



Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council
From: Dana McDaniel, City Manager
Date: February 4, 2020
Initiated: Jennifer M. Rauch, AICP, Interim Planning Director
By: Claudia D. Husak, AICP, Senior Planner
Chase J. Ridge, AICP Candidate, Planner I
Re: Ord. 06-20
Rezoning approximately 3.47 acres east of Hyland-Croy Road, south of Mitchell-Dewitt Road from PUD, Planned Unit Development District (Oak Park, Subarea E) to PUD, Planned Unit Development District (Oak Park, Subarea F) for the future development of up to 12 single-family homes and 0.66 acre of open space (case 19-100Z/PDP)

Summary

This Ordinance is a request for review and approval of a rezoning with preliminary development plan of a 3.47-acre site within the Oak Park PUD to allow for the future construction of up to 12 single-family homes and approximately 0.66 acre of open space.

Background

The Planning and Zoning Commission reviewed and provided informal, non-binding feedback on a Concept Plan for a portion of Subarea E in Oak Park, on August 22, 2019 for the potential development of 12, single-family homes where commercial development is currently permitted. The Commission was generally in support of the request to rezone the area to allow for a change in use. The Commissioners expressed concerns regarding existing private streets, including maintenance and current conditions. The Commissioners discussed the potential future cost burden to the HOA and the residents, and the extent to which the HOA would be responsible for maintenance and upkeep of the private drives. The Commission discussed the proposed layout of the site, as well as their desire to see increased connectivity to the proposed open spaces. The Commission suggested that the applicant work with neighborhood residents to find a plan that worked for both the applicant and the residents. The Planning and Zoning Commission reviewed this application on December 12, 2019 and made a recommendation of approval to City Council.

Previously, City Council approved Ordinance 52-17 for the rezoning with preliminary development plan to convert an area previously approved for 36 townhome units to single-family lots within Subarea D on September 11, 2017 based on a recommendation of approval by the Planning and Zoning Commission on July 13, 2017. Prior these approvals, the Planning

and Zoning Commission reviewed and provided informal feedback for three options to convert the 36 approved townhome units to single-family lots within Subareas D on November 10, 2016. The Commission supported the conversion to single-family homes and encouraged the applicant to pursue developing this and the commercial properties together. With the subareas under different ownership, it was determined that this was not feasible to do so at the time.

Prior to that approval, the Planning and Zoning Commission reviewed and approved an amended final development plan to modify the development text to allow a one-foot front yard setback for the townhome units located in Subarea D on August 7, 2008.

The Planning and Zoning Commission reviewed and approved a final development plan and final plat for the subdivision and development of 108 residential units on a 61-acre site on March 15, 2007.

City Council reviewed and approved Ordinance 74-06 to rezone 61 acres from R, Rural District to PUD, Planned Unit Development District (Oak Park) for the development of 108 residential units, approximately 40,000 square feet of mixed-use space, and 31 acres of open space on November 20, 2006.

Description

The subject site is currently undeveloped and contains no significant natural features. However, the original single-family portion of Oak Park is largely developed. The acreage in Subarea D, which was approved in 2017 to be converted from multiple-family townhomes to single-family lots continues to be vacant, however the final plat has been recorded and lots are available for sale/construction. The site is located between four private drives and is divided by Oak Park Boulevard, which is a public street. A shared use path exists along the eastern portion of the site and runs north and south along Hyland-Croy Road. The site is served by public utilities, including sanitary and water. Electrical and gas are also provided on site.

Proposal

This is a proposal for the zoning and development of 12 single-family lots, two new open space reserve and associated site improvements. The site is currently zoned PUD – Oak Park, Subarea E which allows for commercial development including small-scale retail and restaurant uses, among others, up to 39,700 square feet.

Community Plan/Future Land Use

The Community Plan shows the Future Land Use for this site as a Mixed-Use Neighborhood Center, based on the land use approved when the Plan was most recently updated. This designation is intended to provide daily retail uses and personal services for the convenience of neighborhoods in which they are located. Integrated residential uses are highly encouraged, and neighborhood centers should coordinate with surrounding Low and Medium Density Mixed Residential uses to provide support and pedestrian activity. This proposal necessitates a rezoning to allow for a change in permitted uses from commercial to residential uses. Additionally, this proposal would result in less impactful uses on the area than what the current zoning allows.

Details

Layout

This proposal includes a portion of the existing Subarea E. The proposed site is rectangular in shape and consists of two vacant parcels with little vegetation and no significant natural features. The parcels are separated by the existing Oak Park Boulevard. The site is located west of Hyland-Croy Road and is bound by Acorn Lane and Bur Oak Lane on the north and south sides, respectively.

The proposal is for 12 single-family lots on 3.47 acres and two open spaces, accounting for 0.66-acre of the site. The lots surround the green spaces on two sides, while the existing street network surrounds the other sides of the greenspaces. Eight of the lots will face Oak Tree Drive North and South (private drives) while the remaining four homes will face Oak Park Boulevard (public). The lots range in size from 0.16-acre to 0.22-acre in size with widths ranging from 55 feet to approximately 70 feet. Lot depths range from 130 feet to 135 feet. A sidewalk connection is proposed around the entirety of both parcels, with portions of the sidewalk directly adjacent to the private drives.

The applicant has proposed sidewalk improvements outside of the boundaries of this rezoning and preliminary development plan. Staff recommends that the applicant continue to work with staff to ensure that all improvements are made within the geographic boundaries of this plan.

Subareas

The proposed rezoning with preliminary development plan is applicable to a portion of Subarea E, specifically Reserves A and D. The remaining portions of Subarea E will remain under the existing zoning. The applicant has created a new Subarea, Subarea F and provide updated maps illustrating the two parcels being rezoned.

Traffic/Access

The main access to the site is from Hyland-Croy Road along Oak Park Boulevard, which provides access to the homes through the various drives and streets adjacent to the site. A portion of the homes have driveway access on a private drive in the development.

Twelve on-street parking spaces are proposed on Oak Tree Drive, six on Oak Tree Drive North and six on Oak Tree Drive South. Sidewalks are proposed along the Oak Tree Drive and Oak Park Boulevard frontages, as well as along the private drives.

The applicant provided a trip generation analysis that shows the proposed 12 detached, single-family homes significantly reduce the trip generation compared to the original zoning. Therefore, the change is not expected to impact the public infrastructure.

Stormwater Management/Utilities

A series of detention basins were constructed as part of the original Oak Park development to accommodate both water quantity and water quality per the requirements as defined in Chapter 53. The proposal is encompassed within the East Subarea as defined in the original Oak Park stormwater management report, which drains to the existing east basins along Hyland-Croy Road. The applicant has demonstrated the proposed 12 single-family lots will add less

impervious area than originally programmed as part of the original Oak Park development and has demonstrated compliance with stormwater management requirements as defined in Chapter 53.

Existing sanitary and water mainline has been constructed as part of the original Oak Park development. The proposed improvements include abandoning existing water and sanitary services that are no longer needed in addition to new services that were not originally constructed in order to provide water and sanitary service for all 12 proposed single-family lots.

Development Text

The development text is the regulating document that outlines the development standards for the site including uses, lot requirements, architecture details, and materials. The applicant has provided a development text with standards specific to this PUD Subarea, but largely consistent with the development standards approved within Subarea D.

Uses

Detached single-family homes and open space reserves are the only permitted uses in the proposed development text. Unless otherwise specified in the submitted drawings or in the written development text, the development standards of Chapter 153 of the City of Dublin Code shall apply to this area.

Development Standards

Twelve single-family lots are proposed with a minimum lot depth of 130 feet. The lots will have a minimum width of at least 55 feet. Lot sizes range from 0.16-acre to 0.22-acre. These requirements are largely consistent with the rest of Oak Park; however, these lots are deeper than those in Subarea D.

Lot coverage is limited to 60% of the total lot area. This is the same lot coverage permitted for all single-family lots within Oak Park.

The proposed front yard setbacks are a minimum of 20 feet, rear yard setbacks are a minimum of 15 feet, and side yard setbacks are a minimum of 6 feet. The proposed side yard setbacks are consistent with the rest of Oak Park. The proposed rear yard setbacks are smaller than the rear yard setbacks for most of Oak Park, with the exception of Subarea D. Most of Oak Park has 25 feet rear yard setbacks, whereas Subarea D has 10 feet rear yard setbacks. The proposed rear yard setback is to accommodate the 20 feet minimum front yard setback, where most of the neighborhood - with the exception of Subarea D, has a front yard setback that ranges from a minimum of 13 feet to a maximum of 20 feet.

Window wells may encroach into the required side yard setback with a maximum of 3.5 feet, provided that the side yard is at least six feet and there is a minimum of eight feet of separation between these permitted encroachments on adjoining lots, as measured from the nearest corners of the window wells. Air conditioners and other HVAC or service structure units may encroach into side yard setback a maximum of 2.5 feet, provided the side yard is at least 6 feet and the structure is screened per Code.

Landscaping

As described in the landscaping section the proposed text, two new open space reserves will be provided, each approximately 0.33-acre in size. These spaces will be owned and maintained by the Oak Park homeowners association, to be consistent with the remainder of the neighborhood.

Four trees are proposed to be removed from the site. A tree replacement plan was not provided at this time, therefore staff recommends the tree replacement plan be provided with the submission of the final development plan.

Fencing and landscape hedge requirements are unchanged from the original Oak Park development text for consistency.

Architecture

The Oak Park development is unique in its detailed architectural requirements and the neighborhood theme, which is inspired by English and Irish garden cities with a park-like ambience and sense of quality.

The newly created lots shall conform to the same architectural standards as the rest of Oak Park, with minor changes or exceptions. Exterior materials in this area will remain consistent with the rest of Oak Park, and four-sided architecture shall be required.

The proposed text includes language that would permit mirror image versions of the same model of home if located at Oak Park Boulevard and either Oak Tree Drive North or South. This is proposed to create an entry feature into the neighborhood when entering from Hyland-Croy Road.

Neighborhood Contact

Staff has been in contact with the residents of Oak Park throughout this process and met with residents at the proposed site in October of 2019. The residents made Staff aware of several concerns with the proposal including, but not limited to, the financial impacts of maintaining private drives, the general site layout and the proposed side yard setbacks. Staff has encouraged the residents to attend any public meeting for this application.

Neighborhood concern regarding the financial impacts of maintaining additional private drives is significant. Both the applicant and the neighbors have discussed this issue with little to no resolution. The drives were approved as part of the original zoning in 2006, the expected maintenance of the drives included the potential commercial tenants, however, there is no concrete evidence that ties the commercial development to this infrastructure maintenance in **the City's approval documents. As part of this application, the** area of private drives, which will have to be maintained by the Oak Park HOA is limited to the ±500 linear feet. The applicant has investigated costs associated with the continued maintenance of the private drives and has provided those as part of this packet. In addition, the applicant has verbally committed to resurface portions of the private drives, prior to turning the HOA over to the residents, not all of which are subject to this application.

Recommendation of the Planning and Zoning Commission

The Planning and Zoning Commission recommended approval of the Rezoning with Preliminary Development Plan to City Council on December 12, 2019 with the conditions listed below. The applicant has addressed Conditions 1 and 2 on the plans submitted to Council. All other conditions will be monitored as part of the Final Development Plan application.

- 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 to Code standards prior to the Final Development Plan.

Recommendation

Planning recommends City Council approval of this Ordinance at the second reading/public hearing on February 24, 2020.

RECORD OF ORDINANCES

Ordinance No. 06-20

Passed _____, _____

**REZONING APPROXIMATELY 3.47 ACRES EAST OF
HYLAND-CROY ROAD, SOUTH OF MITCHELL-DEWITT
ROAD FROM PUD, PLANNED UNIT DEVELOPMENT
DISTRICT (OAK PARK, SUBAREA E) TO PUD, PLANNED
UNIT DEVELOPMENT DISTRICT (OAK PARK, SUBAREA F)
FOR THE FUTURE DEVELOPMENT OF UP TO 12 SINGLE-
FAMILY HOMES AND 0.66 ACRE OF OPEN SPACE (CASE
19-100Z/PDP)**

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

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

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

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

Passed this _____ day of _____, 2020.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

Oak Park Private Streets**JANUARY 23 2020****Pavement Maintenance Cost Table¹**

Reserve Concerned	Area	Cost to Mill and Replace	Cost for Crackfill/Two Sealcoats
Total area of all private streets	6,770 sy	\$117,319	\$9,098
Total area of existing HOA private streets (Reserves I & J)	5,171 sy	\$94,894	\$7,058
Total area of new private streets (Reserves R & S)	1,600 sy	\$22,425 ²	\$2,040

Amortized Cost/Repair	#Lots	Mill/Replace 15 years	Mill/Replace 25 years	Crack Fill/Seal Coat 5 yrs	Lot Cost/Month ³
All private streets	104	\$7,820 per year \$75 per lot per year \$6.20 per lot per month	\$4,695.68 per year \$45.15 per lot per year \$3.76 per lot per month	\$1,819.60 per year \$17.49 per lot per year \$1.45 per lot per month	\$7.65 or \$5.21
Reserves I and J (Existing streets/lots)	92	\$6,326.26 per year \$68.76 per lot per year \$5.73 per lot per month	\$3,795.76 per year \$41.25 per lot per year \$3.43 per lot per month	\$1,411.60 per year \$15.34 per lot per year \$1.27 per lot per month	\$6.90 or \$5.52
Reserves R and S (new streets/lots)	12	\$1,495.00 per year \$124.58 per lot per year \$10.38 per lot per month	\$897.00 per year \$74.76 per lot per year \$6.22 per lot per month	\$408.00 per year \$34.00 per lot per year \$2.83 per lot per month	\$13.21 or \$9.05

¹ Cost figures as of January 2020. Derived from actual pavement contractor bids for work to be done in Spring 2020

² Cost if done at same time as other mill and replace work at Oak Park, otherwise \$28,490

³ First number is for 15 year mill and replace interval, second number is for 25 year

Oak Park Projected HOA Costs as of January 27 2020

Payor (now)	Category	Expense Item	Amount	Total/yr
	Landscaping			
Oak Park		Landscaping/Mowing Annual by Developer Currently (2020)	\$19,101	19,101
HOA		Additional landscaping currently by HOA	2,535	2,535
Future		Estimate for additional landscaping maintenance Subarea D	4,000	4,000
Future		Mow and maintain two new park areas Subareas P & Q	3,000	3,000
Future		Missing plantings in Oak Park per audit since inception (est ea 10 yrs)	8,150	815
		Total		\$29,451
	Clubhouse			
Oak Park		Insurance	\$5912	5,912
Oak Park		Water/Sewer City of Columbus	4628	4,628
Oak Park		Gas Columbia	1,071	1,071
Oak Park		Maintenance includes HVAC, per year	2000	2,000
Oak Park		Irrigation Maintenance	200	200
Oak Park		Electric	5665	5,665
Oak Park		Electric Maintenance	97	97
Oak Park		Annual Back Flow Test--Plumbing	500	500
Oak Park		Fire Dept fee	50	50
Oak Park		Fire Dept Alarm	602	602
Oak Park		Real Estate Taxes Union County (2020)	19,106	19,106
Oak Park		Cleaning throughout clubhouse—currently \$225/mo	225	2,700
Future		Interior painting—per each 5 yrs	2,500	510
Future		Exterior painting—per each 5 yrs	5,000	416
Future		Carpet cleaning —each year	1,500	1,500
Future		Replace landscape lights—each 10 yrs	2,500	250
Oak Park		Pond maintenance--\$2,500 pump motor ea 2yrs	2,500	1,250
Oak Park		Pond maintenance--\$600 chemicals each year	600	600
Oak Park		Front fountain paint and maintain	750	750
		Total		\$47,807
Future	Fencing Maintenance	Estimate to paint 600 lineal feet of 6' and 350' of 4' @ 3yrs (Subarea D)	\$7,850	
		Total		\$2,616
	Private Street Maintenance			
Future		Reserve for mill & replace all private streets @15 yrs (15 yrs worst case)	117,319	\$7,821
Future		Reserve for all private streets crackfill/seal coat @ 5 yrs	9,098	1,819
Future		Snow plowing \$100 each time; \$75 salt; estimate 10X year	1,750	1,750
		Total		\$11,389
HOA	HOA Admin/Misc	HOA management fee, admin and misc-estimate	\$5,000	
		Total		\$5,000
	All Items Total	Grand Total Yearly Estimate of HOA Costs After Developer Turnover		\$96,263
		Estimate yearly cost to each homeowner lot after turnover based on 104 lots and \$96,263; \$926/yr or \$77 per month		\$926

Notes: Current HOA fund balance as of Dec 31 2019 is \$ \$305,855.26

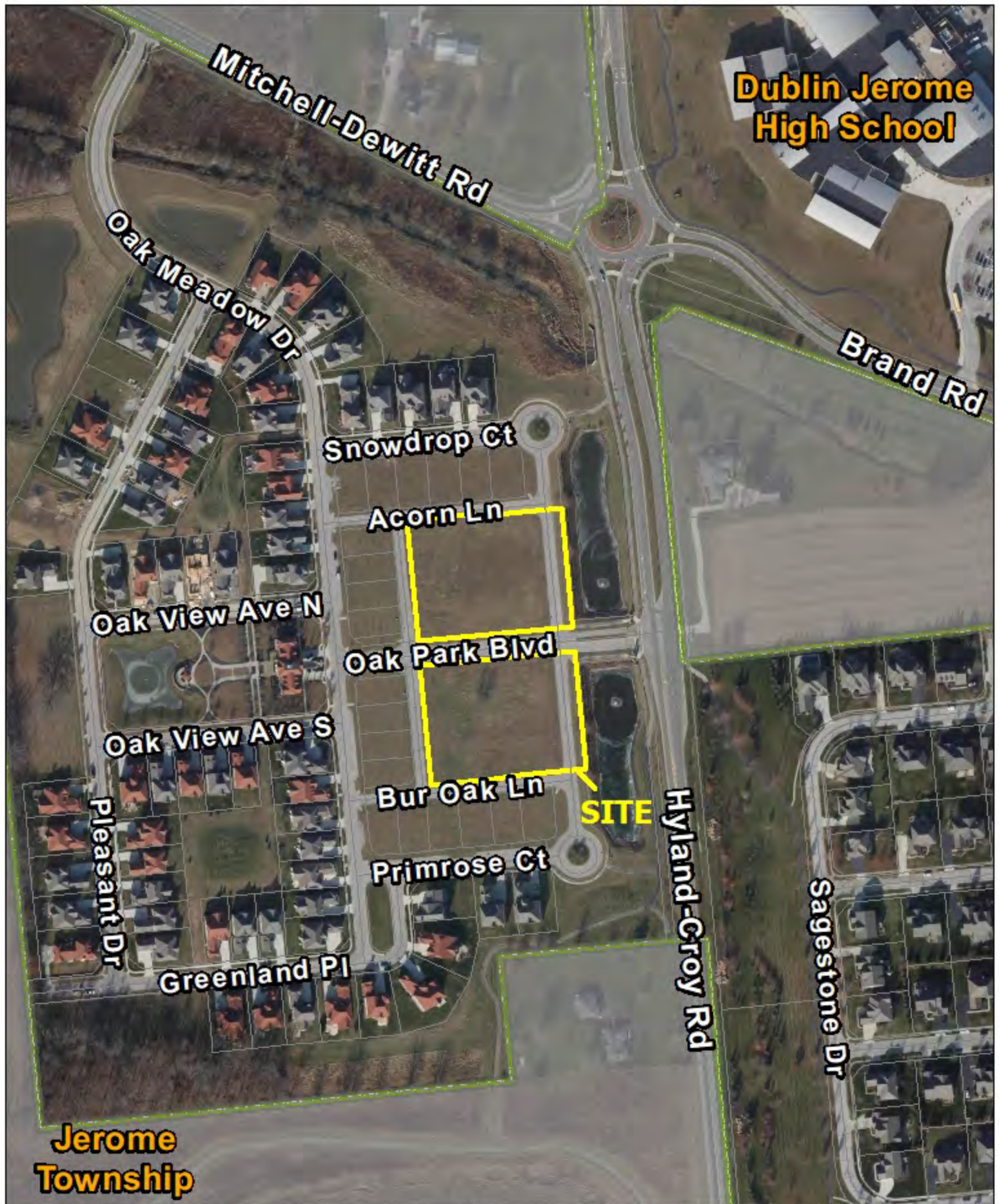
Current HOA dues are \$96/mo per lot

Myers Real Estate is currently managing the HOA—Oak Park Community Association, Inc. *Declarant controls HOA until turnover.*

All items above are estimates based on actual current expenditures or quotes

Future reserve items such as clubhouse roof/mechanicals/landscape replacement are not forecast; current landscape replacement is included however as the number given is actual amount to be currently expended to comply with City of Dublin Landscape audit.

HOA may not achieve same contracting efficiency/economy as developer currently provides



City of Dublin

19-100Z/PDP
Rezoning/Preliminary Development Plan
Oak Park
7050 & 7055 Oak Park Boulevard

0 115 230
Feet





Case # _____ - _____

PLANNING APPLICATION

This is the general application form for Boards and Commissions. In addition, applicants should submit a checklist with the requirements for the application type indicated below. Attach additional sheets if necessary.

I. REVIEW REQUESTED:

- ☐ Administrative Appeal
- ☐ Administrative Departure
- ☐ Amended Final Development Plan
- ☐ Amended Final Development Plan - Sign
- ☐ Architectural Review Board
- ☐ Basic Development Plan Review
- ☐ Basic Site Plan Review
- ☐ Building Code Appeal
- ☐ Community Plan Amendment
- ☐ Concept Plan
- ☐ Conditional Use
- ☐ Development Plan Review - Bridge Street District
- ☐ Development Plan Review - West Innovation District
- ☐ Demolition
- ☐ Final Development Plan
- ☐ Final Plat
- ☐ Informal Review
- ☐ Master Sign Plan
- ☐ Minor Modification
- ☐ Minor Project Review
- ☐ Minor Subdivision
- ☐ Non-Use (Area) Variance
- ☒ Preliminary Development Plan/PUD Rezoning
- ☐ Preliminary Plat
- ☐ Site Plan Review - Bridge Street District
- ☐ Site Plan Review - West Innovation District
- ☐ Special Permit
- ☐ Standard District Rezoning
- ☐ Use Variance
- ☐ Waiver Review
- ☐ Wireless Communications Facility
- ☐ Zoning Code Amendment

II. PROPERTY INFORMATION: Provide information about the property including existing and proposed development.

Property Address(es): 7050 & 7055 Oak Park B.	
Tax ID/Parcel Number(s) (List All): 3900280140400 3900280140950	Parcel Size(s) in Acres (List Each Separately): Reserve A 1.733 AC. +/- Reserve D 1.735 AC. +/-
Existing Land Use/Development: Vacant	Existing Zoning District: PUD - Commercial
Proposed Land Use/Development: Single Family Residential	Proposed Zoning District: PUD- Residential

III. CURRENT PROPERTY OWNER(S): Indicate the person(s) or organization(s) who own the property proposed for development.

Name (Individual or Organization): Oak Park Dublin LLC.
Mailing Address (Street, City, State, ZIP): Atlantic Realty Development Corp. Attn: William K Hayes II 90 Woodbridge Center Drive Suite 600 Woodbridge, NJ. 07095
Email/Phone Number: BillyH@AtlanticRDC.com (732)-750-1111



IV. APPLICANT(S): Complete this section if the person/organization representing the applicant/ property owner is different from the applicant.☐ **Not Applicable**

Name (Individual or Organization):	Christopher T. Cline c/o Haynes, Kessler, Myers & Postalakis
Mailing Address (Street, City, State, ZIP):	300 West Wilson Bridge Rd. #100 Worthington, OH 43085
Phone Number:	(614)-764-0681
Email:	ctc@BHMLaw.com

V. REPRESENTATIVE(S): Complete this section if the person/ organization representing the applicant/ property owner is different from the applicant (such as the project manager or property owner's legal council).☐ **Not Applicable**

Name (Individual or Organization):	Same as Above
Mailing Address (Street, City, State, ZIP):	
Phone Number:	
Email:	

VI. PROPERTY OWNER'S AUTHORIZATION OF APPLICANT(S)/ AUTHORIZED REPRESENTATIVE: The Property Owner listed in Section III must authorize the Applicant listed in Section IV and/or the Authorized Representative listed in Section V to act on the Owner's behalf with respect to this application.☐ **Not Applicable**

I <u>William K Hayes II</u> , the property owner , hereby authorize <u>Christopher Cline</u>	
To act as my representative(s) in all matters pertaining to the processing and approval of this application, including modification to the application. I agree to be bound by all representations and agreements made by the designated representative (listed in Sections III and/or IV).	
Original Signature of Property Owner (listed in Section II):	Date: <u>10/18/19</u>

Subscribed and sworn before me this <u>18th</u> day of <u>OCTOBER</u> , 20 <u>19</u>	DEBORAH A LACOVARA A Notary Public of New Jersey My Commission Expires 9/25/22
State of _____	
County of _____ Notary Public <u>[Signature]</u>	

VII. AUTHORIZATION TO VISIT THE PROPERTY: Site visits to the property by City representative are essential to process the application. The Property Owner/ Applicant/ Authorized Representative (listed in Section II), hereby authorizes City representatives to enter, photograph, and post a notice on the property described in this application. This is optional, but strongly recommended.

I <u>William K Hayes II</u> , the property owner or authorized representative , hereby authorize City representatives to enter, photograph and post a notice on the property described in the application.	
Original Signature of Property Owner or Authorized Representative:	Date: <u>10/18/19</u>

For questions or more information, please contact Planning at 614.410.4600 | www.dublinohioUSA.gov

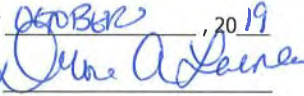
EVERYTHING GROWS HERE.

VIII. APPLICANT'S AFFIDAVIT OF ACKNOWLEDGMENT: This section must be completed with an **original signature** and **notarized**.
☐ **Original Document Attached**

I William K Hayes II, the **property owner** or **authorized representative**, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct to best of my knowledge and belief.

Original Signature of Property Owner or Authorized Representative: Date: 10/18/19

Subscribed and sworn before me this 18th day of October, 2019
 State of _____
 County of _____

Notary Public: 

DEBORAH A LACOVARA
 A Notary Public of New Jersey
 My Commission Expires 9/25/22

FOR OFFICE USE ONLY:

Case Title:	Date Received:
Case Number:	
Amount Received:	Next Decision Due Date (If Applicable):
Receipt Number:	
Reviewing Body (Circle One): ART ARB BZA CC PZC	Final Date of Determination:
Map Zone:	
Determination or Action:	Related Cases:
Ordinance Number (If Applicable):	



PARCEL NUMBERS/OWNERS/ADDRESSES

OAK PARK- OWNERS WITHIN 300'

22-Oct-19

CAMANo/Parcel Number	Owner	Address	City/State/Zip
3900280140200	HONG MEI & CHENG ZHAO	7110 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140190	SHANAAH AROUB Y	7118 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140180	SONTI SATYA KARTHIK & JHANSI DAYALA	7126 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140170	HOUSEMAN MELVIS O & CHRISTOPHER J	7134 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140160	LUCAS STEPHEN G & AMY LYNN	7142 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140430	RAYAPATI VENKATA SOUJANYA TIPIRNENI	8051 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140440	REDDY PENDRU SUGUNAKAR & RACHANA JINNA	8043 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140460	FETSKO DANIEL T & LAURA A KIRK-FESKO	8035 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140470	BARTUNEK, KATHLEEN R	8027 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140480	NOLAND JACOB T	8019 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140490	MCKEE KYLE L & HILLARY K MCKEE	8011 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140500	KARE RAJESH KIRAN & KEERTHI ARADHYULA	8007 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140660	OAK PARK DUBLIN LLC	8001 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140780	AKULA PRATHIBHA & SRINIVAS	7995 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140790	JENNINGS STEVEN M & ROBERTA M	7991 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140800	BAUZA PEDRO & LINETTE MEJIAS	7983 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140810	PULI SREENIVASA R & SWATHY KAMPATI	7975 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140820	YOUN KENNY K & SUSIE S	7976 OAK MEADOW DR	DUBLIN, OHIO 43017
3900280140830	SERNA VANIDA ANN & SHERMAN	7959 OAK MEADOW DR	DUBLIN, OHIO 43017
3900280140840	PADMANABAHN ANANDARAMAN	7951 OAK MEADOW DR	DUBLIN, OHIO 43017
3900280141150	MAGANTI SAILAJA & PRASAD VEMPATI	7031 GREENLAND PLACE	DUBLIN, OHIO 43017
3900280141130	CITY OF DUBLIN	7955 GREENLAND PLACE	DUBLIN, OHIO 43017
3900280141120	CHADARAM BHAVANI D & PRAKASH RAU SUBRAMANIAM	7015 GREENLAND PL	DUBLIN, OHIO 43017
3900280141110	YARAMAKALA TEJASWINI & SREEKANTH BASIREDDY	7007 PRIMROSE CT	DUBLIN, OHIO 43017
3900280141100	CHAPPIDI SRINIVASULU & NEERAJAKSHI NADENDLA	6999 PRIMROSE CT	DUBLIN, OHIO 43017
3900280141090	CITY OF DUBLIN	7947 GREENLAND PL	DUBLIN, OHIO 43017
3900280140110	CITY OF DUBLIN	8078 OAK MEADOW DR	DUBLIN, OHIO 43017
3900280140950	OAK PARK DUBLIN LLC	7055 OAK PARK BLVD	DUBLIN, OHIO 43017
3900280140400	OAK PARK DUBLIN LLC	7050 OAK PARK BLVD	DUBLIN, OHIO 43016
3900280140220	OAK PARK DUBLIN LLC	7005 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140240	OAK PARK DUBLIN LLC	7013 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140270	OAK PARK DUBLIN LLC	7021 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140280	OAK PARK DUBLIN LLC	7029 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140300	OAK PARK DUBLIN LLC	7037 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140330	OAK PARK DUBLIN LLC	7045 SNOWDROP CT	DUBLIN, OHIO 43016
3900280140340	OAK PARK DUBLIN LLC	8028 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140360	OAK PARK DUBLIN LLC	8020 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140380	OAK PARK DUBLIN LLC	8012 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140390	OAK PARK DUBLIN LLC	8004 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280141210	OAK PARK DUBLIN LLC	8004 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140880	OAK PARK DUBLIN LLC	OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140890	OAK PARK DUBLIN LLC	7996 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140900	OAK PARK DUBLIN LLC	7988 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140920	OAK PARK DUBLIN LLC	7980 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140940	OAK PARK DUBLIN LLC	7972 OAK MEADOW DR	DUBLIN, OHIO 43016
3900280140970	OAK PARK DUBLIN LLC	7044 PRIMROSE CT	DUBLIN, OHIO 43016
3900280141000	OAK PARK DUBLIN LLC	7036 PRIMROSE CT	DUBLIN, OHIO 43016
3900280141020	OAK PARK DUBLIN LLC	7028 PRIMROSE CT	DUBLIN, OHIO 43016
3900280141030	OAK PARK DUBLIN LLC	7020 PRIMROSE CT	DUBLIN, OHIO 43016
3900280141050	OAK PARK DUBLIN LLC	2012 PRIMROSE CT	DUBLIN, OHIO 43016
3900280141080	OAK PARK DUBLIN LLC	7004 PRIMROSE CT	DUBLIN, OHIO 43016
	MGR. OAK PARK COMMUNITY ASSN. c/o Myers Real Estate	1221 GRANDVIEW AVENUE	GRANDVIEW, OHIO 43212

Preliminary Development Plan
Oak Park Dublin
SW Corner Hyland Croy and Mitchell DeWitt Roads
Applicant: Oak Park Dublin, LLC
January 21, 2020

REZONING STATEMENT FOR PRELIMINARY DEVELOPMENT PLAN
OAK PARK SUBAREA F

Scope of Project

This Preliminary Development Plan proposes conversion of Reserve A, Reserve D and a portion of Oak Park Boulevard, contained in Subarea E and located within the Oak Park Subdivision, from commercial use to residential use with twelve single family homes, six in each reserve and open space. This proposal will create a new Subarea F and rezone the new single family residential land use for the site and will remove the zoning for the commercial uses. A necessary adjunct of this process will also be amendment of the Future Land Use Plan of the Community Plan from commercial to residential use for these two reserves. Reserve A is about 1.733 acres, Reserve D is about 1.735 acres and a portion of Oak Park Boulevard is approximately 0.37 acres for a total rezoning of about 3.83 acres.

The balance of Subarea E, which is owned by the City of Dublin and used for park uses is not affected by this rezoning

Background

The current site of the Oak Park Subdivision was originally a 61-acre farm site at the southwest corner of Hyland Croy and Mitchell DeWitt Roads for sale by a local partnership named HC Associates. An established New Jersey real estate development company, Hallmark Homes, desired to begin high quality residential development in Dublin and sought to purchase the site. A significant aspect of the 2005 purchase agreement was that HC Associates required that it would retain a part of the site for commercial development and this requirement was incorporated into the Preliminary Development Plan presented for approval.

Significant elements of the 2006 Planned Unit Development rezoning of Oak Park were:

- Conservation Design allocated about 50% of the site as open space
- Walking/Bicycle paths within site and also accessing Glacial Ridge Metro Park
- Targeted residents were growing families, young professionals and empty nesters
- Mixed use created three land uses providing for homes, recreation and shopping
 - 72 Single Family home sites of varying sizes
 - 36 attached, zero lot line, three story Townhome units

- 30+ acres of open space onsite and adjoining Glacier Ridge Metro Park
- About 40,000 square feet of commercial use focused on retail uses.
- Architecture inspired by traditional cross-roads English/Irish villages and hamlets
- Four-sided architecture and four-sided materials, a new Dublin commitment
- Architecture and materials consistent across all three developed land uses
- Architecture, in detail, *specified for all land uses as part of the rezoning*

Conservation Design

Conservation Design was a land use approach which Dublin followed at the time of the initial PDP. As the original PDP is considered for revision, it must be understood that there are features of Oak Park that continue to be either influenced or dictated by Conservation Design.

The Conservation Design approach maximized open space and clustered residential uses in designated areas rather than being dispersed throughout a development site. In theory, the same density would be achieved. In the case of Oak Park, about one half of the total site was open space with the residential and commercial uses being concentrated in a central area on the remaining one half. For the smaller buildable areas, Conservation Design virtually presents as an urban, rather than suburban approach.

The result is that, while a much larger percentage of open space is obtained overall, the residential and commercial uses are concentrated on smaller amounts of land than was traditional in the case of conventional zoning approaches. In the case of Oak Park, homes are located on smaller lots than would otherwise be typical for the same size home. This affects multiple development standards, examples being building setbacks, lot size and lot coverage. This proposed rezoning for the final twelve new lots continues the approach which was adopted for Oak Park, which is a nearly complete subdivision. This provenance must be remembered and the Oak Park model not directly compared to the characteristics of typical suburban residential developments.

Initial Execution

The Final Development Plan for the single family homes and townhome sections was approved in March of 2007. The Final Development Plan for the commercial portion was filed in July of 2007 but was never taken forward. The Final Plat was approved and filed in January 2008 and the Notice of Commitment for infrastructure improvements was filed in November 2008. The first residents moved into their homes in July 2010.

Challenges for Oak Park

The Great Recession, beginning in 2008, presented challenges for development of all local real estate projects as well as for prospective home buyers. Oak Park's launch was squarely in the problematic time frame. The residential developer, Oak Park Dublin, LLC, ("Oak Park")

maintained its commitment to install all of the subdivision infrastructure and to construct multiple initial “spec” homes. The pace of sales and further construction was initially slow however, and the anticipated price points were adjusted downward - as was the case for most residential development in this tough market.

Moreover, the character of this peripheral portion of Northwest Dublin was evolving and the rural “feel” encouraged by the City’s planning efforts steered land use toward single family and empty nester users. Oak Park filed a Notice of Commencement for two of the six-unit townhome buildings in February 2009, but marketing studies warned that young professionals were not likely to be attracted to the remote, quiet, area and that empty nesters would not be likely to favor the narrow attached townhomes with multiple floors and staircases. The townhomes were never constructed.

Similarly, the retail portion faced its own challenges:

- Expensive materials and architecture costs mandated by the zoning text
- Limited visibility due to the large setback from Hyland Croy Road
- Limited signage mandated by the zoning text
- Evolving development patterns west of Dublin with more competitive commercial sites
- Obligation to pay for percentage of total infrastructure costs in subdivision
- Limited viability of small commercial nodes in remote locations

Oak Park Charts a New Course

The 36 three-story townhomes in the Oak Park plan were envisioned as a transition and buffer between the commercial area and the single family homes. As a result, there was planning staff resistance to allowing a land use change that would diminish or remove this element should the commercial be built. As the single family portion of Oak Park neared buildout however, a decision point was reached. If the townhome concept was not revised: the subdivision would shut down and the townhome portion, which could never be built, would simply stay vacant. A corollary to this fact was the other reality that the commercial would probably never be developed anyway. It was time to take the only reasonable action.

Ideally, both the townhome and commercial subareas would have been combined in a new single family subarea. However, two landowners, one for the townhome subarea and one for the commercial subareas were involved. Oak Park Dublin, LLC owned only the townhome subarea (Subarea D) and could plan and request rezoning only for that subarea. Efforts to bring both subareas under a single residential land use were not successful. Oak Park Dublin, LLC, proposed a plan for the land it controlled.

In 2017 Oak Park then asked for an Amended Preliminary Development Plan to rezone the 36 Townhome lots into 20 single family Villa lots of 55’ frontage and 104’ depth, similar to patio homes, and with development standards that would result in homes similar to the single family

homes then in Oak Park. This rezoning and Final Development Plan was approved, and the Villa lots platted in July of 2018.

The Uncomfortable Relationship Between the Residential and Commercial Uses

The residential interface with the integral commercial reserves had been a cautionary aspect for Oak Park buyers from the start, and came to the fore with the immediate proximity of the adjacent new Villa lots. For a number of years, Oak Park had been in inconclusive discussions with the owner of the commercial reserves, which had been sold by HC Associates to JSDI Dublin, Ltd. These discussions had been ongoing for some time, both before and after the Villa lots rezoning. Those discussions eventually resulted, after the Villa lots rezoning, in an agreement between Oak Park Dublin LLC, HC Associates, and JSDI Dublin Ltd, that Oak Park Dublin would acquire the commercial land, Reserves A and D, and, would then apply to rezone the sites to residential use. There were also agreements and financial concessions regarding the new Villa lots, necessary so that the Villa lots could contractually replace the former 36 townhome lots. The agreement was signed effective May 1, 2019 and a deed to transfer Reserves A and D to Oak Park Dublin LLC was recorded with the Union County Recorder on June 4, 2019.

It would have been nice if the agreements with the other two parties involved could have been made prior to the Villa lot rezoning. But that didn't happen and both Oak Park Dublin, LLC and the City of Dublin Planning Commission and City Council worked with the plan that was achievable at the time. That plan, for the Villa lots, is not now subject to change.

Note also that other aspects of Oak Park, such as the private street areas currently subject to Oak Park HOA control, are not part of either the Villa lot rezoning or the rezoning of Reserves A and D proposed by this AFDP.

Current Status

Oak Park Dublin, LLC now owns the two commercial reserves, Reserves A and D, as well as the adjacent 20 Villa lots. Other than the three remaining single family lots currently under construction, the two commercial reserves and the Villa lots comprise all of the undeveloped land in Oak Park. Oak Park is bound by contract with HC Associates and JSDI Dublin, Ltd to rezone the commercial reserves to residential use. This Preliminary Development Plan (Amended) presents such a plan for rezoning of the two commercial reserves to twelve single family lots, six in each reserve, that will be consistent with the appearance and quality of the existing developed Oak Park homes, as well as the approved rezoning for the Villa homes, which are not yet built. The Nature and Character of the Proposed Preliminary Development Plan (Amended)

Key elements of the proposal to rezone Reserves A and D to twelve single family lots:

- Lot size is similar to the range of lot sizes in the Oak Park single family subareas
 - Lot minimum width of 55' up to 69'
 - Lot depths minimum of 130'(existing Oak Park residential lot depth is 125')

- Development standards will mimic the developed Oak Park single family subareas
- Architecture will use existing approved Oak Park elevations or modifications approvable administratively, similar to the process for the Villa lots
 - *e.g.*, existing elevations modified for garage on adjacent non-frontage street
- Result will be homes indistinguishable from existing homes in Oak Park
- No new streets will be constructed; existing streets will service the new homes
 - Two homes will have frontage and access from Oak Park Boulevard (public street)
 - Remaining eight homes will have access and frontage on existing private streets; Oaktree North and South, Bur Oak Lane, Acorn Lane, Shumard Oak Lane and Chinkapin Oak Lane as well as Oak Park Boulevard.
 - Existing Oaktree Drive North and South will be included in a roadway access reserve similar to other existing private streets in Oak Park
 - Oak Park HOA will maintain the newly reserved streets
 - These private streets are already being used by Oak Park residents and were to be utilized by the commercial development.
- Utility facilities are already in place but will need to be modified and extended.
- ,On street parallel parking will be included along Oaktree Drive North and South
 - These parking spaces were previously head-in spaces to serve the commercial on the existing Oak Park plans
- New open space will be provided internal to the rear of homes consistent with other Oak Park areas to the west.
- Particular attention will be paid to the presentation of homes facing Hyland Croy Road to ensure an attractive gateway to the Oak Park subdivision
 - “Mirror Image” homes are anticipated for the two entrance lots on Oak Park Blvd.

Architecture

To amplify the above summary regarding architecture, there are currently about 25 approved models for both the single family lots and the Villa lots. This “stable” of elevations for the twelve new lots will use any of these plans and the Development Text will so state. Additionally, the Development Text will also empower planning staff to make changes to these approved models. This will enable any modifications necessary to adapt an existing model to a particular lot in this new part of Oak Park. Such an adaption might be changing the access orientation for a garage, decreasing (or expanding) the width of a building, or reorienting a particular elevation to face a different street on a corner lot. Totally new models could also be approved by planning staff. At this mature stage of the Oak Park development, planning staff has acquired the skill and experience to successfully make these sort of adaptations. The success of these efforts is reflected in the current architectural achievements of Oak Park.

Relation to Area Land Planning

The Northwest Glacier Ridge Area Plan and the Hyland Croy Corridor Character Study both emphasize the objective of preserving the rural, open feel of Hyland Croy Road with low intensity clustered residential land uses with large setbacks from the roadway and significant open space. Oak Park effectively follows this lead and the change to residential use of the commercial reserves will improve the Oak Park window to the roadway. The Glacier Ridge subarea plan of the Community Plan notes that this neighborhood retail center would affect the visual character of Hyland Croy Road; by removing the visibility needs of this retail center the visual impact along the corridor will be improved and the overall landscape theme improved.

Relation to the Future Land Use Plan

Oak Park falls within the Mixed Residential Rural Transition district which contemplates about 1.5 dwelling units per acre. Existing Oak Park, with 92 residential units, currently matches this target. Adding the twelve new single family lots will raise the total to 104 units, still shy of the original Oak Park total of 108 units. This new overall residential density is about 1.69 units per acre, still less than Oak Park's original residential density of 1.76 units per acre.

However, the removal of the 40,000 square feet of commercial retail space that was previously included in Oak Park's total impact results in a major decrease in the overall intensity of the site. The attached Trip Generation report shows that vehicle movements are dramatically decreased by the conversion of the commercial areas to single family homes. Other aspects of the commercial use are also positive, examples are elimination of the visual clutter from signage and lighting, noise from commercial trash pickup, and nighttime retail hours that would have conflicted with residential quiet times.

Relation to Roadway and Infrastructure Planning

Oak Park has already contributed land and funding to Hyland Croy Road, McKittrick Road and Mitchell DeWitt Road improvements, in both City of Dublin and Union County. These contributions were based on the higher intensity previously planned for the 40,000 square feet of retail use. Similarly, utility infrastructure is now more than adequate for the lesser intensity generated by the proposed downzoning to single family residential use.

Conclusion

We believe that conversion of the retail subareas to single family lots conforming to the already demanding Oak Park architecture and materials standards will be a major step up for both the current Oak Park residents as well as the Northwest Glacier Ridge area as a whole. The removed retail commercial space is now replaced by new, more appropriately sized and located retail commercial areas that are now available to the south on Post Road.

Significantly, Oak Park will now have what it never had before and which every subdivision needs: a residential “front door” that showcases the neighborhood and presents an inviting image to future potential homeowners.

An additional benefit will be that Oak Park will have a marketable mix of residential demographics combining single family and empty nester uses (anticipated for the Vila homes), a long term planning goal for City of Dublin residential developments.

The current retail concepts for Reserves A and D of Subarea E was not destined for success, as indicated by the fact that it never was developed. More importantly, it created the potential for conflict with the single family land use of Oak Park and operated as a negative element for the attraction and appeal of the subdivision.

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January 21, 2020

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OAK PARK DEVELOPMENT STANDARDS TEXT
Version of January 29, 2020

Subarea F: New Village Homes
± 3.46 Acres

I. Description:

Subarea F, here proposed for rezoning, currently exists in the Oak Park subdivision in the east-central portion of the site as Reserves A and D. This proposal will amend the development standards formerly in place for Subarea E to create this new Subarea F with the only permitted uses now being specified residential uses and open space supporting those residential uses. Within Subarea F the development of twelve (12) detached single family homes will be permitted, six (6) in Reserve A and six (6) in Reserve D, to replace the currently allowed retail commercial uses. These single family homes will be typical Oak Park homes on lots approximately ± 130' depth with frontage and street access on either existing private streets or a public street, Oak Park Boulevard. The two reserves in new Subarea F proposed for rezoning total about 3.46 acres, with Reserve A being 1.733 acres and Reserve D being 1.735 acres.

II. Permitted Uses and Development Standards:

Permitted uses in Subarea F shall include detached single-family homes and open space reserves. Unless otherwise specified in the submitted drawings or in this written text, the development standards of Chapter 153 of the City of Dublin Code shall apply to this subarea. Basic development standards are compiled regarding proposed density, site issues, traffic, circulation, landscaping, and architectural standards. These component standards ensure consistency and quality throughout the development by mirroring the standards for existing homes in Subareas A, B and D.

III. Density, Height, Lot and Setback Commitments:

A. Lots

- (i) Twelve (12) single family lots are permitted and will have a minimum lot depth of at least ± 130'.
- (ii) Eight homes will have primary frontage on Oak Tree Drives North and South, private roads, and four homes will have primary frontage on Oak Park Boulevard, a public road.

B. Setbacks and Building Lines

- (i) Each permitted lot shall have a minimum width at the front building line of fifty-five (55) feet. The eight easternmost lots will have the front building line, and lot width, measured from either Oaktree Drive North (Reserve R) or Oaktree Drive South (Reserve S).

- (ii) Building Setbacks for Homes: The minimum front yard setback shall be twenty (20) feet from either the public right-of-way, or, reserve line of the private street the lot fronts on. There shall be a minimum rear yard setback of fifteen (15) feet from the rear property line. The minimum side yard setback shall be six (6) feet from the lot boundary and six (6) feet from the edge of the reserve boundary.

C. Encroachments

- (i) Window wells may encroach into side yards a maximum of three and one half feet, provided that the side yard is at least six (6) feet and provided that there is a minimum of eight (8) feet of separation between these permitted encroachments on adjoining lots, as measured from the nearest corners of the window wells. Where practicable window wells visible from the public right-of-way shall be constructed of materials that complement the architecture of each unit and shall be screened using an evergreen plant material or an alternative decorative screening mechanism.
- (ii) Air conditioners, compressors or other HVAC or service structure units may encroach into side yards a maximum of two and one-half (2 ½) feet, provided the side yard is at least six (6) feet, and must be screened as required by code. All other encroachments into side yards shall be permitted in accordance with the City of Dublin Code unless otherwise set forth in this text.

D. Maximum building heights:

- (i) Thirty-five (35) feet as measured per the City of Dublin Code.

E. Permitted Lot Coverage

- (i) The maximum lot coverage for the structure and impervious hardscape of each home and its garage in Reserve F shall not exceed sixty percent (60%) of the total lot area. This is the same lot coverage provision as for all other Oak Park single family lots in Subareas A and B.

V. Access, Parking and other Traffic-Related Commitments:

- A. Garages must adhere to the minimum side yard and rear yard setbacks, as included in the development standards of this subarea, along all public and private roads.
- B. All housing units shall be required to have a minimum of two (2) off-street parking spaces in a garage, which is required. Three car garages are permitted.
- C. Dwelling units in Subarea F shall front on either a public or private roadway as provided herein.
- D. Sidewalks; walking trails, bike paths: A final system of sidewalks, walking trails and bike paths will be provided as approved in the Final Development Plan for

Oak Park. These may include current facilities. Public sidewalks shall be constructed of concrete and shall be a minimum of four (4) feet in width and will be constructed at the time each lot is developed. Sidewalks may directly abut the curb along private streets provided that street trees are provided along the sidewalk and are maintained by the homeowners' association. Handicap accessible ramps, which are already constructed, may be modified and additional ramps shall be provided per current appropriate accessibility standards.

E. Access:

- (i) Access to the residential lots in Subarea F shall be from the existing public or private street network connecting to Hyland-Croy Road on the east and to Mitchell-Dewitt Road on the north.
- (ii) The plat of Oak Park provides for reciprocal access to the private streets in Reserves I and J and for Reserves A and D, which will include the twelve residential lots subject to this text, and Reserves "P" and "Q".
- (iii) The Amended Plat implementing this rezoning of Subarea F will contain provision for reciprocal access by all residential lots and reserves subject to the Declaration of Covenants, Easements, Conditions and Restrictions for Oak Park to the existing private streets in new Reserves "R" and "S".
- (iv) Residential lots in Subarea F which abut both a public and private road have equal right to choose driveway access to either the public or private road so abutting.

V. Architectural Standards:

- A. All structures shall meet the City of Dublin Zoning Code Residential Appearance Standards unless otherwise set forth herein. Home plans/architectural facades that are already approved for any Oak Park subarea are acceptable for these two reserves. Further plans or facades can also be approved either as part of the Final Development Plan for Subarea F, or at a later date by Planning Staff utilizing the guidelines set forth both in this section and the approved Final Development Plan. This Section V and the existing developed homes in the Oak Park residential subareas, approved as part of the standards for Oak Park, shall serve as a guide for architectural approvals under both the Final Development Plan and any approvals by Planning Staff.
 - (i) This section acknowledges that changing market conditions or other unanticipated factors may make it desirable to create new home models or facades subsequent to approval of the Final Development Plan. Planning Staff has the authority to approve these new models or facades when in keeping with the spirit and theme described in this Section V.
 - (ii) This section further acknowledges that modifications to approved facades may be necessary or desirable, such as might be required because of the need to

adapt approved facades or garage access of existing approved models or to modify an existing approved façade to create a new façade to allow compliance with diversity requirements and internal changes made to the footprint, floorplan or interior layout that require revised exterior façade changes. Planning Staff has the authority to approve those changes when in keeping with the spirit and theme described in this Section V. Changes to side or rear facades with a low degree of visibility from public streets require a less demanding review prior to staff approval.

- B. Architectural Theme: Building designs will be inspired by English and Irish garden cities distinguished by a park-like ambience, rich architectural detail, and a sense of quality and permanence.
- C. Exterior Materials:
 - (i) Cladding materials: The exterior of all structures in this subarea shall be constructed of all natural materials such as brick, wood or stone, or, manufactured stone, stucco, cementitious fiberboard (e.g. Hardi products), and other comparable materials, or any combination thereof.
 - (ii) Trim materials: Permitted exterior trim materials shall include wood, aluminum (for gutters and downspouts only), EIFS, copper, or fiber-cement products.
 - (iii) Roofing materials: All homes shall use dimensional asphalt shingles, wood, slate, copper, standing seam metal, and/or tile. For homes with asphalt shingles, at least 50% shall be the red asphalt shingle color as used elsewhere in Oak Park.
- D. Four-sided architecture shall be required so that similar architectural design elements and details will be consistent throughout all elevations of the structure. Rear and side elevations of dwellings, except garage facades facing private streets at the rear of the structure, shall include quantities of brick and/or stone that are comparable to the quantity of brick and stone found on the front elevation of the same structure, unless approved otherwise by the Planning Commission as part of the Final Development Plan or by Planning Staff; *provided however* that reductions of brick and/or stone on other than the front elevation shall not exceed 30% and shall be in locations with reduced visibility from public or private streets.
- E. Chimneys: All exterior portions of chimneys shall be finished masonry consisting of brick, stone, or manufactured stone.
- F. Garages: Decorative garage doors with a “Carriage Look” shall be provided on all units.
- G. Lighting: Each unit shall have a minimum of one (1) approved yard post light near the sidewalk at the front entry and one (1) wall-mounted porch light at the front door. Lamp locations shall be consistent from unit to unit.

H. Architectural Diversity Within Subarea F

- (i) No home two lots to the left or right of the subject lot shall have the same front façade as the subject lot.
- (ii) No home directly across the street and one lot to the left or right of that lot shall have the same front façade as the subject lot. However, this requirement may be adjusted depending on specific site conditions. An example would be a home across the street facing on a different street.
 - a. The above requirements do not apply between homes in Subarea F and Subareas A and D where the home concerned is an approved model unique to Subarea F.
 - b. If mirror image lots are located at the intersection of Oak Park Boulevard and either Oaktree Drive North or Oaktree Drive South, the homes on those lots may be mirror image versions of the same model, despite that they are adjoining lots separated by Oak Park Boulevard.

VI. Buffering, Landscaping, Open Space and Screening Commitments:

- A. All residential landscaping shall meet the requirements of Sections 153.130 through 153.148 of the City of Dublin Zoning Code.
- B. Open Space: Two new open space subareas will be provided, one in Reserve A and one in Reserve D of Subarea F, each being approximately 0.33 acre and identified as new Reserves “P” and “Q”. These open spaces will be owned and maintained by the Oak Park homeowners’ association.
- C. Tree Preservation: There are four “volunteer” existing trees that have grown up in Reserve D. These will conflict with development of lots and construction of homes. Replacement or payment, if necessary, will be determined in consultation with the City Forester.
- D. Street Trees: Street trees shall be required along all public and private streets. If feasible these trees shall be located in the tree lawn and shall be generally spaced a minimum of twenty (20) feet and a maximum of forty (40) feet on center. Spacing shall be determined at the time of Final Development Plan in order to ensure the proper streetscape for each portion of this subarea. If a tree lawn is not available along a private street a street tree may be located adjacent to the sidewalk on the lot or in open space reserves and will be maintained by the homeowners’ association. All trees shall be a minimum of two and one-half (2 1/2) inches in caliper at installation and approved through the Final Development Plan review. Trees may be grouped as indicated on the Final Development Plan, provided that the quality is in accordance with applicable City of Dublin landscaping standards. Trees shall not obstruct sight distance or signage, subject to staff approval. Street trees and sidewalks will be installed on lots with the construction of each structure.

E. Temporary Fences: Fences used as temporary barriers during construction around vegetation must be sturdy and at least four (4) feet tall and shall be an orange or opaque snow-type fencing. All temporary fences must be removed prior to the issuance of a certificate of occupancy.

F. Permanent Fences:

- (i) Permanent fencing or a landscape hedge as a part of a consistent streetscape design shall be permitted to encroach into the minimum front yard setback and to run parallel to the property line on the front of each lot, and, may also continue along the side yard property line if the home abuts a public right of way on that side yard. A six (6) foot high privacy fence shall be permitted to enclose a deck or patio in the rear yard of each lot provided that it is located within three (3) feet of the patio or deck. Such fencing shall be constructed of masonry or other materials that are approved as a part of the final development plan for this subarea. Additional permanent fencing standards and details may be approved as a part of the final development plan.

Additional permanent fencing standards and details may be approved as a part of the Final Development Plan for this subarea.

VII. Graphics and Signage Commitments:

At the time of the submission of a Final Development Plan for any portion of Subarea F to the Planning Commission, the developer shall present the Planning Commission with a graphics and signage plan for review if any signage is proposed for the areas to be developed. This plan shall be consistent with the uniform graphics and signage plan for all residential development within the Oak Park PUD. This graphics and signage plan shall be consistent with the approved Final Development Plan for Oak Park, and its terms shall apply to all residential graphics and signage within this subarea. In the event that the graphics and signage plan is silent on any matter addressed by the City of Dublin Sign Code, Sections 153.150 through 153.164, then the terms of those Code sections shall apply.

VIII. Universal Maintenance:

Maintenance of any common areas within Subarea F shall be the responsibility of the existing Oak Park forced and funded homeowners' association, the Oak Park Community Association, Inc.

IX. Model Homes:

Homes may be used as model homes for the purpose of marketing and sales. A manufactured modular building or model home, may be used as a sales office during the development of this Subarea and the construction of homes therein, subject to City of Dublin Zoning Code 153.098.

X. Phasing:

Subarea F may be developed in a single phase or in separate phases.

XI. Homeowners Association:

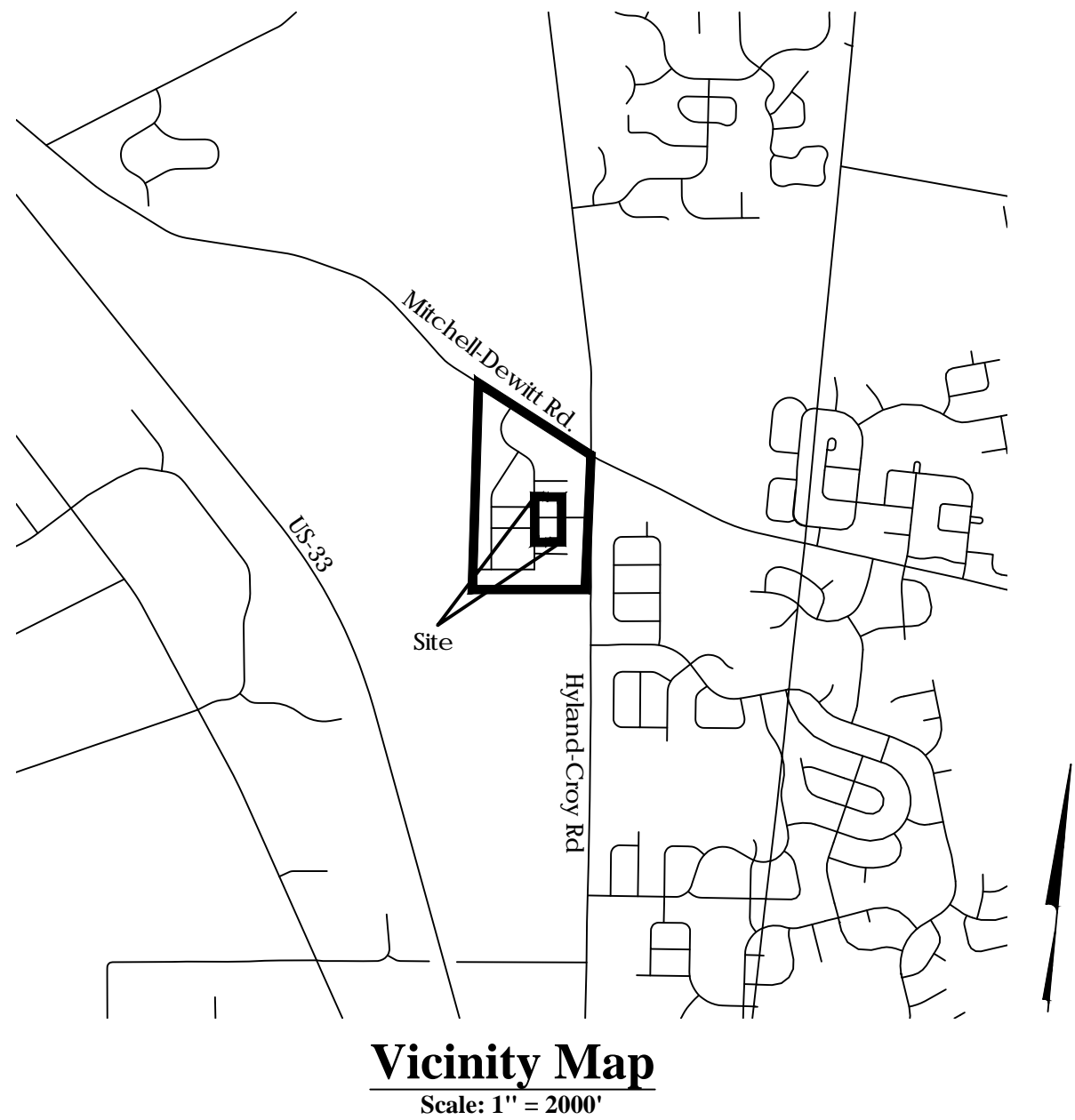
All residential property owners located within Subarea F of the Oak Park PUD shall be required to join and maintain membership in the currently existing Oak Park forced and funded homeowners association, the Oak Park Community Association, Inc., which details the Homeowners responsibilities as detailed in the Declaration of Covenants, Easements, Conditions and Restrictions of Oak Park (Union County, Ohio, Recorder OR 857 page 618) which shall run with the land and shall include, without limitation, the requirements imposed upon the homeowners association this text

Revised Version of 29 January, 2020

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OAK PARK
PUD REZONING - SUBAREA F
PRELIMINARY DEVELOPMENT PLAN
DUBLIN, OHIO
(RESERVES A AND D)



PREPARED FOR:
OAK PARK DUBLIN, LLC
90 Woodbridge Center Drive
Woodbridge, NJ 07095
P: 732.750.1111
F: 732.596.8461

INDEX OF DRAWINGS

1. VICINITY MAP
2. EXISTING CONDITIONS
3. SITE PLAN
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9. OVERALL OAK PARK PROPOSED RESERVES
10. ILLUSTRATIVE PLAN ENLARGEMENT
11. ILLUSTRATIVE PLAN OVERALL

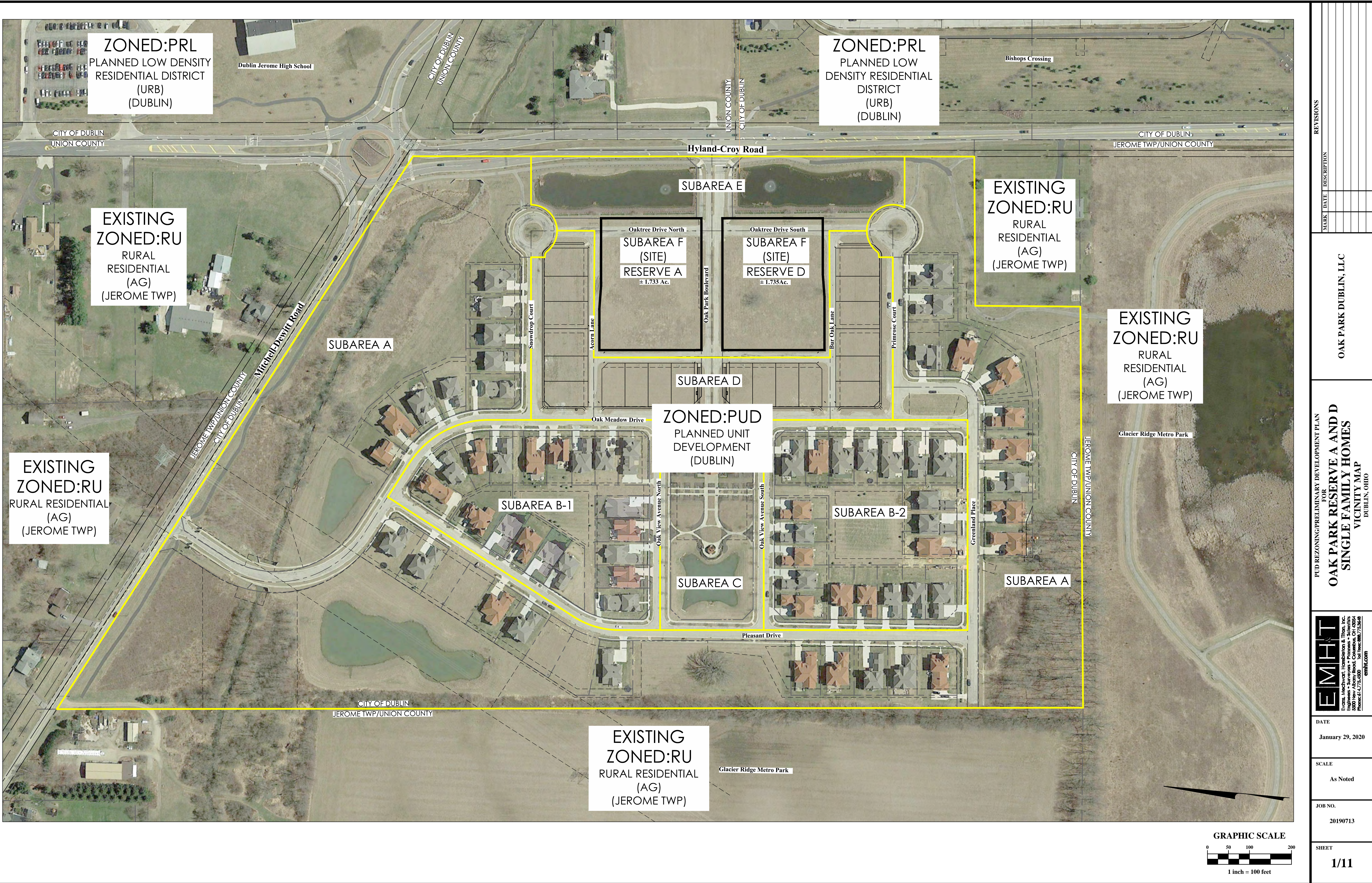
CIVIL ENGINEER &
LANDSCAPE ARCHITECT



CITY COUNCIL SUBMITTAL:
JANUARY 29, 2020

LEGAL COUNSEL

Christopher T. Cline c/o Haynes, Kessler, Myers & Postalakis
300 West Wilson Bridge Rd. #100 Worthington, OH 43085
Phone: 614-764-0681
Email: ctc@BHMLaw.com



ZONED:PRL
PLANNED LOW DENSITY
RESIDENTIAL DISTRICT
(URB)
(DUBLIN)

ZONED:PRL
PLANNED LOW
DENSITY RESIDENTIAL
DISTRICT
(URB)
(DUBLIN)

**EXISTING
ZONED:RU**
RURAL
RESIDENTIAL
(AG)
(JEROME TWP)

**EXISTING
ZONED:RU**
RURAL
RESIDENTIAL
(AG)
(JEROME TWP)

**EXISTING
ZONED:RU**
RURAL
RESIDENTIAL
(AG)
(JEROME TWP)

**EXISTING
ZONED:RU**
RURAL RESIDENTIAL
(AG)
(JEROME TWP)

ZONED:PUD
PLANNED UNIT
DEVELOPMENT
(DUBLIN)

**EXISTING
ZONED:RU**
RURAL RESIDENTIAL
(AG)
(JEROME TWP)

REVISIONS	
MARK	DATE

PUD REZONING/PRELIMINARY DEVELOPMENT PLAN FOR OAK PARK RESERVE A AND D SINGLE FAMILY HOMES VICINITY MAP DUBLIN, OHIO	OAK PARK DUBLIN, LLC

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Evans, Meacham, Henderson & Thon, Inc.
5300 New Albany Road, Columbus, OH 43254
Phone: 614.775.4500 Toll Free: 888.775.3448
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JOB NO.	20190713
SHEET	1/11

ZONED:PRL
PLANNED LOW
DENSITY RESIDENTIAL
DISTRICT
(URB)
(DUBLIN)

EXISTING
ZONED:RU
RURAL
RESIDENTIAL
(AG)
(JEROME TWP)

ZONED:PRL
PLANNED LOW
DENSITY RESIDENTIAL
DISTRICT
(URB)
(DUBLIN)

EXISTING
ZONED:RU
RURAL
RESIDENTIAL
(AG)
(JEROME TWP)

EXISTING
ZONED:RU
RURAL
RESIDENTIAL
(AG)
(JEROME TWP)

EXISTING
ZONED:RU
RURAL
RESIDENTIAL
(AG)
(JEROME TWP)

ZONED:PUD
PLANNED UNIT
DEVELOPMENT
(DUBLIN)

EXISTING
ZONED:RU
RURAL
RESIDENTIAL
(AG)
(JEROME TWP)

REVISIONS

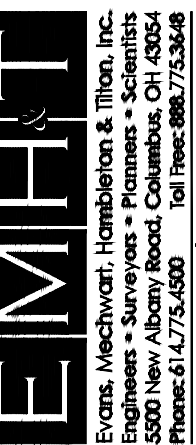
MARK DATE DESCRIPTION

OAK PARK DUBLIN, LLC

PUD REZONING/PRELIMINARY DEVELOPMENT PLAN
FOR

OAK PARK RESERVE A AND D
SINGLE FAMILY HOMES

EXISTING CONDITIONS
DUBLIN, OHIO



DATE

January 29, 2020

SCALE

As Noted

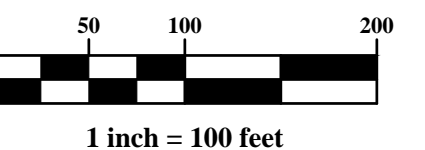
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20190713

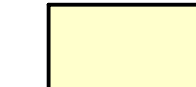
SHEET

2/11

GRAPHIC SCALE



Existing Hackberry Trees
Caliper : 2 at 8" , 2 at 9". All to be removed.

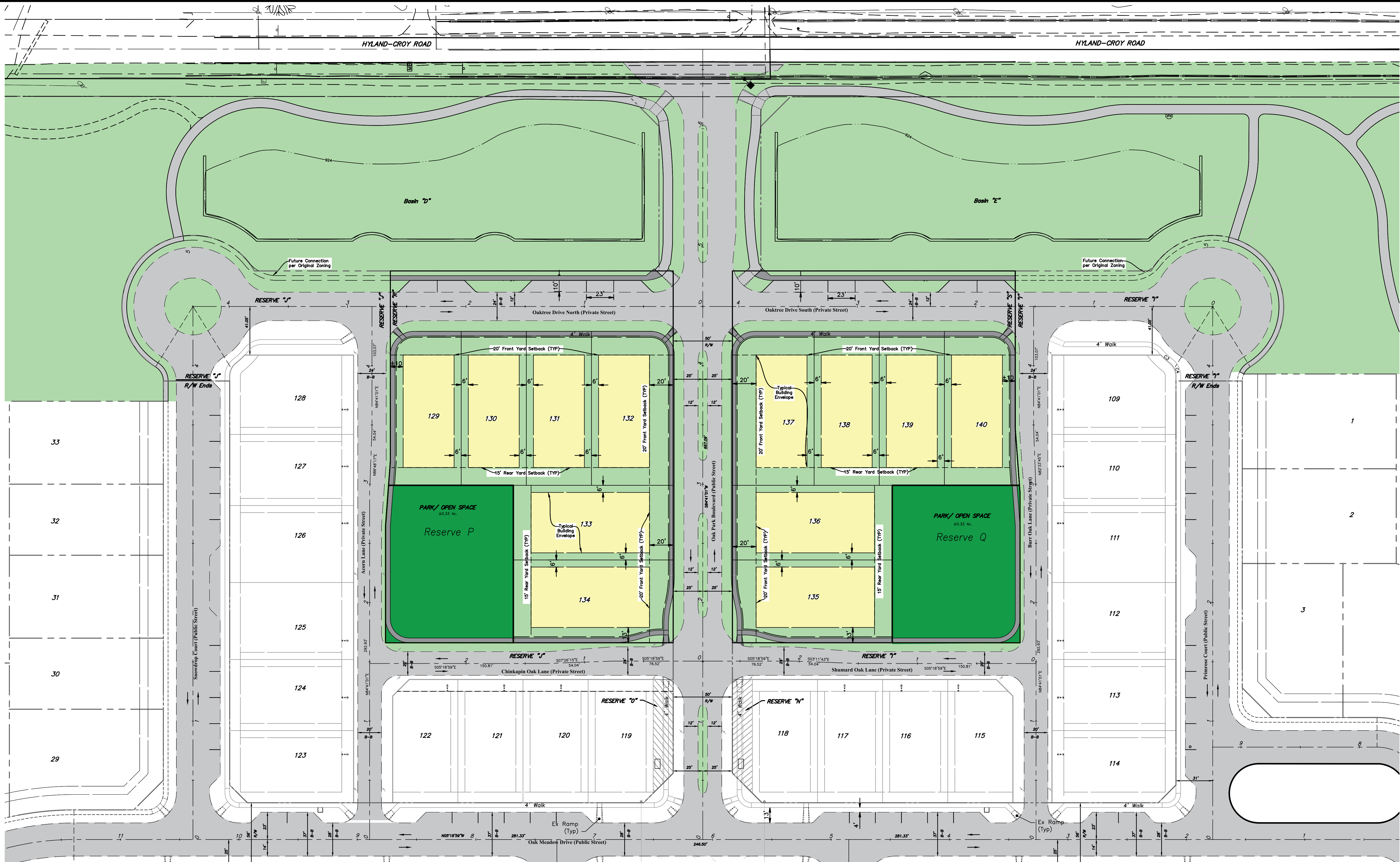


Rezoning Area
± 3.46 Ac.

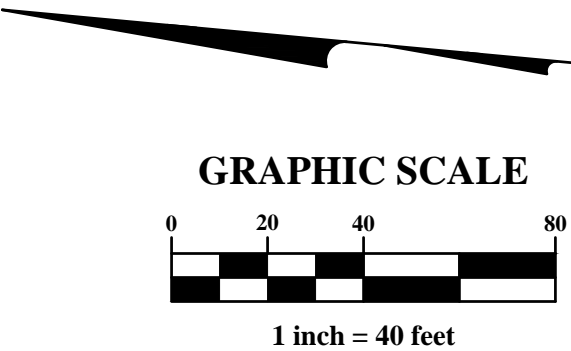


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SITE DATA:	
Rezoning Area	± 3.46
Lots:	12 DU
Open Space	± 0.66 ac
Impervious Area Per Lot	60%

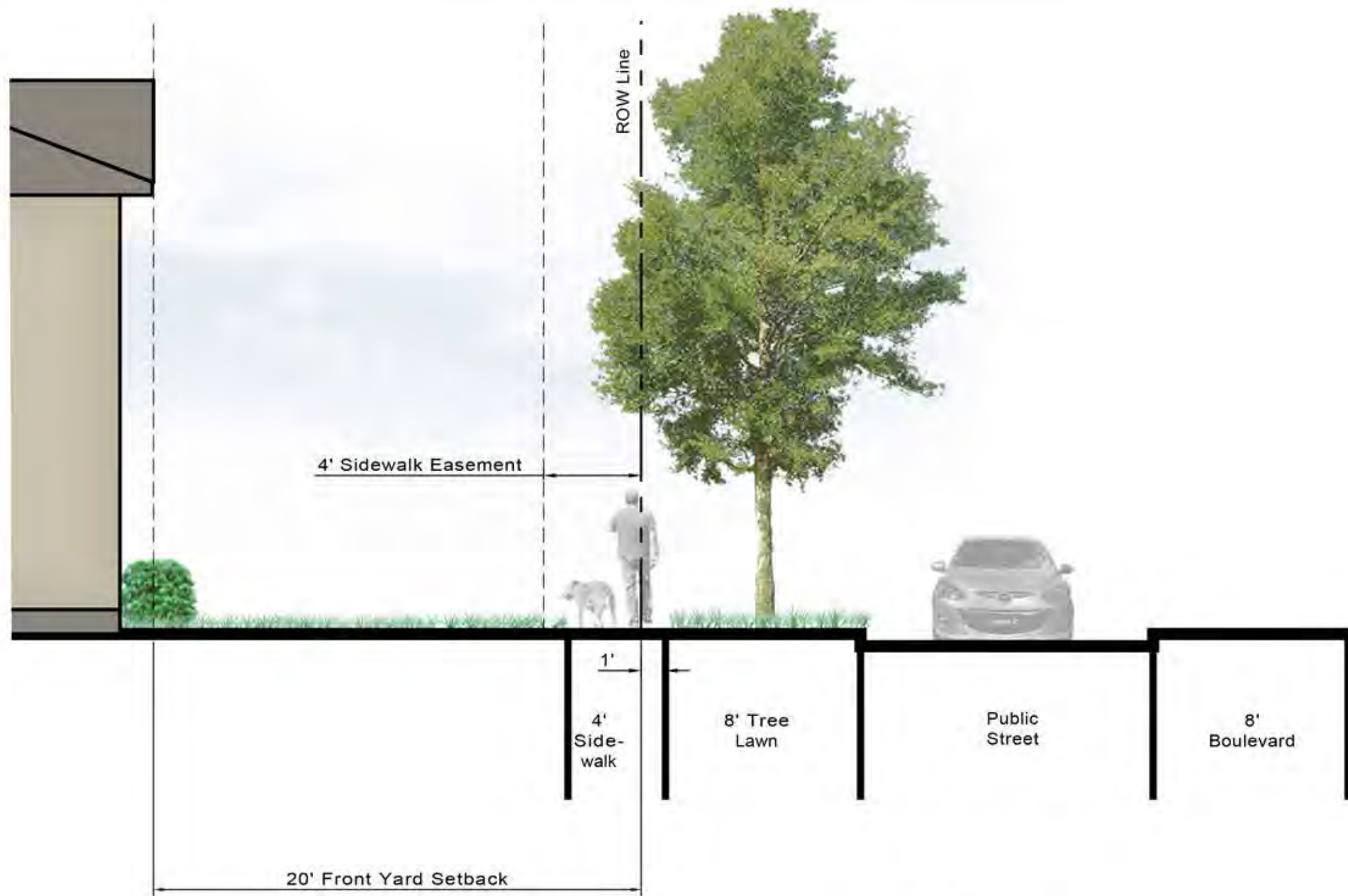


REVISIONS	MARK	DATE	DESCRIPTION
OAK PARK DUBLIN, LLC			
FOR			
PUD REZONING/PRELIMINARY DEVELOPMENT PLAN			
OAK PARK RESERVE A AND D			
SINGLE FAMILY HOMES			
SITE PLAN			
DUBLIN, OHIO			
DATE			
January 29, 2020			
SCALE			
As Noted			
JOB NO.			
20190713			
SHEET			
3/11			

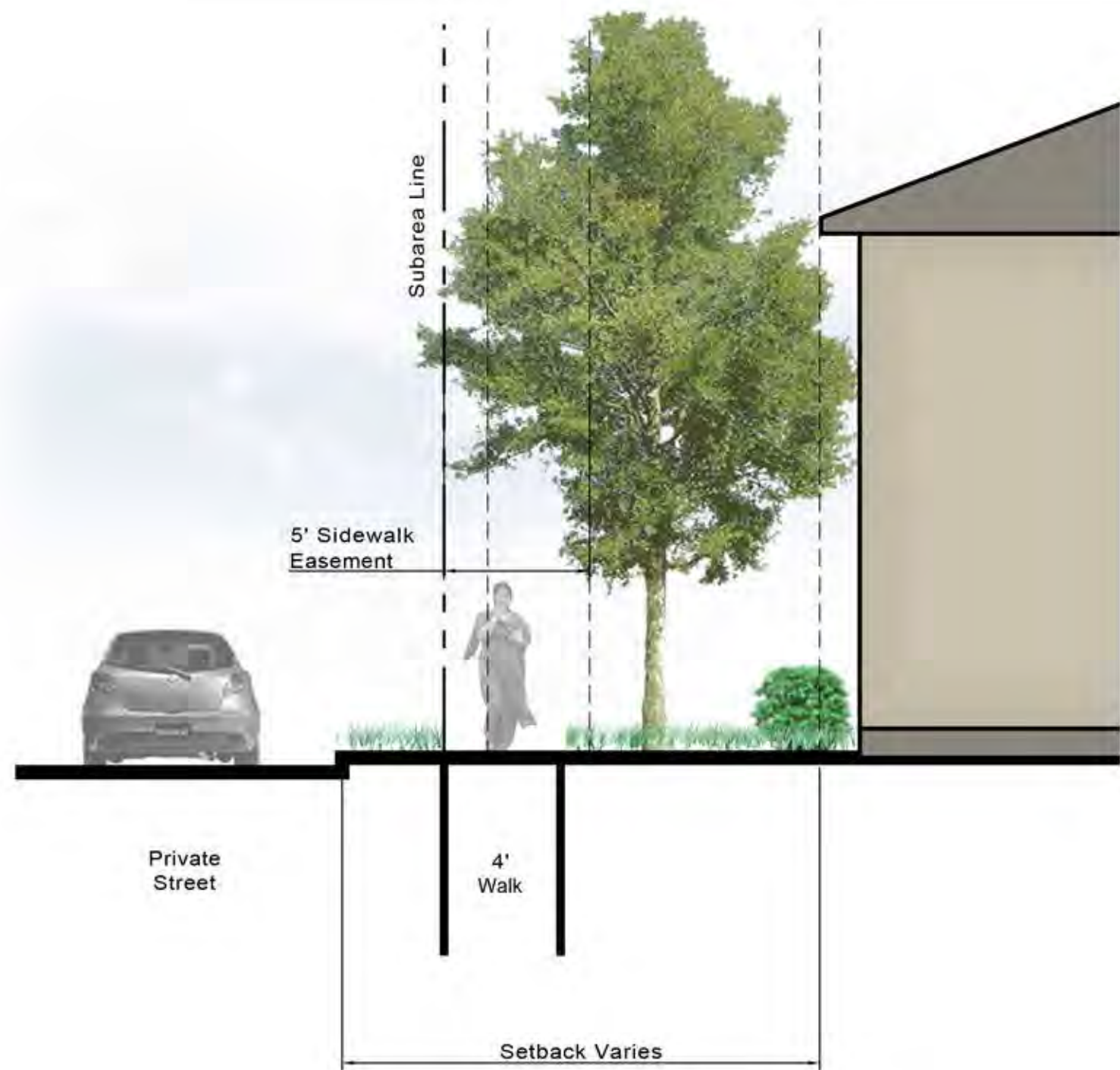
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Phone 614.775.6500 Toll Free 888.775.3448
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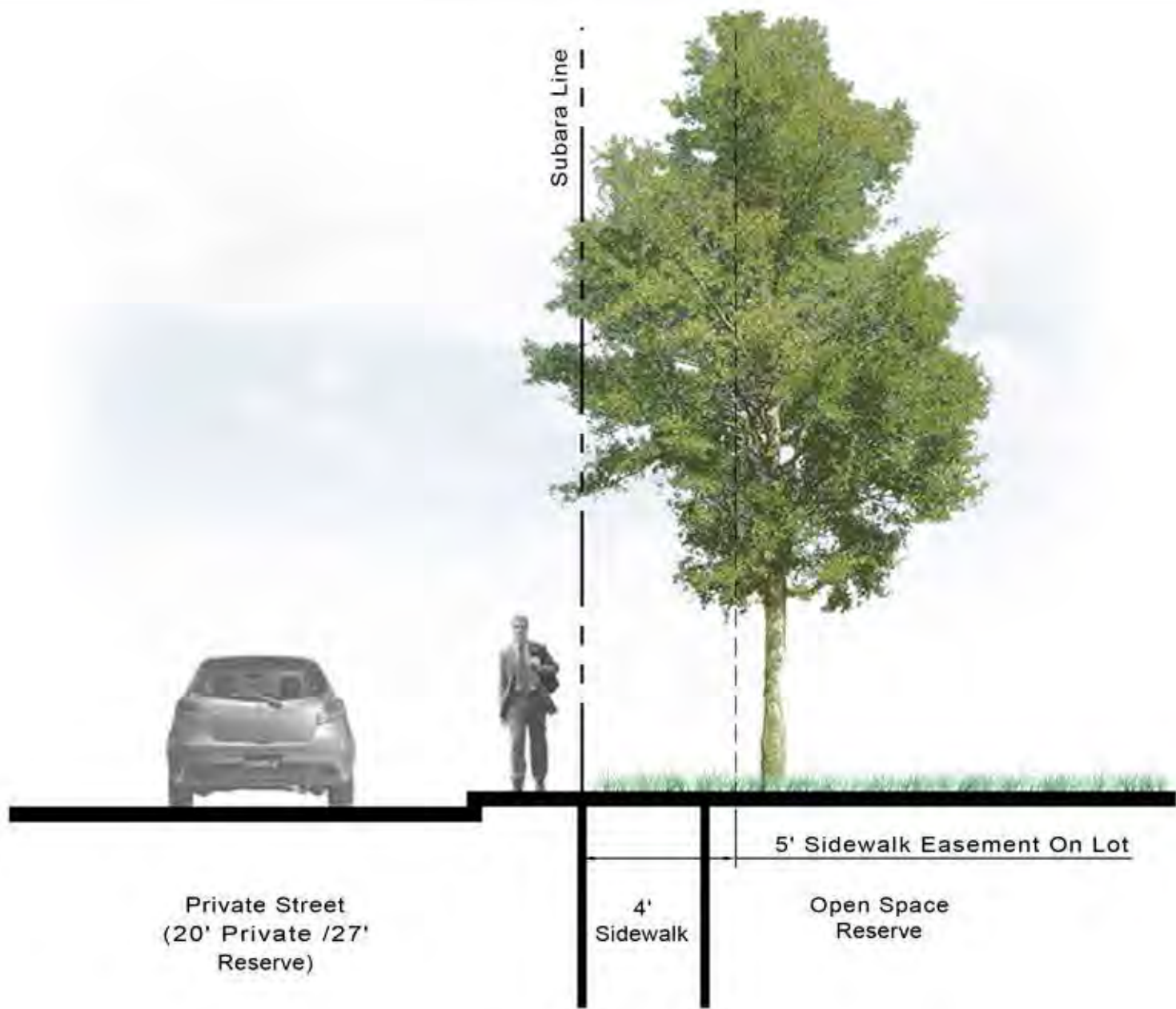
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SECTION A: OAK PARK BOULEVARD (PUBLIC)
NOT TO SCALE



SECTION B: CHINKAPIN OAK LANE / SHUMARD OAK LANE (PRIVATE)
NOT TO SCALE



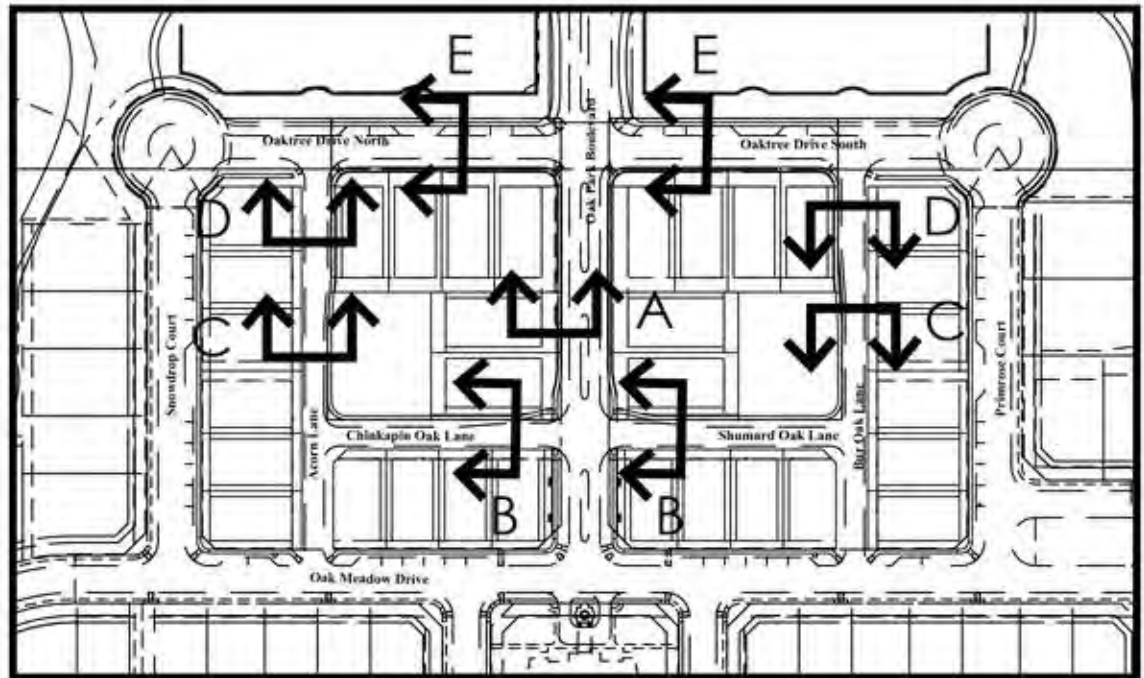
SECTION C: ACORN LANE / BURR OAK LANE (PRIVATE)
NOT TO SCALE



SECTION D: ACORN LANE / BURR OAK LANE (PRIVATE)
NOT TO SCALE



SECTION E: OAKTREE DRIVE NORTH / OAKTREE DRIVE SOUTH (PRIVATE)
NOT TO SCALE



CROSS SECTION KEY PLAN
SCALE: 1"=200'

MARK	DATE	DESCRIPTION	REVISIONS

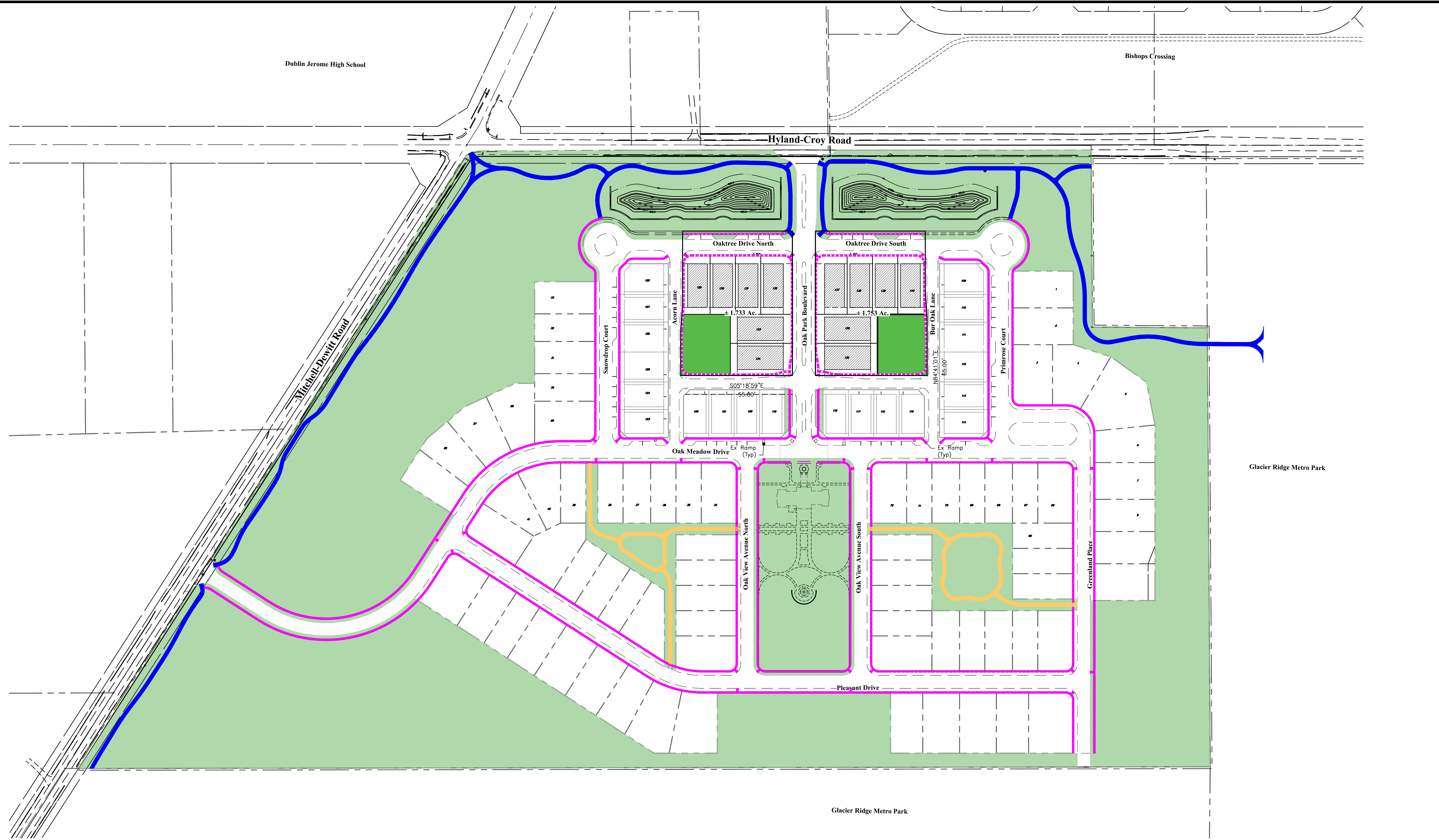
OAK PARK DUBLIN, LLC

PUD REZONING/PRELIMINARY DEVELOPMENT PLAN
FOR
OAK PARK RESERVE A AND D
SINGLE FAMILY HOMES
TYPICAL SITE SECTIONS
DUBLIN, OHIO

EMH&T
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Architects
10000 W. 12th Avenue, Suite 200
Boulder, CO 80504
Phone: 303.440.4500, Toll Free: 888.775.3448
emht.com

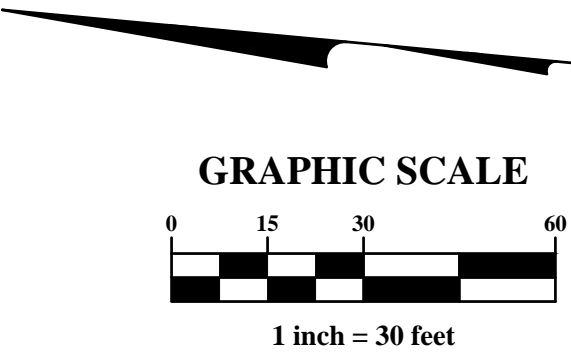
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JOB NO.	20190713
SHEET	4/11

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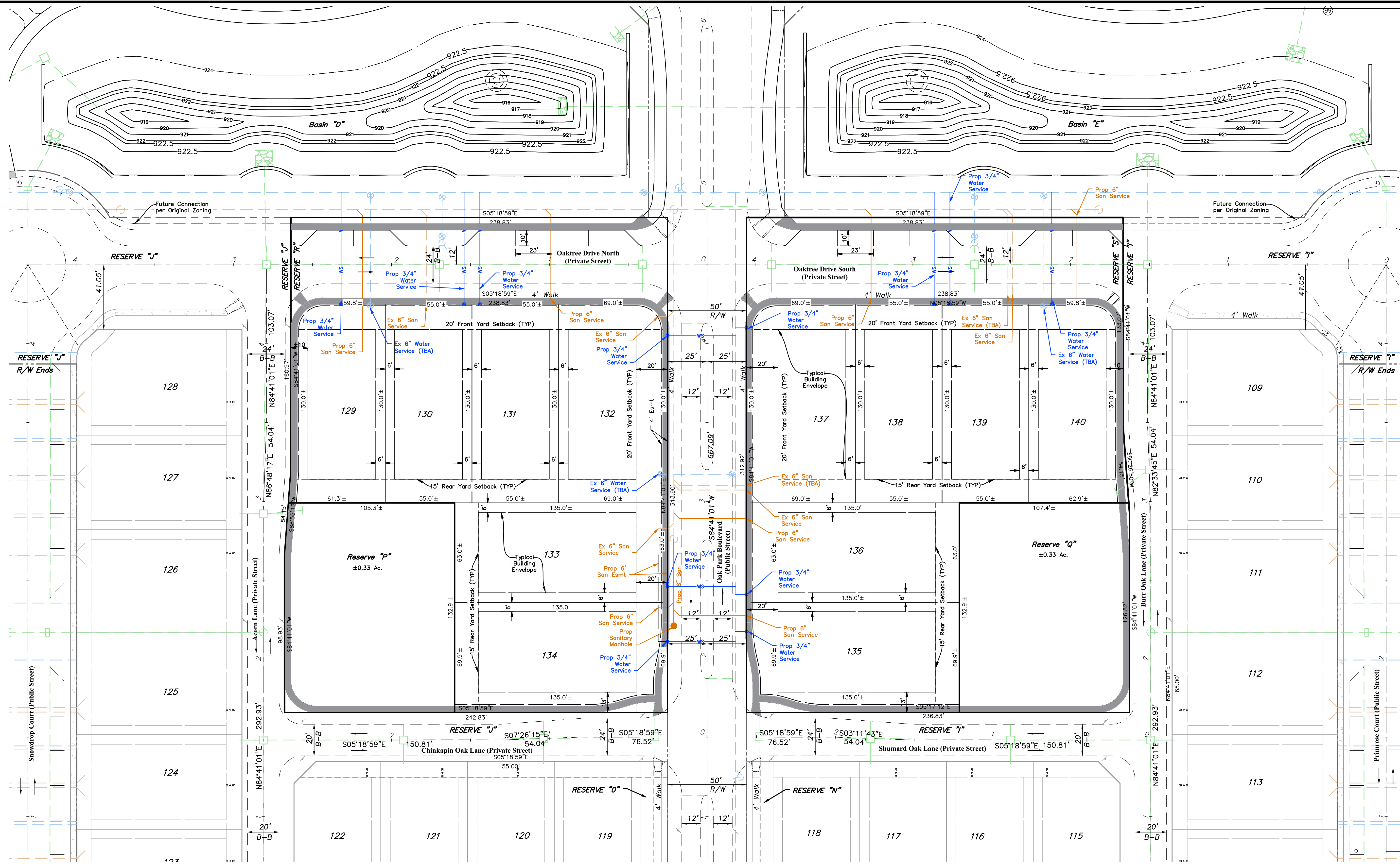


KEY





- WALKING PATH (IN PROGRESS)
- 4' SIDEWALK (EXISTING)
- 4' SIDEWALK (PROPOSED)
- BIKEPATH (EXISTING)
- EXISTING OPEN SPACE
- PROPOSED OPEN SPACE

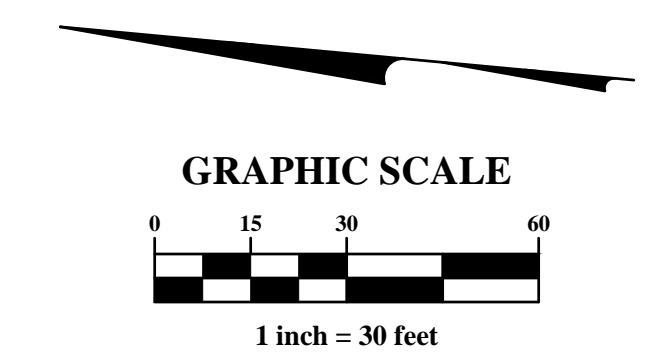


REVISIONS		
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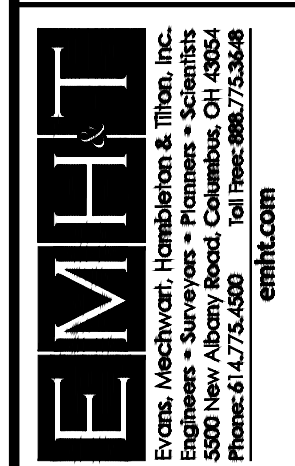
LEGEND

-  Existing Sanitary Sewer
 Existing Storm Sewer
 Existing Water Main
 Proposed Water Service
 Proposed Sanitary Service
 To Be Abandoned

[illegible]

OAK PARK DUBLIN, LLC

REZONING/PRELIMINARY DEVELOPMENT PLAN
FOR
OAK PARK RESERVE A AND D
SINGLE FAMILY HOMES
PRELIMINARY UTILITY PLAN
DUBLIN, OHIO



DATE

January 29, 2020

SCALE

As Noted

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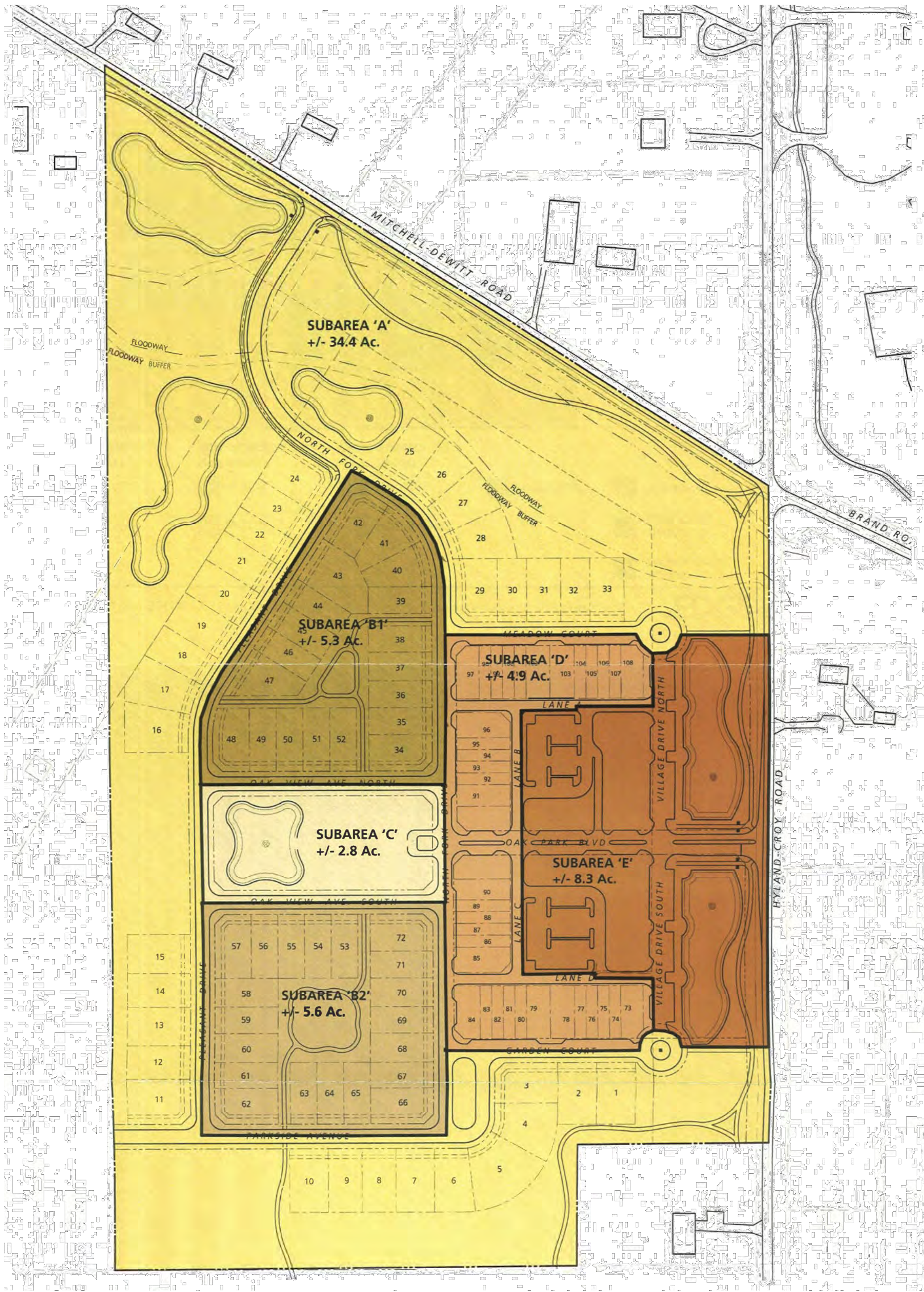
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SHEET

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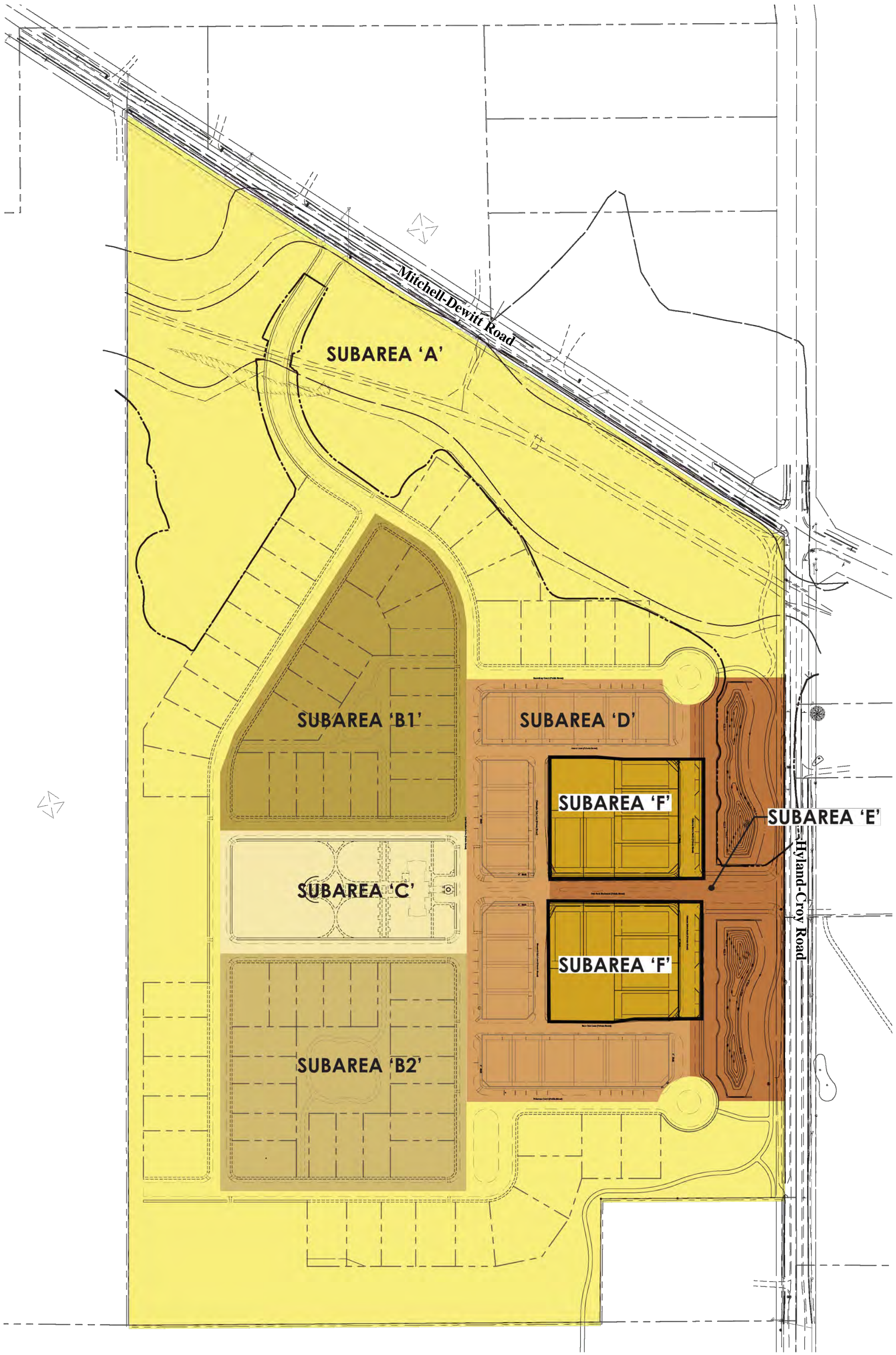
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ORIGINAL ZONING



ORIGINAL ZONING- SUBAREA PLAN			
SUBAREA	USE	DESCRIPTION	UNITS
A	PARK HOMES	60' - 80' Width x 125' Depth	33
B-1 and B-2	VILLAGE HOMES	55' - 60' Width x 125' Depth	39
C	CLUBHOUSE	NA	NA
D	TOWNHOMES	24' Lot Width x 104' Depth	36
E	NEIGHBORHOOD COMMERCIAL	39,700 SF	NA
TOTAL UNITS			108
TOTAL OAK PARK ACREAGE			61.39AC
GROSS DENSITY			1.76 DU/AC
OPEN SPACE			31.3 AC

PROPOSED ZONING



RE-ZONED SUBAREAS D and E			
SUBAREA	USE	DESCRIPTION	UNITS
A	PARK HOMES	60' - 80' Width x 125' Depth	33
B-1 and B-2	VILLAGE HOMES	55' - 60' Width x 125' Depth	39
C	CLUBHOUSE	NA	NA
D	VILLA HOMES	55' Min. Width x 104' Depth	20
E	OPEN SPACE	OPEN SPACE	NA
F	PROPOSED VILLA HOMES	55' Min. Width x 130' Min. Depth	12
TOTAL UNITS			104 DU
TOTAL OAK PARK ACREAGE			61.39AC
GROSS DENSITY			1.69 DU/AC
OPEN SPACE			31.8

REVISIONS

MARK	DATE	DESCRIPTION

PUD REZONING/PRELIMINARY DEVELOPMENT PLAN
FOR
OAK PARK RESERVE A AND D
SINGLE FAMILY HOMES
OVERALL OAK PARK SUBAREAS
DUBLIN, OHIO

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5900 New Albany Road, Columbus, OH 43254
Phone: 614.775.6500 Toll Free: 888.775.3648
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DATE

January 29, 2020

SCALE

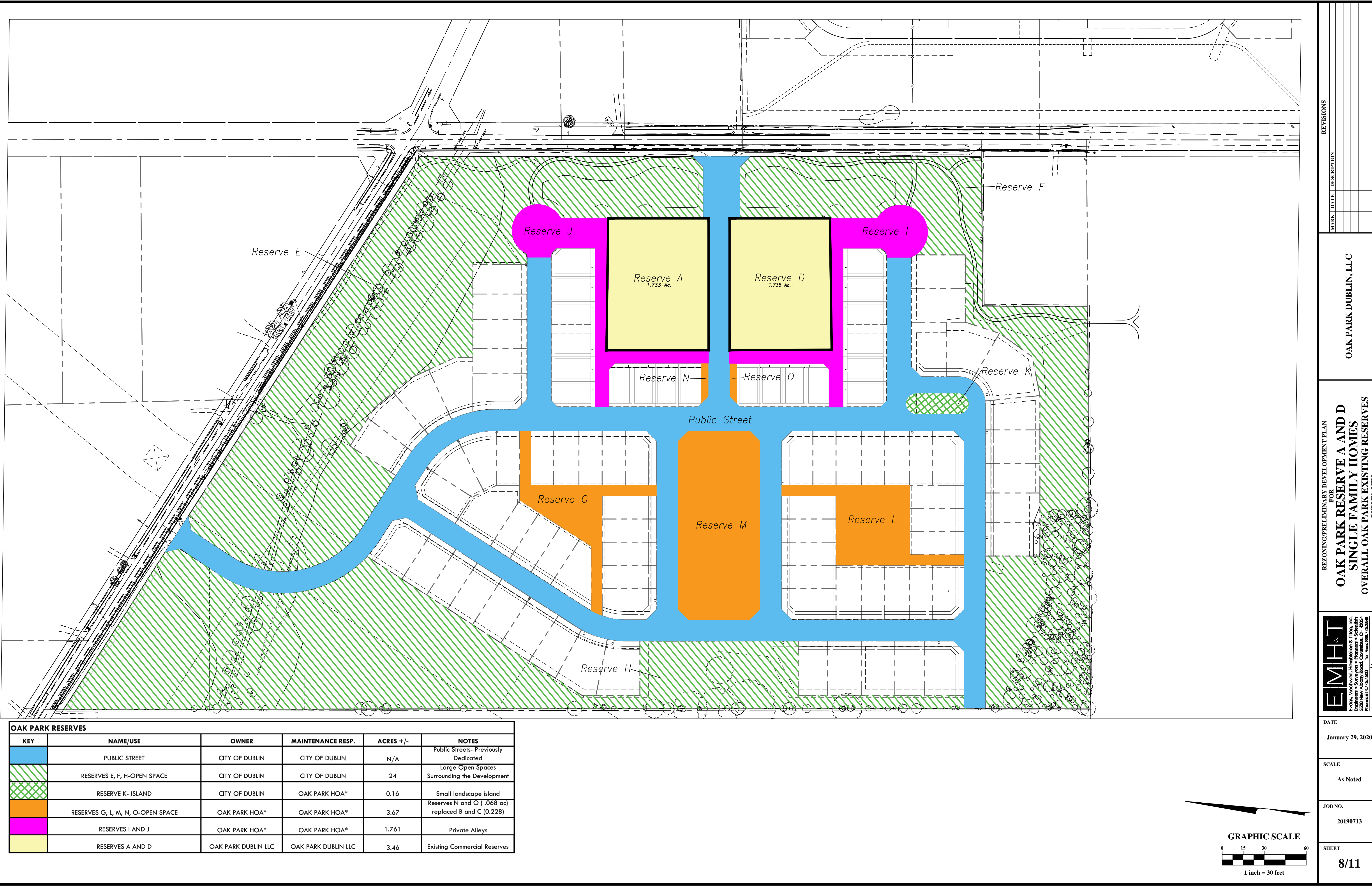
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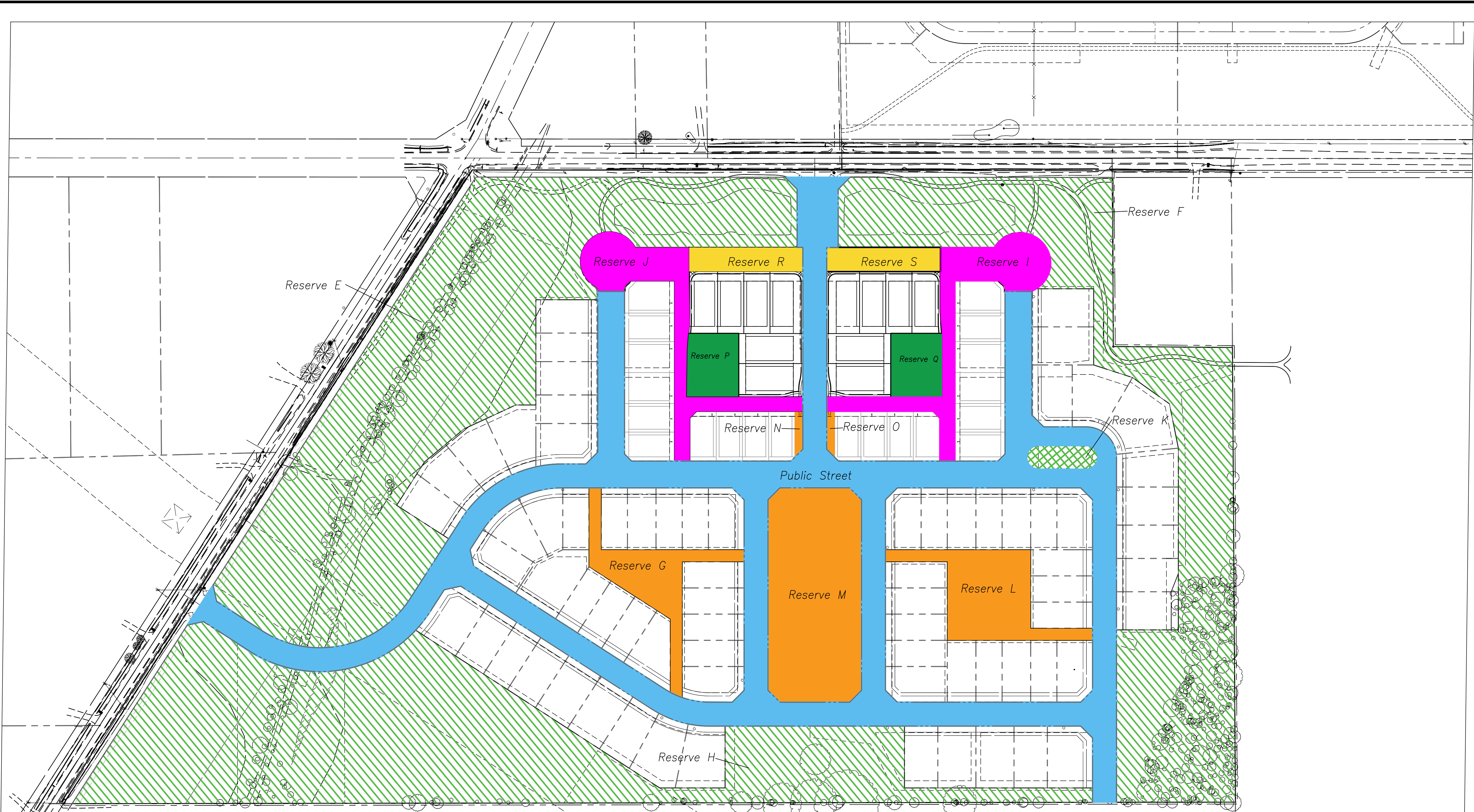
JOB NO.

20190713

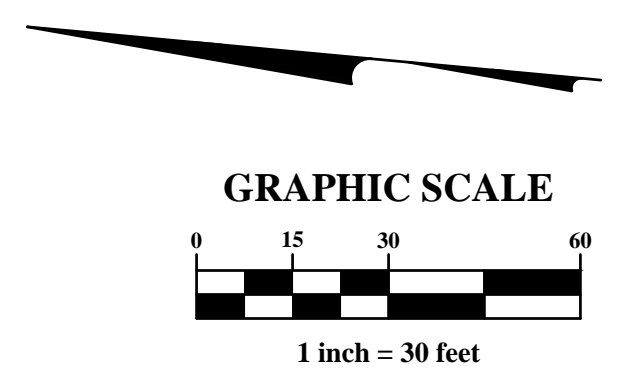
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7/11





OAK PARK RESERVES					
KEY	NAME/USE	OWNER	MAINTENANCE RESP.	ACRES +/-	NOTES
	PUBLIC STREET	CITY OF DUBLIN	CITY OF DUBLIN	N/A	Public Streets- Previously Dedicated
	RESERVES E, F, H-OPEN SPACE	CITY OF DUBLIN	CITY OF DUBLIN	24	Large Open Spaces Surrounding the Development
	RESERVE K- ISLAND	CITY OF DUBLIN	OAK PARK HOA*	0.16	Small landscape island
	RESERVES G, L, M, N, O-OPEN SPACE	OAK PARK HOA*	OAK PARK HOA*	3.67	Reserves N and O (.068 ac) replaced B and C (0.228)
	RESERVES I AND J	OAK PARK HOA*	OAK PARK HOA*	1.761	Private Alleys reserves (0.33 ac each) created
	RESERVES P AND Q-OPEN SPACE	OAK PARK HOA*	OAK PARK HOA*	0.66	Two private streets (0.28 ac each)
	RESERVES R AND S	OAK PARK HOA*	OAK PARK HOA*	0.56	
OAK PARK HOA* = OAK PARK COMMUNITY ASSOCIATION					



REVISIONS

MARK	DATE	DESCRIPTION

REZONING/PRELIMINARY DEVELOPMENT PLAN
FOR
OAK PARK RESERVE A AND D
SINGLE FAMILY HOMES
OVERALL OAK PARK PROPOSED RESERVES
DUBLIN, OHIO

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Evans, Mechwart, Henderson & Thon, Inc.
5900 New Albany Road, Columbus, OH 43254
Phone 614.775.6500 Toll Free 888.775.3848
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DATE
January 29, 2020

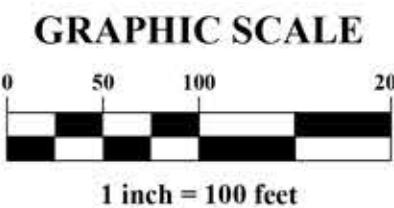
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As Noted

JOB NO.
20190713

SHEET
9/11



NOTE: HOUSE FOOTPRINTS ARE FOR
ILLUSTRATIVE PURPOSES ONLY. SEE TEXT FOR
LIMITATIONS ON DRIVEWAY LOCATIONS.



REVISIONS		
MARK	DATE	DESCRIPTION
OAK PARK DUBLIN, LLC		
PUD REZONING/PRELIMINARY DEVELOPMENT PLAN		
FOR		
OAK PARK RESERVE A AND D		
SINGLE FAMILY HOMES		
ILLUSTRATIVE PLAN OVERALL		
DUBLIN, OHIO		
 Evans, Mechwart, Hambleton & Tilton, Inc. 5500 New Albany Road, Columbus, OH 43254 Phone 614.775.4500 Toll Free 888.775.3448 emht.com		
DATE		
November 21, 2019		
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JOB NO.		
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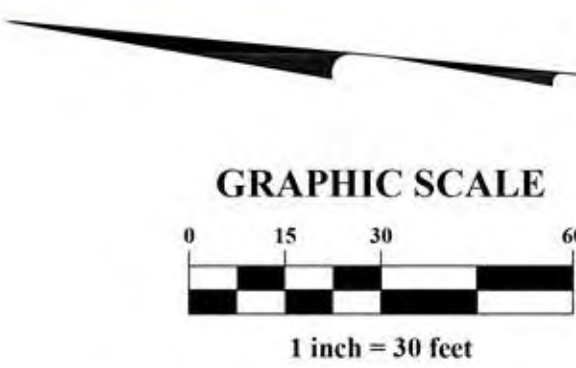
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NOTE: HOUSE FOOTPRINTS ARE FOR ILLUSTRATIVE PURPOSES ONLY. SEE TEXT FOR LIMITATIONS ON DRIVEWAY LOCATIONS.

SITE DATA:

Rezoning Area	± 3.46
Lots:	12 DU
Open Space	± 0.66 ac
Impervious Area Per Lot	60%



PUD REZONING/PRELIMINARY DEVELOPMENT PLAN FOR OAK PARK RESERVE A AND D SINGLE FAMILY HOMES ILLUSTRATIVE PLAN ENLARGEMENT DUBLIN, OHIO				OAK PARK DUBLIN, LLC			
				MARK	DATE	DESCRIPTION	REVISIONS



THE VILLAS AT GLENEALY : ARDMOREWAY (PRIVATE)



HEATHER GLEN : WILCOX ROAD (PUBLIC) AND
GLEN VILLAGE DRIVE (PRIVATE)



HEATHER GLEN : GLEN VILLAGE DRIVE (PRIVATE)



IMAGE LOACTION

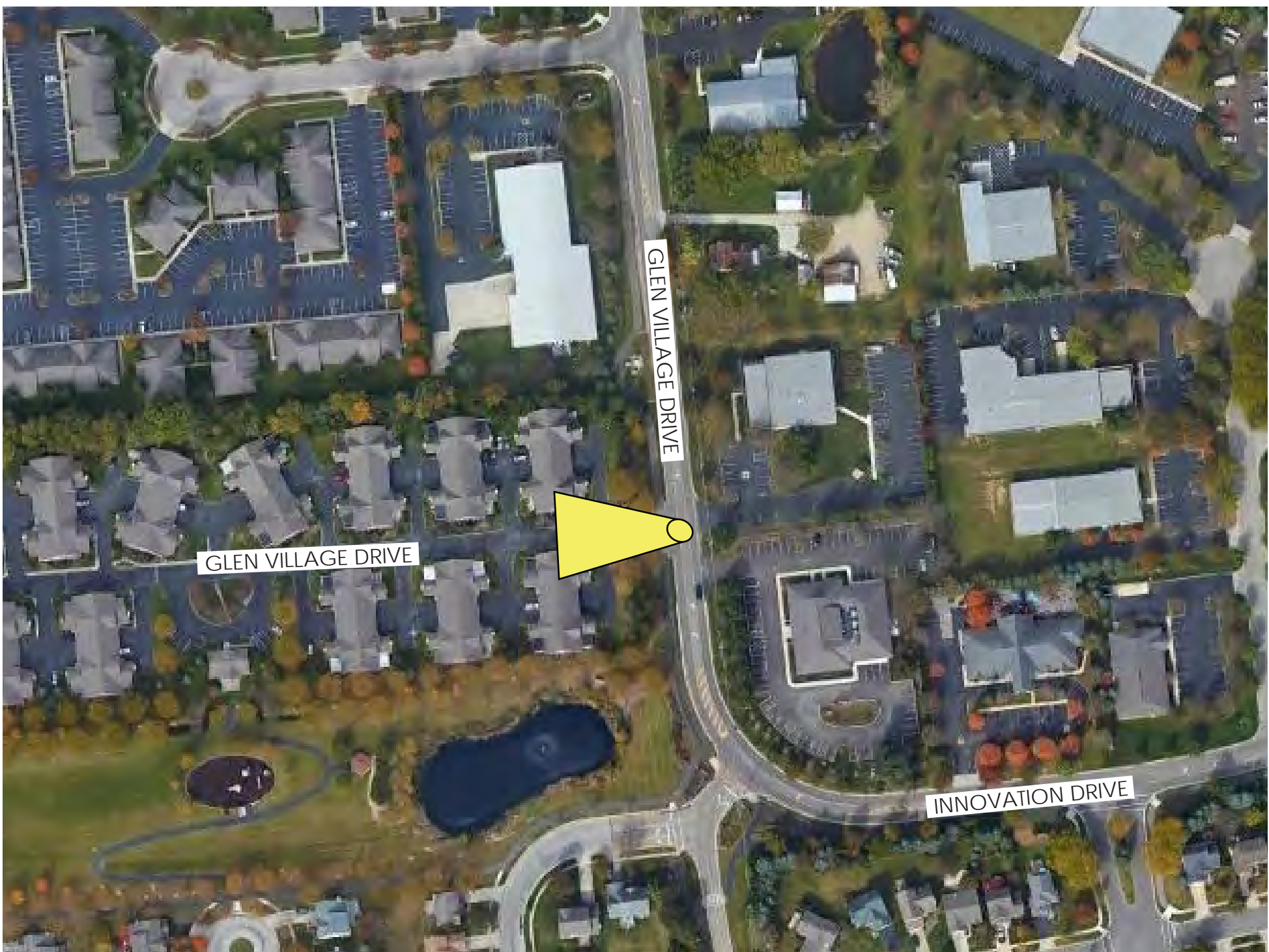


IMAGE LOCATION



IMAGE LOCATION



WILLOW GROVE : WILLOW GROVE LANE (PRIVATE)



DUBLIN VILLAGE : REAR ALLEY (PRIVATE)



CORTONA : PERSARO WAY (PRIVATE)



IMAGE LOACTION

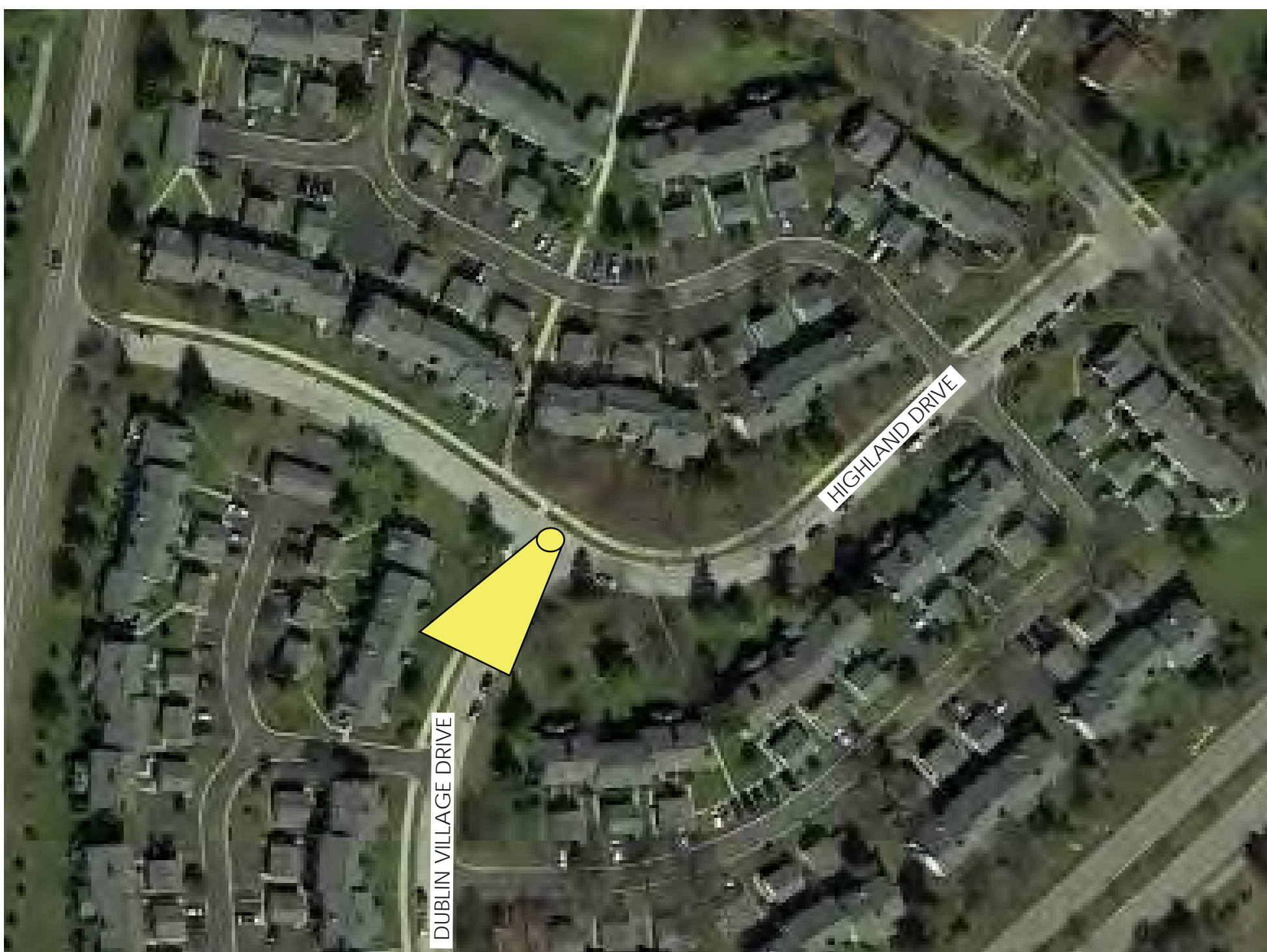


IMAGE LOACTION



IMAGE LOACTION



CRAMER CROSSING : CRAMER CROSSING DRIVE (PRIVATE)



COFFMAN PARK : CARSON WAY (PRIVATE)



WILLOW GROVE : WILLOW GROVE PLACE (PRIVATE) AND WILLOW GROVE LANE (PRIVATE)



IMAGE LOACTION



IMAGE LOCATION



IMAGE LOCATION



HEATHER GLEN NORTH : INNOVATION DRIVE (PUBLIC)



DUBLIN VILLAGE (PUBLIC) :
DUBLIN VILLAGE AND HYLAND DRIVE



IMAGE LOCATION

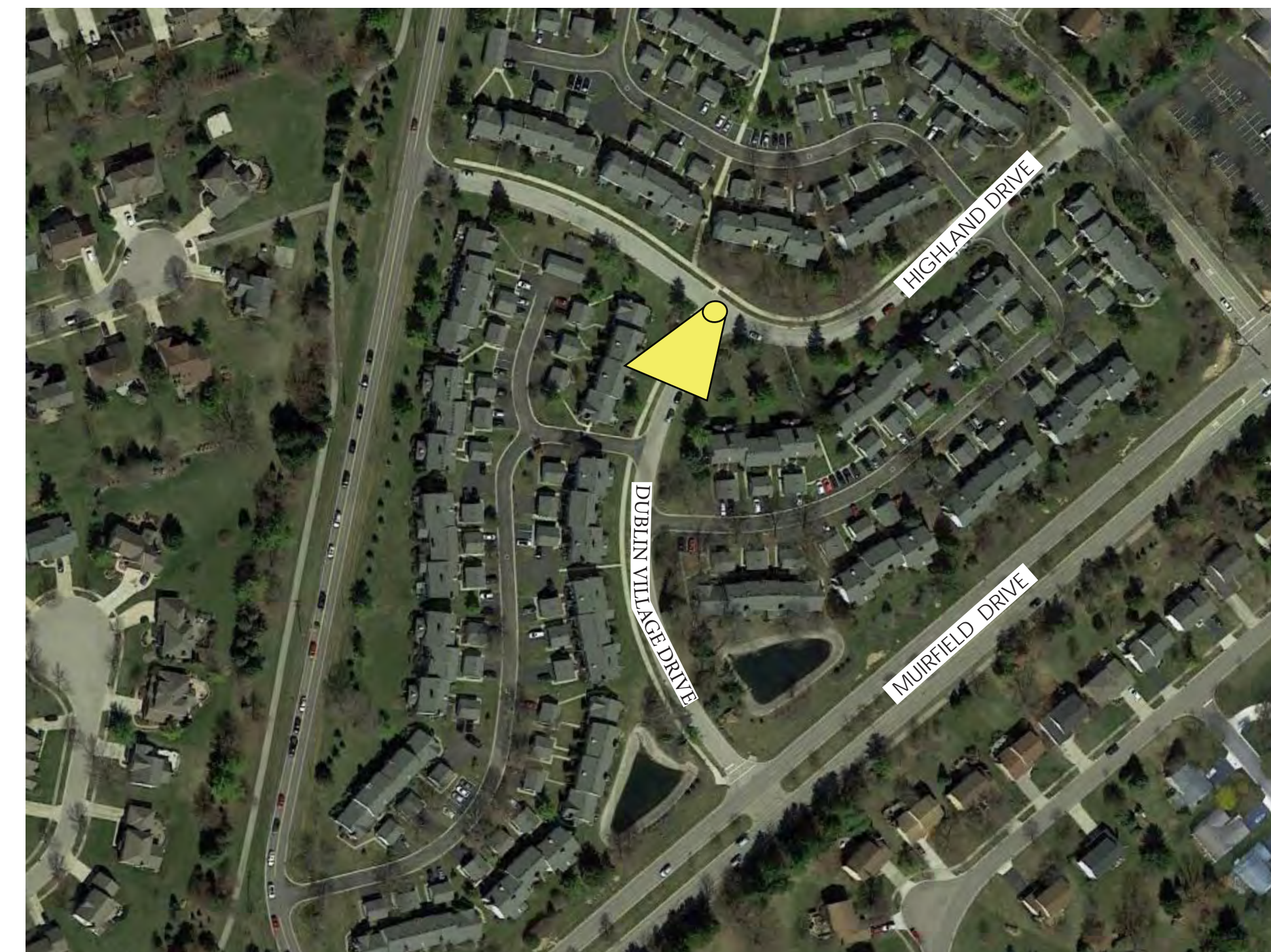


IMAGE LOCATION



RECORD OF ACTION

Planning & Zoning Commission

Thursday, December 12, 2019 | 6:30 pm

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

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

Proposal: Rezoning ± 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 acres of open space.

Location: West of Hyland-Croy Road, southwest of the intersection with Brand Road.

Request: Review and recommendation of approval to City Council for Rezoning with a Preliminary Development Plan under the provisions of Zoning Code Sections 153.050-153.056.

Applicant: Christopher Cline, Attorney – Haynes, Kessler, Myers and Postalakis

Planning Contact: Chase J. Ridge, AICP Candidate, Planner I

Contact Information: 614.410.4656, cridge@dublin.oh.us

Case Information: www.dublinohiousa.gov/pzc/19-100

MOTION: Ms. Kennedy moved, Ms. Call seconded, to recommend approval to City Council for the Rezoning with a Preliminary Development Plan with 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 Zoning 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 submission; and
- 5) That the applicant continue to work with staff to ensure that all proposed driveways are able to be constructed to Zoning Code standards prior to the Final Development Plan submission.

VOTE: 4 - 2

RESULT: The Rezoning with a Preliminary Development Plan was recommended for approval to City Council.




**2. Oak Park
19-100Z-PDP**

**7050 & 7055 Oak Park Boulevard
Rezoning with Preliminary Development Plan**

RECORDED VOTES:

Victoria Newell	Yes
Jane Fox	No
Warren Fishman	No
Kristina Kennedy	Yes
William Wilson	Absent
Mark Supelak	Yes
Rebecca Call	Yes

STAFF CERTIFICATION



Chase J. Ridge, AICP Candidate, Planner I



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, McKittrick and Jerome Road, 19-094, Rezoning with Preliminary Development Plan~~
- ~~5. The Overlook at Tartan Ridge, McKittrick 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 McKittrick 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 McKittrick 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 McKittrick 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~~



19-100Z/PDP – Oak Park

Summary

This is a request for review and recommendation of approval to City Council of a rezoning with preliminary development plan of a ± 3.5 -acre site within the Oak Park neighborhood from commercial to residential to allow for future construction of up to 12 single-family homes and 0.66-acre of open space.

Next Steps

Upon approval a recommendation from the Planning and Zoning Commission the application will be forwarded to City Council for review and final approval.

Site Location

The site is located on the west side of Hyland-Croy Road, approximately 650 feet southwest of the intersection of Hyland-Croy Road and Mitchell-Dewitt Road.

Property Owners

Oak Park Dublin, LLC

Applicant

Christopher Cline, Attorney – Haynes, Kessler, Myers and Postalakis

Applicable Land Use Regulations

Zoning Code Section 153.050-153.056

Case Manager

Chase J. Ridge, AICP Candidate, Planner I

(614) 410-4656

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Zoning Map



1. Context Map



2. Overview

Background

Current Application

The Planning and Zoning Commission reviewed and provided informal, non-binding feedback on a concept plan for a portion of Subarea E in Oak Park, on August 22, 2019 for the potential development of 12, single-family homes where commercial development is currently permitted. The Commission was generally in support of the request to rezone the area to allow for a change in use. The Commissioners expressed concerns regarding existing private streets, including maintenance and current conditions. The Commissioners discussed the potential future cost burden to the HOA and the residents, and the extent to which the HOA would be responsible for maintenance and upkeep of the private drives. The Commission discussed the proposed layout of the site, as well as their desire to see increased connectivity to the proposed open spaces. The Commission suggested that the applicant work with neighborhood residents to find a plan that worked for both the applicant and the residents.

A resident of the Oak Park spoke as a representative of the neighborhood and gave a presentation outlining the issues the neighborhood has with the proposal, including the future costs to the HOA of maintaining the private drives and the general layout of the site. A majority of the neighborhood supported the presenter.

Previously Approved Applications

City Council approved Ordinance 52-17 for the rezoning with preliminary development plan to convert an area previously approved for 36 townhome units to single-family lots within Subarea D on September 11, 2017 based on a recommendation of approval by the Planning and Zoning Commission on July 13, 2017. Prior these approvals, the Planning and Zoning Commission reviewed and provided informal feedback for three options to convert the 36 approved townhome units to single-family lots within Subareas D on November 10, 2016. The Commission supported the conversion to single-family homes and encouraged the applicant to pursue developing this and the commercial properties together. With the subareas under different ownership, it was determined that this was not feasible to do so at the time.

The Planning and Zoning Commission reviewed and approved an amended final development plan to modify the development text to allow a one-foot front yard setback for the townhome units located in Subarea D on August 7, 2008.

The Planning and Zoning Commission reviewed and approved a final development plan and final plat for the subdivision and development of 108 residential units on a 61-acre site on March 15, 2007.

City Council reviewed and approved Ordinance 74-06 to rezone 61 acres from R, Rural District to PUD, Planned Unit Development District (Oak Park) for the development of 108 residential units, approximately 40,000 square feet of mixed-use space, and 31 acres of open space on November 20, 2006.

Site Characteristics

Natural Features

The site is currently undeveloped and contains no significant natural features.

Historic and Cultural Facilities

The site is not located within the Historic District and does not contain any known historically contributing structures or artifacts.

Surrounding Land Use and Development Character

North: PUD: Oak Park (Single-Family Residential)

East: PLR: Planned Low Density Residential District (Single-Family Residential)

South: PUD: Oak Park (Single-Family Residential)

West: PUD: Oak Park (Single-Family Residential)

Road, Pedestrian and Bike Network

The site consists of two reserves, located between four private drives and divided by Oak Park Boulevard, which is a public street. A shared use path exists along the eastern portion of the site and runs north and south along Hyland-Croy Road.

Utilities

The site is served by public utilities, including sanitary and water. Electrical and gas are also provided on site.

Proposal

This is a proposal for the zoning and development of 12 single-family lots, two new open space reserve and associated site improvements. The site is currently zoned PUD – Oak Park, Subarea E which allows for commercial development including small-scale retail and restaurant uses, among others, up to 39,700 square feet.

Community Plan/Future Land Use

The Community Plan shows the Future Land Use for this site as a Mixed-Use Neighborhood Center, based on the land use approved when the Plan was most recently updated. This designation is intended to provide daily retail uses and personal services for the convenience of neighborhoods in which they are located. Integrated residential uses are highly encouraged, and neighborhood centers should coordinate with surrounding Low and Medium Density Mixed Residential uses to provide support and pedestrian activity. This proposal necessitates a rezoning to allow for a change in permitted uses from commercial to residential uses. Additionally, this proposal would result in less impactful uses on the area than what the current zoning allows.

Neighborhood Contact

Staff has been in contact with the residents of Oak Park throughout this process and met with residents at the proposed site in October of 2019. The residents made Staff aware of several concerns with the proposal including, but not limited to, the financial burden of maintaining private drives, the general site layout and the proposed side yard setbacks. Staff has encouraged the residents to attend any public meeting for this application.

Neighborhood concern regarding the financial burden of maintaining additional private drives is significant. Both the applicant and the neighbors have discussed this issue with little to no resolution. The drives were approved as part of the original zoning in 2006, the expected maintenance of the drives included the potential commercial tenants, however that area is limited to the ±500 linear feet.

With exception of portions of Oak Tree Drive North and Oak Tree Drive South, the private drives are outside of the geographical boundaries of this rezoning. Due to this fact, the issue of the private drives is not under the purview of the Commission and is outside of the geographic and legal boundaries of this case. Any requests regarding the conversion of private drives to public streets may be addressed through a separate review process at City Council.

Proposal Details

Layout

This proposal includes a portion of the existing Subarea E. The proposed site is rectangular in shape and consists of two vacant parcels with little vegetation and no significant natural features. The parcels are separated by the existing Oak Park Boulevard. The site is located west of Hyland-Croy Road and is bound by Acorn Lane and Bur Oak Lane on the north and south sides, respectively.

The proposal is for 12 single-family lots on 3.47 acres and two open spaces, accounting for 0.66-acre of the site. The lots surround the green spaces on two sides, while the existing street network surrounds the other sides of the greenspaces. Eight of the lots will face Oak Tree Drive North and South (private drives) while the remaining four homes will face Oak Park Boulevard (public). The lots range in size from 0.16-acre to 0.22-acre in size with widths ranging from 55 feet to approximately 70 feet. Lot depths range from 130 feet to 135 feet. A sidewalk connection is proposed around the entirety of both parcels, with portions of the sidewalk directly adjacent to the private drives.

The applicant has proposed sidewalk improvements outside of the boundaries of this rezoning and preliminary development plan. Staff recommends that the applicant continue to work with staff to ensure that all improvements are made within the geographic boundaries of this plan.

Subareas

The proposed rezoning with preliminary development plan is applicable to a portion of Subarea E, specifically Reserves A and D. The remaining portions of Subarea E will remain under the existing zoning. Staff recommends the applicant revise the text to create a new subarea, Subarea E1 and provide updated maps illustrating the two parcels being rezoned, prior to City Council review.

Traffic/Access

The main access to the site is from Hyland-Croy Road along Oak Park Boulevard, which provides access to the homes through the various drives and streets adjacent to the site. A portion of the homes have driveway access on a private drive in the development.

Twelve on-street parking spaces are proposed on Oak Tree Drive, six on Oak Tree Drive North and six on Oak Tree Drive South. Sidewalks are proposed along the Oak Tree Drive and Oak Park Boulevard frontages, as well as along the private drives.

The applicant provided a trip generation analysis that shows the proposed 12 detached, single-family homes significantly reduce the trip generation compared to the original zoning. Therefore, the change is not expected to impact the public infrastructure.

Stormwater Management/Utilities

A series of detention basins were constructed as part of the original Oak Park development to accommodate both water quantity and water quality per the requirements as defined in Chapter 53. The proposal is encompassed within the East Subarea as defined in the original Oak Park stormwater management report, which drains to the existing east basins along Hyland-Croy Road. The applicant has demonstrated the proposed 12 single-family lots will add less impervious area than originally programmed as part of the original Oak Park development and has demonstrated compliance with stormwater management requirements as defined in Chapter 53.

Existing sanitary and water mainline has been constructed as part of the original Oak Park development. The proposed improvements include abandoning existing water and sanitary services that are no longer needed in addition to new services that were not originally constructed in order to provide water and sanitary service for all 12 proposed single-family lots.

Development Text

The development text is the regulating document that outlines the development standards for the site including uses, lot requirements, architecture details, and materials. The applicant has provided a development text with standards specific to this PUD Subarea, but largely consistent with the development standards approved within Subarea D.

Uses

Detached single-family homes and open space reserves are the only permitted uses in the proposed development text. Unless otherwise specified in the submitted drawings or in the written development text, the development standards of Chapter 153 of the City of Dublin Code shall apply to this area.

Development Standards

Twelve single-family lots are proposed with a minimum lot depth of 130 feet. The lots will have a minimum width of at least 55 feet. Lot sizes range from 0.16-acre to 0.22-acre. These requirements are largely consistent with the rest of Oak Park; however, these lots are deeper than those in Subarea D.

Lot coverage is limited to 60% of the total lot area. This is the same lot coverage permitted for all single-family lots within Oak Park.

The proposed front yard setbacks are a minimum of 20 feet, rear yard setbacks are a minimum of 15 feet, and side yard setbacks are a minimum of 6 feet. The proposed side yard setbacks are consistent with the rest of Oak Park. The proposed rear yard setbacks are smaller than the rear yard setbacks for most of Oak Park, with the exception of Subarea D. Most of Oak Park has 25 feet rear yard setbacks, whereas Subarea D has 10 feet rear yard setbacks. The proposed rear yard setback is to accommodate the 20 feet minimum front yard setback, where most of the neighborhood - with the exception of Subarea D, has a front yard setback that ranges from a minimum of 13 feet to a maximum of 20 feet.

Window wells may encroach into the required side yard setback with a maximum of 3.5 feet, provided that the side yard is at least six feet and there is a minimum of eight feet of separation between these permitted encroachments on adjoining lots, as measured from the nearest corners of the window wells. Air conditioners and other HVAC or service structure units may encroach into side yard setback a maximum of 2.5 feet, provided the side yard is at least 6 feet and the structure is screened per Code.

Landscaping

As described in the landscaping section the proposed text, two new open space reserves will be provided, each approximately 0.33-acre in size. These spaces will be owned and maintained by the Oak Park homeowners association, to be consistent with the remainder of the neighborhood.

Four trees are proposed to be removed from the site. A tree replacement plan was not provided at this time, therefore staff recommends the tree replacement plan be provided with the submission of the final development plan.

Fencing and landscape hedge requirements are unchanged from the original Oak Park development text for consistency.

Architecture

The Oak Park development is unique in its detailed architectural requirements and the neighborhood theme, which is inspired by English and Irish garden cities with a park-like ambience and sense of quality.

The newly created lots shall conform to the same architectural standards as the rest of Oak Park, with minor changes or exceptions. Exterior materials in this area will remain consistent with the rest of Oak Park, and four-sided architecture shall be required.

The proposed text includes language that would permit mirror image versions of the same model of home if located at Oak Park Boulevard and either Oak Tree Drive North or South. This is proposed to create an entry feature into the neighborhood when entering from Hyland-Croy Road.

3. Criteria Analysis

Rezoning with Preliminary Development Plan Analysis [§153.055A]

- 1) The proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code;
Criterion Met with Condition. This proposal is consistent with the purpose, intent and applicable development standards of the Zoning Code requirements, except as altered in the proposed development text to create unique and specific standards for this proposal. The applicant should update the text and plans to create a new Subarea, to clarify the boundaries of this rezoning from the remainder of the neighborhood.
- 2) The proposed development is in conformity with Community Plan, Thoroughfare Plan and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network;

Criterion Met. The proposal was deemed to be largely consistent with the Community Plan and Thoroughfare Plan recommendations as well as the existing development character of the neighborhood. The proposal would result in a less impactful uses on the area than what the current zoning allows and the Future Land Use designates for the site.

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

Criterion Met. This proposal provides for an orderly development and will improve the surrounding area. It is consistent with the existing design standards of the neighborhood.

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

Criterion Met. The development is appropriately located within the City and is an example of the type of a development type appropriate for this area.

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

Criterion Met. The existing Oak Park PUD contains approximately 50% open space. This proposal contains an additional 0.66-acre of open space.

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

Criterion met with Condition. The proposal will have to adhere to Code for any removal and replacement of the limited vegetation on site. A tree replacement plan was not provided at this time, therefore staff recommends the tree replacement plan be provided with the submission of the final development plan.

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

Criterion Met. The applicant has worked with staff to ensure adequate provision of infrastructure is available.

- 8) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;

Criterion Met. Primary access to the proposed site will be from existing adjacent public streets and private drives. This proposal also reduces the intensity of uses from commercial to residential uses.

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

Criterion Met. The proposal includes setbacks and development standards that are largely consistent with the existing standards in the Oak Park PUD. These standards maintain the image of Dublin as a quality community.

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

Criterion Met. The proposed layout and intensity are appropriate for this site.

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

Criterion Met. The development includes provisions for stormwater management via existing storm sewer and existing retention basins. The proposal also reduces the impervious surface area of the site.

- 12) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Development District regulations;

Criterion Met. The proposed design, site arrangement and anticipated benefit to the City will be ensured through the proposed development text.

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

Criterion Met. The preliminary development includes design standards largely consistent with the existing standards in the neighborhood for a consistent, high-quality development.

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

Criterion not Applicable. The development will not be phased.

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

Criterion met. The development will be adequately serviced by existing public and planned infrastructure.

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

Criterion not Applicable. The proposal does not include any contributions to the public infrastructure.

5. Recommendations

The proposal is consistent with all of the applicable review criteria contained in the Zoning Code and Approval is recommended with the following 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 to Code standards prior to the Final Development Plan.



RECORD OF ACTION

Planning & Zoning Commission

Thursday, August 22, 2019 | 6:30 pm

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

**2. Oak Park, Subarea E
19-060CP**

**7050 & 7055 Oak Park Boulevard
Concept Plan**

Proposal: A Concept plan for the construction of 12, single-family lots and associated site improvements. The 3.47-acre site is zoned Planned Unit Development District, Oak Park Subarea E.

Location: West of Hyland-Croy Road, approximately 700 feet southwest of the intersection with Brand Road.

Request: An informal review and feedback of a future development application.

Applicant: Christopher T. Cline, Haynes, Kessler, Myers & Postalakis.

Planning Contact: Chase J. Ridge, Planner I

Contact Information: 614.410.4656, cridge@dublin.oh.us

Case Information: www.dublinohiousa.gov/pzc/19-060

RESULT: The Commission reviewed and provided non-binding comments on an application for a Concept Plan as the first step for the rezoning of Subarea E in the Oak Park neighborhood for the potential development of 12, single-family homes where commercial development is currently permitted. The applicant gave a presentation and background of the history of Oak Park, including the rezoning of Subarea D, from townhome units to single-family homes. The applicant described the proposed site layout, architecture, and design.

A resident of the Oak Park neighborhood also gave a presentation outlining the issues the neighborhood has with the current proposal, including the future costs to the HOA of maintaining the private drives and the general layout of the site. There were approximately 25-35 residents in attendance from the Oak Park neighborhood in support of the presenter.

The Commissioners expressed their concerns with the private streets, including maintenance and their current conditions. The Commissioners discussed the future cost burden to the HOA and the residents, and the extent to which the HOA would be responsible for maintenance and upkeep of the private drives. The Commission discussed the proposed layout of the site, as well as their desire to see increased connectivity to the proposed open spaces. The Commission suggested that the applicant work with neighborhood residents to find a plan that worked for both the applicant and the residents.




**Oak Park, Subarea E
19-060CP**

**7050 & 7055 Oak Park Boulevard
Concept Plan**

MEMBERS PRESENT:

Victoria Newell	Yes
Jane Fox	Yes
Warren Fishman	Yes
Kristina Kennedy	Yes
William Wilson	Yes
Mark Supelak	Yes
Rebecca Call	Yes

STAFF CERTIFICATION


Chase J. Ridge, Planner I



~~CONSENT AGENDA~~

~~1. Hawk's Nest, Lot 102, 7635 Quetzal Drive, 19-064FP, Final Plat~~

~~Ms. Newell stated that this is a proposal for a re-plat of lot 102 located in the Hawk's Nest Subdivision, Section 2, Phase 1. The 0.45-acre site is zoned R-1, Suburban Residential District, and is located southwest of the intersection of Quetzal Drive and Touraco Drive, east of Avery Road.~~

~~Ms. Kennedy moved, Ms. Call seconded to approve the Final Plat with the following condition:~~

- ~~1) That the applicant ensure that any minor technical adjustments to the plat are made prior to City Council submittal.~~

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

~~(Motion passed 7-0)~~

CASES

2. Oak Park, Subarea E, 7050 & 7055 Oak Park Boulevard, 19-060CP, Concept Plan

This is a request for the construction of 12, single-family lots and associated site improvements. The 3.47-acre site is west of Hyland-Croy Road, approximately 700 feet southwest of the intersection with Brand Road and Mitchell-Dewitt Road. The site is currently zoned Planned Unit Development.

Case Presentation

Mr. Ridge stated that this is a request for review of a Concept Plan for a rezoning in the Oak Park neighborhood to allow for the construction of single-family homes where commercial development is currently permitted. The Concept Plan is the first step of the PUD process, by which the Commission provides informal and non-binding feedback. This site is currently zoned PUD, Oak Park, Subarea E. It is located on the west side of Hyland-Croy Road, approximately 700 feet southwest of the intersection with Brand Road. The site is currently undeveloped and contains no significant natural features.

History

On October 20, 2006, City Council reviewed and approved Ordinance 74-06 to rezone approximately 61 acres from R, Rural District to PUD, Planned Unit Development District (Oak Park) for the development of 108 residential units, 40,000 square feet of mixed-use space, and 31 acres of open space. In 2007, PZC approved a final development plan and final plat for the subdivision and development of 108 residential units. On November 10, 2016, PZC reviewed and provided informal feedback for three options to convert 36 townhome units into single-family lots within Subareas D and E. It was determined, due to differences in ownership between Subareas D and E at the time, the option for a rezoning of Subarea D and Subarea E together was not possible. On July 13, 2017, PZC formally approved the rezoning and final development plan to convert 36 townhomes in Subarea D to 20 single-family lots, and on September 11, 2017, Council approved Ordinance 52-17 for the rezoning and final plat.

Proposal

This proposal is for 12 single-family lots on 3.47 acres and two open spaces, accounting for 0.52 acres of the site. The lots surround the green spaces on two sides, while the existing street network binds the two other sides of the greenspaces. Two lot sizes are proposed. Eight of the lots will be approximately 0.16-acre in size while the remaining four lots will be 0.19-acre in size. The larger lots front Oak Park Boulevard, while the smaller lots will front Oak Tree Drive. The smaller lots are 55 feet in width and 130 feet in depth. The larger lots are 65 feet in width with the same depth of 130 feet. All of the proposed home sites can accommodate either court-loaded or side-loaded garages. Oak Park is unique in its architectural requirements and neighborhood theme. The applicant has indicated that previously approved elevations will continue to be used. 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.

Staff has proposed the following questions to guide the discussion:

- 1) Does the Commission support the request to pursue the conversion of the commercial area to single-family lots?
- 2) Does the Commission find the proposed site layout and design harmonious with the existing Oak Park neighborhood?
- 3) Does the Commission support staff's preference that there be additional connectivity throughout, including along the alleyways that lead to the proposed greenspaces?
- 4) Other considerations by the Commission.

Commission Questions

Ms. Fox stated that the proposal would use two of the house styles included in the original development – the Park Home, which is 2,500 - 3,800 square feet, and the Village Home, which is smaller. Would the Park Home be placed on the larger lots and the Village Home placed on the smaller lots in this proposal?

Mr. Ridge responded that the smaller home style would be used.

Ms. Fox inquired if all 12 homes would be the smaller home style.

Mr. Ridge responded affirmatively.

Ms. Kennedy inquired about the connectivity of the site.

Mr. Ridge displayed a graphic showing the connectivity throughout the site, including bikepaths and sidewalks.

Ms. Fox stated that in Subarea D, she was unable to determine the architecture style or home sizes. Is the Village Home reflected in Subarea D, as well, or does it contain homes of an entirely different architecture?

Mr. Ridge responded that it is the same – the Village Home.

Ms. Fox inquired if both Subareas D and E would contain the Village Home style.

Mr. Ridge responded affirmatively.

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 is Linda Menerey, EMH&T. Ms. Menerey will address the technical aspects of the plan. He will address the history and land use.

The lengthy history on this case is very important and is the reason the case is before the Commission tonight. This is a revision of the PUD rezoning, which occurred in 2006. In 2005, the partnership, chiefly composed of Solove family members, owners of the land, became interested in selling it. This Oak Park development originally was planned in another location. However, the City determined that that they desired to change the zoning in that area and requested that the applicant withdraw their application and locate the project elsewhere.

His client is New Jersey centered, Atlantic Realty Hallmark Homes, and Oak Park is a joint venture of that organization. Due to family relationships in the area, they desired to develop a project in central Ohio. They identified this property on the west side of Hyland-Croy Road, approximately 650 feet southwest of the intersection of Hyland-Croy Road and Mitchell-Dewitt Road, adjacent to Dublin Jerome High School, which they wished to purchase. Unfortunately, the proposed purchase would carry a condition that the seller, HC Associates, retain a certain amount of the land for commercial development of a retail center within the proposed single-family residential development. HC Associates and two different developers were involved in this matter. The commercial part of the site was owned by Jerry Solove.

The PUD design was based on the City's Conservation Design preference. That design concentrated the residential uses more closely together with a large amount of surrounding open space. The plan had approximately 50% open space with the larger homes located on small lots. Although two home styles were offered, buyers wanted the larger homes and so the distinction between the two homes was eliminated. Homes in the development being sold today are in the \$550,000 range. The architecture is distinctive, and the homes have four-sided architecture and four-sided materials. The four-sided materials made the homes more expensive and made it more difficult for the developer to compete with the same size house being built by other developers. All of the land between the currently zoned retail site and Hyland-Croy Road was dedicated to the City as parkland. The 50% open space that surrounds the residential area is owned and maintained by the City as parkland. The space the HOA maintains is smaller.

The commercial reserves presented a significant problem. Per the current zoning, Subarea E is Neighborhood Commercial, but the Permitted Uses allowed anything in Neighborhood Commercial and in Community Commercial, with the exception of 12 uses. Permitted as Conditional Uses in the middle of this neighborhood were auto-oriented commercial facilities. A lengthy list of retail uses were permitted on this commercially zoned land that are not Neighborhood Commercial. This made it difficult to market the residential subdivision during the next 10 years. Although the commercial plan was beautiful, it made the site so expensive that the developer was never able to develop it.

The commercial landowner was obligated to pay a portion of the infrastructure costs, such as sewers and roads, if the commercial development occurred. He was required to sign a mortgage note for \$1.8 million for that share (slightly less than 50%) of the project. When the detailed land purchase agreement was entered into in 2005, there was little other development on the area. A significant level of development exists today in the Glacier Ridge area that has a character not anticipated when this commercial use was envisioned. As the greater area evolved, it developed as primarily single-family and empty nester uses. Empty nesters prefer single-level homes, not 3-story townhouses. Because the currently zoned 3-story condos were envisioned as a buffer for the residential development, Planning staff was not supportive of their efforts to develop single-family homes here. As zoned, the commercial area had a 200-ft. setback from the roadway, and the signage was very limited. Commercial uses need visibility. In addition, the commercial area of

40,000 square feet was too small to support a retail center. The Community Plan stated that these retail centers should be a minimum of 60,000 square feet. Consequently, the retail never developed.

They were unable to develop the 3-story townhouses, and there were only eight lots remaining in the residential area. If Council did not rezone the area to permit another home style, the subdivision would "go dark," which would not benefit the City or the residents. Planning staff agreed to work with their team, and Ms. Menerey identified the concept of villa lots. The villa lots that surround the commercial area only had 104 feet of depth, because the roads were all in. There are no new roads to be built in Oak Park. However, they decided that they could achieve a meld of traditional, single-family and patio homes. The patio homes have full backyards and are alley-accessed, but they are large homes. They may well turn out to be the same price point as the single-family homes. The lots are 55 feet wide and only 104 feet deep, but there is room for a garden or a patio. They had been hopeful to get assistance from the City in the form of a "nudge" to the commercial developer, but they were not able to secure that.

The Informal Review proposal reviewed by the Commission in 2016 contained three proposals. Option A, if they had been able to get control of all of the land -- both the townhome lots and the commercial area -- would have permitted a development of 32 single-family lots with no alleys, which would have been consistent with the rest of Oak Park. Option B was the villa lots, and Option C was what is being proposed tonight. Although they made many attempts, they were unable to gain control of the commercial portion, so they proceeded with Option B, the villa lots. They are pleased with the villa lots, which will appeal to empty nester buyers. The commercial area continued to present a problem, however, because the villas would back up to the commercial area. To provide a buffer from any potential commercial uses, the Final Development Plan provided six-foot fences along the alleys. Because they are not part of the zoning, the fences could be removed with a minor amendment to the Final Development Plan. The zoning text for the villa development enshrines staff's ability to modify the home plans if a buyer requests it.

They have continued to attempt to work with the commercial developer, and in 2018, Jerry Halprin, the Oak Park residential developer and Jerry Solove, the commercial developer, met and crafted a settlement that would transfer the commercial property to Oak Park. That agreement was not signed until May 2019 and came at a significant cost, as the interests of three parties were involved. The global deal involved the cancellation of the \$1.8 million mortgage and a \$700,000 mortgage with some exchange of money to satisfy the different obligations. At that point, the residential developer owned the commercial land, as well, but as part of that global agreement, they were required to file and complete a rezoning for the 12 single-family lots within 270 days. Additionally, the villa lots are enshrined in the agreement. There has been extensive effort to get to this point. While they would have preferred to have developed Option A, they did not have that option. They have worked with the land they could control. The proposed development will create an attractive front door to Oak Park, which has been missing. Since 2007, this commercial area could have been developed, but it was not. That is an indication the commercial land use did not make sense here in this residential area. Approval of the proposed rezoning would require an amendment to the Future Land Use, which shows these two reserves as being mixed residential neighborhood center. He is hopeful that the Commission will see the value of rezoning the retail as single-family residential. If that occurs, any of the 15-20 home models currently available in Oak Park would be available here. The density of the entire subarea would be 1.44 du/acre, which will decrease the overall Oak Park density to 1.77 du/acre.

Ms. Menerey, Associate, EMH&T, Inc., 5500 New Albany Rd., Columbus, Ohio, 43054, stated that all of the roads, alleys and utilities are in place. The two reserves on either side will be totally

encompassed by already constructed roads. The 12 proposed lots will be comparable to the perimeter lots. There will be a lower density with less units and an additional 0.5-acre of open space. They were asked to complete a traffic impact study, which showed a significant traffic reduction by replacing 40,000 square feet of commercial with 12 single-family homes of the existing palette. The entry here will be a replication of that approved previously for the villa development, creating a consistent look along the boulevard.

Commission Questions for the Applicant

Ms. Fox inquired if there would be a 60% lot coverage with the proposed development.

Mr. Cline stated that these 135-foot depth lots are actually five feet deeper than the 125-foot depth that is standard in Oak Park.

Ms. Fox stated that it is essential to look at the entire development holistically.

Mr. Cline responded that, essentially, the conditions in the rest of the subdivision would be the same here. Because the lots are a little deeper, there may be less lot coverage. Homeowners in this subdivision tend to put the larger homes on the smaller lots, so most of the homes built here are on the setback lines. That is the style of this subdivision.

Ms. Call stated that there is a 6-foot sideyard setback, a 15-foot rear setback and a 20-foot front setback. Is that consistent with what is expected in this area?

Mr. Ridge responded that setbacks have not been set necessarily, but the intent is to keep it consistent throughout.

Mr. Cline stated that the setbacks for the rest of Oak Park are not less than 13 feet or greater than 20 feet. That caused a problem, because the utility setbacks were 20 feet. They will probably specify the setback, which is likely to be 20 feet.

Ms. Menerey stated that with 55-foot x 130-foot lots, the buildable area, excluding the setbacks, would be 59%. However, the entire buildable area would not be built. There would be some additional greenspace, making it comparable to the existing development.

Ms. Fox inquired if the villa development is the same.

Mr. Cline responded that he believes the lot coverage was a little higher. The villas have detached garages; whereas, most of these homes will have a garage incorporated into the structure.

Ms. Call inquired about connectivity. There is no sidewalk along the upper and lower edges of the 12 lots. She does not like the shared-use roadway, especially in a neighborhood immediately off a main road. She would encourage them to add connectivity throughout the development.

Mr. Cline responded that they would work on that issue; however, they do not have a right-of-way. Typically, sidewalks are in the right-of-way. These are private streets, so there is no public right-of-way.

Ms. Menerey responded that there is a sidewalk extending from Hyland-Croy Road within an easement with a handicapped crossing. The entire perimeter block is very consistent with all the other perimeter blocks throughout the development. Where there are alleys, it is difficult to add sidewalks. The assumption was that people could walk a few feet along the alley past a couple of lots and access the greenspace.

Ms. Call stated that in the remainder of the development, it is possible to access the greenspace from an adjacent sidewalk. Along the perimeter of all the homes, there is a sidewalk. Open space is usable space for the residents, but if they do not live in the five homes that abut the areas, they must walk in the street to access it.

Ms. Menerey responded that the alleys are already in place. It would be necessary to walk only 130 feet to access the greenspace; however, they will look at that situation again.

Mr. Wilson requested clarification regarding the difficulty in adding sidewalks when they own the property.

Ms. Menerey responded that the lots extend to the end of the alleys and the alleys are in reserves. Adding a sidewalk in there would shrink the lot space. The sidewalk ends up being in the side yard setback or the building pad is reduced.

Mr. Wilson stated that, typically, alleys are for vehicles, particularly in larger cities. While they can be used by pedestrians, having separate spaces for each is preferable for safety reasons. Therefore, that will be necessary in this project.

Ms. Fox stated that she understands that the original intent was that the commercial developer would be using and paying for the private streets. However, that situation has changed, and maintenance of the private streets will become a burden for the residents. Normally, it would be necessary to provide residential streets with sidewalks and ability for vehicle parking, but due to the previously anticipated use as alleys, these are now narrow streets. She is not opposed to a rezoning to residential, but has an issue with the difficulties of squeezing residential into what was a commercial space with alleys and expenses that will become a burden for the homeowners.

Mr. Cline stated that there are issues when the developer does not build alleys to the appropriate specifications. In this case, all of the public and private streets in Oak Park have the same roadway specifications. They have been in place since 2007 and were built to municipal street standards. The only difference between the private and public street is the inverted crown streets – the drainage runs to the center rather than the curb, but they have the same drainage underneath the streets. The existing alleys are already part of Oak Park and are the HOA's responsibility. Currently, the developer has been paying for all the expenses of Oak Park. The HOA currently has \$260,000 in their account because they have not yet been asked to contribute to the general maintenance and upkeep of Oak Park. When the project for the villas came before Council for consideration, Council asked them to review the future maintenance costs. They provided a cost breakdown for future Oak Park that indicated a monthly HOA fee of \$70/month. Although the residents are paying \$98/month in HOA fees, there are many communities in Dublin that have an HOA fee of \$250-\$300/month. Due to the quality of these streets, following the same 10-year street maintenance schedule as the municipality should be sufficient. Although interest has been expressed in having the City assume the maintenance of these private streets, in the past, the City has not done so because, typically, private streets have not been built to municipal standards.

Ms. Menerey stated that Oak Tree Drive North and South was planned to accommodate head-in parking, so there is an additional 20 feet. They are suggesting taking 10 feet of that and providing parking on one side of the street. The fire hydrants, water lines, sanitary and storm sewers are already there. There is an opportunity to provide parking, and sidewalks could be installed in the easements, not public right-of-way.

Mr. Cline clarified that because this particular land is currently zoned for commercial, it is not part of the HOA. It is not subject to the deed restrictions and covenants of Oak Park, which was established by the residential developer. If approved, the proposed 12 homes will be incorporated into the HOA. The deed restrictions and covenants will be amended accordingly, and the HOA will have the HOA fees from these 12 homes.

Ms. Call stated that it appears that sidewalks were installed as the development took place within the existing neighborhood. In this case, the alleys are existing, so sidewalks would need to be added. However, that is what, typically, has occurred.

Mr. Cline responded that, due to the heavy construction equipment, one of the last tasks to be completed is the sidewalk installation.

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, and the proposed redevelopment of the townhome and commercial lots is directly in front of her home. Unfortunately, she and the homeowners received communication that the action of the homeowners would be an intentional interference with the contractual obligations and rights of the developer as well as other parties. That communication was clearly meant to discourage the homeowners from exercising their rights as residents of the City of Dublin to come before the Commission, and it undermines the very purpose of this public hearing.

Ms. Houseman provided a slide presentation. There are two main issues with this redevelopment: (1) the development inconsistencies, and (2) the undue burden that will be placed on the HOA for maintenance of the private roads. The homeowners would like to propose that the developer's Option A be brought back with the Commission's indication of support and that all private roads be converted to public roads.

Background:

Oak Park originated in 2006 as a mixed-use development. In 2017, the developer requested the rezoning of the townhomes. In the PZC minutes of 11-10-16, Commissioners indicated a need to do something to prevent the residential development from going dark and their recognition that the commercial development would not occur. At that time, there was no ability to put pressure on the absentee landowner (of the commercial area). Today the facts are different. Both Subarea D, the townhomes, and Subarea E -- the commercial lots, are owned by the same developer. As of today, there has been no construction activity in either subarea, and no plans have been submitted by the developer for construction of homes in Subarea D. Because one developer now owns both areas, the homeowners ask the Commission and Council to discontinue the piecemeal approach to rezoning in Oak Park and ensure that the redevelopment of Subarea D and E is consistent with the existing development. This would address the cluster problem and guarantee that the HOA is not overburdened with the maintenance of the private roads. The Developer's statement regarding Option A, submitted to the Commission in 2016, indicated that including both the commercial and townhome lots (Option A) was the best alternative. "It yields 32 single-family lots of a 125-foot depth and similar lot frontage to existing Oak Park lots. This option would continue Oak Park in a fashion similar to the initial phase in terms of unit size, architecture and quality of materials...." He also stated that because the residential developer did not control the

commercial land, that option was aspirational. A different statement in that same document was that a separate development of Option B and Option C yields the same number of residential units as Option A; however, the resulting value is less if Options B and C are developed separately. Option A would address all the inconsistencies. All of the lot depth would be consistent; the lot width would vary but be consistent with what exists in Oak Park. It would eliminate the cluster problem, because the 55-foot width lots would be spread out. The front and rear yard setbacks would be consistent with those of the current homes in Oak Park. The lot coverage for new homes would not exceed 60%, and the garage location would be consistent with existing Oak Park homes -- most on the front of homes with a variation for the corner lots. No fence would be needed, four alleys would be eliminated, and there would be an interior park open space that is consistent with existing Oak Park. When Option A was presented to PZC in 2016-2107, the Commissioners expressed support for Option A. Option A offers both the developer and the HOA positive results. The larger lots will make the homes easier to sell. As a mother, she would not want a villa home with a street immediately in front and an alley immediately behind. When she purchased her home in Oak Park, she was told that the developer expected empty nesters to be drawn to the community. Today, Oak Park is filled with families with young children. The villa homes will not be attractive to families. Option A would not reduce the number of homes the developer wants to build – 32 homes. It would eliminate the undue burden on the HOA. When the Oak Park plan was approved, it was anticipated that the Subarea D (townhomes) and Subarea E (commercial) would use the two adjacent reserves for ingress and egress. It was also anticipated that the HOA would own and maintain those reserves, and the HOA and the owner of the commercial lots would enter into a cost-sharing agreement to maintain those private drives. In the homeowners' declaration, there are two references to a cost-sharing agreement for the costs of maintaining the private drives. When she purchased her home, she anticipated that 108 lots would be contributing to the HOA; that there would be a cost-sharing agreement between the HOA and the owner of the commercial lots; and that the owner of the commercial lots would maintain the two roads that are parallel to Hyland-Croy Road. After the rezoning of Subarea D (townhomes) and with the proposed rezoning, there will only be 104 members contributing to the HOA, and the HOA would be wholly responsible for those reserves and alleys and for two additional private roads. As a result of the 2017 rezoning and the current, proposed rezoning, there would be no cost-sharing agreement to offset the cost of maintenance of the alleys, only increased costs for the HOA. The maintenance of private roads is a recurring topic. With the original rezoning ordinance for Oak Park, Ordinance 74-06, there is a memo from the City Manager that states, "At the November 6, 2006 City Council meeting, the issue of costs for private street maintenance becoming a burden for homeowners in the Oak Park development was raised. The applicant has supplied information addressing this issue." In the minutes from the first Council hearing on August 14, 2017, the following statements are reflected:

- Ms. Amorose Groomes stated that it had been the City's practice to discourage private streets. By standardizing the streets, it would make it easier for larger trucks to come into the neighborhood. These streets (the alleys) are much narrower than the balance of the streets.
- The Vice Mayor stated that maintaining roads is expensive for HOAs, and he does not want the taxpayers to have to pay this expense in the future.
- Mr. Lecklider stated that he assumed the expense of maintaining private roads would be shared with the commercial property owners.

At the September 11, 2017 meeting, it was noted that there had been an Oak Park alleys condition evaluation, which indicated the following: Crack sealing and patching would be needed in the next one-two years for an estimated cost of \$10,000, and pavement mill and fill would be

necessary in the next 8-10 years for a cost of \$120,000. The question was raised regarding who would be responsible for paying that cost. Unfortunately, there was no cost-sharing agreement in place between the commercial property owners and the residential property owners, even though that was included in their declaration. At the same Council meeting, Ms. Salay stated that the City "has tried to prevent rezoning or redevelopment like this, because it would create an undue burden for the residents. This has occurred a number of times, and the neighborhoods then come to Council for request relief. For that reason, the City now avoids having private streets in developments."

The issue of private roads is significant. As a homeowner, hearing that there will be a cost of \$120,000 in the next few years is very concerning. It does not matter that there is some money in the reserve fund, because that fund will not last indefinitely.

They conducted a HOA fee survey of some of the other communities in Dublin. She has provided a handout to the Commission that provides a comprehensive list of the HOA fees. For instance, the Westbury annual HOA fee is \$125, and they maintain 5 acres of land, fence and an entrance sign and landscaping. The Tartan Ridge fee is \$800/year, and they maintain 46 acres of land and ponds. A \$500,000 home in Muirfield is \$1,100/year. In Oak Park, the homeowners pay \$1,152 a year for 4 acres of common area, a clubhouse and pond. The rezoning of Subarea D, the commercial area, as proposed by the developer, will increase the burden on the HOA. For this reason, they ask that all their private roads be converted to public roads. They have obtained signatures from 96% of the homeowners (65 of the 68 built homes) on a petition in support of the developer's Plan A. [copies provided to the Commission.] In view of the minutes excerpts provided, if the developer had presented the currently proposed rezoning to the Commission and Council in 2006, it is certain it would not have been approved.

In summary, these are the HOA's requests:

1. Bring back the developer's option A. That plan is no longer aspirational, because the developer owns both areas. Option A would solve all the development inconsistencies, and it would eliminate the four alleys and the fences, which ultimately would reduce costs for the HOA.
2. Affirm that the Commission is supportive of such a plan.
3. Convert the private roads to public roads to prevent an undue burden on the residents. The City, developer and the homeowners have a tremendous opportunity to make the community of Oak Park a better place. The best possible outcome will be achieved by evaluating development opportunities at Oak Park in a comprehensive, holistic manner that will ensure consistency with the existing homes and eliminate an undue burden on the HOA.

Commission Questions to the Applicant

Ms. Kennedy inquired if the Commission is to assume that the developer is not in agreement with Option A.

Mr. Cline responded that the matter before the Commission is the rezoning of the two commercial reserves. That is the only matter which the Commission has the power to address with this application. If the rezoning is not approved, the commercial reserves will remain. Originally, Option A was their preference, but despite their efforts, they were not able to get control of that land, nor were they able to get the City to put pressure on that commercial developer. They proceeded with what they could do and developed the villas. Because the originally planned townhomes would have had no setback, the villas were an improvement. The Village homes all

have 5.0-foot setbacks on the sides, which is the minimum amount for Fire Department access. The Park homes did have a 6.0-foot access. At this point, there is no opportunity to return to Option A. The money has been paid, and there is now a contract that will address all the issues. The only issue that is unresolved is if the Commission will approve the elimination of the retail and replacement thereof with the proposed 12 single-family homes. Everything else is zoned and approved.

Ms. Newell stated that the existing Oak Tree Drive South extends through both of the subareas proposed for rezoning, and inquired if the Commission had the authority to require the streets included in the proposed rezoning area to be made public streets.

Mr. Boggs responded that he does not know from the depiction in the Concept Plan proposal that any or the entirety of those private streets are within the reserves under consideration at this time. He does not have the materials to evaluate that independently.

Ms. Newell inquired if staff is able to answer that question. They appear to be within the proposed rezoning area.

Ms. Husak responded that it is not as simple as requesting that these streets be made public. They are existing, built streets and are not built to public street standards. There is a Code in place that regulates how a private street can be converted into a public street, and as they exist today, these streets do not qualify for such conversion.

Ms. Newell responded that she understands the City's standards for public streets vs. private streets. There are other condominium communities with private streets, which the HOAs must maintain. However, because the streets here are in a proposed rezoning, it is valid to consider what impact that would make on the HOA fees in this community. Private streets can be reconstructed to public street standards, and with this rezoning, that seems an appropriate measure. She understands that unless the applicant submits a request to rezone the surrounding properties, the Commission cannot rezone it. What the Commission can control is what occurs with the parcels within the proposed rezoning.

Mr. Cline stated that Ms. Menerey has pointed out that there is no access to a public street from the two private streets. They connect to the entrance boulevard but not to Snowdrop Court. The land within existing Reserve J lies between the two. The question posed is if the Commission could approve the rezoning with the condition that the private streets be reconstructed to public street standards. The next question would be if his client would accept that, and he does not believe he would. If that is the case, unfortunately, the commercial site will remain in the middle of the subdivision.

Ms. Newell stated that it is equally odd to have Snowdrop Court, a public street, extend into a private street, and from the private street, connect back into Oak Park Boulevard.

Mr. Cline responded that the bulb is actually part of the reserve; it is not a public street. The boulevard is a public street, but the two circular bulb sections are not. In his opinion, the one 24-foot wide street that is constructed to the same roadbed standards as a public street could become a public street, if that were Council's direction. There is little difference between dual gutter streets and inverted crown streets, although there is a preference for the latter in Dublin. It is doubtful that the City Engineering Department would find that Oak Tree Drive North and South would impose a greater maintenance burden on the City.

Mr. Hammersmith responded that he does not believe that street was built to a public street standard.

Mr. Cline responded that he has those plans with him. All the streets in Oak Park were built to the same roadbed standards as public streets. His point is that these streets are not going to fall apart as have many of the streets in private developments in Dublin.

Ms. Newell stated that does not address the maintenance cost concerns for her. It is evident that there was to have been a shared maintenance agreement for those private drives.

Mr. Boggs stated that he is not aware of anything other than what has been presented by the two parties. However, the question before the Commission tonight is the Concept Plan. While, historically, there has been a concern regarding the wisdom of private streets and accepting public dominion over formerly private streets, he is unable to discern whether the private streets are within these subareas and within the scope of the rezoning request before the Commission at this time. If they are, in fact, all in the previously rezoned Subarea D, that would not be part of the application before the Commission. At this Concept Plan stage, it is the initial opportunity for applicants, the public and the Commission to review the Concept Plan. Detailed drawings and development text would come with a Preliminary Development Plan review, which is the next step. At this time, nothing the Commission or applicant says binds their action with the Preliminary Development Plan stage.

Mr. Fishman stated that hearing the citizen representative's presentation made him proud to be a resident of this City. This type of citizen involvement is what makes Dublin what it is. In Dublin, traditionally, a certain percentage of the residents and the developer are in agreement before a rezoning occurs. In this case, 96% of the residents are in opposition to the proposed rezoning. He would suggest the Commission table the case to allow the residents and the developer an opportunity to meet. When the applicant returns with a Preliminary Development Plan proposal, they will have achieved some agreement. He is not supportive of private streets. A developer should not be permitted to install private streets and, ultimately, the City end up becoming responsible for them. In such cases, the City has had to rebuild private streets to public street standards. The developer has not considered reducing the number of units in order to change the street configurations.

Ms. Newell clarified that only the applicant can request their case be tabled.

Mr. Boggs reminded the Commission that a Concept Plan review provides an opportunity for the Commission to provide early feedback on a plan. The applicant takes the feedback and determines whether or not to submit a Preliminary Development Plan.

Ms. Call stated that, ultimately, she is in favor of rezoning the commercial area to residential. However, the proposed plan is not yet what it should be. She would encourage the developer to work with the Oak Park community, as they will be living next to the proposed development.

Ms. Fox stated that the rezoning proposal criteria asks whether the rezoning would negatively impact those adjacent to the rezoning site. In this case, the residents have voiced their concerns clearly. Eliminating the commercial is a good idea; residential would be appropriate in this area, but she is concerned about the negative impact of the proposed rezoning. The Commission needs to consider how to convert private streets to public streets. They are too burdensome for HOAs to handle; it is not in their purview. As for the site itself, she has some suggestions:

- 1) Address the inconsistencies in the setbacks and rights-of-way.
- 2) On Oak Park Boulevard, there a landscape buffer and four of the driveways on that street empty into the buffer. There is very little space for ingress and egress.
- 3) She agrees with the concern regarding connectivity. There are some lovely greenspaces here, and it is necessary to provide ability for children to get off the roadways, regardless of whether they are alleys. The site is overwhelmed with children on skates and bicycles. We do not want children going to a park via a road that has driveways emptying into it. She would encourage the developer to look at opportunities for making this a safer environment for the residents.
- 4) In her review of the past minutes, it was clear that the intent was that Oak Park Boulevard provide a long-distance view to the Community Center, which is a lovely structure. The proposed landscape plan obstructs that view. Because the roadway is narrower in some parts than others, her suggestion would be to have landscaping on the perimeters of Oak Park Boulevard that has a focal point. Upon entering the Oak Park community, the long distance view to the community center needs to be enhanced.
- 5) In reference to the greenspace, the Oak Park development text refers to the appearance of an English-Irish cottage setting. Because of the lack of connectivity, these greenspaces seem to separate. When those spaces are developed, it would be nice to have a feature similar to what exists behind the Community Center, something to draw the neighborhood to it, such as a path or a fountain.
- 6) Finally, she cannot support a rezoning proposal that does not have the support of the residents in that neighborhood.

Mr. Fishman noted that he did not hear the residents' objection to the "right kind" of commercial development. The developer stated that what was originally proposed was an obtrusive type of commercial, such as auto repair and fuel services. Now that one developer owns all the property, perhaps a type of light commercial could be identified that would be acceptable to the residents. Mr. Cline stated that if the proposed rezoning does not go forward, the commercial lots could be sold to another developer.

Ms. Newell pointed out that anything that is permitted to be developed on that property today as it is currently zoned would continue to be permitted on that property, unless an applicant brought a different proposal before the Commission. That is one of the issues the Commission considers with a rezoning.

Mr. Cline stated that would not be a positive result. This entire process has been confronted with having to making choices that were not the preferred choices.

Mr. Fishman responded that he understands that. At this time, however, he is not supportive of the closeness of the houses, the private streets, and the HOA having the burden of the private street maintenance.

Mr. Wilson stated that he concurs with the statement that it is important for the developer to have conversations with the residents and ensure that the result is a plan on which everyone agrees. He is supportive of rezoning the commercial area to residential. Due to its distance from the street, it would seem more appropriate for it to be a residential community. He is not supportive of the proposed layout, but because one developer controls the area, he is hopeful

they can identify a more suitable layout. It is important to ensure better walkability and accessibility within the community.

Mr. Fishman stated that although fences are not on the property proposed for rezoning, he reminded the Commission of its intent never to create a situation where fences are needed. It has been previously stated that trees improve when they age; fences get worse. They require maintenance that creates a burden for an HOA.

Mr. Supelak inquired in what stage is the development in Subarea D.

Ms. Husak stated that the Concept Plan is the first step in a rezoning request. If the developer were to develop it commercially, as it is already zoned, it would be in the final step – the Final Development Plan.

Mr. Supelak responded that would be the case with Subarea E. Subarea D is the villa development, which has been approved.

Ms. Husak responded that the development in Subarea D is in the Building Permits stage.

Mr. Supelak stated that he concurs with fellow Commissioners regarding rezoning the commercial subarea to residential. In the past, we have been ambitious regarding commercial pockets; ultimately, they have proven to be hard to market. The right commercial entity has to be identified. Private streets are very unfortunate, and the developers had many opportunities to avoid creating the problem in the first place. That is a burden that is now falling on the homeowners, which is very problematic. In Subarea E, sidewalks will be important. It will also be important to have a development that will maintain the character of the lot size, architecture and aesthetics of the greater community. It will also be important not to add any extra expense to the HOA, but rather to reduce it.

Ms. Kennedy thanked Ms. Houseman for her presentation. It is meaningful to the Commission to hear from the people who live in that area, and is important for the Commission to keep those comments in mind as the process moves forward. The residents requested that the Commission bring back Option A, but according to the developer, that is no longer an opportunity. In regard to private roads, the Commission will not be able to identify a resolution at this time, but the Commission has attempted to make its desires known on the residents' behalf. Unfortunately, the Commission does not have the ability to impact the areas of change that the residents request. In regard to other areas, such as sidewalks and connectivity, the Commission does have the ability to influence the process.

Ms. Newell stated that there are ways to create the desired connectivity along all of the private streets. In terms of the area along Oak Drive, there was testimony that within the subarea, at a minimum, the road needs to be designed and constructed as a public street. It is extremely odd to have a public street tying into a private street that will tie back into a public street. She understands how it occurred, but it needs to be addressed differently in this rezoning.

Mr. Cline stated that it may have made sense at the time because the road provided access to the commercial area, which that developer owned.

Ms. Newell stated that she is supportive of rezoning this area to residential property as it is in the best interest of this community. Her experience as a Dublin resident and a Commission member has made her aware that most of the areas with commercial development within residential

neighborhoods have not done well in the long run and have become problematic for the neighborhoods.

Mr. Cline thanked the Commission for their input.

Ms. Newell thanked the residents for their interest and involvement.

[A five-minute recess was taken.]

~~3. OSU Medical Campus, 19-055CP, Concept Plan~~

~~Ms. Newell stated that this application is a request for review of a Concept Plan, which is the first step for the potential rezoning of a 34-acre site from ID-1, Research Office District to Planned Unit Development District for the potential development of a medical office building and an ambulatory care center (Phase I) and a potential future hospital (Phase II). The site is on the north side of Shier Rings Road, east of Eiterman Road, west of Avery Road, and south of US 33.~~

~~Staff Presentation~~

~~Background~~

~~Ms. Husak stated this a Concept Plan review for The Ohio State University (OSU) Wexner Medical Campus to be located in Dublin. The Concept Plan will provide informal feedback from the Commission. The applicant has filed an application for a rezoning to a PUD. The 34-acre site, currently owned by the City of Dublin, was acquired for economic development purposes. The site, located within the eastern portion of the West Innovation District and on the south side of US33, is currently comprised of three parcels. Eventually, there will be a preliminary development plat and final plat application, which will result in a parcel of the size and shape shown [image shown], and will provide access through public right-of-way. On the south side is Shier Rings Road, where the Dublin Service Center and the Dublin School Transportation site are located. The Ballantrae neighborhood is also located to the south. On the west is the Washington Township Administration Building, a church and the Sutphen Corporation. Cosgray Ditch runs through the site, and the City of Dublin has committed to working with the Army Corps of Engineers in relocating that ditch. Public notices of the project were sent out recently. The Community Plan shows the future land use for this site as RD-Research and Development. In 2017, City Council approved Ordinance 69-17 for an amendment to the West Innovation District (WID) Special Area Plan as part of the City of Dublin Community Plan. The updated plan is more inclusive in regard to land uses. It provides different amenities and opportunities for development, particularly driven by the OSU Heritage College, which is located in the northern portion of this district. To date, little development has occurred in the district. The site was zoned ID as part of the original Innovation Plan, adopted in 2011, so its current zoning is ID-1, which is a research and office zoning district. All of the uses that will be included in the PUD zoning are permitted currently in the ID-1 District. However, a PUD will provide more flexibility for the applicant and the City.~~

~~Proposed Site Plan~~

~~The plan for a medical campus will be developed in two phases. Phase I will include medical office space as well as an ambulatory care facility. Phase I will include approximately 250,000 square feet with parking provided in three distinct areas. The western portion of the site will remain vacant in Phase I, but will accommodate a future Phase II. The plan is to provide access to the site along the southern boundary from existing Shier Rings Road extending west toward Eiterman~~

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 52-17

Passed _____, 20____

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

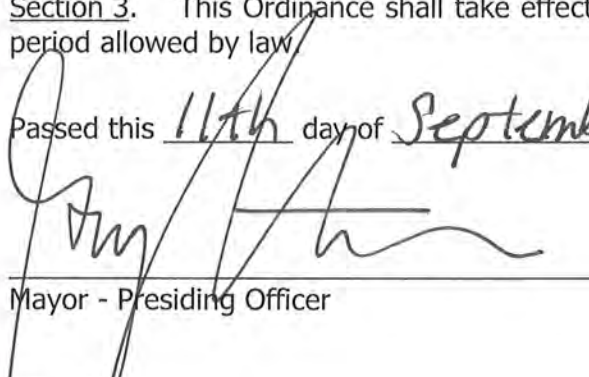
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, 7 of its elected members concurring, that:

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

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

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

Passed this 11th day of September, 2017.



Mayor - Presiding Officer

ATTEST:



Clerk of Council

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

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

CONSENT AGENDA

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

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

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

Vice Mayor Reiner seconded the motion.

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

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

POSTPONED ITEMS

Ordinance 52-17

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

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

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

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

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

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landscape features that are a part of Subarea D and part of this rezoning application. The estimated annual costs for open space maintenance are based on the City's contracted standards. This cost would be distributed across the 92 residential units at full build-out with this new rezoning.

- (b) Exhibits B and C provide both the monthly report for Oak Park with itemized expenses and an evaluation completed by staff on the condition, timing and estimated costs for repairs for the private alleys.
- (4) Exhibit D consists of six documents that depict the layout and architectural style of the commercial subarea. [PowerPoint slides of conceptual layouts of the commercial subarea were shown.]

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

Council discussion:

Mr. Lecklider:

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

Ms. Amorose Groomes inquired if the request for amendment would delay this project, or if it would be applicable only to future projects.

Ms. Readler responded that such a Code amendment would apply only to future applications.

Mr. Lecklider continued:

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

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

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

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

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

Mr. Logan responded affirmatively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Cline responded affirmatively.

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

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

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

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

Mayor Peterson inquired whose responsibility is the pile of dirt referenced by Ms. Houseman.

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

Ms. Salay inquired the location of this lot in the subdivision.

Mr. Cline responded that it is at the rear corner.

Mayor Peterson noted that the applicant has indicated this situation would eventually be rectified.

Mr. Cline concurred. As a side note, the homeowners adjacent to that lot do not want that space to be an active play area. However, that it is the only space sufficiently sized for an active play area. The City has programmed it in a future Parks budget.

Ms. Amorose Groomes stated that the lot is the City's, but who owns the dirt dumped on the lot?

Mr. Cline responded that it is the responsibility of the developer.

Vice Mayor Reiner stated that Metro Parks needs dirt for a mountain bicycle track, which will be constructed in the next phase of the Metro Park renovation. Perhaps that is a possible solution for moving this dirt.

Mr. Cline requested that the contact information be forwarded to him, and he would make that contact with Metro Parks.

Vice Mayor Reiner inquired if this project is nearing its end.

Mr. Cline responded that they are nearly out of single-family lots. Of the 72 lots, eight remain uncommitted. The completion of this development is nearing, and his client needs to do something with the commercial area.

Vice Mayor Reiner stated that this commercial space is attractive and would be a lovely amenity for the neighborhood, but it is also architecturally extravagant. If the applicant finishes the resident portion, what guarantee is there that the commercial portion will ever be developed for the residents?

Mr. Cline responded that the applicant has no ownership in the commercial portion. Part of the original land purchase agreement was that the partnership would retain three acres for commercial development. His client, Oak Park Dublin, has a mortgage for \$1.8 million on that land. Because of some of the issues, the City suggested that they attempt to acquire that commercial land. They were interested in doing so, as it would have helped them produce a better project. However, they were unsuccessful in obtaining control of that land.

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

That is a concern.

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

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

Vice Mayor Reiner inquired about the potential for this site.

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

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

Ms. Amorose Groomes asked if a condition could be added to require the relocation of the soil that is on the City-owned parcel.

Discussion followed regarding an appropriate timeframe for the condition to be satisfied.

Mr. Cline noted that he would like to explore the Metro Parks suggestion.

Ms. Salay noted that whatever is objectionable about the dirt pile would be less so during the winter. She is intrigued by the idea of moving the dirt to the Metro Parks area.

Vice Mayor Reiner stated that Metro Parks has not completed their plans, so they will need time to put the plan together.

Mr. Peterson suggested April 1 as the timeframe for the dirt removal.

Ms. Amorose Groomes inquired whose responsibility it is to grade and seed the area.

Mr. Cline indicated that it is the developer's responsibility.

Ms. Amorose Groomes noted that seeding season would end approximately May 1.

Mayor Peterson moved to approve the rezoning with the additional condition that by May 1, 2018, the applicant have the dirt pile located on Reserve F hauled away and Reserve F graded and seeded.

Ms. Alutto seconded the motion.

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

Mayor Peterson moved to approve the preliminary and final plats.

Ms. Alutto seconded the motion.

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

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 50-17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ordinance 52-17

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

- Preliminary and Final Plats

Mr. Lecklider introduced the Ordinance.

Mr. Stang stated that this development is on the west side of Hyland Croy Road at the intersection of Oak Meadow Drive and Oak Park Boulevard. The proposal is to rezone subarea D of the Oak Park Planned Unit Development to allow for detached single-family homes. The Community Plan has two future land use designations that this site overlaps: the first is the Mixed Residential Low Density, which is intended to provide a mix of housing options; the second is for the Mixed Use Neighborhood Center providing retail uses and personal services. This proposal complies with the recommended land uses by providing a smaller size residential lot within the existing development and allowing for the commercial portion to develop under the original zoning approval. Mr. Stang provided an illustration showing that the site is located within a Special Area Plan. The Northwest/Glacier Ridge Special Area Plan provides a conceptual layout for future development that is consistent with the layout for the Oak Park development and addresses all recommendations. No improvements will be needed in infrastructure as this is a decrease in density.

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

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

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

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

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

Are fences allowed to be built on the property line?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Stang stated that was correct.

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

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

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

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

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

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

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

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

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

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

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

Mayor Peterson invited the applicant to present.

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

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

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

Mayor Peterson asked whether they are still trying to control that land.

Mr. Cline stated that they are committed to this development and have eight or nine lots that remain vacant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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Mayor Peterson stated that expectations are critically important and he would like to make future residents aware of what to expect.

Vice Mayor Reiner stated that maintaining roads is expensive for HOAs. He doesn't want the taxpayers to have to pay for this in the future.

Mr. Lecklider stated that he assumes the expense of maintaining private roads would be shared with the commercial and other property owners.

INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS

Resolution 60-17

Approving the Petition for Special Assessments for Special Energy Improvement Projects Under Ohio Revised Code Chapter 1710 (5500 Frantz Road Project).

Mr. Lecklider introduced the Resolution.

Ms. Gilger stated that for the past 18 months, the City has been sponsoring energy audits for this area for an office competitiveness program. Staff hoped that by sponsoring these audits, building owners would learn of some improvements that could be made to their buildings and make them. This program is new for the City, but not for the State. PACE (Property Assessed Clean Energy) is a financing mechanism that enables low cost, long-term funding for energy efficiency, renewable energy and water conservation projects. Within central Ohio, the Columbus/Franklin County Finance Authority established the Columbus Regional Special Improvement District that allows for additional properties within the City of Columbus, Ohio and within any municipal corporation or township that is adjacent to any other corporation or township to opt in to the District. Projects between \$200,000-\$6,000,000 can be financed through the Finance Authority's bond fund. The City has no financial obligations related to these improvement projects.

Jean Carter-Ryan with the Columbus/Franklin County Finance Authority provided a short presentation for Council. The specific project before Council is for 5500 Frantz Road, and includes \$500,000 worth of improvement to that facility. There were two Resolutions before Council at this meeting and three Ordinances at the August 28 meeting, which are necessary to establish the Special Improvement District.

Ms. Carter-Ryan stated that the Finance Authority is excited to be involved in this program. There is a gap in the market and these improvements are hard to finance. This law that was created in 2009 allows building owners to petition the City for this assessment. This is a great opportunity for building owners to make energy efficiency improvements.

In response to Mr. Keenan, Ms. Carter-Ryan stated that the money is advanced from the treasury and the amounts are anywhere from \$200,000 to \$5,000,000.

Mr. Keenan stated that the Ohio Air Quality Development Authority does similar work for efficiency projects.

Ms. Carter-Ryan stated that the main difference is the Ohio Air Quality Development Authority has to partner with a bank as a conduit for funding. The Finance Authority obtains their funding from Franklin County through the Smart Energy Program.

Mr. Keenan inquired whether energy consumption is monitored.

Ms. Carter-Ryan confirmed that it is, and that they require an American Society of Heating, Refrigeration, Air Conditioning Engineers Society audit, which is the national society that has established national standards.

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

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

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

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

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

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

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

Planning Contact: Logan Stang, Planner I.

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

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

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

*Chris Cline agreed to the above condition.

VOTE: 6 – 0.

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

RECORDED VOTES:

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

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





RECORD OF ACTION

Planning & Zoning Commission

Thursday, July 13, 2017 | 6:30 pm

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

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

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

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

*Chris Cline agreed to the above conditions.

VOTE: 6 – 0.

RESULT: This Final Development Plan was approved.

RECORDED VOTES:

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

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

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

*Chris Cline agreed to the above conditions.


VOTE: 6 – 0.

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

RECORDED VOTES:

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

STAFF CERTIFICATION


Logan Stang
Planner I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair called for public comment.

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

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

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

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

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

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

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

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

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

Motion and Vote

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

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

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

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

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

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

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

Motion and Vote

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

Motion and Vote

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

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

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



RECORD OF DISCUSSION

Planning & Zoning Commission

Thursday, November 10, 2016 | 6:30 pm

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

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

**Oak Meadow Drive
Informal Review**

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

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

Applicant: Christopher Cline, Blaugrund Kessler Myers + Postalakis.

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


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

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

MEMBERS PRESENT:

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

STAFF CERTIFICATION


Jennifer M. Rauch, AICP, Planning Manager



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

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

**Oak Meadow Drive
Informal Review**

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

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

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

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

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

Ms. Rauch stated the discussion questions:

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

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

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

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

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

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

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

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

The Chair called for public comment.

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

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

The Chair opened the Commissioner's discussion.

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

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

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

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

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

The Chair reminded everyone that this is an Informal Review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Ohio University Dublin Framework Plan 16-093ADM

Administrative Request

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

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

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

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

Motion and Vote

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

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Ordinance 73-06 (Amended)

Adopting a New Compensation Plan for the City of Dublin and Repealing Ordinance 98-96 ("Compensation Plan") and All Amendments Thereto

(Ordinances 11-97, 43-97, 86-97, 100-97, 134-97, 08-98, 20-99, 41-00, 77-00, 118-00, 128-00, 26-01, 01-02, 11-03, 43-03, 83-03, 01-04, 38-04, 78-04, 06-05, and 31-05).

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

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

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

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

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

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

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

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

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

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

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

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

Ordinance 74-06

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

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

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

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

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

Mayor Chinnici-Zuercher invited public testimony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ordinance 75-06 (Amended)

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

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

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

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

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

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

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

Mr. Smith responded that is an accurate statement.

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

Ordinance 76-06

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

Ms. Gilger stated that Saber is looking to locate at 5555 Glendon Court and the City is

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 74-06

Passed _____, 20____

AN ORDINANCE TO REZONE APPROXIMATELY 61.35 ACRES, LOCATED ON THE SOUTHWEST CORNER OF MITCHELL-DEWITT ROAD AND HYLAND-CROY ROAD FROM R, RURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT (OAK PARK MIXED-USE – MITCHELL-DEWITT ROAD AND HYLAND-CROY ROAD – CASE NO. 06-064Z).

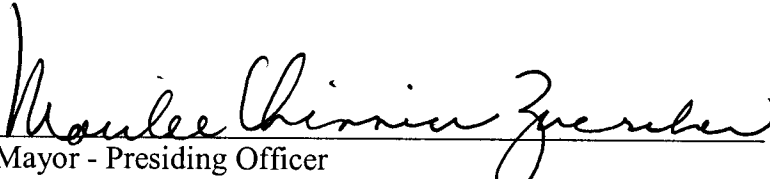
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, 5 of the elected members concurring:

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

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

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

Passed this 20th day of November, 2006.


Maurice Chinnier
Mayor - Presiding Officer

Attest:


Anne C. Clarke
Clerk of Council

Sponsor: Land Use and Long Range Planning

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


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