



City of Dublin

Land Use and Long
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PLANNING AND ZONING COMMISSION

MEETING MINUTES

AUGUST 21, 2014

AGENDA

1. **Kerry Glen Subdivision - Lots 1 & 2** **5126 and 5152 Glenaire Drive**
14-049FP **Amended Final Plat (Approved 4 – 2)**
2. **Perimeter Center PUD, Subarea E – Chase Bank – Sign Modifications**
14-023AFDP **6271 Perimeter Drive**
Amended Final Development Plan (Approved 6 – 0)
3. **U-Haul** **6419 Old Avery Road**
14-038CU **Conditional Use (Approved 6 – 0)**
4. **Stansbury at Muirfield Village** **10799 Drake Road**
14-009FDP/FP **Final Development Plan/Final Plat (Postponed)**
5. **Houchard Road – Preliminary Plat/Final Plat** **Houchard Road & SR 161**
14-079PP/FP **Preliminary Plat/Final Plat (Approved 6 – 0)**
6. **Riverside PCD North, Subarea 3 – The Perimeter Starbucks**
14-069Z/PDP/FDP/CU **6510-6570 Perimeter Drive**
Rezoning/Preliminary Development Plan (Approved 4 – 2)
Final Development Plan (Approved 4 – 2)
Conditional Use (Approved 5 – 1)

The Chair, Chris Amorose Groomes, called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were John Hardt, Richard Taylor, Amy Krumb, and Todd Zimmerman. Ms. Newell was absent due to illness. City representatives present were Steve Langworthy, Gary Gunderman, Phil Hartman, Claudia Husak, Tammy Noble-Flading, Devayani Puranik, Barb Cox, Kristin Yorke, Andrew Crozier, Nicki Martin, Jonathan Staker, and Flora Rogers.

Administrative Business

Motion and Vote

Mr. Taylor moved, Ms. Salay seconded, to accept the documents into the record. The vote was as follows: Mr. Zimmerman, yes; Mr. Hardt, yes; Ms. Krumb, yes; Ms. Amorose Groomes, yes; Ms. Salay, yes; and Mr. Taylor, yes. (Approved 6 – 0)

Motion and Vote

Mr. Taylor moved, Mr. Hardt seconded, to accept the June 5, 2014 meeting minutes as presented. The vote was as follows: Ms. Krumb, yes; Ms. Salay, yes; Mr. Zimmerman, abstain; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Mr. Taylor, yes. (Approved 5 – 0 – 1)

Motion and Vote

Mr. Taylor moved, Mr. Zimmerman seconded, to accept the July 17, 2014 meeting minutes as amended. The vote was as follows: Ms. Kramb, yes; Ms. Amorose Groomes, yes; Ms. Salay, abstain; Mr. Hardt, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 5 – 0 – 1)

Motion and Vote

Ms. Salay moved, Mr. Zimmerman seconded, to approve a Special Meeting to be held September 11, 2014. The vote was as follows: Mr. Taylor, yes; Ms. Kramb, yes; Mr. Hardt, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Ms. Salay, yes. (Approved 6 – 0)

Ms. Amorose Groomes said there are six cases on the agenda this evening. She said the Stansbury at Muirfield Village case was postponed prior to the meeting. She said there were four cases on the consent agenda: Chase Bank, U-Haul, Houchard Road Plat, and Mr. Hardt had questions on the Starbucks case. The Chair determined the cases would be heard in the following order: Chase Bank, U-Haul, Houchard Road Plat, Kerry Glen, and Starbucks. She briefly explained the rules and procedures of the Planning and Zoning Commission. [The minutes reflect the order of the published agenda.]

**1. Kerry Glen Subdivision - Lots 1 & 2
14-049FP**

**5126 and 5152 Glenaire Drive
Amended Final Plat**

The Chair, Chris Amorose Groomes, introduced this application for a request for modifications to the platted building setback from 50 feet to 40 feet for two residential lots in the Kerry Glen subdivision on the north side of Glenaire Drive, east of the intersection with Dublin Road. She said the Commission will forward their recommendation to City Council for an amended Final Plat.

Tammy Noble-Flading said this case was tabled at the Planning and Zoning Commission in June 2014. She presented a slide showing the 1.5-acre site and adjacent properties. She explained that to the south is the Deer Run Estates Subdivision and to the west is Muirfield Village Phase 6, which are all residential lots within the City of Dublin.

Ms. Noble-Flading pointed out the boundaries of the Kerry Glen Subdivision, which has a total of 24 lots. She explained that at least four of the lots have frontage on Dublin Road, which is the subject of the request. She said the primary road that gives access to most of the lots is Glenaire Drive and there are two cul-de-sacs that extend from that roadway. She noted the right-of-way for Dublin Road increases at the intersection of Dublin Road and Glenaire Drive and continues to widen south of the intersection.

Ms. Noble-Flading stated the required zoning setback from Dublin Road is determined from the right-of-way for Dublin Road shown in the Thoroughfare Plan, which is a total of 80 feet, or a 40-foot setback from the right-of-way. She said the proposal meets that setback for the lots south of Glenaire Drive. She pointed out the building setback is 50 feet, north of Glenaire Drive, which is 10 feet wider than what is required by the Thoroughfare Plan. She said the lots located within the subdivision meet the building setback and the lots north of Glenaire Drive exceed the setback.

Ms. Noble-Flading said the Community Plan dictates roadway character classifications for certain roadways within the City of Dublin. She said this particular roadway is designated River Corridor, which is associated with roads that are located in proximity to the Scioto River. She showed the area she was speaking to on the slide. She said the Community Plan recommends a setback range of 60 – 100 feet. She explained the purpose of the setback is to create a more natural roadway alignment and to create buffering; pleasing viewsheds; and natural berms and swales.

Ms. Noble-Flading said the applicant is proposing to modify the setback. She demonstrated the 40-foot setback proposed by the applicant and the 10-foot setback that differentiates what is approved and what

is proposed. She presented a photo of the area at the corner of Dublin Road and Glenaire Drive, looking into one of the two lots. She described Lot 1 as a highly wooded lot.

Ms. Noble-Flading said one of the criteria for the Final Development Plan requires consistency with the Community Plan. She said disapproval was recommended as the proposal does not meet the review criteria for the setback requirement and the general intent of the Community Plan.

Ms. Amorose Groomes invited the applicant to come forward and state their name and address for the record.

Chris Cline, attorney for Blaugrund & Herbert Inc., 300 W. Wilson Bridge Road, Worthington, Ohio, said he represents the applicants, John and Kymn Pilkington; and Sean and Crystie O'Neil. He said when the structure was built, a very high quality patio, pergola/pavilion was built over the existing building line, which they are trying to save. He explained before filing this application, the applicant met several times with Staff to discuss the approach to the case, whereas they thought they had support and were disappointed with the recommendation for disapproval.

Mr. Cline said this is not a PUD, but rather a subdivision zoned R-2, Limited Suburban Residential District. He said as such, they do not have development text, just standard Zoning Code requirements. He said the Code requires a 40-foot setback in this location along Dublin Road and the plat is not in accordance with the Code. He researched City records and conversed with the developer and it appeared that the developer was informally requested to put an extra ten feet on the plat to allow for the Dublin Road bike path to be installed along the east side of Dublin Road. He said that as it turned out, the bike path went on the other side of the road. He said if that was the reason for the extra 10 feet on the plat, that reason has gone away. He said the applicant is asking for this discretionary requirement the developer put on the plat to be reduced down to the Zoning Code requirement.

Mr. Cline said along Dublin Road, everything that is not within a PUD is allowed a 40-foot setback. He said there is an 80-foot right-of-way and 80-foot Thoroughfare Plan recommendation for Dublin Road in all cases. He indicated the different setbacks in the area, finding that a 40-foot setback is the dominant number. He said the very heavy landscaping on this site and along Dublin Road precludes any visibility of the site. He pointed out the triangular lot that is heavily influenced by this large setback impacts the usability of the lot. He concluded that the applicant is requesting a positive recommendation from the Commission to City Council. He added that a very large percentage of the neighborhood is in support of allowing the improvements on the lot to remain.

The Chair invited public comment.

Kymn Pilkington said she is the homeowner of the property. She said her property cannot be seen from Dublin Road, the way it slopes down the hill along with the heavy landscaping. She said when her patio was built, they had some concerns. She reported she went door-to-door to the 23 neighbors and was able to contact 17 of them and they were all supportive of her keeping the patio. She presented a photo that showed their privacy fence installed past the setback line, which was a nonconforming fence that had been built prior to the current homeowners moving in, as well as the entire stone wall. She said the patio is actually built beyond that and figured that the patio location was ok, since it is right behind the house.

Ms. Amorose Groomes invited additional public comment. [Hearing none.]

Amy Salay asked if there was a building permit issued for the structure and patio.

Ms. Noble-Flading said a Certificate of Zoning Plan Approval was required, and the contractor failed to acquire a Certificate before construction. She said once they became aware of the need for a Certificate,

the property owners came in and talked to Staff, which started this process. Ms. Noble-Flading confirmed construction was complete before Staff was made aware of it.

Ms. Salay said it has been suggested that the 50-foot setback was possibly a mistake and asked if there were any minutes available to support that.

Ms. Noble-Flading offered Council Minutes from the original plat that talked about extending a bike path along Dublin Road all the way along the frontage of the subdivision, a condition of the Planning and Zoning Commission in 1986. She said when it moved to Council there was some discussion and further research of how that roadway and topography changes and how there is a significant incline. She reported that Council thought it was inappropriate to have a pedestrian or bike path along the roadway that had limited visibility and Council asked at the time that it not be constructed.

Ms. Salay confirmed with Ms. Noble-Flading that there are two lots that have a 50-foot setback while the others have a 40-foot setback, with no clear indication as to why. She said this does not make sense.

Ms. Noble-Flading showed the right-of-way to the lots south of Glenaire that it is significant so the setback is 40 feet based on the fact that the line is so far removed from Dublin Road. She said the 50 feet is almost compensating for the narrowness of the road in that area.

Ms. Salay asked how the situations compare to the previous variance case involving the property to the south in Coventry Woods.

Ms. Noble-Flading said the Coventry Woods case was for a 100-foot setback still on Dublin Road, whereas the applicant was proposing the construction of an addition. She said the difference being in that part of Dublin Road, the setback was acknowledged all along Dublin Road. She recalled quite a bit of debate on the appropriateness. She said there was a significant amount of buffering for Dublin Road, which was the primary reason for granting approval.

Ms. Salay said, for whatever reason, 10 feet was added on the plat and now we have this situation.

Ms. Salay asked if Mr. Cline was accurate in his statement about a 30-foot setback across the street in Muirfield Village.

Ms. Noble-Flading said she measured from the right-of-way to most of the existing buildings and the setback measured around 40 feet.

Mr. Hardt asked Staff if the buildings are actually built about 40 feet away from the right-of-way but the platted setback is 30 feet.

Richard Taylor said he sympathizes with the situation but he does not like the "asking for forgiveness" stage when there is an opportunity before this ever gets planned, to ask for permission and that falls directly on the shoulders of the contractor, ultimately falling on the homeowner's shoulders. He asked if there have been conversations with the contractor.

Mr. Cline said an employee with the company, that is no longer with the company, made a mistake.

Fred Parrish, 3919 Parkway Lane, said he hired a gentleman several months before they worked with the Pilkingtons. He said they do a lot of pavilions, outdoor patios, etc. and was used to obtaining permitting in Dublin communities. He said the gentlemen he hired was great at what he did, and he was also familiar with this process so he had confidence going into this project. He said he sent this employee with a check to get everything approved, which he did, and the employee reported he did not need a building permit because of the size of the pavilion. Mr. Parrish said when he found out a building permit was not

needed, he was not surprised. He said he was surprised near the end of construction, when the homeowner received a letter stating there was a problem. He said during the building process he had to let the employee go for many reasons in spite of his good reputation. Mr. Parrish said he takes 100 percent responsibility for this and has all along so if this does not pass, he hopes the Pilkingtons will allow him to take care of it for them.

Mr. Taylor asked what happened at the Board of Zoning Appeals (BZA).

Ms. Noble-Flading said with the BZA, the applicant was obligated to demonstrate that there were some sort of special circumstances applicable to the site that did not allow them to meet the Code requirement, and that was a criterion they could not meet.

Mr. Taylor asked if it could not be approved at BZA on a technicality. Ms. Noble-Flading reiterated it did not meet the criteria.

Mr. Taylor inquired about other possible remedies. He said he is not in favor of moving the platted building lines to accommodate an individual.

Ms. Noble-Flading said forwarding this case to the Commission was the only other remedy Staff could provide to the applicant.

Phil Hartman said he did not believe there were any other options.

Mr. Taylor said he sympathizes but in the interest of being consistent with the previous experience on Dublin Road, he cannot support this simply because he did not support the other proposal. He disagreed with that project at the time based on the notion that if there is enough landscaping and buffering to screen the view, we would not be able to see the structure that violates the Code. He said he did not agree with that rationale.

Todd Zimmerman said most of his comments were addressed by Mr. Taylor. He inquired about the applicant's comment about many of the existing structures on the site having been legally "grandfathered" onto the site.

Ms. Noble-Flading said Staff was assuming both the fence and the stone wall were non-conforming, which meant that they were constructed before the regulations for fences were in effect in 2000 and the City began to require permits for things like patios and fences.

Ms. Salay asked if the fence and the wall pre-dated the home being built.

Ms. Noble-Flading said the one issue Staff looked into was the fence.

Amy Kramb said she voted no on the Coventry Woods request and her reason was that everything in that area had a 100-foot setback. She said that is not the case here. She said there is one development with two different setbacks and therefore, is ok with reducing the setback line by 10 feet as it is in line with that neighborhood; across the street; and immediately north and south of the neighborhood.

Ms. Amorose Groomes agreed with Ms. Kramb that this proposal is different than Coventry Woods. She asked if there is sufficient space to put a bike lane on Dublin Road; not a path but a lane on the roadway.

Ms. Noble-Flading was not certain she could address this question. She reiterated that when it was originally platted, a bike path on the east side of the roadway was deemed not appropriate for this area but she assumed even with a 40-foot setback, she thought there would be adequate space to allow for expanded bike facilities in this area.

Ms. Salay asked if there was enough right-of-way, or if any additional right-of-way would be needed in the future for additional bike facilities.

Claudia Husak said this has the right-of-way the Thoroughfare Plan projected for the road already in place.

Mr. Zimmerman verified that Deer Run was south of this neighborhood and had 100-foot setbacks.

Mr. Hardt said like Mr. Taylor, he was not pleased with the way this application came before the Commission. He said it is very frustrating to deal with a problem after it has come into existence. He said in any other context, he would probably not be supportive based on that reason alone. He said if he asked himself how he would feel about the request if there were no house, and no development already on the lot, he said that based on the fact that the additional setback seems to have been intended for a bike path that the City has no plans to build, and there are consistent setbacks to the north and south, he said he thought he could probably support this request.

Ms. Salay said with the consistency of the 40-foot setbacks, there is no point in having 50 feet here, so she agreed with Mr. Hardt.

Ms. Amorose Groomes said housekeeping issues like this are done frequently when inconsistencies are found to ensure setbacks are being applied appropriately. She concluded there was no further comment on this application.

Motion and Vote

Ms. Kramb moved, Amy Salay seconded, to approve the Final Plat. The vote was as follows: Mr. Hardt, yes; Mr. Taylor, no; Mr. Zimmerman, no; Ms. Amorose Groomes, yes; Ms. Salay, yes; Ms. Kramb, yes. (Approved 4 – 2)

Ms. Amorose Groomes said the next step will be City Council review of the Final Plat.

2. Perimeter Center PUD, Subarea E – Chase Bank – Sign Modifications
14-023AFDP **6271 Perimeter Drive**
Amended Final Development Plan

The Chair, Chris Amorose Groomes, introduced this application for a request for the replacement of two existing ground signs for the Chase Bank at the southeast corner of Perimeter Drive and Avery-Muirfield Drive. She said the Commission is the final authority on this application.

The Chair swore in anyone intending to address the Commission on this case.

Ms. Amorose Groomes stated this case was on the Consent Agenda with no conditions; therefore, a presentation was not needed.

Motion and Vote

Ms. Kramb moved, Mr. Zimmerman seconded, to approve this Amended Final Development Plan with no conditions.

Ms. Amorose Groomes invited public comment to speak with respect to this application. [Hearing none.] The vote was as follows: Mr. Taylor, yes; Mr. Hardt, yes; Ms. Salay, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Ms. Kramb, yes. (Approved 6 – 0)

**3. U-Haul
14-038CU**

**6419 Old Avery Road
Conditional Use**

The Chair, Chris Amorose Groomes, introduced this application for a request for the use of an existing building as a retrieval space, warehouse and storage space for U-Haul, on the south side of US 33, west of Avery Road.

The Chair swore in anyone intending to address the Commission on this case.

Ms. Amorose Groomes said a presentation was not needed as the case was on the Consent Agenda. She invited public comment to speak with respect to this application. [Hearing none.] She said there is one condition proposed by Staff and asked the applicant to please step forward. Ms. Amorose Groomes read the condition:

- 1) That the plans be modified in the southwestern corner to include a sidewalk connection from the paving area to the adjacent property west of the site, subject to Staff approval.

The Chair asked the applicant if they agreed with that condition. Dean Haske, 2980 Morse Road, Columbus, Ohio, responded affirmatively.

Motion and Vote

Mr. Taylor moved, Mr. Zimmerman seconded, to approve the conditional use application with one condition. The vote was as follows: Ms. Salay, yes; Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; Mr. Zimmerman, yes; and Mr. Taylor, yes. (Approved 6 – 0)

**4. Stansbury at Muirfield Village
14-009FDP/FP**

**10799 Drake Road
Final Development Plan/Final Plat**

The Chair, Chris Amorose Groomes, said this case was postponed prior to the meeting.

**5. Houchard Road –Preliminary Plat/Final Plat
14-079PP/FP**

**Houchard Road & SR 161
Preliminary Plat/Final Plat**

The Chair, Chris Amorose Groomes, introduced this application for a request to subdivide approximately 98 acres into three lots and provide right-of-way for a new public street for a site at the southeast corner of the intersection of Houchard Road with State Route 161. She said the Commission will forward the recommendation on this to City Council for the Preliminary Plat and Final Plat.

Ms. Amorose Groomes asked if there was anyone present to speak with respect to this application. [Hearing none.] She said there is one condition proposed by Staff and asked if the applicant was present. Claudia Husak said she was representing the applicant.

Ms. Amorose Groomes confirmed that the applicant agreed to the condition:

- 1) That the future lots owners install a bikepath along State Route 161 and Houchard Road as part of the future site development, subject to approval by Engineering.

Motion Vote

Ms. Salay moved, Mr. Hardt seconded, to recommend approval to City Council for this Preliminary and Final Plat application with one condition. The vote was as follows: Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; Mr. Taylor, yes; Mr. Hardt, yes; and Ms. Salay, yes. (Approved 6 – 0)

**6. Riverside PCD North, Subarea 3 – The Perimeter Starbucks
14-069Z/PDP/FDP/CU 6510-6570 Perimeter Drive
Rezoning/Preliminary Development Plan/Final Development Plan/Conditional Use**

The Chair, Chris Amorose Groomes, introduced this application for a request for a Starbucks Coffee Shop with a drive-thru and associated site improvements for an existing shopping center within Subarea A3 of the Riverside PCD North Planned District on the north side of Perimeter Drive, between the intersections of Avery-Muirfield Drive and Hospital Drive. She said the Commission will forward the recommendation to City Council for a Rezoning/Preliminary Development Plan application, and the Commission will review the requests for a Final Development Plan and a conditional use for a drive-thru.

Ms. Amorose Groomes swore in anyone intending to address this Commission on this case.

Claudia Husak said this proposal was discussed informally in June. She said the construction on the new retail center has been substantially completed and there are two businesses operating out of the shopping center. She presented a slide showing the proposed site plan and how it has changed since the concept was reviewed in June to accommodate the Starbucks with the drive-thru along with the Commission's comments. She said the proposal involves a request for approximately 2,000 square feet of space for the coffee shop and drive-thru window. She pointed out the internal drive that comes off of the Perimeter Drive access point, which is being closed as part of this application to avoid conflict with people entering and leaving the center. She demonstrated the proposed drive-thru stacking, which will be routed along the east side of the site, and then wraps south and west to the drive-thru window. She explained there have been some large islands incorporated into the plan to separate the drive-thru activity with the parked cars and to route the traffic exiting the drive-thru.

Ms. Husak summarized the recommended conditions:

Rezoning/Preliminary Development Plan

- 1) That the applicant update the traffic information provided to more accurately reflect the existing uses within the Planned District; subject to the satisfaction of the City Engineer.

Final Development Plan

- 1) That the applicant revise the size of the menu board to 32 square feet prior to applying for a sign permit.

Ms. Husak said there will be pavement markings shown so that customers will be routed to the drive-thru. She pointed out where the order menu board is located.

Ms. Husak said the Commission had inquired about the development text and fast food uses being prohibited. She stated that in 2012 – 2013, the permitted uses were changed for this particular subarea to accommodate restaurants within a shopping center that would be in one building. She explained that previously, the requirement was that there are two buildings on this site. She said the overall limitations within the development include a prohibition against drive-thrus and fast food restaurants. She said the drive-thru portion was addressed by proposing language that allows a coffee shop drive-thru as a conditional use for this particular subarea. She said the fast food language was left alone as it seemed more comprehensive to the entire planned district. She said coffee shops are called out separately in the other subarea. She said in Subarea A3, Staff recommended that the uses be a little more generalized. She said Staff put Starbucks in the 'restaurant and eating and drinking establishment' category of the permitted uses.

Ms. Husak reiterated there are three motions required by the Commission for this application: the rezoning/preliminary development plan, which is the change in the development text, including the list of

permitted uses, which would then be forwarded from the Commission to City Council for approval. She said approval is recommended with one condition:

- 1) That the applicant update the traffic information provided to more accurately reflect the existing uses within the Planned District; subject to the satisfaction of the City Engineer.

Ms. Husak said the second motion is for the Final Development Plan, which is a determination on all of the site details. She said approval is recommended with one condition:

- 1) That the applicant revise the size of the menu board to 32 square feet prior to applying for a sign permit.

Ms. Husak concluded that the third motion is for the Conditional Use for the drive-thru. She said approval is recommended with no conditions as it complies with the conditional use review criteria.

Ms. Amorose Groomes swore in the applicant.

Paul Ghidotti, 6840 McNeil Drive, Dublin, Ohio, said Daimler tried to address the concerns from the informal review on June 5, 2014, that related to the operational issues of the drive-thru. He recalled Mr. Taylor had said the placement of the drive-thru seemed awkward and shoe-horned onto the site and the rest of the Commissioners requested more detail on the drive-thru. He said Daimler has since received more detailed information from Starbucks. He explained they had three different locations in the case studies. He compared the traffic counts to Perimeter Drive, which was about 8,000 – 9,000 cars per day, substantially less than the other three locations. He also learned that on average, Starbucks receives 60 percent of their customers between 7 am – 9:30 am. He addressed the lunchtime service to accommodate the stacking in the drive-thru of 12 cars. He said food is offered but not made on site as the cafes are only 1,800 square feet. He explained that food is delivered by truck and then heated up.

Ms. Amorose Groomes asked if the morning customer statistics were all drive-thru. Mr. Ghidotti said the numbers reflect total customers inside and out. He explained the traffic analysis.

Ms. Amorose Groomes invited anyone from the public that would like to speak with respect to this application. [Hearing none.] She invited thoughts from the Commission.

Amy Salay said she had asked Mr. Ghidotti to approach the neighborhoods that are to the north because they have always been very active and concerned about development in this area, and she asked how that discussion went.

Mr. Ghidotti said they reached out to the four officers from the Indian Run Meadows Homeowners Association (IRMHA). He said Michael Welsh, secretary for IRMHA, provided a written response that stated he thanked the applicant for the information but said it did not present any issues for their residents as they are not adjacent to the site and take a neutral stance.

Ms. Salay asked if he reached out to Lowell Trace, to which he responded he did not. He said Lowell Trace is even farther removed than Indian Run Meadows but offered to if the Commission recommended that they do so.

Ms. Salay said she did not have an extremely negative opinion of this project before and stated that she has since given it a lot of thought, visited the site, and concluded that drive-thrus really do not make anything better and are never an improvement either in appearance or helping the site function better. She said the case studies were interesting but said nobody anticipated what would happen at McDonald's and the Wendy's/Tim Horton's at Avery Road. She said the Starbucks building looks great but she is not sure the drive-thru will improve the development. She said she is not going to be supportive of this

proposal. She said Starbucks fits into the definition of fast food in her opinion. She said changing the text to allow fast food is the “tail wagging the dog,” and she has never been interested in fast food for this location.

John Hardt said he has given this a lot of thought as well. He said going back to the beginning when the change in zoning was granted, the site was zoned for two sit-down restaurants. He said a compelling argument was made to which he was receptive. He said we now have the prospect of replacing one sit-down restaurant with a drive-thru, which makes him uneasy. If he supports this, he said he would not want to change the text. He stated the prohibition of fast food is important. He said if he supports this, it is only because Starbucks is a coffee shop. He explained that if Starbucks decides not to occupy this space in the future, he would not be the least bit supportive of having a burger joint take their place. He indicated he is concerned with what will become of the other side of the building, and asked if there was information to be provided regarding the end cap on the west end.

Mr. Ghidotti said he had explained at the June informal that they had tried all along to get two sit-down restaurants with two patios on the ends of the building. He said they begged Dewey's Pizza to take an end but they did not want it, and he is still not sure why. He said this may be a different discussion if they were on one end or the other. He said since fall of 2002, trying to market this site, Daimler has struggled. He said he still believes they are going to have two restaurants and not a traditional fast food restaurant, and he does not consider a coffee shop to be fast food. He said he does not have a problem with limiting this to a coffee shop. Mr. Ghidotti indicated if there is a desire to clarify what type of shop can be in there, he said they are willing to consider that.

Mr. Hardt said the request for the drive-thru is a conditional use and asked if it was occupant specific.

Ms. Husak said drive-thru was conditional use and not based on any particular occupant as proposed.

Mr. Hardt said he can get comfortable with what is in front of the Commission this evening, but if the space were to turn over, he would like to have a conversation about it.

Amy Kramb said that was her biggest concern. She said she is okay with a coffee shop. She said in the language in the existing text, she is not comfortable because it opens it up to too many possibilities. She indicated she would be okay if they tied the drive-thru specifically to the conditional use and if the space turns over, they remove the drive-thru altogether. She said she was not certain the Commission could get to that language into the text.

Mr. Hardt said it was not unlike some of the conversations they have had regarding gas stations connected to grocery stores, to which Ms. Kramb agreed.

Todd Zimmerman recalled that when BJ's opened up on Sawmill Road, they had a conditional use for the gas station, but they closed less than a year later and the station went away, and now it is level, paved, and you would never know it had been there.

Ms. Amorose Groomes pointed out that that had happened for several businesses.

Mr. Zimmerman asked what would happen if the drive-thru were installed and then later removed, and how the site would be designed.

Ms. Amorose Groomes thought it should be returned to the original design.

Ms. Husak offered options: 1) a drive-thru is permitted for a coffee shop. She said if Starbucks went out of business and another coffee shop were to move in within a year, and the operations were similar, the

other coffee shop could use this conditional use for themselves; or 2) if any new user comes in regardless of their use, they would need to request a conditional use from the Commission.

Ms. Amorose Groomes said she thought the Commission would be more comfortable with the second option. She said stacking issues need to be discussed.

Mr. Ghidotti said, from an ownership standpoint, that gives a lot of leverage to a Starbucks because if *any* coffee shop comes in, a lot of leverage is in a single tenant's hands.

Phil Hartman said another idea that had been discussed was percentage of sales for beverages.

Mr. Hardt said he is concerned that if Starbucks moves out of this space and an ice cream shop moved in for example, he has seen their drive-thrus, and on an 80-degree June night he does not believe this stacking would be sufficient so he would want the opportunity to re-evaluate that, if the use changed.

Mr. Ghidotti said he liked the idea of percentage of sales from coffee. Ms. Kramb agreed.

Ms. Amorose Groomes said it holds Starbucks to a standard. She said the drink relation percentage of sales would protect the Commission from some of those other businesses.

Ms. Kramb inquired about the size of the menu board sign received in their cut sheets.

Ms. Husak pointed out that it was close to 50 square feet.

Ms. Kramb asked what size it was permitted.

Ms. Husak said Code limits the square footage of menu boards to 32 square feet.

Ms. Kramb said the menu board needs to be smaller. She asked for a size of a typical menu board in the area to which Ms. Husak responded they must be 32 square feet.

Mr. Ghidotti said they have already cut the size of the menu board down by a third. He said the first board shows the menu offerings before the customer reaches the drive-thru speaker for more efficient ordering. He said there are actually two faces, pretty close in proximity to each other, and confirmed the faces are not connected. He said there are two different designs.

Ms. Kramb asked for clarification if there were two separate signs.

Mr. Ghidotti said the applicant is still limited to a total of 32 square feet. Ms. Kramb said the text reads "one menu board".

Ms. Husak clarified the one sign the applicant is proposing has three panels.

Mr. Hardt asked for clarification on the sign placement and a few Commissioners commented on the configuration. Mr. Hardt thought the response should be, wherever the sign is, between the sign and the private drive, there needs to be some additional landscaping so the back of the sign is not visible.

Mr. Ghidotti agreed that landscaping might be better than introducing a different material for the back of the menu board. Mr. Ghidotti pointed out the menu board on the landscape plan.

Ms. Amorose Groomes suggested different plant materials.

Mr. Hartman said he would be comfortable adding a condition to the conditional use to limit the use to 60 or 65 percent beverage sales.

Ms. Husak said under the Subarea A3 permitted uses, the language currently states “one drive-thru may be permitted as a conditional use within Subarea A3, subject to review and approval by the Planning and Zoning Commission...”. She suggested “one drive-thru for a tenant whose sale volume is made up of a minimum of 65 percent beverages, may be permitted” and keep the language.

Mr. Hartman suggested “non-alcoholic” text be added.

Mr. Ghidotti questioned the “magic” number of 65 percent. He asked for flexibility before going to Council.

Mr. Hardt asked for confirmation that this is not a condition on tonight’s vote; it is a modification to the development text.

Ms. Husak said it would have to be conditioned somehow but wanted to get a comfort level, first.

Ms. Kramb suggested the condition would be ‘the Commission would modify the text to include a beverage limit that will be verified’, to which Ms. Husak agreed the condition could be written that way.

Ms. Husak said this would be for the conditional use language that Staff added for Subarea A3, which does not address the fast food discussion, earlier. She confirmed the Commission believed the beverage requirement creates the distinction between fast food and this type of operation.

Mr. Hardt said there was a separate paragraph that prohibits fast food.

Ms. Husak said the definition of fast food was not in their Zoning Code.

Ms. Salay said it was important to have an opinion on this before it goes to Council.

Mr. Hartman said the distinction should be made if it is not fast food. He said the opinion is that it is not based on current laws and cases dealt with in the past unless it is specifically defined as the zoning is going to be construed.

Mr. Hardt asked if not having a kitchen makes it relevant to that conversation.

Ms. Amorose Groomes asked Legal to help define fast food as defined by the City of Dublin.

Mr. Hardt asked why this is considered a coffee shop.

Ms. Husak said when she had a conversation with Legal, it seemed Ms. Readler was leaning toward fixing the fast food language in the text for this specific Subarea to give the City some protection. She said she thought the beverage percentage was to resolve the fast food point.

Mr. Hardt asked if the applicant had a specific deadline.

Mr. Ghidotti said time is money. He said there are three tenants they are talking to that will not commit until Starbucks is signed.

Ms. Kramb said she was comfortable with Starbucks but her concern was the text modification.

Mr. Hardt concluded the Commission is just being asked to vote on a conditional use to which they are only supportive if it is for a coffee shop.

Richard Taylor asked what the Commission does not like about fast food.

Ms. Kramb stated her concern with fast food related to traffic at specific times of the day. She said she does not want to see stacked cars at lunchtime or between 4 pm – 6 pm when every business is so busy during that time.

Ms. Salay asked how to get around the idea that Starbucks might want to expand their business, add food, offer more and more breakfast and lunch items, offer a big pastry line, etc.

Mr. Hardt said the argument at the informal was there would be predominantly morning traffic. He said traffic data specific to this user has been provided and he would want to see the same data to evaluate it for a proposed future use.

Mr. Taylor summarized that the issue seems to be the amount of traffic.

Ms. Kramb agreed it was purely traffic because the whole area is a traffic nightmare.

Ms. Salay inquired about data for the rest of the day.

Mr. Ghidotti said back in June, the concern was about the stacking of cars and if there was not enough stacking, would cars end up blocking some of the parking spaces.

Mr. Taylor agreed with Mr. Hardt that he preferred to review the specific traffic data related to another user if the business turns over.

Ms. Salay again brought up the condition with BJ's gas station and asked if there could be a condition whereas if Starbucks goes away, the drive-thru gets removed.

Ms. Husak said the prospective tenant would need to start this process all over again unless they were a coffee shop.

Mr. Ghidotti was concerned about the condition being tied to a named user.

Ms. Amorose Groomes said that could put the property owner in a very difficult position.

Ms. Salay said it *should* be difficult, as a drive-thru is being requested when the Commission is not really comfortable with one.

Mr. Hardt asked if the definition of fast food was being written into the Code.

Steve Langworthy said Staff attempted to tackle that, reviewing the old SIC Codes, but could not find a solution.

Mr. Hardt said if that cannot be cracked, then the notion of updating this text to clarify what is meant by this particular use seems just as unlikely.

Mr. Langworthy suggested instead of defining fast food, just find a new term.

Ms. Amorose Groomes asked what that term might be.

Mr. Langworthy suggested “fast casual” as that has a definition to it. He reiterated that “fast food” is an umbrella with multiple categories underneath that *do* tend to have definitions.

Mr. Taylor said that appears to be a moving target and brought up the example of salads at McDonald’s and he wanted to know why a Starbucks might work here but a McDonald’s does not. He said he is comfortable saying whatever happens after Starbucks, gets reviewed by the Commission.

Ms. Salay asked what happens to the physical drive-thru, lanes, facility, and building addition if the subsequent tenant is not a coffee shop.

Ms. Amorose Groomes commented on the landscape plan. She said she would like Globe Arborvitae or some other evergreen instead of Juniper and would like them pulled back behind the curb at least five feet to alleviate constant conflict with vehicles.

Ms. Husak said plant material was changed during the Final Development Plan approval.

Mr. Ghidotti said the applicant has already changed this once.

Ms. Salay said she thought the goal was to hide the cars in the drive-thru.

Mr. Ghidotti offered to achieve the opacity requirement with a combination of mounding and plant materials. Ms. Amorose Groomes suggested this could be “subject to Staff approval”.

Ms. Husak asked for clarification for the Rezoning and Preliminary Development Plan with respect to development text and the Final Development Plan would have one condition about menu boards, asking if a size had been determined.

Ms. Amorose Groomes said Code permits 32 square feet.

Mr. Langworthy explained that if there are two panels, it is considered one sign and if there is a gap between, it counts toward the square footage so it is the advantage of the applicant not to do that.

Mr. Hardt inquired about the mention of two different locations.

Mr. Ghidotti said he had misspoke and the applicant is not proposing that at this location.

Ms. Kramb asked about the requirements with respect to lighting the menu boards.

Mr. Zimmerman said he was not on the Commission at the time of the informal review. He inquired about the future seating area outside and asked if it is typical seating area, following Code.

Ms. Amorose Groomes asked if there were any further questions or comments with respect to this case. [Hearing none.] She said there were three motions and three votes before the Commission.

Motion and Vote

Mr. Hardt moved and Mr. Zimmerman seconded, to recommend approval to City Council for this Rezoning with Preliminary Development Plan application with one condition:

- 1) That the applicant update the traffic information provided to more accurately reflect the existing uses within the Planned District; subject to the satisfaction of the City Engineer.

Ms. Amorose Groomes asked the applicant if he agreed to the condition as written in the Staff Report. Mr. Ghidotti agreed. The vote was as follows: Ms. Amorose Groomes, yes; Ms. Salay, no; Ms. Kramb, yes; Mr. Taylor, no; Mr. Zimmerman, yes; and Mr. Hardt, yes. (Approved 4 – 2)

Motion and Vote

Mr. Hardt moved and Ms. Kramb seconded, to approve this Final Development Plan with two conditions:

- 1) That the applicant revise the size of the menu board to 32 square feet prior to applying for a sign permit; and
- 2) That the evergreens screening the drive-thru be pulled back from the curb at least five feet and that a plant different from junipers be selected, subject to approval by Planning.

Ms. Amorose Groomes asked the applicant if he agreed to the two conditions. Mr. Ghidotti said he agreed. The vote was as follows: Mr. Zimmerman, yes; Ms. Salay, no; Ms. Amorose Groomes, yes; Mr. Taylor, no; Ms. Kramb, yes; and Mr. Hardt, yes. (Approved 4 – 2)

Motion and Vote

Mr. Hardt moved and Mr. Zimmerman seconded, to approve this Conditional Use application with two conditions that were added this evening:

- 1) That this approval is only applicable to a coffee shop; and
- 2) That should this drive-thru cease operating, the site will be required to be restored to pre-drive-thru conditions within one year of the close of business or a new conditional use application is approved by the Commission.

Ms. Amorose Groomes asked the applicant if he agreed to the two conditions as written on the board. Mr. Ghidotti agreed. The vote was as follows: Ms. Kramb, yes; Ms. Amorose Groomes, yes; Mr. Taylor, yes; Ms. Salay, no; Mr. Hardt, yes; and Mr. Zimmerman, yes. (Approved 5 – 1)

Communications

Ms. Amorose Groomes requested communications updates from Staff.

Ms. Husak said there are several upcoming training opportunities that the City would pay for through the approved training budget, including the Great Placemakers Lab scheduled Tuesday, September 16 – Friday, September 19, 2014, and the Ohio, Kentucky, Indiana (OKI) Regional Planning Conference in Lexington, KY, October 1 – 3, 2014. She said the City of Dublin is participating in a session at that conference about planning for aging suburban office campuses and how to keep them competitive. She said part of that information was presented at the Planning and Zoning Workshop in Columbus, Ohio in June. Ms. Husak reminded the Commissioners that the APA National Planning Conference is in Seattle, WA, April 18 - 21, 2015. She said that both she and Rachel Ray had submitted sessions for that conference, and APA will confirm whether the sessions had been selected in November, 2014.

Commission Roundtable Discussion

Ms. Amorose Groomes asked if there were any roundtable issues to be discussed. She said there might be some issues with the September 4 PZC meeting as Jennifer Readler, Ms. Kramb, and herself have school curriculum night conflicts, and Mr. Taylor is going to be out of town, which still leaves a quorum of four. She said it is possible that some of them may be able to attend the Commission meeting late. The Chair asked if there were any other issues to discuss. [Hearing none.]

The meeting was adjourned at 8:41 p.m.

As approved by the Planning and Zoning Commission on September 18, 2014.