



## MEETING MINUTES

### Planning & Zoning Commission

Thursday, December 12, 2019

#### CALL TO ORDER

Ms. Newell, Chair, called the meeting to order at 6:30 p.m.

#### PLEDGE OF ALLEGIANCE

Ms. Newell led the Pledge of Allegiance.

#### ROLL CALL

Commission members present: Victoria Newell, Jane Fox, Kristina Kennedy, Mark Supelak, Warren Fishman and Rebecca Call

Commission members absent: William Wilson [resigned]

Staff members present: Jennifer Rauch, Claudia Husak, Thaddeus Boggs, Zachary Hounshell.

#### ACCEPTANCE OF DOCUMENTS

Ms. Kennedy moved, Ms. Call seconded to accept the documents into the record.

Vote: Mr. Supelak, yes; Ms. Call, yes; Mr. Fishman, yes; Ms. Fox, yes; Ms. Kennedy, yes; Ms. Newell, yes.

[Motion passed 6-0]

#### APPROVAL OF MINUTES

Ms. Kennedy moved, Mr. Fishman seconded to approve the November 7, 2019 meeting minutes.

Vote: Ms. Kennedy, yes; Mr. Fishman, yes; Mr. Supelak, yes; Ms. Newell, yes; Ms. Call, yes; Ms. Fox, yes.

[Motion passed 6-0]

Ms. Newell stated the Planning and Zoning Commission is an advisory board to City Council when rezoning and platting of property is under consideration. For those cases, City Council will receive recommendations from the Commission. For other cases, the Commission has the decision-making responsibility, and anyone who wishes to address the Commission on any of the administrative cases must be sworn in.

Ms. Newell stated that the agenda order is typically determined at the beginning of the meeting by the Chair. Case 1, Conditional Use, Athletic Republic, 6175 Shamrock Ct. is tentatively scheduled for consideration by consent. Does a Commission member or member of the public wish to discuss or comment on the item? [There were no requests to comment on the item.] Ms. Newell indicated that the cases would be heard in the order in which they were originally listed. The applicant has requested that Cases 6 and 7 be tabled, so they will not be heard tonight.

## **CONSENT AGENDA**

### **1. Athletic Republic, 6175 Shamrock Court, 19-112, Conditional Use**

Ms. Newell stated that this is a request to permit an indoor recreation use within an existing tenant space zoned Technology Flex District. This site is west of Shamrock Court, 600 feet south of the intersection with Shier Rings Road.

Ms. Kennedy moved, Ms. Call seconded to approve the Conditional Use request with no conditions. Vote: Mr. Supelak, yes; Ms. Call, yes; Mr. Fishman, yes; Ms. Fox, yes; Ms. Kennedy, yes; Ms. Newell, yes.

[Motion passed 6-0]

Ms. Newell stated that Cases 2 and 3 would be heard together.

### **2. Oak Park, 7050 & 7055 Oak Park Boulevard, 19-100, Rezoning with Preliminary Development Plan**

Ms. Newell stated that this is a request for a rezoning of ±3.47 acres within the Oak Park neighborhood (currently a portion of Subarea E) from commercial to residential to allow 12 single-family homes and 0.66-acre of open space. This site is west of Hyland-Croy Road, southwest of its intersection with Brand Road. The following case -- Case 3, is for the same site and the request is for a recommendation of approval to City Council for a preliminary plat to subdivide the site. The Commission will hear the cases together.

#### **Case Presentation**

Mr. Ridge stated that Case 2 is a request for review and recommendation of approval to City Council for a rezoning and preliminary development plan. Case 3 is the associated request for review and recommendation of approval to Council for a preliminary plat for the same property. The Commission will hear Cases 2 and 3 together. The Concept Plan was heard by the Commission on August 22, 2019. This site is currently zoned PUD, Oak Park, and Subarea E. It is currently undeveloped and contains no significant natural features. The zoning history on this site includes the following:

- 2006 – Original Rezoning from R- Rural to PUD
- 2007 – Final Development Plan for single-family residential components
- 2017 – Rezoning and FDP in Subarea D
- 2019 – Concept Plan for rezoning this portion of Subarea E

A significant number of residents attended the hearing on the Concept Plan in August. A neighborhood spokesperson presented the residents' concerns regarding the anticipated financial burden on the HOA, the general layout of the site and issues such as setbacks. At the Concept Plan review, the Commission was generally in favor of the request to rezone the area to allow for a change in use for the subarea; however, the Commissioners expressed concerns regarding the financial burden on the HOA, as well as the lack of connectivity to the proposed greenspaces.

#### Proposal

The current proposal is essentially the same as the Concept Plan. The plan includes 12 single-family lots and two open spaces on approximately 3.5 acres. The open spaces comprise approximately two-thirds of an acre. The proposed lots surround the greenspaces on two sides,

while the existing private drive network binds the greenspaces on the other two sides. The proposed lots range in size from 0.16 acres to 0.22 acres with a minimum width of 55 feet. Sideyard setbacks will be six feet, consistent with the remaining development. The proposed front-yard setbacks are 20 feet. In comparison, in Subareas A and B the setback ranges from a minimum of 13 feet to a maximum of 20 feet. Rear-yard setbacks will be 15 feet; they are 25 feet in Subareas A and B. Subarea D differs due to its smaller lot size; sideyard setbacks are a minimum of six feet, whereas rear and front yard setbacks are smaller – 9 and 10 feet. The proposal also calls for on-street parking on Oak Tree Drive north and south. The parking spaces are within the geographic boundary of this rezoning. The applicant is proposing sidewalk improvements outside of the geographic boundary of this rezoning. Staff recommends that the applicant continue to work with staff to ensure that all improvements are made within those boundaries. Staff also asks that the applicant update the development text and plans to indicate the creation of a new subarea. A graphic has been provided that indicates the ownership and maintenance of the entire PUD.

#### Ownership and Maintenance

Public streets are owned and maintained by the City. Approximately 50% of the space is open space. Reserves E, F and H account for 24 of the 61 acres of the site. A small ROW island is maintained by the HOA. The reserves are located in the middle of the site. Reserves G, M, H and L are HOA owned and maintained. Reserves J and I are the private drives owned and maintained by the HOA. Reserves A and D are the areas in question for this review.

#### Oak Tree North and South

Portions of Oak Tree Drive N. and S. (private drives) are within the proposed rezoning area. Criteria 7 require that there are adequate utilities, access roads, and drainage, retention and/or necessary facilities. The street width of Oak Tree Drive N. and S. was designed to accommodate emergency and fire vehicles, and it has existing straight curb. The pavement buildup for Oak Tree Drive N. and S. is identical to public street standards and provides adequate pavement strength and durability for vehicular and fire apparatus routing. The proposed development includes 4-ft. sidewalks on both sides of Oak Tree Drive N. & S. with an 8-ft. tree lawn width on the west side and 9-ft. tree lawn width on the east side. Oak Tree Drive N. & S. has an inverted crown with drainage facilities along the centerline of the drives to accommodate stormwater conveyance. The applicant has provided a trip generation analysis that shows the proposed 12 detached, single-family homes will reduce the daily trip generation by approximately 74% compared to the original commercial zoning.

#### Architecture

The architecture of Oak Pak is unique in requirements and neighborhood theme. Previously approved elevations will continue to be used in this portion of the development. Any of those homes that will fit on the proposed lots is permitted. Most sites allow for court- loaded or side-loaded garages. The sites will continue the use of the hedgerow feature, which is a unique character element in this development. Overall, the architecture will be indistinguishable from what currently exists.

### **3. Oak Park, 7050 & 7055 Oak Park Boulevard, 19-101, Preliminary Plat**

The same information for the preceding rezoning and preliminary development plan for this site applies to this case, which is the preliminary plat for the same development.

The rezoning and development plan have been reviewed against all applicable criteria, and staff recommends approval with five conditions. The preliminary plat has been reviewed against all applicant criteria, and staff recommends approval with three conditions.

### **Commission Questions for Staff**

Ms. Fox inquired if the sidewalks will be outside of the rezoning and in the right-of-way. Mr. Ridge responded that there are portions that are outside of the boundaries of this rezoning. That issue is addressed by Condition #4: "That the applicant work with staff to ensure that all improvements are within the boundary of the rezoning area prior to the Final Development Plan."

Ms. Fox stated that it appears the reason it was designed that way was due to insufficient space. How would staff address that? It seems some of the sidewalks have tree lawn; some do not.

Ms. Husak responded that information is provided on page 3 in the Preliminary Plat drawings.

Mr. Ridge stated that there is sidewalk adjacent to the curb, and one of the conditions is that it be pushed further to the east, so that there will be tree lawn. That area begins with Lot #134 and extends along Reserve P.

Ms. Fox inquired if there is anywhere else in the development where there is a sidewalk/curb combination and no tree lawn. Looking at the satellite view of the site, it appears that almost all of the sidewalks have tree lawn. Is this the only area in which the curb and sidewalk meet, and that there would be no tree lawn?

Ms. Husak responded that this is the only situation in Oak Park where a sidewalk is in an alley. All the other sidewalks are with public streets, where a tree lawn is required by Code. In this case, because of the location along private drives, there is no requirement for a sidewalk nor a tree lawn.

Mr. Ridge pointed out the areas where sidewalk is proposed outside the rezoning area. Those are areas where there are private drives.

### **Applicant Presentation**

Christopher Cline, Haynes, Kessler, Myers and Postalakis, 300 W Wilson Bridge Rd, Suite 100, Worthington, OH 43085, Worthington, representing the applicant, Oak Park Dublin, LLC, stated that also present with him is Linda Menerey, EMH&T. They are proud to be able to present a high quality plan, which is called the "New Village Homes." There are already two subareas that are known as the "Park Homes," and the "Village Homes;" therefore, this new development will be known as the "New Village Homes." In terms of development standards, this development will be midline between the other two.

### History

A detailed history was provided with the earlier Concept Plan review. The original subarea rezoning plan for Oak Park referred to the "Park Homes" in Subarea A and the "Village Homes" in Subareas B1 and B2. The proposed rezoning and development will replace the existing commercial retail zoning in Subarea E. The original landowner, HC Associates, required the

commercial area. There were actually three developers, HC Associates, the applicant in the original rezoning; JSDI Dublin LLC, the developer of the commercial development, if it had been developed; and Oak Park Dublin, LLC. The commercial area dictated multiple aspects of this plan. It created a requirement for private access roads to service the commercial parking lots. It also presented a requirement for a barrier to protect the single-family homes to be built by Oak Park Dublin, LLC. That barrier consisted of the townhomes in Subarea D. They were three stories high; the concept was that the vertical element would provide a barrier. When it became obvious that the commercial development was not going to move forward, they presented a proposal to the Planning Commission to replace the plan for 36 townhomes with a plan for 20 villa lots. These are 55-ft. lots, which are typical, but they have access from the private drives, rather than having frontloaded or side loaded access, which is more typical of the homes in Oak Park. That plan and plat have been approved. The commercial area has been a drain on Oak Park and presented a risk for the Oak Park Dublin developer and the residents who were concerned that if the commercial element were developed, it would negatively impact the residents' quality of life and their property values. That risk impacted the desirability of the lots and the marketability of the subdivision. In June 2019, Oak Park Dublin was able to attain control of the commercial area. That acquisition was a longstanding goal of Oak Park and the residents, and achieving this goal was strongly encouraged by the Planning Commission when the villa rezoning occurred. Unfortunately, they were not successful in gaining control until earlier this year. That acquisition was quite costly to Oak Park in regard to money, debt forgiveness and contractual commitments, which have placed constraints on Oak Park in moving forward with this rezoning. All of the site limitations and challenges are the result of a commercial area being converted to a residential use. The applicant is attempting to fix a problem it did not create. There are standards in this subarea that do not exist in the other subareas.

#### Subareas A and B

Subarea A surrounds on the outside perimeter and backs up to the public open space. Subarea B consists of two sections, which are interior lots. In Subarea A, there are 33 Park Home lots with front lot widths of 60, 70 or 80 feet, one-third of the lots for each width. The zoning requires a minimum lot depth of 125 feet; as platted, it is 130 feet. Their side yard setback is six feet, which is consistent in all the subareas. The rear yard setback is 25 feet, which is larger than in the other subareas. The 39 interior lots in Subareas B1 and B2 have the Village Homes. They have a minimum front yard width of 55 feet, although 15 lots must be 60 feet or greater. The minimum lot depth is 125 feet, but as platted, is 130 feet; the side yard setback is six feet; the rear yard setback is 15 feet. The front yard setback in Subarea A and B is a minimum of 13 feet and maximum of 20 feet. This has resulted in some issues with front easements for sanitary sewers. On multiple occasions, there has been a conflict between the platted building area and the utility easement. They want to avoid a similar problem here.

#### Subarea E

In this new subarea, there are 12 lots with a minimum lot width of 55 feet, which is identical to the existing Village Home lots. Of the 12 lots, only four lots are 55 feet; two lots are 59 feet, 8 inches; two lots are 63 feet; and four lots are 69 feet. The size of the home that can be built is dictated by the lot width, so a 69-ft. lot has a broad building envelope. The minimum lot depth is 130 feet; the rear yard setback is 15 feet; and the front yard setback is 20 feet. Although the binder accompanying the original zoning provided five renderings each for the Park and the Village Homes, any of the model homes could be built on any of the lots provided it fit and met the development standards. There is no difference in quality between the homes. Any of the 20+

model homes can be built in this new subarea, as well. The concept of this conservation subdivision is that the homes will be concentrated within a limited area, surrounded by extensive open space. Sidewalks have been included in the alley reserve areas. The private streets within those reserve areas are significantly wider than traditional alleys, and are available for any access, including vehicular. Because the Commission has no authority over area outside the area to be rezoned, they have agreed to Condition 4. However, it is unusual for a development to include alleys within the development. Of note, these private streets are 20-22 feet wide; alleys are typically 15 feet wide. The sidewalks to the east and along Oak Park Boulevard are within the lot area, and that is atypical; typically, sidewalks are provided within the right-of-way. This change has been requested by Engineering, and they have agreed to it.

#### Existing Private Streets

There are existing private streets that are not part of this Subarea, which are the homeowner association's responsibility. This was part of the original zoning. The new rezoning will create new reserves. Approximately 500 feet of new pavement will be added, and two new greenspaces will be added. At the Concept Plan discussion, the private streets were a significant issue for the homeowners. They asked if the private streets could be converted to public streets. That is not possible, as it would require destruction of the existing streets, curbs and utilities infrastructure and construction of completely new streets. Although the private streets have the same road beds as public streets, their drainage is different. They are inverted crown streets. The cost of removing and replacing the existing private streets with public streets would be \$365,000. All of the streets would need to be the same to provide consistent drainage within the development. That is assuming the City would allow the cul de sac traffic circles to remain; if not, the cost would exceed \$440,000. That is not a reasonable cost for 12 additional home lots. Typically, a new addition to a developed subdivision follows similar development standards with similar architecture as the existing development. The new lots will be the same or better than the existing lots. Developers are very interested in providing a dominant front door with defining characteristics for a housing development. This subdivision has been missing an attractive, inviting front door, but the proposed development will provide that. Oak Park's attractiveness, marketability and home values will increase if this rezoning proposal is approved.

#### **Questions for Applicant**

Ms. Fox stated that at the previous meeting regarding this proposed development, the applicant was asked to meet with homeowners. Did that occur?

Mr. Cline responded that he did so. He met with some of the residents for approximately two hours and explained the reason his client was not able to give on most of the issues. He believes that meeting achieved a glimpse into the economics of this issue. No one will gain a significant investment. He explained that if the applicant was not able to develop these subareas within the Oak Park development, he would have to develop it separately, not as part of Oak Park. He does not believe the residents preferred that option, as it would be beneficial to include it in the Oak Park HOA declarations.

Ms. Fox requested clarification regarding the front-loading versus side-loading garages.

Mr. Cline responded that the Concept Plan text no longer exists. The development will follow the City's residential development standards. They will continue what has already been a success in Oak Park. All of the garage doors are carriage type.

Mr. Fishman inquired the anticipated price for the new homes.

Mr. Cline responded that, currently, they have been experiencing sales above \$500,000. Similar sales are anticipated, particularly if the commercial development threat is removed.

Mr. Supelak inquired who is currently responsible for the landscape maintenance. Are these lots already mowed by the HOA?

Mr. Cline responded the commercial landowner of Subarea D did nothing. To date, the home developer has handled all of the maintenance without reimbursement.

### **Public Comment**

Melvis Houseman, 7134 Snowdrop Court, Dublin, OH, stated that she is representing the Oak Park homeowners' concerns with this development. She is a member of the community. When she spoke on behalf of the residents at the August 22 Commission meeting, several concerns were raised concerning the developer's proposal for rezoning of the commercial lots, including the burden on the HOA for maintenance of the private roads and the closeness of the proposed homes. The residents requested that the developer bring back previous Option A, which was a comprehensive development plan. It would have included the redevelopment of the townhomes and the commercial lots and conversion of all the private roads to public roads. The Commission indicated that Option A could not be considered, as it was no longer being proposed. The Commission also encouraged the developer to work with the homeowners to gain support for the rezoning. The Commission also raised concerns about the safety of the private roads, including the lack of sidewalks. Although the developer never reached out to the residents, a group of residents did reach out to the developer's representative. At that meeting, the homeowners asked that their concerns be shared with the developer and that a meeting be facilitated between the residents and the developer. Although they were provided his name, they were given no specific contact information. The developer's representative indicated that the developer would make no changes in the proposed plan and that it was a "take or leave it" proposal. The burden on the HOA for the maintenance of the existing private roads and those in this new subarea continue to be a concern, although the lack of sidewalks appears to have been addressed. The lot width of the proposed lots, the number of driveways leading to the main boulevard, the lack of tree lawn space between sidewalks and the curbs are also a concern. She believes the private alleys surrounding the commercial lots are a rezoning matter for the following reasons:

1. The developer is proposing improvements with the alleys, thereby making the alleys part of this proposal.
2. The alleys were intended to support the commercial use, so should now be converted to support for the residential use.
3. As proposed, they would not be connected to the existing sidewalks in the community. Staff's condition does not appear to look beyond the immediate parcel.
4. The two additional sidewalks and tree lawn maintenance would become the responsibility of the HOA.

Although the additional greenspace in the new development is desirable, they are willing to give it up for the purpose of widening the alleys and the home lots. The latter is also beneficial to the developer, as it will make those lots more marketable. Why is the tree lawn space proposed to be an HOA responsibility? Currently, each Oak Park resident is responsible for maintaining the tree lawn space in front of their homes. Because the residents have been unable to discuss their concerns with the developer, they have a signed petition to submit to the Commission. The residents request the Commission not approve the rezoning and preliminary plat at this time.

Mr. Supelak moved, Ms. Kennedy seconded to accept the document into the records.

Vote: Mr. Supelak, yes; Mr. Fishman, yes; Ms. Kennedy, yes; Ms. Newell, yes; Ms. Fox, yes; Ms. Call, yes.

[Motion approved 6-0.]

Ms. Houseman stated that 94% of the residents do not support this rezoning due to the burden on the HOA for maintenance of the additional private roads and greenspace, as well as the proposed configuration of the development, including the lack of tree lawn space, the lot widths and the driveways off the main boulevard. The residents understand that if this application is not approved, the lots would remain as commercial lots with the possibility of being developed as such. The residents suggest that the Commission table the application on the condition that the developer work with the residents to address the issues. They thank City staff members who took the time to come to the community and speak with the residents.

### **Commission Discussion**

Mr. Fishman expressed appreciation to the residents who attended this meeting to express their views. Public involvement is what makes Dublin a great City. As Mr. Cline is aware, Dublin's mantra has been that if a developer is economically unable to build a development the right way, then it should not be built. For many years, the City has discouraged building private streets, as they inevitably become an undue burden for the homeowner associations when some years later, they require extensive maintenance. At that point, HOAs petition the City for assistance. The burden then becomes the City's. Mr. Cline has indicated that the cost would \$300,000 to convert the private roads to public roads. That is approximately \$30,000 for each of the proposed homes. Perhaps a special assessment could be used. Also, in Dublin, many HOAs have sub associations to address particular issues within the development. Perhaps if the residents feel strongly about the private road issue, they could form a sub association to handle the private road responsibilities.

Mr. Supelak inquired what the amount of the current HOA fee.

Ms. Houseman responded that it is \$95/month, or \$1,152/year.

Mr. Supelak stated that there appear to be two options regarding the private roads -- either Engineering agrees to accept them as private roads, or they would be rebuilt as public roads.

Mr. Boggs clarified the process for converting a private street to a public street. While there are Engineering standards that the City Engineer would require be met before recommending acceptance of a private street as a public street, ultimately, it is a City Council decision. Per City Code, the Commission acts as a recommending body on the rezoning and preliminary development plan that is being discussed. The Commission does not make the final decision on either; City Council has the final determination. City Council has tasked staff and the Commission with evaluating proposals against City Code requirements before providing a recommendation to Council.

Ms. Husak stated that there is Code that defines what a public street is required to have. It is not as simple as making a recommendation that the street be made public.

Mr. Boggs stated that Engineering staff members are present and able to explain the distinction between the private streets in this development and the Code specifications for public streets.

Mr. Supelak stated that the Commission does not have the purview to address the existing private streets. In the other matter related to the anticipated cost to the HOA, currently, the maintenance of the greenspace is being handed by the developer. To avoid the responsibility for the maintenance for two additional parks, the residents suggest the proposed additional greenspace be used to widen the lots. That potential negotiation also may not be within the purview of this Commission.

Mr. Boggs stated that the Commission has been presented with two applications -- a rezoning with a preliminary development plan, and a preliminary plat. The City's Code sets forth the criteria under which the Commission is charged to make its recommendation. There are 16 criteria that address the configuration of buildings, use, and development standards for the site. Per the Code, the discussion should address how those factors influence the Commission's recommendation. All other matters are not a question before this Commission.

Mr. Cline stated that, although the maintenance issue is not a matter before the Commission today, it is an issue for the residents. It is very unlikely that the City Engineer would recommend to City Council that these roads be accepted as public roads. However, there is an alternative. City Council can accept maintenance responsibility for the roads. They took such an action with Caplestone Lane – a street on which former Council Member Kranstuber resides. He has shared that information with the residents as an option for them to consider. He reached out to the Council ward representative, but has not received a return call at this time. The ward representative would have to take the lead on such an action.

Mr. Fishman stated that he was present when the decision was made regarding Caplestone, and that decision was made very reluctantly. That previous action was taken only because of a hardship situation. The residents were financially unable to repair the street, which was seriously deteriorating. At that time, Council indicated that they would not be setting a precedent for any similar action in the future. Mr. Kranstuber stated that Caplestone Lane should never have been constructed as a private road. Therefore, Mr. Fishman indicated he would not be in favor of setting up a similar unfavorable situation.

Mr. Cline stated the Caplestone situation and this one are similar. In both cases, the developer who initiated the projects no longer existed when the private road issues arose. The main difference between the two is that Caplestone Lane did not meet municipal road specifications; this roadbed does meet municipal specs. He understands that City engineers do not support inverted crown streets, but the City is already maintaining pavement, curbs and gutters and snowplowing. Nothing different would be necessary in this case.

Paul Hammersmith, City Engineer, stated that the information about Caplestone Lane is not factual. It is likely a meaningless debate as it is not germane to the rezoning discussion. If the residents want to submit a request to City Council, it would need to occur separate from this discussion.

Ms. Newell inquired if it would be possible to make the portion of the roadway that lies within the rezoning area a public road. Is there a way to "marry" City specs for a portion of the roadway to an adjoining private street?

Mr. Hammersmith responded that if she is referring to Oak Tree Drive N. and S., staff has discussed that. Although the pavement composition would be similar, the drainage is different. With inverted crowns, water runs to the middle of the roadway. With a conventional street with curb and gutter, the subgrade under the pavement is graded to drain to the outside edge. There is no way to modify the existing private street to adapt it to public street standards, and the City would not want to accept some inferior adaptation, which ultimately would become a public burden. It is actually the developer's responsibility to convert the street to City standards, and to make the private street a public street, it would have to be reconstructed. The City requires the same of everyone.

Ms. Call stated that she appreciates the residents coming before the Commission. A year ago, she was before the Commission herself regarding one of her properties of much less value but with an HOA fee that is five times higher than theirs. The Planning Commission has a narrow scope. It is tasked with reviewing an application and determining if it meets Code. Staff reports outline the request; list the pertinent criteria that must be met; and indicate if the application meets the criteria, or if it would meet if a condition were to be added to the approval. Planning staff accurately identifies when an application does not adhere to Code. The Commission considers ambiguous items or items approved by previous Commissions or Councils that are inconsistent with the existing direction in which the City wants to proceed. We prefer not to have phased-in developments. Some developers want to construct and sell homes first and add amenities later; unfortunately, "later" amenities never occur. Either the residents or the City are left "holding the bag." City Council does have more purview than the Commission. The Planning Commission's scope is very narrow. She requested that staff highlight the criteria for which conditions must be met for them to meet Code.

Ms. Newell requested that staff list the review criteria and the condition to meet it.

Mr. Ridge stated the following five conditions for approval of the preliminary development:

- 1) That the applicant update the text and plans to create a new subarea -- Subarea E, to clarify the boundaries of this rezoning from the remainder of the neighborhood;
- 2) That the applicant provide a topography map and associated materials as outlined in Code Section 153.054(B)(5)(f);
- 3) That the applicant provide a tree replacement plan with the submission of the Final Development Plan;
- 4) That the applicant work with staff to ensure that all improvements are within the boundary of the rezoning area prior to the Final Development Plan; and
- 5) That the applicant continue to work with staff to ensure that all proposed driveways are able to be constructed consistent with Code standards prior to the Final Development Plan.

Ms. Husak noted that the home footprints are illustrative only. The house that a buyer selects for a lot may require the garage to be located in a different location. Staff would need to see that detail later.

Mr. Ridge noted that the three conditions for the Preliminary Plat include the following:

- 1) That the applicant ensure that any minor technical adjustments and updates to the plat are made in accordance with the accompanying Preliminary Development Plan prior to City Council submittal;
- 2) That the applicant continue to work with staff to ensure that all improvements are made within the geographical boundaries of this plat prior to review and recommendation of the Preliminary Plat by City Council; and
- 3) That the applicant revise the drawings to reflect the correct on-street parking dimensions prior to review and determination of the Preliminary Plat by City Council.

Mr. Ridge noted that the on-street parking, as shown, is one foot too short.

Ms. Kennedy, referring to an earlier citizen comment, inquired if the maintenance of the sidewalks on this property would be the HOA's responsibility.

Mr. Cline stated that he looked into that matter. City Building Code requires City-maintained sidewalks, unless a property owner has been abusive and caused damage to it. Most sidewalks are in the right-of-way or an easement. The Code appears to indicate that it is the City's responsibility to maintain the sidewalks, but because these sidewalks are within a private area, the City attorney would need to provide clarification.

Mr. Boggs stated that the Code would apply to public sidewalks in public right-of-way owned by the City or in areas where there is a right-of-way easement held by the City. It would not apply to privately owned sidewalks.

Mr. Fishman stated that as Ms. Call has stated, the Commission can only apply the Code. Could the Commission, however, add a condition recommending to Council that they consider making the private streets public streets?

Mr. Boggs responded that the Commission can either recommend Council approval, approval with conditions, or disapproval of the request. The Commission also could convey to Council what they believe to be an important consideration. That would be a separate motion; it would not be a recommendation to approve with that condition. When Council has this item before them for consideration, they will also have the benefit of draft or adopted minutes of this meeting to learn the tenor of discussion. Ms. Fox, as Council's liaison, would also convey additional insight on the discussion.

Ms. Kennedy referred to the residents' petition requesting denial of the application. The reason stated in the petition is the undue burden on the HOA with respect to maintenance of private roads and additional greenspace. Does the HOA currently have the responsibility of maintaining other greenspace within the community?

Ms. Houseman stated that she recently spoke with the management company, and they indicated that the HOA currently bears 50% of the burden. It is not accurate that the developer is maintaining everything. She presumes maintenance of the commercial lots is not being handled by the HOA; however, in regard to the remainder of the community, the management company indicated that the HOA is paying for 50% of the landscaping maintenance.

Ms. Husak stated that a graphic was provided in the packet information (page 8), which depicts the maintenance responsibility for the various areas. The City is responsible for the 24 acres of

greenspace on the perimeter of the entire development [Reserves E, F, H and K]. The HOA is maintaining 8 acres [Reserves G, L, M, N and O].

Ms. Kennedy inquired if the HOA fee covers maintenance for those 8 acres.

Ms. Husak responded that their fees cover the land, clubhouse and the stormwater pond in Reserve M. They also contribute to a reserve fund that is being built up for when the residents take over the maintenance that is currently being handled by the owner.

Ms. Kennedy noted that the additional greenspace that would be added to the HOA's responsibility in Reserves P and Q is minimal -- .66 acres.

Mr. Cline stated that, currently, the money being paid in HOA fees is being banked, and there is \$300,000 - \$350,000 built up in the HOA account. The developer continues to handle all of the HOA maintenance responsibility without taking any of the HOA's funds. The only item that the HOA is handling is the additional landscaping the HOA desired that was over and above what the developer was willing to provide. The developer included the additional landscaping in the contract, but the cost of that additional landscaping is taken from the HOA dues. The HOA financial statements are open and available for the residents to understand what their HOA is spending, which is not very much.

Ms. Newell stated that this situation is not unique. There are other developments within the City with private streets for which the HOA has the maintenance responsibility.

Ms. Rauch stated that is correct.

Ms. Kennedy stated that the second reason stated in the HOA petition is the configuration of the proposed redevelopment. She requested confirmation that the configuration of the proposed development meets the Code and is consistent with the surrounding development.

Mr. Ridge confirmed that is correct.

Ms. Newell requested that staff display the Code review criteria, upon which the Commission must base its approval.

[Slide shown]

Ms. Fox stated that if this is not rezoned, the development will proceed no further. Planning Commission can consider the criteria in Code Sections 153.053 through 153.056. It can also look at history, staff reports, comments and request expert opinions and request additional information or revisions with a rezoning. Many of the elements in this plan are similar to the existing development text for Oak Park. The issue is that when the development was created, it was a mixed use. There was a particular reason for having these properties close together. The original text calls for a variety of things, including a traditional village, diverse housing, preservation of natural features and highway connections with pedestrian friendliness. The commercial element gives a completely different feel to the front door of a development. The residential element had a mixture of townhomes, Village Homes and Park Homes. There was also 31 acres of parkland. Applied superficially, this application meets the criteria. However, the commercial element has been unable to develop in the holistic and cohesive manner in which it was intended. There are some lots with six-foot differences between them with a lot depth of 125 feet. The roadways are a Council issue. They should not be a burden to the HOA. This is a half-finished development, and the Commission is attempting to work with the developer to finish this development. Earlier,

the Commission had requested that the developer work with the residents on a preferred Option A, but that did not happen. Therefore, the Commission approved an alternative plan. Now, however, the residential developer owns both pieces. At the Concept Plan review, the Commission requested that the developer work with the residents to resolve some of the issues. It seems that some modifications could be made to this plan without too much difficulty. Perhaps it is not possible to fix the private streets issue, but it is possible to address how the plat is laid out to make it conform better with the existing development and to achieve an attractive front door to this development. She does not believe the developer spent sufficient time on working through this design with the homeowners or made an effort to bring any other options before this Commission. This is the same design as shared in August. The Commission needs to be shown some options, more information from Council on its position of private versus public streets, and information from experts on the actual cost of maintenance. At this point, we do not know if the costs would be practical or reasonable. She believes some of the criteria, although close, are not met. We are not dealing with the same development as in the beginning. Because this development has occurred in a piecemeal fashion, the design needs more refinement to become a front door to Oak Park. The ingresses/egresses on Oak Park Boulevard are not well defined. Finally, nearly 100% of the residents in the neighborhood do not support the proposed development. Without achieving more clarity on some of the issues, she is not supportive of approval.

Ms. Newell inquired what review criteria she does not believe has been met.

Ms. Fox stated, per Code, the Planning and Zoning Commission shall review the application and determine if it complies with the approval criteria set forth in 153.055(a). However, the Commission also can take into consideration any submitted staff reports, comments and expert opinions when reviewing the application. She believes the Commission does not have all that information and should request it.

Ms. Newell stated that the residents' representative requested that this application be tabled, The Commission cannot do so without the applicant's request.

Mr. Cline responded that he does not wish the case to be tabled. They have a certain palette to work with, and they have a good design. They would not have obtained staff's recommendation for approval if they had not produced a good plan. The issue of private streets is not before this Commission tonight. The only issues before this Commission tonight are the two new private streets and Subareas R and S. They do agree to all the conditions for both the Preliminary Development Plan and the Preliminary Plat.

Ms. Fox stated that there were other issues identified, including the sidewalks and greenspace. She does not believe some of the Code requirements have been met.

Ms. Call requested that she list the items she does not believe have been addressed in the conditions.

Ms. Fox stated that the relationship of the buildings, which is mentioned in 153.055(A) 9. The sidewalks will look dissimilar. The issue is that commercial alleys are being turned into residential byways.

Ms. Newell inquired if she is referring to the fact that there are sidewalks without tree lawn space.

Ms. Fox responded affirmatively.

Ms. Newell inquired if one of the conditions required that the sidewalks be moved.

Mr. Cline responded affirmatively. The sidewalks will not be immediately adjacent to the curbs; they will be set back outside of the reserves, which will provide a small amount of grass there. The request was to move the sidewalks out of Reserves I and J, and they agreed to place them within the boundaries of the rezoning area.

Ms. Call requested confirmation that this item is addressed by Condition #4.  
Mr. Ridge confirmed that is correct.

Ms. Fox stated that Criterion #14 has not been adequately addressed. It states: "The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development." The Commission is looking at this in a piecemeal fashion. The residents are unhappy with the proposed plan, and she believes the developer should spend some time meeting with the residents to resolve some issues, as was requested at the previous review.

Ms. Husak responded that staff had determined that this criterion is not applicable, because the applicant is not phasing in this development; it will be completed in one phase. For a larger mass of land, that criterion would be applicable, as phasing would be required. For a 3.5-acre development, phasing is unnecessary.

Mr. Fishman inquired if private roads would be added at the entrance.

Ms. Rauch responded that if he is referring to the two traffic circle sections – those are existing private drives.

Mr. Fishman stated that 94% of the residents object to the rezoning and development, due to the fact that the developer did not work with them to address any of their concerns. Does that not violate a Code requirement?

Mr. Boggs responded that the Code does not establish a threshold regarding public support or opposition. There is no criterion for this Commission to require a pre-meeting between the developer and the surrounding property owners. Staff always encourages collaboration between the prospective property developer and the surrounding property owners, because experience shows that leads to a better product. It is not, however, a Code requirement.

Ms. Newell stated that the criterion that comes closest to the private road versus public road issue is Criterion #7, which states, "Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided." Staff indicates that the applicant has worked with staff to ensure adequate provision of infrastructure is available.

Ms. Fox referred to the criteria for the Preliminary Plat, which looks at the plan holistically, requiring consistent treatment and development criteria to ensure standards in a comprehensive manner. This plan is such an anomaly. A rezoning should not do anything that would be a detriment to the existing development. We asked the developer to look at potential options on how this development could be laid out to make it more attractive. None were offered. Some of the things this Commission suggested in terms of density and setbacks could have been accomplished.

Mr. Cline stated that they could have proposed multi-family or apartments in this area; however, they believed single-family lots would be consistent with Oak Park. The lot sizes are dictated by the development standards that are already in place for the rest of Oak Park. These lots must be

of a certain size with certain development characteristics consistent with the development standards. The number of those lots that would fit on this land is then determined. There is nothing else they can do in terms of configuration.

Ms. Fox inquired the lot width for these 12 lots.

Mr. Cline stated that the minimum lot width is 55 feet. In actuality, only four are that width; the other eight lots are much larger. Everything remains consistent with the existing development standards in Oak Park.

Ms. Fox stated that the residents have asked that all the homes not look exactly the same at the entry to the community. Driveway access onto the boulevard is not addressed in the conditions.

Mr. Cline stated that the access is addressed in the development text. The access from the boulevard was designed for 40,000 sq. ft. of retail and with on-street parking. This application proposes a much smaller impact on the infrastructure than the commercial development would have imposed on the neighborhood.

Mr. Ridge stated that there is a diversity matrix for this proposal, with the only exception being that those two bookend homes on the end could be the identical model.

Mr. Cline stated that appears to work well; this occurred with the villa lots, as well. The diversity matrix for this development was reviewed and approved by staff and included in the packet information. For 12 lots, there are 20 – 40 design options for the homes.

Ms. Fox stated that the villa lot development provided fencing as a screening/buffer to the anticipated commercial lots. Are those fences required?

Ms. Husak responded that the fencing served a two-fold purpose: these houses are alley-loaded, so they have their open space, patio areas to the rear of the homes, potentially facing an alley. Fencing was suggested to give those lots some privacy. Fencing was also suggested along Hyland Croy Road at the entrance into the neighborhood. However, the fences are not required. If a homeowner wished to install that fence, there are fence standards in the text that identify where they can be located and material requirements.

Ms. Fox inquired if the HOA would have responsibility for the fence maintenance.

Ms. Husak responded that it would be the homeowner's responsibility.

Mr. Cline commented in regard to the fences at the back of the lot. There was concern that there would be varying diligence in staining the fences every 3-4 years. Therefore, it was determined that the HOA would be responsible for the painting of those fences. Because those fences are in Subarea D, they are not an issue to address tonight. The development text for that earlier rezoning provided that fences would be dealt with in the Final Development Plan. This was done purposely to leave a door open, should the commercial element be eliminated in the future, and fences at the back of the lots was an item no longer desired. In that case, the requirement could be removed at the Final Development Plan phase.

Ms. Fox stated that fences, which may be no longer be needed, would be another cost to the homeowners, if not eliminated. She would request more information about the cost, possible options for this Plat, and the ability of the residents to have some input with the developer on what those options might be. She would not be in favor of approving the rezoning this evening.

Ms. Call pointed out that sidewalks have been added around the parcels, as was suggested at the previous discussion; she appreciates that addition. In regard to the private streets versus public streets, the Code states that for, "Streets built and all or nearly all abutting parcels developed for acceptance as a public street, it is required that public streets generally meet these standards... At a minimum, for acceptance as a public street, the following standards shall be met: street width, curb and gutter, pavement thickness, sidewalk installation."

Ms. Kennedy moved, Ms. Call seconded to recommend approval of the rezoning with Preliminary Development Plan to City Council with the following five conditions:

- 1) That the applicant update the text and plans to create a new subarea, to clarify the boundaries of this rezoning from the remainder of the neighborhood;
- 2) That the applicant provide a topography map and associated materials as outlined in Code Section 153.054(B)(5)(f);
- 3) That the applicant provide a tree replacement plan with the submission of the Final Development Plan;
- 4) That the applicant work with staff to ensure that all improvements are within the boundary of the rezoning area prior to the Final Development Plan; and
- 5) That the applicant continue to work with staff to ensure that all proposed driveways are able to be constructed consistent with Code standards prior to the Final Development Plan.

Vote: Mr. Supelak, yes; Ms. Call, yes; Mr. Fishman, no; Ms. Kennedy, yes; Ms. Newell, yes. Ms. Fox, no.

Ms. Fox indicated that she believes the following review criteria have not been met: "relationships of buildings;" cohesiveness of the overall acceptability to the development plan; and opportunity for the Commission to take into consideration previous comments and history.

Mr. Fishman indicated his "no" vote was for similar reasons.

[Motion passed 4-2]

Ms. Kennedy moved, Ms. Call seconded to recommend approval of the Preliminary Plat to City Council with the following three conditions:

- 1) That the applicant ensure that any minor technical adjustments and updates to the plat are made in accordance with the accompanying Preliminary Development Plan prior to City Council submittal;
- 2) That the applicant continue to work with staff to ensure that all improvements are made within the geographical boundaries of this plat prior to review and recommendation of the Preliminary Plat by City Council; and
- 3) That the applicant revise the drawings to reflect the correct on-street parking dimensions prior to review and determination of the Preliminary Plat by City Council.

Vote: Mr. Supelak, yes; Ms. Call, yes; Mr. Fishman, no; Ms. Kennedy, yes; Ms. Newell, yes. Ms. Fox, no.

[Motion passed 4-2]

[5-minute recess]

Ms. Newell stated that Cases 4 and 5 would be heard together.

- 4. The Overlook at Tartan Ridge, McKitrick and Jerome Road, 19-094, Rezoning with Preliminary Development Plan**
- 5. The Overlook at Tartan Ridge, McKitrick and Jerome Road, 19-085 Preliminary Plat**

Ms. Newell stated that Case 4 is a request for a recommendation of approval to City Council for a rezoning with preliminary development plan of approximately 24 acres for the future construction of up to 56 single-family homes and approximately 7.9 acres of open space. The site is within the Tartan Ridge Planned Unit Development District, northeast of the intersection of Hyland-Croy Road and McKitrick Road. Case 5 is for the same site and the request is for a recommendation of approval to City Council for preliminary plat to subdivide the site. The Commission will hear the cases together.

### **Staff Presentation**

Mr. Ridge stated that the site is currently zoned PUD, Tartan Ridge, and contains all or portions of Subareas D1, E and F, which permit a mix of uses including townhomes and commercial uses. The site is located northeast of the intersection of Hyland-Croy Road and McKitrick Road and is currently undeveloped. There is an existing stormwater pond in the northwest portion of the site and a solitary tree stand in the southwest portion of the site. The proposed plan for approximately 24 acres includes 56 lots with an average density of 2.33 dwelling units per acre and eight acres of open space. Lot sizes are proposed in two different sizes. There are 34 patio lots that are a minimum of 52 feet wide at the building line with a minimum lot depth of 125 feet. The remaining 22 courtyard lots are located on the perimeter of the site and are a minimum of 60 feet wide at the building line and a minimum of 125 feet deep. Lots range in size from 6,500 square feet to 10,800 square feet. Lot coverage is limited to 60 percent, including structure and driveway. Sideyard setbacks are a consistent six feet minimum across the site. Rear yard setbacks are 25 feet throughout site. Front yard setbacks are a minimum of 15 feet and a maximum of 25 feet from the right-of-way, or as otherwise shown on the preliminary plat. For patio homes, the front yard setbacks are also a minimum of 15 feet and a maximum of 25 feet. Front-loaded garages must be located at the maximum setback of 25 feet while non-garage portions of the front façade may be permitted to extend up to the minimum 15-foot setback. The rear yard setback for both lot types is 25 feet from the rear property line. The minimum required side yard setback is 6 feet. The development text also requires that a minimum of 22 lots in the development have court-oriented garages. On the southeast corner of the site is Lot 1. Due to the separation/isolation and odd lot shape, staff is recommending that the applicant remove Lot 1 from the plan. The applicant has put an emphasis on walkability throughout the site with sidewalks along all frontages, as well as connection and expansion to the shared-use paths along McKitrick and Hyland-Croy Roads. An existing connection to the school site to the north is to remain. There is significant landscaping around the perimeter of the site. The applicant is proposing mounding at a height of 3 - 5 feet with trees on top and behind in a naturalized manner. The proposed pond amenity will be a part

of the existing stormwater management pond in the northwest portion of the site. The amenity will include a patio space and shelter structure with seating.

The development text requires that a hedgerow be planted and run parallel to the front property line as seen elsewhere in Tartan Ridge. It also requires gates and gatepost if a sidewalk is to connect from the front door to the public sidewalk. Brick, stone, or wood posts are permitted materials for the gateposts. Per the development text, driveways are to be constructed of brick pavers, which is a character element unique to this subarea. Outdoor spaces can be constructed within the footprint of the home. Open spaces such as at-grade patios will also be permitted to encroach 10 feet into the rear yard setback, providing increased outdoor amenity space, if desired by the homeowner. Per the development text, the HOA will be responsible for maintaining all open spaces as well as the hedgerow in front of the homes. An important architectural element will be carried over from Tartan Ridge into this subarea, which is the consistent use of cladding materials across all façades. The City-owned pond will be re-designed slightly. Staff is recommending the subarea map include the existing stormwater management pond in the southeast portion of the site that is to be redesigned with this proposal. It is also requested that the applicant continue to work with staff to ensure the street names and naming method is appropriate and that the applicant revise the plat to reflect a typical chamfer at the corner of Hyland-Croy and McKittrick Roads. The rezoning and preliminary development plan have been reviewed against all applicable criteria, and staff recommends approval with three conditions. The plat has also been reviewed against all applicable criteria and staff recommends approval with four conditions.

### **Commission Questions**

Ms. Call inquired what is the reason for recommending deletion of Lot 1.

Mr. Ridge responded that Lot 1 is separated from the rest of the community by a sewer easement. The lot is irregularly shaped, larger than the other lots and isolated.

Ms. Call inquired if the easement is a no-build zone.

Mr. Ridge responded affirmatively.

Mr. Fishman stated that he would assume that the area where the pond is located would be unbuildable, so it would become part of the common area.

Mr. Ridge confirmed that would be the case.

Ms. Fox stated that there is a lovely area on the northwest side with the pond area. The City has many retention ponds. There is opportunity to utilize them as an amenity for developments, and this is a good-sized development. If Lot 1 is eliminated, has staff suggested that a nicer amenity be created at this end of the development, as well?

Mr. Ridge responded that staff has not made that request.

Ms. Fox inquired how stubbing off the one street, currently unnamed, would impact ability for emergency vehicles and trucks to turn around.

Mr. Ridge responded that the proposed name of the street is Jasmine Glen Drive.

Ms. Kennedy inquired between which lot numbers the proposed street would be located.

Ms. Fox responded that the street lies between Lot 32 and 30. She is curious about why that street has been stubbed.

Mr. Ridge responded that some neighbors across the street were concerned about the glare of vehicle headlights into their homes and the closeness of that intersection to the one at Baronet Boulevard.

Ms. Fox inquired if all were public streets.

Mr. Ridge responded affirmatively

Ms. Fox requested confirmation that truck turnaround would not be an issue there.

Mr. Ridge responded affirmatively.

Ms. Newell inquired how a fire vehicle would turn around, if the street terminates there.

Staff responded that it would be necessary for the vehicle to back up.

Ms. Newell stated that there is no ability for a fire vehicle to turn around. Once the roundabout is constructed, is there a distance requirement between that and another lane that would stop and turn?

Staff responded that there is no such requirement.

Ms. Fox asked about the City policy on adding a left turn lane.

Mr. Hammersmith responded that it has been the City's practice for many years that with any new access point into a subdivision, a left turn lane be required to preserve the through movements on the roadway and provide safe access/egress from the development.

Ms. Fox inquired if construction of that turn lane is the responsibility of the developer when constructing the development.

Mr. Hammersmith responded affirmatively. It is built as a public improvement consistent with the City's standards, which the City then inspects and accepts.

Ms. Fox inquired if there have been any exceptions to that practice.

Mr. Hammersmith responded that there has been none during his tenure with the City.

Ms. Kennedy inquired if the left turn is near Lot 1.

Mr. Hammersmith responded affirmatively; it is the McKitrick Road access point, the eastbound left-turn lane.

Kevin McCauley, Stavroff Land and Development, 6689 Dublin Center Drive, Dublin, representative for Tartan Ridge LLC, stated that with him tonight are Gary Smith, G2 Planning & Design, Jim Ohlin, Romanelli & Hughes and Steve Shell, EMH&T Engineering. Previously, they presented the Concept Plan for this development to the Commission. Stavroff has been involved with this project since its inception. They made the initial land purchase for what is now Tartan Ridge. In 2007, they believed there would be a commercial element in this development. In 2019, retail is not an option, and the majority of the residents have indicated they are not supportive of retail within the development. They would prefer to have the subdivision completed now rather than wait five to fifteen years for potential retail to occur. The current market overwhelmingly indicates that a detached, empty-nester product within a community such as this is desired. Dublin residents wanting to downsize will be able to remain within Dublin, be part of the Tartan Ridge community and have a maintenance-free lifestyle. He believes Tartan Ridge is one the best developments he has ever been involved with, and these high-end homes, built by Romanelli & Hughes, will continue that quality. The Commission's concerns shared at the Concept Plan review were noted and have been addressed; Mr. Smith will elaborate on those. As required by City Engineering, a left-turn lane into McKitrick Road will be constructed. However, there is an established New Community Authority, which must pay for the turn lane. Although the developer would build the turn lane and receive a 5% return on his investment, the residents of Tartan

Ridge pay into that Community Authority. The residents paid for the other existing three intersections. No one is opposed to the turn lane, but the residents do not want to pay for it. However, the turn lane is not part of the rezoning matter before the Commission at this time. It could be a later matter for staff's or Council's consideration.

Mr. Hammersmith stated that when he responded to the Commission's earlier question regarding the left-turn lane into this development, he responded in general terms. This turn lane and the other turn lanes constructed earlier with this development were part of an infrastructure agreement approved by City Council in 2008, and only a City Council action could modify that agreement.

Gary Smith, G2 Planning and Design, 720 E. Broad Street, Columbus, stated that since July, they have been working on the architectural elements of the development, tweaking the plan and making significant changes to the development text. The Romanelli & Hughes product has been modified to meet the needs of this development. This is a 24-acre portion of the existing Tartan Ridge development and this portion is in the southwest, below Glacier Ridge Elementary School. What is currently approved for that area are five single-family homes, 24 townhomes, and 68,000 square feet of retail and commercial uses, potentially including gas stations, convenience stores, restaurants and associated uses. The developer has been working on the retail piece of the development for the past 12 years, but no viable option was identified. Because there was a strong desire to have the community completed, they looked for other options. Some form of lower-density residential was determined to be the best use. The City is fortunate to have an abundance of single-family product, and has been trying to broaden the spectrum of lifestyle options for its residents, such as the Bridge Park product. What is proposed is a continuation of that effort to address another lifestyle need. There is a niche of Dublin homeowners who no longer need a large, single-family home. However, they value their network of friends in Dublin and prefer not to move away. They continue to want a high-end home, but with limited maintenance requirements. They may prefer to travel a good portion of the year without the demands of caring for a home here. The proposed development will attract those types of buyers. They are requesting approval of 56 high quality, empty-nester patio homes. Because 29 single-family homes are already approved here, essentially, they are requesting to exchange another 27 patio homes for the 68,000 square feet of retail previously planned. The site is long, linear and encumbered by heavy setbacks along Hyland-Croy and McKittrick Roads. There is an existing pond in the northwest corner of the site, which will be used for stormwater retention. The site dictates the layout of the development. Early in the process, neighbors across the street on Brenham Way indicated that they were not excited about having lots fronting the street across from their homes and asked them to consider turning the layout to avoid that situation. Therefore, the long, linear site, pond and need to avoid having homes fronting the road across from Brenham Way have dictated the layout. In July, the Commission discussed the gridded layout of the development. While it may appear so in a Google view, he has often viewed similar developments and found that a ground-level experience of the site feels different. Upon entering the community, a spectacular model home will be seen. There was some discussion about eliminating Lot 1, but for them, Lot 1 is extremely important. The home on that lot will be the nicest home in the development and will be a critical sales tool. Although the home will be a little further apart due to the easement, many other elements will tie the home to the development, such as the landscaping, hedge treatment and the columns. Upon driving further into the community, the site will look much as it does today. On the right side will be the existing park and the homes on Brenham Way; on the left side will be a linear greenspace. Mounding and landscaping will be

incorporated into that space. The same Tartan Ridge hedge will follow all the sidewalks. In a number of locations, benches will be provided, giving residents the opportunity to sit. There will be no long streets or blocks in this community. Although there is a grid pattern, due to the very short grids, drives and turns, the focus will be on the architecture. On 17 homes, additional architecture treatment on the sides will be required due to those sides being more exposed to the view. The lots along the perimeter have been widened and changed to courtyard lots, and a variance in setbacks will provide architecture that peaks in and out of the view, creating more interest. The courtyards will provide intimate spaces framed by the architecture. This will be complemented by other elements that are part of the Tartan Ridge experience, including an architectural style consistent with the existing development; hedge treatment along all the roads; and masonry columns adjacent to each driveway. With 56 driveways, there will be 112 masonry columns, costing a total of \$250,000. There will be a significant investment on the landscape treatment on the street frontages. Every home will have a brick driveway and matching brick private sidewalks, which is an element not required for the existing Tartan Ridge development. The pond amenity will now be more central to the units than in the earlier plan. With a fireplace and covered seating area, it will be a place for the residents to enjoy. Along the perimeter will be a lush landscape buffer and extensive mounding along Hyland-Croy and McKitrick Roads. Not only will it buffer the rear of the homes, it also will make the drive along those roads feel pastoral. This development will replace a proposed use that would not be viable and is unpopular with many of the Tartan Ridge residents with a use that is in high demand and will serve the needs of the aging portion of Dublin's population. In addition, this development will result in a considerable reduction in the amount of traffic anticipated for the area. Patio homes typically generate less trips per day than other residential development, and its traffic will not be at peak times. These high-value homes will have high property taxes but make little impact on the schools. Due to its many attributes, this is probably the best housing development possible for this area.

Ms. Fox stated that it appears they have discussed the proposed housing development with the neighbors and attempted to address any concerns.

Mr. McCauley responded that there are two different HOAs. They have met with some of those board members to receive their input, and a survey was sent out to residents earlier to obtain feedback.

Ms. Call inquired how the variances in home alignments would impact the front setbacks of the homes, including the garages and the sidewalks.

Mr. Smith responded that the garage doors do not face the sidewalk. The minimum setback for the garages is 15 feet from the right-of-way where the sidewalk is located; the maximum distance is 25 feet. The varied depth in homes will create interest on the street.

Ms. Kennedy inquired if the existing pedestrian trails to Glacier Ridge Elementary Schools would also connect to this community.

Mr. Ridge responded affirmatively.

Mr. Fishman inquired if the smaller pond would remain wet year round.

Mr. McCauley responded that it would be a dry basin. Although it will provide a potential overflow area, it would rarely have water.

Steve Shell, EMH&T, 5500 New Albany Road, Columbus, OH, stated that they were taking advantage of an open area for potential overflow storage, to provide flexibility for the City pond to the west. The proposed basin may not remain.

Mr. Fishman stated that for aesthetic reasons, the City typically prefers a wet pond, which can fulfill the same purpose.

Mr. Smith stated that because it is a tight area, there is a concern about having a wet pond there, which would be connected to the larger pond on the west side. They would work with City Engineering on that function.

Mr. Shell stated that this would be a "bubble up" system. In higher storm events, upper storage basins are used. They would only be wet with a 50-year event or above, so water would rarely be seen in that area.

Mr. Smith stated that stormwater that would typically flow under the surface could bubble up out of it here during a greater event storm. They would consider the potential opportunity for making it a wet basin as well as landscaping opportunities, should it remain dry.

Mr. McCauley stated that it would be very difficult to make this a wet pond. It would be necessary to make the pond even larger to do so.

Ms. Newell stated that if the house on Lot 1 were eliminated, which is staff's recommendation, more area would be available.

Mr. McCauley stated that the wet pond would be unnecessary, as there would seldom be a storm event to make it wet. Because it is a high spot, it would be difficult to make it wet all the time for aesthetic purposes only.

Ms. Husak stated that the City discourages wet ponds within proximity to a road; a 50-ft. setback from the right-of-way is typically required.

Mr. Fishman noted that the dry basins he has seen around the City usually are full of weeds and overgrowth. There would need to be a commitment from the developer that a dry basin would be well landscaped and maintained.

Mr. Smith responded that they are able to make that commitment. This will be a well maintained community. The residents will have a high level of expectations. They will work with staff to ensure what is planted will be maintained and look attractive.

Ms. Kennedy inquired about the price point of these homes.

Mr. Smith responded that the home prices would be approximately \$600,000-\$650,000.

Mr. Fishman stated that he likes the development, except for Lot 1. He believes eliminating that lot would improve the greenspace view from the street.

Mr. Smith responded that while he understands his point, having a model home located on that lot is a critical marketing piece for them. It also would provide a terminus for the architecture of the greater development, rather than having it bleed out to nowhere. This home will be a centerpiece, a showpiece for the community.

Mr. Fishman stated that the neighbors would prefer to see open space. Many subdivisions do not have that, but Tartan Fields does. Its open space is a "Wow" factor. He would concur with staff's recommendation to eliminate that lot.

Ms. Call stated that every parcel presents its own unique features. The setbacks along McKittrick Road here are very nice, and the open space being provided with this development already

exceeds the amount required, which is 3.56 acres. The actual space provided is 7.9 acres. Lot 1 would be in addition to that.

Ms. Kennedy inquired if information regarding proposed developments such as this are shared with the School District, so that it can be factored into its redistricting considerations.

Ms. Husak responded that she is unsure if the Schools are aware of the proposed development. However, an empty nester product would not have much impact on their redistricting considerations.

Mr. Boggs stated that Dublin Schools redistricting is based on projections of development, not this specific development, but upon expected residential infill within the District's footprint.

Ms. Call stated that the Schools are aware of the proposed developments that are before the Commission. This type of development, however, would have little impact.

Ms. Fox stated that she likes the mounding and landscaping along the road. It will create a nice entrance along Hyland-Croy and McKittrick Roads. She likes the enhancements to the pond amenity and public gathering area. The mounding appears to stop behind Lot 17, and the topography around the pond is not extreme. Is there a way to provide connectivity from inside the development out to Hyland-Croy Road, perhaps with a path? The Community Plan recommends providing connectivity from one neighborhood to another. Due to the nearby school, a path connection to Hyland-Croy would be beneficial.

Mr. Smith responded that connectivity has been discussed. The concern is that this is an empty nester community. They do not want to encourage pedestrian traffic into the community from the street. They would be willing to explore connectivity from another location, but not directly from the street. They do not want to advertise a path through the community to be used by bikers or pedestrian traffic along Hyland-Croy.

Ms. Fox stated that she understands. However, residents of the community would appreciate a connectivity to the existing bikepath. Perhaps it could be provided on another corner.

Mr. McCauley stated that throughout Tartan Ridge, there are many other connection points. Residents of this community would have to go outside the community to access one of those paths, but they are confident the residents would prefer that to the alternative. Today, we are constructing pedestrian bridges to encourage our community to walk; perhaps it is fine to encourage the residents of the community to walk down to the street to a central point to access the 1,000-acre park across the street. To have people cutting through this neighborhood would not have a desirable impact.

Ms. Fox stated there are many pedestrian and bike paths around the proposed development, so that opportunity exists. Many of her friends have moved to communities designed for ages 55 and older. What they enjoy is a community center where they can gather. Was there any consideration for using Lot 1 for that purpose?

Mr. Smith stated that Lot 1 was originally used for a community gathering spot, using the fireplace feature. However, Romanelli & Hughes has not experienced interest from potential homebuyers for having a community center, especially in a community this small. It is expensive to support the needed level of architecture, maintenance, heating and cooling needs by HOA dues from 56 lots. Financially, it would be more possible for a community of 150 patio homes to support a fitness center.

Ms. Fox stated she believes an attractive architectural feature would provide a nice introduction to the community. Perhaps an open-sided feature without a high level of maintenance would be an option to consider.

Mr. Smith clarified that the ultimate purpose of Lot 1 for Romanelli & Hughes is to have a model home to be used as a sales center for the development. A model home will showcase what they are selling in the community, but its ultimate repurpose is a home.

Mr. McCauley stated that they have been working on developing this area for 12 years and one year on this specific plan. A model home on Lot 1 will be their sales location, and the home will be the highlight of the community. After 12 years of effort, eliminating that critical feature is too great a risk to take. When everything is completed and the hedgerows are present, this piece will be well integrated into a beautiful development. Taking this one off the board is a significant ask for the Commission to make of the developer. That home is extremely important to kick off this community. Gathering places for the community have been incorporated elsewhere in the development.

Jim Ohlin, Romanelli & Hughes, 148 W. Schrock Road, Westerville Ohio 43081, stated that Lot 1 is the gateway to and the signature piece for the community. Opportunities like this to have a model that will stand out are very important to them. It will be a showcase at the entrance versus just another open greenspace. In considering providing amenities, they always consider the burden that would be placed on the HOA. They are providing multiple amenities within this community. These homeowners will expect a high level of detail for their mounds, greenspace, mulch beds, trees and shrubs – and all that comes with a price. From the HOA's perspective, the pond overlook, in particular, will require costly maintenance. To include an additional clubhouse feature for 56 patio homes would be very burdensome to the homeowners. They have spent a lot of time discussing this layout internally. Former Planning Director Mr. Papsidero has been integral to that planning effort.

Ms. Newell stated that she agrees with staff's condition. She understands that Lot 1 is the premier property for marketing purposes. However, Lot 2 could serve that purpose just as well. Eliminating Lot 1 would improve the entry into the community.

Mr. Fishman concurred. In regard to Ms. Fox's suggestion, he does not believe another amenity should be placed on Lot 1. Greenspace alone will provide a nice entrance. Lot 2 can be used to provide a spectacular model home. Overall, he believes the development plan is beautiful.

### **Public Comment**

David Lakin, 7128 Glacier Ridge Boulevard, Dublin, OH, stated that he formerly served on the Tartan Ridge HOA. He is hopeful that all of the construction traffic will come in from McKittrick Road and not through the main portion of the neighborhood. He is concerned about the school crossing for Glacier Ridge Elementary. When they refer to the HOA, are they referring to a new HOA or the master HOA?

Ms. Husak responded that this development will have a new HOA.

Mr. Lakin inquired if the residents of this new development also would pay into the master HOA. Current residents pay \$800/year to maintain the hedgerows and the City's open spaces.

Ms. Husak responded that, as proposed, they would not.

Mr. Lakin stated that on page 32 of the existing development text, the statement is made that all residential property owners located within Tartan Ridge PUD shall be required to join and maintain membership in a forced and funded homeowners association. Why would these homes not be included, as well? This is important because the master HOA maintains many acres of City land within Tartan Ridge. They were told that due to the proximity they all have to the land, all should share the burden of the maintenance cost. It directly affects the residents' property values and quality of life. These new homes will share that same neighborhood. It would appear that all the residents in the existing development will be sharing in the cost of the left turn lane into the new development, but the new homeowners will not be sharing in the maintenance cost of the common areas. It would make sense for all the common area to be included in the master HOA, and all residential homeowners should pay equally into the master HOA.

Ms. Husak stated that there are two HOAs for the area to the north. There is also an HOA for the alley-loaded lots. Because they also pay into the master HOA, they pay more than \$800/year.

Mr. McCauley stated that, as envisioned, the new development would have its own HOA and be responsible for its 7.5 acres of open space and right-of-way, and not be part of the Tartan Ridge master HOA. This new development will have a high level of maintenance costs in addition to its open space, including the pond and pond amenity, the brick driveways and the sidewalks, and the lawns and landscaping needs for the individual homes. This is a conversation that he and Mr. Ohlin could have with the Tartan Ridge HOA board to see how they would like to proceed. He is unsure the master HOA would want to take on what will be a heavy burden for these additional 56 lots. It would require more than \$800/year per home to cover those costs.

Mr. Lakin stated that there are two other subareas within the subdivision that pay into their own HOAs for private roads and specific maintenance within those subareas, in addition to paying in the master HOA. The maintenance for all the common land, including that which abuts the villa homes is paid by the master HOA. Although they do not own the land, they are responsible for the maintenance. If the City of Dublin would be willing to assume some of the responsibility for maintenance of their own land, that could be an option. Is there any opportunity for the Hyland-Croy roundabout capital project to be scheduled to coincide with the construction of the turn lane?

Ms. Newell responded that issue is not part of the purview of the Planning and Zoning Commission.

Mr. Lakin stated that the varieties of the hedge materials in Tartan Ridge were determined by the City. They have accumulated information on which hedge varieties have lived and which have not. They would like to share that information with staff at the appropriate time. The HOA has been burdened with replacing hedges every year, because they are not the correct variety. They now have historical information on what has proven to be successful within their neighborhood.

Ms. Kennedy referred to Mr. Lakin's earlier comment about second HOAs that can handle the specific maintenance needs of their areas. Would it be appropriate for the Commission to provide such a recommendation for the proposed development?

Mr. Boggs stated that HOA considerations do not address the criteria before the Commission; however, that item could be addressed by City Council. Without knowing details about the status

of the master HOA and the details of the proposed declarations and covenants for the new HOA, he cannot provide better guidance. It would be beneficial for the applicant and the master HOA leadership to meet and discuss these issues.

Ms. Fox suggested a condition be added that information with those details be provided to City Council for their consideration of this rezoning. The development text does describe the HOA obligation. This new rezoning area is part of an overall much larger development. If the new development is being treated differently than the existing development, that is an issue Council would want to be made aware of.

Mr. Boggs responded that Council would want to be made aware of this matter. Including such a condition would be responsive to the criteria that the common areas be maintained appropriately. Typically, Planning staff and the Commission do not address how that occurs other than requiring that there be a forced and funded HOA. How those responsibilities are shared is not part of this Commission's purview.

Ms. Fox stated that the reason she suggests Council be made aware of the matter is, in the past, Council has been petitioned by HOAs for relief when HOAs have experienced financial burdens because these specifics were not clearly addressed with the development. It would be preferable to have a good understanding of this issue as it relates to the overall development and ensure that an exception is not made that will create a problem for the master HOA, and ultimately, the City.

Mr. Lakin noted that essentially, this would be defunding the master HOA the funds from the 29 homes that originally were planned in Tartan Ridge – funds he assumes were factored into calculation of the HOA fee.

Ms. Call stated that the City does not address HOA fund calculations. Looking at the drawing provided, there is a red dotted line circling the development area; what does that denote?

Ms. Husak responded that an outline of the entire Tartan Ridge development as it exists today was provided; the hatched area designates the proposed development area.

Ms. Call stated that, in her view, if this area is being included in Tartan Ridge, it should be included financially, as well. That may mean that a sub association is needed to address the maintenance of the greater amenities in the proposed development. Although that is outside the purview of this Commission, it needs to be addressed by some party. Perhaps the Commission could direct staff to determine the proper body to address it and ensure that it is communicated to City Council.

Mr. Fishman agreed, noting that perhaps these residents should pay into the master HOA and have their own sub association, as well. However, much of this area originally was planned as commercial property. The commercial area was not part of the earlier HOA fee calculation.

Mr. Lakin responded that there were two parcels involved. The commercial component was planned on the right edge, and 29 homes are in the remaining area.

Mr. McCauley stated that, currently, he is not sufficiently knowledgeable of the master HOA document provisions; however, they would abide by the stated terms. If the documents state that this area is to be included in the overall forced and funded HOA, they will comply. If the

documents are unclear on the matter, they would discuss the issue with the master HOA leadership. In addition to lawns, this new area also will have 7.5 acres of open space and a pond amenity. The master HOA may not want to maintain that area. Because this area will have a higher degree of maintenance demands, the applicant was willing to handle that financial responsibility in its entirety. The anticipated financial costs would be calculated, and the parties would meet and discuss them.

Mr. Lakin stated that the Stavroff group has been excellent to work with, and he has spoken with Mr. McCauley frequently. They like the proposed development plan. In regard to a home on Lot 1 – as a resident in the community, he has no objection to the developer's plan.

Kevin Lutz, 9179 Brenham Way, Dublin, stated that his home is located across from the stubbed street. If that street were to cut through, vehicle lights would be an issue for his family; he appreciates the consideration that was made. Although he would prefer the area remain a soybean field, development will inevitably occur. He has heard that they have been trying to identify the right development for 12 years. It is better that it be development that is controlled, and a residential development is much better than the 68,000 square feet of commercial that could have been programmed. That amount of commercial space would not be a coffee shop and ice cream parlor; it would be a strip mall. He applauds the work that has been done with the streets, avoiding any direct access off Hyland-Croy Road that would have resulted in cut-through traffic through their neighborhood. Glacier Ridge Elementary School is their neighbor. Putting any commercial development here would have required a significant level of caution. Having an empty-nester neighborhood makes much more sense. From 3:00-4:00 p.m., Brenham Way is occupied by 20-25 vehicles making school pickups. The proposed development will complement that practice. If a showcase home on Lot 1 will sell all the houses in the division faster, then he supports giving them Lot 1. He would prefer the building process not take eight years! What their neighborhood needs is to be connected. They do not have a bikepath connection. For his children to ride their bikes to Jerome High School, they must either walk their bikes along Hyland-Croy Road or cut through a cornfield. This project will permit a bikepath to be constructed from Glacier Ridge Elementary to Jerome High School, meeting a real need. Although the residents may not want to pay for another left turn lane, that is a better option than the two left-turn lanes that would have occurred with a commercial development. In that case, a left-turn lane off Hyland-Croy Road would have been necessary, as well. There would also be a curbcut on the needed bikepath. Currently, the stretch of road from the elementary school to McKitrick Road has no curbcuts, so children can bike safely down to that intersection.

Ms. Kennedy stated she appreciates the great public feedback and their opinions regarding a house on Lot 1. The Commission appreciates hearing the voice of the residents.

Max Long, 1057 Hyland Croy Road, Dublin, stated that Jerome Township, Union County and the City of Dublin have worked together on forming a comprehensive plan – The Crossroads Area Plan. In 2015, the City agreed to Jerome Township's and Union County's plan. In the Land Use Plan, it was indicated that a rural area would be maintained throughout Hyland Croy Road. Jerome Village has already built 27 homes; 38 homes are planned; and a total of 5,300 homes are projected. In addition to Glacier Ridge Elementary, another elementary and middle school will be added on the same road. Glacier Ridge Elementary is set back 200 feet. When the Oak Park development was adopted, 230 feet of road frontage was required. For Corazon, 300 feet was required; for the Pulte Homes Autumn Rose development, 215 feet of road frontage was required.

Does the text for this development require that the ROW be extended from 40 feet to 50 feet from the center of the road?

Mr. Ridge responded that is the fourth condition, which was added after the staff report was distributed.

Mr. Long stated the road is at the back of the pond. Lots 8 - 17 are within 100 feet of the road. Mid Ohio Regional Planning Commission has indicated that Hyland-Croy will be changed to a four-lane road with an island. When that is completed, will any setback remain? On the Corazon property to the south, the islands are built up, earthen dams with trees, so those homes cannot be seen. According to page 4-2 of this plan, the backs of the homes will not be exposed to the existing road; yet, Lots 8-17 are within 100 feet of the road. The plan also provides for the homes to be architecturally staggered on the lots. With only a 3 to 5-foot mound, there will be a direct view into the rear patios of these homes. It was understood that new residential development was not to be permitted to encroach upon this area. What will the distance be between the anticipated traffic circle and Lot 8?

Mr. Ridge responded that he does not have that information at hand.

Mr. Long stated that for comparison purposes, Glacier Ridge Elementary has a 250-foot setback. The O'Brien property at 9635 Hyland Croy has a 450-foot setback, and the other properties to the south range from 300 feet to 200 feet. Dublin has preserved that setback in the past. There will also be a path immediately next to the road. He does not want his children walking along this road. He lives on this road, which has a 45-mph speed limit. It is often difficult to exit their driveway. This is a heavily traveled road, and these houses will be next to the road. The area plans, including the Jerome Township Comprehensive Plan and the Crossroads Area Plan required some setbacks. The Gorden Property in Dublin provides a 50-ft. setback from the right-of-way; adjacent to that is a service road, and an additional 100 feet is required on the inside before building is permitted. That plan provides a significant open area -- why was nothing similar required for this development? He is concerned this development will destroy the rural feel driving along Hyland-Croy Road.

### **Commission Questions**

Ms. Newell inquired if the City Code has setback requirements for this area. At one time, certain City roadways were considered scenic, typically with requirements for 200-foot setbacks. Does the Community Plan address this?

Ms. Husak stated that the speaker referred to The Crossroads Plan. Staff has reviewed that plan, discussed the issue with Union County and verified that The Crossroads Plan does not address homes backing up to Hyland-Croy Road. Many of the properties that were mentioned are not within the City's jurisdiction. All properties on the west side of Hyland-Croy Road are in Jerome Township and were developed as very rural lots. The City's Zoning Code does not require a setback greater than the right-of-way width. Some of the neighborhoods, such as Bishop's Crossing, Bishop's Run and Park Place, which are now 10-15 years old, were built when the City was working on a plan called, "The Road to WOW." That plan, which was never adopted, proposed standards for greater setbacks from Hyland-Croy Road, and in exchange, higher density would be permitted. The 2007 Community Plan provided for the roadway characteristics of a scenic, rural roadway with a setback requirement of 200 feet. The Community Plan was updated in 2013, along with the Northwest Glacier Ridge Area Plan, and that revision eliminated some of the roadway characteristics and setbacks. The current setback requirement is 80-100 feet. What is proposed with this plan is 100 feet, so it is consistent with the Community Plan. The Community

Plan is a policy document. Mr. Long is referring to Township documents, which the City of Dublin does not have. She is unsure if the Township's 2018 document has the same language, although that document has not been approved.

Ms. Newell referred to Exhibit C-1, which is an EMH&T plan. Running along Hyland-Croy Road, there are a number of dashed lines; what do they denote?

Mr. Smith stated that there are existing easements along Hyland-Croy Road, including a gas line. He believes the dashed lines designate those lines.

Ms. Newell inquired if there are any easements for future roadway improvements.

Mr. Smith responded that there are not. However, they will be dedicating 50 feet of right-of-way along Hyland-Croy Road, pre staff's request, which will result in a total of 100 feet.

Mr. McCauley stated that the existing zoning, which includes the commercial development, permitted the development to be closer than 200 feet. He believes a setback of 150 feet was permitted. The new plan will provide 100 feet from the future road right-of-way.

Ms. Husak stated that staff has verified the future easement is for gas lines.

Mr. Smith stated that he previously served as the Zoning Officer for Jerome Township, so he is familiar with the aforementioned documents. He was present when the Township, City and the County adopted the Crossroads Area Plan. That plan never contemplated land up this far. Its focus area was the area surrounding Costco, the additional piece of industrial land at the intersection of SR161 and US33, and the Jacquemin Farms and Gorden Farms pieces. The different entities were attempting to reach a common ground on that area. He also wrote the Township's Comprehensive Plan in 2009. That plan does not contemplate 200-foot setbacks from anything. It does address land use, rural development and conservation development. Specific setbacks were not established for any roads. From a Code standpoint, rural residential lots within the Township must have a minimum setback of 50 feet from the right-of-way. From Jerome Township's perspective, additional setback for any new development within the Township is preferred. Of the last four-five past developments, however, where houses backed up to the road, nothing more than 80-100 feet was required. This development would be consistent with the Township's policy.

Ms. Call stated that the bikepath is shown in the drawings as continuing along the existing trail that runs adjacent to Glacier Ridge and continuing down to the roundabout. Is there a schedule for phasing in that path along with the development?

Mr. McCauley responded that it would be installed when the street paving occurs, or soon thereafter.

Ms. Newell stated that one of the previous citizen comments referred to the location of the construction entrance. Has the location of that entrance been determined?

Mr. McCauley stated that he does not believe it has, but he does not believe there would be any objection to having it off McKitrick Road.

Ms. Fox referred to the condition requiring elimination of the home on Lot 1. Like Mr. Fishman, she does not support dry retention basins. They tend to look unfinished. From an engineering standpoint, what are the options to make it look attractive? That is at the main entrance. She

would not be opposed to having an attractive piece of architecture in that location. Otherwise, there would be an unattractive dry basin and a flat field.

Ms. Call requested clarification of the reason for staff's recommendation to delete Lot 1.

Mr. Ridge stated that staff recommended that it be deleted because it appeared isolated from the remaining lots, is shaped irregularly and is larger than the other lots.

Mr. McCauley stated that they could agree to remove the dry basin concept, leaving it as open greenspace with some landscaping. They would work with staff on how to modify the other pond appropriately for the site. However, they do need to have Lot 1 remain. As heard tonight, the neighbors support Lot 1 remaining in the plan. Although it appears irregularly shaped in the plans, when completed, it will be as attractive as the other lots. Therefore, he would request that condition be removed. They have no objection to the remaining conditions.

Ms. Kennedy and Mr. Supelak indicated that they have no objection to Lot 1 remaining.

Mr. Fishman requested clarification of the height of the mounding along Hyland-Croy Road.

Mr. Ridge responded that it would be three to five feet in height and include trees.

Mr. Fishman stated that he would like to see it heavily landscaped, but not with landscaping material, per se. He would prefer pine trees or something that will achieve an opaque screening.

Ms. Newell stated that a variety of plantings could achieve that.

Mr. Fishman stated that the plan appeared to provide many deciduous trees. He requested that the applicant commit to making the screening opaque – in whatever way that might be achieved.

Mr. Smith stated that there would be an opportunity for discussion of landscaping details with the Final Development Plan. They are required to bring back a Final Landscape Plan to the Commission.

Ms. Newell inquired if the applicant is in agreement with the revised five conditions.

Mr. McCauley confirmed the applicant was in agreement.

Ms. Kennedy moved, Mr. Fishman seconded to recommend approval of the rezoning with Preliminary Development Plan to City Council with the following five conditions:

- 1) That the Preliminary Development Plan subarea map be revised to include the existing storm water management pond in the southeast portion of the site that is to be redesigned, prior to Council review;
- 2) That the applicant continue to work with staff to ensure that the street names and naming method is appropriate;
- 3) That the applicant work with staff to clarify HOA membership;
- 4) That the applicant remove the dry basin and add green space and landscaping within the area, subject to staff approval; and
- 5) That the applicant provide opaque landscaping in the mounding along Hyland Croy Road.

Vote: Mr. Supelak, yes; Ms. Call, yes; Mr. Fishman, yes; Ms. Fox, yes; Ms. Kennedy, yes; Ms. Newell, yes.

[Motion passed 6-0]

Ms. Newell inquired if the applicant is in agreement with the four conditions.  
Mr. McCauley confirmed the applicant was in agreement.

Ms. Call moved, Ms. Kennedy seconded to recommend approval of the Preliminary Plat to City Council with the following four conditions:

- 1) That the applicant ensures that any minor technical adjustments and updates to the plat in accordance with the accompanying Preliminary Development Plan are made prior to City Council submittal;
- 2) That the applicant continue to work with staff to ensure that the street names are approved and indicated appropriately on the plat; and
- 3) That the applicant revise the Preliminary Plat prior to Council review to reflect a typical chamfer at the corner of Hyland-Croy Road and McKitrck Road, as required by Code.
- 4) That the applicant revise the plat to accurately display the planned 100-foot right-of-way for Hyland-Croy Road.

Vote: Mr. Fishman, yes; Ms. Fox, yes; Ms. Newell, yes; Ms. Kennedy, yes; Mr. Supelak, yes; Ms. Call, yes.

[Motion passed 6-0]

**6. Dublin Gateway (Gorden Development), 7270 & 7150 Hyland-Croy Road, 17-061, Rezoning with Preliminary Development Plan**

A request to rezone ±45.4 acres from Rural District to Planned Unit Development District to facilitate the future development of 91 single-family homes and up to 200 living units for seniors with varying levels of care in one or more buildings and approximately 12.7 acres of open space.

**7. Dublin Gateway (Gorden Development), 7270 & 7150 Hyland-Croy Road, 17-061, Preliminary Plat**

A request to subdivide ±45.4 acres into one lot for a senior care facility and 91 single-family lots, rights-of-way for five public streets, and six open space reserves.

Ms. Call moved, Mr. Supelak seconded to table Cases 6 and 7.

Vote: Ms. Fox, yes; Ms. Newell, yes; Ms. Call, yes; Mr. Fishman, yes; Ms. Kennedy, yes; Mr. Supelak, yes.

[Motion passed 6-0]

**COMMUNICATIONS**

Ms. Rauch reported that staff is attempting to schedule a joint meeting with City Council, the Planning and Zoning Commission and the Architectural Review Board shortly after the beginning

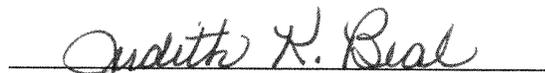
of year. That group is anticipated to meet quarterly. Mr. Fishman indicated that he would be out of town in January so would prefer the first meeting to occur in February.

Ms. Kennedy stated that she would be unable to attend the January 23, 2020 meeting due to a work commitment.

**ADJOURNMENT**

The meeting was adjourned at 10:50 p.m.

  
Chair, Planning and Zoning Commission

  
Deputy Clerk of Council