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PLANNING AND ZONING COMMISSION

MEETING MINUTES

APRIL 5, 2012

AGENDA

PREVIOUSLY POSTPONED CASE:

1. **Tommy's Center – Buckeye Audio & Video – Sign** **4271 W. Dublin-Granville Road**
12-005CDDS **Corridor Development District Sign**
(Approved 6 – 1)

NEW CASE:

2. **Bob Evans Restaurant** **3830 Tuller Road**
12-019CDD **Corridor Development District**
(Approved 7 – 0)

WORK SESSION:

Bridge Street Corridor Vision Report Update

Chair Chris Amorose Groomes called the meeting to order at 6:30 p.m. Other Commission members present were Richard Taylor, Amy Kramb, Victoria Newell, Warren Fishman, Joe Budde, and John Hardt. City representatives were Timothy Lecklider, Jennifer Readler, Steve Langworthy, Claudia Husak, Justin Goodwin, Eugenia Martin, Tina Wawszkiewicz, Gary Gunderman, Dan Phillabaum, Rachel Ray, Winfield Harris, and Flora Rogers.

Oath of Office

Mayor Timothy Lecklider administered the Oaths of Office to newly appointed Commissioner Victoria Newell and reappointed Commissioner Richard Taylor.

Ms. Amorose Groomes asked that a moment of silence be taken to reflect on the loss of life in Afghanistan of Dublin resident, Cpt. Nicholas Rozanski, of the Ohio Army National Guard, a friend and the son of former Mayor Jan Rozanski. She then led the Pledge of Allegiance.

Motion and Vote

Mr. Fishman made a motion to adjourn into an Executive Session to discuss personnel issues. Mr. Taylor seconded the motion. The vote was as follows: Ms. Kramb, yes; Mr. Hardt, yes; Mr. Budde, yes; Ms. Newell, yes; Mr. Fishman, yes; Mr. Taylor, yes; and Ms. Amorose Groomes, yes. (Approved 7 – 0.)

Motion and Vote

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

Motion and Vote

Mr. Fishman nominated Richard Taylor as the 2012 Vice Chair. Mr. Hardt seconded the motion. The vote was as follows: Ms. Newell, yes; Mr. Budde, yes; Mr. Hardt, yes; Ms. Kramb, yes; Ms. Amorose Groomes, Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

approximately 700 feet east of the intersection with Dale Drive. She swore in those intending to address the Commission on the case including the applicant's representative, Ryan Sbrljan, Danite Sign Company, and City representatives.

Warren Fishman, who pulled this consent item from the agenda, declined the Planning presentation. He said he had visited the site and they had done much of what was requested, however he noted that there was not much red color used in the area. He suggested that white would be just as visible as red in this situation, and that the sign would be much more tasteful.

Mr. Sbrljan said the owners had requested the red Buckeye theme, but they would probably agree to do the sign in white if it was something the Commission wanted.

Richard Taylor, John Hardt, Amy Kramb, and Victoria Newell all agreed that they did not object to the sign being red, as proposed.

Ms. Amorose Groomes invited public comments with respect to this application. [There were none.]

Motion and Vote:

Mr. Taylor made the motion approve this Corridor Development District application because the proposed modifications are consistent with surrounding development and the Corridor Development District requirements of the Zoning Code. Mr. Hardt seconded the motion.

The vote was follows: Mr. Fishman, no; Ms. Kramb, yes; Mr. Budde, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Mr. Taylor, yes. (Approved 6 – 1.)

**2. Bob Evans Restaurant
12-019CDD**

**3830 Tuller Road
Corridor Development District**

Chair Chris Amorose Groomes introduced this Corridor Development District application requesting review and approval of modifications to the building entrance and wall sign for an existing restaurant located on the east side of Tuller Road, approximately 350-feet north of the intersection with Dublin Center Drive. She swore in those intending to address the Commission on this case including [Stuart Driscoll](#), Bob Evans Farms, Incorporated, and City representatives.

Amy Kramb noted that when she visited the site, the fascia board was not scalloped as shown on the proposed plan. She asked the scalloped fascia board proposed would be placed over the existing wooden fascia board.

Stuart Driscoll, Bob Evans Farms Incorporated, 3776 South High Street, Columbus, explained that some locations with a brick building may or may not have scallops. He said in this case, it was probably a misrepresentation of what the existing was, unlike their restaurant on Post Road which had scallops, even though it was a brick building.

Ms. Kramb asked if anything was being proposed to be done to the existing fascia board on that building.

Mr. Driscoll said only if the paint color was refreshed over the existing fascia.

Ms. Kramb asked if it would remain a wood material not covered with aluminum.

Mr. Driscoll said he did not know for sure. He said they may be putting prefinished white aluminum material over it as a maintenance issue.

Claudia Husak presented a photograph of the [Post Road Bob Evans Restaurant](#) on Post Road.

John Hardt said he thought the proposed changes would be an improvement. He said he was happy to see Bob Evans reinvesting in the property. He noted that the sign detail showed a raceway behind the new sign. He asked if the existing sign had that same raceway.

Ms. Husak said it would have the same brick-colored raceway.

Mr. Driscoll said the red raceway will still match the brick. He said they are replacing the sign face only. He said they are only taking the existing yellow out.

Ms. Amorose Groomes asked if there was anyone in the audience who wished to speak with respect to this application. [There was no one.]

Motion and Vote

Mr. Taylor made the motion to approve this Corridor Development District application because the proposed modifications are consistent with surrounding development and the Corridor Development District requirements of the Zoning Code. Mr. Fishman seconded the motion.

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

Bridge Street Corridor Update

Steve Langworthy provided an update regarding changes made by City Council regarding the Bridge Street Corridor Code. He said the changes made were minor, but they have major impact. He said originally, the language required only Bridge Street Corridor (BSC) Districts be used, that no other district be used within the Corridor. He said the language was changed to say that nothing can prohibit an application to rezonings to not be a BSC as provided in the chapter. He explained that was a result of the Stavroff discussion because they thought they wanted to go to a PUD instead of a BSC District.

Mr. Langworthy said as a result of discussions with the Stavroffs and Ben Hale, regarding the criteria for development plan and the site plan review waivers, the language was worked on for some time to get it acceptable to everybody concerned. He said ultimately, they were not necessarily able to get it exactly the way Mr. Stavroff wanted, but they were able to get close enough that it at least meets the intent of what he was trying to accomplish. Mr. Langworthy said the issue became some discrepancy or misunderstanding about what we actually meant by the first criteria. He said it has to do with the use of or conditions in the property, or surrounding properties, or other circumstances outside the control of the owner/lessee for the easements and rights of way. He said originally they had proposed language that would in essence had the City forcing private deed restrictions, which it cannot do. He said that language was rejected and there was other language that had a similar affect, and they could not accept those two, but they could accept ones that are circumstances outside the control of the owner or lessee.

Mr. Langworthy explained that they softened the language for the waiver, if approved, would generally meet, rather than saying otherwise comply with, so you do not have to absolutely comply with, but have to generally meet the spirit and intent of the Vision Report. He said the principal was that it was hard to comply with something that was a vision as opposed to being assisted with or generally meet.

Mr. Langworthy said that they softened the language a little, some of which was typographical, waivers not being requested solely to reduce costs, rather than simply, a minor change, He said on the last, they said other elements of the development plan that were not affected by the waiver are still generally consistent with the Lots, Blocks, and Street Requirements.

Mr. Langworthy said one of the decisions they made was to allow a waiver for a building type so that someone could ask for a different building type as a result of a waiver within the BSC Districts. He said

however, the Site Plan Review waiver still cannot allow any use or an open space type that would not otherwise be allowed in the District.

Mr. Langworthy said City Council had requested an administrative appeal provision that would allow appeal from the Board of Zoning Appeals to the City Council. He said the Law Director drew up language that was similar to that in a previous amendment. He said that the Board of Zoning Appeals will be the first decider for an administrative appeal, and if an applicant is still unhappy with the Board's decision, they can appeal it further to City Council, provided it is done within ten days, and then City Council has the discretion as to whether or not they want to hear the appeal or not, within 21 days, and then once Council makes that decision, they have 28 days to make that decision in the appeal process. He said the principal behind it was that City Council wanted the ability to make sure that an administrative body did not get them into court.

Mr. Langworthy said that they ended up with City Council putting more teeth into the basic plan review. He said previously, the Commission's option had at the basic plan step, that it would vote to determine whether or not it would be an administrative review or a review by the Planning and Zoning Commission. He said the last section was the most substantial change. He said that City Council wanted to see the administrative review process kept intact, but they wanted some compromise, something that would give more authority and ability to the Commission to affect the plan. He said they tried to make the basic plan actually more effective than just simply being an overview process. Mr. Langworthy said the basic plan has been made a process where a basic plan is approved, disapproved, or approved with conditions.

Mr. Langworthy explained the process under Basic Plan: once a decision is made by the Commission, that decision has to be incorporated into the application for the full site plan or full development plan. He said then, to get more teeth into the basic plan itself, once the development plan and site plan comes before the Commission, they have to be substantially similar to what was approved in the basic plan. He said the language is similar to what is in the preliminary development plan, final plan, and PUD.

Mr. Langworthy said City Council also wanted to have some ideas about what was going to be in the basic plan requirements. He presented a detailed list of items that was distributed at the Council meeting.

Mr. Langworthy said the pre-application works the same as before, and it was still mandatory, then a development plan review and a site plan review comes through as a basic plan. He said they can come through separately or concurrently. He said the pre-application for a development plan and/or a site plan goes through the Administrative Review Team (ART) who will review that and forward a review to the Commission for use in the basic plan review, which it will conduct. He said that still includes the public review and comment as before, but now, instead of voting on a process, the Commission is actually voting for approval, approval with conditions, or disapproval of the basic plan. He explained that if the basic plan was disapproved, it went back into the process again. Mr. Langworthy said it had to be resubmitted in a condition that can be approved.

Mr. Langworthy said when a basic plan is approved or approved with conditions, the applicants can supply the Commission with the full application with a development plan and/or a site plan, which ultimately gets approved.

Mr. Langworthy explained that the step that was removed, when the Commission had the process of doing the vote for the administrative part, was the elective plan review and it was added back. He said the ART can decide to send the plan for final approval to the Commission under the elective plan approval process and afterwards it goes into the building permit process.

Richard Taylor said that assuming there were no waivers requested, that would be the process.

Mr. Langworthy said he did not include the waiver or administrative process, and there were other things that obviously came to the Commission. He said that was the same as before and had not changed.

John Hardt said he was comfortable with this, but the list of requirements for the basic plan review did not seem to be so basic anymore.

Mr. Langworthy said that they wanted it somewhere between a concept plan and a preliminary development plan, so they tried to get half way in between. He said not every plan will have all the requirements.

Mr. Hardt said he understood. He said knowing what work was needed to put those kinds of things together, his question was feedback received from the development community about this.

Mr. Langworthy said they did not have time to do that. He said he had told City Council that they did not want to put these requirements in the BSC because leaving them out would allow them to be administered at the staff level, which meant they could add or subtract items as they felt were necessary. He said he warned City Council that there may be some plans that are not as far along of others in terms of what is known at a particular plan stage. He said there may not be exact square footages or number of stories, unknowns that we may have to live with that the Commission would have to look at and decide if it was sufficient information to get past the basic plan review. He said he warned City Council that it would not be as complete as even a preliminary development plan might be.

Mr. Hardt pointed out that if someone attempted to cross every 'T' and dot every 'I' at that stage and submit all that, then they are back to the position where the developer has to go through an engineering and architectural effort of some significant costs very early in the process. He said that was one of the things they were trying to avoid.

Ms. Amorose Groomes asked if the Commission would still offer an informal review.

Mr. Langworthy said that there is not really an informal review process due to the time limits that have to be met. However, he said they could come to the Commission with a simplified basic plan with the understanding that they may have come back with something more detailed.

Amy Kramb asked if there was a fee associated with the pre-application, initial meeting.

Mr. Langworthy said there is no fee for pre-application, but there would be for the basic plan.

Ms. Kramb asked if the fee would be the same for a simple or informal plan. She asked if things were missing when it was reviewed, does the application fee have to be paid again.

Mr. Langworthy said the fee would be the same. He said if something was missing, two things have to happen. He said there would have to be a time extension agreement, but there would not be another fee. However, he said if disapproved, they would have to pay another fee.

Ms. Kramb asked if an applicant would have an option to come back multiple times under a basic plan review and not have to pay additional fees.

Mr. Langworthy said it would still be considered one application, and they would not have to pay additional fees. He said a tabling would mean that an applicant would have to agree to a time extension.

Ms. Amorose Groomes said a tabling would be very different than the Commission's current tabling of a case.

Ms. Amorose Groomes thanked Mr. Langworthy for outlining the changes.

Ms. Amorose Groomes at 7:10 p.m. called a short recess and invited the public afterwards, to the Work Session regarding the Bridge Street Corridor.

Bridge Street Corridor Vision Report Update

The Commission conducted an informal Work Session discussing ideas for the update of the Vision Report.

The meeting was adjourned at 8:15 p.m.

As approved by the Dublin Planning and Zoning Commission.