



CITY OF DUBLIN,

Land Use and
Long Range Planning
5800 Shier-Rings Road
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600
Fax: 614-410-4747
Web Site: www.dublin.oh.us

PLANNING AND ZONING COMMISSION APPLICATION

(Code Section 153.232)

I. PLEASE CHECK THE TYPE OF APPLICATION:

<input type="checkbox"/> Preliminary Development Plan / Rezoning (Section 153.053)	<input type="checkbox"/> Final Plat (Section 152.085)
<input type="checkbox"/> Standard District Rezoning (Section 153.018)	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Informal Review	<input type="checkbox"/> Right-of-Way Encroachment
<input type="checkbox"/> Concept Plan (Section 153.056(A)(1))	<input type="checkbox"/> Conditional Use (Section 153.236)
<input type="checkbox"/> Final Development Plan (Section 153.053(E))	<input type="checkbox"/> Corridor Development District (CDD) (Section 153.115)
<input checked="" type="checkbox"/> Amended Final Development Plan (Section 153.053(E))	<input type="checkbox"/> CDD Sign (Section 153.115)
<input type="checkbox"/> Preliminary Plat (Section 152.015)	<input type="checkbox"/> Other (Please Specify): _____

II. PROPERTY INFORMATION: This section must be completed.

Property Address(es): Subarea D of Oak Park PUD	
Tax ID/Parcel Number(s): Union County Parcel Numbers 390028014021 through 390028014039 390028014088 through 390028014108	Parcel Size(s) (Acres): 4.9± acres
Existing Land Use/Development: Undeveloped, platted townhome lots	

IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:

Proposed Land Use/Development: Residential Townhomes	<div style="color: red; font-size: 2em; font-weight: bold;">FILE COPY</div> <div style="color: blue; font-size: 2em; font-weight: bold;">RECEIVED</div>
Total Acres to be Rezoned: N/A	

III. CURRENT PROPERTY OWNER(S): Please attach additional sheets if needed.

Name (Individual or Organization): Oak Park Dublin LLC	<div style="color: blue; font-size: 0.8em;">JUL 22 2008</div> <div style="color: blue; font-size: 1.2em;">08-070AFD</div> <div style="color: blue; font-size: 0.8em;">CITY OF DUBLIN</div> <div style="color: blue; font-size: 0.8em;">LAND USE &</div> <div style="color: blue; font-size: 0.8em;">LONG RANGE PLANNING</div>
Mailing Address: (Street, City, State, Zip Code) c/o Atlantic Realty Development 90 Woodbridge Center Dr., Suite 600, Woodbridge, NJ 07095	
Daytime Telephone: (732)750-1111	Fax: (732)750-9515
Email or Alternate Contact Information:	

IV. APPLICANT(S): This is the person(s) who is submitting the application if different than the property owner(s) listed in part III. Please complete if applicable.

Name:		Applicant is also property owner: yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Organization (Owner, Developer, Contractor, etc.):		
Mailing Address: (Street, City, State, Zip Code)		
Daytime Telephone:	Fax:	
Email or Alternate Contact Information:		

V. REPRESENTATIVE(S) OF APPLICANT / PROPERTY OWNER: This is the person(s) who is submitting the application on behalf of the applicant listed in part IV or property owner listed in part III. Please complete if applicable.

Name: Aaron L. Underhill, attorney	
Organization (Owner, Developer, Contractor, etc.): Smith & Hale LLC	
Mailing Address: 37 W. Broad St., Suite 725 (Street, City, State, Zip Code) Columbus, Ohio 43215	
Daytime Telephone: (614) 221-4255	Fax: (614) 221-4409
Email or Alternate Contact Information: aunderhill@smithandhale.com	

VI. AUTHORIZATION FOR OWNER'S APPLICANT or REPRESENTATIVE(S): If the applicant is not the property owner, this section must be completed and notarized.

I, Oak Park Dublin LLC, the owner, hereby authorize
the attorneys with the law firm of Smith & Hale LLC to act as my applicant or
 representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner: By: Aaron L. Underhill Date: 7/22/08

Check this box if the Authorization for Owner's Applicant or Representative(s) is attached as a separate document PURSUANT TO ORAL AUTHORIZATION FROM OWNER ON 7/21/08

Subscribed and sworn before me this 22nd day of July, 2008
 State of Ohio
 County of Franklin Notary Public: Natalie C. Patrick



NATALIE C. PATRICK
 Notary Public, State of Ohio
 My Commission Expires 09-04-10

VII. AUTHORIZATION TO VISIT THE PROPERTY: Site visits to the property by City representative are essential to process this application. The Owner/Applicant, as notarized below, hereby authorizes City representatives to visit, photograph and post a notice on the property described in this application.

I, <u>Aaron L. Underhill, attorney</u> , the owner or authorized representative, hereby authorize City representatives to visit, photograph and post a notice on the property described in this application.	
Signature of applicant or authorized representative: <u>Aaron L. Underhill</u>	Date: <u>7/22/08</u>

VIII. UTILITY DISCLAIMER: The Owner/Applicant acknowledges the approval of this request for rezoning by the Dublin Planning and Zoning Commission and/or Dublin City Council does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

I, <u>Aaron L. Underhill, attorney</u> , the owner or authorized representative, acknowledge that approval of this request does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.	
Signature of applicant or authorized representative: <u>Aaron L. Underhill</u>	Date: <u>7/22/08</u>

IX. APPLICANT'S AFFIDAVIT: This section must be completed and notarized.

I, <u>Aaron L. Underhill, attorney</u> , the owner or authorized representative, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct, to the best of my knowledge and belief.	
Signature of applicant or authorized representative: <u>Aaron L. Underhill</u>	Date: <u>7/22/08</u>

Subscribed and sworn to before me this 22nd day of July, 2008
 State of Ohio
 County of Franklin Notary Public: Natalie C. Patrick



NATALIE C. PATRICK
 Notary Public, State of Ohio
 My Commission Expires 09-04-10

NOTE: THE OWNER, OR NOTED REPRESENTATIVE IF APPLICABLE, WILL RECEIVE A FACSIMILE CONFIRMATION OF THIS APPLICATION

FOR OFFICE USE ONLY			
Amount Received: <u>\$100</u>	Application No: <u>08-070</u>	P&Z Date(s):	P&Z Action:
Receipt No: <u>WAV</u>	Map Zone: <u>5</u>	Date Received: <u>7/22/08</u>	Received By: <u>RES</u>
City Council (First Reading):		City Council (Second Reading):	
City Council Action:		Ordinance Number:	
Type of Request: <u>Amended Final Development Plan</u>			
N, S, E, W (Circle) Side of: <u>Hyland - Croy Road</u>			
N, S, E, W (Circle) Side of Nearest Intersection: <u>SW Side of Mitchell - Dewitt Rd. & Hyland - Croy Rd.</u>			
Distance from Nearest Intersection: <u>0 - at the intersection</u>			
Existing Zoning District: <u>PUD</u>		Requested Zoning District: <u>Ø</u>	

NOTE: All applications are reviewed by Land Use and Long Range Planning for completeness prior to being processed. Applications that are incomplete will NOT be accepted. Applicants are strongly encouraged to contact Land Use and Long Range Planning for assistance and to discuss the Planning and Zoning Commission approval process, and if needed, to make an appointment for a pre-submittal review prior to submitting a formal application.

Surrounding Property Owners – Oak Park Subarea D – Amended Final Development Plan

Dublin City Schools
8300 Hyland Croy Road
Dublin, OH 43017

Suzanne Feasel
8150 Hyland Croy Road
Dublin, OH 43017

Orella Lyon
7560 Mitchell Dewitt Road
Plain City, OH 43064

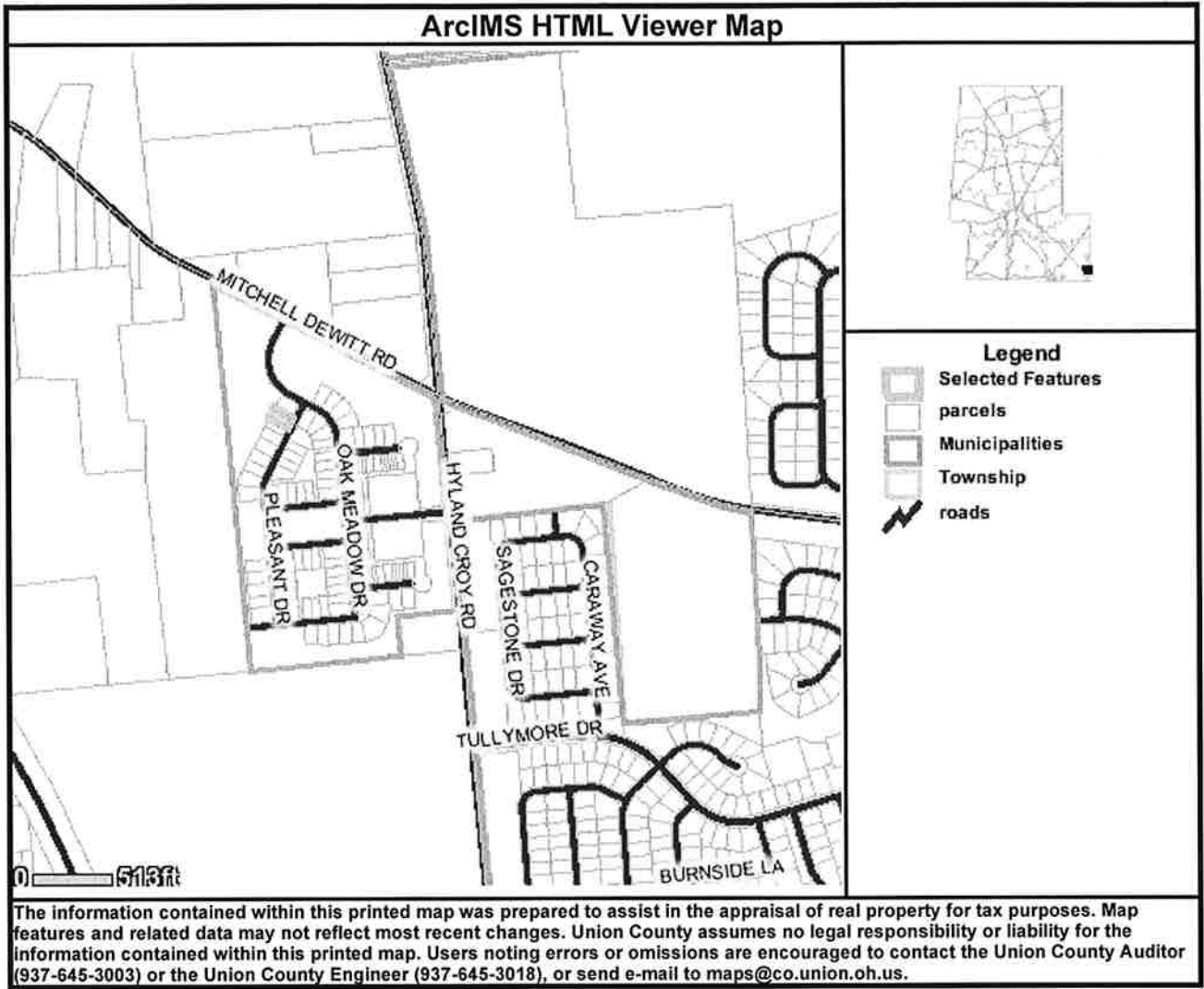
Janet Murray
7706 Mitchell Dewitt Road
Plain City, OH 43064

Karen Kadar
7660 Mitchell Dewitt Road
Plain City, OH 43064

Blyth Family, LLC
7765 Mitchell Dewitt Road
Plain City, OH 43064

Harold & Catherine McCarthy
7895 Hyland Croy Road
Plain City, OH 43064

Board of Park Commissioners of Columbus
7825 Hyland Croy Road
Plain City, OH 43064



Marin, Diane

From: Aaron Underhill [AUnderhill@smithandhale.com]
Sent: Friday, February 02, 2007 3:50 PM
To: Greg Chillog; Mike Fite; Ari Wise; Jerry Solove; mriley@solove.com; Ben Hale; Marin, Diane
Subject: RE: Oak Park fdp

I just received a phone call from Dublin planner Jud Rex regarding outstanding final development plan issues. He will issue written comments early next week to follow up on our meeting. In summary:

- Staff now supports the use of traffic circles in front of the commercial component. The circles can remain a part of the public right-of-way. The north-south drive in front of the commercial can be privately owned and maintained.
- Staff prefers that the sidewalks in front of the townhomes be included in the right-of-way. This will not affect our compliance with setback requirements, as staff believes that we are still meeting the intent of the provision.
- Staff would like to see the head-in parking on the east side of the north-south private drive become parallel parking. I noted that we had a number of discussions about this parking at the preliminary development stage, especially with respect to headlight screening, and nobody made us change it to parallel. Jud suggested that this issue could be debated at the final development stage for the commercial development; however, once we receive his written comments we may want to respond.

Jud will be getting in touch with Diane today so that she can begin work on our plans based on staff comments.

Aaron L. Underhill, Esq.
Smith & Hale
Attorneys & Counselors at Law
37 W. Broad Street, Suite 725
Columbus, Ohio 43215
Phone: (614) 221-4255
Fax: (614) 221-4409



CITY OF DUBLIN.

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February 5, 2007

Aaron L. Underhill
Smith & Hale
37 West Broad Street, Suite 725
Columbus, Ohio 43215

RE: Case #07-001FDP/FP – Oak Park Residential

Dear Mr. Underhill:

This letter is in response to the meeting held on January 30, 2007 regarding staff comments on the residential portion of the Oak Park development. There were several issues left unresolved at the meeting and Planning and Engineering has the following comments regarding those issues:



- 1) Planning recommends that the sidewalks in front of the townhouse units be included in the right-of-way on the plat. If additional space is needed to accommodate any sidewalk width, a smaller easement could be shown on the plat. This is consistent with the single-family areas within Oak Park and other recently approved plats within Dublin.
- 2) Village Drive North and South can remain private streets as proposed on the plans. Planning recommends that the head-in parking on the east side of those streets be replaced with parallel parking to match the west side of the street. While this will decrease the overall amount of parking available on the site, it will create a more pedestrian friendly streetscape and be consistent with recent approvals in this area.
- 3) The traffic circles shown on the plans may remain part of the public right-of-way on the plat provided the design is modified to accommodate emergency vehicles.

If you have any questions concerning these issues, please contact me at your earliest convenience.

Sincerely,

Judson J. Rex, Planner

CC: Case File 07-001FDP/FP
Diane L. Marin

OAK PARK PLANNED UNIT DEVELOPMENT (PUD)

Amended Final Development Plan

July 22, 2008

This amended final development plan application is being submitted in order to remedy a technicality in the existing approved final development plan for this site which was approved by the Planning and Zoning Commission in 2007. More specifically, this application seeks to clarify that in approving the final development plan as it related to the development of residential townhomes in Subarea D, the Planning and Zoning Commission also approved a minor deviation from the strict application of the front yard setback requirements for that subarea.

Subarea D of the Oak Park PUD consists of approximately 4.9 acres that is to be developed as residential townhomes. The original final development plan application submittal for this subarea demonstrated that the townhomes would comply with the minimum front yard setback requirement of 6 ½ feet from the right-of-way per the approved zoning text. During the review and processing of that application, it was brought to the attention of the applicant that the sidewalks to be installed in front of the townhomes were located outside of the right-of-way and that Planning preferred that the right-of-way be expanded to include these sidewalks. In an e-mail from the applicant's attorney to the applicant's civil engineer dated February 2, 2007 (attached), the applicant's attorney relayed information from a telephone conversation with a staff member in which it was agreed that the right-of-way would be expanded to include the sidewalks and that "this would not affect our compliance with setback requirements, as staff believes that we are still meeting the intent of the (zoning text) provision." In a follow-up letter dated February 5, 2007, staff indicated that "Planning recommends that the sidewalks in front of the townhouse units be included in the right-of-way on the plat." This change was made on the approved final development plan and final plat (also see attached), resulting in a front yard setback from the expanded right-of-way ranging between zero and seven feet.

Recently the applicant applied for permits relating to site and building work for Subarea D and was notified by the City that such permits could not be issued because the minimum front yard setback requirements of the approved zoning text had not been met. In subsequent conversations with Planning, it has been conveyed that there is not an objection to the placement of the buildings; however, Planning believes that technically the applicant was required to specifically ask for this deviation from the text at the time of final development plan in order for the Planning and Zoning Commission to have notice of this change. Even though the final development plan and final plat showed these setbacks, it is Planning's view that this additional step was necessary in order to make this deviation official. This application seeks to remedy this technicality.

At all relevant times during the preliminary and final development plan review process, the applicant has demonstrated the same spatial relationship between the proposed townhomes, sidewalk, and roadway to the front of these units. That is, the physical distances between all of these improvements have remained the same. When staff requested that the right-of-way be expanded to include the sidewalks, these distances and spatial relationships remained the same. However, from a technical standpoint, the townhomes were located closer to the right-of-way than permitted by the text. Nonetheless, the spirit and intent of the applicable setback provision was still met.

While the applicant continues to assert that the Planning and Zoning Commission's approval of the original final development plan also included the approval of this technical change in the front yard setback for the townhomes, nonetheless it brings this application to the Planning and Zoning Commission to clarify its rights in this regard. The applicant therefore respectfully requests the approval of a minimum setback of between zero and seven feet from the right-of-way as shown on the previously approved and recorded final plat.

OAK PARK

BISHOP'S RUN, SECTION 2
 P. B. S. P. 142 & 143
 RESERVE C

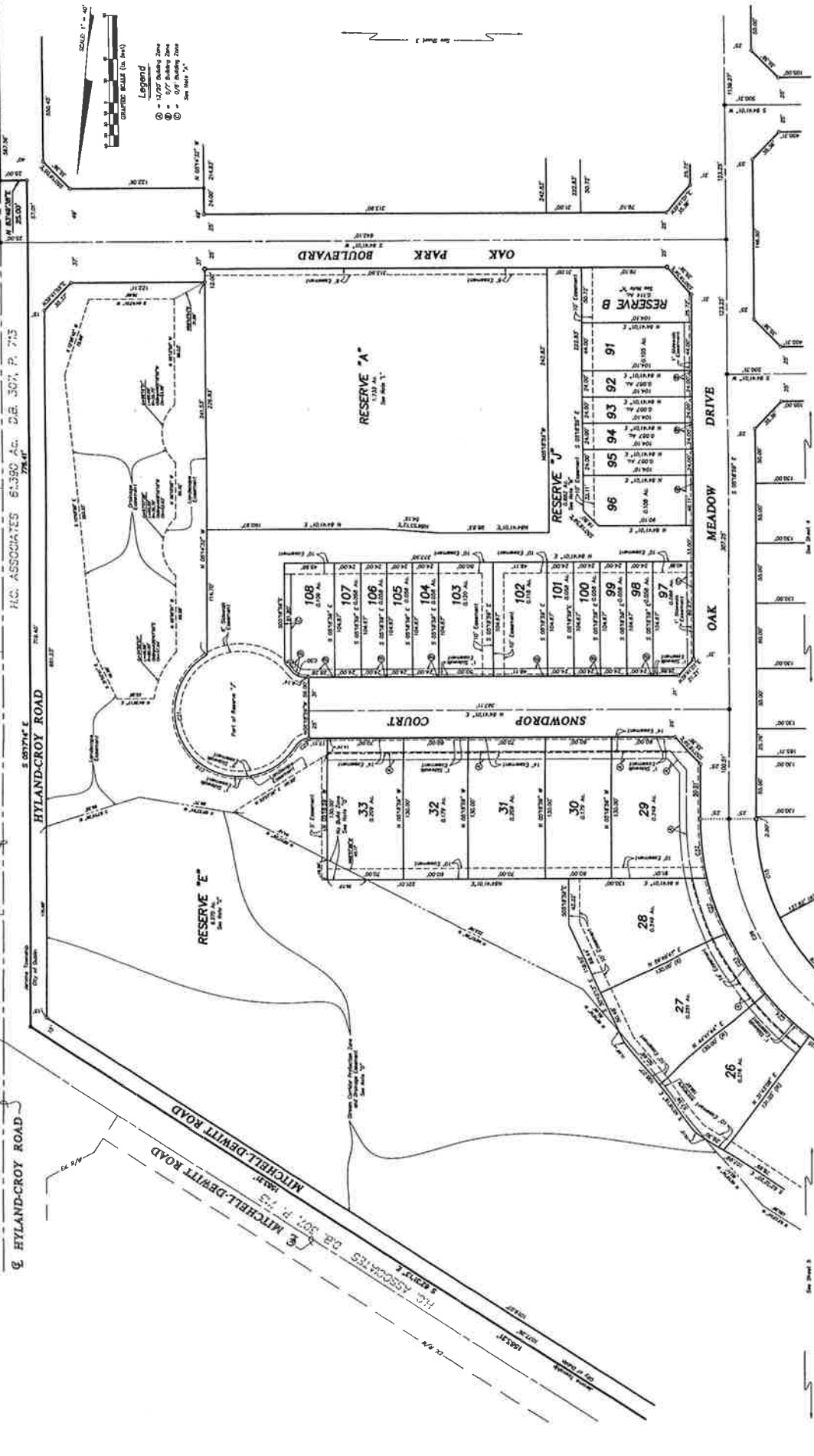
SUZANNE B. FEASEL, TRUSTEE
 O.R. 595, P. B2

SUZANNE B. FEASEL, TRUSTEE
 O.R. 23, P. 303

SUZANNE B. FEASEL, TRUSTEE
 O.R. 595, P. B2

H.C. ASSOCIATES B-390 A.C. D.B. 307, P. 715

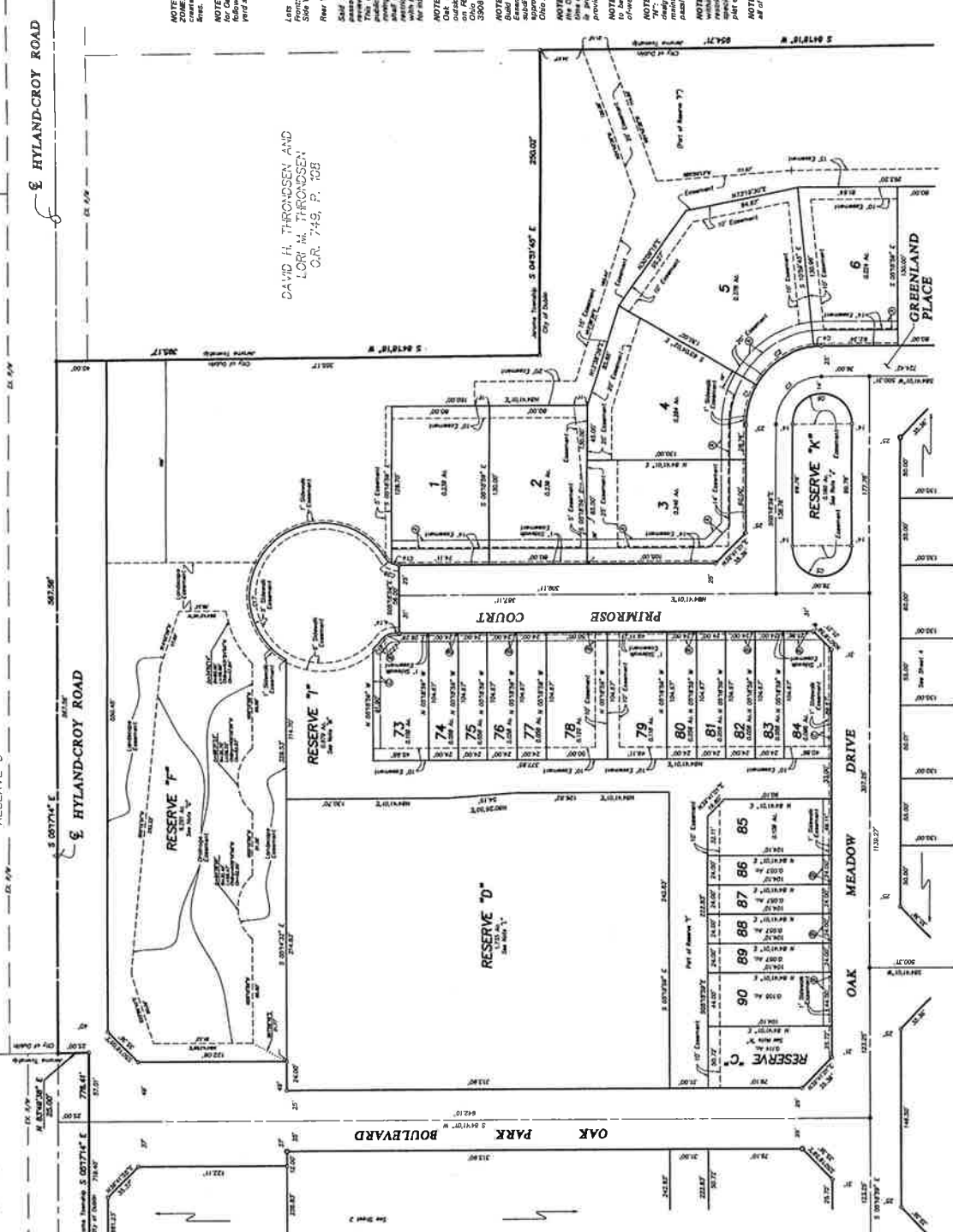
H.C. ASSOCIATES D.B. 307, P. 715



OAK PARK

BISHOP'S RUN SECTION 2
P. B. 5, PP. 422 & 423
RESERVE D

SUZANNE B. FEASEL, TRUSTEE
O.R. 595, P. 821



DAVID H. THROSEN AND
LORI M. THROSEN
O.R. 749, P. 108



NOTE "A" - ONE FEET, 0.75 FEET, 12.00 FEET BUILDING ZONE: Fronts of buildings will be located in the zone created by the minimum and maximum setbacks and side yards. See appropriate zoning code for more detail.

NOTE "B" - RESERVE "T": Sublot regulations for Oak Park, in effect at the time of platting, specify the following dimensions for the minimum front, side and rear yard setbacks for each lot:

Setback	Front	Side	Rear
Minimum	15 feet	6 feet	25 feet
Maximum	15 feet	6 feet	25 feet

NOTE "C" - RESERVE "D": Sublot regulations for Oak Park, in effect at the time of platting, specify the following dimensions for the minimum front, side and rear yard setbacks for each lot:

Setback	Front	Side	Rear
Minimum	15 feet	6 feet	25 feet
Maximum	15 feet	6 feet	25 feet

NOTE "D" - RESERVE "C": Sublot regulations for Oak Park, in effect at the time of platting, specify the following dimensions for the minimum front, side and rear yard setbacks for each lot:

Setback	Front	Side	Rear
Minimum	15 feet	6 feet	25 feet
Maximum	15 feet	6 feet	25 feet

NOTE "E" - RESERVE "M": Sublot regulations for Oak Park, in effect at the time of platting, specify the following dimensions for the minimum front, side and rear yard setbacks for each lot:

Setback	Front	Side	Rear
Minimum	15 feet	6 feet	25 feet
Maximum	15 feet	6 feet	25 feet

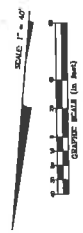
NOTE "F" - RESERVE "N": Sublot regulations for Oak Park, in effect at the time of platting, specify the following dimensions for the minimum front, side and rear yard setbacks for each lot:

Setback	Front	Side	Rear
Minimum	15 feet	6 feet	25 feet
Maximum	15 feet	6 feet	25 feet

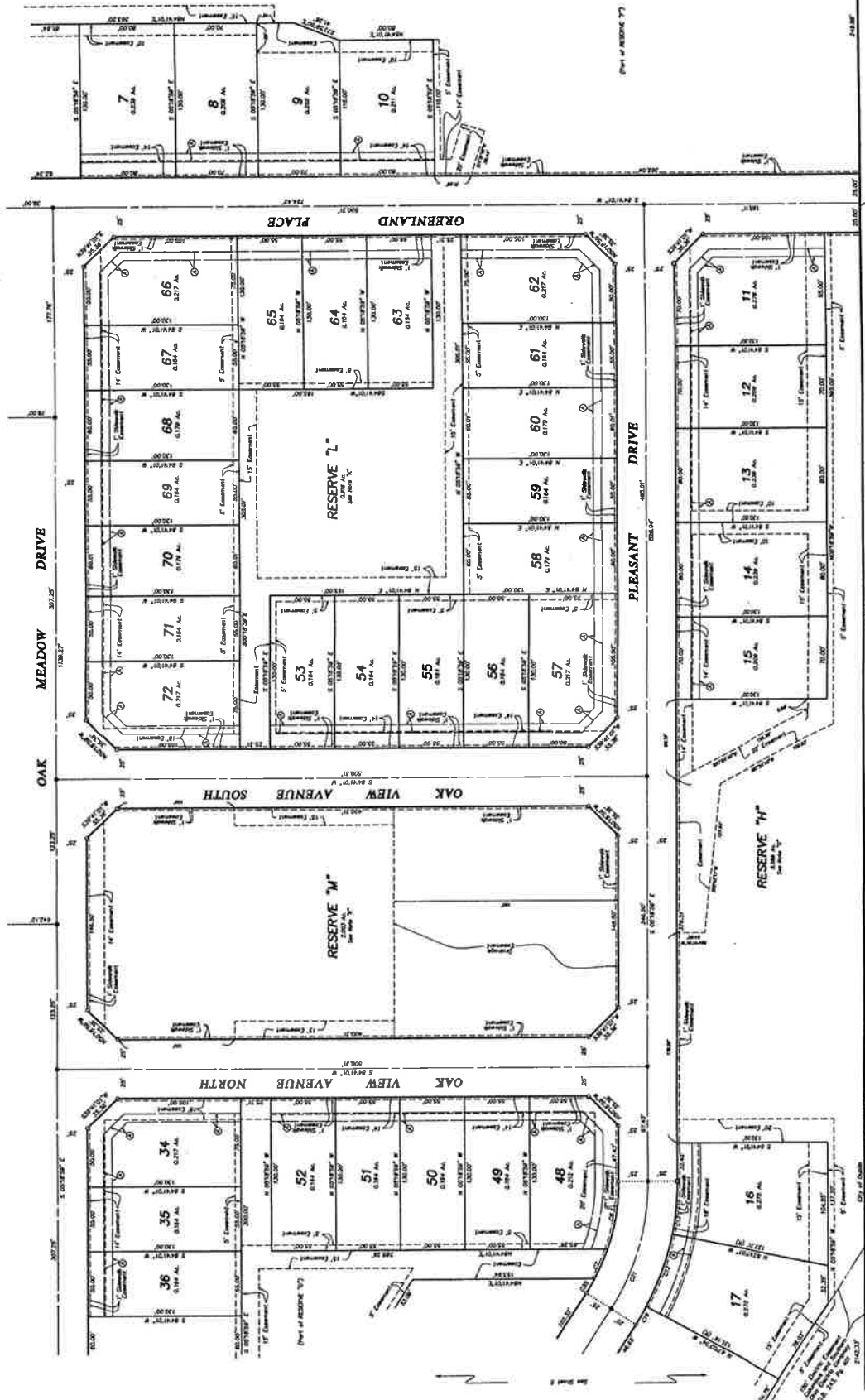
BOARD OF PARK COMMISSIONERS COLUMBUS AND
FRANKLIN COUNTY METROPOLITAN PARK
DISTRICT
O.R. 253, P. 341

OAK PARK

4 5



- Legend**
- 1" Cement
 - 2" Cement
 - 3" Cement
 - 4" Cement
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RYTH FAMILY LLC
C.R. 288, P. 47

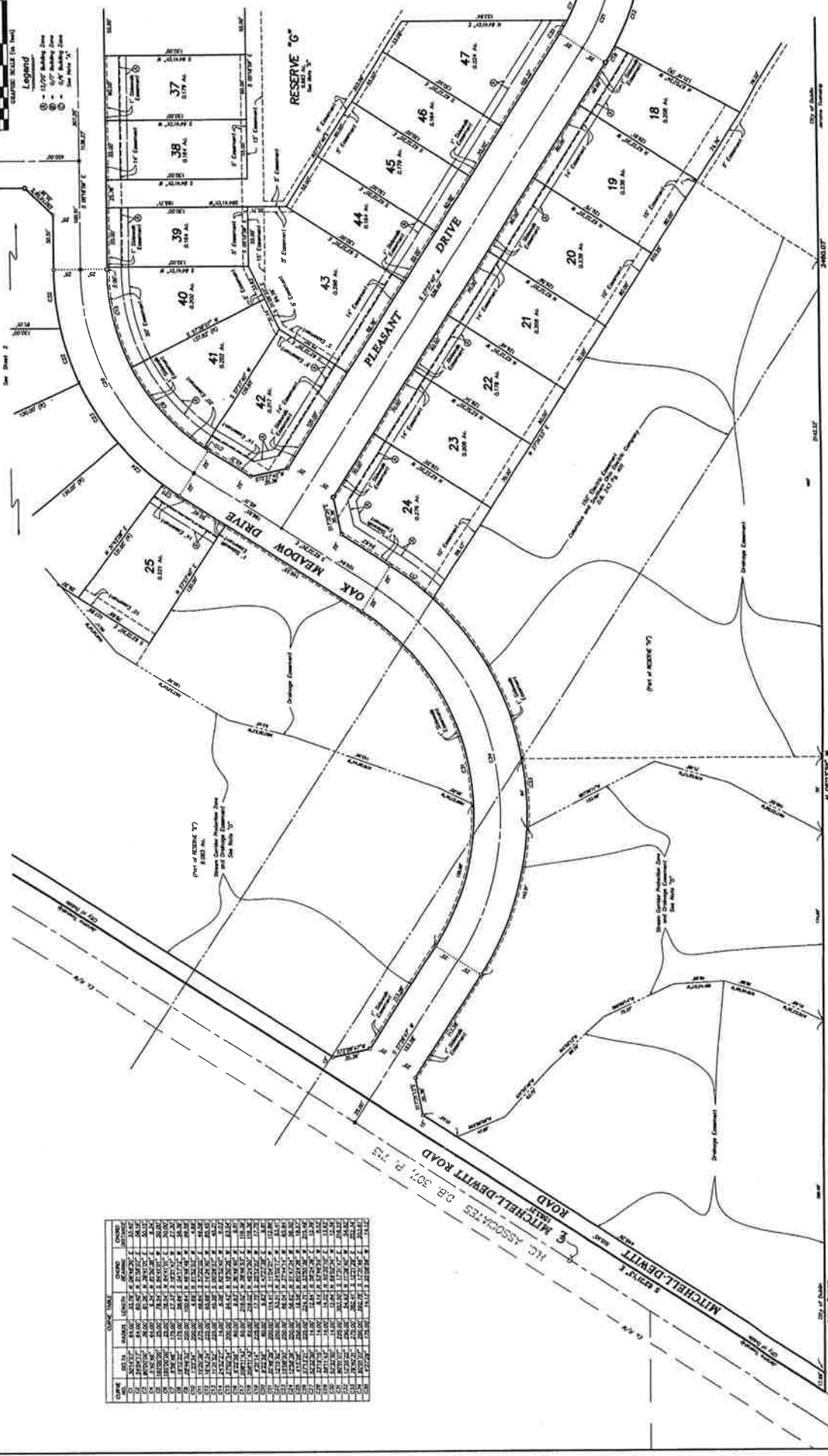
BOARD OF PARK COMMISSIONERS COLUMBUS AND
FRANKLIN COUNTY METROPOLITAN PARK DISTRICT
C.R. 288, P. 341

OAK PARK

5 5

SCALE 1" = 40'

Legend
 (Symbol) - 12" or 18" Sewer
 (Symbol) - 12" or 18" Water
 (Symbol) - 6" or 8" Gas
 (Symbol) - 4" or 6" Storm



BLUTH FAMILY, LLC
 48.500 AC. (ORIGINAL)
 C.R. 2003, P. 411

LOT	AREA	PERCENT	ADDITIONAL	REMARKS
18	0.200	0.412		
19	0.200	0.412		
20	0.200	0.412		
21	0.200	0.412		
22	0.200	0.412		
23	0.200	0.412		
24	0.200	0.412		
25	0.200	0.412		
37	0.200	0.412		
38	0.200	0.412		
39	0.200	0.412		
40	0.200	0.412		
41	0.200	0.412		
42	0.200	0.412		
43	0.200	0.412		
44	0.200	0.412		
45	0.200	0.412		
46	0.200	0.412		
47	0.200	0.412		



- LEGEND**
- STREET TREE
 - REPLACEMENT TREE
 - SEWER TREE
 - PLANTING TREE
- SEE GENERAL NOTES - SEE SHEET L2.01 FOR SEWER LINES
- SEE GENERAL NOTES - SEE SHEET L2.01 FOR SEWER LINES
- SEE GENERAL NOTES - SEE SHEET L2.01 FOR SEWER LINES

GENERAL NOTES

1. THIS CONSTRUCTION IS TO VERIFY WITH OWNER AND UTILITY COMPANIES THE FIELD THE ACTUAL LOCATION AND DEPTHS OF ALL EXISTING UTILITIES. AFTER SPLOM ON THE PLANS OR WITH THE CONTRACTOR CONSTRUCTION SHALL BE PROTECTED BY THE CONTRACTOR.
2. EXISTING TREES TO BE MAINTAINED THROUGHOUT CONSTRUCTION SHALL BE PROTECTED BY THE CONTRACTOR. ANY DAMAGE TO THESE TREES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN EXPENSE. VERIFY LISTS OF TREES BEFORE STARTING CONSTRUCTION. VERIFY LISTS OF TREES BEFORE STARTING CONSTRUCTION.
3. CONTRACTOR RESPONSIBLE FOR COST OF REMOVAL TO DETERMINE THE DEPTHS OF THE EXISTING UTILITIES. CONTRACTOR SHALL VERIFY THE DEPTHS OF THE EXISTING UTILITIES.
4. ALL PLANTING SHALL BE COMPLETED WITHIN 90 DAYS OF THE START OF CONSTRUCTION.
5. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE IN LAIN AREA.
6. THE SHADE LAW APPLIES TO ALL TREES AND SHRUBS.
7. CONTRACTOR SHALL VERIFY ALL AREA DISTRICTS.
8. CONTRACTOR SHALL VERIFY ALL AREA DISTRICTS.
9. ALL PLANTING SHALL BE COMPLETED WITHIN 90 DAYS OF THE START OF CONSTRUCTION.
10. ALL PLANTING OPERATIONS SHALL ADHERE TO THE AMERICAN ASSOCIATION OF NURSERY STANDARDS.

- PLANTING KEY**
- A1 AMERICAN BALTIC WAVE
 - A2 AMERICAN BALTIC WAVE
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 - A97 AMERICAN BELLING SERVICE
 - A98 AMERICAN BELLING SERVICE
 - A99 AMERICAN BELLING SERVICE
 - A100 AMERICAN BELLING SERVICE

SEAL

PRELIMINARY

NOT FOR CONSTRUCTION

FINAL DEVELOPMENT PLAN

OAK PARK

DUBLIN, OHIO

CONSULTANTS

EDGE GROUP

1400 Grandview Blvd
Columbus, OH 43212
P 614-882-2323 F 614-882-2324

CLIENT

ATLANTIC REALTY

90 WOODBRIDGE CENTER DRIVE

WOODBRIDGE, OH 43095

PROJECT NO. 04273

DATE 02/07/20

DESIGNER

SCALE

AS SHOWN

Sheet Title

SITE LANDSCAPE

PLAN NORTH

Sheet Number

L2.01