City of Dublin

Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager

Date: October 18, 2012

Initiated By: Steve Langworthy, Director of Land Use and Long Range Planning

Re: Ordinance 63-12 – Rezoning Approximately 1.35 Acres Located on the Southwest Corner of Dale Drive and West Dublin-Granville Road from BSC-C, Bridge Street Corridor Commercial District to CC, Community Commercial District to Facilitate the Development of an Approximately 3,800-square-foot Restaurant. (The Wendy's Company – Restaurant and Drive-Thru) (Case 12-053Z)

Summary

On October 8, 2012, City Council introduced Ordinance 63-12, proposing the rezoning of 1.35 acres on the southwest corner of Dale Drive and West Dublin-Granville Road from BSC-C, Bridge Street Corridor Commercial District to CC, Community Commercial District to facilitate the development of an approximately 3,800-square-foot restaurant.

The rezoning application received a disapproval recommendation from the Planning and Zoning Commission at their September 20, 2012 meeting, with Commission concerns regarding whether the high quality development standards desired by the City would be upheld should the site be redeveloped by a different user in the future. During the Council presentation, the Law Director, Planning and the applicant offered the option of instituting a development agreement regarding the development of this parcel in the future in an effort to these address some of these concerns.

The proposed development agreement limits the permitted uses for the property to retail stores; administrative, business and professional offices; and personal and consumer services. Prohibited uses include automobile sales, building materials sales, and sexually oriented business establishments, as well as all conditional uses, except drive through facilities and patios. Additionally, the agreement states that future structures not undertaken by Wendy's require review as a final development plan, using the planned development process by the Planning and Zoning Commission. (The full agreement is attached.)

Recommendation

Planning recommends City Council approval of Ordinance 63-12 with the following condition:

1. The City Manager be authorized to sign the development agreement.

DEVELOPMENT AGREEMENT

This Development Agreement (the "Agreement") is executed, delivered and made effective as of this ___ day of _____, 2012, by and between the **City of Dublin**, an Ohio municipal corporation, with an address of 5200 Emerald Parkway, Dublin, Ohio 43017 (the "City") and **Wendy's International, Inc.** whose mailing address is One Dave Thomas Boulevard, Dublin, Ohio 43017 ("Property Owner")(collectively referred to as "the Parties").

W I T N E S S E T H:

A. Property Owner Property. Property Owner is the owner of a certain parcel of real property located at ***4555 West Dublin-Granville Road, Dublin, Ohio 43017***. The Property Owner is proposing to construct a Wendy's restaurant on the site. The site is further described in the attached Exhibit A ("the Property").

B. Development Conditions. The City and Property Owner and their future successors and assigns desire to limit the use of the Property with regard to certain use and development issues.

AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

1. **Commitments.** Given the sensitive location of the Property, the Parties recognize that special controls need to be placed on the Property for its future use. As a result, the Property Owner and Tenant agree to the following additional restrictions on the Property Owner's use and development of the Property:

- The Property Owner agrees that the following uses, while permitted in the Community Commercial zoning district, will be not be established on the Property:

  Permitted Uses
  Automobile sales (Section 153.028 (A)(1)(c))
  Building materials (Section 153.028 (A)(1)(d))
  Sexually oriented business establishments (Section 153.028 (A)(4))
  All Conditional Uses (Section 153.028 (B)) with the exception of outdoor patios and drive-through window facilities.

- Although the Property does not lie within a planned district, it is the desire of the Parties to utilize components of the planned development process and for the Property Owner to obtain a final development plan approval for any future structures. As a result, once the Wendy's restaurant is constructed, no new structure shall be erected unless the Property Owner obtains final development plan approval pursuant to Sections 153.053(E) and 153.053(G) of the Dublin Codified Ordinances (as may be amended hereafter from time to time). This restriction does not apply to any modifications to the Wendy's restaurant, so long as the restaurant continues to be operated as a Wendy's franchise.

2. **Miscellaneous Provisions.**

(a) Successors and Assigns. This Agreement shall run with the land and be binding upon and inure to the benefit of the respective heirs, personal representatives, successors, transferees, and assigns of the parties hereto.

(b) Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be a duplicate original, but all of which, taken together, shall constitute a single instrument.

(c) Captions. The captions contained in this Agreement are included only for convenience of reference and do not define, limit, explain or modify this Agreement or its interpretation, construction or meaning and are in no way to be construed as a part of this Agreement.

(d) Severability. If any provision of this Agreement or the application of any provision or any circumstance shall be determined to be invalid or unenforceable, then such determination shall not affect any other provision of this Agreement or the application of said provision to any other person or circumstance, all of which other provisions shall remain in full force and effect.

(e) Amendments in Writing. No change, amendment, termination or attempted waiver of any of the provisions of this Agreement shall be binding upon any party unless in writing and signed by the parties hereto.

(f) Covenants Run With the Land. It is intended that the covenants, agreements, promises and duties set forth in this Agreement shall be construed as covenants which run with the land.

(g) Termination of Liability Upon Transfer. If Property Owner should transfer their fee simple interest in and ownership of their Property, then the liability of the transferor for the breach of any covenant or provision contained in this Agreement, occurring after the date of such transfer, shall automatically be terminated only upon City's approved written notice.

(h) Venue. The Parties hereto hereby consent to the exclusive jurisdiction of the courts of the State of Ohio in Franklin County, and the United States District Court for the Southern District of Ohio, and waive any contention that any such court is an improper venue for enforcement of this Agreement.

(i) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives, to be effective as of the date first above written.

CITY OF DUBLIN, OHIO:

By:_____
Marsha Grigsby, City Manager

WENDY'S INTERNATIONAL, INC.:

By:_____
_____

By:_____
_____

APPROVED AS TO FORM:

_____
City of Dublin Law Director

STATE OF OHIO,
COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this _____ day of _____, 2012, before me, the subscriber, a Notary Public in and for said County, personally came the above named **City of Dublin, Ohio**, by **Marsha Grigsby**, its **City Manager**, and acknowledged the signing of the same to be her voluntary act and deed, and the voluntary act and deed, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.

_____
Notary Public

STATE OF OHIO,
COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this _____ day of _____, 2012, before me, the subscriber, a Notary Public in and for said County, personally come the above named

_____, and acknowledged the signing of the same to be his/her voluntary act and deed for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.

_____
Notary Public

This Instrument Prepared By:
ICE MILLER LLP
250 West Street
Columbus, Ohio 43215

City of Dublin
Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager

Date: October 4, 2012

Initiated By: Steve Langworthy, Director of Land Use and Long Range Planning

Re: Ordinance 63-12 – Rezoning Approximately 1.35 Acres Located on the Southwest Corner of Dale Drive and West Dublin-Granville Road from BSC-C, Bridge Street Corridor Commercial District to CC, Community Commercial District to Facilitate the Development of an approximately 3,800-square-foot Restaurant. (Case 12-053Z) (The Wendy's Company – Restaurant and Drive-Thru)

Summary

Ordinance 63-12 is a request for review and approval of a rezoning for 1.35 acres from BSC-C, Bridge Street Corridor Commercial District to CC, Community Commercial District to facilitate the development of an approximately 3,800-square-foot restaurant.

Description

The site has frontage on West Dublin-Granville Road and Dale Drive and is the undeveloped outlot in the Shoppes at River Ridge development. The site slopes approximately 10 feet from west to east. An existing stone wall extends along the majority of the site frontage of West Dublin-Granville Road. A partial remnant of a tree row and the recently approved joint identification sign for the Shoppes at River Ridge development are located at the northwest corner, nearest West Dublin-Granville Road.

Development Requirements

CC, Community Commercial Requirements

The intent of the Community Commercial District is to allow development of retail, restaurant, personal service, and office uses. The district permits a wide range of uses related to commercial and retail development.

Community Commercial Development Standards		
Lot Requirements	Lot Area	No minimum lot size
	Lot Width	No minimum lot width
	Lot Coverage	70% maximum
Yard Requirements	Front Setback	Distance equal to existing/proposed right-of-way, as measured from the centerline of the roadway.
	Side Yard	5 feet; unless adjacent to residential or PD then ¼ sum of building height and depth, not to exceed 15 feet.
	Rear Yard	5 feet; unless adjacent to residential or PD then ¼ sum of building height and width.

Traffic and Utilities
Access has been determined for the site and will be finalized as part of the building permit process. Stormwater for the site is managed through the existing pond located on the Shoppes at River Ridge site. Water and sanitary sewer services are available.

Adopted Plans

Community Plan
The Future Land Use Map designates this site as *General Commercial (6,500 – 8,700 SF per acre*), which is described as retail and commercial development that is heavily dependent upon the automobile with a mix of retail, restaurant and personal services. The proposed rezoning meets the definition of the designation, given its intended use is a restaurant. While the Plan indicates this type of commercial development is outdated, with its reliance on the automobile, the existing shopping center falls under the same development pattern and the intent is to continue the established pattern for the remainder of this site.

Bridge Street Corridor
The Vision Plan indicates the site as loft/office uses; however, the site was rezoned to BSC Commercial to accommodate the existing uses and extended farther to the east than shown on the Vision Plan. The extension of the BSC Commercial will allow the current development pattern to continue along West Dublin-Granville Road in the same pattern begun by the existing retail center. The proposed rezoning to Community Commercial is necessitated by the applicant's development, which is more consistent with the shopping center than the development style required by the existing zoning.

Recommendation of the Planning and Zoning Commission

The Planning and Zoning Commission reviewed this application at the September 20, 2012 meeting and recommended disapproval of the rezoning to City Council. The Commission expressed concerns regarding the proposed rezoning from a Bridge Street Corridor District to a Community Commercial Zoning District. Commissioners questioned whether the high quality development standards desired by the City would be upheld should the site be redeveloped by a different user in the future. Overall, most of the Commissioners expressed support to either rezone the site to a Planned District or to grant waivers to the Bridge Street Corridor District requirements.

Recommendation

Planning recommends City Council approval of Ordinance 63-12 at the second reading/public hearing on October 22, 2012.

As Council is aware, special voting rules are applicable to situations in which the Planning and Zoning Commission recommends the disapproval of a rezoning. Under Section 4.09(c)(2) of the Revised Charter, an affirmative vote of at least five Council Members is necessary to adopt a rezoning when the Planning and Zoning Commission has recommended against approval.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 63-12 *Passed* _____, 20____

AN ORDINANCE REZONING APPROXIMATELY 1.35 ACRES LOCATED ON THE SOUTHWEST CORNER OF DALE DRIVE AND WEST DUBLIN-GRANVILLE ROAD FROM BSC-C, BRIDGE STREET CORRIDOR COMMERCIAL DISTRICT TO CC, COMMUNITY COMMERCIAL DISTRICT TO FACILITATE THE DEVELOPMENT OF AN APPROXIMATELY 3,800-SQUARE-FOOT RESTAURANT. (CASE 12-053Z)

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, _____ of its elected members concurring, that:

Section 1. The following described real estate, (see attached legal description), situated in the City of Dublin, State of Ohio, is hereby rezoned CC, Community Commercial District, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 2. The application, including the list of contiguous and affected property owners, and the recommendations of the Planning and Zoning Commission, are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance there within.

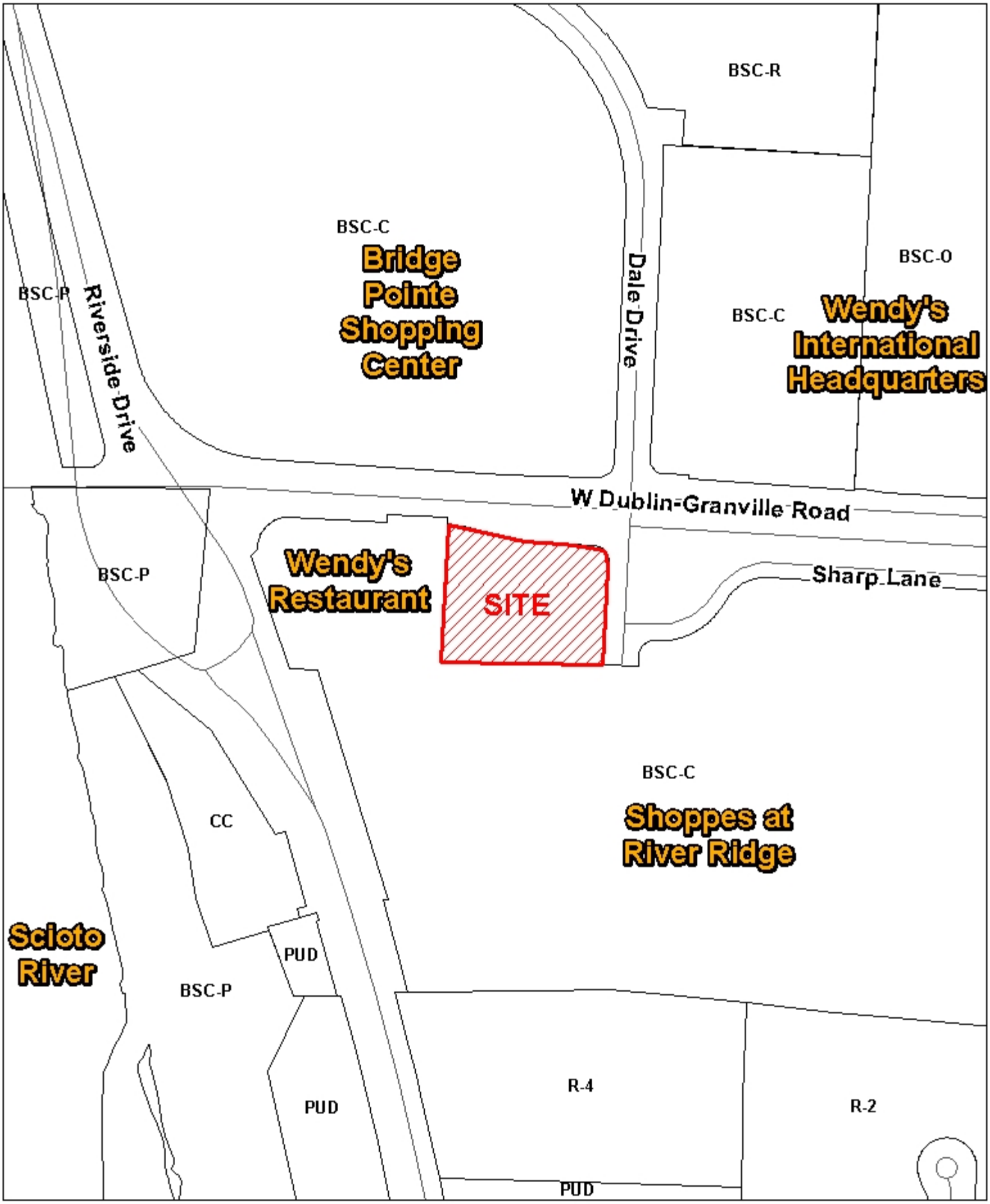
Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this _____ day of _____, 2012.

_____
Mayor - Presiding Officer

ATTEST:

_____
Clerk of Council



City of Dublin
Land Use and
Long Range Planning

12-053Z
Rezoning
Wendy's Dale Drive Restaurant
Dale Drive/W. Dublin-Granville Road

N

0 200 400 Ft

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:

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

Please utilize the applicable *Supplemental Application Requirements* sheet for additional submittal requirements that will need to accompany this application form.

II. PROPERTY INFORMATION: This section must be completed.

Property Address(es): portion of 4305 - 4335 W. Dublin Granville Rd., Dublin, Ohio	
Tax ID/Parcel Number(s): portion of 273-008269	Parcel Size(s) (Acres): 1.355 acres
Existing Land Use/Development: vacant land	

IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:
Proposed Land Use/Development: Wendy's Restaurant
Total acres affected by application: 1.355 acres

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

Name (Individual or Organization): MR/TSARR Owner LLC By MC/TSARR MM LLC, its Managing Member By S. Jason Comer, Authorized Representative	
Mailing Address: (Street, City, State, Zip Code) 1691 Michigan Ave., Suite 215 Miami Beach, FL 33139	
Daytime Telephone: 305-531-2426	Fax: 305-531-2428
Email or Alternate Contact Information: jcomer@mastcapital.com	

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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: The Wendy's Company	Applicant is also property owner: yes ☐ no ☑
Organization (Owner, Developer, Contractor, etc.): applicant has a contract to purchase the property	
Mailing Address: (Street, City, State, Zip Code) One Dave Thomas Boulevard, Dublin, Ohio 43017	
Daytime Telephone: 614-764-3412	Fax: 614-764-6737
Email or Alternate Contact Information: dennis.hill@wendys.com	

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: Dennis Hill - Vice President, Real Estate	
Organization (Owner, Developer, Contractor, etc.): employee of The Wendy's Company	
Mailing Address: (Street, City, State, Zip Code) same as applicant	
Daytime Telephone: same	Fax: same
Email or Alternate Contact Information: same	

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 MR/TSARR OWNER LLC, a DE limited liability company By MC/TSARR MM LLC, its managing member By S. Jason Comer, Authorized Representative, the owner, hereby authorize Dennis Hill with The Wendy's Company 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:	Date: 8/10/12

☑ Check this box if the Authorization for Owner's Applicant or Representative(s) is attached as a separate document

Subscribed and sworn before me this 10th day of August, 20 12

State of Florida

County of Miami-Dade

Notary Public

Notary Public State of Florida
Carol A Nazarkewich
My Commission EE080958
Expires 04/07/2015

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

I Dennis Hill, 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:	Date:

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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: The Wendy's Company	Applicant is also property owner: yes ☐ no ☑
Organization (Owner, Developer, Contractor, etc.): applicant has a contract to purchase the property	
Mailing Address: (Street, City, State, Zip Code) One Dave Thomas Boulevard, Dublin, Ohio 43017	
Daytime Telephone: 614-764-3412	Fax: 614-764-6737
Email or Alternate Contact Information: dennis.hill@wendys.com	

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: Dennis Hill - Vice President, Real Estate	
Organization (Owner, Developer, Contractor, etc.): employee of The Wendy's Company	
Mailing Address: (Street, City, State, Zip Code) same as applicant	
Daytime Telephone: same	Fax: same
Email or Alternate Contact Information: same	

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 _____, the owner, hereby authorize Dennis Hill with The Wendy's Company 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:	Date:

☑ Check this box if the Authorization for Owner's Applicant or Representative(s) is attached as a separate document

Subscribed and sworn before me this _____ day of _____, 20 _____

State of _____

Stamp or Seal

County of _____ Notary Public _____

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

I Dennis Hill ☒, 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: Dennis Hill	Date: 8/13/12

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VIII. UTILITY DISCLAIMER: The Owner/Applicant acknowledges the approval of this request for review 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 Dennis Hill, 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: Dennis Hill	Date: 8/13/12

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

I Dennis Hill, 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: Dennis Hill	Date: 8/13/12

Subscribed and sworn to before me this 13th day of August, 20 12

State of Ohio

County of Franklin

Notary Public Robin C. Zelinski

Stamp or Seal

NOTARIAL SEAL STATE OF OHIO

ROBIN P. ZELINSKI
Notary Public, State of Ohio
My Commission Expires May 11, 2014

FOR OFFICE USE ONLY

Amount Received: $4145	Application No: 12-053Z/CU	P&Z Date(s): 9/20/12	P&Z Action: disapproval recommendation
Receipt No: 557197	Map Zone: 2	Date Received: 8/13/12	Received By: RSR
City Council (First Reading): 10/8/12		City Council (Second Reading): 10/22/12	
City Council Action:		Ordinance Number:	

Type of Request: Standard District Rezoning & Conditional

N, (S), E, W (Circle) Side of: West Dublin-Granville Road (SR 161)

N, (S), E, (W) (Circle) Side of Nearest Intersection: SR 161 & Dale Drive

Distance from Nearest Intersection: Ø – at SW corner

Existing Zoning District: BSC - commercial	Requested Zoning District: CC, community commercial

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<u>Zoning Request:</u> New Wendy's Restaurant, SWC of SR 161 and Dale Dr.

The Wendy's Company is proposing to construct a new Flagship restaurant at the southwest corner of Dublin – Granville Road (SR 161) and Dale Drive, across the street from our new world headquarters. The investment in this new restaurant will complement the more than $17 million in renovations underway on our current campus, including the construction of a new 75,000 square foot facility. We are proud to add more than 210 employees in 2012 who will work in Dublin.

Since 1977, a Wendy's restaurant has served Dublin customers at Riverside Drive and Dublin-Granville Road. The City of Dublin has made us aware of future plans to build a rotary at this intersection, which would require the acquisition of a substantial portion of our property and cause the restaurant operation to cease. Due to the uncertainty of the timing of the rotary project and our need to provide a Flagship restaurant now, we have contracted to purchase a parcel of land at the main entrance to Shoppes at River Ridge.

This restaurant, built with an all-new design, will become the Flagship for our worldwide system. We want to showcase our tremendous pride in returning to our Dublin home. It will be a beacon, a special destination, for all company employees and franchisees who visit our headquarters. We regularly host meetings with franchisees, employees, bankers, investors, media and other VIPs from all over the world, and we will be proud to take them to breakfast, lunch and dinner at this beautiful new Wendy's.

This Flagship restaurant will include a community room filled with artifacts and mementos from our 42-year history, as well as items from our wonderful history in Dublin. Our customers will enjoy seeing the Olympic torch Dave Thomas carried through the streets of Dublin in 1996, Wendy's first Pick Up Window menu-board, nostalgic newsprint tables and Tiffany-style lamps of the 1970's – all of these items will bring a bit of history to this beautiful new, contemporary building.

In addition to providing a Flagship restaurant adjacent to our World Headquarters, the new location at Shoppes at River Ridge will provide a much needed "anchor" to this retail center. We support the new owner's efforts to rejuvenate the center, and believe our participation will greatly enhance their efforts.

<u>Rezoning:</u> We are requesting the property be rezoned from Bridge Street Commercial to Community Commercial to accommodate the relocation of an existing use to adjacent property. Wendy's restaurant is being relocated to accommodate the City's future road improvements at the intersection of Riverside Drive and SR 161.

<u>Conditional Use:</u> We are requesting permission for a drive-through Pick Up Window. This Pick Up Window is simply a replacement for the Wendy's Pick Up Window located on adjacent property. No additional Pick Up Windows will be created in the City as a result of this request.

We respectfully request your consideration of approvals for our proposed new Flagship restaurant, and look forward to answering any questions about this exciting project.

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Legal Description

Situated in the State of Ohio, County of Franklin, City of Dublin, and being part of Quarter Township 3, Township 2, Range 19, United States Military Lands, and containing 1.355 acres of land, more or less, and being all out of that 14.040 acre tract of land conveyed to MR/TSARR OWNER LLC, of record in Instrument Number 201112230168234 (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 1.355 acre tract being more particularly described as follows:

Beginning, for reference, at a 1 inch rebar in a monument box found at the centerline intersection of State Route 161 (Dublin–Granville Road) and Dale Drive, also being in the northerly line of that 2.519 acre tract of land (Parcel 4WV) conveyed to the City of Dublin, of record in Instrument Number 199911150285244;

Thence with the centerline of said State Route 161, also with the northerly line of said City of Dublin Parcel 4WV, North 86°41'19" West, a distance of 303.98 feet to the northwesterly corner of said City of Dublin Parcel 4WV, also being the northeasterly corner of that 2.37 acre tract of land conveyed to Wendy's International, Inc., of record in Deed Book 3443, Page 321;

Thence with the easterly line of said 2.37 acre Wendy's International tract, also with the westerly line of said City of Dublin Parcel 4WV, South 3°18'41" West, a distance of 40.00 feet to a ¾ inch iron pipe capped "EMHT" found at a southwesterly corner of said City of Dublin Parcel 4WV, also being a northwesterly corner of said 14.040 acre MR/TSARR OWNER LLC tract, and being the true point of beginning of the herein described 1.355 acre tract;

Thence with northerly lines of said 14.040 acre MR/TSARR OWNER LLC tract, also with southerly lines of said City of Dublin Parcel 4WV, the following four (4) courses:

1) South 86°41'19" East, a distance of 24.94 feet to a ¾ inch iron pipe capped "EMHT" found;
2) South 76°23'01" East, a distance of 111.80 feet to a ¾ inch iron pipe capped "EMHT" found;
3) South 86°41'19" East, a distance of 114.04 feet to a ¾ inch iron pipe capped "EMHT" found;
4) Along the arc of a curve to the right having a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and the chord of which bears South 41°41'19" East, a chord distance of 35.36 feet to a ¾ inch iron pipe capped "EMHT" found in the westerly line of said Dale Drive;

Thence with a westerly line of said Dale Drive, also with a westerly line of said City of Dublin Parcel 4WV, also with an easterly line of said 14.040 acre MR/TSARR OWNER LLC tract, and continuing with a new division line, across and through said 14.040 acre MR/TSARR OWNER LLC tract, South 3°18'41" West, passing over a southwesterly corner of said City of Dublin Parcel 4WV at 175.00 feet, a total distance of 185.13 feet to an iron pipe set;

Thence with a new division line, across and through said 14.040 acre MR/TSARR OWNER LLC tract, North 86°41'19" West, a distance of 273.97 feet to a iron pipe set in a westerly line of said 14.040 acre MR/TSARR OWNER LLC tract, also being in the easterly line of the aforesaid 2.37 acre Wendy's International tract;

Thence with a westerly line of said 14.040 acre MR/TSARR OWNER LLC tract, also with the easterly line of said 2.37 acre Wendy's International tract, North 3°18'41" East, a distance of 230.13 feet to the point of beginning, and containing 1.355 acres of land, more or less, all of which is out of Auditor's Parcel Number 273–008269.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The centerline of State Route 161 (Dublin–Granville Road) was assigned a bearing of North 86°41'19" West, as described in Instrument Number 201112230168234, Franklin County Recorder's Office.

All iron pipes set are ¾ inch inside diameter by 30 inches in length with an orange plastic cap marked "Geo–Graphics".

The above description was written by Kevin Beechy, Ohio Professional Surveyor No. 7891 of Geo Graphics, Inc., and is based on an actual survey of the premises performed in March 2012.

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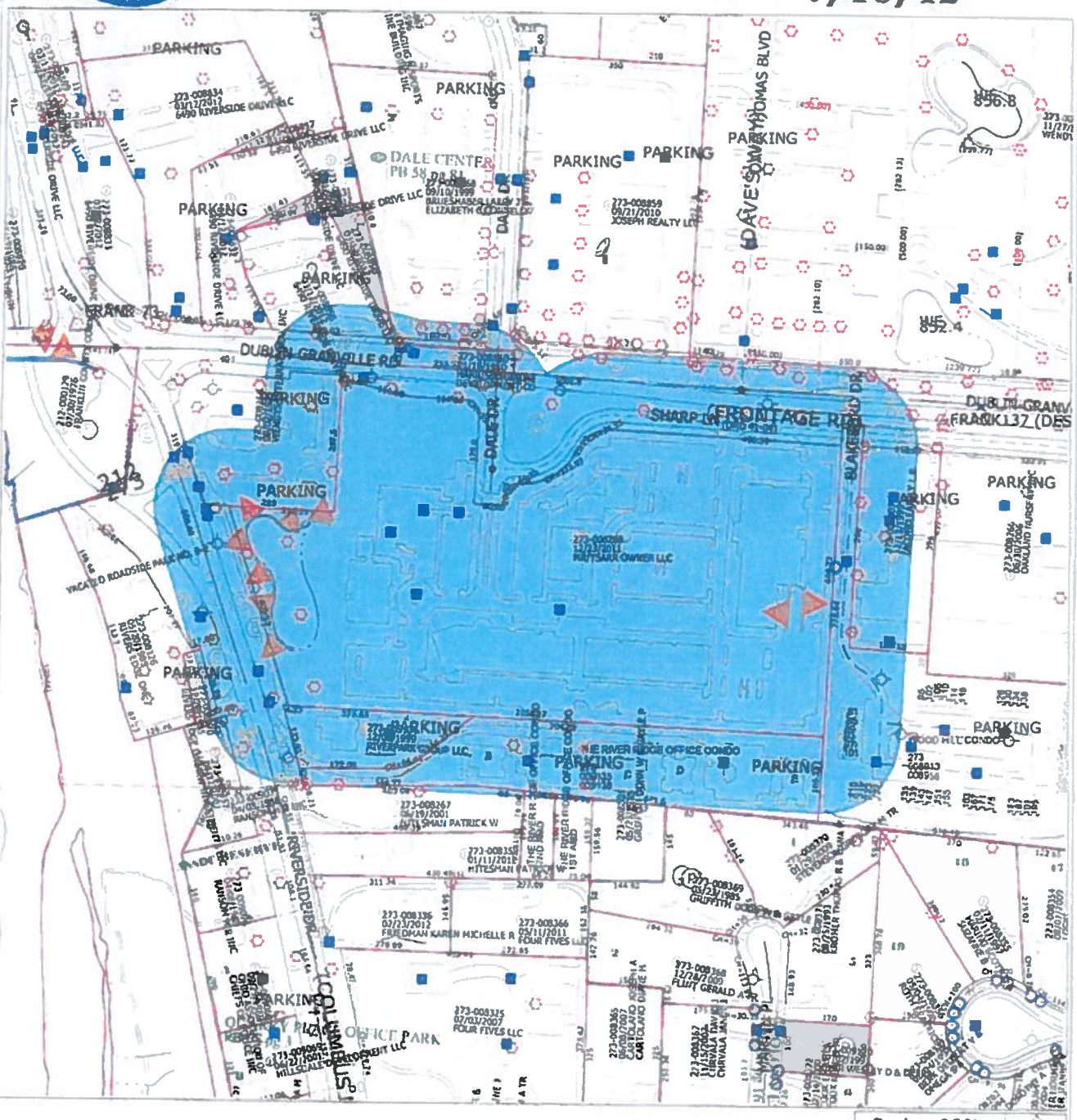
CLARENCE E MINGO II
FRANKLIN COUNTY AUDITOR

MAP ID: S **DATE: 7/10/12**



Scale = 289'

Grid North

Disclaimer

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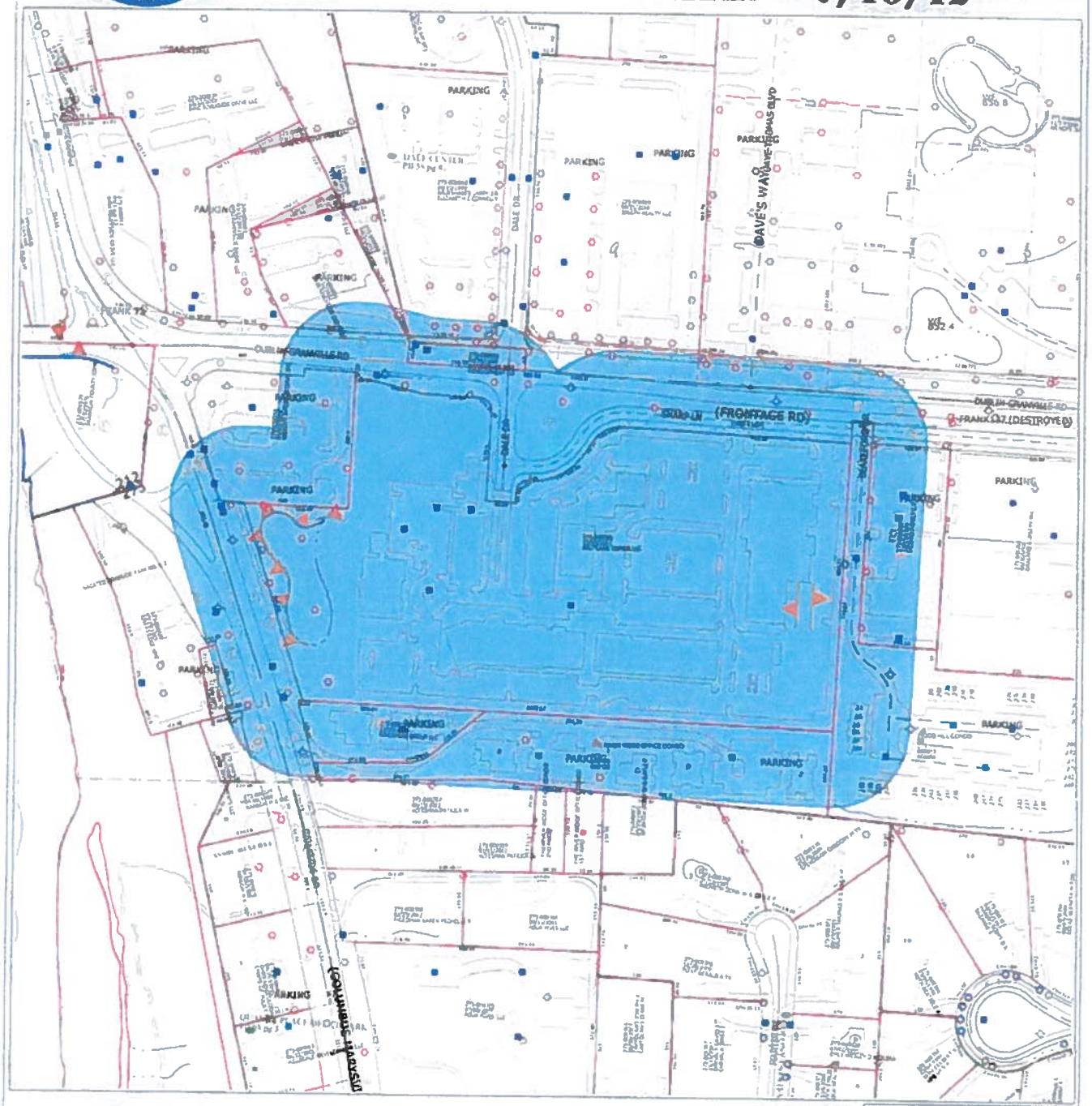

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FRANKLIN COUNTY AUDITOR
Report of parcels touching irregular area DATE : JUL 10, 2012

273-000000 Owner:
Address:
Mail To:
: *
:
:

273-008264 * Owner: WENDYS INTERNATIONAL INC
Address: 6480 RIVERSIDE DR
Mail To: WENDYS INTERNATIONAL INC
: ATTN TAX DEPT
: 1155 PERIMETER CENTER W
: ATLANTA, GA 30338

273-008267 * Owner: HITESMAN PATRICK W
Address: 6350 RIVERSIDE DR
Mail To: THE ARLINGTON BANK
: 2130 TREMONT CTR
: COLUMBUS, OH 43221

273-008269 * Owner: MR/TSARR OWNER LLC
Address: 4305 -335W DUBLIN GRANVILLE RD
Mail To: MR/TSARR OWNER LLC
: 1691 MICHIGAN AVE STE 215
: MIAMI BEACH FL 33139

273-008326 * Owner: RIVERS EDGE ONE
Address: 6375 RIVERSIDE DR
Mail To: RIVERS EDGE ONE
: C/O CAPITAL PROPERTY
: 2200 W 5TH AVE
: COLUMBUS OH 43215

273-008357 * Owner: MRW INVESTMENTS LLC
Address: 6365 RIVERSIDE DR
Mail To: MRW INVESTMENTS LLC
: 6365 RIVERSIDE DR
: DUBLIN OH 43017

273-008801 * Owner: GRIFFITH DONN W & GAYLE P
Address: MARTIN PL
Mail To: DONN W GRIFFITH
: GAYLE P GRIFFITH
: 6465 MARTIN PL
: DUBLIN OH 43017

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CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR
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273-008856 * Owner: 6490 RIVERSIDE DRIVE LLC
Address: 6490 RIVERSIDE DR
Mail To: 6490 RIVERSIDE DRIVE LLC
: 2135 DANA AVE STE 200
: CINCINNATI OH 45207

273-008858 * Owner: 6490 RIVERSIDE DRIVE LLC
Address: RIVERSIDE DR
Mail To: 6490 RIVERSIDE DRIVE LLC
: 2135 DANA AVE STE 200
: CINCINNATI OH 45207

273-008860 * Owner: HARRISBURG PIKE DEVELOPMENT CO
Address: 4300 W DUBLIN GRANVILLE RD
Mail To: DALE PROPERTY CO
: 6755 SAWMILL RD
: DUBLIN OH 43017

273-008868 Owner: BRUESHABER LARRY J & ELIZABETH C CONNELLY PARTNERSHIP #1
Address: 4340 DALE DR
Mail To: LARRY BRUESHABER
: ELIZABETH C CONNELLY
: 7454 LAKE PARK DR
: WEST CHESTER

273-008907 * Owner: IACONO FAMILY L P
Address: 4271 -285W DUBLIN GRANVILLE RD
Mail To: IACONO FAMILY L P
: 1350 W LANE AVE
: COLUMBUS OH 43221

273-008913 * Owner: WOODS VIRGINIA L
Address: 81 BLAKEFORD DR
Mail To: BAC TAX SERVICES CORP
: TX-975-02-01
: 2375 N GLENVILLE DR
: RICHARDSON, TX 75082

273-008914 * Owner: LOMBARDI MONDO F & CO
Address: 00085 BLAKEFORD DR
Mail To: MONDO F LOMBARDI & CO
: 6055 SPRINGBURN DR
: DUBLIN, OH 43017

273-008859 Joseph Realty LLC
250 E. 5th St., Suite 285
Cincinnati, Ohio 45202

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CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR
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273-008915 * Owner: LOMBARDI MONDO F & CO
Address: 89 BLAKEFORD DR
Mail To: MONDO F LOMBARDI & CO
: 6055 SPRINGBURN DR
: DUBLIN, OH 43017

273-008916 * Owner: LOMBARDI MONDO F & CO
Address: 93 BLAKEFORD DR
Mail To: MONDO F LOMBARDI & CO
: 6055 SPRINGBURN DR
: DUBLIN, OH 43017

273-008917 * Owner: LOMBARDI MONDO F & CO
Address: 97 BLAKEFORD DR
Mail To: MONDO F LOMBARDI & CO
: 6055 SPRINGBURN DR
: DUBLIN, OH 43017

273-008918 * Owner: LOMBARDI MONDO F & CO
Address: 101 BLAKEFORD DR
Mail To: MONDO F LOMBARDI & CO
: 6055 SPRINGBURN DR
: DUBLIN, OH 43017

273-008919 * Owner: LOMBARDI JOHN D
Address: 115 BLAKEFORD DR
Mail To: JOHN D LOMBARDI
: 6055 SPRINGBURN DR
: DUBLIN OH 43017

273-008920 Owner: LOMBARDI EDITH L TR LOMBARDI ROBERT A TR
Address: 119 BLAKEFORD DR
Mail To: EDITH L LOMBARDI TR
: ROBERT A LOMBARDI
: 6055 SPRINGBURN DR
: DUBLIN OH 4301

273-008921 Owner: LOMBARDI EDITH L TR LOMBARDI ROBERT A TR
Address: 123 BLAKEFORD DR
Mail To: EDITH L LOMBARDI TR
: ROBERT A LOMBARDI TR
: 6055 SPRINGBURN DR
: DUBLIN OH 4

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273-008922 Owner: LOMBARDI EDITH L TR LOMBARDI ROBERT A TR
Address: 127 BLAKEFORD RD
Mail To: EDITH L LOMBARDI TR
: ROBERT A LOMBARDI TR
: 6055 SPRINGBURN DR
: DUBLIN OH 4

273-008970 * Owner: RIVERS EDGE ONE
Address: 6371 -375 RIVERSIDE DR
Mail To: RIVERS EDGE ONE
: C/O CPS
: 2200 W FIFTH AVE
: COLUMBUS OH 43215

273-009134 * Owner: RIVERPARK GROUP LLC
Address: 6400 RIVERSIDE DR
Mail To: RIVERPARK GROUP LLC
: 6400 RIVERSIDE DR STE B1
: DUBLIN OH 43017

273-009135 * Owner: RIVERPARK GROUP LLC
Address: 6400 RIVERSIDE DR
Mail To: RIVERPARK GROUP LLC
: 6400 RIVERSIDE DR STE B1
: DUBLIN OH 43017

273-009136 * Owner: RIVERPARK GROUP LLC
Address: 6400 RIVERSIDE DR
Mail To: RIVERPARK GROUP LLC
: 6400 RIVERSIDE DR STE B1
: DUBLIN OH 43017

273-009137 * Owner: RIVERPARK GROUP LLC
Address: 6400 RIVERSIDE DR
Mail To: RIVERPARK GROUP LLC
: 6400 RIVERSIDE DR STE B1
: DUBLIN OH 43017

273-009138 * Owner: RIVERPARK GROUP LLC
Address: 6400 RIVERSIDE DR
Mail To: RIVERPARK GROUP LLC
: 6400 RIVERSIDE DR STE B1
: DUBLIN OH 43017

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City of Dublin
Land Use and Long Range Planning
5800 Shier Rings Road
Dublin, Ohio 43016-1236
phone 614.410.4600
fax 614.410.4747
www.dublinohiousa.gov

DRAFT

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

SEPTEMBER 20, 2012

The Planning and Zoning Commission took the following action at this meeting:

2. The Wendy's Company – Restaurant
12-053Z **West Dublin-Granville Road**
Standard District Rezoning

Proposal:	To rezone a site located at the southwest corner of West Dublin-Granville Road and Dale Drive from BSC-C, BSC Commercial District, to CC, Community Commercial District.
Request:	Review and approval of a standard district rezoning under the provisions of Zoning Code Section 153.234 and a conditional use application under the provisions of Zoning Code Section 153.236.
Applicant:	Dennis Hill, Vice President.
Planning Contact:	Jennifer M. Rauch, AICP, Planner II.
Contact Information:	(614) 410-4690, jrauch@dublin.oh.us

MOTION: To recommend disapproval to City Council of this rezoning.

VOTE: 6 – 1.

RESULT: Disapproval of this standard district rezoning was recommended to City Council.

RECORDED VOTES:

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes
John Hardt	Yes
Joseph Budde	No
Victoria Newell	Yes

STAFF CERTIFICATION

Jennifer M. Rauch, AICP
Planner II

2. The Wendy's Company – Restaurant **West Dublin-Granville Road**
12-053Z **Standard District Rezoning**

Chris Amorose Groomes introduced this request to rezone a site located at the southwest corner of West Dublin-Granville Road and Dale Drive from BSC-C, Bridge Street Corridor Commercial District to CC, Community Commercial District. She said the Commission will make a recommendation for this application to City Council.

Jennifer Rauch presented this request to rezone to a standard district for The Wendy's Company. She said the 1.3-acre site is the current undeveloped outparcel of the Shoppes at River Ridge development with frontage along West Dublin-Granville Road and Dale Drive. She said the existing Wendy's restaurant is located at the southeast corner of West Dublin-Granville Road and Riverside Drive. She said the vacant site has future access connections to Dale Drive and to the existing parking lot for Montgomery Inn located to the south. Ms. Rauch said the applicant intends to construct a new restaurant building with a drive-thru and patio, which will require the applicant to return to the Planning and Zoning Commission for review and approval should the site be rezoned to Community Commercial District.

Ms. Rauch said Planning reviewed the proposed rezoning based on Dublin's adopted plans, which includes the Community Plan's Future Land Use Map designation and area plan. She stated the Future Land Use Map designates the site as General Commercial, which is described as retail and commercial development that is heavily dependent upon the automobile. She said this proposal is compatible with the existing shopping center and the surrounding commercial uses. She said Planning also referred to the Sawmill Road/161 Area Plan included in the Community Plan, which shows the site with the currently configured shopping center development with proposed site with a freestanding building. She said the proposal is consistent with the Area Plan. Ms. Rauch said lastly, Planning reviewed the Vision Plan for the Bridge Street Corridor, in which this site is shown as Office and Loft, but as the Bridge Street Code and Zoning Map was approved the site was designated as Commercial. She said the commercial zoning designation was approved to allow this and other similar sites to operate and develop with the existing development patterns within this area. Ms. Rauch said based on this analysis, Planning finds the application meets the review criteria for these three plans, and recommends the Planning and Zoning Commission make a recommendation of approval to City Council.

Dennis Hill, The Wendy's Company, One Dave Thomas Boulevard, Dublin, Ohio said they agreed with Planning's recommendation.

Ms. Amorose Groomes invited public comment regarding this case. [There was none.]

Warren Fishman asked for the acreage of the current Wendy's restaurant site at Riverside Drive and West Dublin-Granville Road. Ms. Rauch estimated the site to be over 1.5 acres.

Mr. Fishman expressed concern that there was enough land for proposed site to accommodate drive-thru stacking on the site and not cause back up on Dale Drive.

Mr. Hill said typically, a Wendy's restaurant is located on land that is 30,000-square-feet to one acre. He said this proposed site is larger, but part of the 1.3-acres is sloped leaving less than an acre available to be developed. He said they have established shared parking with the shopping center. He said the building sits in the middle of the property and there will be room to stack 12 vehicles from the pickup window to the end of dedicated drive aisle.

Mr. Fishman confirmed the proposed site is larger than Wendy's typical site. Mr. Hill said that was correct.

Victoria Newell asked how the other Commissioners felt about immediately rezoning this parcel out of the Bridge Street Corridor and back to the previous zoning district. She said it seemed like they could do this development within the current requirements. She said she had apprehension about it.

Amy Kramb said she agreed with Wendy's locating on this site, but she was not okay with the requested rezoning. She said expressed concerns that every single parcel in the Bridge Street Corridor will want to be rezoned out of the Bridge Street District. She said if this rezoning is allowed, she did not know how the Commission could disapprove the next applicant requesting a rezoning within of the District.

Jennifer Readler explained it was unfamiliar for the Commission to consider a standard district rezoning, but cautioned the Commission that they were reviewing this particular parcel and application and explained it was very difficult to set precedent when talking about land use matters. She said she wanted to make sure their conversation is about this parcel rezoning. She said she understood their concerns regarding subsequent rezonings filed, but those proposals would be examined independently. Ms. Readler said the recommendation made by the Commission regarding this proposal did would bind them to approve subsequent rezonings.

Ms. Kramb said she read the list of waivers the Commission would have to approve for this proposal and she said she felt more justified in permitting the necessary waivers within the Bridge Street District given its location on the edge of this commercial district. She questioned how she would say no to Dublin Village Center is they ever presented a rezoning proposal, because the site is also on the edge of the district. Ms. Kramb said she had trouble comparing it to the existing Community Plan while we are in the process of updating the Community Plan to show the Sawmill Area Plan in the Bridge Street Corridor. She reiterated she had no problem with Wendy's locating on this site, but with the process being used.

Ms. Amorose Groomes asked if Ms. Kramb's concern was primarily the process of how to rezone the property while they maintain the integrity of the Commission. Ms. Kramb agreed. She said the Commission spent the last two years developing the Bridge Street Corridor and the first proposal before them is rezoning it out of the District. She said that did not give the Commission anything to stand on for the rest of the property owners on the east side of the River.

John Hardt made it clear that he welcomed Wendy's to this site. He said the Shoppes at River Ridge shopping center is a new development and when it was planned, this pad site was created with the idea that there was going to be a freestanding building there. He said he saw this as a completion of the development, and in the overall context of the City and community he had no hesitation about the proposal. He said he did have concerns about how they get there. He said when he looked at rezoning this site and the long term implications on this site, he thought if they were to grant this, they would be doing a couple of things. He said they would be opening the site for future owners to a long list of standard district uses, some of which are not in line with the Community Plan. He said also, a future owner would be able to redevelop this site or repurpose a building with only the most cursory of administrative reviews and not have to comply with any of the standards or have to come to the Commission for approval. He said that was where his discomfort was. He said he would be happy to look at what Wendy's is trying to do in context of the Bridge Street Code and try to figure out how to work within that framework to make it happen. Mr. Hardt said if he could see what it would look like, he might be willing to talk about a rezoning to a PUD, where the Bridge Street Code is still the underlying foundation of the PUD. He said there are some modifications needed to allow Wendy's to do what they are proposing, but he felt a rezoning to standard district of Community Commercial had long term implications that he was not comfortable with doing.

Richard Taylor said he was in favor of Wendy's on this site. He said however, how they got there was the issue. He said he thought there were at least two other options that should be explored and would be preferable by him than rezoning. Mr. Taylor said one option would be to stay within the Bridge Street

Code and look at the waivers. He said the second option would be a PUD. He said his preference was to stay with the existing Bridge Street Corridor Code, however if it went to a PUD he was sure they could make that work. He said the Planning Report reviewed the project in terms of the proposed zoning and not in terms of the Bridge Street Corridor Code. Mr. Taylor said he appreciated the memo attached outlining how the proposal would be reviewed under the Bridge Street Code. He said he thought most of the Commissioners agreed it was a difficult site and approving the necessary waivers might be entirely appropriate even if there is a large number to approve.

Mr. Taylor said that also, he thought if this were to be presented under the Bridge Street Corridor Code and looked at in terms of the waivers, the Commission would get a second look at the sign issue that was approved at the Board of Zoning Appeals. He said he thought the signs approved by the Board were very generous in terms of the number, size, height, and location for this site. He said he would like the Commission to have an opportunity to review them again. Mr. Taylor said he was in favor of the use and the building, but not of the underlying zoning.

Ms. Amorose Groomes said she thought it was unfortunate that the Commission was where they were. She said they have pleaded to have the conversation about how the Commission is going to handle this exact issue of approving waivers versus rezoning for a particular parcel. She said the Commission has been given no opportunity to have that discussion with City Council and give their input and thoughts. She said she was very sympathetic to Wendy's in that they have to endure this. She wanted to apologize to them because this was exactly what the Commission did not want to do and they had said it publically and privately for three months. Ms. Amorose Groomes said the Commission does not have good answers for the applicant.

Ms. Amorose Groomes said she agreed with her fellow Commissioners to go back to standard zoning district was not ideal on this site. She said because they have not had the discussion with City Council she was more inclined to use a PUD than approve a list of waivers. She said she probably could be convinced otherwise if the Commission had a compelling conversation about what they were going to do which they have failed to do.

Ms. Amorose Groomes said the support is certainly for Wendy's to be on this particular property and have the exact restaurant they were looking for, but the problem is with the rezoning. She said the rezoning problem really had little to do with the applicant and more to do with a policy decision. She said the Commission could vote on the rezoning if the applicant wished or it could be tabled and all of the requirements for notification and those sorts of things could be waived so that they can return quickly. Ms. Amorose Groomes said she did not know if the Commission could recommend approval tonight.

Ms. Readler said they would have to adhere to stringent notice requirements for the rezoning application, but they were willing to work with the applicant to modify resubmission timelines.

Ms. Amorose Groomes asked how soon the applicant would be able to come back to the Commission.

Steve Langworthy said if it was for a PUD, it would be a while because they would have to create a development text and work more on the development of detailed site plans. He said it would be in the applicant's hands and he would not expect to see them back before December.

Mr. Fishman asked when they could come back to the Commission for the waivers.

Mr. Langworthy said they would go through the Administrative Review Team. He said the application would be required to go through the Basic Plan Review first and then a Site Plan. He said the Site Plan would be reviewed by the Administrative Review Team, and then any waivers would be recommended

and then reviewed by the Commission. He said depending when all the information is submitted and what the waivers would be, it would probably be seen by the Commission in December.

Mr. Langworthy confirmed for Mr. Fishman that approved waivers would only apply to this building and site.

Mr. Taylor pointed out this rezoning as proposed would go onto City Council after the Commission made a recommendation, but waivers could be dealt with by the Commission without going to City Council afterwards. He said potentially, a month could be gained.

Mr. Langworthy said the problem was getting the plans to the point where it can be determined how they comply to the Bridge Street Code and what waivers would be needed. He said not enough detailed plans were submitted to know that at this time.

Mr. Hardt asked if plans were available for this prototype restaurant or was it still being developed. Mr. Hill said it was a version of a prototype restaurant they called it a flagship restaurant since it was across the street from headquarters.

Ms. Amorose Groomes asked what was the goal for having a shovel in the ground. Mr. Hill said contractually, they needed to have approval by the end of this year, but would probably not put a shovel in the ground until spring. He reminded everyone the use was already there and that Wendy's had been operating at the corner for 35 years. He said the use on the corner would go away and it was going to move to this adjoining property. Mr. Hill said they had not talked about that topic yet.

Ms. Amorose Groomes explained the reason it had not been talked about that extensively she believed was that everyone on the Commission was in favor of the use.

Mr. Hill said another reason they were not going on the corner was because they were cooperating with the City on the roundabout construction. He said the City approached Wendy's to acquire the property. He said they would rather stay on the corner of two intersections. Mr. Hill said it was a better piece of real estate, but they were willing cooperate with the City. He said that was also something that had not been addressed.

Mr. Hill asked that waivers be explained to him.

Ms. Amorose Groomes explained the Bridge Street Corridor Development Code has specific development requirements and should these requirements not be met, a process for waivers was available to gain relief. She said those requirements are not really conducive to drive-thru, fast food restaurants, but this site is a very unusual site, but the Commission could potentially find a way to be supportive of proposed waivers. She said the Commission has a problem with this site being rezoned back to a standard zoning district because in 50 years, when Wendy's no longer wanted to be there the Community Commercial District requirements are less stringent and may have negative long term affects on this site. Ms. Amorose Groomes said they want the Wendy's to be able to use the property how they choose for as long as they own it and if whatever point in time Wendy's chooses not to occupy or own that property, the Commission would like it to brought back to the Bridge Street Corridor districts.

Mr. Hill said he understood what Ms. Amorose Groomes was saying, but he was not sure he agreed with it. He said the entire Shoppes at River Ridge development was under the old zoning classification. He said the type of development Wendy's is proposing to create is going to be conducive to the old zoning classification and everything that is currently around the site. He said he thought the request was reasonable. Mr. Hill said they were here tonight, because they tried to cooperate with the City. He said he thought the best thing to do was to ask the Commission to act upon the request for rezoning.

Ms. Readler clarified the zoning of The Shoppes at River Ridge site was CC, Community Commercial, but there was a CDD, Corridor Development District overlay in place, so the shopping center were reviewed under the CDD which had more design review than now with the CDD eliminated from the Code.

Mr. Langworthy said regarding the waivers versus the rezoning, he said he did not want the possibility of rezoning out of the Bridge Street Corridor, but during the Development Code process it was determined to be an important consideration to have in case there were situations like this. He said he was most concerned about the waiver process, because they did have specific criteria for the process and unless they held close to those criteria, other applicants will point out the criteria was overlooked for another applicant and not them. He said he did not believe in precedent setting in zoning either because every case was individual, but he would have more concern about finger pointing on a waiver process, particularly as extensive as would be required for this site.

Ms. Amorose Groomes asked why Planning recommended the applicant come for this standard district rezoning.

Mr. Langworthy explained Planning felt the proposal was consistent with the development pattern for the existing shopping center and the an expeditious way to get the rest of the development completed for the Shoppes at River Ridge site.

Ms. Amorose Groomes asked if Planning did not have concern for this parcel of property for the balance of eternity.

Mr. Langworthy said he was not concerned about the zoning in the long term, because when he thought of 50 years in the future, he thought of what was in place 50 years ago and how many zone changes or ordinances there were then. He said zoning changes tend to be much faster than the Community Plan changes, and the Community Plan shows this site as commercial. He said even if another restaurant came in they would have to come back to the Commission for another review if they rearranged their conditional use for a patio and drive-thru.

Warren Fishman asked if the site was purchased from Wendy's in 20 years with a standard district zoning, why the owner would be motivated to change the zoning to something else.

Mr. Langworthy said the two things that are of objection are the drive-thru and patio use because that is what causes the conditional use. He said the restaurant itself is a permitted use under any circumstance. He said there were uses in the Commercial distircts that are not going to go away with the current Code amendment. He said this is probably the most impracticable use that we have because of the drive-thru in particular.

Mr. Fishman said he understood once you go to a standard district there are a number of uses also permitted. He said if he bought the property from Wendy's in 20 years, he certainly would not want to change the zoning to a PUD.

Ms. Readler said in the spirit of exhausting every possible option, there would be the option if the main concern is that the current user is completely acceptable but it is a possibility of redevelopment in the future. She said what has been done a couple of times in the past for a standard zoning district was to enter into a development agreement between the City and the developer restricting the future use of the property. She said if the applicant and the City agreed, then any future users would agree to come back and have whatever future use go through the process designated by the City. She said another option was they could ask for a deed restriction on the property so it is limited to the current use, even though it is in a standard district. She said both options would require complete cooperation of the applicant. She

said they could not be forced to do it. Ms. Readler said that City Council would have to execute that agreement.

Ms. Kramb said understanding the issue with the waivers; she thought a PUD would be the best.

Mr. Taylor recalled the first drafts of the Bridge Street Corridor Code very specifically said you could not zone yourself out of the Bridge Street Corridor and the discussion why it was included. He said he agreed either a PUD or waivers would be appropriate in this instance. He suggested Mr. Hill reconsider his decision to have the Commission vote tonight, because if it did not go the way he wanted, he had no options after that. He said the Commission's concern is the future. He said they are expecting in 40 years this area to be fully built out and look like the vision that City Council passed with the Bridge Street Corridor.

Mr. Taylor explained the Waiver section was written as an exception to the Bridge Street Corridor Development Code that allows specific deviations from the Code. He said it might take time to determine the necessary waivers, but he thought almost every Commissioner agreed that as long as the zoning is what was submitted they probably could be pushed through to get this done. Mr. Taylor urged Mr. Hill to consider a tabling of this application instead of requesting a vote.

Mr. Hardt said if the applicant decided to pursue the waiver option, the Commission would handle them and he thought there was nothing else that they had to do. He said the 30-day period that they would have spent getting the rezoning through City Council would no longer be part of the equation.

Joe Budde asked if the Commission voted against the recommendation to rezone, does that recommendation still go forward to City Council. Ms. Readler said yes, but it would require a super majority vote by City Council to overturn any recommendation of disapproval by the Commission.

Mr. Hill had confirmed he had no interest in tabling of this application.

Motion and Vote

Mr. Taylor moved to recommend disapproval to City Council of this rezoning. Ms. Kramb seconded the motion.

Ms. Amorose Groomes clarified a 'Yes' vote on the motion was for disapproval.

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

City of Dublin
Land Use and Long Range Planning
5800 Shier Rings Road
Dublin, Ohio 43016-1236
phone 614.410.4600
fax 614.410.4747
www.dublinohiousa.gov

Planning and Zoning Commission

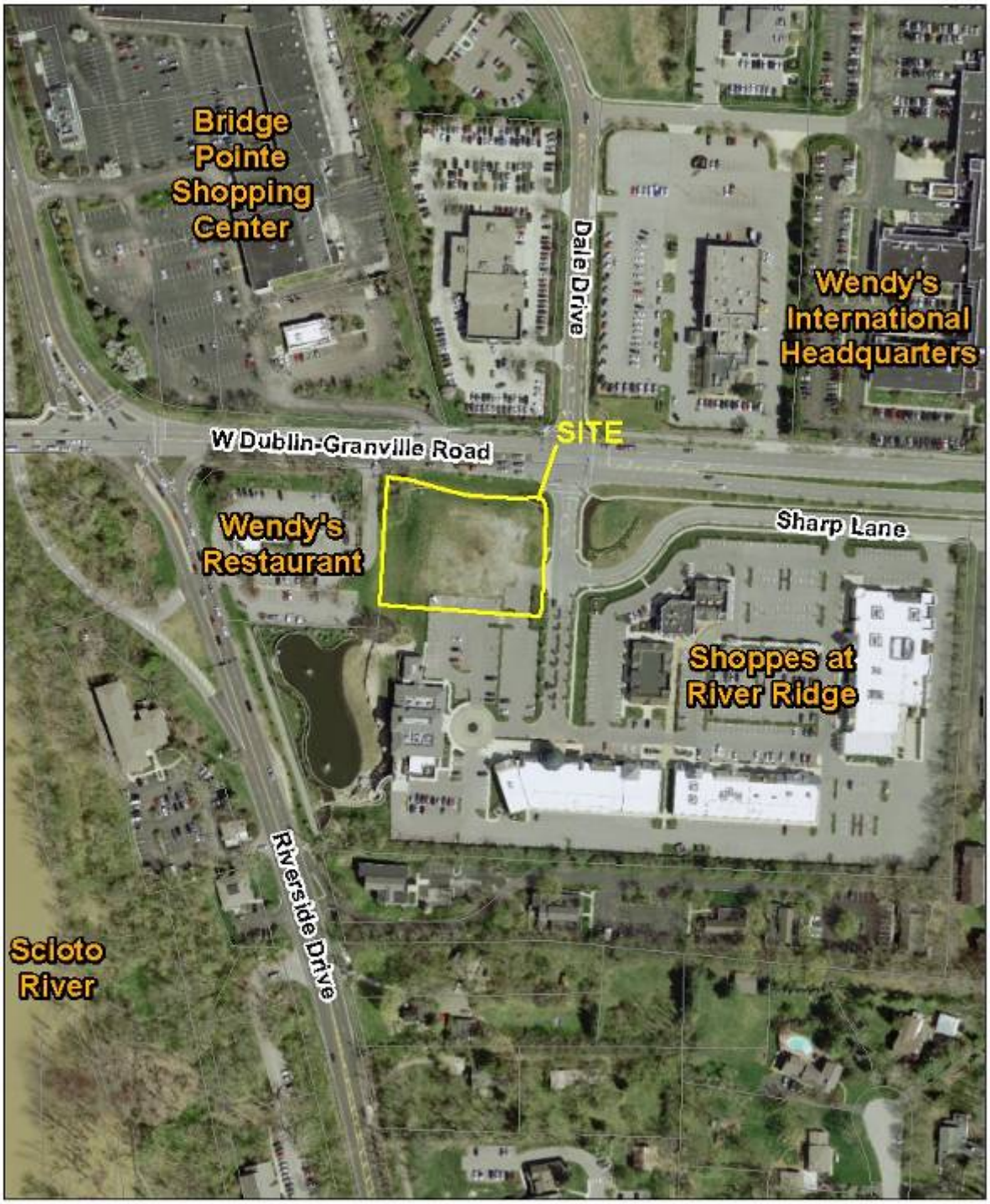
Planning Report

September 20, 2012

The Wendy's Company - Restaurant

Case Summary

Agenda Item	2
Case Number	12-053Z
Proposal	Rezoning for a 1.35-acre site from BSC-C, Bridge Street Corridor Commercial District to CC, Community Commercial District.
Request	Standard District Rezoning Review and approval of a standard district rezoning under the provisions of Zoning Code Section 153.234.
Site Location	4555 West Dublin-Granville Road The site is at the southwest corner of the intersection of West Dublin-Granville Road and Dale Drive.
Applicant	Dennis Hill, The Wendy's Company.
Case Manager	Jennifer M. Rauch, AICP, Planner II; Steve Langworthy, Director.
Contact Information	(614) 410-4690 | jrauch@dublin.oh.us (614) 410-4653| slangworthy@dublin.oh.us
Planning Recommendation	Approval of the Rezoning Planning recommends the Planning and Zoning Commission make a recommendation of approval to City Council of this rezoning as it complies with adopted plans and policies, and meets the Development Standards of the proposed zoning district.



City of Dublin Land Use and Long Range Planning	12-053Z Rezoning Wendy's Dale Drive Restaurant Dale Drive/W. Dublin-Granville Road	N Feet 0 175 350

Facts

Site Area	1.35 acres
Zoning	BSC-C, Bridge Street Corridor Commercial District
Surrounding Zoning and Uses	Surrounding Zoning: BSC Commercial District Surrounding Uses: South/East - Shoppes at River Ridge shopping center North – Auto dealerships West – Existing Wendy's Restaurant
Site Features	• Street frontage: West Dublin-Granville Road - 250 feet; Dale Drive - 185 feet • Vacant site, outlot of the Shoppes at River Ridge shopping center. • Site rests on a plateau from Dale Drive and West Dublin Granville Road. Grade changes range from approximately 15 feet at the west end of the site on West Dublin-Granville Road to approximately 5 feet at the Dale Drive/ West Dublin Granville Road intersection. • A stone wall extends along the majority of the site frontage of West Dublin-Granville Road. • A partial remnant of a tree row and the recently approved joint identification sign for the Shoppes at River Ridge development are located at the northwest corner, nearest West Dublin-Granville Road. •
Case Background	August, 2012 Variances were granted by the Board of Zoning Appeals to permit a combination of both wall and ground signs, exceed the maximum height requirement of the Code, and exceed the maximum size permitted for logos. The Board also approved variances to minimum size and number of parking spaces required by Code. March, 2010 Rezoned by City Council from CC, Community Commercial to BSC Commercial District after recommendation from the Planning and Zoning Commission on February 2, 2010. April, 2005 Parking variance approved by the Board of Zoning Appeals reducing the number of required parking spaces for the shopping center from 1,008 to 677. March, 2005 Corridor Development District and conditional use approved by the Planning and Zoning Commission for 34,254 square feet of retail and restaurant use (Shoppes at River Ridge).

Details — Standard District Rezoning

Plan Overview	The proposal includes the rezoning of 1.35-acres from BSC-C, Bridge Street Corridor Commercial District to CC, Community Commercial District. The applicant intends to construct a new restaurant complementing the Wendy's corporate campus. (Conditional use approvals for the patio and drive-through will be required, but is not part of this application.)

Details — Standard District Rezoning

Uses and Development Requirements

The intent of the Community Commercial District is to allow development of retail, restaurant, personal service, and office uses. The district permits a wide range of uses related to commercial and retail development.

Community Commercial Development Standards		
Lot Requirements	Lot Area	No minimum lot size
	Lot Width	No minimum lot width
	Lot Coverage	70% maximum
Yard Requirements	Front Setback	Distance equal to existing/proposed right-of-way, as measured from the centerline of the roadway.
	Side Yard	5 feet; unless adjacent to residential or PD then ¼ sum of building height and depth, not to exceed 15 feet.
	Rear Yard	5 feet; unless adjacent to residential or PD then ¼ sum of building height and width.

Community Plan

The Future Land Use Map designates this site as *General Commercial (6,500 – 8,700 SF per acre*). The Plan describes this land use classification as retail and commercial development that is heavily dependent upon the automobile with a mix of retail, restaurant and personal services. The proposed rezoning meets the definition of the designation given its intended use is a restaurant. The plan also states this. While the Plan indicates this type of commercial development is outdated, with its reliance on the automobile, the existing shopping center falls under the same development pattern and the intent is to continue the established pattern for the remainder of this site.

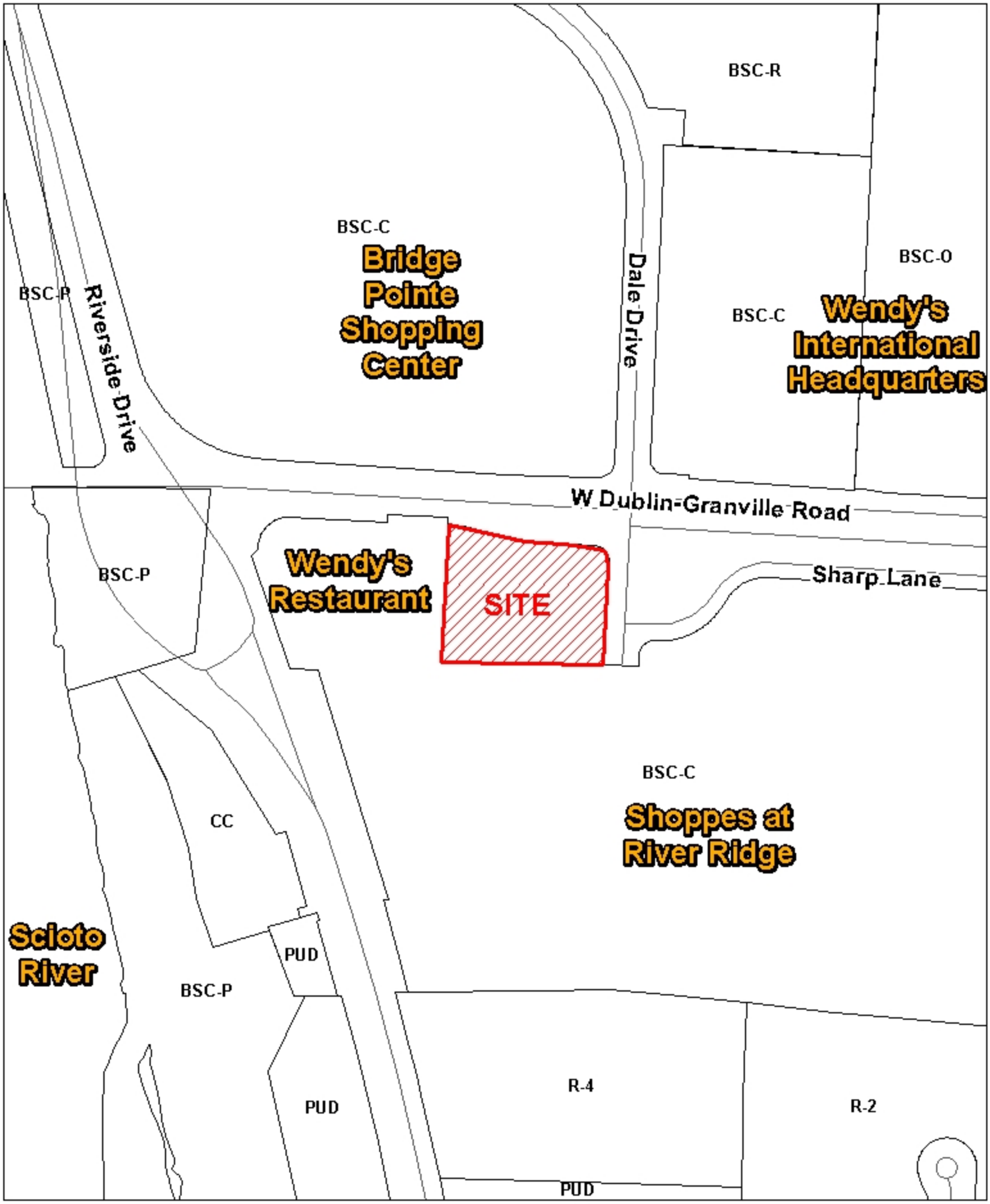
This site is part of the Sawmill/SR 161 Area Plan. The main goal of which was to develop a coordinated mix of office, retail and mixed residential uses while establishing a stronger sense of place and central focus. The Area Plan encourages development that facilitates pedestrian movement between uses and enhances the approach to Historic Dublin from the east. The Plan retains the existing retail center and a freestanding building on the proposed site. The existing retail center was developed under the Community Commercial District. The intent of the future development of this site included a patio and connections to the public way and surrounding development. (The details of these improvements will be on the site plan submitted with the conditional use application for the site's patio and drive-through window.)

Details	**Standard District Rezoning**
Bridge Street Vision Plan	The Vision Plan indicates the site as loft/office uses; however, the site was rezoned to BSC Commercial to accommodate the existing uses and extended farther to the east than shown on the Vision Plan. The extension of the BSC Commercial will allow the current development pattern to continue along West Dublin-Granville Road in the same pattern begun by the existing retail center. The proposed rezoning to Community Commercial is necessitated by the applicant's development which is more consistent with the shopping center than the development style required by the existing zoning. (For reference, a separate memo is included outlining an assessment of the requirements for the site to meet the current zoning.)
Traffic and Utilities	Access has been determined for the site and will be finalized as part of the building permit process. Stormwater for the site is managed through the existing pond located on the Shoppes at River Ridge site. Water and sanitary sewer services are available.

Analysis	**Standard District Rezoning**
Process	The Planning and Zoning Commission is to determine whether the proposed rezoning will generally conform to the Dublin Community Plan and other applicable area plans, integrate in an appropriate and compatible manner with surrounding land uses, and generally adhere to other accepted planning policies and practices. After recommendation by the Planning and Zoning Commission, the rezoning application will be forwarded to City Council for public hearing and final vote.
1) Evaluation based on the Future Land Use designation	*Future Land Use: The Future Land Use Map designates this site as General Commercial (6,500 – 8,700 SF per acre). The Plan describes this land use classification as retail and commercial development that is heavily dependent upon the automobile with a mix of retail, restaurant and personal services.* **Future Land Use met:** The proposed rezoning meets the definition of the Future Land Use map designation of General Commercial and is compatible with the existing, automobile oriented retail center development.
2) Evaluation based on Area Plan	*Area Plan: This site is part of the Sawmill/SR 161 Area Plan within the Community Plan. The main goal of this area plan is to develop a coordinated mix of office, retail and mixed residential uses while establishing a stronger sense of place and central focus. The Area Plan should facilitate pedestrian movement between uses and enhance the approach to Historic Dublin from the east.* **Area Plan met:** The Plan graphic indicates the retention of the existing retail center and a freestanding building on the proposed site. The existing retail center was developed under the Community Commercial District, the same district requested by the applicant for this site.

Analysis	**Standard District Rezoning**
3) Evaluation based on Vision Plan	The Vision Plan indicates the site as loft/office uses; however, the site was rezoned to BSC Commercial to accommodate the existing uses and extended farther to the east than shown on the Vision Plan. **Vision Plan met:** The BSC Commercial zoning placed on this site was done to permit the current development pattern to continue along West Dublin-Granville Road in the same pattern begun by the existing retail center. This zoning altered the basic intent of the Vision Plan to create an office corridor along West Dublin Granville Road. Accordingly, this change in zoning is not inconsistent with the intent of the zoning currently in place with respect to altered intent of the Vision Plan

Recommendation	**Standard District Rezoning**
Approval	Planning recommends the Planning and Zoning Commission make a recommendation of approval of the proposal as it complies with adopted plans and policies, and meets the requirements of the proposed zoning district.



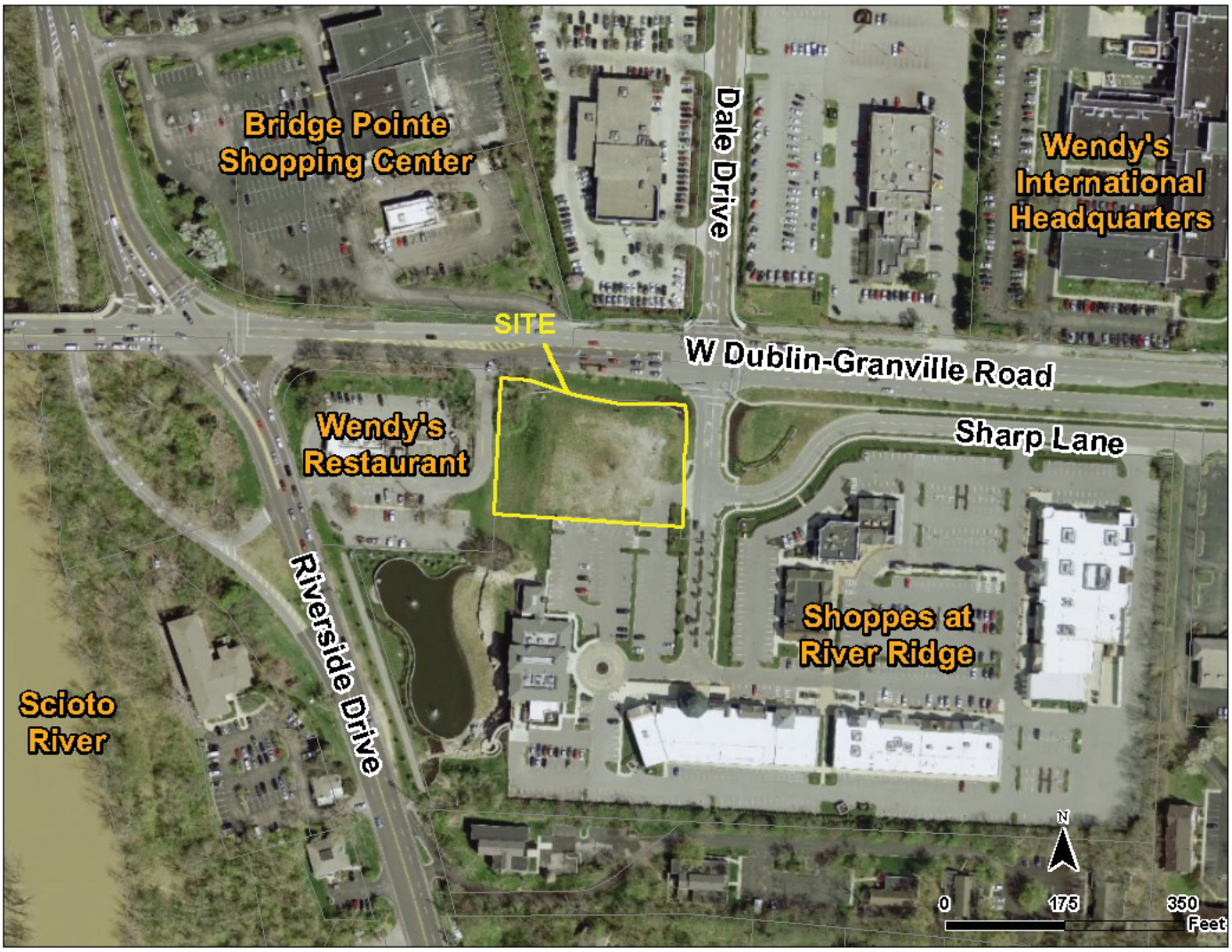
City of Dublin
Land Use and
Long Range Planning

12-053Z
Rezoning
Wendy's Dale Drive Restaurant
Dale Drive/W. Dublin-Granville Road

N

0 200 400 Ft

Existing Site Conditions



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§ 153.028 COMMUNITY COMMERCIAL DISTRICT.

(A) *Permitted use.* The following uses shall be permitted in the Community Commercial District:

(1) *Retail stores.* Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, including the buying or processing of goods for resale.

(a) *General merchandise.*

5251 Hardware stores

531 Department stores

532 Mail order houses

533 Limited price variety stores

539 Miscellaneous general merchandise stores

(b) *Food.*

541 Grocery stores

542 Meat and fish (sea food) markets

543 Fruit stores and vegetable markets

544 Candy, nut and confectionery stores

545 Dairy products stores

546 Retail bakeries

549 Miscellaneous food stores

(c) *Automobile sales.*

551 Motor vehicle dealers (new and used cars)

552 Motor vehicle dealers (used cars only)

553 Tire, battery and accessory dealers (without installations)

559 Miscellaneous aircraft, marine and automotive dealers

(d) *Building materials.*

521 Lumber and other building materials dealers

522 Heating and plumbing equipment dealers

524 Electrical supply stores

525 Hardware and farm equipment

(e) *Apparel.*

561 Men's and boys' clothing and furnishings stores

562 Women's accessory and specialty stores

563 Women's ready-to-wear stores

564 Children's and infants' wear stores

565 Family clothing stores

566 Shoe stores

567 Custom tailors

568 Furriers and fur shops

569 Miscellaneous apparel and accessory stores

(f) *Home furnishings.*

571 Furniture, home furnishings and equipment stores

572 Household appliance stores

573 Radio, television and music stores

(g) *Food and lodging.* Food and lodging includes commercial establishments, and institutions engaged in furnishing lodging and meals on a fee basis.

581 Eating and drinking places

7013 Motels

702 Rooming and boarding houses

(h) *Miscellaneous retail.*

591 Drug stores and proprietary stores

592 Liquor stores

593 Antique stores and secondhand stores

594 Book and stationery stores

595 Sporting goods stores and bicycle shops

597 Jewelry stores

5992 Florists

5993 Cigar stores and stands

5994 News dealers and news stands

5996 Camera and photographic supply stores

5997 Gift, novelty and souvenir shops

5998 Optical goods stores

5999 Miscellaneous retail stores, not elsewhere classified.

(2) *Administrative, Business and Professional Offices.* Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and possessions.

(a) *Finance.*

602 Commercial and stock savings banks

603 Mutual savings banks

604 Trust companies not engaged in deposit banking

605 Establishments performing functions closely related to banking

612 Savings and loan associations

613 Agricultural credit institutions

614 Personal credit institutions

615 Business credit institutions

616 Loan correspondents and brokers

671 Holding companies

672 Investment companies

673 Trusts

679 Miscellaneous investing institutions

(b) *Insurance carriers.*

631 Life insurance

632 Accident and health insurance

633 Fire, marine and casualty insurance

635 Surety insurance

636 Title insurance

639 Insurance carriers not elsewhere classified

(c) *Insurance agents.*

641 Insurance agents, brokers and service

(d) *Real estate.*

651 Real estate operators (except developers) and lessors

653 Agents, brokers and managers

654 Title abstract companies

655 Subdividers and developers

656 Operative builders

661 Combinations of real estate, insurance, loans, law offices

(e) *Business services.*

731 Advertising

733 Duplicating, addressing, blueprinting, photocopying, mailing, mailing list, and stenographic services

734 Services to dwellings and other buildings

739 Business services not elsewhere classified

(f) *Repair services.*

762 Electrical repair shops

763 Watch, clock and jewelry repair

764 Reupholstery and furniture repair

769 Miscellaneous repair shops and related services

(g) *Professional.*

801 Offices of physicians and surgeons

802 Offices of dentists and dental surgeons

803 Offices of osteopathic physicians

804 Offices of chiropractors

807 Medical and dental laboratories

8099 Health and allied services not elsewhere classified

811 Legal services

891 Engineering and architectural services

893 Accounting, auditing and bookkeeping services

(3) *Personal and consumer services.* Personal services generally involving the care of the person or his personal effects. Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.

(a) *Personal.*

722 Photographic studios, including commercial photography

723 Beauty shops

724 Barber shops

725 Shoe repair shops, shoe shine parlors and hat cleaning shops

726 Funeral service

727 Pressing, alteration and garment repair

729 Miscellaneous personal services

(b) *Business.*

731 Advertising

732 Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collecting agencies

733 Duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services

735 News syndicates

736 Private employment

739 Business services not elsewhere classified (except 7391 - research, development and testing laboratories (see 1159.02(c)(1))

(c) Fitness and recreational sports centers.

Physical fitness centers

Exercise centers

Health club facilities

Recreational sports club facilities

Gymnasiums

In addition to all other applicable development standards, the facility providing fitness and recreational sports shall be limited to less than 15,000 square feet of gross floor area.

(d) Pet care (except veterinary and kennel) services.

Pet grooming services

Pet sitting services

Pet training services

The facility providing pet care services shall not include an outdoor recreation area and shall not be located less than 500 feet from any residential district or use.

In reviewing the conditional use request, the Planning and Zoning Commission may reduce the minimum distance from any residential district or use.

(4) *Sexually oriented business establishment.* A commercial establishment including adult cabaret, adult store, or adult theater primarily engaged in persons who appear nude/semi-nude, live performances, films or other visual representations, adult booths, or sale or display of adult material.

(a) In addition to all other applicable development standards, no person shall operate, locate, or permit the location of a sexually oriented business establishment within 750 feet (as measured from

property line to property line) of any residential use or district, school, preschool, daycare, place of worship, park, library, federal, state, county, township or city building, cemetery, or other civic use or public use (within the City of Dublin or other municipality).

(b) No person shall operate, locate, or permit the location of a sexually oriented business within 750 feet (as measured from property line to property line) of another sexually oriented business establishment.

(Ord. 72-99, passed 7-19-99; Am. Ord. 68-99, passed 9-5-00)

(B) *Conditional use.* The following uses shall be allowed in the Community Commercial District, subject to approval in accordance with § 153.236.

(1) *Auto-oriented commercial facilities or outdoor service facilities.* Auto-oriented service facilities or outdoor service facility developed independently or in association with a permitted use.

(2) *Residential.* Living quarters as an integral part of a permitted use structure.

(3) *Consumer services.* Consumer services generally involving the care and maintenance of tangible property or the provision of intangible services for personal consumption.

(a) *Arts and Recreation.*

7831 Motion picture theaters

7911 Dance halls, studios and schools

7921 Theatrical producers, except motion pictures, bands, orchestras and entertainers (theater)

7931 Bowling, billiards and pool

7944 Swimming pools

7945 Skating rinks

Fitness and recreational sports centers of 15,000 square feet or more of gross floor area, including:

Physical fitness centers

Exercise centers

Health club facilities

Recreational sports club facilities

Gymnasiums

(b) *Educational*

Day care facilities

Tutoring services

Mechanical or electrically operated amusement devices as defined in § 112.15 may be operated in connection with the recreation uses listed herein subject to the provisions of §§ 112.15 et seq.

(c) *Automotive.*

751 Automotive rentals, without drivers

(4) *Offices of veterinarians and animal hospitals.*

0722 Offices of veterinarians and animal hospitals

(5) *Large format retail.* Any retail or wholesale use of 20,000 square feet or more of gross floor area.

(6) *Wireless communications facilities* as conditional uses in all applicable districts.

(7) *Park and rides.* An off-street parking facility, publicly owned and operated, designed or intended to provide peripheral collection and parking of vehicles to accommodate commuter traffic into or out of the community, including a maximum of one structure per use, such as bus passenger shelters, terminals and transfer stations. Any such structure may not exceed 50 square feet for bus shelters and 500 square feet for terminals and transfer stations. In addition to all other applicable development standards, the following standards shall also apply to park and ride terminals and transfer stations:

(a) The design and architecture of shelter, terminals and transfer stations must be harmonious with the architectural character of surrounding areas.

(C) *Development standards.* In addition to the provisions of §§ 153.070 through 153.076, the following standards for arrangement and development of land and buildings are required in the Community Commercial District.

(1) *Intensity of use.* No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these development standards and the following provisions:

(2) *Lot width.* No minimum lot width is required; however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.

(3) *Side yard.* A side yard shall be required adjacent to a residential zoning district or planned residential zoning district as listed in § 153.016. These required side yards shall be not less than one-fourth the sum of the height and depth of the building, but in no case shall be less than 15 feet.

(4) *Rear yard.* A rear yard shall be required adjacent to a residential zoning district or a planned residential zoning district as listed in § 153.016. These required rear yards shall be not less than one-fourth the sum of the height and width of the building, except when adjacent to a dedicated alley of not less than 20 feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than 40 feet wide.

('80 Code, §§ 1163.01- 1163.03) (Ord. 21-70, passed 7-13-70; Am. Ord. 112-95, passed 2-19-97; Am. Ord. 147-97, passed 12-15-97; Am. Ord. 88-98, passed 11-2-98; Am. Ord. 68-99, passed 9-5-00; Am. Ord. 57-07, passed 9-4-07; Am. Ord. 96-07, passed 1-22-08; Am. Ord. 74-08, passed 4-20-09) Penalty, see § 153.999

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City of Dublin

Land Use and Long Range Planning
5800 Shier Rings Road • Dublin, OH 43016
Phone: 614-410-4600 • Fax: 614-410-4747

Memo

To: Members of Dublin Planning and Zoning Commission

From: Steve Langworthy, Director of Land Use and Long Range Planning

Date: September 20, 2012

Initiated By: Dan Phillabaum, AICP, ASLA, Senior Planner; Jennifer Rauch, AICP, Planner II

Re: Wendy's Restaurant – Bridge Street Corridor Development Code Analysis

Background

Planning has been working with the Wendy's staff for some time regarding their site in the Shoppes at River Ridge. Some preliminary plans were provided for an initial zoning analysis. This list is not complete as it was based only on the preliminary site plan and building elevations provided for the Board of Zoning Appeals variance. Accordingly, the following is a preliminary list of potential waivers to the Bridge Street District zoning requirements if the proposal were to proceed under the Bridge Street Corridor Commercial zoning classification.

Plan Overview

The proposed site plan includes a one-story, freestanding restaurant building located in the center of the site. The proposed plans indicate a patio located along the West Dublin-Granville Road frontage and a drive-thru located along the rear elevation facing the existing Montgomery Inn building. The stacking for the proposed drive-thru would wrap around the building. Access is provided from Dale Drive and through an internal connection from the parking area serving Montgomery Inn. Parking is proposed around the perimeter of the site.

Required Waivers

§153.059 Uses

The proposed drive-thru is an Accessory Use to the proposed Eating and Drinking Establishment and requires Conditional Use approval by the Planning and Zoning Commission. Drive-thrus have several use-specific development standards that must be met. A waiver would be required for vehicular stacking areas and associated service locations located on the side of a building facing West Dublin-Granville Road, which is a principal frontage street. Vehicular stacking is indicated around the north side of building, between the principal structure and West Dublin-Granville Road.

§153.062 Building Types

The proposed restaurant would be a Commercial Center building type, which has specific requirements for street frontage, parking area, building height, building entrances, etc. The following requirements are not met and would require waivers:

Street Frontage

1. The principal structure does not occupy the required 45% front property line.

2. The proposed building is setback 80 feet from the West Dublin-Granville Road and 60 feet from the Dale Drive property lines and does not meet the Front and Corner Side Required Building Zone of 5-25 feet for Commercial Center buildings.
3. A principal structure, a street wall or permitted open space type does not occupy the corner of the site.
4. The Required Building Zone requires landscape, patio, or streetscape for any portions not occupied by principal structure, which is not provided with the proposal.

Parking Location & Loading
Parking is not permitted forward of the principal structure unless the front property line coverage and the Required Building Zone treatment are met. If these two requirements are not met, parking is required to be located in side or rear yards only. The proposed plans do not adhere to these requirements and the parking is shown forward of the principal structure.

Building Entrances
The proposed building only indicates three of the four required building entrances required and does not include the required building entrance along Dale Drive.

Transparency
To meet transparency requirements, Commercial Center buildings are required use highly transparent, low reflective glass windows with a minimum 60% visible light transmittance. It cannot be determined whether the proposal meets this requirement. A waiver would be required should it not meet the transparency requirements.

Ground Story Street Facade Transparency
The proposal elevations indicate 38% transparency along West Dublin-Granville Road, and 58% transparency along Dale Drive, where a minimum of 65% transparency is required at the ground story along a street facing façade.

Parking Lot Ground Story
Minimum transparency required along the parking lot of non-street facing façade is difficult to determine as this requirement is based on the building being sited per Code. As proposed, all facades are face a parking lot; however, if this building maintained its orientation and were pushed to the northeast to meet the Corner Occupancy and RBZ requirements, the rear and drive-thru elevations would face a parking lot. Neither of these elevations meet the 50% storefront transparency required between 2 and 8 feet facing a parking lot. The transparency on the rear elevation is less than 1% and on the drive-thru elevation is 9%.

General Transparency
Minimum transparency requirements of 15 percent are not met on rear elevation (less than 1%) and drive-thru elevation (9%).

Blank Wall
Not more than 30 percent of each building façade is permitted to be a blank or windowless wall, and no horizontal distance greater than 15 feet per story shall be black or windowless. The red ACM wall located on the rear elevation exceeds the 15 feet horizontal distance.

Facade Materials
The proposal primary materials shown comprise 42% of Dale Drive elevation, 24% of drive thru elevation, 12% of Rear elevation, and 46% of SR 161 elevation, where 80% of each elevation must contain primary materials (Glass, Brick, Stone).

§153.065 Site Development Standards

Parking

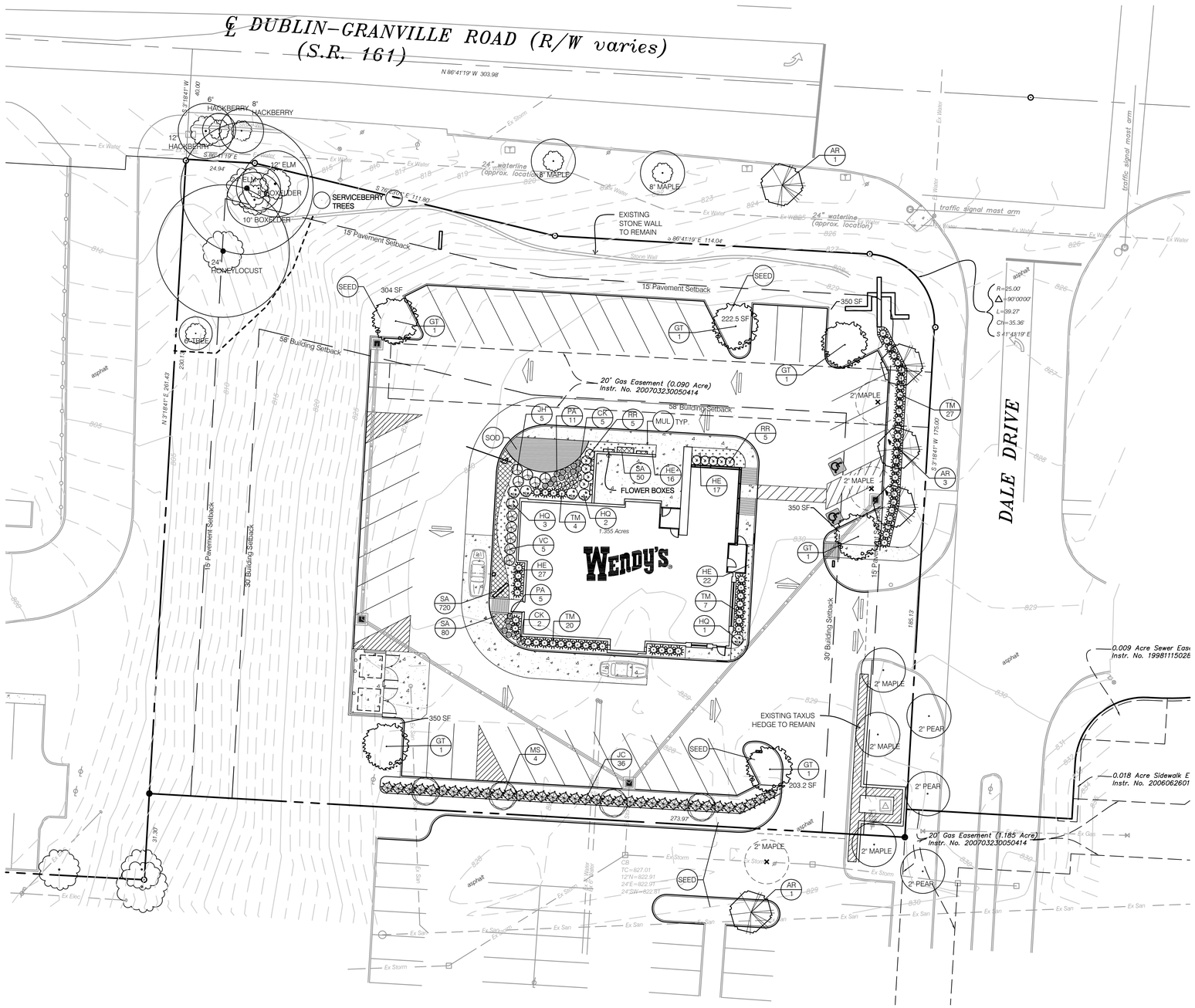
1. The proposed plans indicated parking within the Required Building Zone, which is an area that is only allowed to be occupied by a principal structure.
2. The proposed plans indicate 41 parking spaces, where 47 spaces are required.
3. The five required bicycle spaces are not depicted.
4. Drive aisles are depicted at 28 feet wide, where the maximum drive aisle width is 12 feet for one-way traffic.
5. The proposed parking spaces dimensions of 9 feet by 20 feet do not meet the required dimension for 30 degree angle parking spaces of 9 feet by 21 feet.

Signs

The wall and ground signs as proposed exceed the permitted area and height. The proposed secondary wall signs are not permitted and the proposed directory signs exceed the permitted area. A master sign plan would need to be approved to permit the proposed signs if the site remained within the Bridge Street Corridor Commercial District. (A variance was granted to permit the combination of wall and ground signs, height of the wall signs, and the logo area, which was contingent upon approval of the rezoning application to Community Commercial.)

Landscaping and Lighting

There is not enough information regarding landscaping and exterior lighting to provide a detailed analysis at this time.



LANDSCAPE CODE REQUIREMENTS

PERIMETER BUFFER - ADJACENT ARTERIAL STREET:
1 TREE SHALL BE PLANTED FOR EACH 30 LF (GROUP A OR B) PLUS CONTINUOUS 6' HEIGHT PLANTING, HEDGE, WALL, FENCE OR EARTH MOUND.
DUBLIN-GRANVILLE ROAD: 274 LF / 30 LF = 9.1
REQUIRED: 10
PROVIDED: 10 (EXISTING TREES)
EXISTING ±3' HIGH STONE WALL AND ±6'-10' GRADE CHANGE PROVIDED
1 TREE SHALL BE PLANTED FOR EACH 40 LF (GROUP A OR B) PLUS CONTINUOUS 3.5' HEIGHT PLANTING, HEDGE, WALL, FENCE OR EARTH MOUND.
DALE DRIVE: 179 LF / 40 LF = 4.5
REQUIRED: 5
PROVIDED: 5 (INCLUDING 2 EXISTING TREES)
1 TREE SHALL BE PLANTED FOR EACH 40 LF (GROUP A, B, OR C) PLUS CONTINUOUS 3.5' HEIGHT PLANTING, HEDGE, WALL, FENCE OR EARTH MOUND.
SOUTH: 158 LF / 40 LF = 4
REQUIRED: 4
PROVIDED: 4

INTERIOR LANDSCAPING FOR VUA:
23,696 SF PARKING LOT / 100 SF X 5 SF = 1,184
REQUIRED: 1,185 SF
PROVIDED: 1,779 SF
1 TREE FOR EVERY 5,000 SF (GROUP A OR B)
23,696 SF PARKING LOT + 3,888 SF BUILDING = 27,584 SF
27,584 SF / 5,000 = 5.5
REQUIRED: 6
PROVIDED: 6

ADDITIONAL LANDSCAPING:
2% OF BUILDING GROUND COVERAGE SHALL BE LANDSCAPED AREAS.
3,888 SF X 2% = 78 SF LANDSCAPED AREA REQUIRED

STREET TREES:
THE MINIMUM SPACING BETWEEN THIS AND OTHER TREES SHALL BE 40' FOR LARGE TREES, 30' FOR MEDIUM TREES AND 20' FOR SMALL TREES. THE MAXIMUM SPACING BETWEEN TREES SHALL BE 45' FOR LARGE TREES, 35' FOR MEDIUM TREES, AND 25' FOR SMALL TREES.

LANDSCAPE DATA:

SITE AREA:	59,034.69 SF (1.355 ACRES)
REQUIRED GREEN SPACE:	NONE SPECIFIED
EXISTING GREEN SPACE:	87.2% (51,449 SF)
PROPOSED GREEN SPACE:	48.5% (28,616 SF)

PLANTING SCHEDULE

TOTAL NUMBER OF PLANTS SHALL BE VERIFIED ON THE LANDSCAPE PLAN. IF PLAN TOTAL DIFFERS FROM THIS SCHEDULE, THE PLAN SHALL GOVERN.

SYMBOL	KEY	QTY.	BOTANICAL NAME COMMON NAME	SIZE CONDITION		COMMENTS
	AR	5	ACER RUBRUM 'OCTOBER GLORY' OCTOBER GLORY RED MAPLE	2" CAL	B&B	6' CLEAR TRUNK
	GT	6	GLEDITSIA TRIACANTHOS 'SKYLINE' SKYLINE HONEYLOCUST	2" CAL	B&B	6' CLEAR TRUNK
	MS	4	MALUS X 'SPRING SNOW' SPRING SNOW CRABAPPLE	5'-6' HT	B&B	
	TM	58	TAXUS X MEDIA 'DENSIFORMIS' DENSE YEW	24"-30" HT	CONT	DENSE, FULL TO GROUND
	JC	36	JUNIPERUS CHINENSIS 'SEA GREEN' SEA GREEN JUNIPER	24"-30" HT	CONT	DENSE FULL TO GROUND
	JH	5	JUNIPERUS HORIZ. 'WILTONI' BLUE RUG JUNIPER	18" SPR	CONT	DENSELY BRANCHED
	HQ	6	HYDRANGEA QUERCIFOLIA OAKLEAF HYDRANGEA	24"-30" HT	B&B	DENSELY BRANCHED
	VC	5	VIBURNUM CARLESII KOREAN SPICE VIBURNUM	24"-30" HT	B&B	DENSELY BRANCHED
	RR	10	ROSA 'RADTKO' RED DOUBLE KNOCKOUT ROSE	18" HT	CONT	DENSELY BRANCHED
	CK	7	CALAMAGROSTIS X KARL FOERSTER' KARL FOERSTER REED GRASS	24"-30" HT	CONT	FULL CLUMP
	PA	16	PENNISETUM A. 'HAMELN' DWARF FOUNTAIN GRASS	15"-18" HT	CONT	FULL CLUMP
	HE	82	HEMEROCALLIS 'HAPPY RETURNS' HAPPY RETURNS DAYLILY	12" HT/SPR	CONT	3 FANS MIN. YELLOW BLOOMS, 2' O.C.
	SA	850 POTS	SEASONAL ANNUALS SELECTION BY OWNER'S REP.	2-4" POT	FROM FLAT	SPACED 6" O.C.
SOD	LOCALLY AVAILABLE BLUEGRASS/FESCUE BLEND					
SEED	LOCALLY AVAILABLE BLUEGRASS/FESCUE BLEND					
MUL	SHREDDED HARDWOOD MULCH APPLIED AT 2" TO 3" DEPTH. CHANGE MUST BE APPROVED BY OWNER'S REPRESENTATIVE					

LEGEND - EXISTING

	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	EXISTING SHRUB TO REMAIN
	PROP. TREE PROTECTION FENCING

0 10 20 40

SCALE: 1" = 20.00'

NORTH

7007 DISCOVERY BLVD
DUBLIN, OH 43017
614.634.7000 T

WDPARTNERS.COM

DUBLIN GRANVILLE RD
DUBLIN, OHIO

REVISIONS

DESIGNED BY - CAW
DRAWN BY - NBH
CHECKED BY - CAW
PROTOTYPE
-
STORE NUMBER
-
WD PROJECT NUMBER
WENWC1033

L1

LANDSCAPE PLAN