



City of Dublin

Land Use and Long
Range Planning
5800 Shier Rings Road
Dublin, Ohio 43016-1236
phone 614.410.4600
fax 614.410.4747
www.dublinohio.us

PLANNING AND ZONING COMMISSION

RECORD OF ACTION

MAY 2, 2013

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

- 1. Thomas Kohler PCD, Subarea E – Emerald Town Center**
13-024AFDP/CU **5665-5685 & 5625-5649 Woerner-Temple Road**
Amended Final Development Plan/Conditional Use

Proposal: Outdoor dining patios for two restaurants within the Emerald Town Center shopping center. The site is located at the southeast corner of the intersection of Emerald Parkway with Woerner-Temple Road.

Request: Review and approval of an amended final development plan under the provisions of Zoning Code Section 153.050 and review and approval of a conditional use under the provisions of Zoning Code Section 153.236.

Applicant: Joel Sigler, architect; representing Carey Emerald LLC, owner.

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

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

MOTION #1: To approve the Minor Development Text modification to permit a patio for Building 3 to encroach a maximum of 10 feet into the required building setback along Emerald Parkway because the required text modification is minor in nature and the surrounding landscape mound will partially screen the patio.

VOTE: 7 – 0.

RESULT: This Minor Development Text modification was approved.

RECORDED VOTES:

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



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Applicant: Joel Sigler, architect; representing Carey Emerald LLC, owner.

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

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

Motion #2: To approve this Amended Final Development Plan application because the proposal complies with Code, as modified the amended final development plan criteria and existing development in the area, with one condition:

- 1) That the shrub row of plantings along the Emerald Parkway elevation of Building 3 which should be replaced as part of the patio installation.

*Ed Carey, Carey Emerald LLC, agreed to the above conditions.

VOTE: 7 – 0.

RESULT: This Amended Final Development Plan application was approved.

RECORDED VOTES:

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



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Applicant: Joel Sigler, architect; representing Carey Emerald LLC, owner.

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

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

Motion #3: To approve this Conditional Use application because it complies with the applicable review criteria, with three conditions:

- 1) That both patios restrict operations to end service end at 10:00 pm and both patios close at 11:00 pm or earlier;
- 2) That the proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible; and,
- 3) That the patio proposed for Building 4 be enclosed by the same type of four-foot wrought-iron style fence as the Building 3 patio.

*Ed Carey, Carey Emerald LLC, agreed to the above conditions.

VOTE: 7 – 0.

RESULT: This Conditional Use application was approved.

RECORDED VOTES:

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

STAFF CERTIFICATION

Claudia D. Husak, AICP
Planner II

Ms. Husak said that Planning is also recommending approval of this Amended Final Development Plan with two conditions:

- 1) That the 157 square feet of patio space for Building 1 be restored with lawn; and
- 2) That the shrub row of plantings along the Emerald Parkway elevation of Building 3 which should be replaced as part of the patio installation.

Ms. Husak said that Planning is recommending approval of the Conditional Use with three conditions:

- 1) That both patios restrict operations to end service end at 10:00 pm and both patios close at 11:00 pm or earlier;
- 2) That the proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible; and
- 3) that the patio proposed for Building 4 be enclosed by the same type of four-foot wrought-iron style fence as the Building 3 patio.

Ed Carey, Emerald LLC, the owner of Emerald Town Center and the Ashland & Highland Restaurant, said that working with Planning had been very pleasurable, factual, and easy. He said the area that is approximately 157 feet that used to be a patio is really a walkway with open space, with a brick space on either side of it. He said he thought the walkway was better in appearance and easier to maintain than grass. He said he hated to spend the money to remove the bricks and put down grass, but he was willing to do that if the Commission wanted him to do it.

Warren Fishman recalled that for previous patios in the past, the Commission has required that all patio furniture in a shopping center be of all the same style, however he said it did not matter either way to him.

Ms. Husak explained that in the instances of the Giant Eagle and Avery Square shopping centers, that it was required when Administrative Approval was allowed for additional patio spaces as part of the development text allowing a certain square footage to be approved administratively, and as part of the language, it included matching or complementary patio amenities. She said in this instance, Planning did not think it was as important because the patios are not facing the same sides of the road and therefore are not going to be visible at the same time.

Amy Kramb asked if the removed shrubs were to be placed on the outside of the fence and if that was okay because they were already encroaching.

Ms. Husak said that the landscaping material would be permitted in that space. She reiterated that they were not required plantings, but Planning felt they would soften the fence.

John Hardt asked what was the rationale for requiring that the existing patio to be removed.

Ms. Husak explained that the applicant had received approval at the Final Development Plan of the 1,300 square foot maximum amount of patio space that is included in their stormwater management plan and parking counts. She said that 157 square feet are not really going to bother Engineering as far as stormwater management is concerned and it does not affect lot coverage. She said her concern was more that it is in addition to the originally approved 1,300 square feet. She said she thought it was a better idea to just remove the patio and take it off the table.

Ms. Amorose Groomes asked if the 1,300 square foot was primarily because of stormwater management.

Ms. Husak said it was parking.

Ms. Amorose Grooms said that they could suggest permeable pavement for the stormwater.

Ms. Husak said it was a small area, and leaving the area in does not necessarily allow the applicant to use it. She said they would always have to come back to the Commission for review and approval to use it. She said it would require two extra parking spaces if they were to use it.

Mr. Hardt said that they were making a minor modification to the zoning and they could modify that. He said he got frustrated by the fact that they are going through a lot of efforts across the whole City to create a walkable pedestrian-friendly place and the Community Plan is full of pictures of people dining al fresco and all the wonderful outdoor activities, but we make it hard for people to add patios. He said to quibble over 157-square-feet was trivial to him.

Ms. Amorose Grooms said that the applicant does not seem to be lacking parking spaces currently and since they would have to come back in order to use them, the Commission would certainly be able to make a judgment call based upon the other auxiliary uses within the center of whether they thought the use of this 157 square foot area would have an impact on the parking.

Mr. Hardt said that he did not think there was any evidence of a parking problem. He said if the Commission could do something to make this space more marketable, he would not have a problem with that.

Mr. Budde said he agreed 100 percent with Mr. Hardt.

Ms. Newell said she had no issues in terms of the paved area remaining. She suggested a condition be added to clearly define that it is not to be interpreted as a patio, and that the applicant would have to come back to the Commission later.

Ms. Husak said if the condition was that they had to come back, it almost implied that it is okay to be used. She said that they have to come back and cannot use it.

Ms. Amorose Grooms said that would be Condition 1 on Motion #2.

Mr. Hardt said that someday the applicant may want to backfill the space with a coffee shop or something else.

Motion #1 and Vote - Minor Development Text Modification

Ms. Krumb moved, and Mr. Hardt seconded, to approve the Minor Development Text modification to permit a patio for Building 3 to encroach a maximum of 10 feet into the required building setback along Emerald Parkway because the required text modification is minor in nature and the surrounding landscape mound will partially screen the patio.

The vote was as follows: Mr. Taylor, yes; Mr. Fishman, yes; Mr. Budde, yes; Ms. Newell, yes; Ms. Amorose Grooms, yes; Mr. Hardt, yes; and Ms. Krumb, yes. (Approved 7 – 0.)

Ms. Amorose Grooms confirmed that there were no public comments or questions with respect to this application.

Motion #2 and Vote - Amended Final Development Plan

Mr. Fishman moved, and Ms. Kramb seconded, to approve this Amended Final Development Plan application because the proposal complies with Code, as modified the amended final development plan criteria and existing development in the area, with one condition:

- 1) That the shrub row of plantings along the Emerald Parkway elevation of Building 3 which should be replaced as part of the patio installation.

Ed Carey, Emerald LLC, agreed to the condition.

The vote was as follows: Mr. Hardt, yes; Ms. Amorose Groomes, yes; Mr. Taylor, yes; Ms. Newell, yes; Mr. Budde, yes; Ms. Kramb, yes; and Mr. Fishman, yes. (Approved 7 – 0.)

Ms. Amorose Groomes requested that in Condition #1 for the Conditional Use, the word 'by' be changed to 'at' to avoid any misinterpretation.

Motion #3 and Vote - Conditional Use

Mr. Hardt moved, and Ms. Newell seconded, to approve this Conditional Use application because it complies with the applicable review criteria, with three conditions:

- 1) That both patios restrict operations to end service end at 10:00 pm and both patios close by 11:00 pm or earlier;
- 2) That the proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible; and
- 3) That the patio proposed for Building 4 be enclosed by the same type of four-foot wrought-iron style fence as the Building 3 patio.

Ed Carey, Carey Emerald LLC, agreed to the conditions.

The vote was as follows: Ms. Kramb, yes; Mr. Taylor, yes; Ms. Amorose Groomes, yes; Mr. Budde, yes; Mr. Fishman, yes; Ms. Newell, yes; and Mr. Hardt, yes. (Approved 7 – 0)

**2. ~~Midwestern Auto Group PUD – MAS Audi~~
~~13-035AFDP~~**

**~~5875 Venture Drive~~
~~Amended Final Development Plan~~**

~~Ms. Amorose Groomes introduced this Amended Final Development Plan application requesting review and approval for a modification to the approved building materials for the service reception area of the approved Audi showroom building for the Midwestern Auto Group dealership campus. She said the site is located on the south side of Venture Drive, north of US33/SR161. She said that Commission is the final authority on this application.~~

~~Ms. Amorose Groomes swore in those intending to speak in regards to this application, including the applicant Brad Parish, Architectural Alliance (165 N. 5th Street, Columbus, Ohio) and City representatives.~~

~~Ms. Amorose Groomes confirmed that the Commissioners did not need to hear Claudia Husak present the Planning Report for this previously consented application. She asked if the Commissioners had any questions or comments.~~

~~John Hardt said that they only thing that caused him hesitation about the previous building was the fact that the entire campus was made up of a variety of materials and forms and this was a pristine view. He~~