

Planning Report

Thursday, February 28, 2013

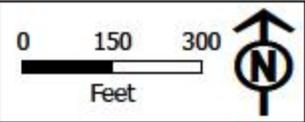
Frantz Road – Residence Inn By Marriott – Sign Variances

Case Summary

Agenda Number	1
Case Number	13-006V
Location	6364 Frantz Road The 2.6-acre site is located on the east side of Frantz Road approximately 500 feet south of the intersection with Dublin Granville Road.
Proposal	Three variances: to allow two wall signs when one is permitted, to allow both wall signs to be located a height of 43 feet when the maximum height permitted is 15 feet, and to allow a total wall sign area of 170 square feet when the maximum size permitted is 80-square-feet. The variance requests are to the sign provisions of the Zoning Code for a property zoned CC, Community Commercial District.
Request	Non-Use (Area) Variance Requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231. If the variance request is approved, the next step is for the applicant to obtain a sign permit for the construction of the wall signs.
Applicants	David Robert, Midas Dublinwood LLC.
Planning Contact	Tammy Noble-Flading, Senior Planner.
Contact Information	(614) 410-4649; tnoble-flading@dublin.oh.us
Planning Recommendation	<i>Approval of three variance requests for signs to exceed the maximum number of wall signs permitted, to exceed the maximum height permitted, and to exceed the maximum sign area permitted by Code.</i> Based on Planning's analysis the requested variances meet all of the required non-use (area) variance standards and therefore, Planning is recommending approval of three variance requests.



13-006V
Variance
Residence Inn by Marriott
6364 Frantz Road



Facts	
<p>Site Description</p>	<ul style="list-style-type: none"> • The site is 2.6-acres in size. • Site has frontage along Frantz Road with a shared access drive to the south, which provides access for multiple properties located to the north, east and south. • Access is restricted along Frantz Road by a median based on the proximity to State Route 33. • The site has proximity, and visibility from, Interstate 270 and State Route 33. <div style="text-align: center;"> </div>
<p>Zoning</p>	<p>CC, Community Commercial District</p>
<p>Surrounding Zoning and Uses</p>	<p>North: BSC-C, Bridge Street Corridor Commercial District and contains the Kroger's shopping plaza. East: CC, Community Commercial District and contains an office complex. South: CC, Community Commercial District and contains the Hyde Park restaurant. West: BSC-C, Bridge Street Corridor Commercial District and contains the Embassy Suites hotel.</p>
<p>Site Features</p>	<ul style="list-style-type: none"> • Two, vacant two-story buildings. • Parking is located to the east and south of the existing buildings. • Mature vegetation along the perimeter of the property. • Multiple signs including a ground mounded sign and three off-premise directional signs. There is no record of a variance for the off-premise signs; however, the signs may have been permitted prior to the lots being split. • The existing building does not have wall signs.
<p>Building Permitting</p>	<p>The applicant is currently in the process of obtaining a building permit to demolish the two, two-story buildings and redevelop the site with one, four-story buildings. The room capacity will increase and all other required improvements such as parking, landscaping, and lighting standards meet the Zoning Code.</p>

Details		Sign Variances
Process	Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds that there is evidence of a practical difficulty present on the property, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied (refer to the last page of this Report for the full wording of the review standards).	
Applicable Code Requirements	The Zoning Code regulates the size, number and height of wall signs. Zoning Code Section 153.164 requires that wall signs in a commercial district are permitted a maximum size of 80-square-feet. Section 153.159 requires that wall signs are limited to one wall sign per use and the maximum height permitted for wall signs are 15 feet.	
Variance Request	Three variances: to allow two wall signs when one is permitted, to allow both wall signs to be located a height of 43 feet when the maximum height permitted is 15 feet, and to allow a total wall sign area of 170 square feet when the maximum size permitted is 80-square-feet. The applicant's variance requests are based on the need to increase visibility and way finding, as the potential clientele are not Dublin residents and are unfamiliar with the community.	

Analysis		Sign Variances
Variance Requests	The variance requests, if approved, would permit one additional wall sign, allow both wall signs to exceed the size permitted by 90 square feet, and be located 28 feet higher than permitted by Code.	
ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET		
(1) Special Conditions	<p>Standard Met. This standard requires there be special conditions and circumstances peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties.</p>	
<i>Height Variance</i>	<p>The site contains mature vegetation that impacts the visibility of the building and any wall signs that would be located 15 feet from the grade of the building. Based on the fact that potential clients of the site will be traveling on major roadways (either Interstate 270 or State Route 33), clear visibility of the wall signs will be important for efficient way finding to the site. The site also has an access point that is shared with other users and not directly located parallel to the existing buildings, that also causes difficulty for potential clientele to locate, and access, the hotel.</p>	

Analysis	Sign Variances
<p><i>Size Variance</i></p> <p><i>Number Variance</i></p>	<p>The building is proposed to be one, four-story building which will have signs oriented towards major road ways and the access drive, located south of the site. In order to integrate the proposed signs with architecture of the building and provide effective visibility for traffic along Frantz Road, as well as adjacent interstates, the applicant is requesting the wall signs exceed the maximum sign area permitted by Code. The increased sign area is appropriate given the unique use of the site, the need for increased visibility, and the desire to integrate the signs with the mass of building.</p> <p>The site has an access point along Frantz Road that is approximately 150 feet south of the where the buildings that will be located. Correctly identifying the site, and its associated access point, is important for clientele that not be from the local community. Based on the limited access points along Frantz Road, vehicular traffic traveling either north or south along Frantz Road will be required to travel along Corbin’s Mill Drive to Bridge Street (State Route 161) if they fail to identify the shared drive. To enhance maneuver, signs from both directions are needed.</p>
<p>(2) Applicant Action/Inaction <i>Height Variance</i></p> <p><i>Size Variance</i></p> <p><i>Number Variance</i></p>	<p>Standard Met. The mature vegetation located on the site has been planted, and matured, for over a decade. These existing site features are not related to either action, or inaction, of the applicant.</p> <p>The use of the site and the need for visibility along major roadways are both issues associated with the request to exceed the maximum size of wall signs permitted by Code. The use is a permitted use in the CC, Community Commercial District and is appropriate for properties adjacent to interstates. Furthermore, the size of signs is relative to the scale of the building. Therefore, the use of the site, the need for visibility, and the objective to have signs that are appropriate in scale to the proposed building are not based on the action or inaction, of the applicant.</p> <p>Based on the need for visibility to the site, and its off-premise access point, proper identification is important for both north and south bound traffic. This is not the result of action, or inaction, of the applicant.</p>
<p>(3) No Substantial Adverse Effect <i>Height Variance</i></p> <p><i>Size Variance</i></p> <p><i>Number Variance</i></p>	<p>Standard Met. In this portion of the City, there are other buildings with similar, or increased sign heights including the Embassy Suites and the Metro Center office complex. The proposed four-story building will not be out of character with area. Based on the height of the building and the applicant’s objective of integrating the wall signs with the proposed architecture of the building is appropriate and will not have adverse effects on the surrounding community.</p> <p>The size of the proposed signs is based on the façade of the building, integrating the signs to the mass of the building, and promoting effective way finding to the site. This will not have adverse effects on the surrounding community and will, in fact, aid in the accessibility to the site.</p> <p>Two signs proposed on both the north and south facades of the building will direct traffic to the site from both directions of Frantz Road. This will promote effective accessibility to the site and benefit the continued use of the site as a hotel. Based on this analysis, the variance request will not have adverse effects on the surrounding community.</p>

Analysis	Sign Variances
<i>AT LEAST <u>TWO</u> OF THE FOLLOWING FOUR STANDARDS MUST BE MET</i>	
<p>(1) Special Privileges</p> <p>(2) Recurrent in Nature</p> <p>(3) Delivery of Governmental Services</p> <p>(4) Other Method Available</p>	<p>Three Standards Met. The following standards have been reviewed for all three variance requests and concluded that standards 1, 3 and 4 have been met. Planning’s analysis is as follows:</p> <p>(1) Standard Met. The use of the site is unique and is permitted in the CC, Community Commercial District. Based on this analysis, the variances will not extend special privileges to the applicant that would not otherwise be extended to a similar user.</p> <p>(2) Standard Not Met. Sign variances are not prevalent issues for the Board of Zoning Appeals and are not recurrent in nature. Therefore, this standard is not met.</p> <p>(3) Standard Met. Effective access to the site is important for <i>all issues</i> associated with site including governmental services such as mail delivery, fire response, and other emergency services therefore the variance requests will enhance governmental services opposed to negatively impacting governmental services.</p> <p>(4) Standard Met. The maximum height permitted by Code for either a wall sign or a ground mounded sign is 15 feet in height. Based on the existing vegetation on site, a sign (either ground mounded or wall sign) would not have effective visibility for potential users of the site. Therefore, no other method or methods are available to the applicant.</p>

Recommendation	Approval of Variances
<p>Sign Variances</p>	<p>Based on Planning’s analysis the requested variances meet all of the required non-use (area) variance standards for the sign variances, therefore approval is as follows:</p> <p><i>Approval of three variance requests for signs to exceed the maximum number of wall signs permitted, to exceed the maximum height permitted, and to exceed the maximum size permitted by Code.</i></p>

NON-USE (AREA) VARIANCES

Section 153.231(H)(1) Variance Procedures

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development requirements of this Code unreasonable and, therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

Non-Use (Area) Variances. Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing, and that the findings required in (a) and (b) have been satisfied with respect to the required standards of review (refer to the last page of this Report for the full wording of the review standards):

(a) That all of the following three findings are made:

- (1) *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.*
- (2) *That the variance is not necessitated because of any action or inaction of the applicant.*
- (3) *Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.*

(b) That at least two of the following four findings are made:

- (1) *That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.*
- (2) *The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.*
- (3) *The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).*
- (4) *The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.*