



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

City of Dublin Planning and Zoning Commission

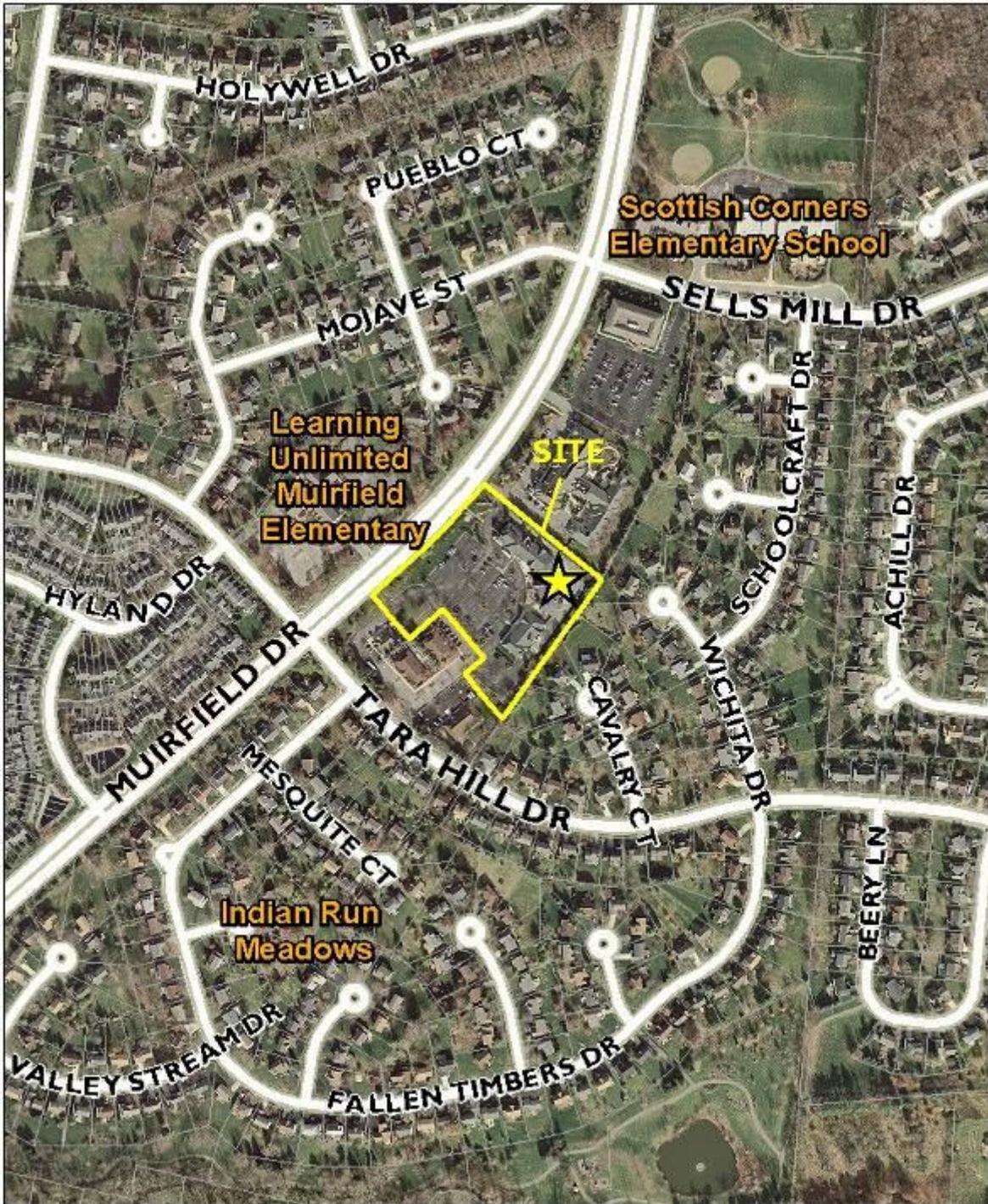
Planning Report

Thursday, September 4, 2014

Indian Run Meadows Planned District Shops on Muirfield – Shade on Muirfield Patio

Case Summary

Agenda Item	2
Case Number	14-077Z/PDP/FDP
Site Location	7148 Muirfield Drive East side of Avery-Muirfield Drive approximately 500 feet north of the intersection with Tara Hill Drive.
Proposal	A revision to the development text to permit up to 1,680 square feet of outdoor patio area in front of an existing restaurant within the Shops on Muirfield (formerly The Shoppes of Athenry) shopping center. The application also includes all final design details of the proposed patio. The site is located in the Indian Run Meadows Planned Unit Development.
Requests	<ol style="list-style-type: none"> 1) Review and recommendation to City Council under the Planned District provisions of Zoning Code Section 153.050 for a <u>rezoning with preliminary development plan</u>. 2) Review and approval of a <u>final development plan</u> under the Planned District provisions of Zoning Code Section 153.050.
Owner	Athenry Shoppes Limited.
Representative	Jill Tangeman, Esq.
Case Manager	Claudia D. Husak, AICP Planner II (614) 410-4675 chusak@dublin.oh.us
Planning Recommendation	<p>It is Planning’s analysis the proposal complies with all applicable review criteria and the existing and anticipated development standards. Planning recommends:</p> <ol style="list-style-type: none"> 1) Approval to City Council of the <u>rezoning with preliminary development plan</u> without conditions. 2) Approval of the <u>final development plan</u> with two conditions. <p>Final Development Plan Conditions</p> <ol style="list-style-type: none"> 1) That all outdoor furniture be stored out of sight from November 1st to April 1st unless the furniture is set-up for use, not covered in any way and weather conditions are appropriate for use, and; 2) That the patio fence be removed if the restaurant discontinues use of the space



 <p>City of Dublin</p>	<p>14-077PDP-FDP Preliminary Development Plan/Final Development Plan Athenry Shoppes Limited 7148 Muirfield Drive</p>	<p>0 150 300 Feet</p> 
-----------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------

Facts	
Site Area	4.91-acre site, 26,400-square-foot shopping center.
Zoning	PUD, Planned Unit Development (Indian Run Meadows plan).
Surrounding Zoning	<p>North: PUD; Emerald Crossings Retirement Home in the Indian Run Meadows PUD.</p> <p>South: PUD; Outparcels of The Shops on Muirfield site including United Dairy Farmers and Kinder Care.</p> <p>East: PUD; Single family homes in the Indian Run Meadows PUD.</p> <p>West: PUD; St. Patrick's Episcopal Fellowship in the Indian Run Meadows PUD.</p>
Site Features	<ul style="list-style-type: none"> • No significant topography. • Developed with a shopping center and associated parking.
Development Background	<p>The Shops on Muirfield</p> <ul style="list-style-type: none"> • The Shops on Muirfield have two buildings forming an L-shape divided by an open hardscape area originally intended for an outdoor dining patio. The shopping center buildings are in the northeastern portion of the site with parking in front. The center has two shared curb cuts from Muirfield Drive. A service drive provides access to the service area behind the buildings. • The site has 469 feet of frontage on Muirfield Drive, and the rear boundary line abuts single-family lots on Wichita Court and Cavalry Court in the Indian Run Meadows subdivision. • The restaurant has approximately 7,550 square feet of the north building, immediately adjacent to a 1,800-square-foot patio area, which is not approved for patio use due to its proximity to residential lots.
Development History	<p>Planning and Zoning Commission</p> <ul style="list-style-type: none"> • 1978 PUD zoning approved • 1984 revised preliminary development plan approved • 1986 revised preliminary development plan approved • June 5, 1997: final development plan for a 26,400-square-foot shopping center was approved • April 15, 1999: conditional use for a patio was tabled (Case 99-026CU) • September 16, 1999: conditional use for a patio was withdrawn by applicant after a short discussion by the Commission (Case 99-026CU) • November 10, 2005: conditional use for a patio tabled (Case 05-154CU) • October 11, 2007: amended final development plan for a 2,400-square-foot outparcel was denied (Case 07-029AFDP) • January 19, 2006: conditional use for a patio denied (Case 05-154CU) • July 8, 2012: informal review of patio plan in front of the restaurant (Case 10-025INF)

Facts	
	<ul style="list-style-type: none"> • April 12, 2012: rezoning with preliminary development plan and final development plan approved by the Commission to allow Mary Kelley’s restaurant the use of patio space in front of the tenant space • May 21, 2012: City Council approved Ordinance 35-12, allowing the use of patio space in front of Mary Kelley’s • November 1, 2012: amended final development plan approved for new ground sign (Case 12-075AFDP)
Neighborhood Contact	The applicant’s representative has reported that she has been in contact with an attorney representing some nearby residents and that they have indicated support for this application. The leadership of the Indian Run Meadows Homeowners Association has also indicated support in writing as long as the patio area is limited to the front of the restaurant.

Details		Rezoning with Preliminary Development Plan
Overview	Rezoning to a Planned Unit Development requires approval of a development text to serve as the zoning regulation for the development requirements noted; the Zoning Code covers all other requirements. The development text typically addresses permitted and conditional uses, setbacks, parking, landscaping, signs and architecture, among other subjects.	
Development Text	There are no text revisions for this proposal. However, the approval of the 2012 development text was restricted to the named restaurant operating in the tenant space at the time of the rezoning. As this is a new restaurant tenant, the text will require approval of the same language in the development text to permit this restaurant, Shade on Muirfield, the use of the patio areas in front of the restaurant. As currently written, any new tenant occupying this tenant space would again have to go through a rezoning process to use the patio.	

Analysis		Rezoning with Preliminary Development Plan
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for a rezoning/preliminary development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.	
1) <i>Consistency with Dublin Zoning Code</i>	Criterion met: The development text continues to address the unique needs of the site. The maximum patio area will not require additional parking and is consistent with the Zoning Code.	

Analysis	Rezoning with Preliminary Development Plan
2) <i>Conformance with adopted Plans</i>	Criterion met: No changes in land use are proposed. An outdoor dining patio associated with a restaurant is typically found in commercial areas. While neighboring residents have previously shared concerns regarding noise, the location of the patio will be buffered by the building.
3) <i>Advancement of general welfare & orderly development</i>	Criterion met: The preliminary development plan requires high quality patio amenities and regulates a location for the patio that is sensitive to the surrounding area.
4) <i>Effects on adjacent uses</i>	Criterion met: The development text recognizes previous concerns from adjacent residents. The patio location and operational details will minimize noise and light from disturbing the neighborhood.
5) <i>Adequacy of open space for residential</i>	Not applicable.
6) <i>Protection of natural features and resources</i>	Criterion met: At the second phase, the proposal will remove existing landscape beds, as was previously approved. These beds are not required by Code or the final development plan. Planters and flower boxes will be installed in the patio area, the same as previously approved.
7) <i>Adequate infrastructure</i>	Criterion met: Not applicable.
8) <i>Traffic and pedestrian safety</i>	Criterion met: The development text and preliminary development plan locate the patio so as to not interfere with pedestrian activity within the shopping center.
9) <i>Coordination & integration of building & site relationships</i>	Criterion met: The proposal provides for a coordinated and integrated patio area consistent with the high quality standards expected in Dublin.
10) <i>Development layout and intensity</i>	Criterion met: The proposal meets lot coverage requirements, has adequate parking and circulation. The layout is appropriate in relation to the existing building.
11) <i>Stormwater management</i>	Criterion met: The patio area is not creating impervious surface of a size that would require additional stormwater management.
12) <i>Community benefit</i>	Criterion met: The proposal provides an additional amenity to the community, which has long been desired by the restaurant owners and patrons. Care has been taken to create an outdoor dining patio area and amenities sensitive to the concerns of nearby residents.
13) <i>Design and appearance</i>	Criterion met: The proposed development plan requires the use of high quality amenities.

Analysis		Rezoning with Preliminary Development Plan
14) <i>Development phasing</i>	Criterion met: The development is proposed to be constructed in a two phases. Phase 1 consists of 950 square feet of patio space with 40 seats and Phase 2 will be the addition of 630 square feet and 22 seats.	
15) <i>Adequacy of public services</i>	Criterion met: Not applicable.	
16) <i>Infrastructure contributions</i>	Criterion met: Not applicable.	

Recommendation		Rezoning with Preliminary Development Plan
Approval	Based on Planning’s analysis, this proposal complies with the rezoning/preliminary development plan criteria, provides the opportunity for an additional amenity within the existing shopping center and requires an appropriate location and high quality patio amenities. Approval is recommended with no conditions.	

Details		Final Development Plan
Proposal	<p>The proposal includes:</p> <ul style="list-style-type: none"> • Patio space at build-out of 1,630 square feet, divided into two sections on either side of the main entry of the restaurant and enclosed by a 3.6-foot tall, black aluminum fence; • Seven tables with seating for 22 in the left (west) patio and 11 tables with seating for 40 in to the right (east) patio; • Modifications to the patio to eliminate conflicts with a fire hydrant; • Service to the patio through the main entry door; • Black aluminum patio chairs; 3-foot square, tan-topped tables with a black base, and green market-style umbrellas; • Further enclosure of the existing, unused open space by metal gates; • Food service for the patio service ending at 10:30 p.m. and the patio will close at 11 p.m. • No music, other amplification, or lighting is permitted or proposed • Flower boxes and planters for the patio area 	

Details		Final Development Plan
Patio Details	<p>Patio furniture in the City of Dublin is commonly high-quality, black, wrought-iron tables and chairs or an equivalent with market-style, fade-resistant umbrellas. The applicant is using a black aluminum chair, a style which is used on other patios. The tables will have a tan-colored square table top and a column style, black metal base. Umbrellas will be market-style with dark green fabric. A wrought-iron style, black metal fence will enclose both patio areas. It is typical in Dublin that outdoor dining patios are fully enclosed with a fence and accessed with a gate. Gates are shown for both areas.</p> <p>Planning recommends a common condition that all outdoor furniture be stored out of sight from November 1st to April 1st unless the furniture is set-up for use, not covered in any way and weather conditions are appropriate for use. Planning also recommends that the patio fence be removed if the restaurant discontinues use of the space.</p>	
Existing Patio Area	<p>South of the Shade on Muirfield tenant space is a 1,680-square-foot open space, which was originally approved as a patio with the final development plan for the shopping center. Its use as an outdoor dining patio, however, required a conditional use, which in 2006 was denied by the Planning and Zoning Commission due to concerns by adjacent neighbors regarding noise, trash, light trespass and other issues. The space has a three-foot tall stone wall along the front separating it from the pedestrian area, and an eight-foot screening wall along the rear.</p>	
Parking	<p>Required parking is 189 spaces based on the one space per 150 square feet of gross floor area for a shopping center. There are currently 196 spaces. The calculations for required parking included the retail buildings (26,400 square feet), and the original outdoor seating patio (1,800 square feet). Since the 1,630-square-foot proposed patio is slightly smaller than the existing area, parking requirements continue to be met.</p>	
Landscaping	<p>The landscaping in front of the tenant space was not required as part of the landscaping requirements of the final development plan or the Zoning Code. In the second phase of construction, landscape beds along the front façade of the restaurant will be replaced with concrete to increase the usable space of the proposed patio sections. The applicant will add flower boxes to the patio fence and the patio area. The patio areas will be created around two existing trees.</p>	

Analysis		Final Development Plan
Process	<p>Section 153.050 of the Zoning Code identifies criteria for the review and approval for a final development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.</p>	

Analysis	Final Development Plan
<p>1) <i>Consistency with the preliminary development plan.</i></p> <p>Conditions 1 & 2</p>	<p>Criterion met with conditions: Planning recommends that all outdoor furniture be stored out of sight from November 1st to April 1st unless the furniture is set-up for use, not covered in any way and weather conditions are appropriate for use. Planning also recommends that the patio fence be removed if the restaurant discontinues use of the space.</p>
<p>2) <i>Traffic and pedestrian safety</i></p>	<p>Criterion met: The design of the patio retains adequate space for pedestrian activity.</p>
<p>3) <i>Adequate public services and open space</i></p>	<p>Criterion met: The site has adequate public services. No open space dedication is required.</p>
<p>4) <i>Protection of natural features and resources</i></p>	<p>Criterion met: Landscape beds will be removed as part of Phase 2 of the patio areas. They are not required by Code. Planters and flower boxes will be installed in the patio area.</p>
<p>5) <i>Adequacy of lighting</i></p>	<p>Criterion met: No additional lighting is proposed.</p>
<p>6) <i>Signs consistent with preliminary development plan</i></p>	<p>Criterion met: Not applicable.</p>
<p>7) <i>Appropriate landscaping to enhance, buffer, & soften the building and site.</i></p>	<p>Criterion met: Planters and flower boxes will be installed in the patio area.</p>
<p>8) <i>Compliant stormwater management</i></p>	<p>Criterion met: The additional impervious area of Phase 2 does not require additional stormwater management.</p>
<p>9) <i>All phases comply with the previous criteria.</i></p>	<p>Criterion met: Phase 2 meets all requirements of the text as well as Phase 1.</p>
<p>10) <i>Compliance with other laws & regulations.</i></p>	<p>Criterion met: The proposal complies with all other known applicable local, state, and federal laws and regulations.</p>

Recommendation	Final Development Plan
<p>Approval</p>	<p>In Planning's analysis, this proposal complies with the proposed development text and preliminary development plan, the final development plan criteria and existing development in the area. Planning recommends approval of this request with two conditions.</p>

Recommendation

Final Development Plan

Conditions

- 1) That all outdoor furniture be stored out of sight from November 1st to April 1st unless the furniture is set-up for use, not covered in any way and weather conditions are appropriate for use; and
- 2) That the patio fence be removed if the restaurant discontinues use of the space.

REZONING/PRELIMINARY DEVELOPMENT PLAN CRITERIA

Review Criteria

Section 153.050 of the Zoning Code identifies criteria for the review and approval for a Rezoning/Preliminary Development Plan. In accordance with Section 153.055(A) *Plan Approval Criteria*, Code sets out the following criteria of approval for a preliminary development plan (rezoning):

- 1) The proposed development is consistent with the purpose, intent and applicable standards of the Dublin Zoning Code;
- 2) The proposed development is in conformity with the Community Plan, Thoroughfare Plan, Bikeway Plan and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network;
- 3) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
- 4) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded;
- 5) Proposed residential development will have sufficient open space areas that meet the objectives of the Community Plan;
- 6) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;
- 7) Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
- 8) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;
- 9) The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PD and the larger community and maintains the image of Dublin as a quality community;
- 10) The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plan's contribution to the orderly development of land within the City;
- 11) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
- 12) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Dublin Zoning Code or Subdivision Regulation, and that any such deviations are consistent with the intent of the Planned Development District regulations;
- 13) The proposed building design meets or exceeds the quality of the building designs in the surrounding area and all applicable appearance standards of the City;

- 14) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
- 15) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area; and
- 16) The applicant's contributions to the public infrastructure are consistent with the Thoroughfare Plan and are sufficient to service the new development.

FINAL DEVELOPMENT PLAN CRITERIA

Review Criteria

In accordance with Section 153.055(B) *Plan Approval Criteria*, the Code sets out the following criteria of approval for a final development plan:

- 1) The plan conforms in all pertinent respects to the approved preliminary development plan provided, however, that the Planning and Zoning Commission may authorize plans as specified in §153.053(E)(4);
- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
- 3) The development has adequate public services and open spaces;
- 4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code;
- 5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
- 7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
- 8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters;
- 9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage; and
- 10) The Commission believes the project to be in compliance with all other local, state, and federal laws and regulations.