TEXT TO PERMIT THE CONVERSION OF 36 TOWNHOME UNITS IN SIX BUILDINGS TO 20 SINGLE-FAMILY LOTS WITHIN AN EXISTING RESIDENTIAL DEVELOPMENT (CASE 17-028Z/PDP/PP/FDP/FP).

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

Section 1. The following described real estate, (see attached legal description, Exhibit A), situated in the City of Dublin, State of Ohio, is hereby rezoned PUD, Planned Unit Development District, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 2. The application, including the list of contiguous and affected property owners, and the recommendations of the Planning and Zoning Commission, are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance there within.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 11th day of September, 2017.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

PASSED SEPTEMBER 11, 2017 [VOTE 7-0] WITH ADDITIONAL CONDITION  
THAT BY MAY 1, 2018 THE APPLICANT HAVE THE DIRT PILE LOCATED ON  
RESERVE F HAULED AWAY AND RESERVE F GRADED AND SEEDED



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Mayor Peterson expressed Council’s appreciation to Mr. Moloney and his staff for their efforts and commitment to our community. Council looks forward to continuing to partner with them on this project.

**CONSENT AGENDA**

Mayor Peterson asked if any Council member requests removal of an item proposed for the Consent Agenda.

Ms. Amorose Groomes stated she has one small correction for the August 28 meeting minutes. On page 13, in her comments regarding the stonewall adjacent to the turf at the Golf Club of Dublin, she would like it clarified that the inspectors “would have required a railing to be in place.” There is no railing in place there, because the grade was lowered so that a railing would not be required.

Mayor Peterson moved approval of the two items on the Consent Agenda with the August 28 meeting minutes amended as indicated.

Vice Mayor Reiner seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Vice Mayor Reiner, yes; Mr. Keenan, yes; Ms. Alutto, yes; Mayor Peterson, yes; Ms. Amorose Groomes, yes.

- Approval of Minutes of Council meeting of August 28, 2017
  - **Resolution 65-17 (Introduction/public hearing/vote)**  
Accepting the Lowest and Best Bid for the Bridge Maintenance - Dublin Recreation Center and Bridge Improvements - Muirfield Drive at Dublinshire Drive Project. (Project No. 17-023.0-CIP and 17-026.0-CIP)

**POSTPONED ITEMS**

**Ordinance 52-17**

**Rezoning Approximately 2.9 acres from PUD, Planned Unit Development District (Oak Park, Subarea D) to PUD, Planned Unit Development District (Oak Park, Subarea D) for Amendments to the Approved Development Text to Permit the Conversion of 36 Townhome Units in Six Buildings to 20 Single-family Lots within an Existing Residential Development.** (Case 17-028Z/PDP/PP/FDP/FP)

Mr. Stang presented an overview. The ordinance was introduced at the August 14 Council meeting. At that time, Council requested supplemental information regarding the following:

- (1) the expiration of the zoning approval;
  - (2) verification of the private alley construction standards;
  - (3) estimated HOA maintenance costs;
  - (4) details regarding the future commercial development.

In response, a staff report was provided in Council’s packet with:

- (1) Zoning expiration - a detailed overview of the Code procedures for the zoning expiration for a planned development district, along with analysis as to how this development addresses the outcomes that are outlined for a City-initiated rezoning. Based on the zoning provision, it is staff’s interpretation that this development would not qualify for any of the three outcomes that are outlined in Dublin’s Zoning Code.
  - (2) Private alley construction - Exhibit A provides the approved construction details for all public and private streets and alleys within Oak Park. The document confirms that the construction build-up of the private alleys is identical to that of the public streets. There are two alley types within Oak Park that have a 24-foot and a 20-foot width, respectively.
  - (3) Estimated HOA maintenance costs –
    - (a) An estimate was provided based on the open space and the private alley maintenance for which the HOA is responsible. During the original rezoning, the developer used the conservation design principles to provide over 50% of open space within the development. The City owns and maintains the majority of that open space, which amounts to approximately 28 acres. The remaining four +/- acres are maintained by the master HOA and include the community center, some interior open spaces and the



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- landscape features that are a part of Subarea D and part of this rezoning application. The estimated annual costs for open space maintenance are based on the City’s contracted standards. This cost would be distributed across the 92 residential units at full build-out with this new rezoning.
- (b) Exhibits B and C provide both the monthly report for Oak Park with itemized expenses and an evaluation completed by staff on the condition, timing and estimated costs for repairs for the private alleys.
  - (4) Exhibit D consists of six documents that depict the layout and architectural style of the commercial subarea. [PowerPoint slides of conceptual layouts of the commercial subarea were shown.]

At their July 13 meeting, the Planning and Zoning Commission (PZC) voted to recommend approval of the rezoning and preliminary development plan, as well as the preliminary and final plat.

Council discussion:  
Mr. Lecklider:

- Stated that, with Council’s concurrence, he would like to request that staff review Code Section 153.053(D)(4) and provide a draft amendment that would eliminate potential repetition of this situation. As the history reflects, and as the Council members serving at the time would attest to, the proposal for this commercial parcel does not meet the intent of what Council was trying to accomplish at that time. The City has experienced previous conflicts between commercial development and adjacent residential, and this proposal is not what was intended. He would like staff and Legal to draft a Code amendment that would avoid a future occurrence where the construction activity within the residential development saves the commercial developer from having to begin construction activity for the commercial portion.

Ms. Amorose Groomes inquired if the request for amendment would delay this project, or if it would be applicable only to future projects.  
Ms. Readler responded that such a Code amendment would apply only to future applications.

Mr. Lecklider continued:

- Requested clarification of the estimated alley maintenance costs, which appear daunting. Under the Oak Park Alleys Condition Evaluation, the costs estimated are crack sealing and patching - \$10,000; and pavement mill and fill to occur within 8-10 years - \$120,000. What is the start date and who is responsible for paying the \$120,000?

Mr. Stang responded that the evaluation is made on current conditions, and therefore the crack sealing and patching would take place one to two years from today, and pavement mill and fill would occur 8 to 10 years from today. That is based upon the fact that those alleys have experienced minimal use because the adjacent development has not yet occurred. The alleys are owned and maintained by the master homeowners association, so the HOA would be responsible for the cost at that time.

Mr. Lecklider stated that at the last meeting, discussion occurred regarding whether those expenses potentially could be shared with the owner of the commercial parcel. Was there a response to that question?

Mr. Stang responded that per the plats, the reserves for the private alleys are owned by the master HOA. There is no indication detailed in the plat documents that the commercial parcel owner should provide some funding for the maintenance of those. There are portions of other alleys that are solely the responsibility of the commercial property owner. At this time, they do not have a definitive answer regarding whether the commercial subarea would share responsibility for these alleys, as well. That will need to be worked out between the commercial property owner and the HOA.

Mr. Lecklider inquired if the commercial property owner would need to utilize these alleys for access.  
Mr. Logan responded affirmatively.



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Mr. Lecklider stated that, typically, during a rezoning process the City would evaluate the burden on the HOA in proportion to the number of homes. Is there another neighborhood of this size that bears a similar potential financial burden for roadway maintenance?

Mr. Stang responded that he is not aware of such an example, but he can research that question.

Ms. Salay stated that the City has tried to prevent rezoning or development like this because it would create an undue burden for the residents. This has occurred a number of times, and the neighborhoods then come to Council to request relief. For that reason, the City now avoids having private streets in developments.

Ms. Alutto stated that she reviewed the total maintenance costs for open space, streets, fencing, etc. for this neighborhood and attempted to calculate the annual cost for each of the 92 homes. It is approximately \$1,000. Those costs will increase over time. Will the HOA routinely increase the HOA fee to meet the rising costs? At some point, the maintenance costs will likely exceed what the homeowners are able to pay, and some of the maintenance may not be done. Has there been any planning for future maintenance costs?

Mr. Stang responded that the applicant could best respond to that. Over the last ten years, the developer has been placing funds into a reserve for later transfer to the HOA. Ms. Alutto inquired what amount is currently in the reserve fund.

Mr. Stang responded that it is approximately \$150,000, based on the expense report that was provided.

Vice Mayor Reiner inquired if there is any community involvement with the developer at the present time. Often, there is a transitory board, which monitors the expenses and planning. When it is later turned over to the HOA, the HOA is able to work efficiently due to the experience the board has already had.

Mr. Stang responded that he does not know if a board has been formed at this time. Currently, the developer maintains the sole ownership. He does not believe the residents are actively involved with the HOA.

Mayor Peterson invited the applicant’s representative, Chris Cline to comment on this issue as well as those Ms. Houseman raised earlier.

Chris Cline, attorney, Blaugrund Kessler Myers & Postalakis, noted that Linda Menery, EMH&T and Brent Cantrell, Oak Park construction superintendent, are also present to respond to questions.

- In terms of HOA finances, sometimes developers will take the HOA fees and use them to maintain the subdivision while they still have ownership of the reserve areas. His clients have not done so. All of the monies that the residents have been paying in since the first homes were built in 2008 has been deposited in an HOA account, which has not been used. In the meantime, the developer has continued to pay all of what otherwise would have been the HOA’s costs. If the subdivision were turned over to the HOA today, they would begin with a reserve fund of \$152,000.
- Regarding maintenance costs, a cost breakdown has been prepared and shared with staff, which is based on the actual costs that the developer is incurring. The developer is presently paying for the mowing of the commercial area. Their breakdown indicates annual costs of approximately \$650-\$750 per home to maintain all of the items – fences and snow plowing of the private streets. Their forecast cost of maintaining the private streets is \$32,000 every ten years. For houses costing in the range of \$500,000, the monthly \$96 HOA fee is small. The HOA can also raise that fee in the future, if needed. At this time, the HOA consists of solely his client. Typically, the developer does not relinquish control of the subdivision until the last home is sold.

Mr. Lecklider inquired if the HOA fee is adequate to cover the maintenance of the private alleys.



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Mr. Cline responded affirmatively. At this time, there has been no maintenance of either the private or the public streets. The private streets are already the responsibility of the HOA. Nothing new is proposed. If the rezoning is not approved, the remaining 72 existing lots will have the maintenance responsibility for those private streets, per the existing zoning. Such is also the case with the commercial area. The only way in which that would change is if the additional 20 proposed lots are approved. If there are 92 homes instead of 72 homes, more would share that financial responsibility. The proposed project would not change any of the zoning that is in place; all of the streets are already installed.

Mr. Keenan inquired if the commercial development would participate in the HOA. Mr. Cline responded that because the commercial area is located adjacent to the residential development, it should participate; unfortunately, no agreement was worked out in advance. The developer could refuse to allow the commercial development to use the private alleys unless there is some maintenance cost-sharing agreement. That would be an incentive for them to agree to do so. The alleys will be used primarily by the commercial development, not the residential.

Mr. Lecklider inquired if the HOA is solely responsible for maintaining the alleys, could the HOA restrict access to them?

Ms. Readler responded that they could not do so. However, the commercial development will need a final development plan review and approval at a future date. That will provide an opportunity to consider how it is laid out and the anticipated traffic that will be generated.

Mr. Cline stated that they considered the possibility of the private alleys in the proposed residential development, but determined it would not succeed. The approved plan and existing rezoning is what they must deal with.

Ms. Amorose Groomes stated that Ms. Houseman asked Council to consider three issues. It appears there would be a greater density with this portion than for the remainder of the subdivision.

Mr. Cline responded that the standards remain consistent throughout – a minimum standard of 55 feet wide lots. However, most lots are wider than that. All of the lots in the surrounding village homes are 55 feet wide. It was suggested that the applicant eliminate two lots. His client has responded that he has already reduced the plan from 36 to 20 lots, which was very significant; there is no ability to give up any additional. The Planning Commission noted that there were two reserves on either side that could provide some opportunity. The application was tabled, re-worked and it resulted in a very nice plan that reduced the originally wider lots to 55 feet, created a new reserve and used setbacks creatively, and eliminated four parking spaces that the commercial development did not need to provide, resulting in another nine feet. The changes provided the opportunity for a landscape entry feature. The Planning Commission believed the goal was met and recommended approval of the project.

Ms. Salay stated that these are 55-foot wide single-family lots. In the past, townhomes were considered in that area, correct?

Mr. Cline responded affirmatively.

Ms. Salay stated that, in her view, the neighbors are now receiving a significant upgrade with the new single-family lots, which will essentially mimic what already exists versus the townhomes that would have surrounded non-existent commercial development.

Mr. Cline expressed concurrence. The current application better serves the residents' interests. The townhomes would have been on 22-foot wide lots, had no setback and were three stories in height. They were intended to serve as a buffer/screen for the commercial development. Because that concept did not materialize and there were no more residential lots, the limited depth (104 feet) townhome lots were re-worked. The villas, or patio homes will have a small space for outdoor living and will be similar in price to the existing homes. PZC required the same quality and value of homes. Because the architectural standards are included in the existing zoning, no changes were possible –



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they were required to meet those standards. PZC approved six architectural models, although the text allows them to create more, if there should be a diversity issue. Ms. Salay stated that is the reason she prefers pattern books for a neighborhood. The detailed architectural standards resulted in excellent architecture, building materials and quality that are not found elsewhere.

Mr. Cline stated that he does not understand the earlier comment about the look and feel of the subdivision. The residents have referred to the neighboring Dominion development, which has large lots. This subdivision was designed under the conservation design standards, which resulted in 50% open space and smaller lots with larger houses. They must remain consistent to that design. Originally, the townhome design had no setback. The applicant’s plan for single-family homes had a six-foot setback. The residents wanted a 20-foot setback, but 20 feet was not available as the lot depth was only 104 feet. The same quality and price home is required for these lots, consistent with the existing neighborhood. They did increase the setback to nine feet, but at a cost to the homes’ design.

Mayor Peterson inquired whose responsibility is the pile of dirt referenced by Ms. Houseman. Mr. Cline responded that is the construction dirt that is on the City-owned reserve. One issue that has not yet come before Council is the intent for an active outdoor space for children in this neighborhood, per earlier planning work with Parks Director Mr. Hahn. That City-owned lot is the most likely place for it to be located. The dirt will be moved.

Ms. Salay inquired the location of this lot in the subdivision. Mr. Cline responded that it is at the rear corner. Mayor Peterson noted that the applicant has indicated this situation would eventually be rectified. Mr. Cline concurred. As a side note, the homeowners adjacent to that lot do not want that space to be an active play area. However, that it is the only space sufficiently sized for an active play area. The City has programmed it in a future Parks budget.

Ms. Amorose Groomes stated that the lot is the City’s, but who owns the dirt dumped on the lot? Mr. Cline responded that it is the responsibility of the developer.

Vice Mayor Reiner stated that Metro Parks needs dirt for a mountain bicycle track, which will be constructed in the next phase of the Metro Park renovation. Perhaps that is a possible solution for moving this dirt. Mr. Cline requested that the contact information be forwarded to him, and he would make that contact with Metro Parks.

Vice Mayor Reiner inquired if this project is nearing its end. Mr. Cline responded that they are nearly out of single-family lots. Of the 72 lots, eight remain uncommitted. The completion of this development is nearing, and his client needs to do something with the commercial area. Vice Mayor Reiner stated that this commercial space is attractive and would be a lovely amenity for the neighborhood, but it is also architecturally extravagant. If the applicant finishes the resident portion, what guarantee is there that the commercial portion will ever be developed for the residents? Mr. Cline responded that the applicant has no ownership in the commercial portion. Part of the original land purchase agreement was that the partnership would retain three acres for commercial development. His client, Oak Park Dublin, has a mortgage for \$1.8 million on that land. Because of some of the issues, the City suggested that they attempt to acquire that commercial land. They were interested in doing so, as it would have helped them produce a better project. However, they were unsuccessful in obtaining control of that land.



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Vice Mayor Reiner stated that, even though concepts of a commercial development were provided in the packet, there is no assurance that any of it will be built in the future. That is a concern.

Mr. Cline stated that if the final development plan did not comply with the images, the Planning Commission would not approve it. Final development plan approval is essential. Vice Mayor Reiner stated that in view of the complexity of the architecture and materials, he finds it hard to believe that it would be possible to build these shops and generate sufficient cash flow.

Mr. Cline responded that they have heard from developers that the cost of doing that plan makes it cost prohibitive. When this was envisioned in 2005, the environment in the northwest area of Dublin was very different. Currently, a lot of retail is being developed. The cost will be prohibitive for a commercial area set back 200 feet from the road with limited signage. Even with the 40,000 square feet of allowable uses, from a business standpoint, they do not believe it will ever be a reality.

Vice Mayor Reiner inquired about the potential for this site.

Mr. Cline responded that they presented three plans to the Planning Commission: the first was the best-case scenario with the 55' x 130' lots; the second plan is the one presented tonight; and the third was a plan for how the commercial subarea could develop with the same type of product as shown tonight on these 12 lots.

Mr. Cline noted that a number of small park areas in the subdivision are aggregated to meet the open space requirements. They will be placing two mirror images of the Ashborn home model on either side of the landscaped park area in the middle. This provision will now be included in the text.

Ms. Amorose Groomes asked if a condition could be added to require the relocation of the soil that is on the City-owned parcel.  
Discussion followed regarding an appropriate timeframe for the condition to be satisfied.

Mr. Cline noted that he would like to explore the Metro Parks suggestion.  
Ms. Salay noted that whatever is objectionable about the dirt pile would be less so during the winter. She is intrigued by the idea of moving the dirt to the Metro Parks area.  
Vice Mayor Reiner stated that Metro Parks has not completed their plans, so they will need time to put the plan together.  
Mr. Peterson suggested April 1 as the timeframe for the dirt removal.  
Ms. Amorose Groomes inquired whose responsibility it is to grade and seed the area.  
Mr. Cline indicated that it is the developer's responsibility.  
Ms. Amorose Groomes noted that seeding season would end approximately May 1.

Mayor Peterson moved to approve the rezoning with the additional condition that by May 1, 2018, the applicant have the dirt pile located on Reserve F hauled away and Reserve F graded and seeded.  
Ms. Alutto seconded the motion.  
Vote on the motion: Ms. Salay, yes; Mr. Keenan, yes; Mr. Lecklider, yes; Mayor Peterson, yes; Vice Mayor Reiner, yes; Ms. Amorose Groomes, yes; Ms. Alutto, yes.

Mayor Peterson moved to approve the preliminary and final plats.  
Ms. Alutto seconded the motion.  
Vote on the motion: Vice Mayor Reiner, yes; Ms. Alutto, yes; Ms. Amorose Groomes, yes; Mayor Peterson, yes; Mr. Lecklider, yes; Mr. Keenan, yes; Ms. Salay, yes.

**SECOND READING/PUBLIC HEARING – ORDINANCES**  
**Ordinance 50-17**

**Adopting the Five-Year Capital Improvements Plan (2018-2022).**

Mr. McDaniel stated that a follow-up to the CIP meeting was provided at the August 28, 2017 Council meeting. There have been no subsequent changes.

Vote on the Ordinance: Ms. Salay, yes; Mr. Lecklider, yes; Ms. Amorose Groomes, yes; Vice Mayor Reiner, yes; Mayor Peterson, yes; Mr. Keenan, yes; Ms. Alutto, yes.



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Ms. Readler stated that this is an update to Dublin’s Code in order to be consistent with Ohio law. She gave a brief history of the changes that have taken place with these regulations. Breed specific prohibitions are frequently being eliminated from these regulations.

Ms. Amorose Groomes stated that she pulled this from the consent agenda because she felt it is important for the public to know Council was considering this and planning to vote on it. Dogs are a part of many families in Dublin, and she felt it was important enough to warrant a few moments of conversation.

Ms. Salay stated she sees this legislation as a smart update -- not calling out specific breeds, but rather the behavior of some dogs. She asked whether dogs who attack other dogs are considered vicious and where the City stands on that issue.

Ms. Readler responded that the Ordinance which mirrors Ohio law mainly speaks to injuries to persons; however, in the definition of dangerous dog, it includes a dog that has killed another dog. Otherwise, injuries to dogs from other dogs could be handled as a civil matter. There may be other violations if, for example, a leash was required and not used.

Ms. Salay commented on the safety issues that result from using retractable leashes for large dogs.

Mayor Peterson stated that this is interesting. If a dog kills another dog, the financial burden ends, but if a dog severely injures another dog, it may require costly medical care.

Ms. Readler stated that the remedy would be a civil action against the dog owner.

Mr. Keenan stated that approximately 50% of every general liability dollar of homeowners insurance relates to a dog bite.

Mayor Peterson stated many people don’t have the financial resources to hire an attorney to recover costs of medical care.

Mr. Keenan stated that for some dog breeds, many insurance companies will not underwrite a homeowners policy due to the risk.

Ms. Readler stated that in light of recent court cases and as Ohio law is today, the City is constrained to follow this.

Mr. Lecklider added that unleashed dogs continue to be a problem.

There will be a second reading/public hearing at the August 28 Council meeting.

Ordinance 52-17  
Rezoning Approximately 2.9 Acres from PUD, Planned Unit Development District (Oak Park, Subarea D) to PUD, Planned Unit Development District (Oak Park, Subarea D) for Amendments to the Approved Development Text to Permit the Conversion of 36 Townhome Units in Six Buildings to 20 Single-family Lots within an Existing Residential Development. (Case 17-028Z/PDP/PP/FDP/FP)

- Preliminary and Final Plats

Mr. Lecklider introduced the Ordinance.

Mr. Stang stated that this development is on the west side of Hyland Croy Road at the intersection of Oak Meadow Drive and Oak Park Boulevard. The proposal is to rezone subarea D of the Oak Park Planned Unit Development to allow for detached single-family homes. The Community Plan has two future land use designations that this site overlaps: the first is the Mixed Residential Low Density, which is intended to provide a mix of housing options; the second is for the Mixed Use Neighborhood Center providing retail uses and personal services. This proposal complies with the recommended land uses by providing a smaller size residential lot within the existing development and allowing for the commercial portion to develop under the original zoning approval.

Mr. Stang provided an illustration showing that the site is located within a Special Area Plan. The Northwest/Glacier Ridge Special Area Plan provides a conceptual layout for future development that is consistent with the layout for the Oak Park development and addresses all recommendations. No improvements will be needed in infrastructure as this is a decrease in density.



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Mr. Stang described the proposal as the rezoning and development of six townhome building sites to 20 single-family residential lots and two open space reserves. The site encompasses the vacant lots platted during the original approval, amounting to 2.9 acres in total. The site is serviced by an existing roadway network provided on a series of public streets and private alleys with public utility connections. The residential homes will contain rear-loaded garages using the private alleys for access with frontage on public streets and will utilize similar architecture to the existing development. The development was designed and developed under the Conservation Design Principles and was able to achieve over 50% open space with the majority of homes directly adjacent to open space.

Mr. Stang stated that included with this resubdivision of the site is the approval of a preliminary and final plat.

The Planning and Zoning Commission recommended approval of the rezoning and the preliminary development plan at their July 13 meeting with one condition. They are recommending approval at Council's second reading/public hearing.

Additionally, the Planning and Zoning Commission also recommended approval of a Preliminary and Final Plat with two conditions.  
Staff also recommended approval.

Ms. Amorose Groomes inquired about the fencing portion of the development standards - specifically referring to the section that addresses privacy fences, stating,  
"the rear of any lot shall be six feet in height and connect to a four-foot high fence on the side of an adjoining private street. Fences may span open space or side yard set back between adjoining buildings including within easements..."

Are fences allowed to be built on the property line?

Mr. Stang responded affirmatively. It will be a requirement that all property owners install a six-foot fence between the garages and against the private alley.

In response to Ms. Amorose Groomes' question regarding two different fence heights being joined together, Mr. Stang stated that the last two feet between a four-foot and six-foot fence will be of a lattice design where it meets at the corner.

Ms. Amorose Groomes clarified that the four-foot fence and the six-foot fence are solid material.

Mr. Stang stated that the material is solid only up to four feet. From four to six feet it is a lattice design.

Ms. Amorose Groomes expressed her concern that it appeared from the site layout that there were many points where a four-foot fence would meet a six-foot fence.

In response to Ms. Amorose Groomes' question regarding which of the streets are private, Mr. Stang listed the private versus the public streets.

Ms. Amorose Groomes stated that it has been the City's practice to discourage private streets.

Mr. Stang stated this largely related to working with the existing infrastructure that was already in place.

Vice Mayor Reiner stated that he understands a reason for fences from an architectural standpoint, but inquired whether there are maintenance requirements stipulated.

Ms. Amorose Groomes stated that it is the homeowners association responsibility for maintenance.

Mr. Stang stated that the fences will be on private property, but the intent for consistency is that the HOA will help to maintain the fences.

Vice Mayor Reiner asked if the HOA was funded adequately to carry out this maintenance.

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Mr. Stang stated it is adequate. In response to Vice Mayor Reiner's question regarding the HOA fees per unit, Mr. Stang was uncertain of the amount that will be charged, but offered to check and report back.

Vice Mayor Reiner stated that this was a concern of Council because quite often the burden falls on an underfunded HOA.

Mr. Lecklider asked for confirmation that the four-foot fence meeting the six-foot fence is in a perpendicular fashion.

Mr. Stang stated that was correct.

Mr. Lecklider stated that he has had a number of conversations with staff with respect to another parcel that was formerly the Shoppes at Athenry and is now the Shoppes at Muirfield. Council was adamant about the mixed-use portion being developed simultaneously with the residential portion so that these problems will not occur in the future. He expressed concern that this proposal is guaranteeing future complaints. He recalls that it was a requirement when this rezoning was approved that building commence within two years. It has been staff's interpretation that because the residential builder commenced in two years that the condition was satisfied. He believes this to be problematic and, at the very least, requires a Code change. If construction does not occur within two years, the approval should lapse, because the conditions change. Putting a mixed-use development in this now does not work. There was a different intention of Council at the time of approval, based on the problems that occurred with the Shoppes at Athenry.

Ms. Amorose Groomes agreed and stated that the private streets are another concern.

Mr. Lecklider stated that if there wasn't different ownership, perhaps there would be public streets. However, the private streets won't have City plowing and other services. He could envision future complaints.

Ms. Amorose Groomes inquired whether staff has information about the standards to which the streets were built.

Mr. McDaniel stated that he would have to check on that, but he assumes if they are private drives, they are not built to City standards. He shares the same concern with the commercial use.

Ms. Amorose Groomes suggested it may be less costly to address the issue now and require the streets be brought up to City standards versus waiting and having to fix it later.

Mr. McDaniel will check on that and report back to Council.

Mr. Keenan stated that it seems reasonable to go from 36 townhomes to 20 single-family lots, but the residents will likely have more concern with the commercial development. Is there a way to formalize the buyers' understanding about future commercial development that will take place?

Mr. McDaniel stated it could be included in the records, but enforcement could be an issue.

Vice Mayor Reiner recalled complaints about noise from trash trucks picking up in the early morning hours at the Shoppes at Athenry.

Ms. Amorose Groomes stated that by standardizing the streets, it would be easier for larger trucks to come into the neighborhood. The drawing indicates these are much narrower than the balance of the streets.

Mayor Peterson invited the applicant to present.

Chris Cline, representative for the applicant, stated that the two open areas in the middle are owned by another party. His client is Oak Park and the seller preserved those areas for commercial development. The three-story townhomes were meant to buffer the residents from the commercial development. However, an empty nester is not



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interested in a three-story townhome. All the streets are installed and, to his knowledge, built to City standards for that area. City staff took the initiative and asked to review their marketing materials to be certain that appropriate disclosure was provided that commercial development would occur in the future. It became clear that they could not market these lots unless there is a clear delineation between the rest of the lots and the commercial use. Regarding the fences and cost to maintain, he stated that the HOA can assess that expense within the fee structure. He pointed out that they did attempt to obtain control of the commercial portion, but were unable to do so.

In response to Mayor Peterson, Mr. Cline stated that the unit cost is pushing \$500,000, but they anticipate them to be closer to the range of \$430,000-\$470,000.

Mayor Peterson asked whether they are still trying to control that land. Mr. Cline stated that they are committed to this development and have eight or nine lots that remain vacant.

Mr. Lecklider stated that he believes the previous zoning has lapsed for the other parcels.

In response to Mayor Peterson, Ms. Readler stated the approval under the Planned Development District Code is for three years. She asked Mr. Stang whether there was any specific condition on the original zoning that required anything in addition to the planned district time limits.

Mr. Stang responded there was not any such condition; however, with the final development plan, one of the conditions that was added in regard to the commercial component was to file an application for a final development plan. It did not require that the final development plan be approved, but only to be filed. The application was filed, but has remained dormant.

Ms. Readler stated that there is an independent section of the Planned Development District Code that states if an applicant does not proceed with approval on a final development plan within three years, then the City can rezone the property. She believes the criteria had been met, and therefore she would not recommend that the City rezone the property.

Mr. Cline stated that most cities have a sunset provision in their Code that states if the property has not been built upon within a certain amount of time, then it reverts to its previous zoning.

Ms. Amorose Groomes requested a memo from Ms. Readler about why she believes the criteria has been met and therefore not subject to rezoning.

Mr. Lecklider reiterated that he does not believe the condition being met ultimately was Council's intent.

Mr. Cline stated that the applicant is doing what they can with what they have to work with.

There will be a second reading/public hearing of the ordinance at the August 28 Council meeting.

Vice Mayor Reiner stated he would like to have information on the HOA funding so that Council can be assured it will be maintained.

Mr. McDaniel stated staff will review the maintenance costs and make some projections.

Mr. Keenan requested that the private road maintenance issues be reviewed as well.

In response to Mayor Peterson regarding renderings of the commercial area shown during the rezoning in 2006, Mr. Cline stated that they are beautiful, but now would be difficult to execute and compete on a commercial basis.

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Mayor Peterson stated that expectations are critically important and he would like to make future residents aware of what to expect.  
  
Vice Mayor Reiner stated that maintaining roads is expensive for HOAs. He doesn't want the taxpayers to have to pay for this in the future.  
  
Mr. Lecklider stated that he assumes the expense of maintaining private roads would be shared with the commercial and other property owners.

INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS

Resolution 60-17  
**Approving the Petition for Special Assessments for Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710 (5500 Frantz Road Project).**  
Mr. Lecklider introduced the Resolution.

Ms. Gilger stated that for the past 18 months, the City has been sponsoring energy audits for this area for an office competitiveness program. Staff hoped that by sponsoring these audits, building owners would learn of some improvements that could be made to their buildings and make them. This program is new for the City, but not for the State. PACE (Property Assessed Clean Energy) is a financing mechanism that enables low cost, long-term funding for energy efficiency, renewable energy and water conservation projects. Within central Ohio, the Columbus/Franklin County Finance Authority established the Columbus Regional Special Improvement District that allows for additional properties within the City of Columbus, Ohio and within any municipal corporation or township that is adjacent to any other corporation or township to opt in to the District. Projects between \$200,000-\$6,000,000 can be financed through the Finance Authority's bond fund. The City has no financial obligations related to these improvement projects.  
  
Jean Carter-Ryan with the Columbus/Franklin County Finance Authority provided a short presentation for Council. The specific project before Council is for 5500 Frantz Road, and includes \$500,000 worth of improvement to that facility. There were two Resolutions before Council at this meeting and three Ordinances at the August 28 meeting, which are necessary to establish the Special Improvement District.

Ms. Carter-Ryan stated that the Finance Authority is excited to be involved in this program. There is a gap in the market and these improvements are hard to finance. This law that was created in 2009 allows building owners to petition the City for this assessment. This is a great opportunity for building owners to make energy efficiency improvements.  
  
In response to Mr. Keenan, Ms. Carter-Ryan stated that the money is advanced from the treasury and the amounts are anywhere from \$200,000 to \$5,000,000.  
  
Mr. Keenan stated that the Ohio Air Quality Development Authority does similar work for efficiency projects.

Ms. Carter-Ryan stated that the main difference is the Ohio Air Quality Development Authority has to partner with a bank as a conduit for funding. The Finance Authority obtains their funding from Franklin County through the Smart Energy Program.  
  
Mr. Keenan inquired whether energy consumption is monitored.  
Ms. Carter-Ryan confirmed that it is, and that they require an American Society of Heating, Refrigeration, Air Conditioning Engineers Society audit, which is the national society that has established national standards.

In response to Mr. Keenan's question regarding who pays the cost of services for the energy audit, staff indicated that the City of Dublin sponsored a million square feet of energy audit.





## RECORD OF ACTION

# Planning & Zoning Commission

Thursday, July 13, 2017 | 6:30 pm

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

**1. PUD – Oak Park Subarea D - Townhomes  
17-028Z/PDP/FDP/PP/FP**

**Oak Meadow Drive  
Rezoning/Preliminary Development Plan  
Final Development Plan  
Preliminary Plat/Final Plat**

**Proposal:** A rezoning of 2.94-acres from PUD (Oak Park, Subarea D for Townhomes) to PUD (Oak Park, Subarea D for single-family lots) to convert four, three-story townhome buildings with 36 units to 20 detached, single-family homes and all associated site improvements. The site is on the west side of Hyland Croy Road, approximately 700 feet southwest of the intersection with Brand Road.

**Request:** Review and recommendation of approval to City Council of a Rezoning with Preliminary Development Plan under the provisions of Zoning Code Section 153.050 and review and recommendation of approval to City Council of a Preliminary and Final Plat under the provisions of the Subdivision Regulations. This is also a request for review and approval of a Final Development Plan under the provisions of Zoning Code Section 153.050.

**Applicant:** Christopher T. Cline, Blaugrund, Kessler, Myers & Postalakis.

**Planning Contact:** Logan Stang, Planner I.

**Contact Information:** (614) 410-4652, lstang@dublin.oh.us

**MOTION#1:** Mr. Brown moved, Mr. Miller seconded to approve this Rezoning with a Preliminary Development Plan, because it meets the future land use, thoroughfare plan, and special area plan as outlined in the Community Plan along with the preliminary development plan review criteria, with one condition.

- 1) That the applicant revise the development text to require Lots 118 and 119 to use the same architectural model mirrored across Oak Park Boulevard, prior to City Council review.
- 2) ***That by May 1, 2018, the applicant have the dirt pile located on Reserve F hauled away and Reserve F graded and seeded. \*As approved by City Council on September 11, 2017.***

\*Chris Cline agreed to the above condition.

**VOTE:** 6 – 0.

**RESULT:** This Rezoning with Preliminary Development Plan will be forwarded to City Council with a recommendation of approval.

**RECORDED VOTES:**

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

**MOTION #2:** Mr. Brown moved, Mr. Miller seconded to approve this Final Development Plan, because it complies with the applicable review criteria and the existing development standards, with four conditions.







## RECORD OF ACTION

# Planning & Zoning Commission

Thursday, July 13, 2017 | 6:30 pm

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

**1. PUD – Oak Park Subarea D - Townhomes  
17-028Z/PDP/FDP/PP/FP**

**Oak Meadow Drive  
Rezoning/Preliminary Development Plan  
Final Development Plan  
Preliminary Plat/Final Plat**

- 1) That the existing non-operational street light at the southwest corner of the Mitchell-Dewitt Road/Oak Meadow Drive intersection is made operational at no cost to the City prior to the submittal of building permits;
- 2) That the applicant choose a bench that coordinates with the existing benches near the community center, prior to building permitting;
- 3) That the applicant revise the landscape plan (sheet 6/11) defining the location of proposed plantings, bed edges, and diversifying the landscape materials, subject to staff approval, prior to City Council review; and
- 4) That the applicant continue to work with staff to outline installation requirements for the fence details, prior to building permitting.

\*Chris Cline agreed to the above conditions.

**VOTE:** 6 – 0.

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

**RECORDED VOTES:**

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

**MOTION#3:** Mr. Brown moved, Mr. Miller seconded to approve this Preliminary Plat/Final Plat, because it complies with applicable review criteria and the requirements outlined in the Subdivision Regulations, with two conditions.

- 1) That the applicant ensures that any minor technical adjustments to the plat are made prior to City Council submittal; and
- 2) That the applicant add a note to the Final Plat outlining ownership and maintenance responsibilities for the two reserves, prior to City Council submittal.

\*Chris Cline agreed to the above conditions.


**VOTE:** 6 – 0.

**RESULT:** This Preliminary Plat/Final Plat will be forwarded to City Council with a recommendation of approval.

**RECORDED VOTES:**

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

**STAFF CERTIFICATION**

  
Logan Stang  
Planner I



The Chair briefly explained the rules and procedures of the Planning and Zoning Commission. She stated the following cases are eligible for the Consent Agenda this evening: TownPlace Suites by Marriott; Bridge Park, Block H; McKittrick, Subarea 1A; and Downtown Parking Garage Plat. She said there would be a slight deviation from the normal procedures this evening to hear the cases in the following order: 4, 5, followed by any cases left on the Consent Agenda and lastly would be Oak Park. She stated that she and Amy Salay have a conflict of interest with the McKittrick case so they will recuse themselves for that portion of the meeting. She said Deborah Mitchell has a family emergency and can only attend the McKittrick case. She said the cases will be recorded in the order they were presented on the Agenda.

**1. PUD – Oak Park Subarea D - Townhomes  
17-028Z/PDP/FDP/PP/FP**

**Oak Meadow Drive  
Rezoning/Preliminary Development Plan  
Final Development Plan  
Preliminary Plat/Final Plat**

The Chair, Victoria Newell, said the following application is for a Rezoning of 2.94 acres to permit 20 detached, single-family homes and all associated site improvements where previously three-story townhomes were permitted. She said the site is on the west side of Hyland-Croy Road, approximately 700 feet southwest of the intersection with Brand Road. She said this is a request for a recommendation of approval to City Council for Rezoning with a Preliminary Development Plan under the provisions of Zoning Code Section 153.050 and a review and recommendation of approval to City Council of a Preliminary and Final Plat under the provisions of the Subdivision Regulations. She stated there is also a request for a review and approval of a Final Development Plan under the provisions of Zoning Code Section 153.050. She noted anyone intending on addressing the Commission for the Final Development Plan portion of this application will need to be sworn in.

The Chair swore in anyone intending on addressing the Commission with regard to this case.

Logan Stang reported this case was reviewed and tabled at the June 8th Planning and Zoning Commission meeting. During that meeting, he said, the Commission expressed concern regarding the main entrance for the community with the loss of the open space reserves along with the fence appearance and landscape details for the private alleys. He reported the applicant has since revised the proposal addressing both the comments as well as meeting a number of conditions from the previous report.

Mr. Stang presented the Planned Unit Development Process Overview and noted this application consists of all formal stages of a PUD review including the rezoning that establishes the development standards through the Final Development Plan.

Mr. Stang presented an aerial view of the site and said the proposal is for the conversion of six townhome buildings to 20 single-family lots within the existing Oak Park subdivision. He presented the proposed site plan and indicated the proposal is fairly consistent with what was previously reviewed comprising of 20 single-family lots using rear-loaded garages on the current private alley system. The applicant has addressed previous conditions, he reported, requiring a 9-foot, front yard setback as opposed to 6 feet that was previously proposed as well as additional landscaping for all fences abutting the alleys.

Mr. Stang said the biggest change is at the intersection of Oak Park Boulevard and Oak Meadow Drive and pointed that out on the slide. He explained the applicant has reduced the four lots on the north and south sides of Oak Park Boulevard to 55 feet in width in order to provide two smaller reserves at that intersection. He said the reserves allow for additional open space with a landscape treatment that creates an entry feature and accents the community center. The reserves still result in a loss of private open space but well exceeds the required open space for the community as a whole. He reported the applicant

has also determined that both Lot 118 & 119, located at the intersection, will use the same architectural model to further enhance the entrance to the community and this requirement will be added to the development text prior to City Council's review.

Mr. Stang presented a rendering of the proposed Reserve Landscape Plan that showed a mixture of plant materials to provide openness and symmetry outside the community center. He said the proposal includes four benches and a landscape hedge with masonry columns to define the private realm from the public realm. He indicated that Staff is requesting that the applicant use a more complimentary bench to what exists near the community center and that the landscape details be refined prior to City Council review.

Mr. Stang presented a rendering of the reserve landscaping to show the perspective from the end of the private drives as one enters the neighborhood approaching the community center in the center. This provides a conceptual idea, he said, of the proposed plantings with the mirrored architectural model.

Mr. Stang said the other main concern was the inconsistent fence design and treatment along the private alleys. He presented the applicant's revised proposal of the fence details that allow only the lattice-style fence at a height of six feet in the locations noted. For the properties with additional frontage on public streets, he explained, a four-foot solid fence is permitted that is also noted on the slide, which only pertains to a couple of lots in this development.

Mr. Stang added, this, in addition to the landscaping requirements, will provide a cohesive treatment for the rear of these lots while providing a screening and safety measure for when the commercial properties develop. He indicated that Staff is requiring that Lots 109 & 128 orient their outdoor amenity areas to the west to prevent backyard space from having visibility from Hyland-Croy Road.

Mr. Stang presented a rendering showing the appearance of the homes from the entrance at Hyland-Croy Road. He noted the rendering showed the vacant commercial property and the proposed fence details with landscaping beside the private drives.

In addition, the Plat has also been updated he said that shows the dedication of reserves to the HOA for ownership and maintenance.

Mr. Stang concluded there would be three motions required by the Commission this evening. He said approval is recommended for the Rezoning with the Preliminary Development Plan with one condition to be forwarded to City Council:

- 1) That the applicant revise the development text to require Lots 118 and 119 to use the same architectural model mirrored across Oak Park Boulevard, prior to City Council Review.

Mr. Stang said approval is recommended for the Final Development Plan with four conditions:

- 1) That Lots 109 and 128 orient their outdoor amenity areas toward the western property line, subject to verification at building permitting;
- 2) That the non-operational street light at the southwest corner of the Mitchell-Dewitt Road/Oak Meadow Drive intersection is made operational at no cost to the City, prior to the submittal of building permits;
- 3) That the applicant choose a bench that coordinates with the existing benches near the community center, prior to building permitting; and
- 4) That the applicant revise the landscape plan (sheet 6/11) defining the location of proposed plantings, bed edges, and diversified landscape materials, subject to Staff approval, prior to City Council review.

Mr. Stang said approval is recommended to City Council for the Preliminary and Final Plats with two conditions:

- 1) That the applicant ensures that any minor technical adjustments to the Plat are made prior to City Council submittal; and
- 2) That the applicant add a note to the Final Plat outlining ownership and maintenance responsibilities for the two reserves, prior to City Council submittal.

Chris Cline, attorney with Blaugrund, Kessler, Myers & Postalakis Law Firm in Worthington, representing the applicant, said Linda Menerey, EMH&T, was also present to answer questions. He asked that the aerial view be shown again to show the context of the site to the surrounding areas and he noted the measured distances to provide the Commission with a better perspective on what would actually be visible. He remarked on the amount of work involved in changing the six-foot setback to the nine-foot, front yard setback. He said they previously proposed the six-foot setback because it was written in the development text but somewhere along the line, that was changed to zero. He emphasized those townhomes have a zero setback now so they are actually going from zero to nine instead of six to nine feet.

Mr. Cline clarified that fences are now required; this is not an option for the buyers.

Linda Menerey added that the four-foot fence is really the bottom half of the six-foot fence as it does not include the lattice portion on top.

Mr. Brown asked if the four-foot fence is being required, to which Mr. Cline answered affirmatively. He said the four-foot and six-foot fences will all be consistent and the color white was originally considered but finally decided on light beige.

Mr. Cline said he thought they resolved the issue of the condition in the Final Development Plan, to which Mr. Stang agreed.

With regard to outdoor living spaces, Mr. Cline noted the chamfered corner, which moves the house towards that eastern building line where there is no setback because there is a significant reserve.

Ms. Menerey explained how they revised the landscape plans and the green space.

Mr. Cline indicated they plan to have one or two spec homes built for potential buyers to see at the initial entry and they would incorporate landscaping as well.

Mr. Brown asked for Staff's perspective on Lots 109 and 128. He indicated that if the open side of those homes is not put towards the street then one is looking at a bigger, blanker wall upon entering the community. Mr. Stang said that was true and indicated Staff thought the six-foot fence would be required but part of Staff's concern was the clarity of whether the four-foot fence was optional or if it was a requirement. He said the concern was outdoor items that might be stored in the area that directly faces Hyland-Croy Road, which has high visibility for a heavily traveled thoroughfare and Staff thought that would be a detriment from the aesthetic perspective. With the additional landscaping, he concluded that Staff would be comfortable with what is proposed as the landscape will soften that viewpoint.

Steve Stidhem indicated he thought swing sets might be what staff is referring to when talking about outdoor items. He said he did not share this concern with staff but figured that was the intent of the condition.

The Chair called for public comment.

Prasad Vempati, 7031 Greenland Place, thanked the applicant for their effort based on the number of conditions the Commission raised last time. Walking on those same streets every day, he said, the unevenness that the proposal creates, concerns his family. He explained that on one side of the street, there is a seven-foot tree lawn space from the curb to the walkway and on the other side the tree lawn space is four feet from the curb to the walkway. He said this prompts an uneven visual aspect on the same street. He added on one side of the street there is a 14-18-foot setback and on the other side there is a 9-foot setback. As he imagines himself every day, living in that place, walking through the streets, he said those conditions create a very uneven view. He concluded he is concerned about resale value. He said this is a unique situation but does not want to see a situation where the City is trying to put a square peg into a round hole.

Since there was no one else from the public that wanted to speak about this case, the Chair closed the public portion.

Cathy De Rosa requested clarification on the comments just heard from the resident about the sidewalk and tree lawns. Mr. Cline responded he had a hard time understanding what that issue is. He stated none of the public streets in the subdivision are being changed; the only things they are changing are the setbacks from those public streets. Right now, he restated, the setbacks are zero feet and they are proposing to change the setbacks to nine feet. Ms. De Rosa asked if the setbacks are consistent. Mr. Cline emphasized that everything they are doing in Subarea D is the same at nine feet. He explained the setback in the rest of Oak Park is a minimum of 13 feet or maximum of  $\pm 21$  feet. He added there is a four-foot difference between their development standard of nine feet and a minimum setback of 13 feet for the Village and Park homes in Oak Park. He said some of the homes had to be set back further based on conflicts with the current infrastructure, which could impact the perspective.

Mr. Stang explained the reason for different tree lawn spaces is they are associated with on-street parking and this is one of those existing conditions the applicant has to work with.

Mr. Stidhem inquired about the deterioration of fences over time and then fixed, replaced, or repainted as part of maintenance. He asked if there is an active HOA in this area and if they would enforce any reconstruction and repainting. Mr. Cline said there will be a very strong and active HOA, it just has not been turned over yet. He indicated the HOA would be the appropriate body responsible for maintaining the fence.

Mr. Stidhem clarified he was more concerned with the enforcement of paint color and style. Mr. Cline said that would be part of the Final Development Plan. Mr. Stang added the fence appearance would be a Code Enforcement issue as well.

Victoria Newell thanked the applicant for addressing the Commission's comments from the last meeting as well as the public's. She said that what the applicant presented for open space this evening is very nice. She said she is very comfortable with the position of units for Lots 109 and 128, especially with the additional amenities such as the fence and landscaping. She recommended removing that condition from the final development plan.

Ms. De Rosa wanted the fencing requirement to be clearer. Mr. Stang indicated there is a provision in the text that addresses that issue but staff will review it with the applicant.

Ms. De Rosa said it makes sense to not use a bright white color for the fencing; a creamy white will make a real difference. She emphasized the exact color name and number should be included in the text. Mr. Cline said a better place to put that information is in the Final Development Plan and will ensure that information is included. The Chair asked Staff if that was acceptable. Mr. Stang said Staff can work with the applicant to ensure those details are provided.

**Motion and Vote**

Mr. Brown moved, Mr. Miller seconded, to recommend approval to City Council for the Rezoning with a Preliminary Development Plan with one condition:

- 1) That the applicant revise the development text to require Lots 118 and 119 to use the same architectural model mirrored across Oak Park Boulevard, prior to City Council Review.

The vote was as follows: Ms. De Rosa, yes; Mr. Stidhem, yes; Ms. Newell, yes; Ms. Salay, yes; Mr. Miller, yes; and Mr. Brown, yes. (Recommended for Approval 6 – 0)

The Chair requested to see again the four conditions of approval for the Final Development Plan:

- 1) That Lots 109 and 128 orient their outdoor amenity areas toward the western property line, subject to verification at building permitting;
- 2) That the non-operational street light at the southwest corner of the Mitchell-Dewitt Road/Oak Meadow Drive intersection is made operational at no cost to the City, prior to the submittal of building permits;
- 3) That the applicant choose a bench that coordinates with the existing benches near the community center, prior to building permitting; and
- 4) That the applicant revise the landscape plan (sheet 6/11) defining the location of proposed plantings, bed edges, and diversified landscape materials, subject to Staff approval, prior to City Council review.

Based on the discussion, Mr. Stang suggested that condition #1 be removed and a new condition be added as follows:

- 1) That the non-operational street light at the southwest corner of the Mitchell-Dewitt Road/Oak Meadow Drive intersection is made operational at no cost to the City, prior to the submittal of building permits;
- 2) That the applicant choose a bench that coordinates with the existing benches near the community center, prior to building permitting;
- 3) That the applicant revise the landscape plan (sheet 6/11) defining the location of proposed plantings, bed edges, and diversified landscape materials, subject to Staff approval, prior to City Council review; and
- 4) That the applicant continue to work with Staff to outline installation requirements for the fence details, prior to building permitting.

**Motion and Vote**

Mr. Brown moved, Mr. Miller seconded, to approve the Final Development Plan with the amended four conditions. The vote was as follows: Mr. Stidhem, yes; Ms. Newell, yes; Ms. Salay, yes; Ms. De Rosa, yes; Mr. Miller, yes; and Mr. Brown, yes. (Approved 6 – 0)

**Motion and Vote**

Mr. Brown moved, Mr. Miller seconded, to recommend approval to City Council for the Preliminary and Final Plats with two conditions:

- 1) That the applicant ensures that any minor technical adjustments to the plat are made prior to City Council submittal; and
- 2) That the applicant add a note to the Final Plat outlining ownership and maintenance responsibilities for the two reserves, prior to City Council submittal.

The vote was as follows: Ms. Salay, yes; Ms. De Rosa, yes; Mr. Stidhem, yes; Ms. Newell, yes; Mr. Miller, yes; and Mr. Brown, yes. (Recommended for Approval 6 – 0)





## RECORD OF DISCUSSION

# Planning & Zoning Commission

Thursday, November 10, 2016 | 6:30 pm

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

**1. Oak Park PUD, Subarea D – Oak Park Townhomes  
16-090INF**

**Oak Meadow Drive  
Informal Review**

Proposal: Single-family townhomes on four acres previously approved for townhouse condominiums on the west side of Hyland-Croy Road at the intersection with Oak Park Boulevard.

Request: Informal review and non-binding feedback of a proposal prior to a formal application for rezoning.

Applicant: Christopher Cline, Blaugrund Kessler Myers + Postalakis.

Planning Contact: Jennifer M. Rauch, AICP, Planning Manager.

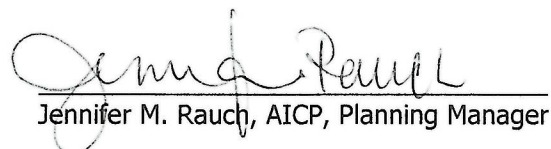
Contact Information: (614) 410-4690, jrauch@dublin.oh.us

**RESULT:** The Commission informally reviewed the proposed request to convert 36 approved townhouse units to single-family dwelling units within the Oak Park Development and was supportive of the proposed change. The Commission expressed a desire to ensure the architectural design and integrity of the community is maintained with a future proposal. The Commission encouraged the opportunity to include the conversion of the commercial area to single-family residential. Their general support of the proposed concepts aligned with Option A, understanding the biggest challenge is that property is under separate ownership.

**MEMBERS PRESENT:**

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

**STAFF CERTIFICATION**

  
Jennifer M. Rauch, AICP, Planning Manager



The Chair briefly explained the rules and procedures of the Planning and Zoning Commission. She said the following cases are eligible for the Consent Agenda: Case 4 – Craughwell Village and Case 5 – BSD, Building C3. At the request of one of the Commission members, she pulled Case 4 from the Consent Agenda. She said the cases would be heard in the following order: 5, 1, 4, 2, and 3 but would be recorded in the minutes in the order they were listed on the agenda.

**1. Oak Park PUD, Subarea D – Oak Park Townhomes  
16-090INF**

**Oak Meadow Drive  
Informal Review**

The Chair, Victoria Newell, said the following application is a proposal for single-family townhomes on four acres previously approved for townhouse condominiums on the west side of Hyland-Croy Road at the intersection with Oak Park Boulevard. She said this is a request for an informal review and non-binding feedback of a proposal prior to a formal application for rezoning.

Jennifer Rauch presented an aerial view of the site and noted the Final Development Plan was approved in 2007 for the 72 single-family and 36 townhouse units. She said the review tonight relates to converting 36 attached townhouse units to detached single-family units. She said the applicant has provided three options for discussion (Options A, B, and C).

Ms. Rauch presented Option A - the proposed conversion of the townhome and commercial area comprehensively to single-family. She said this option would provide 32 single-family lots with similar lot dimensions and would allow the same architecture, unit size and materials as the existing single-family development. She noted the challenge with this option, is the applicant does not control the commercial portion of the site, nor is the owner of the commercial portion an applicant for this application.

Ms. Rauch presented Option B - the conversion of the townhome area only, which the applicant controls, and would provide 20 single-family lots with smaller lots and lot depth; therefore, the product and elevations would need to be changed due to the reduced lot size. She reported the applicant has provided a revised architectural design and site layout for discussion. She said the site layout for these units would be rear loaded with the front elevation facing the existing single-family lots.

Ms. Rauch presented Option C – the conversion outlined in Option B for the townhome area, and then allow for future conversion of the commercial area and continue with the development pattern outlined in Option B at a later time. This option she said would provide 12 additional smaller, single-family lots and the dimensions, architecture and rear-loaded design would apply to these additional lots. Similar to Option A, she noted the ability to redevelop the commercial area would rely on the cooperation of the property owner.

Ms. Rauch stated the discussion questions:

1. Does the PZC support the request to pursue the conversion of the townhomes to single-family units? And the potential future conversion of the commercial area to single-family units?
2. Does the PZC support the proposed site layout and design?
3. Does the PZC support the proposed architectural style for Options B and C?
4. Are there other considerations by the Commission?

Bob Miller asked about the lot size for Option A as compared to the existing lot sizes. Ms. Rauch answered the lot sizes are similar.

Chris Cline, 300 W. Wilson Bridge Road, Ste. 100, Worthington, Ohio, mentioned his team members that were present. He explained they are requesting an amendment to a planned district as it lacks flexibility. He said Oak Park started in 2005 and one of the key aspects is the seller retained a certain amount of

land for commercial development. In 2006, he said two uses were approved and in 2007, a filing was made for the commercial portion but nothing has ever happened with that property.

Mr. Cline presented the plat and explained the types of residential uses differed from what they had originally intended. He presented the original rendering from the Edge Group that was required for that application and have since realized there is not a demand for that product and it would be too costly. He indicated that over the years, Planning has not been receptive to altering the townhome lots because they were viewed as a transition to and a buffer from the commercial areas. He emphasized that the problem is the commercial piece has not been developed and the Final Development Plan was never filed. He presented the rendering for the commercial component from the Edge Group. He said he does not believe the commercial piece will ever develop for several reasons.

Mr. Cline presented the elevations for the two-story villa lots as well as the floor plans. He said these are plainer than the existing homes as the applicant would like to economize a bit. He presented what could be done instead of commercial development. He asked the Commission to provide guidance as to how the applicant should proceed.

Mr. Miller inquired about the chances of obtaining the commercial property. Mr. Cline said they have had discussions but believes the City could have done more over the years and could do more to encourage the rezoning under the Sunset Provisions. He said no pressure has been put on this developer through all this time.

Mr. Miller asked if Option A is what the residents want. Mr. Cline said that is what everybody wants.

The Chair called for public comment.

Melvis Houseman, 7134 Snowdrop Court, said she is one of the homeowners in Oak Park. She said the residents have met to discuss these plans proposed by the applicant. She said when they bought their home, they were told there would be a commercial area and townhomes would be built in between to act as a barrier. She stated there are many young families and the neighbors would like to see the whole area rezoned for single-family lots. She said they are concerned about the architectural integrity of the development as a whole along with safety and traffic if commercial would be allowed to develop. She said the consensus amongst the residents is that they like Option A but do not want to see it too compacted.

Tom Deshler, 7023 Greenland Place, said he had seen Options A & B but not C before this evening.

The Chair opened the Commissioner's discussion.

Cathy De Rosa asked about the timeframe for this PUD and if the commercial activity does not happen at some point in time, then what happens.

Ms. Rauch said the Code states, once a PUD has started construction they have a three-year window, whereas if it lays dormant for those three years, then the City can initiate a rezoning. She said in this instance, this PUD has been under construction since 2008. She said the PUD was placed on the whole development, and the commercial can be separated.

Phil Hartmann confirmed the Code speaks to an entire planned development.

Mr. Cline said he disagrees because under the Sunset Provision, it cannot be said that because the residential went forward, the commercial has no timeline requirements. He said another problem with the Code is there are three provisions in there and if you get approved and you do not build there is nothing to address that.

Mr. Hartmann said we agree to disagree on that point.

The Chair reminded everyone that this is an Informal Review.

Mr. Miller asked what latitude we have in rezoning the commercial piece that is not controlled by the applicant if it becomes a formal application. Mr. Hartmann said we would have no latitude and encouraged the applicant to contact the commercial developer.

Mr. Cline said the Commission could influence City Council and the Planning staff to rezone.

Ms. De Rosa said this is a lovely development so far with quality materials and the layout is very nice. She said she can appreciate that the residents want that to continue. She said the proposals felt fairly condensed and much tighter than the property as it exists today. She indicated the architectural designs of the townhomes as proposed are lovely. She said the architectural character being proposed this evening do not share the same character and the windows seem out of scale; it feels disconnected and heard the applicant say they would like to value engineer. She encouraged the applicant to make the proposed changes feel like the rest of the development that exists today; the density would only exacerbate the look of this.

Chris Brown said the residents would prefer Options A or C but the applicant is asking the Commission to leverage that other developer to modify what they want to do with that land and he is not sure that is the Commission's position. He indicated it is possible to value engineer the townhomes while keeping the basic character. He said the proposal for Option C is not to the level of detail that it should be.

Steve Stidhem said it is obvious the commercial development is not going to occur and if there is something the City can do, we should do it. He said the homes that exist are amazing homes and has heavily considered buying one for himself. He agreed the applicant should go forward with the same types of homes and quality that exist.

Amy Salay said she would like to see the City take a position as Mr. Stidhem suggested. She said we need to do something because she agrees that commercial is not going to happen. She said the town homes are probably not a good idea unless the commercial were to develop. She said she likes Option A because that gets us closer to maintaining the existing character. She said there is no reason to value engineer when there is a successful neighborhood that is beautiful and developing nicely. She indicated that Council will feel like something has to be done but does not know how to put pressure on an absentee landowner that does not appear to be concerned.

Deb Mitchell agreed action needs to happen and Option A is her preference.

Mr. Miller said he would like to see the City provide guidance to the residents for a path forward. He indicated he likes Option A and could see it playing out in Option B.

Victoria Newell said she would support the conversion from townhomes to the single-family homes because it is better for the residential feel of this particular neighborhood and believes that is what the residents would like to see. She said then the commercial would not fit but does not see it getting developed as commercial, anyway. In Option C she said, if you leave the commercial as future lots could get developed but does remain commercial, the open space that is there provides a buffer. She said the architecture presented does not have the same detail and is not fair to the residents as it does not follow the same detail of the existing homes.

Mr. Cline said the architectural drawing was conceptual to see if they had a product that would fit on there. He said if they do go forward the product would not be indistinguishable to anything existing. He

said they are not trying to do anything cheap but they are trying to compete and there is a lot of expense to this. He restated something has to happen quickly.

Mr. Brown concluded that the Commission is concerned for the existing residents. He encouraged the applicant to propose a layout and product that is equal to that, and talk to the other developer into permitting the applicant to develop some of that land, then the Commission would probably support Options A or C and if not then Option B is probably viable.

Ms. Newell indicated the Commission would not support any other architecture than what was approved.

Mr. Miller asked if it is possible for staff to provide this group with a path forward and how to approach Council regarding the commercial piece. He said he would like to provide a course of action to pursue.

Ms. Rauch said the informal this evening was the first step. She said there is an option for the applicant to go before Council requesting an Informal Review.

## **2. Ohio University Dublin Framework Plan 16-093ADM**

### **Administrative Request**

The Chair, Victoria Newell, said the following application is a vision plan intended to offer a comprehensive view for how the Ohio University Dublin campus may evolve over time intended to guide future development for the campus located on the south side of Post Road, west of Eiterman Road. She said this is a request for a review and recommendation of approval to City Council for the proposed Ohio University Master Plan under the provisions of Zoning Code Section 153.232.

Tammy Noble said this plan was presented to the Commission in September. She explained this has been a year-long process working with the university on how to expand in the West Innovation District. She noted at this point we will answer any questions the Commission may have and request the Commission make a recommendation to City Council.

Cathy De Rosa said she read the plan again and wanted to compliment the university and staff for all the work that has been done as it is a phenomenal plan and exciting to read. She said one of the previous comments from the Commission was encouraging the university to be architecturally bold and she sees some of that in the design. She said this is very well done, she loves the Main Street flow and she is excited to support this plan.

Bob Miller said the plan is awesome and exciting; he cannot wait to see it truly come to life. Steve Stidhem indicated he is quite excited about this plan for Dublin. He said kudos to all involved. Victoria Newell said the plan was fabulous, extremely well-written and very clear about the intention of the development. Chris Brown said the plan is fantastic. Amy Salay indicated City Council had discussed how to make a complete community and that included how important the university presence would be to our community long term from an economic development standpoint and a quality of life standpoint. She said it will be very impactful.

### **Motion and Vote**

Mr. Brown motioned, Ms. Mitchell seconded, to recommend approval of the framework plan to City Council. The vote was as follows: Mr. Stidhem, yes; Mr. Miller, yes; Ms. Newell, yes; Ms. Salay, yes; Ms. De Rosa, yes; Ms. Mitchell, yes; and Mr. Brown, yes. (Approved 7-0)

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## 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.

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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 conceptals 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 and the City is

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 74-06

Passed \_\_\_\_\_, 20\_\_\_\_

**AN ORDINANCE TO REZONE 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).**

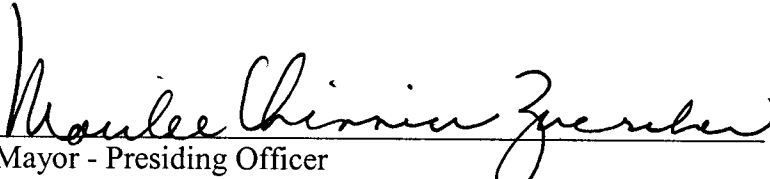
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Dublin, State of Ohio, 5 of the elected members concurring:

Section 1. That the following described real estate (see attached map marked Exhibit "A") situated in the City of Dublin, State of Ohio, is hereby rezoned PUD, Planned Unit Development District, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances) the City of Dublin Zoning Code and amendments thereto.

Section 2. That application, Exhibit "B", including the list of contiguous and affected property owners, and the recommendations of the Planning and Zoning Commission, Exhibit "C", are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance therewith.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 20th day of November, 2006.

  
Maurice Chinnier  
Mayor - Presiding Officer

Attest:

  
Anne C. Clarke  
Clerk of Council

Sponsor: Land Use and Long Range Planning

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

  
Judith K. Beal  
Deputy Clerk of Council, Dublin, Ohio