



**City of Dublin**

**Land Use and Long  
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## **PLANNING AND ZONING COMMISSION**

### **MEETING MINUTES**

**JANUARY 5, 2012**

#### **AGENDA**

1. **Wellington Reserve** **5144 and 5056 Brand Road**  
**08-038Z/PDP/PP** **Rezoning with Preliminary Development Plan**  
**(Approved 7 – 0)**
  
2. **Avery Square PUD – Avery Square Shopping Center** **6335-6595 Perimeter Drive**  
**11-069AFDP/CU** **7000-7100 Hospital Drive**  
**(Approved 6 – 1)** **Amended Final Development Plan**  
**(Approved 5 – 2)** **Conditional Use**
  
3. **Muirfield Village PUD – Muirfield Village Golf Club – Clubhouse Expansion**  
**11-071AFDP** **5750 Memorial Drive**  
**(Approved 7 – 0)** **Amended Final Development Plan**
  
4. **Bridge Street Corridor – Code Modification**  
**11-020ADM** **Administrative Request**  
**(Discussion only)**

Chair Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Richard Taylor, Amy Kramb, Todd Zimmerman, Warren Fishman, Joe Budde, and John Hardt. City representatives were Steve Langworthy, Jennifer Rauch, Rachel Ray, Dan Phillabaum, Eugenia Martin, Justin Goodwin, Jennifer Readler, Claudia Husak, and Flora Rogers.

#### **Motion and Vote**

Mr. Taylor made a motion to accept the documents into the record as presented. Mr. Fishman seconded the motion. The vote was as follows: Mr. Budde, yes; Mr. Hardt, yes; Ms. Kramb, yes; Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

#### **Motion and Vote**

Mr. Taylor made a motion to approve the December 1, 2011 meeting minutes as amended by Ms. Kramb regarding typos, and Mr. Hardt amended page 10, middle of the page, the paragraph that begins with "John Hardt" change to "asked for a confirmation". Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Fishman, yes; Ms. Kramb, yes; Mr. Hardt, yes; Mr. Budde, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

#### **Administrative Business**

Mr. Fishman asked for information regarding an administratively approved a backlit sign for the new Wendy's Headquarters. Mr. Langworthy said there has not been a sign permit application submitted.

Mr. Fishman also inquired regarding the abandoned Sunrise Senior Living site behind Leo Alfred Jewelers. Mr. Langworthy said they had renewed a building permit and they have an active permit and as long as it

is active they are an active construction site. He said they have taken out a new permit, so they can go through a renewal cycle again. Ms. Amorose Groomes said that would take them out two years. Mr. Langworthy thought it was 18 months with an extension.

Claudia Husak said that there are two pieces of communications on their desks for cases being heard tonight that were received since the packet was delivered.

Ms. Husak said there was a Special Meeting request for January 24, 2012 and Ms. Amorose Groomes said they will discuss that at the end of the meeting.

Ms. Husak said the case presentation for Wellington Reserve was going to be with Engineering and Aaron Stanford is stuck in traffic and asked if that case could be held until he arrives. Ms. Amorose Groomes said they would take case 2 Avery Square PUD and flip cases 1 and 2 in hopes that he will arrive at that time.

Ms. Amorose Groomes said there were three cases eligible for the consent agenda, but she mentioned communications that pulled all three.

Ms. Amorose Groomes briefly explained the rules and procedures of the Planning and Zoning Commission. She announced that the cases 2, 1, 3 and 4. [The minutes reflect the order of the published agenda.]

**1. Wellington Reserve  
08-038Z/PDP/PP**

**5144 and 5056 Brand Road  
Rezoning with Preliminary Development Plan**

Chair Chris Amorose Groomes stated that the following application involves the subdivision of three vacant parcels with 28 single-family lots for land currently zoned R, Rural District and R-1, Restricted Suburban Residential District, located on the north side of Brand Road, approximately 700 feet west of Coventry Woods Drive. She said the Commission will make a recommendation to City Council on the preliminary development plan and rezoning as well as the preliminary plat.

Claudia Husak said the Commission reviewed this case in October 2011 and there were a lot of concerns by the Commission and adjacent residents with the setback from Brand Road and the existing drainage issues, and tree preservation. She said the Commission also wanted additional information regarding the Brand Road access point and the potential for having the subdivision be accessed from the existing Wellington Place neighborhood. She said the Commission agreed with the conditions that Planning at that time had proposed for clarifying the requirements and development standards that were being proposed in the development text.

Ms. Husak said that Aaron Stanford with Engineering will also present information regarding this application as many of the previous questions and concerns centered around engineering issues. She said the site plan proposes 28 lots on a new road to be accessed off Brand Road with a unit density of 1.5 units per acre which is comparable to what is surrounding the area. She said the lots are proposed at a 12,000-square-foot minimum with a 90-foot minimum width and a 140-foot minimum depth. Ms. Husak explained that there is a 20- to 30-foot front building zone required and there are six-foot side yards with a 14-foot total side yard which is comparable to the surrounding neighborhoods. She said the applicant has proposed a 100-foot setback from Brand Road which due to the required curvature of the road has not changed the locations of the lots on the north side of Brand Road. She said the applicant has increased the rear yard setback for Lots 1-7 which are the ones on the north side of Wellington Reserve Drive and there is a 40-foot rear yard setback proposed for lots on the north side of the extension of Ballybridge Drive going all the way north and then to the west, the lots on the west side of

Wellington Reserve Drive are proposed with a 30-foot rear yard setback which has increased by 5 feet compared to what was proposed in October.

Ms. Husak said the applicant is proposing at the rear of each of the lots on the east and west side of Wellington Reserve Drive to require a Tree Enhancement Zone. She explained the intention of the Tree Enhancement Zone is to prioritize an area for tree replacement to take place. She said that there will be a lot of grading activity that needs to take place to alleviate existing stormwater issues that the neighbors in Wellington Place have and also deal with stormwater management for this proposal. She mentioned that lots adjacent to lots in Wellington Place and on the north also include a landscape buffer which the developer will plant and the homeowner will be required to maintain at 75% opacity. She said the a hedge or wall treatment is required for court loaded garages to eliminate the views into those driveways and the applicant is proposing a hedge treatment that will be for side loaded garages that would be at the rear of the driveway to help with shielding head lights.

Ms. Husak said the applicant continues to propose a naturalized landscape treatment for Brand Road with a dry detention pond as suggested in the Community Plan and there will be a new road from Brand Road serving the subdivision with an extension to the western portion of the unincorporated land within Washington Township. She said a new intersection is proposed with Brand Road to access the site with a turn lane and there were a lot of questions at the October meeting from the residents and the Commission regarding the necessity of a separate access point for this site and whether or not it could be served through the extension planned through Ballybridge Drive. Ms. Husak said she was informed by the Washington Township Fire Department that the existing the subdivisions surrounding this site are not meeting the Fire Code for access, so this proposal could not be served by existing roads and is helping Wellington Place with their existing Fire Code access issues.

Aaron Stanford said with this application a traffic study was performed by the applicant and it modeled the traffic that would be generated by this development and identified any offsite improvements that would be required to be performed by the applicant and with this application it identified a left turn lane will be constructed at the time of their subdivision on Brand Road.

Mr. Stanford said the other element was to analyze site distances for the proposed intersection which helps to identify safe access point locations and shows that there are adequate site distances at the proposed location. He said they have found that the spacing from Coffman Road is approximately 1,500 feet and the spacing from the next adjacent intersection to the east at Coventry Woods Drive is approximately 730 feet. He said the desirable point of location is determined by pushing the intersection point away from the heavier volume of the intersection at Coffman and Brand Roads and improves the spacing from Coffman and Brand which has additional traffic and there is adequate spacing from Coventry Woods with the anticipated traffic. He said there is an intersection improvement planned for the intersection of Coffman Road and Brand Road with the installation of a roundabout and in the 5-year Capital Improvement Plan they have provided for funding for preliminary engineering which will be performed this year, but the funding for final engineering or construction has not been determined.

Mr. Stanford said site grading was previously identified that some of the house pad locations along the eastern boundary of the site were raised to an extent where it may create some excessive grading with the adjacent lots and the Wellington Place Subdivision, since then the grading plan has been improved reducing the change in grade of the site which helps the natural transition of the grading of the site and from the western edge to the eastern edge of this site there is approximately 12 to 14 feet of grade change and they have managed it fairly well and reduced the grading at the rear of the lots. Mr. Stanford said currently within the CIP there is a Brand Road Bikepath project that will be within the area of this project because of the timing of the bikepath along Brand Road it is likely that the City would be constructing this portion of the path and would like to request reimbursement from the applicant for the bikepath that will be constructed this year.

Ms. Husak said the applicant has provided a rendering of the site of what it might look like at the development stage and confirmed a lot of the discrepancies they had between the text and the plans at the last meeting were resolved with this submittal and the applicant has eliminated the one-foot driveway allowance that was proposed last time and there is open space dedication that has been resolved and accurately reflected and the maintenance of the open spaces have also been accurately revised.

Ms. Husak said Planning has reviewed the proposal thoroughly and analyzed its compliance with the review criteria and is recommending approval of the rezoning with preliminary development plan with four conditions as outlined in the report and approval of the preliminary plat with two conditions.

Ben Hale Jr., 37 West Broad Street, Columbus, Ohio, representing the applicant, said Bill Ryatt with Casto and Charlie Ruma who is the developer is present if there are any questions. He said they wanted to talk about Mr. Ruma's intent with this subdivision. His development company is Davidson Phillips and they will be developing this subdivision, his son is Charles Ruma who owns Virginia Homes. Mr. Ruma is doing this development on his own and also developed other subdivisions, the most similar is Wedgewood which is also in Dublin. There are a number of builders there that are having a difficult time finding lots and what Mr. Ruma does is to meet with the builders to select lots and make deposits and at the time he believes all these lots will be spoken for. He said Mr. Ruma will have the builders in place and the minimum will be \$125,000 per lot which will render a house at \$450,000 to \$550,000 range. He said there was a concern of where Mr. Ruma was going to get the loan for this project and he is using his own money there will not be a loan to develop this site.

Mr. Hale said they have seen an improvement in the market and he knows that these builders want places to build and they will be developing a subdivision that is a terrific development.

Mr. Hale said they were asked if they could make the curve coming in the front of the subdivision more severe and reduce the setback and increase the lots on the north side of the road and they were not able to do that because the curve as proposed has to meet safety requirements. They tried to provide for the neighbors along the western and northern property lines with setbacks that were increased to 40 feet.

Mr. Hale said part of the Tree Enhancement Zone and the tree replacement is to emphasize trees and provide 75% opacity along that border which means they will plant a fair amount of pines trees. He explained if there is a side loaded garage they will provide plantings to block the lights of those driveways.

Mr. Hale said the 40-foot Tree Enhancement Zone cannot be invaded with a porch, pool, deck, or a patio and there are other substantial areas between the houses and the 40-foot setback that will be planted heavily and additional open area will be provided by setting the houses closer to the road. He said their experience is that they need the ability to have decks and patios, they could have made the area deeper but then they would have a very small back yard that would prevent patios or decks.

Greg Chillog, Edge Group, said the frontage treatment is an area for them to reforest and create a natural element with the replacement trees that will be located along the Brand Road frontage to create a community amenity. He said this area will also have a living retention basin or rain garden and will be a wooded naturalized area with a basin with soft grading and plantings with deciduous trees, evergreens, shrubs and natural grasses it will appear as a wide expansive land and there will not be a definite boundary or an edge to a dry basin or a pond. He said the frontage will be very natural and free flowing and blend in with the community character. Mr. Chillog explained that they are trying to bring a nice front door onto Brand Road and create a community amenity.

Mr. Hale said any trees that have to be replaced as a result of putting in the streets, Mr. Ruma will replace them within the frontage and along the edges of the subdivision and their experience is not to remove trees from the lots until they know which house will be there because a wooded lot is more

valuable any tree removed off the lot will be replaced back on the same lot and he said that Mr. Ruma is responsible for making sure this happens.

Bill Ryatt, Casto, said this is about the fourth attempt at the zoning since they have come by the land and when Mr. Ruma came along they knew they needed something nicer, with much larger lots, less density and really high standards. He said they have 5 home sites along the section of Brand Road and the neighboring properties have 11 homes in that same area and the same situation happens along every boundary line and comparable to all the neighborhoods surrounding this property they feel really good about their project.

Ms. Amorose Groomes announced that there are people that have signed up to speak, she will call their names and anyone who did not sign up will have an opportunity to speak.

Roger Reeves, 5149 Reddington Court, said he is in the Brandon Subdivision and backs up to Lot 17. He said he has lived in his home for 22 years and probably longer than any of the other adjacent property owners. He said this is the fifth attempt to try and develop this site and in 2005, the Edwards Land Company made an attempt to develop this and in terms of commenting to what Mr. Ryatt said he sees very few if any changes or modifications to the current plan from what the Edwards Land Company was trying to do. He said at that time a number of the adjacent homeowners went around the neighborhood and the Wellington neighborhood and solicited comments from property owners both adjacent and affected properties. He said that they approached 156 homeowners in both subdivisions and asked what they wanted to see done with this site and they got 150 responses that they did not want to see this property developed. He said when he moved in he had no expectation that this would not be developed, but they felt they wanted to see something done responsible and that is similar to what already exists.

Mr. Reeves said this particular site is probably one of the last heavily wooded sites in the City of Dublin that has not been developed and he suggested a much larger no-build zone along the northern border of the property. He requested a 200-foot no-disturb zone off the northern property line and the applicant agreed to increase that to a 40-foot Tree Enhancement Zone. Mr. Reeves believes this is inadequate and he was not supportive of the 75% opacity requirement in the replanting area. He was concerned that this requirement would necessitate taking existing trees out as they would not be adequate to meet the new requirement. He proposed an alternative that involves moving the road that stubs to the west and eliminating Lot 19 to make the northern three lots deeper by about 141 feet. He suggested that this way a large almost 188-foot no disturb zone could be created.

Mr. Reeves said both Wellington and Brandon have restrictions against any type of fencing and in the proposed plan there is no such restriction and they requested that a fence prohibition be added to the request for this subdivision as well and finally he wanted to say that his fellow homeowners in Wellington both along the eastern boundary and along Ballybridge on the southern end, they have all met and they are unanimous in their concerns as well as requests for modifications of this plan.

Hamid Mehrizi, 5173 Reddington Court, said he is two houses down from Mr. Reeves and is in 100 percent agreement with Mr. Reeves.

Gregory Andrews, 5157 Reddington Court, said he expresses his full support in what Mr. Reeves has presented.

Dave Jenkins, 5071 Brand Road, said he is opposed to the whole project and thought it is way too many houses on this kind of a lot. He said the proposal is not keeping in line with what Brand Road is all about with five to seven houses along there and he does not know what kind of trees they are planting along Brand Road, but it makes a big difference of how big they are and what kind they are and he thinks there is way too many houses. He said he knows this is awful late but he was not here for the first meeting because he was out of town and he lives right across the street from it and if there were less houses

there would not be a need for a curb cut coming out to Brand Road and that is his feeling. He does not know why they didn't have the other project had ponds out front in Brand and now they are proposing a dry retention pond.

Ms. Husak said the Community Plan does suggest dry detention and a more naturalized treatment as opposed to a more manicured ponds.

Mr. Jenkins said the big problem that he sees with it and it looks good and if they put all that landscaping in and screen it off, but he still thinks there is way too many houses along Brand Road and that is not the way Brand Road is and if they take one or two maybe three houses out of there and he would suggest building a bigger nicer house on a bigger lot and that would satisfy everybody. He said they are talking about getting other builders in there and he knows Virginia Homes and they should know who they really think they are going to line up and what kind of house they are building and what is the starting price and he sees homes being built all over Dublin start at 7 or 800,000 Dollars and they are talking about a 450,000 Dollar house and he would like to see a bigger house on a bigger lot.

Collette Feldman, 5053 Ballybridge Drive, thanked everyone for the opportunity to come and express their opinions, she and her husband have lived in Dublin for 23 years, and they do not utilize the school system they live in Dublin solely because of the amenities such as trees and bike paths and the green spaces and parks. She said they chose their current home location 11 years ago and will back up to the homes that front Brand Road and when they chose that home location they were confident that because they are in Dublin no future development would be allowed that detract from their home value and they remain confident that Dublin will respond to voices of all the residences that are here and were here back in October to express their opposition to this development and they presented a letter in October that was signed by every resident that backed up to this area on Ballybridge Drive and they had three main concerns, visual barrier and they felt that the 75% opacity requirement has addressed that concern.

Ms. Feldmann said the second concern was regarding drainage and because that concern is shared by the residents of Kilbriain she is going to wait and let Mike address that, the third concern was the setbacks and they are still here primarily opposed because of the setbacks. She said the development of Brand Road was never intended to provide a roadway that accessed a new neighborhood, if they look at the summary that was provided, quote "the Community Plan identifies Brand Road between Dublin and Muirfield as River Character with modest setbacks ranging from 60 to 100 feet" and it says "there is the assertion that this development will safe guard the value of property within and adjacent to the area" and finally it says "the proposal strives to maintain the existing development patterns". She said when they purchased lots that backed up to farm property they were not naïve, they knew that the farm would someday sell and there would be the possibility of development, but what they anticipated was development like is seen on the rest of Brand Road.

Ms. Feldmann said from the Dublin Road roundabout all the way to Muirfield Road the only thing that has been built was a one beautiful home and that is the type of home that was expected would be developed in their back yards. She said they put together an image that shows that if this development basically mimicked what is already there. She said the renderings that have been presented do look really beautiful and if it were developed to that extent she thought it would be gorgeous, but she does not think anybody could look at that rendering and say it represents 75% opacity and it looks like you cannot see their homes at all and at best case scenario is 75% opacity within two years and the rendering does not accurately reflects the development plan.

Mike Ensminger, 7502 Kilbriain Lane, said he was speaking on behalf of the Wellington Place homeowners, particularly those situated on the lots to the eastern boundary of the proposed development along Kilbriain and Katesbridge Court. He said over the past three months they have been anxious to see the revisions, they welcome the concessions that have been made by the applicant regarding the rear yard setbacks and maximum lot coverage and the hedge requirements for the side

loaded garages, they collectively agreed that the bigger picture and the more detailed issues still remain unaddressed and unresolved. He said they cannot support the development of Wellington Reserve as proposed. He said they believe that the development is not sound long range planning and detrimental to the City and its residents, both the City and the developer admitted that this "L" shaped parcel presents challenges in its development.

He said, contrary to what the developer is saying, this is the worst new build housing economy in American history and it is difficult for them to understand why the City would consider sacrificing the esthetics and rural character that has been laid out in exchange for one developer to make a profit to what he has referred to the last remaining piece of developable property in the Dublin Coffman School District. He said creating another curb cut along a narrow and well traveled Brand Road presents visibility and traffic issues that are already a concern to residents in surrounding neighborhoods especially with two existing high volume intersections at Brand and Coffman and Brand and Coventry Woods. He said when coupled with large tracts of land immediately to the west and he knows those are in Washington Township but he is sure people have their eyes on them, and the installation of the proposed roundabout at Coffman and Brand Roads, he thought the additional curb cut and development on such a busy thoroughfare does not conform with comprehensive roadway traffic and safety studies typically found in municipalities' long range planning goals.

Mr. Ensminger said it is important to note that each of the nearly 25 homeowners on Ballybridge, Katesbridge, Kilbrittain and Reddington that back up to this proposed Wellington Reserve have unique issues that they would like to see satisfactorily addressed by staff, the applicant and the Commission. He said drainage is the major issue for many of the residents with serious flooding of back yards occurring as water runs from the current land and with additional development and the grade change they know that additional run is a distinct possibility and asked that a reasonable escrow be established by the developer and the City and that they work with the City Engineer to address these issues. He said earlier in the day Mr. Stanford had visited their property and viewed pictures that show the flooding issues. He said the rear yard setbacks have been increased from 20 to 40 feet and they originally asked for 75 given the lot depth and realized that is on the high end especially along Kilbrittain and Katesbridge, but given the significant depth of the proposed lots, they request a 50-foot rear yard setback to be adopted by the Commission. He said the plans indicate a 20- to 30-foot build to zone and the developer has presented approximately a house print of 60 feet, then the 50-foot rear yard setback is reasonable and a good compromise. He said they are pleased with the applicants willingness to provide 75% opacity along Katesbridge and Kilbrittain, they would prefer to have the tree replacement with deciduous and evergreen mix. He said the conditions indicated that the trees would be installed by the developer and maintained by the homeowner and they realize that the developer's responsibility cannot last forever, but asked that a performance bond and escrow be established to provide assurance to the tree enhancement zone viability.

Julie Hubler, 5025 Brand Road, said they have lived at this house over 13 years and when they bought the house they asked why there was a split driveway. She said the previous owners were Engineers and at that time they were not using the Dublin School District. She said they indicated that the house is well built and to trust that Dublin has the best Planning and Zoning Commission in the world and they will do what is responsible and they did not give an extra driveway because Brand Road is considered a scenic road and it is one of the small prices you have to pay in order to live in Dublin. She said they expect to live here for 30 or 40 years and really care about property values they are only concerned with safety. She said they are going to have their ritual with about seven to eight cars in their ditch on Brand Road which is a weekly event throughout the winter. She asked that the Commission look at the road and the safety issues. She is concerned that the end of her driveway is going to be an entrance to the new subdivision and cares about being able to pull out of her driveway safely. She said they have not been contacted by the developer since the October meeting and she does not know what went on with the revisions. She said the developer gets their own driveway and she was not able. She said she urged the Planning and Zoning Commission to please delicately balance the developers right and the greatest

benefit for the greatest number of people and if they decide that is the price she has to pay then she will do that, but when it comes to a safety issue, she invited them to come to her drive way around 6 am with a little snow there will be someone in the ditch. She asked that the Engineers look at the practicality and not just works on paper and she will buy them a cup of coffee and they can look at the traffic going by her house.

Carol Hunter, 5183 Reddington Drive, said they have lived here for 19 years and she wanted to say they support what Mr. Reeves and Mike Ensminger said and with the way it was said. She is disappointed that the applicant said the proposal contained fewer lots than 5 years ago, because that is not the case. She said the discussion 5 years ago is the same as today: fewer lots should be allowed here. She thanked the Commission for their time and asked them to please be as meticulous about this case as they were about the black and white striped awnings discussed earlier.

Cindy Snider, 7483 Katesbridge Court, said they have loved their home and lived there for 16 years and she wanted to speak about the wild life. She said they are at the very end of Katesbridge Court adjacent to this property and between Wellington Park. She said they have 10 to 15 deer go through a day and all kinds of wild life. She said what concerns her the most, is taking down all the trees and hurting the rural aspect of that property.

Bruce McLaughlin, 5131 Brand Road, said he and his wife have lived there for 31 years and his home is directly across from the western portion of this property. He said he is stunned that no one has done anything about the curve in Brand Road that is so dangerous, and with all the work being done to create a left turn lane, that no one in Planning has insisted that they somehow get rid of the curve for safety reasons. He said he is against the curb cut and he has read the analysis from the fire department so he gave in. He requested that if the project is approved and a curb cut is installed along Brand Road, more money should be spend to straighten out Brand Road so that it is not unsafe. He suggested that this may also help Ms. Hubler's problem. He took exception to the gentlemen from Casto that said this is a great looking subdivision. He said he counts six houses along Brand Road and thought that they cannot show him any place along Brand Road where there is that many houses on a length of property. He felt that this proposal included too many houses along Brand Road and it was not in keeping with the roadway character.

He said the impact of the property on the wild life that runs along this property down along the Indian Run Creek will have dramatic impact on them and he knows they cannot consider that when they review development, but it would be nice if they would cut down the number of lots, create a more treed area and made an opportunity for the wild life to continue to thrive in this area.

Richard Weirich, 7466 Katesbridge Court, said he has comments pertaining to the multi-use path that runs along Brand Road and said the plan uses the term bikepath and he asked that they change to the term multi-use path to not get confused with bike lanes. He said there were a lot of hours spent and he wanted to clean that language up.

Ed Thomas, 5165 Reddington Court, said he wanted to support the plan that Roger had put forward earlier and said it is important that they do not tear down the large trees in their back yards because wild life is running through there, including a large owl. He thanked the Commission for their time.

Mark Juras, 7453 Katesbridge Court, said they are in the middle of the eastern boundary, and by looking at the plan, the Wellington Place and Sheffield Place subdivisions a very large well planned expanses of land and what they are dealing with now is a very narrow, odd "L" shaped piece and that is why there is so much difficulty getting this done. He said there is a big pod of land to the west that they need a comprehensive plan for that will determine how that entire plat will eventually be developed. He said trying to do a piece meal solution is very difficult. He said his concern is that there will be several catch basins that will be put along the eastern portion and sounds like there will be a lot of heavy equipment

tearing up ground and trees and doing a lot of damage and does not reconcile with preservation trees, but there is a big drainage issue on this property. He said if they go farther down to the Brandonway entrance there is a well developed and nicely landscaped area where they preserved the river character of Brand Road that is something consistent with that feel and they will need more land to do it. He said they need to be patient and let Dublin evolve gracefully as the property becomes available.

Frank Pagnatta, 7465 Katesbridge Court, said he is a Trustee of the Wellington Place Homeowners Association and over the years he has talked to a lot of their residents about the five different proposals and that Mike and Collette have done a nice job summarizing the concerns of the homeowners and he would like to say as a homeowners association, consisting of 130 homes overwhelmingly support not just what they have heard, but what they have heard from the Brandon Subdivision and Brand Road residents affected by this development.

Joseph McCarthy, 7489 McCarthy Court, said on one of the slides shows a retention pond that comes in behind his house and he has concerns about that and currently the water drains to their property from that field and he is concerned that somehow that retention pond will be hooked up to the Wellington storm sewers and he is not sure what the process is. He said the past proposals said that would not be the case but their experience with the home is that the developers and the developer that developed Wellington has had drainage problems just like everyone else and they did not take care of their responsibilities and he is concerned that as this gets developed, the City of Dublin takes its responsibilities seriously because they worked with the City for a while and ended up having to pay to get the drainage problem fixed. He said with the five proposals nothing has worked and nothing has changed and from what they have seen and developers and still trying to get it through.

Jeff Blasinski, 7511 Bardston Drive, said this is his first meeting that he has attended and it has been fascinating and they moved into a home in Dublin just over 10 years ago and it was supposed to be a temporary move and had dreams of building his own home and has been eager to watch new developments go in with great interest and participated with developers and discussed the ideas of the developments. He said what has been striking to him has been how dense the lots have been and even if he had the money to build these homes, he would not want to buy the types of homes that have been going in with extremely small yards and in some cases no yards as in Tartan Ridge, but if the City could look at a comprehensive design and look at more modern sustainable design or something that would preserve the wild life and the natural aspects of what makes this part of the country beautiful and try and build a home that has a degree of green space that is not across the street and maybe have a garden in your own yard, but a completely revolutionary kind of design that would be more modern or something different that is not a traditional grid type design, something that would inspire people to want to live there rather than large square footage.

Kimberly Shepherd, 7412 Charmonte Court, said she is on the other side of Coventry Woods in Wellington Place and has no vested interest in terms of property values or one of the homes that back up to this. She said she has concerns with how the property is currently being maintained and used and she was at the last meeting and they got her curiosity peaked and she went for a hike on this property and found illegal dumping and a military style home gym buried in the woods, so she just wanted to raise the concerns about the property maintenance.

Ms. Amorose Groomes asked if there was anyone else that wanted to speak to this application. [There was none.]

Ms. Amorose Groomes indicated she assumed everyone had the opportunity to read the correspondence that was given out at the meeting. She said there are two items requested the rezoning with the preliminary development plan and the preliminary plat. She said they will start with the rezoning with the preliminary development plan.

Mr. Budde said he likes what the developer has presented and he noted that the size of the lots compared to the lots that this development backs up to are larger and he said he thought he was hearing that people do not want this in their back yard and at some point this is going to be developed and he likes what he sees and has no objections, but he is concerned about the water drainage.

Mr. Fishman said he admires the passion of Dublin residents and he has been here a long time and was here for all the zonings around this development. When Brandon came in the room and the lobby was packed with residents that felt just as passionate about the other subdivisions going in and they were concerned the wild life would be eliminated. He feels the developer has come a long way. He heard the concern about Brand Road and the density. He also discussed density when the other subdivisions came in and he was against the density of those subdivisions that exist today.

Mr. Fishman said Lot 1 is a concern and he could not support this with Lot 1 remaining. He said Lot 1 is a headlight lot and when he visited the site it ruins the entrance. He felt that Lot 1 would need to be eliminated to Dublinize the entrance. He said he noticed that on this proposal the lots and setbacks are bigger than the surrounding neighborhoods.

Mr. Zimmerman said he understands Mr. Fishman's concern for Lot 1 and agrees that the setbacks are larger than that of the neighboring subdivisions and he thanked the applicant for making that change and making it work better. He said at the entrance of the subdivision across the street are two homeowners that have been there for a number of years that share a joint driveway and when this entrance is being used they will experience head light trespass into their homes and would like to see the developer work with the homeowners to install landscaping on their individual properties to eliminate the trespass issues.

Ms. Krumb said she agrees with the comment to work with the homeowners on the south side of Brand Road with landscaping and agrees with the comment regarding Lot 1. She said at the last meeting her biggest concern was the curb cut and after reading the traffic report her concerns have been addressed. She said agrees that the intersection should not be any closer to Coffman Road because of the curve. She agrees with straightening the curve as suggested by Mr. McLaughlin but thought that was a City issue and not related to this application.

Ms. Krumb agrees that there is a lot of homes on the site plan and that ideally they should look at the larger parcel, but unfortunately it is in Washington Township and not under their review and they cannot require a property owner to acquire more land to make it bigger and it comes back to this is going to be developed and this proposal has made a lot of accommodations and the lots will not decrease the value of adjacent properties because the lots are bigger and the setbacks are bigger.

Ms. Krumb said the drainage comments have been addressed and will be improved greatly and the neighboring residents will be quite satisfied.

Ms. Krumb said she is heartbroken over all the trees that will be lost with this development, but glad to see the Tree Enhancement Zone where the replacement trees will be planted but would like the wording in the text corrected. She has heartburn over allowing as many evergreen trees and trying to create a 75% opacity because they will be tearing down a lot of trees to create that opacity. She said the tree replacement plan to have a tree for tree replacement for 6 to 24 inches in caliper and would like that reduced to 6 to 12 and anything over 12 should be replaced at caliper for caliper. She said the provisions for the tree replacements only apply to Lots 1 – 18 as far the landscape buffer of 75%. She said the Code reads for the western boundary that they can cut everything down and replace it with ornamental grasses, ground covers, fine or rough turf and it does not specify that they need to put trees in there and she was concerned that if the developer grades the whole site, the homeowner comes in and decides to cut down the 2-inch trees he never has to replace them according to the way it is written and that means the western boundary could have nothing on it and wanted to extend the buffer to include the entire property.

Ms. Amorose Groomes said they will have an opportunity to address the treatment of the boundary at the final development plan.

Ms. Husak said that if there are replacement trees installed they would be protected and would not be able to be removed based on the text and the Zoning Code and would be preserved or replaced.

Mr. Hardt said he wondered if this is the right parcel for this proposal and the developer has come back with a proposal that is considerably better. He agrees with the statements that have been made and at this point they have a proposal for single-family homes which is the most desirable option for the land and the standards that the development has been laid out with meet or exceed the standards of the neighboring subdivisions.

Mr. Hardt said his issues were setbacks and how they were reflected in the text and those have been cleaned up and have been resolved by having larger setbacks.

Mr. Hardt said the other issue was the curb cut on Brand Road and asked for a traffic study and it answered the questions and was surprised by the small number of trips that will be generated with this subdivision, but it works out at a car every two or three minutes at the peak hour and the clarification of the Fire Code has resolved the concerns.

Mr. Hardt said the stormwater was an issue and was not surprising that there is drainage issue on these properties now, but as the development installs 16 new catch basins, that are not there today, will address the drainage issue. He does want to make sure that they do take more trees than necessary. He said on the plans the catch basins fall within the tree enhancement zones and asked if an option was considered to move those out of the setback.

Ms. Husak said why they called it a Tree Enhancement Zone is because of the catch basins and the tree survey indicated trees along the eastern property line are not in good or fair condition or the size that would require replacement. There are more trees along the western property line.

Mr. Hardt said he wondered if the catch basins could be moved or tweaked to preserve trees. Aaron Stanford said there is always room for the catch basins to be moved in a minor way. He said they run into the grading situation that the basins create and if they would push too close to a home it would create a grading situation which they try not to have, but there can be fine tuning to the drainage structures.

Ms. Amorose Groomes said she did not think they were suggesting the basins come closer to the homes, could they be moved on the western side of the road to the western property line. Mr. Stanford said they would like to see them within 10 feet of the property line due to maintenance needs.

Mr. Hardt said he did not want to re-engineer this tonight, but if they could look at it and improve for the final review of the plans. Mr. Stanford agreed.

Ms. Kramb said there are prohibitions against fences in the neighboring subdivisions and she would like this development to be consistent. Mr. Hardt agreed.

Mr. Taylor said he appreciates the passion of the neighbors and appreciated Mr. Fishman's historic knowledge and perspective because he has been here a long time. He said at the last meeting they asked the applicant to reduce the size of the lot coverage to 45 percent and they have made the lots bigger and the homes smaller reducing the coverage. He said this is at least as nice as the neighbors and if they added land it would not change this it would just add another street just like the one proposed.

Mr. Taylor said one of the residents had a number of questions about details, but there is another stage after this that they will be looking at the very specific details should this pass the preliminary plan.

Mr. Taylor said he is happy with the build zone on the front of the property will increase the size of the back yards. He said for these size lots and houses there is a maximum practical depth of the lot. He said they have achieved a good balance between the developers and homeowners.

Mr. Taylor said he is convinced that the location of the curb cut is the only place it could be based on the traffic study that balances the safety of that between Coffman Road, Coventry Woods Drive and the curve and would like to see the curve straightened but that is an issue for the City and not this applicant.

Mr. Taylor said that the six lots that face Brand Road are set back farther than the lots that back up to Brand Road along Balfour and he would much rather see the fronts of homes rather than the backs of them that is the case along Balfour.

Mr. Taylor said the text indicates on item DS3 that the developer retains the right to have final review of the individual homes or at what point will it be turned over to the HOA. He asked the applicant to elaborate.

Charlie Ruma, 4020 Venture Court, Columbus, Ohio 43228, said they developed Wedgewood Hills and the Conine property in Wedgewood Glen and Riverside Woods which is similar and in all cases they retained the whole process of plan approval to make sure that they fulfilled the obligation that they presented in the matrix so that they did not get homes that are identical to each other or across the street from each other and they made sure the color patterns and the use of materials were complimentary to the whole subdivision and if necessary they hire an architect and the builder paid the architect to make comments and look at colors and roof and materials and they reviewed the overall look and appearance of the subdivision and by doing that they ended up creating more value for the unsold lots than they would have if they just let builder go about their way.

Mr. Ruma said he is a builder, but he is also a developer and they would retain the right for plan approval and the time of being complete they would turn it over to the Home Owners Association.

Mr. Hale said they had talked to Wellington Place because this is a 28 lot subdivision they had indicated at some point this should be within the Wellington Place Association and that happens at 80 or 90 percent of the lots being built out. He said the current trustees have indicated they will allow it.

Mr. Taylor said at the final he would like to see the stub at the end of Wellington Reserve Drive at the northwest be treated as if it was something other than the end of the pavement, no orange bollards or a mound of dirt, something nicely landscaped treatment since it is likely to be there for some time.

Mr. Fishman said, in his experience, there should a sign similar to the one in Donegal or Amberleigh that identifies that the street will be extended in the future.

Ms. Amorose Groomes said she does believe that this proposal is being held at the same standard as the surrounding developments and with the 40 foot tree enhancement zone and the lots are significantly deeper than the existing lots and appreciative that was accomplished.

Ms. Amorose Groomes said they need to talk more about Lot 1.

Ms. Amorose Groomes said she is in favor of the prohibition of the fencing in this area for the reasonable expectation of the neighbors.

Ms. Amorose Groomes said the drainage has been addressed and the issues will be significantly relieved by having this new drainage in place and the prevention of the migration of water from west to east across this property.

Ms. Amorose Groomes agrees with the under 12 inches tree replacement that it can be tree for tree replacement and over 12 inches it is caliper inch for caliper inch replacement. She said there is room for a lot of trees on this property with the Tree Enhancement Zones and there are a lot of places to put them and they want to get as many trees on this property as they can.

Ms. Amorose Groomes said she agrees with the gentleman who asked for the multi-use path to be cleaned up in the text and would like to make the change City wide that they only refer to them as multi-use paths.

Ms. Amorose Groomes said she is concerned with the dry basin and wanted them to understand it is very important for them to look at how they dry out that basin and that it does dry out for a long period of time to avoid becoming a maintenance issue or a haven for an insect problem down the road. She said the one by the Bailey Elementary School is done very well and there are some done poorly by Jerome High School.

Ms. Amorose Groomes agrees that the Tree Enhancement Zone needs cleaned up in the language of the text that there should be deciduous trees and evergreen trees where appropriate. She said there has to be some leeway to the 75% opacity and at some point a field judgment will need to be made as to what is in the best interest of the landscape as a whole and they will need to explore that and come up with some solutions and she wanted them to condition it to be cleaned up at the final development stage.

Ms. Amorose Groomes asked if everyone was okay with Lot 1. Mr. Hardt said he was okay with it remaining because he would rather see the headlights being blocked by the house and not be hitting the backs of the homes on Ballybridge. Ms. Kramb said she was leaning toward Mr. Fishman's recommendation to eliminate Lot 1. Mr. Budde said he was okay with leaving it. Mr. Zimmerman said he agrees with both opinions. Ms. Amorose Groomes said she agrees with Mr. Hardt and nothing blocks a head light like a house. She said she did not see pursuing this further and suggested that Lot 1 remains.

Ms. Amorose Groomes said that the language needs to be cleaned up with the Tree Enhancement Zones within the text and to not allow any other plant material to be counted toward a replacement tree.

Mr. Chillog said they just did not want to preclude anyone from planting other materials there, but would not be counted towards a replacement tree.

Ms. Amorose Groomes said that the Home Owners Association union is not something this Commission can address and is not something that cannot happen unless they agree to it.

Ms. Amorose Groomes said that the first motion is with respect to the Rezoning with the Preliminary Development Plan and there are four conditions in the staff report and now there are nine. The first four remain unchanged. She the additional conditions:

5. That the development text be revised to duplicate the fence restrictions of the surrounding neighborhoods.
6. That the development text and plans be updated to indicate multiuse paths, instead of bike paths.
7. That the tree replacement language in the development text be revised to require inch for inch replacement for trees 12 inches or greater.
8. That the text clarify that any supplemental planting within the tree enhancement zone shall not be counted toward required replacement trees.

9. That the details of plantings within the proposed landscape buffer be reviewed and approved at the final development plan stage to ensure existing trees are preserved where possible and incorporated into the buffer.

Mr. Zimmerman asked if there needs to be a condition for the homes across the street with landscaping to be installed by the applicant to help with the light trespass. Mr. Ryatt said they are willing to work with the neighbors and plant trees.

Ms. Amorose Groomes said there will be a 10<sup>th</sup> condition that they will work with staff and coordinate with the homeowners to plant landscape screening.

Mr. Hale agreed to the conditions.

Mr. Reeves said the Brandon residents would much rather have them keep the existing trees then try to obtain 75% opacity. Ms. Amorose Groomes said it was something that they will be working through at the final development stage and a notice will be sent so that they are aware of the application and they will have the ability to come and provide comment to incorporate those into the final landscape plan.

Ms. Amorose Groomes said there are 10 conditions on the screen, Number 10 reading: That they will work with the neighbors across the street for screening issues.

Ms. Amorose Groomes asked if the applicant agreed to the 10 conditions. Mr. Hale agreed.

#### **Motion and Vote**

Mr. Taylor made a motion to approve the rezoning with preliminary development plan with 10 conditions. Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Budde, yes; Mr. Hardt, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

#### **Motion and Vote**

Mr. Taylor made a motion to approve the preliminary plat with two conditions. Ms. Amorose Groomes asked if the applicant agreed to those conditions. Mr. Hale agreed. Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Budde, yes; Mr. Fishman, yes; Mr. Hardt, yes; Ms. Kramb, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Ms. Amorose Groomes thanked everyone for their comments.

2. **Avery Square PUD – Avery Square Shopping Center**      **6335-6595 Perimeter Drive**  
**11-069AFDP/CU**      **7000-7100 Hospital Drive**  
**Amended Final Development Plan**  
**Conditional Use**

Chair Chris Amorose Groomes stated the following application is regarding a 352-square-foot outdoor patio for a restaurant with revised furniture and fencing, and modifications to the awning color palette for a retail center located in the Avery Square Planned District. She said the Planning and Zoning Commission is the final authority on this application. She swore in the applicants, staff and anyone who would like to speak on this application.

Eugenia M. Martin, ASLA, Landscape Architect asked if there was a need for a presentation. Mr. Hardt had pulled this case and indicated it was not necessary for a presentation.

Mr. Hardt said he was happy to see this applicant open for business and welcomed them. He said when they approved the rezoning for Avery Square the approval allowed additional patios and he expected to see more and hoped to see more. He said he did have one concern that there have been three businesses with patios and in all three cases the applicants had been asked to be consistent in the fencing and furniture. Ms. Martin agreed and said the furniture in BW3 and Cold Stone Creamery and Sunny Street Café all have metal seats with a mesh bottom. She continued BW3 has a mesh table top, but the other two businesses have a solid table top. She said the fence style is a tubular picket style and all three are a little different at the top with an open picket at the top.

Mr. Hardt asked when they were approved if they were required to be the same, similar or identical. Ms. Martin said the text states "the outdoor dining areas shall use matching amenities fences, tables, chairs, and flower boxes and must be a black wrought iron design consistent with the patios which have been approved for the center".

Ms. Amorose Groomes said the request was for similar materials not identical materials. Ms. Martin agreed.

Ms. Husak said to clarify patios are a permitted use and can be administratively approved, if those conditions are met. She said Planning has determined the proposed furniture does not meet the conditions and hence this application is before the Commission and was not able to be administratively approved.

Ms. Martin clarified there are two parts to this application, one is the amended final development plan for the awning color and the second is a conditional use for patio based on the proposed furniture not meeting the conditions of the text.

Ms. Krumb said she is okay with the furniture looking different as long as the color is the same. She said she is not comfortable with a different fence because the Commission expressed a previous desire for a consistent fence design. Mr. Zimmerman agreed and said the fence design was his greatest concern.

Ms. Amorose Groomes asked for the applicant to come forward.

Mr. Thomas Beery, with Thomas Beery Architects, said the style of the fence has been used at their other restaurants and is part of their branding. He said it will be located behind a hedge row and will not be visible from the exterior. He said if the fence design is something that will affect their patio they would put in a picket style fence, but if the Commission would allow it the applicant would like to use the proposed fence design to keep with their branding.

Mr. Taylor agreed with Mr. Beery it is the same fence used at their Sawmill location. He said the intent of the previous approvals was to ensure all fences were black wrought iron. He said he would allow the proposed fence as it is part of the character of the restaurant.

Ms. Krumb said the amended final development plan is for the whole center and asked if the center is willing to change their awnings. Ms. Martin clarified the approval of this application would permit two additional awning colors and remove one from the previously approved awning selections.

Ms. Krumb said she would like to eliminate the solid green because the other awning designs have stripes.

Mr. Hardt asked if the applicant wanted green or if was because they were trying to clean up the fact a green awning exists. Ms. Martin agreed.

Ms. Kramb said she is for adding the black and white stripe awning, but not for adding a green awning color.

Ms. Amorose Groomes said she did not think it is a big enough issue since it is only located in one space.

Ms. Amorose Groomes asked if the applicant had an issue for the opening patio next to the busy corner. Mr. Beery said there would be a hedge row on the outside of the patio.

Ms. Amorose Groomes said there are two motions, one for the amended final development plan which deals with the umbrellas and awnings and the second is the conditional use regarding the fencing and patio.

Mr. Taylor asked if they were able to serve alcohol when there is an opening in the patio gates. Mr. Beery said the openings could be as big as six feet.

Ms. Amorose Groomes asked if there were any further comments. [There were none.]

Ms. Amorose Groomes asked if there were anyone from the general public that would like to speak to this application. [There were none.]

#### **Motion and Vote**

Mr. Taylor made a motion to approve the amended final development plan with one condition.

1. The black and white striped awning color include an additional thinner strip to complement the previously approved striped awnings, subject to Planning approval.

Mr. Beery agreed to the condition.

Mr. Fishman seconded the motion and the vote was as follows: Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; Ms. Kramb, no; Mr. Hardt, yes; Mr. Budde, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 6 – 1.)

#### **Motion and Vote**

Mr. Taylor made a motion to approve the conditional use application with one condition:

1. The patio furniture be stored off-site from November 1<sup>st</sup> through April 1<sup>st</sup>.

Mr. Beery agreed to the condition.

Mr. Zimmerman seconded the motion and the vote was as follows: Mr. Budde, yes; Mr. Hardt, yes; Ms. Kramb, no; Mr. Fishman, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, no; and Mr. Taylor, yes. (Approved 5 – 2.)

### **3. Muirfield Village PUD – Muirfield Village Golf Club – Clubhouse Expansion 11-071AFDP 5750 Memorial Drive Amended Final Development Plan**

Chair Chris Amorose Groomes stated the following application is regarding a 15,546-square-foot golf clubhouse building and associated site improvements for the Muirfield Village Golf Club, located in the Muirfield Village Planned District on the north side of Memorial Drive, approximately 2,200 feet east of Muirfield Drive. She said the Planning and Zoning Commission is the final authority on this application. She swore in the applicants and staff.

Mr. Fishman said he is a social member of Muirfield Village and had discussed with the City Attorney whether he should recuse himself and he was advised it would not be necessary since he is not involved in the development proposal or planning of this improvement.

Ms. Amorose Groomes said the horticulturist of Muirfield Village is a professional colleague and they discussed the plant list for this property, but nothing pertaining to the application, only the plant material that would be desired on the property.

Jennifer Rauch said this application was on the consent agenda and confirmed a presentation was unnecessary.

Mr. Fishman said he would like to ensure the applicant makes modifications to the landscaping and mounding to address the concerns highlighted by the residents regarding the buffering along Dunniker Park Drive.

Ms. Amorose Groomes said the scotch pines have failed over the years and caused the site to lose the screening along the roadway. She asked if the applicant could use the dirt from the underground cart barn excavating to install mounding along Dunniker Park Drive.

Nicholas LaRocca, General Manager, 5750 Memorial Drive, said there are two issues on Dunniker Park Drive that have resulted in the loss of trees and they include the negative effects from an insecticide used to treat the trees and also from the emerald ash borer. He said because of these two issues a number of trees had to be removed and will be replaced along Dunniker Park Drive. Mr. LaRocca also stated the cherry trees are not dying, but in good health.

Mr. Taylor asked if there were any changes in the lighting within the parking lot or around the building.

Brian Quackenbush, EMH&T, 5500 New Albany Road, Columbus, Ohio, said there will not be any changes to the lighting, but there is a standard parking lot pole that will be relocated as part of the modifications. He said three-foot high bollards will be used along the sidewalk and new cart paths, but would be relocated from the existing paths that are being modified with the proposal.

Ms. Rauch said the plan indicates the locations of the bollard along the paths and the island within the parking lot is where the existing light pole will be relocated.

Ms. Amorose Groomes asked if there was anyone from the general public that would like to speak to this application. [There were none.]

Ms. Amorose Groomes said she had one issue with the landscape drawings and the plant list on the drawings is not reflective of the plant material used on the balance of the site and would like the plant material selection to be solidified at the time of installation coordinated with staff. Ms. Rauch said she and the applicant had discussed modifications to the proposed landscape plan, and offered to draft a condition to address Ms. Groomes' concerns.

Ms. Rauch read the condition: The landscape plan be revised to reflect the inclusion of plant species located around the club house, subject to Planning approval.

#### **Motion and Vote**

Mr. Taylor made a motion to approve the amended final development plan with one condition.

Mr. LaRocca agreed to the condition.

Mr. Fishman seconded the motion. The vote was as follows: Mr. Zimmerman, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; Ms. Kramb, yes; Mr. Budde, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

**4. Bridge Street Corridor – Code Modification  
11-020ADM**

**Administrative Request**

Chair Chris Amorose Groomes stated that this is an administrative request for review and recommendation to City Council for proposed amendments to the Zoning Code to establish a number of new zoning districts and regulations for the Bridge Street Corridor. She stated that the Commission will make a recommendation to City Council on the final draft of the Bridge Street Corridor Development Code once the Commission completes their review and is satisfied with the final product. She stated that no recommendation or vote would be taken on this item this evening. She said the Commission will review Sections 153.057 (General Purpose), 153.058 (Districts Intent) and 153.059 (Uses).

Matt Stavroff, Stavroff Interests, 565 Metro Place South, Suite 480, Dublin, said they own 50 or 60 key acres within the Bridge Street Corridor and would like to have the opportunity to come and show examples of what they are considering for their property that they feel would capture most of the spirit and intent of the Bridge Street Corridor Vision. He stated that he would also like to demonstrate why they agree with 80 or 90 percent of the principles, but that it would be impractical or impossible to adhere to 100 percent of the code as it is written today. He said he thinks there is a better way to do it, and would like the opportunity to show the Commission. He said he would like to do that at the next meeting or two with two or three development plans that he believes would not be able to be approved with the code as written today. He said he would hate to see the code and area rezoning approved without properly thinking this through, but he thought that with tweaking, they could all get there.

Mr. Stavroff said their property at Sawmill Road and I-270 is subject to a reciprocal easement agreement with a neighboring property owner that explicitly prohibits the type of development that the Bridge Street Corridor is proposing. He said that the good news is that they are working diligently with a cooperative property owner out of Dallas, Clearview Development, and he is positive that they will be able to overcome that easement agreement shortly.

Ms. Amorose Groomes said that this is a project in motion, and the sooner they can get their illustrations in, the more expeditious they can be to get what they feel is necessary into the Code. She said the Commission is being very methodical about their review of this Code and certainly share Mr. Stavroff's concern that the code be thoroughly thought through; however, the Commission has been charged to finish their review of the code. She said they look forward to hearing what they have to say.

Mr. Langworthy said he would like to have the opportunity to meet with Mr. Stavroff and review the plans to determine whether or not the development could be done through the Bridge Street Code.

Mr. Stavroff agreed to schedule a time to meet with staff.

Ms. Amorose Groomes announced that the Commission has been through every word of the Code once, and this review will be their second review.

Mr. Langworthy pointed out that a memo highlighting the changes to the Code recommended by the Architectural Review Board was included in the packet.

**Sections 153.057 (General Purpose), 153.058 (Districts Intent) and 153.059 (Uses).**

John Hardt asked if the Commissioners should begin by reviewing the definitions. Mr. Langworthy said that the Commissioners should begin their review of the Code first.

Amy Kramb pointed out that the acronym, "BSC," is not consistently used throughout the text, since sometimes the full "Bridge Street Corridor" is spelled out. She recommended that this be applied more consistently.

Mr. Langworthy noted that BSC is used to describe the Bridge Street Corridor as a geographic area, and also as a prefix to the BSC zoning districts.

Mr. Hardt said he would like to reiterate that he would prefer that the Vision Report be updated to include information that has been acquired and discussions that have taken place to date.

Mr. Langworthy said that October 25, 2010, as stated in the code, was the adoption date of the Vision Report by City Council. He said the update to the Vision Report is on Planning's work plan for 2012, and Planning will come back and take a look at that along with the amendment to the Thoroughfare Plan.

Mr. Hardt said under Section C, subparagraph 2, the text starts out by stating that *these districts are further intended*, and in the middle of the paragraph there is a phrase that says *providing designs that honor human scale in its details*, he thought it should be in "their details" because the details are part of the designs.

Mr. Hardt pointed out that there are two references to sections 153.058 through 153.066 and wondered if it should include section 153.057 should also be included.

Mr. Langworthy said it was not necessary because 153.057, General Purpose, is not regulatory.

Mr. Hardt said the "Intent" in all of the subparagraphs for the Districts Intents all start with, *This district is intended to...* and while that language makes sense now, these districts will be in place, and therefore the present tense should be used. Ms. Kramb agreed with Mr. Hardt.

Mr. Hardt said that in subparagraph 9, the second paragraph on page 3, there is a sentence that says *these regulations are intended to establish natural and created open space patterns...* he said he was not sure what "created" open space patterns were, and wondered if "man made" was a better word.

Rachel Ray said that was the intent, and that the wording could be changed.

Mr. Hardt said that in subparagraph 5 and 6, there is a distinction being made between Existing Structures and Existing Uses, which makes perfect sense now that he has read the minutes from the ARB discussion, but prior to reading those minutes, he did not get the distinction.

Mr. Langworthy said that the code deals with Existing Structures and Existing Uses separately, because the two do not mix and match. He said that they needed to look very closely at what the regulations are for Existing Structures and then look at use and take care of use how they need to be reconciled.

Mr. Hardt said that as he was going through the pages, he was trying to flip back to the cross reference sections to make sure that they tie together, and he found it confusing. He said on page 6, there is a table, Table 153.059-A, which is located in Section 153.059(B), and throughout the Code there are instances where a table shares the numerical and letter designations to a section that it is not in.

Mr. Langworthy said the numbering conventions are different for tables and figures than sections.

Mr. Hardt said he had a question about the intent of the Existing Uses provisions. He said that in the middle of the paragraph, it states that an *existing use may be extended throughout any building or parts of a building which were manifestly arranged or designed for that use at the time of adoption*. He asked that this be clarified.

Mr. Langworthy said there may be buildings that have spaces that aren't occupied at the time the code is amended, but there may be other parts of the building with an Existing Use in operation that are specifically designed to be occupied in that way. He said if the space is designed for the Existing Use, it can expand into the unoccupied space.

Mr. Hardt asked that the language be reviewed, because it seemed to him that they would want to allow a business to expand into any available space within the same building. Mr. Taylor agreed with Mr. Hardt.

Mr. Langworthy said that he would look at the text, but it may be limited to a percentage of expansion of an Existing Use, because the intent is to ensure that the business becomes consistent with the code at some point.

Mr. Hardt said they have consistently told property owners that they can continue to using the buildings they have.

Mr. Langworthy confirmed that there is nothing in the code that changes that.

Mr. Taylor asked if he were to add employees to his business and wanted to move them into offices across the hall from his existing office, but the office across the hall was a different use, would that be allowed under this provision?

Mr. Langworthy said it may be allowed, but that has to do with the "designed or arranged" part. He said that if they need to remove a wall to design and make it function as one space that, as of the date of this amendment, is not designed to be one tenant, then that is designed to be two tenants.

Jennifer Readler said this language is commonly used and is similar to the language used for non-conforming uses.

Mr. Taylor said that in paragraph 7, the sentence that begins with *this provision shall apply only to planned developments where no construction has commenced*, is confusing.

Ms. Readler said it intended to for any existing planned districts where there is a text, but there is no construction or that nothing has happened to implement that planned district.

Mr. Hardt said then the planned district text remains enforce. Ms. Readler agreed and said it was a concession for the development community.

Mr. Hardt said that, with regard to the Use Table, in light of the conversation with the ARB, should parking structures within the BSC Historic Core simply be a conditional use?

Ms. Ray said that as the Code is currently written, parking structures would require a conditional use, which would be reviewed by the Planning and Zoning Commission, if they are not wrapped by a building, and would also require Architectural Review Board approval just for the architecture and site modifications.

Ms. Krumb referred to the Use Table and said that she did not understand why they would not allow Banks in the BSC Office Residential District. She also did not understand why they would not allow a bed and breakfast within the BSC Historic Transition Neighborhood District.

Ms. Ray said the BSC Historic Transition Neighborhood District relates to the building types that are permitted in that district, and that district currently does not allow single family building types. She said that a bed and breakfast would most likely occur in a single family style building as opposed to a single family attached or apartment building.

Ms. Kramb said she thought that a hotel in the upper stories of the BSC Vertical Mixed Use District should also be permitted on the ground floor, since that is where the entrance would be.

Ms. Ray said the intent of the BSC Vertical Mixed Use District is for more intensive mixed use districts that do not currently exist, and that is why they are not recommending this district be applied to any properties yet. She said that the intent was to make sure the first floor was a highly active pedestrian oriented use, as opposed something like a hotel which would be less conducive to creating an active pedestrian atmosphere.

Ms. Kramb asked why all the parking lots are conditional uses.

Mr. Langworthy said that parking lots need to be sensitively placed and treated when they are stand alone parking and not associated with a use.

Mr. Hardt asked about the use of renewable energy such as solar panels and other sustainable energy devices. He asked the other Commissioners if they wanted to allow them on every building because they are not always done well.

Mr. Langworthy said he didn't want to discourage anyone from being energy efficient.

Ms. Ray suggested changing the language to require them be architecturally integrated into the building.

Mr. Taylor said he liked the suggestion to require that they be architecturally compatible.

Mr. Hardt said under fueling stations, subparagraph 3 says *where pumps are facing any street, the owner shall install..* He thought the code should not dictate who installs something, since it may be a tenant responsibility. Mr. Langworthy said that would be changed.

Mr. Hardt asked for an explanation of "accessory parking."

Ms. Ray said accessory parking is all parking that is required to be provided for a use on a property, so that it is not operated as a for-profit parking lot.

Ms. Kramb said she was confused with the requirement stating that vehicle rental facilities shall be located at least 60 feet from a street intersection.

Ms. Ray said the Commission had previously discussed a desire to limit these types of facilities from being located on corner lots.

Warren Fishman suggested that the code restrict where the cars are stored, rather than limit the office portion of the use, which are common in higher density areas. Ms. Ray agreed to review the text.

Mr. Hardt requested that outdoor speakers be a conditional use in all districts initially, and as density occurs and it becomes less of a concern, perhaps the code could be changed to allow them only in specific districts. Mr. Langworthy agreed to change the language.

Ms. Amorose Groomes announced that the Commission would conclude their review for the evening, and that they will pick up again on page 14 with Lots and Blocks at the next meeting on January 12.

**Administrative Business**

Ms. Amorose Groomes said they had scheduled a Planning and Zoning meeting on January 26<sup>th</sup>, and at that time, she did not realize that she will be out of the country on that day and asked if they could change the special meeting date from January 26<sup>th</sup> to January 24<sup>th</sup>. Ms. Kramb said she would only be available for about an hour and a half on Tuesday, January 24<sup>th</sup>.

**Motion and Vote**

Mr. Taylor made a motion to move the special meeting from Thursday, January 26<sup>th</sup> to Tuesday, January 24<sup>th</sup>. Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Fishman, yes; Ms. Kramb, yes; Mr. Hardt, yes; Mr. Budde, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Ms. Amorose Groomes adjourned the meeting at 11:10 p.m.

As approved by the Planning and Zoning Commission.