

**BOARD OF ZONING APPEALS**  
**MEETING MINUTES**  
**FEBRUARY 28, 2013**

**AGENDA**

**NEW CASE:**

**1. Residence Inn By Marriott - Signs  
13-006V**

**6364 Frantz Road  
Non-Use (Area) Variance**

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, Rachel Ray, and Flora Rogers.

**Motion and Vote**

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

**Motion and Vote**

Kathy Ferguson moved to approve the October 18, 2012 meeting minutes as presented. Patrick Todoran seconded the motion. The vote was as follows: Mr. Page, yes; Mr. Gunnoe, yes; Mr. Zitesman, yes; Mr. Todoran, yes; and Ms. Ferguson, yes. (Approved 5 – 0.)

**Motion and Vote**

Brett Page moved to adopt the 2013 – 2014 Meeting Dates. Brian Gunnoe seconded the motion. The vote was as follows: Ms. Ferguson, yes; Mr. Todoran, yes; Mr. Zitesman, yes; Mr. Gunnoe, yes; and Mr. Page, yes. (Approved 5 – 0.)

**Administrative Business & Communications**

Tammy Noble-Flading announced that members of the Planning and Zoning Commission and Planning Staff are attending the Annual National Conference for the American Planning Association in Chicago in mid-April. She said that they will report to the Board what transpired and share any educational opportunities. Ms. Noble-Flading said that the State of the City Address will be held March 14<sup>th</sup> at the Wendy's International Headquarters new Thomas Conference Center.

Rachel Ray explained that there will be a Community Open House held at 6 p.m., followed by the State of the City at 7 p.m. She said the City's Financial Report, Annual Reports, updates on the Bridge Street District, and the unveiling of the Scioto River corridor area concepts will be presented. She said that reservations are requested and can be made on the City website.

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Brett Page swore in anyone intending to address the Board regarding this case including the applicant, David Robert, president, Midas Hospitality, 5161 Kings Park Drive, St. Louis, Missouri, and City representatives. He said that three motions would be required for this application.

Tammy Noble-Flading presented this application requesting three non-use (area) variances associated with the sign regulations of the Zoning Code related to a proposed new building on the 2.6-acre site located on the east side of Frantz Road, south of I-270, north of Corbins Mill Drive. She described the site as narrow with only approximately 170 feet of frontage along Frantz Road. She said the site currently contains two buildings which will be part of a proposed demolition and reconstruction project. She said an existing access, located just south of the existing development, is shared with all of the surrounding sites. Ms. Noble-Flading said the surrounding sites to the north and west are in the Bridge Street Commercial District and this and the sites to the east and south are in the CC, Community Commercial District. She said the Kroger Center is located to the north and an office complex is to the east. Ms. Noble-Flading said that the Hyde Park restaurant is immediately adjacent to the south. She said that Metro Center and Embassy Suites are located directly west of this site.

Ms. Noble-Flading explained that the issues being discussed with this application relate to the access point. She said the hotel visitors are often unfamiliar with the area, so the applicant's business is oriented from Interstate 270 to the north, and the site should be able to effectively direct traffic along both the north and south sides of Frantz Road, and getting traffic to successfully identify the appropriate access point into the site correctly.

Ms. Noble-Flading said because there is frontage on one road, one wall sign is permitted by the Zoning Code. She said the two wall signs the applicant is proposing are to be on the north and south sides of the building, and this variance would grant the applicant relief for one additional wall sign. She said all of Dublin's sign provisions limit sign height to 15 feet. She said based on the use of the site and a visibility issue, the applicant is proposing the signs to be 43 feet in height, which would require a variance of approximately 28 feet. Ms. Noble-Flading said the third variance requested is for the size of the signs. She said the applicant is permitted one 80-square-foot wall sign. She said the proposed signs are both approximately 84-square-feet, roughly totaling 170 feet, which would require a variance of 90-square-feet.

Ms. Noble-Flading presented a rendering of the two signs both proposed to be located on the upper portion of the Frantz Road entrance of the building, facing north and south. She said that the applicant is proposing a size in relation to the building's size, but both signs will be approximately 84-square-feet in size. Ms. Noble-Flading said that this proposal does meet Dublin's Sign Code requirement for colors, having only three total colors on the signs. Ms. Noble-Flading said the applicant is proposing to integrate the sign into a portion of the building that allows for visibility, but also it is designed for identification to be placed at the top portion of the building. She said it functions well in that location, and it blends with the design of the building. She said as proposed, the height for the sign from grade to the top of the sign will be 43 feet.

Ms. Noble-Flading presented several photographs of the major Frantz Road intersection showing where most of the traffic will come from off of Interstate 270. She said there is heavy vegetation not only on the applicant's site but also along both sides of Frantz Road. She said even vehicular traffic tends to pose a visibility issue for anyone trying to identify the site on the other side of the street. She said as shown, a ground sign in a complying location would be situated directly behind the Hyde Park sign. Ms. Noble-Flading said all of the existing signs along Frantz Road are parallel to one another, so they create additional visibility challenges. She said on the applicant's site, it is going to be important for visitors to

the site to know to get into the access drive south of the site in order to get back to the hotel. She pointed out that the three rows of trees align the road and heavy vegetation will require the proposed sign to be located at the correct angle even without foliage on the trees.

Ms. Noble-Flading said in terms of number of signs, the applicant is proposing to make the signs visible to traffic to the north as they proceed south into the site. She said based on those needs and the fact that most of the customers of the site will not be from the community and therefore familiar with the site and its access, Planning sees that there is a need for the signs on both sides of the building front and that it is appropriate for this particular request.

Ms. Noble-Flading said regarding the height restriction, the applicant is stating that the mature vegetation is restricting visibility to the site, and there is vegetation not only on this site, but also on surrounding sites that block visibility.

Ms. Noble-Flading said in terms of sign size, based on the size of the proposed four-story building, not only the height of the building, but the mass of the wall is going to be extremely long, and so providing two signs that would respond to the scale of the building is important and 40-square-foot would be quite small, compared to the size of the building. She said that Planning is analyzing the fact that to get the sign integrated into the mass of the building, the sign size proposed is appropriate.

Ms. Noble-Flading said in terms of whether the need for this variance is a result of an action or inaction of the applicant, the location of the site in relation to traffic flow to the existing access point is an existing condition that is not a result of any action of the applicant. She said the proposed height is due to the existing vegetation which was due to the Zoning Code requirements for landscaping.

Ms. Noble-Flading said regarding the size of the signs, it is appropriate just to incorporate the sign into the existing size and mass of the building, and therefore is not directly related to actions of the applicant.

Ms. Noble-Flading said in terms of negative impacts to the surrounding community, effective wayfinding is essential for the business not only to be successful, but for vehicular traffic to travel to and from the site. She said that this will not have a negative impact, and in fact, it will be a positive impact to the community.

Ms. Noble-Flading said in terms of the height, Planning does think that the visibility is necessary to also assist with wayfinding.

Ms. Noble-Flading said regarding Standard 1, Special Privileges, Planning believes the site is unique in the fact that again, site users often will not be familiar with the community, and based on the restraints of the site, it is going to be important to get people to and from the site successfully. She said based on that fact, they would treat any user of the same type of business in the same manner, therefore they are not extending any type of special privileges to the applicant.

Ms. Noble-Flading said the Planning Report incorrectly stated that the Standard 2, Recurrent in Nature was not met. She said that it was not recurrent in such a manner that the Zoning Code requirement would need to be modified in lieu of the variance approval. She said that the Board of Zoning Appeals does not hear nor analyze sign variances very often, and therefore this request is not recurrent in nature.

Ms. Noble-Flading said Standard 3, Delivery of Governmental Services, the proposal provides a positive impact on the delivery of services.

Ms. Noble-Flading said regarding Standard 4, Other Methods Available, all of Dublin's sign restrictions, whether ground or wall sign or both, are restricted to 15 feet in height. She said given the vegetation

and the existing constraints, neither sign option at 15 feet in height would provide visibility to the applicant's site, making no other methods available for the applicant.

Ms. Noble-Flading said based on this analysis, Planning recommends approval of the three variance requests without conditions.

Brian Gunnoe asked if they are adding a directional sign in front of Hyde Park to direct people back to this site.

Ms. Noble-Flading said the applicant is not proposing a directional sign at this time. She said the height of the proposed wall signs will direct people to the access drive successfully.

David Robert said they are very excited about this project. He said they had worked hard to retain the mature trees in front of the building because it was important to maintain the aesthetic along Frantz Road. He explained they would like to raise the height of their signs for guests not familiar with Dublin.

James Zitesman asked about the timeframe for completion. Mr. Robert said they hoped to demolish the existing building next week and begin construction in the fall with completion next summer.

Mr. Page said the recommendation is consistent with the approved variances for Wendy's, which allows the brand to be communicated effectively. He said this proposal is within the character of the surrounding area. He said he found the proposal to be consistent with previous variance proposals.

Ms. Noble-Flading suggested if the Board was leaning towards a positive motion for all three of the proposals, one motion could be made; otherwise, she recommended three separate motions.

#### **Motion and Vote**

Brett Page made a motion, seconded by James Zitesman to approve a variance to the number of signs permitted to allow two wall signs where one is permitted, the maximum height permitted for wall signs to allow signs to be 43 feet in height where 15 feet is permitted, and the maximum size permitted for wall signs to allow a total of 170-square-feet where 80 feet is permitted within the Community Commercial District finding that all three requested variances meet all of the required non-use (area) variance standards.

The vote was as follows: Mr. Todoran, yes; Mr. Gunnoe, yes; Ms. Ferguson, yes; Mr. Zitesman, yes; and Mr. Page, yes. (Approved 5 – 0.)

Mr. Page announced that the next Board meeting was March 21<sup>st</sup>. He adjourned the meeting at 6:54 p.m.

As Approved by the Board of Zoning Appeals on March 21, 2013.