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BOARD OF ZONING APPEALS

MEETING MINUTES

AUGUST 30, 2012

AGENDA

NEW CASE:

1. Wendy's Restaurant – Sign and Parking Variances

**West Dublin-Granville Road and Dale Drive
Non-Use (Area) Variances**

12-048V

Approved 4 – 0 - Primary Identification Signs

Disapproved 4 – 0 - Secondary Identification Signs

Disapproved 4 – 0 - Directional Sign

Approved 4 – 0 - Size of Parking Spaces

Approved 4 – 0 - Number of Parking Spaces

Chair Brett Page called the meeting to order at 6:30 p.m. Other Board members present were James Zitesman, Patrick Todoran, Kathy Ferguson, and Brian Gunnoe. City representatives present were Tammy Noble-Flading, Steve Langworthy, and Flora Rogers.

Motion and Vote

Brett Page moved to accept the documents into the record. Kathy Ferguson seconded the motion. The vote was as follows: Mr. Gunnoe, yes; Mr. Zitesman, yes; Mr. Todoran, yes; Ms. Ferguson, yes; and Mr. Page, yes. (Approved 5 – 0.)

Motion and Vote

Patrick Todoran moved and James Zitesman seconded, to approve the June 28, 2012 meeting minutes as presented. The vote was as follows: Ms. Ferguson, yes; Mr. Page, yes; Mr. Gunnoe, yes; Mr. Zitesman, yes; and Mr. Todoran, yes. (Approved 5 – 0.)

Administrative Business & Communications

Tammy Noble-Flading said that staff is working on establishing Dublin email accounts for the Board members so that any type of Board actions can be separated from their private or business accounts. She stated that in order to create accounts, Flora Rogers will collect their full names including middle initials. She said for the September Board meeting, Planning hopes to send information to their Dublin email accounts.

1. Wendy's Restaurant – Sign and Parking Variances

**West Dublin-Granville Road and Dale Drive
Non-Use (Area) Variances**

12-048V

Brett Page swore in those wishing to speak in regards to this case including the applicants, Dennis Hill, Vice President of Real Estate, Wendy's Company, (One Dave Thomas Boulevard, Dublin, Ohio); Denny Lynch, Senior Vice President of Communications, Wendy's Company, (One Dave Thomas Boulevard, Dublin, Ohio) and City representatives.

Brian Gunnoe recused himself from this case and the meeting due to his conflict of interest. He explained that Wendy's was a business client and the association would be considered a conflict.

Steve Langworthy presented this application requesting various sign and parking non-use (area) variances for a proposed new facility to be located in the The Shoppes at River Ridge out lot, east of the existing Wendy's Restaurant on the southeast corner of SR 161 and Riverside Drive. He said the restaurant will be moving from the existing to the proposed site. Mr. Langworthy began his presentation by showing photographs of existing site, including a stone wall and mature vegetation. He pointed out the grade change between the building and roadway elevations and said this will be an important site characteristic throughout the discussion of the variance requests. Mr. Langworthy also said that the new facility will be within the line of sight of the Wendy's Company Headquarters.

Mr. Langworthy presented a map of the Bridge Street roadway network which highlighted the proposed future street system with particular attention to the major streets. He said a Tuller Ridge Drive and Dale Drive connection would provide more of a direct connection to the site which will likely be completed with the future development of the Bash Driving Range, south of Tuller Ridge Drive. He said once the site begins to develop, it is likely that the Tuller Ridge Drive/Dale Drive connection will be started. He said another reason this facility needs to relocate is the proposed roundabout at the SR 161/Riverside Drive intersection. He said although the timing and the design is unknown, it is certain that it will severely affect the existing Wendy's site directly located on the corner of SR 161 and Riverside Drive. Mr. Langworthy said that based on the impact to the site, the City is making efforts to purchase the site for the acquisition of right-of-way.

He pointed out that the current zoning of the proposed site is BSC Commercial, but the applicant has submitted a rezoning application for CC, Community Commercial District. He said all of the requirements for the parking and sign variances are based on the future CC zoning and therefore Planning suggests that any recommendations for approval should be conditioned to stated that they not become effective unless the CC District is approved by City Council.

Mr. Langworthy explained that the applicant is requesting multiple sign variance which includes a combination of wall and ground signs, 2 wall and 1 ground sign, wall signs that exceed the maximum height permitted by Code, secondary images that exceed the maximum size permitted, 3 additional wall signs, and a directional sign that exceeds the maximum area and height required by Code. He said that Planning has grouped these variances into three categories to simplify the discussion. Mr. Langworthy noted that these three categories are not designated within the Zoning Code but are included in the planning report to better facilitate the discussion. He stated that the categories are Primary Identification Signs, Secondary Identification Signs, and the Directional Sign. He clarified that the parking variances are separately described.

Mr. Langworthy said that the sign combination variance that is being requested is necessary for the proposed 37-square-foot ground sign at West Dublin-Granville Road on the west end of the site. He said it will be the first Wendy's sign that drivers will see in order to maneuver to the correct lane.

Mr. Langworthy said an additional variance is being requested for the combination of the two ground signs and the two wall signs proposed on each side of the architectural feature on the glass and metal building being proposed for construction on the side of the building facing West Dublin-Granville Road. He explained that the current code permits either a ground sign or a wall sign, but not a combination of the two signs.

Mr. Langworthy said height and size variances are being requested for the proposed 15-foot high wall signs that will also be placed above the roofline. He said finding a location for the 15-foot high wall sign would be impractical and the proposed locations of the signs complement the architectural features of the building.

Mr. Langworthy said the variance for secondary images that exceed the maximum size permitted by Code is for the proposed primary identification signs that contain a total of 26.5 square feet of secondary images. He said the Code limits secondary images to 20 percent of the permitted sign size which is 16 square feet for this request. He said the logo's for the proposed sign is 27.5 square feet primarily based on the size of the black scroll beneath "Wendy's" which is considered a secondary image. Mr. Langworthy stated that the Wendy's cameo uses 16 square feet, which is the total allowable size of the logos. He said in addition to the cameo, the black scroll beneath the name is 11.5 square feet which totals 27.5 square feet. He explained that the small, 1-square-foot overlapped area of the two images is subtracted and that is how 26.5 square feet is calculated.

Mr. Langworthy said for the purpose of the Code, secondary identification signs are considered additional wall signs. He clarified that in addition to the two wall signs, there are three additional wall signs including a 'Quality Service' sign on the drive-thru side near the window, a vertical, 1.5 square-foot 'Thank You' sign at the pickup window, and an 8.1-square-foot 'Quality is Our Recipe' sign over the main entrance door on Dale Drive. Mr. Langworthy said the drive-thru faces the rear of the property, opposite SR 161, and that a 'Service That Doesn't Cut Corners Is Our Recipe' 30.7-square-foot sign is proposed on the drive-thru side of the building. He added that in addition to the rezoning application that will be reviewed by the Planning and Zoning Commission and City Council, a conditional use application for the drive-thru and patio will also be required.

Mr. Langworthy said the last variance requested is for a 4-foot high, 4.5-square-foot directional sign that includes advertising at the Dale Drive entrance. He said that Code requires that it be no more than three feet high and four square-feet in area, and that the directional sign is not permitted advertising.

Mr. Langworthy stated that in addition to the sign variances, the applicant is also requesting two variances to the parking requirements of the Zoning Code. He said the required number of parking spaces which by Code under the Community Commercial District is one space per every 50-square-feet of gross floor area, plus a space for patio, totaling 98 parking spaces for this restaurant use. He said 41 parking spaces are proposed on the site. He said considering the peak demand management chart he presented and that Wendy's will have a shared parking agreement with the Montgomery Inn, Planning believes that the proposed 41 spaces are adequate for restaurant use. He further stated that should the overflow be needed, Planning suggests that The Shoppes at River Ridge shopping center would be an acceptable alternative for employee parking if an agreement can be made.

Mr. Langworthy stated that the second parking variance is for the minimum dimension required for parking spaces. He said the Zoning Code requires 45 degree angled parking spaces be 10 feet by 20 feet and the applicant is requesting a reduction to 9 feet by 18 feet. He said geometrically it works well and it improves the one-way circulation on the site.

Mr. Langworthy said that Planning finds that for the Primary Identification Signs, that the standard criteria is met for Special Conditions given the change of elevation of the site and the future conditions that are expected for this area of Dublin. He said Planning finds that no Special Conditions exist for the Secondary Identification Signs or the Directional Sign proposed in the application.

Mr. Langworthy stated for the second criteria which is whether or not the variance is caused by action or inaction of the applicant, the criteria is met for Primary Identification signs, but not for the Secondary Identification Signs or the Directional Sign. Mr. Langworthy stated that the third criteria which is whether or not the variance meet the intent and purpose of the requirement the criteria is met for Primary Identification signs, but not for the Secondary Identification Signs or the Directional Sign.

Mr. Langworthy said that of the second set of variance criteria, two of the four standards must be met. He said that Planning finds that the Primary Identification Signs meet all four of the required criteria, however only Criteria 3 is met for the proposed Secondary Identification Signs or the Directional Sign.

Mr. Langworthy summarized Planning's recommendations for approval of the Primary Identification Sign and disapproval of the Secondary Identification Signs and the Directional Sign.

Mr. Langworthy said that Planning found that for the variances associated with the minimum number of parking spaces and the minimum size of parking spaces required, that all of the required standards have been met.

Brett Page referred to the analyses in the Planning Report of the Secondary Identification Signs and the Directional Sign. He asked what the other alternatives might be.

Mr. Langworthy said that some of the other options they could have is to use them as window signs. He said that the only issue may be that the sign or signs would most likely have to be reduced in size. He said another option would be to make the signs more of a pedestrian-scale by reducing the size and visible at lower level. He said he did not know that there were a lot of other options for the sign over the door and that if they choose to covert that sign into a window sign, they may diminish the architectural appearance of building.

Mr. Zitesman asked if they would be permitted the directional sign if it were slightly reduced in size and area.

Mr. Langworthy said yes, they are permitted a smaller directional sign would be permitted that could be modified to no include the proposed cameo at the top of the sign.

Mr. Zitesman asked if there was a concern that without the cameo on the directional sign that there would be confusion about what the 'pickup' window.

Mr. Langworthy suggested that the applicant address the question. He said that Planning felt it would be adequate and there would not be confusion between the Wendy's restaurant and the Montgomery Inn.

Dennis Hill, Wendy's Vice President of Real Estate, One Dave Thomas Boulevard, Dublin, Ohio, said that the restaurant had been at its current location since 1977. He said based on the longevity of the use, the company was hesitate to move from the current location. He said that even though the company had reservations, they recognized the importance of the roadway improvements and what those improvements would mean to the City. He said it created a dilemma for them based on the fact that their home office was returning to Dublin and with that business decision; they wanted to create a flagship restaurant adjacent to their headquarters. He said it was important that the flagship restaurant have a high quality appearance and displays the features of the restaurant they want constructed throughout the North America and internationally. He said it was important for franchisees to see the preferred design of the restaurant when they are visiting the headquarters. Mr. Hill said it was important for the investment community that comes to the home office.

Mr. Hill said they agreed with the Primary Identification Sign conditions Planning recommended.

Mr. Hill referred to the wall sign at the Dale Drive entrance 'Quality is Our Recipe,' and the 'Thank You' and the 'Quality Doesn't Cut Corners' wall signs that face the Montgomery Inn parking lot. He said that Denny Lynch, the Senior Vice-President of Communications and a longtime employee of Wendy's would explain the importance of these signs.

Denny Lynch, Wendy's Senior Vice President of Communications, (One Dave Thomas Boulevard, Dublin, Ohio), said that he and his family have enjoyed being Dublin residents since 1980, when he started working at Wendy's. He said that he got to know Dave Thomas' absolute steadfast passion for quality food very well while traveling with him for 20 years. He said the ingredients, preparation, and attention to details were very important to Mr. Thomas who began working in the restaurant business when he was 12 years old. Mr. Lynch said that quality was so important that Mr. Thomas put 'Quality Is A Recipe'

on Wendy's logo the second year the restaurant was founded. He said that it was not an advertising slogan, but a part of Wendy's culture and the core values of who they are. He said as they were developing this new headquarters building and the designs of their new flagship restaurant, they researched the designs and the logo. He said that their consumers came back and said they did not see the 'Quality Is Our Recipe' on their logo because it was small. Mr. Lynch said that after explaining that importance was quality, the consumers said that if it was important, Wendy's needed to show it to them because they did not see it in the logo. Mr. Lynch said that led them to say that it was part of their life and part of the core of values of the Wendy's corporation. He said they wanted to bring it to life in their logo, and therefore on their buildings. He said that was one reason why it was separated from the and that was that it was not an advertising slogan, it was a way of life. He said that was why they were requesting the variance.

Mr. Lynch said that this restaurant will be the most pristine in their entire system. He said that most current franchisees that come to the headquarters will visit this restaurant to see what the new Wendy's looks like. He said recently, franchisees visiting from the country, Georgia came to Dublin to discuss building 100-150 across the country. He said that he wished that the perfect and pristine flagship restaurant had been completed for them to see.

Mr. Zitesman said that in 1982, his first job was as the Wendy's assistant manager at Henderson Road. He said he would frequent the new restaurant because he worked across the river and he would find it whether there were directional signs or not. He said that the story and the reasoning Mr. Lynch presented was very compelling. Mr. Zitesman said that if Wendy's were granted these variances, it would be hard to differentiate when other applicants give their compelling stories. He said that the Board's charge is to maintain the quality standard for the City. He said while he fully supports Wendy's, he hoped that they understood the Board's position in ensuring that all applicant's receive the same considerations.

Mr. Lynch said he believed that the one distinction with Wendy's was that if this is their retail business that is adjacent to their corporate headquarters, it is an extension to their corporate headquarters and he was not sure how many times that would be repeated throughout Dublin. He explained that the type of architecture, the patio, the statue of Dave Thomas, and the other improvements they are doing are intended to be an extension of their corporate headquarters. He said that was something probably very different than most applicants would request.

Kathy Ferguson referred to the Planning Report section that addressed the standard for Secondary Identification Signs which states that the secondary identification wall sign serves no public safety or informational purposes. She asked if there was any argument that Wendy's could make that the signs where in fact for public safety.

Mr. Lynch explained that the 'Quality Is A Recipe' sign that is displayed on the building is the culture of the company. He said it was a statement of the brand. He said from the standpoint of information, they are conveying to the public who they are and what they stand for.

Patrick Todoran asked if quotes such as 'Quality Is Our Recipe' would be displayed inside the restaurant.

Mr. Hill said they would be displayed inside, as well.

Ms. Ferguson asked if Wendy's wanted to display a wall sign 'Quality Service That Never Cuts Corners Is Our Recipe' in the window would be acceptable.

Mr. Langworthy said it would be limited in size, but it would be a permissible sign. He said the window sign size permitted to be 10 percent of the window area.

Mr. Page said he was pleased that the Wendy's corporate headquarters is in Dublin. He said that no one could challenge the impact that Wendy's has had on the Dublin community. Mr. Page said what is being proposed is very exciting for the City but the Board has to take the emotion out of the argument and look

at this in as a factual consideration. Mr. Page said that they were also very willing to consider all potential options. He said that the Board would consider any additional information that the applicant's would like the Board to consider.

Mr. Hill addressed the discussion of whether the sign (referring the 'Quality is Our Recipe and 'Quality Service That Never Cuts Corners') is an identification sign as opposed to an advertising sign. He said the sign was part of their brand identity. He said advertising to Wendy's would be a Frosty. He said 'Quality Is Our Recipe' is so inherent in what they do every day, that for them it is clearly an identification sign. Mr. Hill said that they understood the issues that any municipality has in trying to enforce codes. He said that they ask only that the Board look at this a little differently because of what they talked about with respect to their home office and what they need to portray to the community that comes to visit.

Mr. Zitesman asked how the new site would look after the roundabout was completed from Riverside Drive. He said he envisioned that it would be like a beacon on the hill that is very visible and a landmark with great architecture. He said he did not think it would make a difference if there was a phrase on the drive-thru wall. He said if they put 'Quality Is Our Recipe' instead of 'Wendy's' on the top, it would not have the same impact.

Mr. Page said from an identification standpoint, he thought in the location, it would be good for Wendy's. He said that signs have been a huge issue for the success of The Shoppes of River Ridge. He said Wendy's will have an advantage with their proximity to SR 161 and the signs draw attention to the restaurant.

Mr. Hill said that that as a representatives of Wendy's, they are willing to comply with Code for the directional signs. He said that they would withdraw that variance request.

Mr. Page asked if there were further comments. [There were none.]

Mr. Page said that he would like to try to group the motions.

Motion #1 and Vote (Primary Identification Signs)

Brett Page made a motion, seconded by James Zitesman, to approve the non-use (area) variance requests to permit primary identification signs that allow a combination of both wall and ground mounted signs, allow two wall signs and one ground mounted sign, exceeds the maximum height requirement of the Code, and exceeds the maximum size permitted for logos. This is based upon the primary identifications signs, as submitted by the applicant, and is based upon the fact that the request meets all of the required non-use (area) variance standards with one condition:

- 1) All variances are subject to approval of rezoning to CC, Community Commercial District.

Dennis Hill agreed to the above condition.

The vote was as follows: Mr. Todoran, yes; Ms. Ferguson, yes; Mr. Zitesman, yes; and Mr. Page, yes. (Approved 4 – 0.)

Motion # 2 and Vote (Secondary Identification Signs)

Brett Page made a motion, seconded by Patrick Todoran, disapprove the non-use (area) variance request to permit the secondary identification signs to allow 3 additional wall signs than permitted by Code. This is based upon the secondary identifications signs, as submitted by the applicant, and based upon the fact that the request does not meet all of the required non-use (area) variance standards.

The vote was as follows: Ms. Ferguson, yes; Mr. Zitesman, yes; Mr. Todoran, yes; and Mr. Page, yes. (Disapproved 4 – 0.)

Motion #3 and Vote (Directional Sign) Brett Page made a motion, seconded by Kathy Ferguson seconded, to disapprove the non-use (area) variance request to permit a directional sign that exceeds the maximum size and height requirements of the Code. This is based upon the directional sign, as submitted by the applicant, and based upon the fact that the request does not meet all of the required non-use (area) variance standards.

The vote was as follows: Mr. Zitesman, yes; Mr. Todoran, yes; Ms. Ferguson, yes; , and Mr. Page, yes. (Disapproved 4 – 0.)

Motion #4 and Vote (Size of Parking Spaces):

Brett Page made a motion, seconded by Kathy Ferguson, to approve the non-use (area) variance request to permit parking spaces that do not meet the minimum size required by Code. This is based upon parking spaces, as submitted by the applicant, and based upon the fact that the request meets all of the required non-use (area) variance standards with two conditions:

- 1) All variances are subject to approval of rezoning to CC Community Commercial District; and
- 2) Variance for parking requirements subjected to signed agreement for shared parking with the shopping center, to be submitted to Planning for verification.

Dennis Hill, agreed to the above conditions.

The vote was as follows: Mr. Zitesman, yes; Ms. Ferguson, yes; Mr. Todoran, yes; and Mr. Page, yes. (Approved 4 – 0.)

Motion #5 and Vote (Number of Parking Spaces)

Brett Page motioned, seconded by Patrick Todoran, to approve the non-use (area) variance request to permit fewer parking spaces than required by Code. This is based upon parking spaces, as submitted by the applicant, and based upon the fact that the request meets all of the required non-use (area) variance standards with two conditions:

- 1) All variances are subject to approval of rezoning to CC Community Commercial District; and
- 2) Variance for parking requirements subject to signed agreement for shared parking with the shopping center, to be submitted to Planning for verification.

The vote was as follows: Mr. Todoran, yes; Ms. Ferguson, yes; Mr. Zitesman, yes; Mr. Gunnoe, yes; and Mr. Page, yes. (Approved 4 – 0.)

Dennis Hill agreed to the above conditions.

Mr. Page announced that the next meeting would be held on September 27th. He adjourned the meeting at 7:31 p.m.

As approved by the Board of Zoning Appeals on October 18, 2012.