



## **Site Description**

### *Location*

The overall 61-acre site is located in Union County and is bordered by Hyland Croy Road to the east and Mitchell-Dewitt Road to the north. The site is zoned PUD, Planned Unit Development District, for the Oak Park development. Access to the site from Mitchell-Dewitt Road is provided from Oak Meadow Drive, the major north-south connector through the development, and access to Hyland Croy Road is provided by Oak Park Boulevard, which runs east-west through the site.

### *Surrounding Sites and Zoning*

Dublin Jerome High School, zoned PUD, Planned Unit Development District, is located on the east side of Hyland-Croy Road north of Brand Road, northeast of Oak Park. The Glacier Ridge Metro Park and large-lot, rural residential sites are located in Jerome Township to the north, west, and south. The Bishop's Run and Bishop's Crossing developments, zoned PLR, Planned Low Density Residential District, are located east and southeast of the site across Hyland Croy Road.

### *Existing Site Conditions*

The site is currently undeveloped, although site work is underway for grading, roadway construction, and retention pond installation. Building permits have been filed for several of the townhome buildings and the community clubhouse.

## **Plan Description**

### *Plan Overview*

Subarea D, comprised of attached townhomes fronting on Oak Meadow Drive, Snowdrop Court, and Primrose Court, will be located in the central portion of the site adjacent to the commercial area (Subarea E). The townhomes will provide a transition to the single-family lots along the perimeter of the development (Subareas A and B).

### *Development Standards*

The approved development text for Subarea D permits 36 attached townhome units in six buildings with six-foot minimum side yards. The minimum width for individual townhome lots is 24 feet. The development text also requires that the front building façades be located within a "Build-To Zone" with a front yard setback of not less than 6.5 feet and not more than 13 feet for a 7-foot front yard building zone.

### *Proposed Front Yard Setback*

The City typically requires sidewalks within the public right-of-way. Prior to the final development plan approval in March 2007, Planning and Engineering requested that the public right-of-way be increased from 50 feet to 56 feet to include the sidewalks in front of each townhome.

The front yard setback was reduced on the plat to accommodate the increased right-of-way which created a departure from the setback requirements of the text, as described

above. This reduced the “Build-To Zone” to one foot from the right-of-way rather than 6.5 feet as required by the text.

#### *Modification Request*

The applicant is requesting a deviation from the approved text to permit the townhomes to be located one foot from the right-of-way, which would adhere to the previously approved and recorded final plat by locating the front of the buildings within the approved “Build-To Zone.” Approval of this request will allow the townhome buildings to be built in the previously approved location while not strictly adhering to the minimum front yard setback requirement of 6.5 feet required by the text.

## **SECTION II - REVIEW STANDARDS:**

### **Preliminary Development Plan Modification:**

The Planning and Zoning Commission is authorized to approve modifications to the provisions of the development standards provided that all of the following criteria are met under Section 153.053(E)(2)(B)(4)(b):

- (i) The Planning and Zoning Commission determines that, for this Planned District, the Code compliance is not needed in order to ensure that the Planned District is consistent with the Community Plan and compatible with existing, approved, or planned adjacent development;
- (ii) The Planning and Zoning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Community Plan;
- (iii) The proposed modification results in a development of equivalent or higher quality than that which could be achieved through strict application of the requirement(s);
- (iv) The principles of § 153.052(B) are achieved; and
- (v) The development, as proposed on the final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

Any proposed modification to a preliminary development plan that fails to meet the above criteria shall require a zoning amendment to the preliminary development plan according to Section 153.234.

### **Amended Final Development Plan:**

The purpose of the Planned Unit Development process is to encourage imaginative architectural design and proper site planning in a coordinated and comprehensive manner, consistent with accepted land planning, landscape architecture, and engineering principles. The PUD process consists of up to three stages:

- 1) Concept Plan (Staff, Commission, and/or City Council review and comment);
- 2) Zoning Amendment Request (Preliminary Development Plan; Commission recommends and City Council approves/denies); and
- 3) **Amended Final Development Plan (Commission approves/denies).**

The intent of the final development plan is to show conformance with and provide a detailed refinement of the total aspects of the approved preliminary development plan (rezoning). The final development plan includes all of the final details of the proposed development and is the final stage of the PUD process. The Commission may approve as submitted, approve with modifications agreed to by the applicant, or disapprove and terminate the process. If the application is disapproved, the applicant may respond to Planning and Zoning Commission's concerns and resubmit the plan. This action will be considered a new application for review in all respects, including payment of the application fee. Appeal of any action taken by the Commission shall be to the Court of Common Pleas in the appropriate jurisdiction. Following approval by the Commission, the applicant may proceed with the building permit process.

#### **Planning Opinion and Recommendation:**

Section 153.055(B) of the Code identifies criteria for the review and approval of an amended final development plan. The criteria are arranged in the following categories and may be in a different order than listed in the Code:

*Adopted Policies and Plans (Criteria 1, 3, 9, & 10). The proposed plan conforms to the approved preliminary development plan, has adequate public facilities and open spaces, is carried out in progressive stages, and conforms to all other applicable zoning text and Code requirements.*

**Criteria are met:** The proposed front yard setback reduction will not significantly alter the intended purposes of the approved development text. The proposal will locate the buildings in the same relative location indicated on the preliminary development plan.

*Site Safety and Circulation (Criteria 2 & 5). The proposed plan provides for safe and efficient pedestrian and vehicular circulation and provides adequate lighting for such uses.*

**Criteria are met:** No changes are proposed to pedestrian and vehicular circulation.

*Development Details (Criteria 4, 6, 7, & 8). The details of the development are sensitive to the natural characteristics of the site, include appropriate landscaping and signs, and provide adequate storm drainage.*

**Criteria are met:** The proposed reduction to the minimum front yard setback requirement will not alter the originally approved arrangement of buildings, sidewalks, roadways, natural features, or any other site characteristics. The proposed setback reduction will, however, bring the originally approved plan and recorded plat into conformance.

**SECTION III - RECOMMENDATION: Approval.**

In Planning's opinion, the modification to permit a decreased front building setback is consistent with the standards and conditions approved at the rezoning, and the proposal complies with the amended final development plan criteria set forth in Section 153.055(B) of the Dublin Zoning Code. Planning recommends approval of the request.

**Two Motions Required:**

Approval of this request requires that the Commission make two separate motions. The Commission must find that the proposed deviation from the approved development text has met all of the criteria listed in Section 153.053(E)(2)(B)(4)(b) for modifications to a preliminary development plan. The first motion would be to approve the proposed modification to the preliminary development plan because the provisions listed in Code Section 153.053(E)(2)(B)(4)(b) have been satisfied.

Should the Commission find that the proposed deviation from the approved development text has met all of the criteria listed in Section 153.053(E)(2)(B)(4)(b), then a motion for approval can be made based on the review criteria for an Amended Final Development Plan listed in Code Section 153.055(B).

### **Preliminary Development Plan Modification:**

#### **Review Criteria**

The Planning and Zoning Commission is authorized to approve modifications to the provisions of the development standards provided that all of the following criteria are met under Section 153.053(E)(2)(B)(4)(b):

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## **Amended Final Development Plan**

### **Review Criteria**

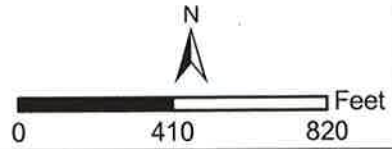
In accordance with Section 153.055(B) *Plan Approval Criteria*, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.



City of Dublin  
Land Use and  
Long Range Planning

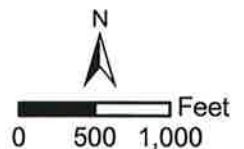
08-070AFDP  
Amended Final Development Plan  
Oak Park, Subarea D, Townhome Setback  
Hyland-Croy Road



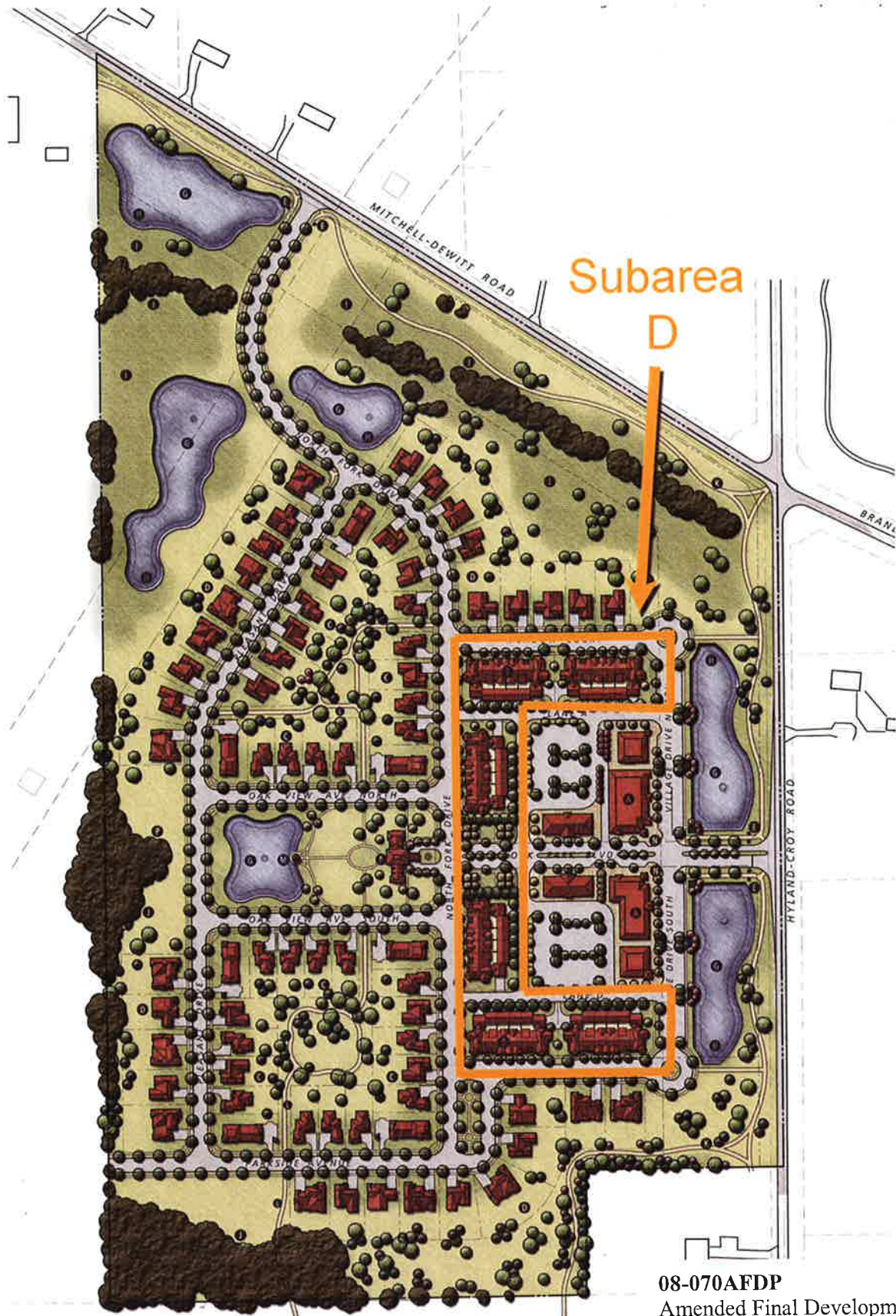


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## Development Context August 7, 2008

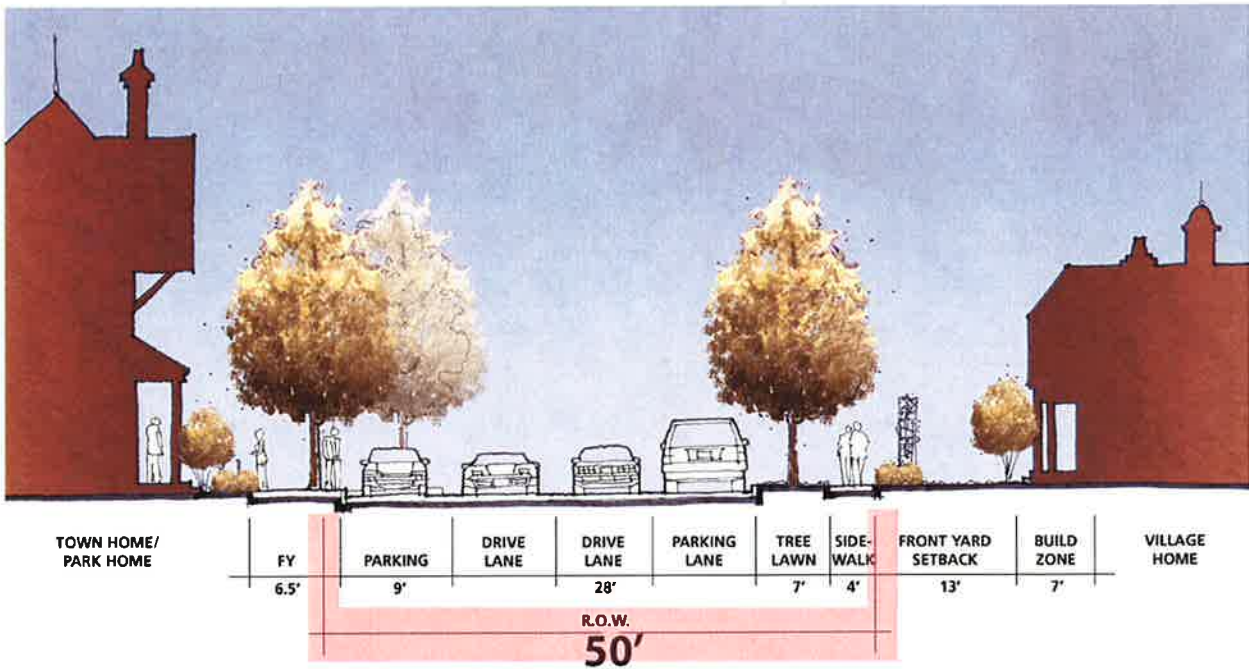


# PREVIOUSLY APPROVED SITE PLAN



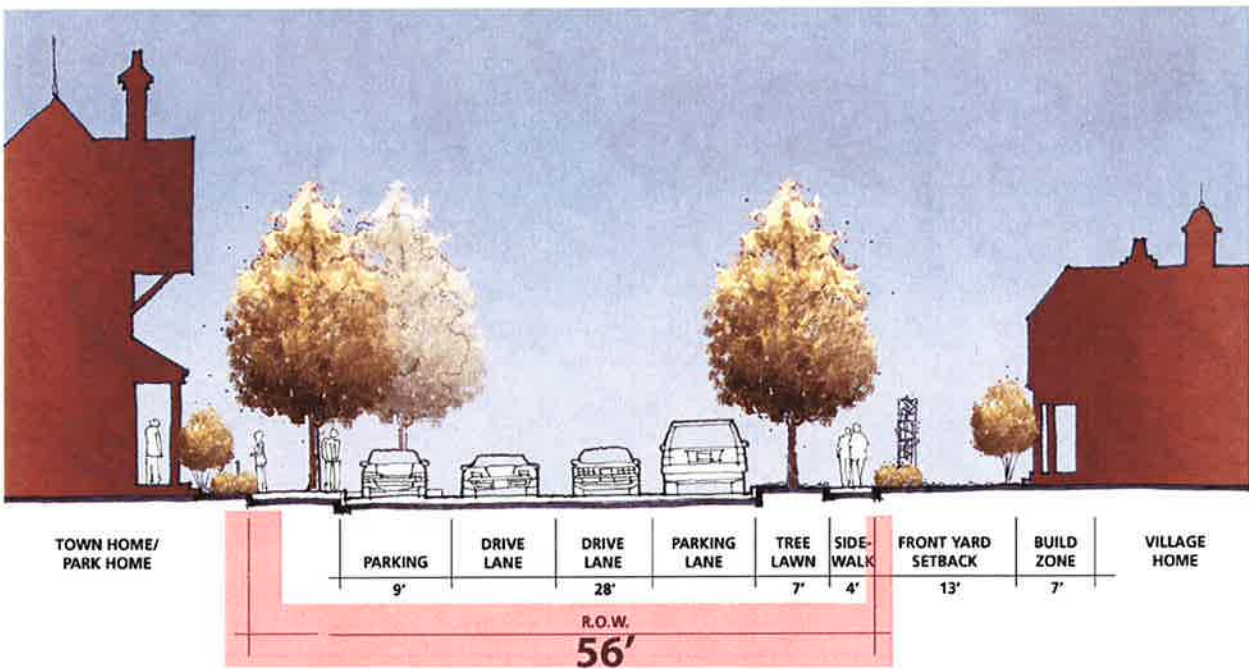
**08-070AFDP**  
Amended Final Development Plan  
Oak Park, Subarea D-Townhome  
Setbacks  
Hyland-Croy Road

# APPROVED DEVELOPMENT TEXT EXHIBIT



Section - North Fork Drive, Oak Meadow Court, and Garden Court

## PLATTED RIGHT OF WAY



Section - Snowdrop Court, Oak Meadow Drive, Primrose Court

08-070AFDP

Amended Final Development Plan  
Oak Park, Subarea D-Townhome  
Setbacks  
Hyland-Croy Road

# APPROVED DEVELOPMENT TEXT EXHIBIT

