



DUBLIN PLANNING AND ZONING COMMISSION

CITY OF DUBLIN

MEETING MINUTES

JULY 16, 2009

Land Use and
Long Range Planning
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Agenda

- 1. Perimeter Center PCD – Subarea I – Crown Mercedes and Chrysler**
6350 and 6500 Perimeter Loop Road
09-053AFDP
Amended Final Development Plan
(Postponed)
- 2. Coventry Woods – Lot 74**
09-057AFDP/FP
4775 Chaddington Drive
Amended Final Development Plan/Final Plat
(Final Plat - No recommendation)
(Amended Final Development Plan – Tabled 6 – 0)
- 3. Ballantrae and Cramer’s Crossing – Dalmore Park**
09-046FDP
5575 Stockton Way/6605 Dalmore Lane
(Approved 6 – 0)
Final Development Plan

Chair Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were: Todd Zimmerman, Warren Fishman, Richard Taylor, and Amy Kramb. Flite Freimann arrived at 6:57 p.m. Kevin Walter was absent. City representatives were: Steve Langworthy, Claudia Husak, Jennifer Rauch, Rachel Swisher, Jennifer Readler, Laura Karagory, Kristin Yorke, Alan Perkins, Adam Anderson, Grant Shiring, Amanda Mahar, and Libby Farley.

Ms. Amorose Groomes noted that there were no meeting minutes to approve.

Motion and Vote

Mr. Freimann made a motion to accept the documents into the record as presented. Todd Zimmerman seconded the motion. The vote was as follows: Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Taylor, yes; and Mr. Fishman, yes. (Approved 5 – 0.)

Administrative Report

Claudia Husak said that additional information had been distributed tonight for Case 2, Coventry Woods – Lot 74 and included an email addressed to Council member Michael Keenan from Mark Hunter which was forwarded to the Commission from the Clerk of Council’s office, a larger copy of the Coventry Woods plat, and the approved Building Permit set.

Ms. Husak pointed out that an Annual Items List with the Commissioners’ email correspondence had been included in the packets. She asked when they would like to discuss the list. Ms.

Amorose Groomes asked if comments on the list were received from all the Commissioners. Ms. Husak said she had not received any comment from Mr. Freimann, but was unsure if that was due to his move. She suggested that at the August meeting, the Commission vote on the List and forward it to the City Manager's office.

Ms. Amorose Groomes requested that the discussion and vote of the List be placed on the next Commission agenda.

Ms. Husak said due to City Council being on Summer Break, there was nothing to report.

Administrative Business

Ms. Amorose Groomes announced that the meeting Agenda would be restructured in anticipation of Mr. Freimann's arrival and that the election of Vice Chair would be moved until later.

Ms. Amorose Groomes noted that there were three cases on tonight's Agenda, however, Case 1 – 09-053AFDP - Perimeter Center PCD – Subarea I – Crown Mercedes and Chrysler, had been postponed. She said the other two cases would be heard in the order of the published Agenda.

Mr. Taylor pulled Case 3 – 09-046FDP - Ballantrae and Cramer's Crossing – Dalmore Park - 5575 Stockton Way/6605 Dalmore Lane from the consent items.

Ms. Amorose Groomes said that Mr. Taylor had researched some of the zoning code issues that were discussed at the meeting and that conversation would be saved until the end of the meeting so that the public interest portion could be heard first.

1. Perimeter Center PCD – Subarea I – Crown Mercedes and Chrysler
09-053AFDP **6350 and 6500 Perimeter Loop Road**
Amended Final Development Plan

This case was postponed prior to the meeting. Notices were mailed to the surrounding property owners. There was no discussion or vote taken.

2. Coventry Woods – Lot 74 **4775 Chaddington Drive**
09-057AFDP/FP **Amended Final Development Plan/Final Plat**

Chair Amorose Groomes briefly explained the Commission rules and procedures regarding this case.

Claudia Husak presented this request for review and approval of an Amended Final Development Plan and Revised Final Plat for Lot 74 within Coventry Woods, Section 2. She said the lot was approximately 200 feet deep with frontage on Dublin Road and on Chaddington Drive where there is driveway access. She said this lot is on the east side of Dublin Road. She presented a photograph showing the property boundaries of the lot. She said the development text requires setback along Dublin Road for this lot, which was shown on the subdivision plat as a 100-foot buffer. She said this proposal is to decrease that setback from 100 feet to 80 feet. Ms. Husak said there is a single-family home on the lot and a portion of the driveway extends into the buffer. She said the homeowner proposes to build an addition to the house that would be within this buffer.

Ms. Husak presented photographs of other lots within Coventry Woods, four of which have frontage on Dublin Road, three north of Chaddington Drive, and one to the south, which is the subject of this application. She said there are also four lots on Brand Road. She reiterated that the development text requires a No Build Zone to buffer these lots from both of these roads, but it did not state the width or any of the requirements of the size of the setback, and both of the road setbacks on the plat are a 100-foot buffer.

Ms. Husak presented the proposed plat showing a 20-foot hatched line, which was the distance between the 100-foot buffer and the proposed 80 feet, which is what the applicant is proposing. She also presented a superimposed footprint of the home that showed where the room above the garage was proposed and its location within what is now the 100-foot buffer. She said this is why the applicant wants to decrease the size of it to add onto the home. Ms. Husak presented photographs of the area of the lot where the proposed addition approximately would be located and the existing landscaping and entry feature on Coventry Woods Boulevard. She pointed out that to south of and adjacent to this lot is a City-owned and maintained reserve.

Ms. Husak said that Planning has reviewed the Amended Final Development Plan and the revision to the Final Plat, and it was their opinion that the adoptive polices and plans criteria, and the plat information criteria are not met with this proposal and they are recommending disapproval of both portions of this application.

Aaron Underhill, Smith and Hale, the attorney representing the applicant, Kristin Fiorita, explained that this was a platting issue because the zoning text was silent and the only specific reference to the width of the buffer in question was on the plat, and they have to go through a different process than they would for a variance. He said the plat does not provide any notes regarding the 100-foot buffer from Dublin Road; therefore they are left to look at what was the intent behind the buffer. He said he thought the intent could be gleaned from the zoning text. He said while it does not provide a reference to the buffer width, it does provide that the buffer is intended to provide adequate buffering and setback from Dublin Road. He said then, the question becomes, what is an adequate setback and buffer. Mr. Underhill said the purpose of a buffer was to promote a certain character along this roadway and to promote a feeling that structures are not imposing upon what is a heavily travelled road.

Mr. Underhill said the property owner, upon building this home in the early 90s put in the substantial evergreen trees. He pointed to the photograph where the stone fence could be seen and said that was where the addition was proposed. He said the house could not be seen now, and it was doubtful it could be with what they were proposing. Mr. Underhill noted that in terms of the actual structure to be built, it will only encroach 14 feet into the 100-foot buffer. He said the remaining six feet was to accommodate a sidewalk that will allow the residents to walk to the rear of the home.

Mr. Underhill said this was not the first encroachment into this buffer, there was the large stone wall, lighting, and a sign in the buffer. He said they would expect those to be in an entry feature, even along a roadway of this nature, but he thought the purpose of the buffer was still served with this addition, due to the fact that there is substantial screening in place.

Mr. Underhill said the next place to look to determine the intent of this buffer was the Community Plan which designates Dublin Road as having a River character, and recommends

“modest setbacks of 60 to 100 feet”, so on roads of this size and character, it is definitely contemplated that a less than 100-foot buffer could be utilized. He said also the Community Plan demonstrates and says that the existing and further right-of-way for Dublin Road is to be 80 feet wide, so following the Community Plan, there are no plans to widen this road, in which case, if it were to be widened, would be closer to the residents, and that will not be the case here.

Mr. Underhill said it should be considered how the neighbors will be impacted. He said obviously, with the screening in place, the neighbors across Dublin Road will not even recognize that there is anything going on back here, and it will be no difference to them, even if this addition is made.

Mr. Underhill said the property owner to the north, who was present, is in favor of this proposal. He said the homeowner’s association had been presented with this proposal and voted in favor of it. He thought the majority of the neighbors were in favor of this proposal.

Mr. Underhill said that the size, screening and the orientation of the home on the lot makes it different than any other. He said it would be easy for the Commission to deny it, if another applicant without this mature screening requested the same thing. He said he thought the intent of the buffer zone had been met, even with this addition, and for that reason, he asked that the Commission approve these requests.

Ms. Amorose Groomes asked that any one having public comment regarding this application come forward.

Robert Adamek, 4897 Lytfield Drive, said as a former City Council member, he had been involved in the adoption of the 1997 Community Plan, and had sat through many discussions concerning the buffering of Dublin’s scenic roadways; Brand Road and Dublin Road, specifically. He said the intent then was not to screen everything, but to create lines of sight in the corridors so that when driving the roads, you wanted to see what was inside that roadway, not necessarily have these houses right on the road. He said this applicant has added a lot of landscaping over the years in addition to the significant landscaping that the homeowner’s association has added around the entry walls. He said if the intent of the Community Plan was to create that intrigue, they are not going to impede upon that concept at all with acceptance of this proposal.

Mr. Adamek said as a subdivision homeowner, he had spoken to many of his neighbors, and there is no one who will be adversely affected by this and no one had approached him, as a board member of the association. He said they voted and it was unanimous that the association was in favor of this proposal. Mr. Adamek said as a previous Council member, he thought that this applicant had met the intent and that as an affected homeowner, he did not think it was going to affect any of them, and as a citizen of this community, he did not think you will ever notice the addition was there.

Cathy Zemanek, 4794 Chatelaine Drive, said they had reviewed the plans for the proposed addition, and knowing the owner’s work and how tastefully and beautifully he did things, they did not oppose the proposal. She said they are the only home in the neighborhood that would visually see the front of the house. She said they cannot see their garage from their viewpoint, so

it was well out of site and will not be interference. Ms. Zemanek said it was not objectionable and they were in full support of this.

Mike Maloney, 4789 Chaddington Drive, said the Fiorita's had maintained a wonderful lot and had significantly beautified the area by adding additional screening over the years along Dublin Road, as well as in front of their house. He said they are fully in favor of the plan and see no issue. He agreed that no one would be affected. He said especially across Dublin Road, the setback is so large and there are such tall beautiful trees, that no one will see it.

Ms. Amorose Groomes asked for Commission comments.

Amy Kramb confirmed that the Development Text did not specify a distance and the only place that it was specified was the way it was platted. She said she was okay with it, but thought if this was changed; the other three lots along Dublin Road should be changed to make them all the same. She said the lawn was crowded and could not hold anything else on it, but if the neighbors did not object, she was okay with it.

Todd Zimmerman said there were many homes in Dublin where every square-foot of the lot was used the first or second time. He said this was not about the applicant wanting to add to their home, it was about what they were going to change, a final development plan and the final plat. He said he was considering that when and if the Commission does this, are they going to do it for others and what was the intent for Dublin Road in the future. He said the Community Plan is just guidance and not engraved in stone. Mr. Zimmerman read from the approved development text and said that he thought the intent 25 years ago was the same as what we are looking at now which was to have wide open vistas to leave things open, and it was plotted and done that way. He said it might not have said No Build, but it was still the 100-foot setback. Mr. Zimmerman said this was separate than just the addition issue.

Richard Taylor said with respect to the other neighbors; this was the best-looking house in the neighborhood which baffled him about the size of the addition proposed, even though it was not an issue under consideration. He said it was a significant raising of the roof and lengthening of the addition of the house. He said he looked at this from two perspectives. He noted that the previous discussions regarding the development text, beginning in 1986 made reference to the area that was eventually platted as a buffer and not as a No Build Zone. He said the 100-foot buffer comes up repeatedly in 1986 at City Council and the Commission in 1987 and 1989. Mr. Taylor said his first reaction was that he was not inclined to go back and revise the judgment of those boards back then which examined this entire neighborhood in much greater detail than the Commission is doing here for this one house. He also said, with respect to the neighbors who spoke, he thought this did set a real easy precedent for someone else to request the same thing because there is nothing about this property or house in particular that makes it a unique case.

Mr. Taylor said he disagreed with Mr. Underhill about the trees. He said trees provide a great buffer, but they are not permanent. Mr. Taylor said he was inclined to stay with the intent of the original drafting of this and keep the 100-foot buffer zone as it is.

Flite Freimann arrived at 6:57 p.m. and apologized for his lateness. He said that he was in favor of letting the applicant build an addition onto their home, but the question was how to do it in a way that was fair to everybody else in the community. He said it appears that the 100 feet was

on the side of this residence, but on all the other residences, it was in the rear. He said the applicant has the sign and wall in front of their home and it was just different specifically for this house, and maybe a little for the house directly to the north than for those homes along Brand Road. He said he wanted to support this application, and he turned to Planning and the Law Director to ask if there was any way to approve this so that it only applies here without giving everybody else an 80-foot buffer.

Jennifer Readler said the other lots could not be changed without applications before the Commission. She said in terms of legal precedent, the Commission is not mandating, obligating them to automatically giving all of the other houses the encroachment into the setback; it would be based on the individual lots. She said there might be a fairness argument with the other lots coming in and then wanting to get them the same amount of encroachment, but the Commission is only dealing with the parcel before them today. Ms. Readler said this is unusual in that it is a platting issue and not a variance, and the platting and amended final development plan standards must be used for this application.

Mr. Freimann said this lot was different, they were talking about the side and not the rear of the home and there is a wall and screening. He said he would be in favor and would propose a condition that the amount of existing screening remain in place, but he could support allowing the applicant to build the addition along Dublin Road. Mr. Freimann said he did not think an 80-foot setback, when they are still on the other side of the brick wall, is going to undermine the goals for that community and the properties along Dublin Road.

Mr. Underhill mentioned that to the rear of this property was a drop off approximately 30 feet in the back, so there was a big topographical change that would make an addition to the rear nearly impossible. He said he thought that was another distinguishing characteristic of this lot.

Warren Fishman referenced the minutes where Ronald Geese, Dave Amorose and others involved were adamant about SR 745, which was at one time, a scenic road. He recalled hearing discussions of the Commission and outside the meetings that it was important to protect the setback. He said even though there is no precedent set, he thought if those Commissioners present when the plat was approved heard that 20 feet was going to be sliced off this setback, they would be upset. He said he hated to see the 100-foot setback disturbed.

Ms. Amorose Groomes agreed with the Commissioners' comments, and said her thoughts most closely aligned with Mr. Freimann's. She said the way the house is situated on the lot is different. Ms. Amorose Groomes asked if this was something perhaps better suited for the Board of Zoning Appeals (BZA).

Ms. Readler explained that because it was on the plat, only City Council has the final word on amending plats. She said that BZA hears exceptions to the Zoning Code. She said because this is a plat requirement, City Council is ultimately going to have to speak on it. Ms. Readler pointed out that there were two separate applications. She said the Commission's decision on the Amended Final Development Plan was final and would go to Common Pleas Court in the event of disapproval and a challenge. Ms. Readler said for the Final Plat, the Commission is making a recommendation to City Council.

Ms. Kramb asked if the Commission could change the wording of the Development Text and say that this particular lot includes the sign and trees so that it is known for sure that they would remain.

Ms. Readler explained that would require a rezoning because that is a more significant text revision than would be in an Amended Final Development Plan. She said the text could be modified a little, within parameters. She suggested there could be conditions made to ensure that the signs and trees remain.

Ms. Husak pointed out that the development text affects everyone in Coventry Woods, and what the Commission is reviewing affects only this particular lot. She said the entry feature and the homeowners association maintaining that entry feature still has affects on people within Coventry Woods, outside of this property owner.

Ms. Kramb pointed out that the text talks about the entry feature being in this location and asked if there was enough detail to say that the entry feature must be screened with certain types of trees or height, or whatever. She said she was completely comfortable with this if it was known that the screening and buffer stays, but if that was gone, then she worried more about the 80 feet.

Ms. Readler said a condition about the landscaping on Lot 74 could mandate a certain amount of landscaping as a condition of granting could be included on the Amended Final Development Plan.

Mr. Underhill said although the association maintains the stone wall and sign, this homeowner actually owns out to the road, so he can make commitments there. He said there is a maintenance arrangement on the plat with the association.

Ms. Readler said there could be a condition on the Amended Final Development Plan, so the text is not being altered, but as a condition of approval, so it would be a co-compliance issue if they did not follow the conditions in the future.

Ms. Kramb said she was trying to get it so that the Commission does not set a precedent for residences in the future.

Ms. Amorose Groomes said that the concern is not so much for this lot, but it is what is being set forth, and that was why she hoped there might be an appeal process available to them to do that because that would be more appropriate than on a case by case basis, rather than setting a precedent that could be construed later. She said Mr. Freimann's point was good that this one is different because for most of the lots that 100 feet is very important for the screening, and in this case, it is not quite as critical as it is in some other locations.

Mr. Underhill pointed out that a lot of decisions were made in the past, and circumstances do change, and if it were not meant that there could be some flexibility in the future, based on changed conditions, there would not be any variance process. He said this was exactly the sort of situation in which, although this is not per se a variance, that is kind of what they were getting at here, and he thought this was exactly the situation that the Code would allow for the consideration of a variance.

Mr. Zimmerman reiterated that there were many homes in Dublin that have this same problem. He said they have maxed out their square footage allowed on their lot. He said there is a time and place when a house is as big as it can go. He suggested there could be a walkout at the rear where the 30-foot drop was located or the usable space of the house is maxed out. Mr. Zimmerman said it was not so much the 100-foot buffer here, but also around the whole City. He said he was very adamant about this because that 100-foot buffer was stated 25 years ago and he understood it and preferred it to stay that way.

Mr. Taylor said he was concerned that Community Plan states very clearly that there is a desire to maintain the rural character of this road, and a little here and a little there starts to eat away with that. He said he disagreed with Mr. Freimann about the lot. He said it was by far, the smallest lot of the ones that have that setback, and yet he would guess that the house has the largest footprint of all those houses. Mr. Taylor said it was the largest house on the smallest lot, possibly. He said since they were looking at the site plan that Mr. Fiorita drew at the time he designed and built the house, that he was fully aware of that. He said as Mr. Zimmerman commented, maybe in this particular case, this is the biggest house you can get on this lot without some significant changes to it.

Mr. Underhill said he thought it still went back to what the goal was of a setback and a buffer, and no one would notice this from the road, and so the baseline justification for that buffer is still there, it is just the number that is different, but the affect is still the same.

Mr. Freimann addressed Mr. Zimmerman's and Mr. Taylor's comments and said he absolutely agreed that there was a concern about where do you start to change and nibble away, and he thought that is absolutely a legitimate concern and something properly before the Commission. He said there are a couple of things specifically about this site, and one is the entry feature, the wall and that sort of thing where he thought when the next person comes in and wants to move in, he thought that the Commission could look specifically at this lot and when someone mentions that the Commission let this applicant have it, the Commission could point to some of the specific features of this site to say why it should be allowed. He said it absolutely was not a hardship, but at the same time, the property owners have come forward with what appeared to him to be a well-conceived plan. He thought with the appropriate condition for additional screening and the entry feature was what separates this from the next application coming forward.

Ms. Kramb said she thought there was enough for the Commission to say that this is not a precedent, but she also agreed that there was too much on this lot, as there is, but if they cannot do it within the buildable area, it was a tough call.

Mr. Fishman said he had been influenced by the fact that the residents of the subdivision are very receptive to this improvement. He said he would like to approve this application because it was obviously an improvement to the house, but he had not been convinced that once it is started, the next resident will not have a stone entrance feature, but will be on an angle and will request the same thing.

Ms. Amorose Groomes asked for further comments with regarding to the Amended Final Development Plan portion of this application.

Ms. Husak clarified that a condition could be attached to the Amended Final Development Plan Record of Action, but not actually language in the development text. Ms. Kramb confirmed that it would be an enforceable condition.

Ms. Amorose Groomes asked Mr. Underhill if he had interest in the Commission tabling the Amended Final Development Plan.

Mr. Underhill said the Final Plat would go forward to City Council for final action regardless of the Commission's vote. He said he would like to have a decision on the Final Plat and if it turns out the wrong way, he would like to table the Amended Final Development Plan.

Ms. Amorose Groomes asked if Mr. Underhill would like a tabling as Motion 1 for the Amended Final Development Plan, but would like the Commission to take a vote on Motion 2, the revised Final Plat. Mr. Underhill said his preference would be to take a vote on the revised Final Plat and then, depending on what happens, to table the Amended Final Development Plan.

Mr. Underhill pointed out that with respect to looking at ways to differentiate different properties in the area and subdivision from this home was that there was mature screening in place and the topography in the rear is significant and this is a single-story home. He said that indicates there is less square footage and there is a bigger footprint due to the nature of that as compared with everything else in the neighborhood. He said there may be only one other single-story home in this subdivision. Mr. Underhill said that one of the reasons they were looking to put this addition on was that they did not have the space on top.

Ms. Kramb noted that the approved building permit had a note on it, "No parking allowed within a 100-foot area", which was their driveway and they parked in it, so they were not currently following it.

Ms. Husak said that was correct. She said there are also certain encroachments into the City's reserve area and the Parks Department has notified them.

Ms. Kramb confirmed that the Fiorita's were the original family that built and purchased this house, and they knew the lines and they had built as far they could on them.

Mr. Taylor said he needed a legal opinion as to what exactly was covered under each of the two applications the Commission had before it. Ms. Readler explained that the Final Plat goes on to City Council for action, and the Commission has the final say on the Amended Final Development Plan. She clarified that the Final Plat would be regarding the movement of the buffer line.

Ms. Kramb asked what was changing on the Amended Final Development Plan. Ms. Amorose Groomes explained that if the Commission voted on the revised Final Plat, it will go to City Council, and regardless of how the Commission voted, City Council would have the final say, so they would be answering to the community at large at the next election whether or not the community thought that was a good decision or not.

Ms. Kramb said she understood about the revised Final Plat. She asked what the Commission was voting on in the Amended Final Development Plan. Ms. Husak said the Amended Final

Development Plan has to do with development text and the plat is part of the Final Development Plan that was approved when the subdivision was platted and when the second step in the rezoning process was approved.

Ms. Kramb said the text referenced “See the plat.” Ms. Husak said the text says there is a setback to buffer these lots from the road. Ms. Kramb pointed out that there was no number listed. Ms. Husak said with a positive vote from the Commission, they would say that for Lot 74, even though there is no number in the text, 80 feet is an adequate buffer.

Ms. Kramb asked if by changing the text, it applied to everyone. Ms. Husak clarified that only the requirement for Lot 74 was being changed, as they had requested.

Mr. Fishman asked if the deed restrictions covered No Build Zones. Ms. Husak said that the City does not enforce deed restrictions. Mr. Fishman asked if anyone had looked at the deed. Ms. Husak said that was not part of this review. Amorose Groomes said that was not on the table tonight. Mr. Fishman questioned whether or not they were violating the deed restrictions. Ms. Husak said if they were violating the deed restrictions, the homeowner’s association would have to take action.

Ms. Readler clarified that the City had its own rules and regulations for a plat, and we can give whatever approval is within those boundaries. She said if for some reason there is a deed restriction that is different from that, then the association will take a private action.

Mr. Fishman said he understood that, but this was just the opposite. Ms. Amorose Groomes reiterated that issue was not on the table tonight and it was completely out of the scope of what the Commission is viewing now. She said it was a good point, and worth thinking about, however, it was not the Commission’s job to think about that.

Motion 1 and Vote – Final Plat

Mr. Freimann made a motion to approve this Final Plat because it complies with the applicable criteria set forth in the Subdivision Regulations. Mr. Zimmerman seconded the motion.

The vote was as follows: Ms. Kramb, yes; Mr. Taylor, no; Mr. Fishman, no; Ms. Amorose Groomes, yes; Mr. Zimmerman, no; and Mr. Freimann, yes. (Motion to Approve failed 3 – 3.)

Mr. Underhill requested a tabling of the Amended Final Development Plan.

Motion 2 and Vote – Amended Final Development Plan

Mr. Freimann made a motion to table this Amended Final Development Plan as requested. Mr. Fishman seconded the motion. The vote was as follows: Mr. Taylor, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; Mr. Freimann, yes; and Mr. Fishman, yes. (Tabled 6 – 0.)

Mr. Zimmerman commented that a vote of 3 – 3 was a negative vote on the motion for approval of the Final Plat and Ms. Amorose Groomes clarified that it would go forward with no recommendation.

3. Ballantrae and Cramer's Crossing – Dalmore Park

**5575 Stockton Way/6605 Dalmore Lane
Final Development Plan**

09-046FDP

Chair Amorose Groomes briefly explained the Commission rules and procedures regarding this Administrative matter.

Jennifer Rauch presented this request for review and approval of a Final Development Plan for site improvements, which include park amenities and modifications to the shelter located in Dalmore Park. She said the 16.8-acre park is located north of Royal Dublin Drive, extending towards Stockton Way within the Ballantrae and Cramer's Crossing subdivisions. She said the western portion of the park, which is located within Ballantrae is undeveloped with bikepath connections throughout and a drainage area along the northern and eastern boundaries of the park. She said the eastern portion of the park includes a significant tree row located along the southern border, as well as a large existing retention pond and shelter.

Ms. Rauch said the proposed modifications include the construction of a playground area, basketball courts, and bocce ball courts located within the southern portion of the park. She said the existing drainage area will include wildflower and meadow plantings, and accounts for the stormwater detention for the surrounding neighborhoods. Ms. Rauch said within the eastern portion of the park the existing shelter will be refurbished. She presented the latest proposed playground not included in the packets, which includes playground equipment with tan, green, and brown-colored equipment. She said the proposed playground equipment includes swings, slides, and climbing apparatus. She said the existing shelter will be repainted and additional trim details will be added, including the addition of a new asphalt shingle roof, which will coordinate with the other City parks.

Ms. Rauch said Planning recommends approval with no conditions for this request, as all the review criteria are met.

Laura Karagory, Parks and Open Space, representing the City was present.

Ms. Amorose Groomes swore in those who intended to give public comment regarding this application.

Sandy Wymard, 6609 Dalmore Lane, asked about the height of the plantings. She stated she was concerned with the screening provided for the homes backing up to the park and the existing open area. She asked if screening is provided to screen the homes from the new playground.

Ms. Karagory said screening was not proposed for those homes adjacent to the playground. She said four deciduous trees were provided in the triangular area along the bikepath, and three trees were provided around the edge of the playground.

Ms. Amorose Groomes noted the plant palette included eight white conifers shown on the landscape plan in the northwest corner of the site. She asked if the conifers could be relocated because that portion of the park was not as active.

Ms. Karagory explained that the residents requested the northwest corner remain an open play area. She said she would rather add trees than relocate the firs.

Mr. Zimmerman said playgrounds located within developments were typically wide open so parents or adults can monitor what is happening on the playground. Ms. Amorose Groomes said the Dublin police prefer the parks and playgrounds be open for supervision.

Mr. Zimmerman suggested the residents screen their own yards from the playground area if that was their preference.

Ms. Wymard asked for the height of the trees located in the center triangular area and expressed concerns about the provision of adequate height. Ms. Karagory said the trees would be two-inch caliper hackberries. She said the ultimate height of a hackberry was roughly 40 to 50 feet. She said if it was a two-inch caliper tree, the height at installation would be approximately ten feet, with probably a four-foot canopy.

Ms. Wymard asked if parking was provided for the park, particularly for the basketball courts. Ms. Rauch said on-street parking was provided within the neighborhoods, with the most on Royal Dublin Drive. She said there was no designated parking lot proposed.

Flite Freimann asked if additional trees could be placed behind the homes Ms. Wymard has indicated adjacent to the northwestern portion of the park. Ms. Amorose Groomes suggested the use of a Norway maple or a fast growing tree to accomplish some protection for the neighbors, and not impede the safety of the facility. Ms. Karagory said that would not be a problem.

Mr. Zimmerman asked why trash bins were not proposed at the basketball and bocce ball courts. Ms. Karagory said the Commission had asked that no trash bins be provided for a previous City park and she was following that recommendation. Mr. Zimmerman suggested trash bins be added in the area of the bocce ball and basketball courts.

Ms. Amorose Groomes asked where the wet meadow plantings would be installed. Ms. Karagory said they would be located in the hatched, light green area indicated in the drainage area. She explained that 350 plugs would be planted of a grass and forbes mix.

Ms. Amorose Groomes asked if it would be turf grass. Ms. Karagory said it would be a low meadow grass, similar to little blue stem prairie drop seed, which is low profile to support the flowers. She said similar flowers would be mixed into the grass mix as well.

Ms. Amorose Groomes asked how this area will be maintained. Ms. Karagory said it was all naturalized material. She said grasses would reach three feet in height, which will be mowed three times allowing the prairie plants to establish their deep root system. She said after that, it will be mowed either in the spring or fall, once a year to keep woody vegetation and other plants away. She said if thistle moves in, staff will spot treat it.

Ms. Wymard asked if there would be lighting at the basketball court. Mr. Zimmerman said it would not be lit.

John Gayetsky, 5589 Stockton Way said he previously worked for the Ohio Department of Health and was aware of concerns regarding vector-borne illness and mosquitoes. He asked if this proposed natural landscape would harbor mosquitoes.

Ms. Amorose Groomes said it appeared from the topographical drawing to have a four-foot slope from south to north, so there would not be any standing or ponding water. She said there is a provision of adequate drainage.

Ms. Karagory explained that there would be no additional water created. She said the meadow would attract insects that target mosquitoes and decrease the mosquito population.

Mr. Gayetsky asked what kinds of trees were proposed along the western edge of the retention pond. Ms. Amorose Groomes said 16 Weeping Willows are proposed around the pond with an ultimate height of 60 feet.

Mr. Gayetsky said he and the other residents along the retention pond had kids who would utilize both the playground and the basketball courts. He said currently the area is wide open and provides direct lines of sight. He said one of the concerns was there was too much screening and he would like to have some sight access to these areas. He said his neighbors had also voiced their concern about it.

Ms. Karagory said that weeping willows were chosen to reduce the goose problem around the pond. She said this provides a great deterrent for geese without using the unmowed grass that residents do not like. Ms. Amorose Groomes agreed and said that geese pose a terrific health problem.

Mr. Zimmerman asked the installation height of the weeping willows. Ms. Amorose Groomes said they would be planted approximately 40-foot on center, so the trees would not be tip to tip for many years.

Mr. Gayetsky expressed concerns about the amount of screening provided around the basketball courts and pointed out a number of city basketball courts are in open lines of sight. He said this one seems to be fairly well screened. He said he was glad there were no lights proposed for that area.

Ms. Amorose Groomes said the drawing appeared deceptive, but the planting to the south appeared to be a bed planting of low height. Ms. Karagory said there was a low loose rock wall with shrubs intended to be open for visibility.

Ms. Amorose Groomes confirmed that oaks would be located around the basketball court. She said there were six shade trees, nine deciduous trees, and low plantings, so she did not think it would be obstructed visually.

Mr. Gayetsky pointed out that the police typically make their entrance from the eastern portion of the park and they have a line of sight directly across the pond. Ms. Amorose Groomes said it appears that the area adjacent to Stockton Way does not have any planting on it, so the line of sight would be maintained through the park. Ms. Rauch pointed out that the police could drive on Royal Dublin Drive or Tayside Circle, which were adjacent to the park.

Ms. Amorose Groomes asked that the following condition be added: That the applicant provide two trash receptacles: one adjacent to the basketball court and the other adjacent to the bocce ball court, and provide three maple trees behind Ballantrae Lots 183 and 184.

Ms. Karagory agreed to the condition as listed below.

Motion and Vote

Mr. Freimann made the motion to approve this Final Development Plan because the proposal is consistent with the existing development texts for the Ballantrae and Cramer's Crossing subdivisions, is compatible with the surrounding area, and complies with the final development plan criteria set forth in Section 153.050 of the Dublin Zoning Code, with one condition:

- 1) That the applicant provide two trash receptacles: one adjacent to the basketball court and the other adjacent to the bocce ball court, and provide three maple trees behind Ballantrae Lots 183 and 184.

Mr. Fishman seconded the motion. The vote was as follows: Mr. Taylor, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; Mr. Fishman, yes; Mr. Freimann, yes; and Ms. Kramb, yes. (Approved 6 – 0.)

Additional Administrative Business

Ms. Amorose Groomes announced that Mr. Freimann's resignation of his position was regretfully received. She explained that he would be moving to Granville. She requested nominations to fill his position as Vice Chair.

Motion and Vote

Mr. Zimmerman made a motion to nominate Richard Taylor as Vice Chair. Mr. Fishman seconded the motion.

The vote was as follows: Ms. Amorose Groomes, yes; Mr. Taylor, yes; Ms. Kramb, yes; Mr. Freimann, yes; Mr. Zimmerman, yes; and Mr. Fishman, yes. (Approved 6 – 0.)

Mr. Taylor thanked the Commission members and said he was proud, flattered, humbled, and looking forward to serving. He said he took the position with something of a heavy heart and regret that they are losing Mr. Freimann's personality, input, and friendship.

Ms. Amorose Groomes said that Mr. Taylor had done some fantastic research on other cities and for the City of Raleigh, North Carolina that had written a Zoning Code that is very "code-like," and then partnered that with a handbook that was more user-friendly and with the illustrations and some of the definitions and things like that. She said the Commission would like a resolution that they could request a joint meeting with City Council to really hammer down and discuss what each party is looking for concerning this Zoning Code rewrite. She said the Commission's request in the resolution would be that the agenda would be set by two members of the Commission and two members of City Council so that they could look at what it is that they want for the new Code.

Ms. Amorose Groomes said she would hate the Commission to start on this process thinking something and Planning is thinking something, and the City Council is thinking something entirely different. She said she would like for all of the parties to come to the table so that they can start out on this journey of one mind, and that will expedite all of the steps along the way. She said certainly, they want to be an advisory board to City Council, they do not want to just think their thoughts after them, but it would be helpful to have some input because it is such a

commitment in terms of time on everyone's part. Ms. Amorose Groomes said that time is a precious thing and they would hate to waste any of that.

Motion and Vote

Ms. Amorose Groomes made the motion that a joint meeting with City Council be scheduled at the earliest time available, hopefully at the Commission meeting in early August, and that the agenda would be set by two people of the Planning and Zoning Commission and two people from City Council to talk about the Zoning Code Update and to set a sure position on the direction on which they would like to head. Mr. Taylor seconded the motion.

The vote was as follows: Mr. Zimmerman, yes; Ms. Kramb, yes; Mr. Freimann, yes; Mr. Taylor, yes; Mr. Fishman, yes; and Ms. Amorose Groomes, yes. (Approved 6 – 0.)

Mr. Taylor said that since he had brought this up at the last meeting, he really liked the way the new Code format looked and he saw a lot of value toward making things user-friendly, but at the same time, because of what he does for a living and how he uses the Code, he saw an advantage to having the Code remaining a technical and somewhat esoteric document. He said he pictured a more graphically intense Code as being more difficult to update in some ways. He said he had suggested there may be other ways to approach this and the possibility of being able to have a document that is exactly what was proposed – that it is user-friendly, that it does engage the public more – that it is a companion document to the Community Plan, and that will bring the public and citizens into a better ability to use and discuss the Zoning Code, and at the same time, keep that very technical legal document. He said that was the basis for his thoughts.

Mr. Fishman suggested that August was a busy month before school began. Ms. Amorose Groomes said they will do the best to accommodate everyone, but Planning is working hard on getting this Code Update moving. Mr. Fishman said he did not want to miss this and would like to have several choices for the joint meeting, as would the other participants.

Ms. Amorose Groomes adjourned the meeting at 8:10 p.m. in order to have everyone break into small groups to discuss the Land Use Principles.

As approved by the Planning and Zoning Commission.