



**Office of the City Manager**  
5200 Emerald Parkway • Dublin, OH 43017-1090  
Phone: 614-410-4400 • Fax: 614-410-4490

# Memo

**To:** Members of Dublin City Council  
**From:** Marsha I. Grigsby, City Manager   
**Date:** October 9, 2014  
**Initiated By:** Steve Langworthy, Director of Land Use and Long Range Planning  
Claudia D. Husak, AICP, Planner II  
**Re:** Ordinance 101-14 - Rezoning approximately 4.91 acres, on the east side of Avery-Muirfield Drive approximately 500 feet north of the intersection with Tara Hill Drive, from PUD, Planned Unit Development District (Indian Run Meadows Commercial) to PUD, Planned Unit Development District (Indian Run Meadows Commercial Revised) to revise 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 shopping center. (Case 14-077Z/PDP/FDP)

## Summary

Ordinance 101-14 is a request for review and approval of a rezoning with preliminary development plan from PUD, Planned Unit Development District (Indian Run Meadows Commercial) to PUD, Planned Unit Development District (Indian Run Meadows Commercial Revised) to revise 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 known as Shoppes at Athenry) shopping center.

## Background

Several applications for the approval of a patio for this tenant space have been submitted since 2000. The previous restaurant tenant, Mary Kelley's, received approval of Ordinance 35-12 on May 21, 2012, which permitted the use of the patio space in front of their tenant space. Mary Kelley's ceased operations in August of 2013. Shade on Muirfield opened for business in the spring of 2014. The current proposal was filed on July 25, 2014 as a rezoning application and received a recommendation of approval from the Planning and Zoning Commission on September 4, 2014.

## 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.

## **Description**

The Shops on Muirfield have two buildings forming an L-shape connected by an open area initially 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 driveways along Muirfield Drive. A service drive provides access to the service area to the rear of 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. Shade on Muirfield occupies approximately 7,550 square feet of the north building, immediately adjacent to the 1,800-square-foot open area, which is not intended to be used for a patio due to its location near residential lots.

### *Proposed Development Text*

There are no text revisions for this proposal. However, the approval of the 2012 development text was restricted to the restaurant operating in the tenant space at the time of the rezoning. As this is a new restaurant tenant, the 2012 text requires approval of the same language in the development text to permit the same patio space to be used for this new restaurant, Shade on Muirfield. As currently written, any new tenant occupying this tenant space would again have to go through a rezoning process to use the patio, even if located in the same position and having an identical layout.

### *Patio Details*

Two phases are proposed for constructing the patio area. The patio space at build-out will be 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. Ultimately, seven tables with seating for 22 in the left (west) patio and 11 tables with seating for 40 in the right (east) patio are proposed. Black aluminum patio chairs; three-foot square, tan-topped tables with a black base; black box planters; and fence-style railing planters are the proposed patio amenities. Service to the patio will be restricted through the main entry door. This proposal will also modify the western patio area to eliminate a previous conflict with a fire hydrant.

### *Existing Patio Area*

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.

### *Parking*

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). Because the 1,630-square-foot proposed patio is slightly smaller than the existing area, parking requirements continue to be met.

*Landscaping*

The existing 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, the 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 area is designed to accommodate two existing trees.

**Recommendation of the Planning and Zoning Commission**

The Planning and Zoning Commission recommended approval of the rezoning and preliminary development plan to City Council on September 4, 2014 with no conditions.

The Commission concurrently reviewed and approved a final development with two conditions.

*Final Development Plan Conditions*

- 1) That all outdoor furniture be stored out of sight from November 1<sup>st</sup> to April 1<sup>st</sup> 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.

**Recommendation**

Planning recommends City Council approval of Ordinance 101-14 at the second reading/public hearing on October 27, 2014.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

**101-14**

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**REZONING APPROXIMATELY 4.91 ACRES, ON THE EAST SIDE OF AVERY-MUIRFIELD DRIVE APPROXIMATELY 500 FEET NORTH OF THE INTERSECTION WITH TARA HILL DRIVE, FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT (INDIAN RUN MEADOWS COMMERCIAL) TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT (INDIAN RUN MEADOWS COMMERCIAL REVISED) TO REVISE 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 SHOPPING CENTER. (CASE 14-077Z/PDP/FDP)**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Dublin, \_\_\_\_\_ of its elected members concurring, that:

Section 1. The following described real estate, (see attached legal description), situated in the City of Dublin, State of Ohio, is hereby rezoned PUD, Planned Unit Development District, and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter 153 of the Codified Ordinances), the City of Dublin Zoning Code and amendments thereto.

Section 2. The application, including the list of contiguous and affected property owners, and the recommendations of the Planning and Zoning Commission, are all incorporated into and made an official part of this Ordinance and said real estate shall be developed and used in accordance there within.

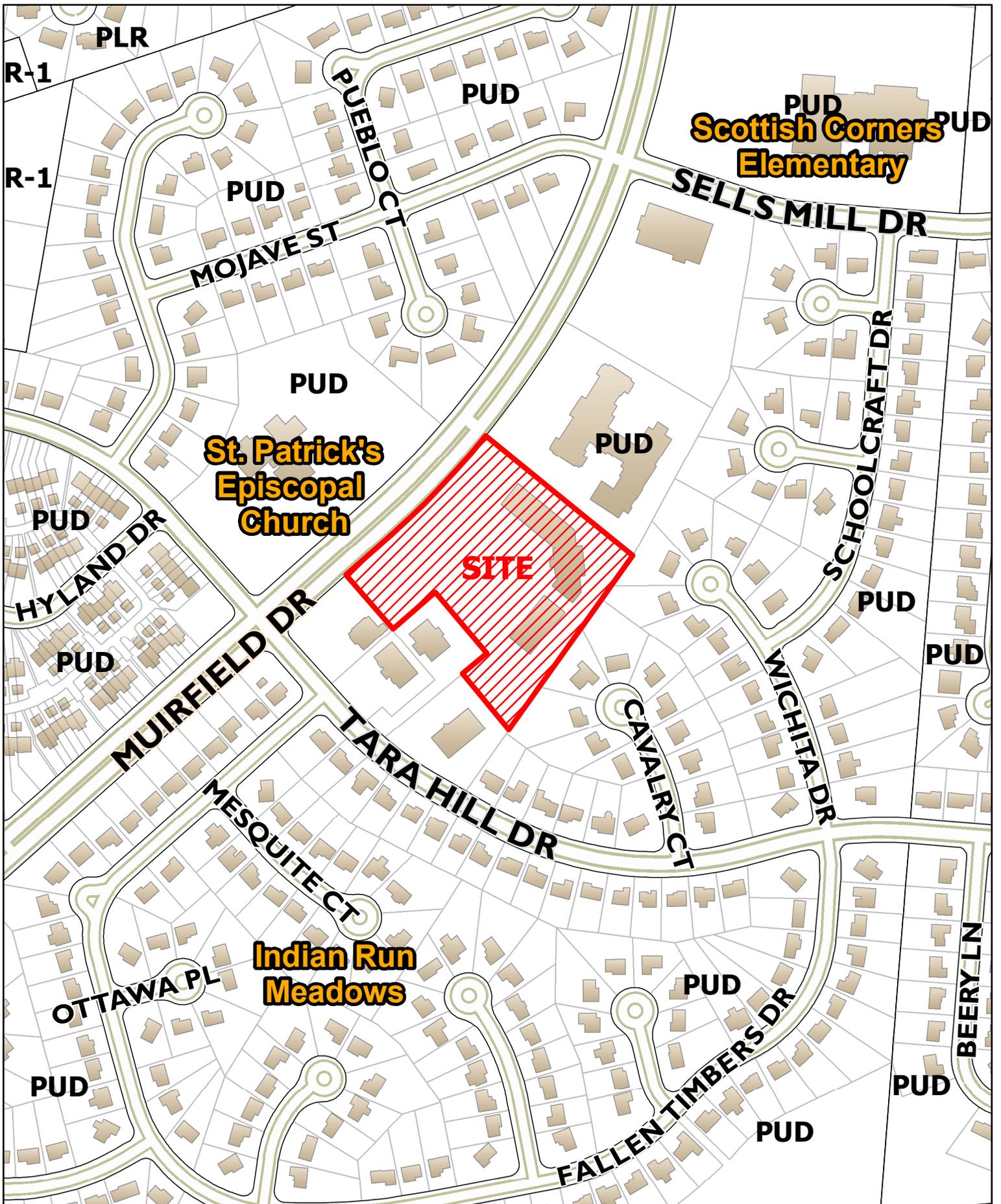
Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor - Presiding Officer

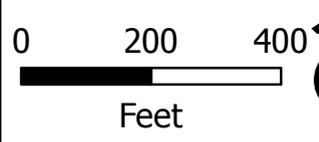
ATTEST:

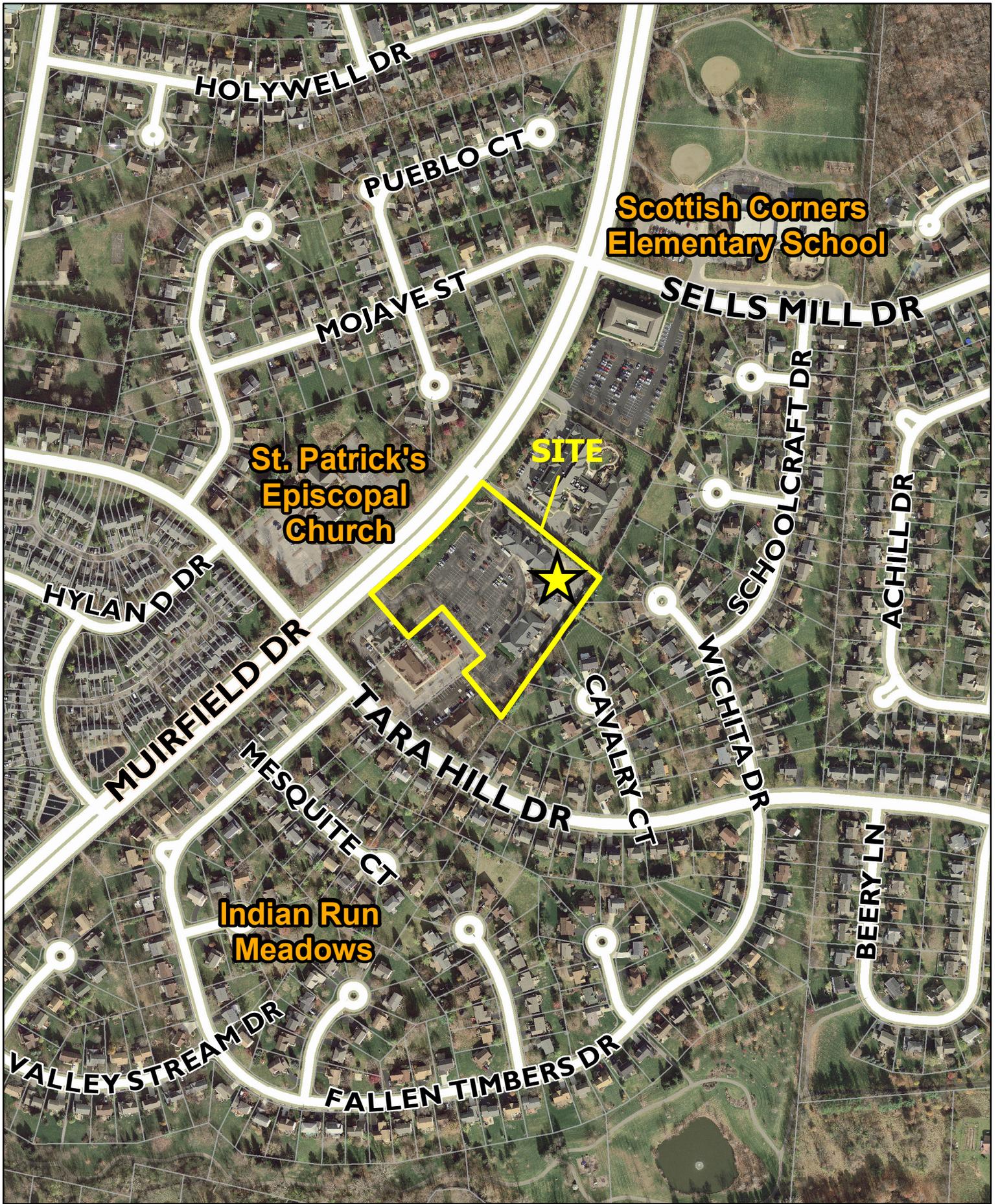
\_\_\_\_\_  
Clerk of Council



City of Dublin

14-077PDP-FDP  
 Preliminary Development Plan/Final Development Plan  
 Shade on Muirfield  
 7148 Muirfield Drive





**Scottish Corners  
Elementary School**

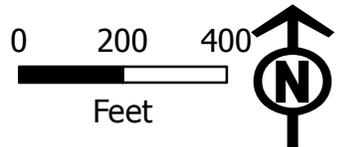
**St. Patrick's  
Episcopal  
Church**

**SITE**

**Indian Run  
Meadows**



14-077PDP-FDP  
 Preliminary Development Plan/Final Development Plan  
 Shade on Muirfield  
 7148 Muirfield Drive





CITY OF DUBLIN.

**Land Use and Long Range Planning**  
5800 Sher-Rings Road  
Dublin, Ohio 43016-1236

Phone/ TDD: 614-410-4600  
Fax: 614-410-4747  
Web Site: www.dublin.oh.us

# PLANNING AND ZONING COMMISSION APPLICATION

(Code Section 153.232)

## I. PLEASE CHECK THE TYPE OF APPLICATION:

<input type="checkbox"/> Informal Review	<input type="checkbox"/> Final Plat (Section 152.085)
<input type="checkbox"/> Concept Plan (Section 153.056(A)(1))	<input type="checkbox"/> Conditional Use (Section 153.236)
<input checked="" type="checkbox"/> Preliminary Development Plan / Rezoning (Section 153.053)	<input type="checkbox"/> Corridor Development District (CDD) (Section 153.115)
<input checked="" type="checkbox"/> Final Development Plan (Section 153.053(E))	<input type="checkbox"/> Corridor Development District (CDD) Sign (Section 153.115)
<input type="checkbox"/> Amended Final Development Plan (Section 153.053(E))	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Standard District Rezoning (Section 153.018)	<input type="checkbox"/> Right-of-Way Encroachment
<input type="checkbox"/> Preliminary Plat (Section 152.015)	<input type="checkbox"/> Other (Please Specify): _____

Please utilize the applicable *Supplemental Application Requirements* sheet for additional submittal requirements that will need to accompany this application form.

## II. PROPERTY INFORMATION: This section must be completed.

Property Address(es): 7148 Muirfield Drive	
Tax ID/Parcel Number(s): 273-003599-00	Parcel Size(s) (Acres): 4.91 acres
Existing Land Use/Development: neighborhood retail center	

### IF APPLICABLE, PLEASE COMPLETE THE FOLLOWING:

Proposed Land Use/Development: Applicant is requesting to allow existing patio to be utilized by new restaurant owner.

Total acres affected by application: Less than one acre

## III. CURRENT PROPERTY OWNER(S): Please attach additional sheets if needed.

Name (Individual or Organization): Athenry Shoppes Limited	
Mailing Address: 250 E. Broad Street, Columbus, OH 43215 (Street, City, State, Zip Code)	
Daytime Telephone: 614-228-5775	Fax:
Email or Alternate Contact Information:	

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**IV. APPLICANT(S):** This is the person(s) who is submitting the application if different than the property owner(s) listed in part III. Please complete if applicable.

Name: Athenry Shoppes Limited	Applicant is also property owner: yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Organization (Owner, Developer, Contractor, etc.): Pat Kelley	
Mailing Address: (Street, City, State, Zip Code) 250 East Broad Street, Columbus, OH 43215	
Daytime Telephone: 614-228-5775	Fax:
Email or Alternate Contact Information:	

**V. REPRESENTATIVE(S) OF APPLICANT / PROPERTY OWNER:** This is the person(s) who is submitting the application on behalf of the applicant listed in part IV or property owner listed in part III. Please complete if applicable.

Name: J. Theodore Smith, Esq. / Jill S. Tangeman, Esq.	
Organization (Owner, Developer, Contractor, etc.): Vorys, Sater, Seymour and Pease LLP	
Mailing Address: (Street, City, State, Zip Code) 52 East Gay Street, Columbus, OH 43215	
Daytime Telephone: 614-464-6232 / 614-464-5608	Fax: 614-719-5024 / 614-719-
Email or Alternate Contact Information: jsmith@vorys.com / jstangeman@vorys.com	

**VI. AUTHORIZATION FOR OWNER'S APPLICANT or REPRESENTATIVE(S):** If the applicant is not the property owner, this section must be completed and notarized.

I, Athenry Shoppes Limited c/o Patrick Kelley, the owner, hereby authorize	
J. Theodore Smith and Jill S. Tangeman to act as my applicant or representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.	
Signature of Current Property Owner: <i>Patrick Kelley Manager</i>	Date: 5/5/14

Check this box if the Authorization for Owner's Applicant or Representative(s) is attached as a separate document

Subscribed and sworn before me this 5<sup>th</sup> day of May, 20 14  
 State of Ohio  
 County of Franklin Notary Public Alan G Parrott



Alan G. Parrott  
 Notary Public, State of Ohio  
 My Commission Expires 11-16-2014

**VII. AUTHORIZATION TO VISIT THE PROPERTY:** Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as noted below, hereby authorizes City representatives to visit, photograph and post a notice on the property described in this application.

I, Athenry Shoppes Limited c/o Patrick Kelley, the owner or authorized representative, hereby authorize City representatives to visit, photograph and post a notice on the property described in this application.	
Signature of applicant or authorized representative: <i>Patrick Kelley Manager</i>	Date: 5/5/14

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VIII. UTILITY DISCLAIMER: The Owner/Applicant acknowledges the approval of this request for review by the Dublin Planning and Zoning Commission and/or Dublin City Council does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

I, Athenry Shoppes Limited c/o Patrick Kelley, the owner or authorized representative, acknowledge that approval of this request does not constitute a guarantee or binding commitment that the City of Dublin will be able to provide essential services such as water and sewer facilities when needed by said Owner/Applicant.

Signature of applicant or authorized representative: Patrick Kelley Manager Date: 5/5/14

IX. APPLICANT'S AFFIDAVIT: This section must be completed and notarized.

I, Jill S. Tangeman, Esq., the owner or authorized representative, have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all respects true and correct, to the best of my knowledge and belief.

Signature of applicant or authorized representative: Jill Tangeman Date: 7/25/2014

Subscribed and sworn to before me this 25th day of July, 2014  
 State of Ohio  
 County of Franklin Notary Public Michelle L. Parmenter



MICHELLE L. PARMENTER  
 Notary Public, State of Ohio  
 My Commission Expires 6-2017

FOR OFFICE USE ONLY			
Amount Received: <u>2940</u>	Application No: <u>14-077</u>	P&Z Date(s): <u>9-4-14</u>	P&Z ACTION: <u>APPROVED</u>
Receipt No: <u>14628</u>	Map Zone: <u>5</u>	Date Received: <u>7-25-14</u>	Received By: <u>CDH</u>
City Council (First Reading): <u>10-13-14</u>		City Council (Second Reading): <u>10-27-14</u>	
City Council Action:		Ordinance Number: <u>101-14</u>	
Type of Request: <u>Preliminary Development Plan/Final Development Plan</u>			
N, S, E, W (Circle) Side of: <u>Muirfield Drive</u>			
N, S, E, W (Circle) Side of Nearest Intersection: <u>Tara Hill Drive</u>			
Distance from Nearest Intersection: <u>at intersection</u>			
Existing Zoning District: <u>PUD</u>		Requested Zoning District: <u>PUD</u>	

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## **Athenry Shoppes**

### **Narrative Statement**

The subject site is an existing neighborhood commercial center that was zoned as part of the Indian Run Meadows development. In 2012, Dublin City Council approved a rezoning of the subject site in order to allow a patio at the front of the shopping center adjacent to an existing restaurant known as Mary Kelley's.

The development text approved by Dublin City Council in 2012 limited the use of the patio to the existing Mary Kelley's restaurant. Mary Kelley's has recently terminated its operations and the space has been leased to a new restaurant known as Shade on Muirfield.

The applicant is seeking to amend the development text for the sole purpose of authorizing the Shade on Muirfield restaurant to use the existing front patio space. All standards approved in 2014 regarding the patio, including fencing, lighting, and landscaping, will remain unchanged.

Shade on Muirfield is a family-style sit-down restaurant similar to Mary Kelley's and will serve as an asset to both the existing retail center and the surrounding neighborhood. Other than the requested authorization to allow Shade on Muirfield to use the existing front patio, there is no change to the development plan, building, lighting or signage requested as part of this application.





# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

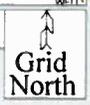
MAP ID: S

DATE: 5/9/14



Disclaimer

Scale = 200



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

## LEGAL DESCRIPTION

### Athenry Shoppes Ltd.

Situated in the State of Ohio, County of Franklin, City of Dublin and being a part of Reserve "C" as shown and delineated upon the record plat of Indian Run Meadows Section 5, of record in Plat Book 65, Pages 64 and 67 records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning, for reference, at point of centerline intersection of Muirfield Drive (100 feet in width) and Tara Hill Drive (60 feet in width);

Thence North  $47^{\circ}18'26''$  East, a distance of 225.00 feet with the centerline of Muirfield Drive to a point;

Thence South  $42^{\circ}41'34''$  East crossing said Muirfield Drive, a distance of 50.00 feet to a point at the northwesterly corner of a 0.758 acre tract as conveyed to Lindvest, an Ohio Partnership of record in ORV 15457 B05 and the true point of beginning;

Thence with the easterly right-of-way of said Muirfield the following two courses:

1) North  $47^{\circ}18'26''$  East, a distance of 143.56 feet to a point of curvature;

2) A curve to the left having a radius 2050.00 feet, a central angle of  $09^{\circ}06'26''$  and a chord bearing of North  $42^{\circ}45'13''$  East and a chord distance of 325.51 feet to a point at the northwesterly corner of Reserve "C" and also the southwest corner of Reserve "D" of said plat;

Thence South  $51^{\circ}47'59''$  East with said northerly line, a distance of 450.00 feet to a point on the northeasterly corner of said Reserve "C" and the southeasterly corner of Reserve "D";

Thence South  $34^{\circ}37'51''$  West with the easterly line of said Reserve "C", a distance of 506.27 feet to a point on the northeasterly corner of a 0.958 acre tract as conveyed to Kinder-Care Properties, Inc., of record in ORVI 1690111;

Thence North  $40^{\circ}28'40''$  West with the northerly line of said 0.958 acre tract, a distance of 172.00 feet to a point on the northwesterly corner of said 0.958 acre tract and on the easterly line of a 1.370 acre tract as conveyed to Roby Company Limited Partnership of record in ORV 26284 H01;

Thence North  $49^{\circ}26'52''$  East with said easterly line, a distance of 74.50 feet to the northeasterly corner of said 1.370 acre tract;

Thence North  $40^{\circ}33'05''$  West with said northerly line, a distance of 190.62 feet to the northwesterly corner of said 1.370 acre tract;

Thence South  $47^{\circ}18'26''$  West with the westerly line of said 1.370 acre tract, a distance of 133.50 feet to a point at the northeasterly corner of said 0.758 acre tract;

Thence North  $42^{\circ}41'34''$  West with the northerly line of said 0.758 acre tract, a distance of 170.00 feet to the true point of beginning and containing 4.914 acres of land more or less.

This description was prepared by Civil Engineering Associates, Inc., Columbus, Ohio from existing record deeds. The basis of bearing is North  $47^{\circ}18'26''$  East for the centerline of Muirfield Drive and all other bearings are calculated from this reference.

**Case # 14-077PDP/FDP**

\*Athenry Shoppes Limited  
Attn: Pat Kelley  
250 E. Broad Street  
Columbus, OH 43215

\*Theodore Smith, Esq  
Vorys, Sater, Seymour and Pease  
52 East Gay Street  
Columbus, OH 43215

\*Jill Tangeman, Esq  
Vorys, Sater, Seymour and Pease  
52 East Gay Street  
Columbus, OH 43215

Shawn & Stephanie Arden  
7125 Schoolcraft Dr  
Dublin, OH 43017

Alan & Jennifer Assaf  
5964 Tara Hill Dr  
Dublin, OH 43017

Matthew & Laura Atkin  
6053 Tara Hill Dr  
Dublin, OH 43017

Mary Barrow & Jane Corson  
6075 Tara Hill Drive  
Dublin, OH 43017

BLC Emerald Crossings LLC  
7220 Muirfield Drive  
Dublin, OH 43017

Dennis & Kimberly Bowdy  
7081 Wichita Ct  
Dublin, OH 43017

Susanna Briggs & Edward Skornick  
6000 Tara Hill Drive  
Dublin, OH 43017

John & Barbara Cannizzaro  
7219 Sundown Ct  
Dublin, OH 43017

Xiaoping Chen & Ping Pei  
7025 Cavalry Ct  
Dublin, OH 43017

Stephen & Kathleen Cianca  
5925 Muncie Ct  
Dublin, OH 43017

Gennifer Corson  
7091 Wichita Ct  
Dublin, OH 43017

Balakuman Balasubramanian  
7046 Cavalry Court  
Dublin, OH 43017

Benedetto & Anita Cusumano  
7082 Cavalry Ct  
Dublin, OH 43017

John & Sharon Daehler  
5988 Tara Hill Dr  
Dublin, OH 43017

Gregory & Lisa Diamond  
7043 Cavalry Ct  
Dublin, OH 43017

Dublin Village Community Owners  
777A Dearborn Pk Lane  
Worthington, OH 43085

Debora & Richard Fitch  
7096 Wichita Ct  
Dublin, OH 43017

Govindasamy&Ukthambal Gounder  
6019 Tara Hill Dr  
Dublin, OH 43017

~~Green Oasis LLC  
6024 Tara Hill Dr  
Dublin, OH 43017~~

Dr.Faruq Hasan & Jamilatul Karim  
7071 Wichita Ct  
Dublin, OH 43017

George & Ruthann Hunton  
5915 Muncie Ct  
Dublin, OH 43017

KC Propco LLC  
6036 Tara Hill Dr  
Dublin, OH 43017

Michael & Sheri Kielian  
7183 Mojave Street  
Dublin, OH 43017

Kevin & Sandra Lawson  
7058 Cavalry Ct  
Dublin, OH 43017

Hongbo Li & Juan Du  
6009 Tara Hill Drive  
Dublin, OH 43017

Linvest LP  
7076 Muirfield Drive  
Dublin, OH 43017

Jack & Marie Orders  
7061 Cavalry Ct  
Dublin, OH 43017

Jamee & Shawn Mattingly  
6041 Tara Hill Drive  
Dublin, OH 43017

Becky Miles  
7076 Wichita Ct  
Dublin, OH 43017

Kathleen & Tod Munger  
7070 Cavalry Ct  
Dublin, OH 43017

Peter Murray & Karen Feather  
6063 Tara Hill Dr  
Dublin, OH 43017

Joshua & Elizabeth Nye  
6031 Tara Hill Drive  
Dublin, OH 43017

Joseph & Meghan Campana  
6097 Tara Hill Dr  
Dublin, OH 43017

Janis & Timothy Redman  
7101 Wichita Ct  
Dublin, OH 43017

Michael Reynolds & Gayle Mowery  
7079 Cavalry Ct  
Dublin, OH 43017

~~Roby Co LP 7  
100 Muirfield Dr  
Dublin, OH 43017~~

Jeffrey & Bonnie Roby  
6046 Tara Hill Dr  
Dublin, OH 43017

Carol Roston TR  
7234 Sundown Ct  
Dublin, OH 43017

Anthony Sallustro  
7228 Sundown Ct  
Dublin, OH 43017

Brent Shirley & Erin Kerrick  
7061 Wichita Dr  
Dublin, OH 43017

St Patricks Episcopal Fellowship  
7121 Muirfield Dr  
Dublin, OH 43017

David Terlesky  
7086 Wichita Ct  
Dublin, OH 43017

Keith & Catherine Gasper  
7222 Sundown Ct  
Dublin, OH 43017

Jesse & Kelly Kanitz  
6012 Tara Hill Dr  
Dublin, OH 43017

Jack & Nichole Weber  
7005 Fallen Timbers Drive  
Dublin, OH 43017

~~Gary & Julie Williams  
5997 Tara Hill Drive  
Dublin, OH 43017~~

Anna Wilson  
5976 Tara Hill Drive  
Dublin, OH 43017

Andrew & Sheri Wolpert  
6085 Tara Hill Drive  
Dublin, OH 43017

INDIAN RUN MEADOWS  
COMMERCIAL USES  
DEVELOPMENT STANDARDS

A. Yard Requirements

1. Front Yard setback: For structures and parking 50'.
2. Side and rear yard setback adjacent to residential uses: All structures 50', all parking, service and loading areas 30': for non-residential uses, 25' setback for structures and 15' for parking, loading and services areas.

B. Building Area Development Standards

1. Maximum building height: Shall not exceed thirty five (35) feet.

C. Parking Standards

1. Off street parking shall be provided at one space per 150 square feet in area or at the rate required under the Dublin Zoning Code as it applies to commercial uses, whichever is less.

D. Lighting Standards

1. All lighting in the area shall be cut-off type fixtures (down lighting) maximum height of fixtures will not exceed 35'.
2. All external outdoor lighting fixtures to be used within a given development shall be from the same family, or similar manufacturer's type, to insure aesthetic compatibility. All light poles and standards shall be of wood or metal painted black, brown, or bronze.

E. Signage and Graphics Standards

1. All signing shall be of ground type (no pole signs) and shall be of a standard shape and frame. All sign frames shall be of natural wood, stone or metal painted black, brown or bronze. Internally illuminated graphics with opaque background shall be permitted, as well as externally lighted signs that do not interfere with safe vehicular movement.
2. Types of signs prohibited include signs with flashing lights or changeable copy, projecting signs, roof signs, billboards, co-ops signs, rotating signs, and trailer type signs. Any directory signs shall be more than 30 feet from the right-of-way.

3. Individual store graphics shall be integrated within the architectural design of the facia, and the background shall be of the same family and color.

F. Additional Development Standards

1. Curbcut locations: One full service curbcut and median cut into Muirfield Drive will be provided to jointly service the commercial and institutional parcels to be located on the common property line. There shall be only one full service cut into the southerly right-of-way. One (1) right turn in-and-out curbcut shall be permitted onto Muirfield Drive but have no median break. The Dublin Planning and Zoning Commission may determine that an additional break or separate median breaks for each use are more appropriate based on a Final Development Plan.
2. Landscape Buffer
  - a. Where commercial development abuts residential development, a landscape buffer will be installed containing a board-on-board fence as detailed on page 9 and a landscape buffer of both deciduous shade, ornamental, and evergreen trees. Minimum size at installation shall be 2-1.2" cal for deciduous shade trees, 1-1/2" cal for ornamental trees, and 6'-8' on evergreen. Landscape plant material will be placed on the residential side of the fence at a spacing of 1 tree per 15 linear feet of property line. Landscape buffer will be installed prior to the beginning of any construction on the sites. With the installation of Muirfield Drive, the site will be graded and seeded. The developer or his successor shall mow and properly maintain the site until it is developed.
  - b. The Muirfield Drive frontage of the multi-family site, commercial site, office institutional site, church site, undeveloped single-family site, school site, and park site shall be landscaped with plant material at least of a size, quantity and quality that currently exists on the east side of Muirfield Drive south of Tara Hill. The landscaping and mounding shall be in conformity with the drawing contained in the Indian Run Meadows single-family design guidelines. Weather permitting, landscaping and mounding shall be installed contemporaneously with the construction of Muirfield Drive. Mounding along both sides of Muirfield Drive and within the median strip shall be sodded. All other parcels shall be landscaped prior to occupancy of any building on such parcel.

Landscape Frontage Treatment on Side Streets

A landscaped earth mound shall be installed where the commercial, church, school, multi-family and office/institutional parcels front the side streets.

The mound shall have a minimum height of 4 feet above top of curb and shall be noncontinuous in height.

The same landscaping standards as shown on page 10, "Muirfield Boulevard Landscape Edge Treatment" shall be the standards applied to the frontage treatment on side streets.

3. Dumpster Enclosures

All dumpsters shall be enclosed with a 4 sided enclosure of wood, stone, brick or stucco. All enclosures will be of the same architectural materials as the main structure and will conform to all building setback requirements.

4. Street Grade

The street grade for the single-family street west of Muirfield Drive shall be at the same or less grade than Muirfield Drive.

The foundation of any house located on any lot abutting Muirfield Drive shall not be higher than three (3) feet above the street grade of the abutting street.

G. Architectural Standards

1. In keeping with the residential framework of the area, all architecture will be of a residential character and constructed of natural materials being stone, brick, wood and stucco. All buildings will be of the same finished quality on all 4 sides. Stone accent will be integrated into all buildings.

H. Permitted Uses

1. Those permitted uses shall be those listed in Chapter 153.027, Neighborhood Commercial District except "Eating and drinking places" shall include full line restaurants and shall not include fast food or drive-in restaurants or places primarily designed for entertainment or dancing and referred to by various names such as dance hall, cabaret, and night club and the following uses listed in Section 153.028, Community Commercial District.

Mens and boys clothing and furnishings stores

Womens accessory and specialty stores

Womens ready to wear stores

Shoe stores

Custom tailors

Furriers and fur shops

Book and stationery stores  
Jewelry stores  
Camera and photographic supply stores  
Optical goods stores

2. A maximum of 1,680 square feet of outdoor dining patio area located in front of the restaurant operating at 7148 Muirfield Drive at the time of approval of this development text known as Shade on Muirfield. This patio shall be constructed only in the location shown on the preliminary development plan.

The patio shall use amenities (such as tables, chairs, fence, umbrellas, flower boxes) that are of high quality. Patio chairs shall be black in color. Table tops may use a different color. Umbrellas shall be market-style. No outdoor amplifiers or music shall be permitted in the patio area. No additional lighting (other than allowed building lighting) shall be permitted in the patio area. The food service for this patio shall end at 10:30 p.m. and the patio operations shall cease at 11 p.m. A rezoning process will be required for any other patio areas.

Other than as set forth in the foregoing paragraph, the conditional uses contained in Section (Section 153.027(B)) are hereby prohibited.

I. Intensity

1. Within the commercial site the total square footage shall not exceed 10,000 square feet per acre. No single store shall exceed 30,000 sq. ft. and one-third of the total square footage shall be in stores which are less than 20,000 square feet in area.

Other than the standards listed above, all remaining development standards shall be as listed and applicable under Section 153 of the Dublin Code.



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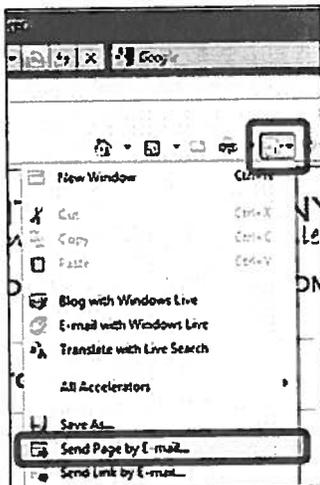
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Note: Instructions provided for Windows Internet Explorer (versions 7 & 8).

- Located in the tab bar:
  - a. Click on the Page icon.
  - b. Then click on the Send Page by E-Mail... menu item.
- Or, located in the menu bar:
  - a. Click on the File menu item.
  - b. Then hover your cursor over the Send submenu item.
  - c. Finally, click on the Page by E-Mail... submenu item



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**CONTRACT FURNITURE COMPANY**  
Professional Grade Furniture

Product #: SOLO-3636

Our Price: \$173.52

## 36" Square Solo Tabletop

### Specifications

Top Dimensions 36" Square

Material Molded Melamine

Seats 4

Weight 31 lbs



Molded melamine tabletop suitable for indoor and outdoor use. Our tabletops are made by creating a resin wood-substrate and fusing melamine sheets to the top surface and underside. The hardwood is first chipped into rice sized pieces which are then dried and infused with resins. The process renders each particle water resistant. Large presses compress these resin wood particle into tabletops under heat and pressure. The resulting tabletop is seamless as well as weather resistant - it can't delaminate and resists warping. These tops are scratch resistant, cigarette burn resistant and alcohol resistant, enabling the tops to retain their look for years. Rounded waterfall edge.

Special Order items have a lead time of approximately 4 to 8 weeks.

\*Under long term use and UV light there could be slight color

change.

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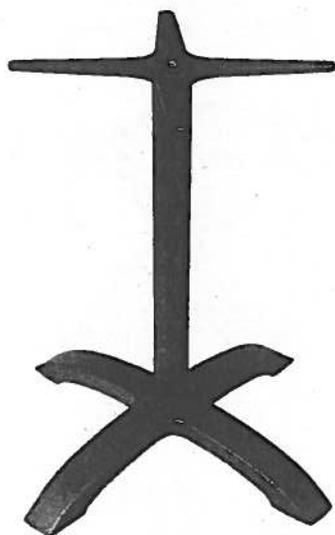
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Product #: BEL-4  
Our Price: \$132.48

## Belmar 4 Table Base



### Specifications

Width	26"
Depth	26"
Height	27.5"
Top Dimensions	36"x36" Square/ 36" Round (max top size)
Material	Aluminum
Weight	17 lb

#### Belmar Table Base Features

- Heavy Weight cast aluminum table base
- Added cast iron weight for additional stability
- Suitable for indoor or outdoor applications
- Standard dining height of 28"
- Included with 1/2" Glides
- Available in clear coat protected polished aluminum or black pepper finish
- Shipped KD, ready to assemble

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Product #: 2040700-04

Our Price: \$62.67

## Rockport Side Chair



### Specifications

Width 21.5"

Depth 26"

Height 33"

Seat Height 17"

The design of our Rockport collection supports and cradles the body in comfort and style. Constructed of commercial-grade materials for strength and powder coated for durability, the Rockport collection is an excellent choice for almost any commercial application. This collection is stackable and in stock for immediate shipment.

### Wrought Iron Cafe Series Features

- Frames are constructed of 13/16" high strength tubular steel
- All furniture features fully-welded frames for strength and durability
- Metal furniture is electrostatically primed (e-coated) and powder coated to resist corrosion, chipping, scratching and

- ultraviolet rays
- Standard tests performed: MEK rubs, mandrel bend, impact, salt spray and OUV - to ensure our powder coated finishes meet high quality standards for commercial applications
- Durable, heavy-gauge steel mesh resist warping and bending from continued commercial use, providing outstanding structural integrity
- 3-Year Limited Warranty

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## Showroom Locations

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Below you'll find our showroom locations. Note that showroom visits are by appointment only.  
Please call the showroom to schedule an appointment.

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Contract Furniture Company  
Los Angeles Showroom  
2325 Palos Verdes Drive West  
Suite #307  
Palos Verdes Estates, CA 90274

Phone: 310-544-2382 Toll-Free: 800-507-1785  
Fax: 310-544-2387 Toll-Free: 800-507-1789  
Email: [sales@contractfurniture.com](mailto:sales@contractfurniture.com)

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### New England and Mid-Atlantic Sales Office and Showroom

Contract Furniture Company  
New York City Showroom  
936 West End Avenue, Suite A-2  
New York, NY 10025

Phone: 212-870-0190 Toll-Free: 888-870-0145  
Fax: 212-870-0192 Toll-Free: 888-870-0146  
Email: [Gene@contractfurniture.com](mailto:Gene@contractfurniture.com)

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### Hawaii and Pacific Rim Sales Office and Showroom

Contract Furniture Company  
Hawaii Showroom  
ORBIT SALES  
Robert Small  
Caves at Kipapa  
Waipahu, HI 96797

Phone: 808-625-1000  
Fax: 808-625-7008  
Email: [info@orbitalsales.com](mailto:info@orbitalsales.com)

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## Corporate Office

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Please direct general inquiries to our corporate office.

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Corporate Office  
2325 Palos Verdes Drive West  
Suite #307  
Palos Verdes Estates, CA 90274

Phone: 310-544-2382 Toll-Free: 800-507-1785  
Fax: 310-544-2387 Toll-Free: 800-507-1789  
Email: [rouke@contractfurniture.com](mailto:rouke@contractfurniture.com)

**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**SEPTEMBER 4, 2014**

The Planning and Zoning Commission took the following action at this meeting:

**2. Indian Run Meadows PUD-Shops on Muirfield-Shade on Muirfield  
14-077Z/PDP/FDP 7148 Muirfield Drive  
Rezoning/Preliminary Development Plan/Final Development Plan**

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 (fka Shoppes at Athenry shopping center. The application also includes all final design details of the proposed patio areas. The site is located within the Indian Run Meadows Planned Unit Development on the east side of Avery-Muirfield Drive approximately 500 feet north of the intersection with Tara Hill Drive.

Request: Request for review and recommendation to City Council for a rezoning with preliminary development plan and review and approval of a final development plan under the Planned District provisions of Zoning Code Section 153.050.

Applicant: Ted Smith, Esq and Jill Tangeman, Esq for Athenry Shoppes LTD.

Planning Contact: Claudia D. Husak, AICP, Planner II.

Contact Information: (614) 410-4675, [chusak@dublin.oh.us](mailto:chusak@dublin.oh.us)

**MOTION #1:** John Hardt moved, Todd Zimmerman seconded, to recommend approval/disapproval to City Council for this preliminary and final plat application because the proposal complies with the preliminary and final plat criteria.

**VOTE:** 4 – 0 – 1.

**RESULT:** This Preliminary and Final Plat will be forwarded to City Council with a recommendation of approval.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Absent
Amy Kramb	Absent
John Hardt	Yes
Todd Zimmerman	Yes
Victoria Newell	Recused
Amy Salay	Yes



City of Dublin

Land Use and Long Range Planning

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**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**SEPTEMBER 4, 2014**

**2. Indian Run Meadows PUD-Shops on Muirfield-Shade on Muirfield 7148 Muirfield Drive  
14-077Z/PDP/FDP Rezoning/Preliminary Development Plan/Final Development Plan**

**MOTION #2:** John Hardt moved, Todd Zimmerman seconded, to approve this final development plan because this proposal complies with the proposed development text and preliminary development plan, the final development plan criteria and existing development in the area, with two 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.

\* Jill Tangeman agreed to the above conditions.

**VOTE:** 4 – 0.

**RESULT:** The Final Development Plan was approved.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Absent
Amy Kramb	Absent
John Hardt	Yes
Todd Zimmerman	Yes
Victoria Newell	Recused
Amy Salay	Yes

**STAFF CERTIFICATION**

\_\_\_\_\_  
Claudia D. Husak, AICP  
Planner II

## PLANNING AND ZONING COMMISSION

### MEETING MINUTES

SEPTEMBER 4, 2014

#### AGENDA

- 1. Perimeter West PCD, Subarea 2 - Dublin Springs Hospital                      7625 Hospital Drive**  
**14-059AFDP    Amended Final Development Plan**  
**(Tabled 5 – 0)**
- 2. Indian Run Meadows PUD-Shops on Muirfield-Shade on Muirfield                      7148 Muirfield Drive**  
**14-077Z/PDP/FDP    Rezoning/Preliminary Development Plan/Final Development Plan**  
**Rezoning/Preliminary Development Plan (Approved 4 – 0)**  
**Final Development Plan (Approved 4 – 0)**
- 3. Liggett – Cosgray Road    Cosgray Road**  
**14-083INF    Informal Review**  
**(Postponed)**

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, Victoria Newell, Todd Zimmerman, and City Council Representative Amy Salay. City representatives present were Jennifer Readler, Gary Gunderman, Claudia Husak, Tammy Noble-Flading, Alan Perkins, Nicki Martin, and Flora Rogers.

- 2. Indian Run Meadows PUD-Shops on Muirfield-Shade on Muirfield                      7148 Muirfield Drive**  
**14-077Z/PDP/FDP    Rezoning/Preliminary Development Plan/Final Development Plan**

The Chair, Ms. Amorose Groomes, introduced this application for a request for 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 (fka Shoppes at Athenry shopping center). The application also includes all final design details of the proposed patio areas. The site is located within the Indian Run Meadows Planned Unit Development on the east side of Avery-Muirfield Drive approximately 500 feet north of the intersection with Tara Hill Drive. Two motions are required, one for the rezoning and preliminary development plan and one for the Final Development Plan. The Commission will forward their recommendation to City Council for the rezoning/preliminary development plan. The Commission is the final authority on the final development plan, for which we will need to swear-in.

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

Ms. Amorose Groomes stated this case was on the Consent Agenda; therefore, a presentation was not needed.

Ms. Amorose Groomes asked if there was anyone in the general public wanted to speak to this application.

Thomas McCash, 55 South High Street, Dublin, said he is representing adjoining neighbors and not the homeowners association, but is a member of the homeowners association. He said he is here on a

rezoning application for the adjoining neighbors and stated they have worked with the applicant on this and is fine with the Shade actually using the patio. He said he believes the text actually would allow this without a rezoning, but they are not in opposition to it as long as they are following the same conditions that were there for Mary Kelley's.

**Motion and Vote#1**

John Hardt moved, Mr. Zimmerman seconded, to recommend approval to City Council for this Rezoning/Preliminary Development Plan with no conditions. The vote was as follows: Ms. Salay, yes; Ms. Amorose Grooms, yes; Mr. Zimmerman, yes; and Mr. Hardt, yes. (Approved 4 – 0)

DRAFT



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City of Dublin Planning and Zoning Commission

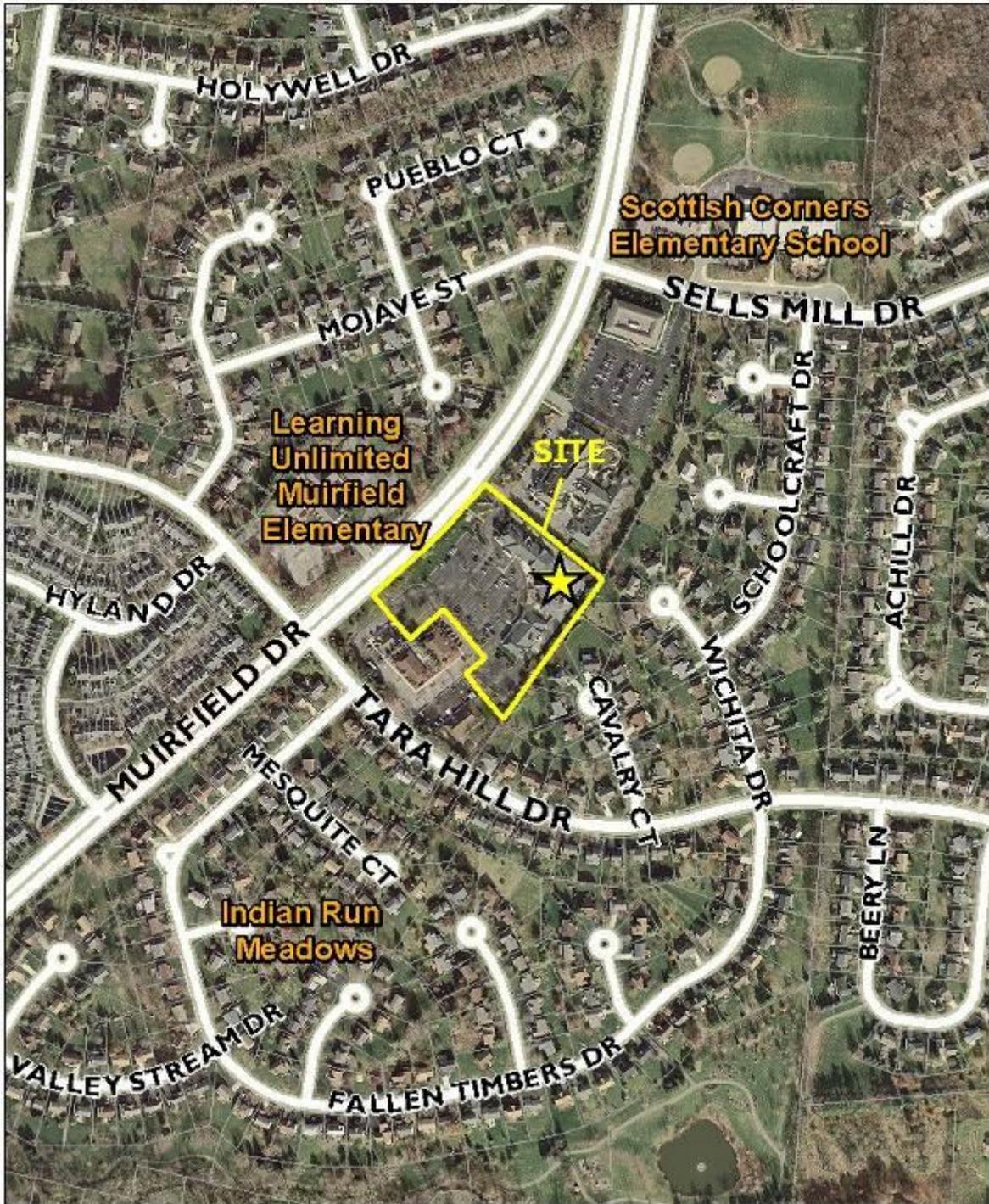
# Planning Report

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"> <li>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>.</li> <li>2) Review and approval of a <u>final development plan</u> under the Planned District provisions of Zoning Code Section 153.050.</li> </ol>
Owner	Athenry Shoppes Limited.
Representative	Jill Tangeman, Esq.
Case Manager	Claudia D. Husak, AICP Planner II   (614) 410-4675   <a href="mailto:chusak@dublin.oh.us">chusak@dublin.oh.us</a>
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"> <li>1) Approval to City Council of the <u>rezoning with preliminary development plan</u> without conditions.</li> <li>2) Approval of the <u>final development plan</u> with two conditions.</li> </ol> <p>Final Development Plan Conditions</p> <ol style="list-style-type: none"> <li>1) That all outdoor furniture be stored out of sight from November 1<sup>st</sup> to April 1<sup>st</sup> unless the furniture is set-up for use, not covered in any way and weather conditions are appropriate for use, and;</li> <li>2) That the patio fence be removed if the restaurant discontinues use of the space</li> </ol>



 <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> 
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<b>Facts</b>	
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"> <li>• No significant topography.</li> <li>• Developed with a shopping center and associated parking.</li> </ul>
Development Background	<p>The Shops on Muirfield</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>
Development History	<p>Planning and Zoning Commission</p> <ul style="list-style-type: none"> <li>• 1978 PUD zoning approved</li> <li>• 1984 revised preliminary development plan approved</li> <li>• 1986 revised preliminary development plan approved</li> <li>• June 5, 1997: final development plan for a 26,400-square-foot shopping center was approved</li> <li>• April 15, 1999: conditional use for a patio was tabled (Case 99-026CU)</li> <li>• September 16, 1999: conditional use for a patio was withdrawn by applicant after a short discussion by the Commission (Case 99-026CU)</li> <li>• November 10, 2005: conditional use for a patio tabled (Case 05-154CU)</li> <li>• October 11, 2007: amended final development plan for a 2,400-square-foot outparcel was denied (Case 07-029AFDP)</li> <li>• January 19, 2006: conditional use for a patio denied (Case 05-154CU)</li> <li>• July 8, 2012: informal review of patio plan in front of the restaurant (Case 10-025INF)</li> </ul>

Facts	
	<ul style="list-style-type: none"> <li>• 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</li> <li>• May 21, 2012: City Council approved Ordinance 35-12, allowing the use of patio space in front of Mary Kelley’s</li> <li>• November 1, 2012: amended final development plan approved for new ground sign (Case 12-075AFDP)</li> </ul>
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 <span style="float: right;">Rezoning with Preliminary Development Plan</span>	
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 <span style="float: right;">Rezoning with Preliminary Development Plan</span>	
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>	<b>Criterion met:</b> 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.

<b>Analysis</b>	<b>Rezoning with Preliminary Development Plan</b>
2) <i>Conformance with adopted Plans</i>	<b>Criterion met:</b> 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 &amp; orderly development</i>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> Not applicable.
8) <i>Traffic and pedestrian safety</i>	<b>Criterion met:</b> 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 &amp; integration of building &amp; site relationships</i>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> The patio area is not creating impervious surface of a size that would require additional stormwater management.
12) <i>Community benefit</i>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> The proposed development plan requires the use of high quality amenities.

Analysis		Rezoning with Preliminary Development Plan
14) <i>Development phasing</i>	<b>Criterion met:</b> 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>	<b>Criterion met:</b> Not applicable.	
16) <i>Infrastructure contributions</i>	<b>Criterion met:</b> 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"> <li>• 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;</li> <li>• Seven tables with seating for 22 in the left (west) patio and 11 tables with seating for 40 in to the right (east) patio;</li> <li>• Modifications to the patio to eliminate conflicts with a fire hydrant;</li> <li>• Service to the patio through the main entry door;</li> <li>• Black aluminum patio chairs; 3-foot square, tan-topped tables with a black base, and green market-style umbrellas;</li> <li>• Further enclosure of the existing, unused open space by metal gates;</li> <li>• Food service for the patio service ending at 10:30 p.m. and the patio will close at 11 p.m.</li> <li>• No music, other amplification, or lighting is permitted or proposed</li> <li>• Flower boxes and planters for the patio area</li> </ul>	

<b>Details</b>		<b>Final Development Plan</b>
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 1<sup>st</sup> to April 1<sup>st</sup> 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>	

<b>Analysis</b>		<b>Final Development Plan</b>
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 &amp; 2</p>	<p><b>Criterion met with conditions:</b> Planning recommends that all outdoor furniture be stored out of sight from November 1<sup>st</sup> to April 1<sup>st</sup> 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><b>Criterion met:</b> The design of the patio retains adequate space for pedestrian activity.</p>
<p>3) <i>Adequate public services and open space</i></p>	<p><b>Criterion met:</b> 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><b>Criterion met:</b> 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><b>Criterion met:</b> No additional lighting is proposed.</p>
<p>6) <i>Signs consistent with preliminary development plan</i></p>	<p><b>Criterion met:</b> Not applicable.</p>
<p>7) <i>Appropriate landscaping to enhance, buffer, &amp; soften the building and site.</i></p>	<p><b>Criterion met:</b> Planters and flower boxes will be installed in the patio area.</p>
<p>8) <i>Compliant stormwater management</i></p>	<p><b>Criterion met:</b> 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><b>Criterion met:</b> Phase 2 meets all requirements of the text as well as Phase 1.</p>
<p>10) <i>Compliance with other laws &amp; regulations.</i></p>	<p><b>Criterion met:</b> 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 1<sup>st</sup> to April 1<sup>st</sup> 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;

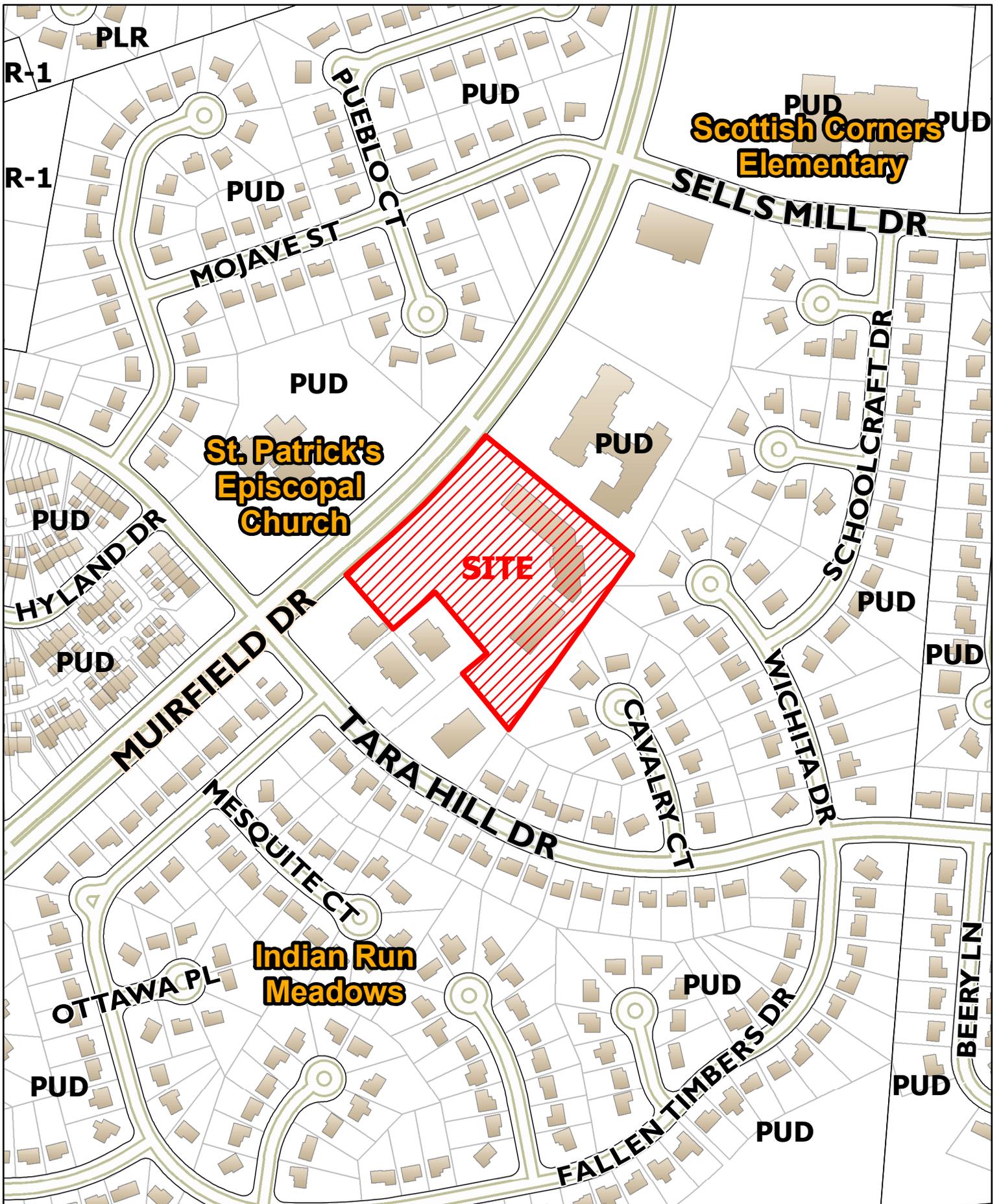
- 14) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to ultimately yield the intended overall development;
- 15) The proposed development can be adequately serviced by existing or planned public 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

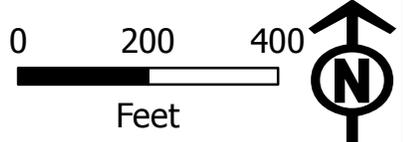
### Review Criteria

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.



14-077PDP-FDP  
 Preliminary Development Plan/Final Development Plan  
 Shade on Muirfield  
 7148 Muirfield Drive



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- 5. Tartan Ridge - Section 2, Part 2 - Final Plat
- 6. Tartan Ridge - Section 2, Part 3 - Final Plat
- 7. Tartan Ridge - Section 4 - Final Plat

**SECOND READING/PUBLIC HEARING – ORDINANCES**

**Ordinance 35-12**

**Rezoning Approximately 4.91 Acres, on the East Side of Avery-Muirfield Drive Approximately 500 Feet North of the Intersection with Tara Hill Drive, from PUD, Planned Unit Development District (Indian Run Meadows Commercial) to PUD, Planned Unit Development District (Indian Run Meadows Commercial Revised) to Revise the Development Text to Permit up to 1,680 Square Feet of Outdoor Patio Area in Front of an Existing Restaurant (Mary Kelley’s) within the Shoppes at Athenry Shopping Center.**

(Case 12-017Z/PDP/FDP)

Ms. Husak stated that, in addition to the discussion that has occurred this evening, the applicant also has plans to address the concerns raised at the last Council meeting regarding the existing patio at the shopping center. The applicant has committed to including a section of fence at the northern end of the existing patio to discourage any serving for patio patrons to occur through that space. The Code requires a gate at one of the two exits, and that gate is to be located on the south side. Staff recommends approval of the amendment to the development text to allow this patio with those changes.

Jill Tangeman, Vorys, Sater, Seymour and Pease, 52 E. Gay Street, attorney for the applicant stated that, following the last Council meeting, she and Mr. McCash met and further discussed closing off the existing patio, the installation of the gate at the south end and the fence at the northern end. No further revisions occurred. It is her understanding that Mr. McCash is in agreement with those revisions.

Tom McCash, 55 S. High Street, representative for the residents, stated that the residents are in support of this provision. Obviously, there has been a long history related to the Conditional Uses. The residents have consistently argued that this was not a Permitted Use and that a rezoning was required. The applicant has now done so and addressed some of the residents’ concerns through that rezoning process, including switching the gate to a fence at that location to avoid a potential, additional negative impact on the residents. In the spirit of balancing the interests, the residents have agreed to support this rezoning. It is hoped that in the future, the other issues discussed tonight are also addressed, and that this commercial development and the neighbors can co-exist in harmony.

Vote on the Ordinance: Mr. Keenan, yes; Mr. Reiner, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mayor Lecklider, yes.

**INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS**

**Resolution 26-12**

**Appointing a Member to an Unexpired Term on the Personnel Board of Review.**

Vice Mayor Salay requested that this legislation be postponed to the June 4 Council meeting.

There was no objection to this postponement.

**OTHER**

• Branding Update

Ms. Grigsby stated that the information on branding, which was provided in Council packets, describes in general what is being done citywide. This is a coordinated effort with Economic Development, influencing the information and material that is provided, and the language and words used to describe the City’s districts and projects. Staff has also been working with a firm to help identify some of the issues that need to be considered from a local, state and international perspective. An update on these efforts

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Ms. Chinnici-Zuercher moved to dispense with the public hearing and treat this as emergency legislation.

Vice Mayor Salay seconded the motion.

Vote on the motion: Mr. Gerber, yes; Mr. Reiner, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes; Mrs. Boring, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

Vote on the Ordinance: Mr. Reiner, yes; Mr. Keenan, yes; Mr. Chinnici-Zuercher, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes; Mrs. Boring, yes; Mr. Gerber, yes.

## Ordinance 35-12

**Rezoning Approximately 4.91 Acres, on the East Side of Avery-Muirfield Drive Approximately 500 Feet North of the Intersection with Tara Hill Drive, from PUD, Planned Unit Development District (Indian Run Meadows Commercial) to PUD, Planned Unit Development District (Indian Run Meadows Commercial Revised) to Revise the Development Text to Permit up to 1,680 Square Feet of Outdoor Patio Area in Front of an Existing Restaurant (Mary Kelley's) within the Shoppes at Athenry Shopping Center.**(Case 12-017Z/PDP/FDP)

Vice Mayor Salay introduced the ordinance.

Ms. Husak stated that this ordinance amends the development text for the Indian Run Meadows PUD, specifically for the commercial standards of that PUD to allow a patio for the Mary Kelley's Restaurant. The site is on Muirfield Drive, just north of Tara Hill Drive in the Shoppes at Athenry Center.

- The red box indicates where the patio area is proposed in front of Mary Kelley's tenant space, divided into two portions. The patio is proposed for construction in two phases, and would be 1,680 square feet at build out of Phase 2. There is a patio space that was constructed when the Center was built, but it has never been approved for use as a patio. There were many concerns expressed by adjacent residents regarding noise, odor pollution, and general operational issues for the Center. In an attempt to alleviate those concerns, the property owner has been working on a proposal for a patio area in front of the restaurant. That is the subject of tonight's application for consideration.
- The original patio area was approximately 1,800 square feet and the Center is parked to accommodate this. As proposed in the new development text, the maximum allowable area of the patio would be 1,680 square feet, which means there would be parking available in the Center for this patio. If the owners would attempt to use the existing patio area in any manner – as either a patio or enclosed area – the applicant would need approval through a development text amendment. It cannot be used in conjunction with this application.
- The Planning and Zoning Commission reviewed the application at their April meeting and some residents, represented by Mr. McCash expressed concerns about limiting the patio area in the Center to only this particular space and application. They requested that the text clarify that any other patio areas that would be proposed by any other tenant in the Center would also require a rezoning. This change was incorporated in the text forwarded to Council.
- In addition, there is a gate proposed to close off the existing patio area so that there would not be anyone loitering or smoking in that area. This is part of the application as well.
- The patio amenities of planters, flower boxes, chairs, tables, umbrellas have all been approved by PZC as part of the final development plan. These are also described in the development text.
- There is also a prohibition against any music in response to the neighbors' concerns about noise.

Staff recommends approval at the second reading/public hearing on May 21. The applicant has worked with staff to revise their plans in response to the Commission's concerns that were shared in conjunction with the final development plan review.

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Mayor Lecklider invited public testimony.

Farid Masri, 7061 Cavalry Court stated that Mr. McCash contacted the Mayor to indicate he could not be present tonight. There are a couple of items that they are still working on with the applicant and they hope to have resolution prior to the next reading. Mr. McCash indicated that he will address those issues either before the next meeting. On a personal note, this is the first time he can recall a zoning case where input from the neighborhood was not sought through a meeting prior to the Council and Commission meetings. This sets a bad precedent.

Ms. Chinnici-Zuercher asked about the outstanding issues he has referenced, as the report provided tonight indicates that the issues have been resolved. Mr. Masri responded that Mr. McCash will address the issues. He is not privy to share them, as he is represented by Mr. McCash. Ms. Chinnici-Zuercher asked Ms. Husak if what staff has presented tonight in terms of the resolution of the issues is accurate. Ms. Husak responded that what Council has been provided fulfills all of the conditions of the Planning and Zoning Commission. Mr. McCash agreed to these conditions at the PZC meeting. There are a couple of issues that cannot be addressed, such as storing the patio furniture inside during the off-season. The applicant has agreed to store the furniture during the off-season, and staff has agreed to check on this each year.

Mrs. Boring commented that waiting to submit written comments until the second reading makes it difficult to address them. Given this is a patio request, the timing is important as well. Mr. Masri responded that Mr. McCash submitted documents for the Commission hearings, including parking issues with the back of the Center, access and service to the patio, and other concerns. Ms. Chinnici-Zuercher stated that the access and service issue has been resolved, according to the materials. Ms. Husak added that staff was in contact with Mr. McCash last week. He asked to review the materials submitted to Council and she has not heard anything in response. Ms. Chinnici-Zuercher commented that, according to the PZC minutes, the requests made by Mr. McCash were accommodated. She does not understand why there would be any new issues that Mr. Masri cannot articulate tonight in Mr. McCash's absence.

Mr. Masri noted that one of the issues that they submitted documents about are the ongoing parking violations in the Center that have never been addressed. He provided a document that dates back to a Public Services Committee of Council meeting of 2000 that indicates parking behind the Center is not allowed and is to be addressed. The Law Director's office agreed to look into this and make this an enforcement issue. Ms. Chinnici-Zuercher responded that parking in the back is a Code violation and the Code Enforcement staff have addressed this on a regular basis. Mr. Masri responded that it has never been addressed. Ms. Reader noted that Code Enforcement is an ongoing matter. Tonight's focus relates to the rezoning application under consideration.

Ms. Husak stated that the document submitted by Mr. Masri is already included in the Council packet. Mayor Lecklider stated that this matter was then addressed at the Commission hearing. Ms. Husak reiterated that this issue is not part of this rezoning application, but in order to provide a complete record, staff included the information in the packet. Mr. Masri stated for the record that in previous years, the prior Commission had recommended this issue be addressed before moving forward.

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Mrs. Boring stated that the tenants at the Center do change over, and there have been issues addressed year to year regarding these complaints. Can Council legally deny a rezoning request based on the existence of these parking issues? These are two separate issues, correct?

Ms. Readler responded that is correct. There are a set of standards for the rezoning that involves the development application before Council. To the extent there are parking or Code Enforcement issues, it is a separate matter that can be addressed separately.

Mr. Masri clarified that the residents are not requesting the rezoning request be denied on this basis; they are requesting the Code violation issues be addressed at the same time as the rezoning. There is correspondence that was sent to some Council Members, but there has been no response despite the requests made since 2000.

Ms. Chinnici-Zuercher asked staff to review the Code Enforcement reports regard to the tenants at the Center and provide an update to Council. This has been an ongoing issue for Code Enforcement, as everyone is aware.

Ms. Grigsby added that there have been complaints in various areas of the Center, and Code Enforcement has followed up on those. Staff will provide an update for the May 21 meeting.

Mr. Masri asked for a copy of those reports as well.

Mayor Lecklider noted that over the past 12-18 months, he has forwarded a number of communications from Mr. Masri to staff for follow-up. It is his understanding that staff has responded to the complaints.

Ms. Grigsby responded that when such correspondence is forwarded to her, she discusses the Code Enforcement matters with Greg Jones. On occasion, he has spoken to the residents directly regarding the concerns – in particular, to Mr. Masri or his wife.

Mr. Masri clarified that the power washing issue was addressed, but the parking issues were never addressed.

Mayor Lecklider indicated that staff’s report will provide the information regarding these matters.

Mayor Lecklider asked about the City’s practice of contacting the neighbors about a pending rezoning, and whether this did not in fact occur with this rezoning.

Ms. Husak responded that the Code required notification was sent to all residents within 300 feet of the property for the Commission hearing. The applicant did not have a neighborhood meeting with the residents because the application is exactly the same as what was reviewed informally by the Commission in 2010. At that time, there was a three-hour hearing before the Commission. Staff did not suggest that the applicant meet with the neighbors because the application was identical. If no significant changes are made to an application, staff does not request that the applicant meet again with the neighbors.

Vice Mayor Salay recalled that the application in 2010 was viewed favorably by the neighbors. The main issue at that time was related to the outparcel. Using this space as the patio was not an issue at that time.

Ms. Husak responded that Mr. McCash was also involved at that time and has remained in contact with staff regarding this application. He represents many of the neighbors who have had issues with the Center. There was much positive feedback from the neighbors at the 2010 hearing.

Mayor Lecklider added that he does recall there was a difference of opinion among those who lived close to the site and those who lived some distance away.

Ms. Husak agreed, adding that many of the complaints from the close neighbors have centered on the issues raised by Mr. Masri – parking, noise from trash removal at night, etc. It is somewhat difficult to separate them from a potential patio operation.

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Mayor Lecklider stated that in the presentation, she noted that there was concern that this patio use be for only Mary Kelley's and that the rezoning would not give blanket permission to other tenants in the Center for patio use. He understands that this concern has been addressed in the text.

Ms. Husak responded that the text specifically identifies the tenant space – not the Mary Kelley's Restaurant per se for this patio use. However, by virtue of this rezoning, no other tenant space is entitled to a patio use.

Ms. Readler added that, in fact, this rezoning makes it more difficult to do so. The main patio to the south of Mary Kelley's restaurant was addressed in a settlement entry that indicated the applicant would need a rezoning approval or a conditional use approval to use it. Mr. McCash had requested that the text specify it require a rezoning approval, and this was changed in the text. Therefore, if anyone requests any other patio use in the Center, it would require a full rezoning – with hearings at the Commission and with Council.

Mayor Lecklider noted that meeting the parking requirements may also prevent future patio use, as well.

Mayor Lecklider summarized that the issues reported by Mr. Masri tonight are related, but are not legally and technically related to the rezoning matter. Nevertheless, there is opportunity for further public testimony at the second reading.

Ms. Chinnici-Zuercher stated that in order to avoid a lengthy discussion at the next reading about items unrelated to this case, staff should communicate with Mr. McCash about the issues that are pertinent. Her understanding is that the issues have been resolved by the City agreeing to change the text to accommodate the requests. Other items not related to the case could be put in writing to the City Manager for Code Enforcement staff to address.

Ms. Readler responded that staff will follow up with Mr. McCash. She has had discussions with Mr. McCash, and Jill Tangeman, attorney for the applicant, has had discussions with him as well.

Mayor Lecklider asked why the project will be phased.

Ms. Husak responded that it relates to the desire to determine if it is financially viable before building it out at a later date.

Mayor Lecklider stated, assuming this is approved, is it likely that Phase One would be open for the upcoming season?

Ms. Husak responded that the applicant's representative can address this question.

Jill Tangeman, Vorys, Sater, Seymour and Pease, 52 E. Gay Street, attorney for the applicant noted that she is new to the Mary Kelley's situation, given that there has been communication and issues raised in the past. She was retained for the patio issue and that is all that has been addressed. She has spoken to Mr. McCash on several occasions and, as of last Wednesday, he had indicated that his clients would support passage as an emergency, if the applicant so requested. They have not requested passage by emergency, but this does seem to indicate Mr. McCash's clients' comfort with the application. If there are outstanding issues relative to this patio application, it seems Mr. McCash would have indicated that prior to tonight's hearing. In terms of phasing, it is a monetary issue. Mary Kelley's wants to ensure this is financially feasible before purchasing tables and impacting the landscaping. For this season, they plan to do only the first phase. By the time this rezoning would be in place, the Memorial Tournament would have taken place, which is a busy time for a patio use. They want to have the experience of having the patio over the summer to determine whether they should pursue the second phase.

Mr. Gerber asked about Condition #6 that indicates all service to the patio shall occur from the front of the restaurant tenant space. In reading the PZC minutes, it seems

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the applicant was working to strike a balance with the neighbors to keep the noise level down, and therefore indicated they would serve the patio from the front. He is concerned with servers bringing food through the main doors as patrons are existing and entering.

Ms. Husak responded that, operationally, this is the understanding of how this will work. One option, perhaps not completely explored by the applicant, is whether they could modify the front windows and add a door to the patio. This application would not preclude that from occurring at the front of the building.

Mr. Gerber stated that there is a side door in place that would allow such patio service.

Ms. Tangeman added that the applicant has indicated the front has double doors and it will not be problematic during the first phase. With the second phase, they may consider installing a separate doorway through the glass front. The neighborhood did not want servers using the side door.

Discussion continued about other restaurants with patio service and how their operations work as well as the neighborhood desire for the side door not to be used.

Ms. Tangeman indicated that according to Mr. Kelley, the location of the kitchen makes it preferable for the patio servers to use the front door. Again, the second phase may prompt the need for other options to be explored.

Mr. Reiner asked how quickly this patio could be implemented, i.e. obtaining a building permit, patio permit, etc. should this rezoning be approved.

Ms. Husak responded that they do not need a patio permit, and they may not need a building permit. They would need a Certificate of Zoning Plan Approval, which could be accommodated within a week or two.

Mr. Reiner stated that this will be an enhancement to the restaurant and the overall quality of Dublin, so he wants to ensure this can be implemented quickly.

There will be a second reading/public hearing at the May 21 Council meeting.

## INTRODUCTION/PUBLIC HEARING - RESOLUTIONS

### Resolution 27-12

Waiving Competitive Bidding Requirements Pursuant to Section 7.0, Paragraph C of the Revised Charter for the Purchase of Alcoholic Beverages for the 2012 Dublin Irish Festival.

Mr. Gerber introduced the resolution.

Ms. LeRoy stated this is an annual request. Coors has again agreed to sponsor the Irish Festival with their Killian's brand. In accordance with this, the beverages are purchased from Superior Beverage, the sole supplier of Killian's in Central Ohio. She offered to respond to questions.

Vote on the Resolution: Mr. Reiner, yes; Mayor Lecklider, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Ms. Chinnici-Zuercher, yes; Mr. Keenan, yes.

### OTHER

• Request for waiver to allow alcohol to be served at 2012 Dublin Irish Festival  
Ms. LeRoy stated that this is a request for a waiver to allow alcohol to be served in Coffman Park for the 25<sup>th</sup> annual Dublin Irish Festival. Events staff works closely with the Police division to ensure proper controls are in place for safety. She offered to respond to questions.

Mayor Lecklider moved approval of the waiver.

Mr. Reiner seconded the motion.

Vote on the motion: Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mayor Lecklider, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Mr. Gerber, yes.



City of Dublin

Land Use and Long Range Planning

5800 Shier Rings Road  
Dublin, Ohio 43016-1236

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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

APRIL 12, 2012

The Planning and Zoning Commission took the following action at this meeting:

**1. Indian Run Meadows PUD – Shoppes At Athenry – Mary Kelley’s Patio**

**12-017Z/PDP/FDP**

**7148 Muirfield Drive**

**Rezoning/Preliminary Development Plan/  
Final Development Plan**

- Proposal: A revision within the development text to permit up to 1,680 square feet of outdoor patio area in front of an existing restaurant within the Shoppes of Athenry shopping center. The application also includes all final design details of the proposed patio. The site is located within the Indian Run Meadows Planned Unit Development on the east side of Avery-Muirfield Drive approximately 500 feet north of the intersection with Tara Hill Drive.
- Request: Review and approval of a rezoning/preliminary development plan and final development plan application under the provisions of Zoning Code Section 153.050.
- Applicant: Pat Kelley, represented by Jill Tangeman, Esq.
- Planning Contact: Claudia D. Husak, AICP, Planner II.
- Contact Information: (614) 410-4675, chusak@dublin.oh.us

**Motion 1– Rezoning with Preliminary Development Plan:**

To recommend approval to City Council of this rezoning with preliminary development plan because it meets the applicable review criteria and the development standards in the area with one condition:

- 1) That the development text be amended to delete the language regarding additional patio areas on page 4 and require a rezoning process to permit any additional patio areas.

\* Jill Tangeman, Esq, on behalf of the applicant, agreed to the above conditions.

**VOTE:** 5 – 0.

**RESULT:** This Rezoning/ Preliminary Development Plan application was approved.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Krumb	Yes
John Hardt	Recused
Joseph Budde	Yes
Victoria Newell	Recused

**1. Indian Run Meadows PUD – Shoppes At Athenry – Mary Kelley’s Patio**  
**12-017Z/PDP/FDP** **7148 Muirfield Drive**  
**Rezoning/Preliminary Development Plan/**  
**Final Development Plan**

**Motion 2– Final Development Plan:**

Mr. Taylor made the motion to approve this Final Development Plan application because the proposed modifications are consistent with surrounding development and the applicable review criteria and requirements of the Zoning Code with six conditions:

- 1) That gates be installed for both patio areas; and
- 2) That all outdoor furniture be stored out of sight from November 1<sup>st</sup> to April 1<sup>st</sup> unless the furniture is set-up for use, not covered in any way and weather conditions are appropriate for use;
- 3) That the patio fence be removed if the restaurant discontinues use of the space;
- 4) That the applicant work with Planning to decrease the patio area along the sidewalk to provide additional sidewalk area;
- 5) That the plan be revised to place the flower boxes inside the fence; and
- 6) That all service to the patio occur from the front of the restaurant tenant space.

\* Jill Tangeman, Esq, on behalf of the applicant, agreed to the above conditions.

**VOTE:** 5 – 0.

**RESULT:** This Final Development Plan application was approved.

**RECORDED VOTES:**

Chris Amorose Groomes	Yes
Richard Taylor	Yes
Warren Fishman	Yes
Amy Kramb	Yes
John Hardt	Recused
Joseph Budde	Yes
Victoria Newell	Recused

**STAFF CERTIFICATION**

*Claudia D. Husak*  
Claudia D. Husak, AICP  
Planner II

## PLANNING AND ZONING COMMISSION

### MEETING MINUTES

APRIL 12, 2012

**1. Indian Run Meadows PUD – Shoppes At Athenry – Mary Kelley’s Patio  
12-017Z/PDP/FDP  
7148 Muirfield Drive  
Rezoning/Preliminary Development Plan  
Final Development Plan**

John Hardt and Victoria Newell recused themselves from this case.

Chair Chris Amorose Groomes introduced this request for review and approval of a revision of the development text to permit up to a 1,680-square-foot patio area in front of an existing restaurant. She said that the application also includes all final design details of the proposed patio. She said the site is located within the Indian Run Meadows Planned Unit Development on the east side of Muirfield Drive, north of the intersection with Tara Hill Drive. Ms. Amorose Groomes said the application contains two components, and the Commission will have to make two motions. She said the preliminary development plan requires the Commission to make a recommendation to City Council and the Commission is the final authority on the final development plan. She swore in those intending to address the Commission on this case including the representative for the application, Jill Tangeman, Vorys, Sater, Seymour, and Pease, and City representatives.

Jennifer Readler provided a summary of two pieces of litigation in the past involving this shopping center. She said the first case, filed by the City involved an injunction, enjoining the use of the patio space existing today to the south of the Mary Kelley’s tenant space. She said in that lawsuit, the parties entered into a settlement and as part of that settlement entry it if outdoor seating cannot be set up on that specific patio area unless conditional use or rezoning approval is obtained. Ms. Readler said the entry only spoke to that limited piece of the parcel.

Ms. Readler said the second case was more recent and it involved an outparcel that was disapproved by the Commission in 2006-2007. She said there was a 2506 case filed by the center owner. She said the Municipal Court reversed the Commission’s decision and the City of Dublin appealed that to the Court of Appeals who reversed the Municipal Court remand. She said the Municipal Court, in turn remanded it to the Commission. She said around July 2010, there was a very extensive hearing where a proposed settlement was discussed at length to dismiss the case and that involved all kinds different of components. Ms. Readler said that City Council decided at that point that it was not feasible to complete those settlement negotiations, and so they were called off and nothing further happened in the case until recently when the landowner came through again with a proposed space in front of the Mary Kelley’s tenant space, which had been previously discussed as one component of a settlement agreement in July 2010. She said they filed a voluntary dismissal of the 2506 case on March 29<sup>th</sup> and then filed this application which is primarily just related to that patio use in front of the Mary Kelley’s tenant space.

Ms. Readler said that the outparcel litigation really had nothing to do with the patio use, but they used patio seating in front of Mary Kelley’s as a way to possibly settle the case. She said this was a completely new application and there has not been a court case involving this outdoor seating in front of this tenant space.

Warren Fishman asked what was the negotiation about the space where the original patio was to be located. He asked if it could be developed now.

Ms. Readler explained that the text presently says that they have to get a conditional use approval for outdoor seating, so they would have to come back before the Commission. She said that they have had

discussions with the residents' attorney and the applicant's attorneys, so she thought they were going to suggest striking that section in the text so that if they want to come through with additional patio space anywhere else on the site, including that existing patio space to the south, they would have to come in for a full rezoning.

Mr. Fishman asked if they could build on the space that originally was to be the patio.

Claudia Husak said they could only build on it if they came back to the Commission for an amended final development plan as well as an amendment to their parking requirements. She said they do not have enough parking on their site to allow additional use without any kind of relief from the Commission.

Mr. Fishman said that space then, would never be a building or patio unless they came in for an approval.

Ms. Husak presented a site map. She said there is an amendment proposed to the development text that would permit 1,680-square feet of patio area by right for this particular tenant space. She said another portion of the application; the final development plan shows all of the patio details. She said the development text addresses the size, location, amenities, and the operational details of the patio. She presented picture of Mary Kelley's with the patio proposed on either side of the main entrance in the landscaped area.

Ms. Husak explained that the final development plan consists of two phases for the patio, but the Commission is asked to eventually approve Phase II, knowing that the patio will be built in two phases. She said there is a patio portion proposed north of the main entrance and a portion south of the main entrance. She said the two trees that exist within that area will be maintained and intended to be incorporated into the patio. She said a mixture of four, two, and three patron seating areas are proposed. Ms. Husak said the patio is proposed to be enclosed with a fence. Ms. Husak said the final development plan also includes two small gates for the area, which is not fully enclosed that is the existing patio area. She said due to many concerns of residents about people using that space to smoke, talk, or loiter the applicant has agreed to fully enclose that area with two small portions of a fence.

Ms. Husak presented the patio amenities that are described in the proposed development text amendment and included in the final development plan. Ms. Husak said that the fence proposed is the same as is used at the Matt the Miller's Restaurant. She said the applicant is also proposing planters to be hung off the patio railing and planters with flowers landscaping within the patio area. She said black wrought iron chairs are proposed.

Ms. Husak said that Planning proposes two conditions on the final development plan, one about the offsite storage of patio furniture during off seasons and the eight-foot gaps on either side be fenced in or that gates be installed in those two areas. She said Planning has no conditions proposed for the development text.

Jill Tangeman, Vorys, Sater, Seymour, and Pease, representing the applicant said that they were trying to strictly limit this to the patio area. She said that they had discussed with Tom McCash two amendments to which they agreed that any future patio areas would have to come to the Commission as a rezoning and that all access to this patio is through the front door.

Ms. Amorose Groomes invited comments from the public regarding this application.

Tom McCash, 55 South High Street, Suite 210, representing 27 adjoining property owners, said that they had tried to reach a compromise on this issue, addressing their concerns raised in 2010. He said the residents were concerned with the use of this site currently and with any future rezoning effecting their property values and quality of life. He said in the spirit of compromise and in trying to move this forward they have looked at the proposed development text, and the sentence that provides any other patio areas may be permitted through the approval of a conditional use by Planning and Zoning Commission according to the Zoning Code, they have asked the applicant if they would agree to strike the sentence

and they have agreed to that particular provision. Mr. McCash said his clients are happy with having the provision that would in essence require that any other outdoor seating on this site would have to come through as a rezoning and they could address those particular issues at that time.

Mr. McCash said another matter they had concern with on the final development plan proposed is access, and how that particular outdoor patio area is served. He said the on the plan in both Phase I and II, two gates are proposed in the formal patio area designation. He said there has been a consistent problem in the past where that area has been used for access from the bar for smoking and loud conversations which creates problems for the neighbors because it is a very cavernous, noisy area. He said it has been a consistent problem with the conditional use applications before the Commission. Mr. McCash said that they did not want to see that area being used now for service to the patio area for wait staff and bartenders with plates, dishes, and things like that. He said as long as there is a condition with the final development plan that the patio areas are only serviced from the front entry, which Mr. Hammond and Ms. Tangeman have agreed is the way they are going to serve the patio, and not used for service of the patio, they would be fine with it.

Warren Fishman said that he thought this would be a wonderful addition to the shopping center. He asked if music and so on would be allowed on the patio.

Ms. Husak explained that the development text specifically prohibits it.

Mr. Fishman said he felt that it should be allowed, only because they face into the shopping center and it could do nothing but enhance the value of the center. He pointed out that at the Shoppes at River Ridge, there was music all the time, and it was very pleasant. He said this patio will add vibrancy to the center and he could not see how it would affect the neighbors at all to have music in the center.

Ms. Husak said that it is in the details of the patio as proposed in the development text, that music is specifically prohibited with the idea that the patio area is supposed to be as low-impact as possible toward the adjoining residences.

Mr. Fishman said that Tucci's always had music on their patio, and on the front patio here, it was far away from the neighbors. He said he hesitated to prohibit that here.

Joe Budde said he was empathetic to the neighbors' situation, but he applauded Mr. McCash for working to try to come up with some compromise that appears to be acceptable. He said he thought it would be a nice addition, but he did like the conditions that will help the neighbors feel more secure that there will be the least amount of impact to them as possible. Mr. Budde said he supported it and liked the quality of what is being done.

Amy Kramb suggested that the standard condition language used for previously approved patios regarding the use of outdoor furniture be added for consistency. She asked about the size of the two gates used to close the eight-foot gaps in the fence. She was concerned that an eight-foot gate would swing into the walkway.

Ms. Husak explained that the details had not been reviewed by Planning. She said that the intention was that it might be a four-foot gate and two additional pieces of fence. She said a sidewalk, eight-feet or more went into the restaurant.

Ms. Kramb said because there was not a large waiting area, people would be waiting outside. She said she preferred that the gates opened inward.

Ms. Husak said she was concerned that there might be a Code requirement that the gates open outward to allow people to leave faster.

Ms. Amorose Groomes said that the condition could be made that the gate would be subject to approval by staff.

Ms. Kramb asked about the timelines for Phase I and II. She asked if Phase II was an option that might not be built.

Ms. Tangeman said it was a financial matter at this time. They did not want to remove the landscape beds and tables if the patio was not successful for some reason. She said it was an option.

Ms. Kramb asked if tables would be added to Phase I rather than spending money on Phase II.

Ms. Tangeman said they could only do what was shown for Phase I, unless they went to Phase II.

Richard Taylor said he agreed that the condition about the tables and chairs should be consistent with the condition on previously approved patios. He did not think music should be permitted and that the text should remain as it is proposed. He said he was fine with two patios. He pointed out there was six feet from the back of the curb to the fence, a light pole, and flower boxes, so there was plenty of space for people to walk. Mr. Taylor suggested more might be better. He noted that including Phase II, at build out there will be 1,680 square feet of seating area, about 25 square feet per seat for 67 seats. He said if this were inside the building, the Building Code would allow as low as 15 square feet, which would be 112 seats. He said there was plenty of room to move the fence away from the curb to make the walkway a little wider and still have more than enough room for 67 seats. He said he wanted it pushed back to provide plenty of room.

Ms. Kramb recalled that for other patio applications, that the Commission has asked that the flower boxes hang to the inside, to make sure there is that extra space.

Mr. Taylor said he did not think it would be as pretty that way.

Ms. Amorose Groomes recalled that Sunny Street Café was required to hang the planters on the inside of the fence. She said she liked it that way.

Mr. Taylor pointed out that the patio space at Sunny Street Café was really limited and underneath the canopy of the building. He said he would like to see the fence moved back a foot or two away from the curb.

Gary Schmidt, Landscape Architect, Floyd Browne Group, 3763 Columbus Pike, Delaware, said that they looked at making it wider, and it did not work as well to get the tables in there, however, they can take another look at it. He said that five feet is the minimum, and they are over that.

Mr. Taylor said the difference here is that it was originally designed as something of a gathering area in front of the whole center, and now they are privatizing that area. He said by making the sidewalk wider, he thought a little of that would be given back to the public.

Ms. Tangeman said they would be happy if it was left to staff. She said that Mr. McCash had mentioned there may be an ADA issue if the fence is moved. She agreed to a condition that they work with Planning with the location of the fence.

Mr. Taylor noted that on the top left corner of the drawing where the fence angled back towards the business to the north, in Phase II, the fence was moved and straightened, but it was not shown on the other drawing. He said that area on the other drawing was shown as becoming paving. He said the fence in Phase I and II were identical, except for that. He suggested the fence could be built in Phase I instead of moving it so that they would be done with it.

Mr. Taylor noted that at the very end of the development text, there were two typos. He said on Page 4 of 4, the proposed development text #2, the last sentence, 'No addition' should be 'No additional lighting and the end of the sentence, 'Patio operations shall ~~seize~~ cease at 11 p.m.

Ms. Amorose Groomes said she would like the flower boxes moved to the interior of the patio to provide more clearance for the exterior sidewalk.

Mr. Fishman said he was very happy to see that Mr. McCash and Mary Kelley's work out a compromise. He said regarding the music, if it affects the neighbors, he withdrew his suggestion.

**Motion #1 and Vote – Rezoning with Preliminary Development Plan**

Mr. Taylor made the motion to recommend approval to City Council of this rezoning with preliminary development plan because it meets the applicable review criteria and the development standards in the area with one condition:

- 1) That the development text be amended to delete the language regarding additional patio areas on page 4 and require a rezoning process to permit any additional patio areas.

Mr. Fishman seconded the motion.

Ms. Tangeman, on behalf of the applicant, agreed to the above condition.

The vote was as follows: Ms. Kramb, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 5 – 0.)

**Motion #2 and Vote – Final Development Plan**

Mr. Taylor made the motion to approve this Final Development Plan application because the proposed modifications are consistent with surrounding development and the applicable review criteria and requirements of the Zoning Code with six conditions:

- 1) That gates be installed for both patio areas;
- 2) That all outdoor furniture be stored out of sight from November 1<sup>st</sup> to April 1<sup>st</sup> unless the furniture is set-up for use, not covered in any way and weather conditions are appropriate for use;
- 3) That the patio fence be removed if the restaurant discontinues use of the space;
- 4) That the applicant work with Planning to decrease the patio area along the sidewalk to provide additional sidewalk area;
- 5) That the plan be revised to place the flower boxes inside the fence; and
- 6) That all service to the patio occur from the front of the restaurant tenant space.

Mr. Fishman seconded the motion.

Ms. Tangeman, on behalf of the applicant, agreed to the above conditions.

The vote was as follows: Ms. Amorose Groomes, yes; Ms. Kramb, yes; Mr. Budde, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 5 – 0.)



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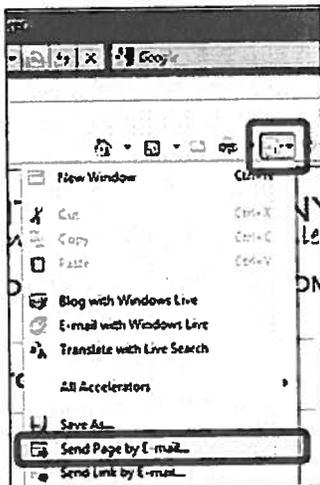
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- Or, located in the menu bar:
  - a. Click on the File menu item.
  - b. Then hover your cursor over the Send submenu item.
  - c. Finally, click on the Page by E-Mail... submenu item



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Product #: SOLO-3636

Our Price: \$173.52

## 36" Square Solo Tabletop

### Specifications

Top Dimensions 36" Square

Material Molded Melamine

Seats 4

Weight 31 lbs



Molded melamine tabletop suitable for indoor and outdoor use. Our tabletops are made by creating a resin wood-substrate and fusing melamine sheets to the top surface and underside. The hardwood is first chipped into rice sized pieces which are then dried and infused with resins. The process renders each particle water resistant. Large presses compress these resin wood particle into tabletops under heat and pressure. The resulting tabletop is seamless as well as weather resistant - it can't delaminate and resists warping. These tops are scratch resistant, cigarette burn resistant and alcohol resistant, enabling the tops to retain their look for years. Rounded waterfall edge.

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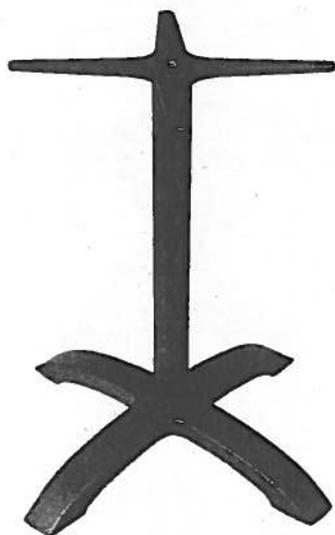
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Product #: BEL-4  
Our Price: \$132.48

## Belmar 4 Table Base



### Specifications

Width	26"
Depth	26"
Height	27.5"
Top Dimensions	36"x36" Square/ 36" Round (max top size)
Material	Aluminum
Weight	17 lb

#### Belmar Table Base Features

- Heavy Weight cast aluminum table base
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- Suitable for indoor or outdoor applications
- Standard dining height of 28"
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Our Price: \$62.67

## Rockport Side Chair



### Specifications

Width 21.5"

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Seat Height 17"

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### Wrought Iron Cafe Series Features

- Frames are constructed of 13/16" high strength tubular steel
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Please call the showroom to schedule an appointment.

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Los Angeles Showroom  
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Suite #307  
Palos Verdes Estates, CA 90274

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Fax: 310-544-2387 Toll-Free: 800-507-1789  
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### New England and Mid-Atlantic Sales Office and Showroom

Contract Furniture Company  
New York City Showroom  
936 West End Avenue, Suite A-2  
New York, NY 10025

Phone: 212-870-0190 Toll-Free: 888-870-0145  
Fax: 212-870-0192 Toll-Free: 888-870-0146  
Email: [Gene@contractfurniture.com](mailto:Gene@contractfurniture.com)

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### Hawaii and Pacific Rim Sales Office and Showroom

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ORBIT SALES  
Robert Small  
Caves at Kipapa  
Waipahu, HI 96797

Phone: 808-625-1000  
Fax: 808-625-7008  
Email: [info@orbitalsales.com](mailto:info@orbitalsales.com)

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## Corporate Office

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Please direct general inquiries to our corporate office.

Contract Furniture Company  
Corporate Office  
2325 Palos Verdes Drive West  
Suite #307  
Palos Verdes Estates, CA 90274

Phone: 310-544-2382 Toll-Free: 800-507-1785  
Fax: 310-544-2387 Toll-Free: 800-507-1789  
Email: [rouke@contractfurniture.com](mailto:rouke@contractfurniture.com)

INDIAN RUN MEADOWS  
COMMERCIAL USES  
DEVELOPMENT STANDARDS

A. Yard Requirements

1. Front Yard setback: For structures and parking 50'.
2. Side and rear yard setback adjacent to residential uses: All structures 50', all parking, service and loading areas 30': for non-residential uses, 25' setback for structures and 15' for parking, loading and services areas.

B. Building Area Development Standards

1. Maximum building height: Shall not exceed thirty five (35) feet.

C. Parking Standards

1. Off street parking shall be provided at one space per 150 square feet in area or at the rate required under the Dublin Zoning Code as it applies to commercial uses, whichever is less.

D. Lighting Standards

1. All lighting in the area shall be cut-off type fixtures (down lighting) maximum height of fixtures will not exceed 35'.
2. All external outdoor lighting fixtures to be used within a given development shall be from the same family, or similar manufacturer's type, to insure aesthetic compatibility. All light poles and standards shall be of wood or metal painted black, brown, or bronze.

E. Signage and Graphics Standards

1. All signing shall be of ground type (no pole signs) and shall be of a standard shape and frame. All sign frames shall be of natural wood, stone or metal painted black, brown or bronze. Internally illuminated graphics with opaque background shall be permitted, as well as externally lighted signs that do not interfere with safe vehicular movement.
2. Types of signs prohibited include signs with flashing lights or changeable copy, projecting signs, roof signs, billboards, co-ops signs, rotating signs, and trailer type signs. Any directory signs shall be more than 30 feet from the right-of-way.

3. Individual store graphics shall be integrated within the architectural design of the facia, and the background shall be of the same family and color.

F. Additional Development Standards

1. Curbcut locations: One full service curbcut and median cut into Muirfield Drive will be provided to jointly service the commercial and institutional parcels to be located on the common property line. There shall be only one full service cut into the southerly right-of-way. One (1) right turn in-and-out curbcut shall be permitted onto Muirfield Drive but have no median break. The Dublin Planning and Zoning Commission may determine that an additional break or separate median breaks for each use are more appropriate based on a Final Development Plan.
2. Landscape Buffer
  - a. Where commercial development abuts residential development, a landscape buffer will be installed containing a board-on-board fence as detailed on page 9 and a landscape buffer of both deciduous shade, ornamental, and evergreen trees. Minimum size at installation shall be 2-1.2" cal for deciduous shade trees, 1-1/2" cal for ornamental trees, and 6'-8' on evergreen. Landscape plant material will be placed on the residential side of the fence at a spacing of 1 tree per 15 linear feet of property line. Landscape buffer will be installed prior to the beginning of any construction on the sites. With the installation of Muirfield Drive, the site will be graded and seeded. The developer or his successor shall mow and properly maintain the site until it is developed.
  - b. The Muirfield Drive frontage of the multi-family site, commercial site, office institutional site, church site, undeveloped single-family site, school site, and park site shall be landscaped with plant material at least of a size, quantity and quality that currently exists on the east side of Muirfield Drive south of Tara Hill. The landscaping and mounding shall be in conformity with the drawing contained in the Indian Run Meadows single-family design guidelines. Weather permitting, landscaping and mounding shall be installed contemporaneously with the construction of Muirfield Drive. Mounding along both sides of Muirfield Drive and within the median strip shall be sodded. All other parcels shall be landscaped prior to occupancy of any building on such parcel.

Landscape Frontage Treatment on Side Streets

A landscaped earth mound shall be installed where the commercial, church, school, multi-family and office/institutional parcels front the side streets.

The mound shall have a minimum height of 4 feet above top of curb and shall be noncontinuous in height.

The same landscaping standards as shown on page 10, "Muirfield Boulevard Landscape Edge Treatment" shall be the standards applied to the frontage treatment on side streets.

3. Dumpster Enclosures

All dumpsters shall be enclosed with a 4 sided enclosure of wood, stone, brick or stucco. All enclosures will be of the same architectural materials as the main structure and will conform to all building setback requirements.

4. Street Grade

The street grade for the single-family street west of Muirfield Drive shall be at the same or less grade than Muirfield Drive.

The foundation of any house located on any lot abutting Muirfield Drive shall not be higher than three (3) feet above the street grade of the abutting street.

G. Architectural Standards

1. In keeping with the residential framework of the area, all architecture will be of a residential character and constructed of natural materials being stone, brick, wood and stucco. All buildings will be of the same finished quality on all 4 sides. Stone accent will be integrated into all buildings.

H. Permitted Uses

1. Those permitted uses shall be those listed in Chapter 153.027, Neighborhood Commercial District except "Eating and drinking places" shall include full line restaurants and shall not include fast food or drive-in restaurants or places primarily designed for entertainment or dancing and referred to by various names such as dance hall, cabaret, and night club and the following uses listed in Section 153.028, Community Commercial District.

Mens and boys clothing and furnishings stores

Womens accessory and specialty stores

Womens ready to wear stores

Shoe stores

Custom tailors

Furriers and fur shops

Book and stationery stores  
Jewelry stores  
Camera and photographic supply stores  
Optical goods stores

2. A maximum of 1,680 square feet of outdoor dining patio area located in front of the restaurant operating at 7148 Muirfield Drive at the time of approval of this development text known as Shade on Muirfield. This patio shall be constructed only in the location shown on the preliminary development plan.

The patio shall use amenities (such as tables, chairs, fence, umbrellas, flower boxes) that are of high quality. Patio chairs shall be black in color. Table tops may use a different color. Umbrellas shall be market-style. No outdoor amplifiers or music shall be permitted in the patio area. No additional lighting (other than allowed building lighting) shall be permitted in the patio area. The food service for this patio shall end at 10:30 p.m. and the patio operations shall cease at 11 p.m. A rezoning process will be required for any other patio areas.

Other than as set forth in the foregoing paragraph, the conditional uses contained in Section (Section 153.027(B)) are hereby prohibited.

I. Intensity

1. Within the commercial site the total square footage shall not exceed 10,000 square feet per acre. No single store shall exceed 30,000 sq. ft. and one-third of the total square footage shall be in stores which are less than 20,000 square feet in area.

Other than the standards listed above, all remaining development standards shall be as listed and applicable under Section 153 of the Dublin Code.

## Claudia D. Husak

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**From:** Tangeman, Jill S. <jstangeman@vorys.com>  
**Sent:** Friday, August 22, 2014 11:04 AM  
**To:** Claudia D. Husak  
**Subject:** FW: Athenry Shoppes - Mary Kelley Patio

Claudia:

Just wanted to forward to you my correspondence with the Indian Run Association. Looks like they are in support of the application.

Let me know what else you need at this time to move this forward.

Thanks so much!

Jill



**Jill S. Tangeman, Esq.**

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**From:** Michael A. Welsh [mailto:mawelsh@yahoo.com]  
**Sent:** Thursday, August 14, 2014 9:23 PM  
**To:** Tangeman, Jill S.  
**Cc:** waldonia@wowway.com  
**Subject:** Re: Athenry Shoppes - Mary Kelley Patio

Hi Ms.Tangeman:

We appreciate your consideration. I walked down to Shade tonight to fully understand the "Phase 1" and "Phase 2" patio plans, and understand it only involves the patio in the **front** of the restaurant, and not the space to the side that is controversial to many of our residents on Calvary Ct. Phase 2 simply expands the patio by removal of landscaping on the **front** patio.

We verified with Mr. McCash that the adjacent neighbors are in agreement with the proposal. Therefore, IRMCA reaffirms the earlier agreement with Mary Kelley's that use of the front patio space use is acceptable, so long as all general restrictions for the shopping center are abided by (hours of use, etc.)

Thank you

Michael Welsh  
Secretary, IRMCA

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**From:** "Tangeman, Jill S." <[jstangeman@vorys.com](mailto:jstangeman@vorys.com)>  
**To:** "[waldonia@wowway.com](mailto:waldonia@wowway.com)" <[waldonia@wowway.com](mailto:waldonia@wowway.com)>; "[mawelsh@yahoo.com](mailto:mawelsh@yahoo.com)" <[mawelsh@yahoo.com](mailto:mawelsh@yahoo.com)>; "[info@indianrunmeadows.com](mailto:info@indianrunmeadows.com)" <[info@indianrunmeadows.com](mailto:info@indianrunmeadows.com)>  
**Sent:** Tuesday, August 12, 2014 6:00 PM  
**Subject:** Athenry Shoppes - Mary Kelley Patio

Dear officers for the Indian Run Meadows Homeowners Association:

As you probably know, a new restaurant known as "Shade" moved into the space in Athenry Shoppes previously occupied by Mary Kelley's.

When approval for the front patio was obtained from the City of Dublin for this tenant space, the approval for the patio was limited to use by Mary Kelley's only. Consequently, in order for Shade to use the front patio, we need to seek approval from the City of Dublin.

The City of Dublin asked that I reach out to you to share the proposal with you and ask if you have any concerns. I have had a number of conversations with Tom McCash regarding the request, but since Tom is not an office of the association (as far as I know), the City asked me to contact you as well.

The only purpose of the request is to allow the Shade restaurant to use the patio. None of the development standards or design criteria that were approved for the patio will change.

Attached is a copy of the patio site plan and the text. The only change to the text from that approved previously is to state that Shade can use the patio.

Please let me know if you have questions. I'm happy to discuss this in person or over the phone as well. My contact information is below.

Thanks in advance for your time.

Jill



**Jill S. Tangeman, Esq.**

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