

**Ordinance 100-14**

**Rezoning Approximately 2.9 Acres, Located on the North Side of Perimeter Drive, Between the Intersections with Avery-Muirfield Drive and Hospital Drive from PUD, Planned Unit Development District (Riverside PCD North, Subarea A3) to PUD, Planned Unit Development District (Riverside PUD North, Subarea A3) to Facilitate the Development of a Coffee Shop with Drive-Thru. (Case 14-069Z/PDP/FDP)**

Ms. Husak noted this legislation was introduced on September 22. This application relates to a Starbucks coffee shop with a drive-thru in the Perimeter Retail Center. The construction of the Center on the north side of Perimeter Drive was recently completed. She shared the approved site plan from the 2012 rezoning. As proposed, the applicant is suggesting a Starbucks coffee shop for the easternmost tenant space, with the required stacking circulating around the eastern portion of the site. The plan accommodates 12 stacking spaces, as the Zoning Code requires. On the elevations, a minor change has been made for the drive-thru canopy on the eastern portion of the building. This was previously intended to be a patio space. A patio space could still be accommodated on the south side of the building on Perimeter Drive.

The Commission took three actions on this application at their August meeting, recommending approval to Council of the rezoning/preliminary development plan with one condition; approval of the final development plan with two conditions; and approval of a conditional use with two conditions.

Planning staff is recommending approval of this ordinance to Council with one additional condition, based on the first reading discussion regarding the circulation and stacking. The proposed condition requires employees to park in the northern parking area to reduce conflicts for circulation in the stacking area.

The applicant has also included some graphics of drive-thrus within the City. She shared a graphic of the proposed coffee shop drive-thru, depicting the 12 stacking car space required by Code and depicting in red additional stacking that would potentially block the on site parking spaces. The McDonald's restaurant near this site stacks 11 vehicles on site, and beyond that, the vehicles are stacked within drives used by the public. The nearby Tim Horton's restaurant is required to have eight stacking spaces on site, which was the requirement at the time the restaurant opened. Anything over eight cars in line results in potential stacking on the public road.

Mr. Lecklider asked about the Starbucks rendering of the potential stacking, noting that it results in the other 12 parking spaces on site nonfunctional. They would not be accessible, given the stacking of vehicles in the drive-thru.

Ms. Husak responded that the assumption is that the stacking vehicles would not be stopped for a long time within the drive-thru area. She acknowledged that the stacked vehicles will result in some delays for those who want to enter and exit parking spaces on site.

Mr. Lecklider stated that during the busiest times of operation, when people desire to park as close as possible to the doors, that is presumably when stacking will be at its peak – making access to parking spaces difficult. Is that a logical assumption?

Ms. Husak responded affirmatively, but added that there are spaces immediately adjacent to the restaurant that are available – especially if employees are required to park in a separate area of the site. This may address the concerns. The applicant has also provided some use data, which indicates that 60 visitors in total (drive-thru and walk-in customers) are expected in the busiest hour, based on another Starbucks location with much heavier traffic than what is anticipated at this location. Staff is therefore comfortable that the cars will either park or move through the drive-thru fairly quickly.

Ms. Chinnici-Zuercher stated that, based on her experience in Historic Dublin, there has been a lot of discussion over the years about employees parking in the public

RECORD OF PROCEEDINGS  
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

October 13, 2014

Page 4 of 15

Held

20

spaces designated for the patrons to use. The employees continue to park immediately adjacent to where they work without regard to the requests to park elsewhere. The City has generally not been successful with this kind of expectation. This results in loss of customers due to the parking issues.

Mr. Lecklider noted that the current zoning text for this Center explicitly prohibits drive-thru uses and also prohibits fast food. Starbucks sells food items as well as coffee. What is the demarcation point where Starbucks qualifies as an establishment that serves food versus a coffee shop?

Ms. Husak responded there was much discussion at the Commission and staff level about this. In the end, the Commission felt comfortable that a coffee shop in general would not fit the category of fast food, given that one does not go to a coffee shop to eat, but rather for a beverage. In the conditional use approval, the Commission specifically required the conditional use to be applicable only to a coffee shop, which alleviated the concerns expressed in the coffee shop/fast food discussion.

Ms. Chinnici-Zuercher stated this is an interesting point, given there are other merchants in this Center that provide food and might be considered fast food, since the food is purchased and the patron leaves. The concept of what constitutes fast food is quite different from 25-30 years ago. Starbucks could locate in this Center now under the current zoning; the only reason this application is before Council is because of the request for a drive-thru. Council could disapprove the drive-thru request and Starbucks could then decide if they want a coffee shop without a drive-thru in this Center.

Mayor Keenan commented that he has heard from many, including Dewey's Pizza, that they are excited with the opportunity to have a Starbucks in this location. They felt the drive-thru would help give the Center visibility, given the back of the buildings face Perimeter. Having additional traffic at the Center with Starbucks would bring more customers to the Center and would not impact their operations, since the other businesses open later in the morning.

Mr. Lecklider stated he appreciates this viewpoint. However, at the time this rezoning was approved, drive-thru uses were explicitly prohibited. What is different today than at the time it was first zoned?

Ms. Salay added that Council never would have approved this rezoning, had a drive-thru been included.

Mr. Lecklider commented that Starbucks is certainly a great tenant and attraction for the Center. But again, this Center was specifically zoned to prohibit drive-thru uses for this beautiful building with four-sided architecture. It is unfortunate that a menu board and car stacking will now be the features noticeable on site, if this rezoning is approved.

There was no further discussion.

Vote on the Ordinance (including all conditions of Planning and Zoning Commission as well as the condition recommended by staff): Ms. Salay, no; Mr. Lecklider, no; Vice Mayor Gerber, yes; Mr. Peterson, yes; Mayor Keenan, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, no.

**INTRODUCTION FIRST READING ORDINANCES**

**Ordinance 10-14**

**Rezoning approximately 4.91 acres, on the East Side of Avery-Murfield 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**



**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**AUGUST 21, 2014**

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

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

- Proposal: This is a proposal for a Starbucks Coffee Shop with a drive-thru and associated site improvements for an existing shopping center within Subarea A3 of the Riverside PCD North Planned District on the north side of Perimeter Drive, between the intersections of Avery Muirfield Drive and Hospital Drive.
- Request: This is a request for review and recommendation of approval to City Council for a rezoning/preliminary development plan application under the provisions of Zoning Code Section 153.050 and a request for review and approval of a final development plan application under the provisions of Zoning Code Section 153.050 and review and approval of a conditional use for a drive-thru under the provisions of Zoning Co9de Section 153.236.
- Applicant: Centre at Perimeter, LLC; represented by Paul Ghidotti, The Daimler Group.
- Planning Contact: Claudia D. Husak, AICP, Planner II.
- Contact Information: (614) 410-4675, 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, with one condition:

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

\*Paul Ghidotti agreed to the above condition.

**VOTE:** 4 – 2.

**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 No
- Amy Kramb Yes
- John Hardt Yes
- Todd Zimmerman Yes
- Victoria Newell Absent
- Amy Salay No



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**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**AUGUST 21, 2014**

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

**MOTION #2:** John Hardt moved, Amy Kramb 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 the applicant revise the size of the menu board to 32 square feet prior to applying for a sign permit; and
- 2) That the evergreens screening the drive-thru be pulled back from the curb at least 5 feet and that a plant different from junipers be selected, subject to approval by Planning.

\*Paul Ghidotti agreed to the above conditions.

**VOTE:** 4 – 2.

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

**RECORDED VOTES:**

|                       |        |
|-----------------------|--------|
| Chris Amorose Groomes | Yes    |
| Richard Taylor        | No     |
| Amy Kramb             | Yes    |
| John Hardt            | Yes    |
| Todd Zimmerman        | Yes    |
| Victoria Newell       | Absent |
| Amy Salay             | No     |

**MOTION #3:** John Hardt moved, Todd Zimmerman seconded, to approve this conditional use application because the proposal complies with the applicable review criteria, with two conditions.

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

\*Paul Ghidotti agreed to the above conditions.

**VOTE:** 5 – 1.

**RESULT:** The Conditional Use application was approved.

**RECORDED VOTES:**

|                       |        |
|-----------------------|--------|
| Chris Amorose Groomes | Yes    |
| Richard Taylor        | Yes    |
| Amy Kramb             | Yes    |
| John Hardt            | Yes    |
| Todd Zimmerman        | Yes    |
| Victoria Newell       | Absent |
| Amy Salay             | No     |

**STAFF CERTIFICATION**

  
 Claudia D. Husak, AICP  
 Planner II

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

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

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

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

Ms. Husak summarized the recommended conditions:

Rezoning/Preliminary Development Plan

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

Final Development Plan

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

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

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

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

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

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

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

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

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

Ms. Amorose Groomes swore in the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Kramb asked what size it was permitted.

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

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

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

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

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

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

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

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

Ms. Amorose Groomes suggested different plant materials.

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

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

Mr. Hartman suggested "non-alcoholic" text be added.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Amorose Groomes asked what that term might be.

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

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

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

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

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

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

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

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

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

Ms. Amorose Groomes said Code permits 32 square feet.

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

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

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

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

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

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

### **Motion and Vote**

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

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

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

**Motion and Vote**

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

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

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

**Motion and Vote**

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

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

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



City of Dublin

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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

**JUNE 5, 2014**

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

**1. Riverside PCD North, Subarea 3 – The Perimeter Starbucks Informal Review  
14-045INF 6510-6570 Perimeter Drive**

**Proposal:** An informal request for review and feedback for a Starbucks Coffee Shop with a drive-thru for an existing shopping center on the north side of Perimeter Drive, between the intersections of Avery Muirfield Drive and Hospital Drive.

**Request:** This is a request for informal review and feedback for a potential future rezoning and final development plan application.

**Applicant:** Centre at Perimeter, LLC; represented by Paul Ghidotti, Daimler.

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

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

**RESULT:** The Commission commented informally on a request for review and feedback for a Starbucks Coffee Shop with a drive-thru for an existing shopping center on the north side of Perimeter Drive, between the intersections of Avery Muirfield Drive and Hospital Drive. Some Commissioners preferred this location for a Starbucks Drive-Thru to a previously proposed site. Most Commissioners were concerned about the impacts of the proposal on parking, circulation, screening and potential noise. Commissioners suggested contacting adjacent neighborhoods who were previously concerned about commercial development north of Perimeter Drive. The Commission suggested the applicant revise the development text to limit drive-thrus to certain uses and requested operational details for a Starbucks drive-thru as well as stacking data and peak time use data.

#### STAFF CERTIFICATION

Claudia D. Husak, AICP

Planner II

**1. Riverside PCD North, Subarea 3 – The Perimeter Starbucks Informal Review  
14-045INF 6510-6570 Perimeter Drive**

Ms. Amorose Groomes said the following application is a request for an informal request for review and feedback for a Starbucks Coffee Shop with a drive-thru for an existing shopping center on the north side of Perimeter Drive, between the intersections of Avery Muirfield Drive and Hospital Drive.

Ms. Husak presented this informal application and said that the site is to the north of Perimeter Drive where they received zoning approval in January 2013 to build the existing 14,000-square-foot retail building. She said the site required that zoning to allow the size of the restaurants and the combination of everything in one building.

Ms. Husak said the proposed site originally included restaurant spaces at either end of the retail center with patio spaces on both ends and one of the major restaurant tenants elected to go into the center of the building which is Dewey's Pizza now open for business. She said Starbucks is asking to use a tenant space on this site for their coffee shop and include a drive-thru and the applicant would like some feedback on a use stand point and could this use be accommodated on this site particularly because the development text does not permit a drive-thru within the subarea and would require another rezoning.

Ms. Husak said they looked through different issues that could be presented and they came up with a plan to accommodate the stacking and the impacts to the site. She said they propose to eliminate the internal access point along the private drive from Perimeter Drive that loops around the entire site and connects the tenant spaces and the building within the development. She said the drive-thru is intended to be in the area along the eastern portion of the site providing 12 stacking spaces which is required by Code and loops around the southern portion and the area that was intended to be the patio with an awning overhang is now the drive-thru window. She said there is concern with the escape lane circulation with the parking spaces potentially backing out into the stacking lane as well as the exiting the drive-thru with the entrance of the center which the applicant provided a alternate design which provides a landscaped island that would separate the drive-thru from the parking spaces and still provide a drive isle and increase the landscape island to the north to separate the drive-thru exit more from the parking at the front of the shopping center and includes heavy landscape screening along the side to hide the drive-thru activity from Perimeter Drive.

Ms. Husak said there are two discussion questions for the commission on whether or not the Starbucks with a drive-thru is appropriate to the site and are there any other circulation considerations the applicant could make to eliminate some of the conflicts highlighted.

Paul Ghidotti, 6840 McNeil Drive, Dublin, Ohio, working with the Daimler Group, the owner and managing member of this center, shared a little history important to this site regarding the rezoning and previous plans because it is unusual to be talking about a specific tenant by name. He said usually there is a building design and the tenants come and they figure out how they will fit into a space and if there are changes they come back for approval. He said they have a nice mix of uses with 10 year leases and there is a very strong lunch oriented users, with one dinner user, and a tenant for bunt cakes which closes at 6 pm. He said if they are able to get a coffee shop like Starbucks they will be open all day with drive-thru peaks during morning hours. He said Starbucks has tried for eleven years to find a location in this area.

Ms. Amorose Groomes asked if there was anyone from the general public that would like to speak with respect to this application. [There were none.]

Mr. Budde said he appreciates the summary of the history and likes the alternative plan with the use peak hours being morning when the other spaces are closed and supports the proposal.

Ms. Kramb said when she read through the minutes there was discussion to not have fast food or drive-thrus with the considerations being for the residents to the north and to avoid high volumes throughout the day. She said in this instance with a drive-thru busy in the mornings she could support and be comfortable because it is a Starbucks and would like to approve as a conditional use and restrict the drive-thru use only as long it is a Starbucks. She liked the alternative design and said there should be more striping for a walkway to the restaurant crossing the drive-thru lane and at the top of the drive-thru lane at the northeast corner to keep stacking from the access to the parking spaces. She said the original approval was for a certain number of patio square footage and wanted to make sure the text reflects the changes to allowable patio space. She said they needed to indicate where the ordering boards would be located and provide the other details related to speakers and lighting.

Mr. Taylor said this proposal seems shoe horned and jammed into this site and he is concerned with losing the access to the parking from the east. He said it seems like an awkward placement and forced on the site and does not like losing the parking with how much would be required on this site.

Mr. Ghidotti said they were able to secure a parking easement with Champaign to the east and that they exceed Code even with losing the 14 spaces by 12 or 14 spaces and they will have the ability to park 20 cars after banking hours to the east. He said there are discussions with the dental office being built to the northwest to allow parking on that site as well. He said with having complimentary uses with the various hours that each restaurant operates will allow them to minimize pavement and support the uses.

Mr. Taylor said they could talk about parking numbers and he could probably get happy with it but his biggest concern is the overall circulation of the site.

Mr. Ghidotti said the proposed access will match the neighboring center with two access points.

Mr. Hardt complimented the applicant on the building and was glad they went the extra mile on the building. He said it's exiting getting two larger sit down restaurants in this location with outdoor seating space which is lacking in this part of the community. He said what causes him pause is with losing a viable restaurant space and outdoor patio and is a shame. He said if there is going to be a drive-thru on this site they have made it work about as well as it can. He likes the new plan presented better than the older one.

Mr. Hardt said the traffic for Starbucks is all morning traffic and the pizza place is evening traffic and potentially the other restaurant is lunch traffic and that would work, but if the other restaurant was a breakfast place the traffic does not work.

Mr. Hardt said he lives in a condo on Post Road and if he is outside the only thing he hears is SR 33 and the prospect of hearing a drive-thru is an impossibility and is not anything he would be concerned about.

Ms. Salay complimented the applicant on the building. She visited Dewey's on Sunday and was disappointed they are only open till 4:00, but they are very busy and expected they will be at lunch time. She recommended they get in touch with the neighbors at Lowell Trace and Indian Run Meadows knowing that they would be interested in this project. She said if the speaker is done properly they will not be able to hear, but she has heard that residents in Lowell Trace can hear party's at BW3s patio with outdoor speakers and music.

Ms. Salay said she likes the alternative design and seeing that there are 12 spaces for stacking but the real world events shows that there is a need for more and a solution needs to be prepared prior to bringing this back as a formal application. She said knowing that Starbucks now sells food this will be a business that will have business through the noon hour and wanted them to be prepared for the increase. She said this is a better location for Starbucks and is glad to hear about the parking agreements with surrounding businesses.

Ms. Newell said she has reservations for using this site with a drive-thru and the layout proposed in response to staff's comments is the best arrangement that they could accommodate. She said she would like to see screening using low stone wall features or a combination of landscaping nicely integrated with the building. She said she is concerned with stacking and that they will not just busy during morning hours they serve lunch fare and expects this location to be used frequently especially with students after school hours. She is concerned with changing the text to allow a drive-thru to certain uses and asked for operational details for a Starbucks drive-thru as well as stacking data and peak time use data.

Ms. Amorose Groomes said losing the entrance to the east is not a hurdle, but it would be interesting to see how traffic patterns would circulate through the parking lot and would not want access to the drive-thru lane from the adjacent parking area. She requested operational details for comparable Starbucks for busy times of the day. She said the building is well done. She said she thought it would be nice if this location would have outdoor seating.

Mr. Ghidotti said it will have some outdoor seating with two or three café type tables but they have not shown it and would welcome feedback on where it could be located.

Ms. Amorose Groomes said she is not opposed to the drive-thru concept, but felt it had to be the right user and should be a conditional use type of application and limited to a coffee shop type use and not an ice cream or fast food type user and with the university coming there might be some opportunities in the area.

Mr. Ghidotti said they have good feedback and hoped to be back in the next 60 days with a formal application.

Ms. Amorose Groomes thanked the applicant and said they will look forward to seeing the application.

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL, BLAIR, INC., FORM NO. 10748

January 28, 2013

Page 4

Held

20

Chief Von Eckartsberg stated that they made a suggestion to the Prosecutor that the agreement be reviewed on a five-year basis, as the last agreement was put into place 20 years ago. There is no provision included for required review, however.

Ms. Chinnici-Zuercher noted that a three-year renewal term was included in Ordinance 09-13.

Chief Von Eckartsberg stated that the County Prosecutor apparently responded to the request in regard to that agreement.

There will be a second reading/public hearing of Ordinance 10-13 at the February 11 Council meeting.

#### **CONSENT AGENDA (resumed)**

Mayor Lecklider moved approval of actions requested for the six items remaining on the consent agenda.

Mrs. Boring seconded the motion.

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

#### **Approval of Regular Meeting Minutes of January 14, 2013**

##### **Ordinance 03-13 (Introduction / first reading)**

Authorizing the City Manager to Enter Into a Master Memorandum of Understanding with the Central Ohio Community Improvement Corporation for Land Reutilization. (Second reading/public hearing February 11 Council meeting)

##### **Ordinance 07-13 (Introduction / first reading)**

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.130 Acre, More or Less, Permanent Multi-Use, Utility, Grading and Drainage Easement and a 0.031 Acres, More or Less, Temporary Easement from James D. and Molly B. Nester. (Second reading/public hearing February 11 Council meeting)

##### **Ordinance 09-13 (Introduction / first reading)**

Authorizing the City Manager to Execute an Emergency Mutual Aid Agreement with Various Jurisdictions Working in Conjunction with Franklin County. (Second reading/public hearing February 11 Council meeting)

##### **Resolution 01-13 (Introduction / Vote)**

Authorizing the City Manager to Execute a Contract with the Franklin County Public Defender Commission for the Defense of Indigent Defendants.

##### **Resolution 03-13 (Introduction / Vote)**

Authorizing the City Manager to Enter into an Agreement for Shared Fleet Maintenance Services.

#### **SECOND READING/PUBLIC HEARING - ORDINANCES**

##### **Ordinance 01-13**

**Rezoning Approximately 2.9 Acres Located on the North Side of Perimeter Drive, Between the Intersections with Avery Muirfield Drive and Hospital Drive from PCD, Planned Commerce District (Riverside PCD North, Subarea A3) to PUD, Planned Unit Development District (Riverside North, Subarea A3) to Facilitate the Development of the Site with an Approximately 14,500-square-foot Retail Building, Including Restaurant Spaces and Associated Patios. (Case 12-0732/PDP/FDP)**

Ms. Husak stated that no changes have been made since the first reading of the ordinance. She and the applicant, Mr. Ghidotti are available to respond to any questions.

Mayor Lecklider noted that Mr. Maurer has pointed out that the proposed development text contains a 2012 date instead of 2013.

Ms. Husak responded that staff would obtain a signed copy of the text with a 2013 date.

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10123

January 28, 2013

Page 5

Held

20

Mayor Lecklider invited public testimony.

Wallace Maurer, 7451 Dublin Road stated that the great 19<sup>th</sup> century philosopher John Ruskin, sharing his views about architecture, said, "Show me your buildings – the ones you like -- and I'll tell you what type of society you are. I'll tell you what your moral and intellectual level is." He would like to read two statements from the fourth page of staff's memo, under "Final Development Plan Conditions:" The first statement is, "that the elevations be revised to replace the gable returns with a more appropriate style." The second statement is, "that the sea green junipers on the north side of the site be replaced with winter gem boxwoods." In regard to the first statement, the writer obviously has in mind an artistic or architectural principle or conviction and implies that this style is not adequate and should be replaced with something more appropriate. The question is, what is the collection of principles, ideas or convictions about architecture? In regard to the second statement, there is also an artistic or architectural principle judgment involved. Again, the issue is what exactly are these principles? He assumes that the response would be a stated preference for traditional architecture. However, the question remains - what is the nature, objectives, and ultimate goal for the aesthetics of the architecture, and what does that reveal about the City's ideals?

Mayor Lecklider responded that he assumes that answer can be derived from the Planning & Zoning Commission minutes. He invited Ms. Husak to respond.

Ms. Husak stated that the clarification is provided in the Commission's minutes.

Vice Mayor Salay stated that there are three architects and a landscape designer on the Planning and Zoning Commission, and they typically provide that type of input.

Mr. Maurer responded that there are guiding principles involved, and he would seek further information from these individuals.

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

## **Ordinance 02-13**

### **Amending the City of Dublin Building Code.**

Mr. Tyler stated that the Dublin Residential Building Code is based upon the 2013 Residential Building Code of Ohio, which is based upon the 2009 International Residential Building Code. That Code is developed through a consensus process involving members of the building community – architects, engineers, homebuilders, and government officials. When Ohio receives that Code, it is modified to meet the Ohio requirements through the Residential Code Advisory Committee. Therefore, when the Code is brought to local entities, it has been through a comprehensive review. Dublin makes minor revisions to the base document to make it the Dublin Residential Building Code. That Code is very similar to the previous 2006 version.

Mayor Lecklider stated that he recalls there was a lawsuit in regard to that Residential Code. Is Dublin permitted to make some revisions to the Code?

Mr. Tyler responded that, as a result of that lawsuit, Dublin was permitted to make four revisions to that Code. Of those revisions, one is now being deleted due to the fact that it has already been included in the base document – it is no longer a Dublin-only provision. Mr. Keenan asked that is the carbon monoxide provision.

Mr. Tyler responded affirmatively. Dublin had the provision previously, but because the International Code has now included it in their version, the City no longer needs to include it specifically.

Mr. Keenan noted that Dublin has included it in the City Code for the past 8-10 years.

Mr. Tyler confirmed that is correct.

Ms. Chinnici-Zuercher asked if there will be increased costs to developers as a result of the Code amendment.

Mr. Tyler responded that in 2009, the State began its process to update the 2006 version of the Residential Building Code. At that time, there was no data indicating what cost increase would result from the new provisions that would be coming to the State. It required approximately three years to complete that process, and the State was satisfied that the safety provisions of the revised Code outweighed the increased costs, which

# RECORD OF PROCEEDINGS

Minutes of

Dublin City Council

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 101-B

January 14, 2013

Page 4

Held

20

Ms. Grigsby responded that she does not have that information at hand, but can provide that to him.

2. Asked what employee groups are unionized?

Ms. Grigsby responded that the three groups that are unionized are the Police officers who are in the Fraternal Order of Police, the communication technicians/dispatchers who are in another unit of the F.O.P.; and the maintenance workers and mechanics that are in the United States workers union.

3. Asked for more information about the position of specialist for public art conservation. He observes that this position is categorized as an implementer in the pay bands. He notes that this matrix has been carefully thought out and must have been a very collaborative effort. This is a substantive breakdown. What would staff consider the qualifications to be for a public art conservationist, and his/her relationship to art?

Ms. Grigsby stated that this position would perform two main functions: maintenance of public art and providing for timely presentation of the public art in place for the City, and contract administration for the City, related to art or other areas as needed. This position will have a dual role.

Vote on the Ordinance: Vice Mayor Salay, yes; Mayor LeMaidier, yes; Mr. Gerber, yes; Mr. Keenan, yes; Ms. Chinnid-Zuercher, yes; Mr. Reiner, yes.

## **INTRODUCTION/FIRST READING – ORDINANCES**

### **Ordinance 01-13**

**Rezoning Approximately 2.9 Acres Located on the North Side of Perimeter Drive, Between the Intersections with Avery Muirfield Drive and Hospital Drive from PCD, Planned Commerce District (Riverside PCD North, Subarea A3) to PUD, Planned Unit Development District (Riverside North, Subarea A3) to Facilitate the Development of the Site with an Approximately 14,500-square-foot Retail Building, Including Restaurant Spaces and Associated Patios. (Case 12-073Z/PDP/FDP) (Second reading/public hearing January 28 Council meeting)**

Mr. Gerber introduced the ordinance.

Ms. Husak stated that the ordinance was reviewed by the Planning & Zoning Commission in December 2012 and recommended for approval. The application is a modification to development text to allow retail uses on a site within the Riverside Planned Commerce District. This district includes the retail building that currently houses Matt the Miller, Potbelly, and includes various medical buildings and the Primrose Daycare. She noted the following:

- The proposal is for a 14,500 square-foot building. Mr. Ghidotti, representing applicant Daimler Group is present. He has also developed the remainder of this PCD, and has had some interest from restaurant tenants about this site. Subarea A3 is the subject of the ordinance, and in the development text, only the standards and uses for this particular subarea are proposed for change.
- She shared the site plan as proposed and approved by the Planning Commission. It includes the retail building along the southern portion of the site, which fronts Perimeter Drive and has two access points internally to the site that are shared with the other uses within that Center. Two patio spaces are also shown on either end, and it is the intention for those two areas to be used by restaurants.
- An ample plaza area is shown to the north. This could include more informal seating, depending upon the type of uses in the remaining tenant spaces.
- The applicant meets the Code for parking. There are some more detailed sign standards within the development text for this particular area.
- She shared renderings of some elevations, noting there are more detailed renderings in the packet. Primary building materials are brick and stone, and materials also include siding. Some portions of the building will have standing seam roof in a dark burgundy color.
- The elevations also show the signs as approved by the Planning Commission. They are generally flat signs of wood material with track lighting beneath them.

# RECORD OF PROCEEDINGS

Held

20

In addition, each tenant can have a smaller blade sign that is more pedestrian oriented. Two wall signs are permitted for each tenant.

Vice Mayor Salay noted that the signs as shown have a uniform font and are externally illuminated.

Ms. Husak responded that the signs are externally illuminated, but do not necessarily have a uniform font. The font would not be uniform, but the colors would match the building materials.

Vice Mayor Salay stated that the text indicates that internally illuminated signs are permitted and corporate logos are incorporated. This seems quite "busy." She pointed out that what is being shown tonight is not reflective of what is indicated in the text. It is important to understand exactly what the product will look like. In reviewing the text, this is an option within the text, but it is certainly not the only option.

Ms. Husak responded that lighting, specifically, was a concern of the Planning Commission. They asked the applicant to eliminate in the development text the option of internal illumination. The text has been updated to reflect this, as shown on page 16. The lineal, fluorescent track light shown in these elevations is the only permitted lighting at this point.

Vice Mayor Salay noted that she recalls reading in the materials that internally illuminated signs are permitted.

Ms. Husak stated that it is possible that the other subareas would permit that at this point.

Ms. Husak noted in regard to colors that they would have to meet Code where the logo could be a color. There is not a limitation in the text, currently, that the text or any graphics on the sign could only be one color. If that is something Council wants to add, that can be considered.

- The Commission recommended approval with four requested changes to the development text, and those have all been integrated into the text provided to Council.
- Staff is recommending approval of the ordinance at the second reading/public hearing on January 28.

She noted that the applicant is present to respond to any questions.

Mr. Reiner stated that he is pleased that the applicant is providing more parking than what is required. Is that related to the potential for two restaurants?

Ms. Husak responded affirmatively. Staff and the Commission had concerns about parking needs for restaurants with peak hour patrons. They encouraged the applicant to explore shared parking options and they have been able to have a positive outcome with Champaign Bank.

Mr. Gerber stated that in reviewing the materials, it appears the Commission encouraged the applicant to be creative with the signage. He asked Ms. Husak to elaborate.

Ms. Husak responded that the sign topic is sensitive to both staff and the Commission. There was discussion at the time of the informal review of the application about doing something different and creative. At the same time, however, the architecture is very traditional and in keeping with the area within which the development is located. Staff struggled with this issue. A commissioner had suggested that perhaps the applicant could move away from the gooseneck lights and do something different. The applicant has chosen to pursue this option. The Commission is definitely seeking signage that is different from what has existed in Dublin, but they are also sensitive to the areas in which this approach is appropriate.

Mr. Gerber asked if this was the result of direction from Council or something the Commission initiated.

Ms. Husak responded that it is a combination. The Commission has definitely seen planned unit development districts where applicants have tried to do something different or have had different needs. Signs have been a topic of discussion of late, and were a topic of a recent work session.

Vice Mayor Salay recalled that Council declined to have further discussion about signage in view of the more important priorities at hand. Her concern is that what she envisioned for

# RECORD OF PROCEEDINGS

Held \_\_\_\_\_

20 \_\_\_\_\_

creativity and innovation relative to signs was specifically for the Bridge Street District and that Council believed it was a place appropriate for that creativity. Outside of that District, Council indicated they are pleased with the status quo in signage and the results that have been obtained with the current regulations. Her preference is to maintain the current standards for other areas, as "creative" is certainly a subjective judgment. The community is accustomed to a certain kind of signage. Outside of the Bridge Street District, she does not want a creative signage approach to be incorporated. This could have a domino effect.

Ms. Chinnici-Zuercher stated that she is confused, as what is being shown is the same type of signage that already exists in the area. The lighting may be different, but the other development took place many years ago and there have been changes to lighting types over the years.

Mr. Gerber agreed, noting that he merely wanted to affirm the direction that Council has given on this topic.

Ms. Husak responded that the Commission found this minor change acceptable for this building.

Mr. Gerber asked about logos, and if they can now be incorporated in signage throughout the City.

Ms. Husak stated that has always been the policy. The permissible colors for logo signage is what was modified by Code.

Mayor Lecklider asked if there was discussion about outdoor speakers or music for the patio areas.

Ms. Husak responded that such speakers are not permitted, as reflected in this text. Staff was aware of the proximity to residential areas to the north and the potential impact on them.

Mayor Lecklider explained that there were issues raised by Lowell Trace residents and those to the north about potential outdoor speakers at the BW3 restaurant at the time the development was proposed.

Mr. Reiner stated that he is pleased that the outdoor dining at the front is included for this application versus coming back for such approval at a later date.

Ms. Husak responded that outdoor dining is permitted up to a certain square footage. There is an overall square footage cap for this.

Paul Ghidotti, Daimler Group stated that this is the first project they are doing in Dublin in some time. This three-acre tract, in particular, has been quite challenging. Daimler Group developed the overall 24 acres and, in partnership with Ohio Health, developed the area bounded by Perimeter, Avery and Post, securing that approval in the first quarter of 2004. Over the past 9 years, they have developed over 100,000 square feet of office on the 24 acres -- the Avery Shops Retail Center, which is quite successful; the Champaign Bank; the Huntington Bank; and a successful daycare facility. They have struggled with these 2.9 acres, which is zoned for two sit-down restaurants. They have talked to 6-7 restaurants over the past 9 years and all have struggled with the size of the parcel they need to make a 5-6,000 square foot restaurant work. There would be little residual remaining for development of the parcel. They have worked with Planning staff, and went through the informal process in September. They received good feedback and returned in December to P&Z. Given the elevations and the architecture, there is little discretion as the neighborhood has already been developed and they are aware of what is appropriate in this area. Trying to deviate dramatically from that would be a mistake and would look out of place. Therefore, they have chosen a similar style of architecture, using the same architect who worked on the Avery Shops. In reviewing lighting, signage and other components, there was a request to do something different from gooseneck lighting, and the architect is therefore proposing band lighting, which will be uniform for each sign. The signs will be a wood board and will appear very similar to what exists at the Avery Shops, with the addition of one color. That would allow for someone to do a logo on the banded signs. There is more text included than with Avery Shops. He is hopeful that

# RECORD OF PROCEEDINGS

Held

20

Council is comfortable with what has been presented tonight. He offered to respond to any questions. They are looking forward to the construction and opening of this project.

Mr. Keenan asked about ingress and egress for the fire department, especially in view of the experience with the nearby Huntington Bank. Has that issue been addressed? Mr. Ghidotti responded that it has been addressed, noting that this site has much better access – both to Perimeter and to the private drive. There are three points of access along that private road system.

Mr. Keenan commented that he is not certain that a ladder truck could access this site, but he is satisfied with the response from the applicant.

Vice Mayor Salay commented about the signage, noting that her previous comments were not directed to this site specifically – but rather about signage in general and where the City is headed. She appreciates Mr. Ghidotti's details about the signage plans.

Mr. Ghidotti noted that on the blade sign on the north side – a projecting sign – there was much discussion about unique signage for some tenants. This was only to be viewed from the north side and would only be pedestrian in nature. It would not be viewable from the main streets. Until the developer can identify who the users will be, they are not certain of the appearance. The text does allow for some creativity, and there seems to be opportunity for something unique, yet appropriate.

Ms. Chinnici-Zuercher stated that she is pleased that the Daimler Group is once again developing in Dublin.

Mayor Lecklider stated Mr. Ghidotti has mentioned the size of the site and challenge for restaurant development. Is Mr. Ghidotti satisfied that this development proposal will work on the site and that there is adequate land to accommodate this square footage?

Mr. Ghidotti responded that having a single building versus multiple buildings results in savings. Secondly, there is some inline retail space that can help subsidize. Finally, when someone is willing to make the initial investment and a tenant can then enter into a 10-year lease based on square footage – this is more viable for prospective tenants. Given this, they have had good interest in this site, but have not signed any tenants at this point. They want to make sure that Council is comfortable with what is being presented. There is little available space in Avery Square and Perimeter Center, and there are many new food service users who have been the second or third generation user. There is a need in this area for more food service operators.

There will be a second reading/public hearing at the January 28 Council meeting.

## STAFF COMMENTS

Ms. Grigsby reported that a memo was included in the packet in regard to video interviews with other government agencies and elected officials. Staff wants to gauge the interest of City Council in using videos for various purposes and occasions throughout the year. She asked that Council provide any feedback prior to staff identifying the various entities and individuals to be interviewed. The goal is to have more video available for City communication efforts.

Ms. Chinnici-Zuercher commented that she is supportive of using more video, as citizens are interested in more live production to obtain information. This is an interesting venue to bring forward. She emphasized that what is brought forward should focus on issues and not party politics. That will be an important consideration for the topics being explored and the speakers selected to educate the citizens about the topic.

Ms. Grigsby noted that staff concurs, and has discussed the need to be cognizant of elections and timeframes of the year. Part of the goal is to recognize partnerships created and some of the benefits to projects that will move forward, such as the I-70/33 interchange. Staff will take this comment into careful consideration.

Mayor Lecklider asked if the memo regarding Acting City Manager succession is for information only.

Ms. Grigsby responded that this is an annual designation that she is required to make early in each year.



**PLANNING AND ZONING COMMISSION**

**RECORD OF ACTION**

**DECEMBER 6, 2012**

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

**3. Riverside Planned Commerce District North, Subarea A3 – The Perimeter  
12-073Z/PDP/FDP**  
**Perimeter Drive  
Rezoning/Preliminary Development Plan  
Final Development Plan**

**Proposal:** To develop a vacant 2.9-acre site with an approximately 14,000-square-foot retail building, including restaurant spaces and associated patios, in Subarea A3 of the Riverside Planned Commerce District North, located on the north side of Perimeter Drive, between the intersections with Avery-Muirfield Drive and Hospital Drive.

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

**Applicant:** Daimler Group; represented by Paul Ghidotti.

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

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

**MOTION#1:** To recommend approval to City Council for this Rezoning with Preliminary Development Plan application because it complies with the applicable review criteria and the existing and anticipated development standards, with four conditions:

- 1) That the development text be revised to limit the size of permitted restaurant use to 11,000 square feet (excluding outdoor dining patios) and that any additional restaurant square footage, exclusive of outdoor dining areas, require review and approval by the Planning and Zoning Commission;
- 2) That the development text be modified to allow patio furniture be used when the weather permits outside of the permitted dates, subject to approval by Planning;
- 3) That the development text be modified to limit sign lighting to the proposed band lighting; and
- 4) That the development text be revised to adhere to Code for sign colors including logos and that window signs be prohibited, excluding informational window signs.

\*Paul Ghidotti agreed to the above conditions.

**VOTE:** 7 – 0.

**RESULT:** This Rezoning with Preliminary Development Plan application 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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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

DECEMBER 6, 2012

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

**3. Riverside Planned Commerce District North, Subarea A3 – The Perimeter  
12-073Z/PDP/FDP**  
**Perimeter Drive  
Rezoning/Preliminary Development Plan  
Final Development Plan**

**Proposal:** To develop a vacant 2.9-acre site with an approximately 14,000-square-foot retail building, including restaurant spaces and associated patios, in Subarea A3 of the Riverside Planned Commerce District North, located on the north side of Perimeter Drive, between the intersections with Avery-Muirfield Drive and Hospital Drive.

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

**Applicant:** Daimler Group; represented by Paul Ghidotti.

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

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

**MOTION #2:** To approved this Final Development Plan application because it complies with the applicable review criteria and the existing and anticipated development standards, with five conditions:

- 1) That the plans be revised to change the color of the standing seam metal roof from grey to a deep red and the metal awning color be changed to match the metal roof, subject to approval by Planning;
- 2) That the applicant provide the shared parking agreement with Champaign Bank with the building permit application;
- 3) That the elevations be revised to replace the gable returns with a more appropriate style;
- 4) That the site plan be revised to increase the size of the landscape island to one parking space to the west along the parking area to the north of the building; and
- 5) That the sea green junipers on the north side of the site be replaced with wintergem boxwood.

\*Paul Ghidotti, agreed to the above conditions.

**VOTE:** 7 – 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            | Yes |
| Joseph Budde          | Yes |
| Victoria Newell       | Yes |

**STAFF CERTIFICATION**

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

**3. Riverside Planned Commerce District North, Subarea A3 – The Perimeter  
12-073Z/PDP/FDP**

**Perimeter Drive  
Rezoning/Preliminary Development Plan  
Final Development Plan**

Ms. Amorose Groomes introduced this Rezoning/Preliminary Development Plan/Final Development Plan which is a request to develop a vacant 2.9-acre site with an approximately 14,800-square-foot retail building, including restaurant spaces and associated patios, in Subarea A3 of the Riverside Planned Commerce District North, located on the north side of Perimeter Drive, between the intersections with Avery-Muirfield Drive and Hospital Drive. She said this application will require two votes, the rezoning with preliminary development plan will be forwarded to City Council for final approval 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 applicant, Paul Ghidotti with the Daimler Group.

Ms. Husak said this site is on the north side of Perimeter Drive and is a 2.9 acre parcel that is currently vacant. She described the site and adjacent developments. She said the proposal is for a commercial building that could accommodate restaurant spaces on either end and has some in-line tenant spaces that could accommodate a variety of uses as outlined in the development text. She said on either end are patio spaces proposed for the building, there is a large plaza area to the north which could accommodate additional seating if warranted depending on the uses in the spaces and parking centered to the north, east and west. She said as proposed the plan meets parking requirements of 97 spaces and provided is 125. She said the applicant is proposing administrative approval for additional patio spaces as long as furniture and any other amenities complement one another and are of typical high quality design that is seen within the City.

Husak said there are sidewalks on all sides of the building that also connect to the south sidewalk along Perimeter Drive. The applicant has the option for shared parking with Champaign Bank and they are asking the applicant to do a more formal agreement. She said architecturally it is very similar to what was presented at the informal review with more traditional styling and elements, a lot of detailing on all sides of the building. She said they asked the applicant to break up the roof a little and do colored standing seam as opposed to a gray and the perspective drawings do address giving the standing seam with a more a rich dark burgundy red color. Carter Bean, project architect, showed a sample of the color.

Ms. Husak said they have worked with the applicant on innovative sign ideas and with the architecture and the surroundings they are looking at a plaque type sign design with the lighting suggested by the Commission that was approved for the Bridge Pointe shopping center. She said each tenant would be allowed to have two wall signs; one the Perimeter Drive elevation and one the interior elevation to the north, a blade sign would also be allowed on the north side. She said the wall signs have different options for the rounding and edges of the sign to do a bit more interesting so that they are not all uniform and the blade signs providing different options and allowing for a depiction of what the business might be on the blade signs if the use or tenant warranted.

Ms. Husak said they are recommending approval of the Preliminary Development Plan/Rezoning which represents the blue in the proposed development text that the applicant changed, which is the list of permitted uses, the patio and sign requirements which are different and unique to this Subarea. She said Planning also recommends approval of the Final Development Plan and all the details presented with the two conditions:

- 1) That the plans be revised to change the color of the standing seam metal roof from grey to a deep red and the metal awning color be changed to match the metal roof, subject to approval by Planning; and,
- 2) That the applicant provide the shared parking agreement with Champaign Bank with the building permit application.

Paul Ghidotti, Daimler Group, said they have shown what the Commission had hoped to see from the Informal. He said present is Carter Bean, the project architect and Andrew Gardner, Bird & Bull, site engineer. He said staff has done a wonderful job presenting the application and they have worked with them for the last three months and hopefully everyone is excited about what they are developing.

Ms. Amorose Groomes asked if there was anyone from the general public that would like to speak to this application. [There were none.]

Ms. Kramb said that parking did not seem sufficient for unlimited restaurant space. Mr. Ghidotti said they could agree to a maximum square footage that is allocated to restaurants, but they struck out the limitation due to the Commission comments that they wanted to make sure they were able to attract the right restaurants.

Mr. Hardt said when they saw the informal there was a quantity of restaurant discussed and it was expressed to give flexibility. Mr. Ghidotti said the original text limited no more than 11,000 square feet of restaurant and it was modified and expressed not to have the patio square footage limit the ability to have more square footage, they designed conceptually two patios on each end, established the max square footage of the patios of 2,000 square feet and he does not think they get to 2,000 square feet and their experience is typically restaurant outdoor space and indoor space is not typically occupied at the same time. He did not think it was intentional to take out the maximum square footage and if there is a desire to put back in the 11,000 square foot, he has no problem doing that and it was not an intentional change by them.

Ms. Husak said staff's concern with the limitation of the square footage of restaurants is that any kind of place that would serve food or whether it was a ice cream or soda shop or something it would all be classified as a restaurant.

Mr. Hardt said during the informal he heard that this site was originally intended for up to two free standing restaurants and it was too big of a site for one and it did not work for two and they are looking to have two restaurants and fill the space in between with retail and the retail was the question because the text did not allow retail at this end of the development and he said there is a practical limit to how big any one restaurant is going to be, but he envisioned the stuff in the middle to be retail.

Ms. Amorose Groomes said this came from their discussion about the coffee shop and the ice cream shop and the pretzel shop and those can come in as conditional uses if that is the mix that works.

Ms. Amorose Groomes said the best solution to head off a major parking issue is to use the conditional use mechanism to come back through when a Smoothie King wants to come in there and the Commission can look at the numbers. Ms. Kramb said if they put the 11,000 square feet back in, it could be any number of restaurants and if they wanted to go over the 11,000 they would have to come back and get approval for the smoothie shop.

Mr. Fishman said there are different types of restaurants that have dancing which causes a different type of traffic that would change the character of the whole area and is concerned if it is one huge 14,000 square foot restaurant. Ms. Amorose Groomes said if they have two restaurants of similar size 5,500 square foot restaurant is not a monster.

Mr. Fishman said he does not have a problem with two 5,500 square foot restaurants he is concerned if it becomes one large 11,000 square foot restaurant. Mr. Taylor said if there is a cap for the total amount of restaurant and a cap for one single restaurant. Mr. Ghidotti agreed that concept is fine, his preference is not to have to come back for a 1,200 square foot Smoothie King, that example of someone that size coming back for an amended final development plan and go through that process they will lose that tenant.

Mr. Hardt said they are okay with 11,000 square foot of total restaurant, but if they want to go over that they have to get approval. Mr. Ghidotti agreed.

Ms. Newell said she thought that was a good solution and the development is going to look very nice. Ms. Amorose Groomes said there are solutions that they can engage and they could talk through what might be most efficient for them depending upon who is coming.

Ms. Kramb suggested revising the outdoor furniture text to reflect what the Commission had previously approved. Ms. Readler said they will add the condition to modify the language to make consistent with what was used.

Ms. Kramb said the text regarding signs says the creativity with signage is encouraged, but, it is not because there is prescriptive language and the signs are going to look just like every other sign. She said her issue is with sign illumination, reading the text that says "wall signs shall be illuminated either by linear fluorescent track lighting fixture as depicted in table "D". She wondered what the "or" option is. Mr. Ghidotti said they are trying to get away from the goose necks, so they did and the architecture of the building is limited so they provided for track lighting that will not be seen.

Ms. Kramb said the second sentence is allowing signs to be internally illuminated or back lit. Mr. Ghidotti said the wall signs have to be lit and there are three options for lighting and wanted to allow internally illuminated or back lit signs.

Mr. Ghidotti said the wall signs have to be lit, but there will not be lighting on the blade signs or projecting signs.

Mr. Taylor said he would like to see a solution and make sure that the option for a more creative sign to be proposed to the Commission. Mr. Ghidotti said they tried to incorporate the concept for the projecting signs face they could have the good or service.

Mr. Hardt said there is something in the text that refers to window signs and that no permanent windows signs are permitted, and in this general area they do not allow window signs at all. Ms. Husak said they do allow temporary window signs in the area and not specified in the text.

Mr. Hardt said he would like this text or code regarding window signs to match the existing retail center.

Mr. Hardt said the wrong code section is reference for color limitation allowing the logo to be counted as one color allowing three additional colors. Mr. Langworthy said the correct section is 158(C)(4) refers to color.

Mr. Hardt said every other retail center within a mile of this project they have not allowed internally or back lit signs and given this building was to fall into line with the other buildings in the area and is not comfortable with the two alternative lighting methods. Ms. Amorose Groomes agreed it is not an appropriate location for internally illuminated signs. Mr. Taylor agreed.

Mr. Budde said if they permitted this and this is the new Dublin and the new signage and new interests, why not and if the neighbors want to come and make some changes, that would be their prerogative and the Commission could help in creating this new look.

Mr. Hardt said the new look was for the Bridge Street Corridor. Mr. Budde said except for the City did not create the Nationwide Children's multi-color logo. Ms. Amorose Groomes said this is a more sign style issue. Mr. Hardt said it is an illumination style.

Ms. Newell said she agrees with Mr. Hardt and it should be kept consistent with what is in place with the surrounding businesses and is only fair. Mr. Fishman said he understood the "New Dublin" is strictly within the Bridge Street Corridor and they were concerned it would leak out of the corridor.

Mr. Taylor said a minor technicality with installation, signs are mounted flush to wall and where they are on the synthetic stone it would be better to stand off an inch. Mr. Ghidotti agreed.

Mr. Hardt said on the cut sheet submitted for the linear florescent tubes that the cold start ballast are an option and wanted to make sure they are used or they will flicker in the winter. Mr. Ghidotti agreed to order them as indicated.

Ms. Amorose Groomes said as discussed they will limit the restaurant space in the text 11,000 square feet and to exceed that would require Commission approval, some patio furniture out of season storage language to be incorporated. Ms. Husak said she added conditions:

- 3) That the development text be revised to limit the size of permitted restaurant use to 11,000 square feet excluding the outdoor dining patios and that any additional restaurant square footage, exclusive of outdoor dining areas, require review and approval by the Planning and Zoning Commission;
- 4) That the development text be modified to allow patio furniture be used when the weather permits outside of the permitted dates, subject to Planning approval;

She said she also summarized the sign discussion.

Mr. Ghidotti said they have to use the illuminated tube that is referenced in the shell of the first part of section 6. He said they were trying to get away from the goose neck lighting and wanted to give people more flexibility and it will look more uniform and different from the area and will look nice and wanted to give creativity and allow for it. He said lighting and signage were the two areas they struggled with to take their comments and come back with what they thought the commission wanted to hear.

Mr. Hardt said the scalloped sign panels, wood sign panels with goose neck lighting fixtures are getting tired and would like to see more creativity as general statement, but this site is the last puzzle piece of an already developed site, they should stay the course and finish this. Mr. Ghidotti said that is exactly what Ms. Husak had told them in the early discussions after September, while they want to be creative it is hard to make a lot of changes with everything around. He said it is an infill site.

Ms. Kramb said they wanted to make sure they get the logo option. Mr. Ghidotti said they wanted to refer to both paragraphs.

Ms. Kramb said she really disliked the barn doors on the elevation with the pedestrian glass door next to it and with the awnings over it and looks awkward.

Ms. Kramb said the finials on the center section she does not care for and they are usually crooked and look small and never look right when built and would like to nix them. Mr. Taylor said there is bad precedent in the area for leaning finials.

Mr. Taylor said on the site plan the new entrance coming in from the north there is a planting island and a one and a half parking space when someone pulls out of will be into the entrance and thought they should expand the landscape island to avoid an accident. Mr. Ghidotti said that is why the island was placed there to avoid potential problems, and agreed to switch that space to a van accessible handicap space to avoid any issues.

Mr. Taylor said he would like to see the return on the gables something other than little dog house returns and the trim style is simple and can be something other than the tucked under piece and the

finials. Ms. Newell said she is not crazy about the finials, but since they are on the other buildings she felt they were appropriate.

Mr. Taylor said they always look good on drawings, but thought they should be replaced with something more appropriate gable return for the style of the building.

Ms. Newell said she is okay with the barn door detail because it is something newer and did not object to it. Mr. Taylor said he likes the barn door on the right. Ms. Kramb said it is the western side barn door and the other is a full door with a pedestrian door next to it.

Mr. Bean said they are working on another project where they are doing a similar treatment and instead of the man door being on the side it is in the middle to appear that the barn doors a slid open and this is the gap between. Ms. Kramb said that sounds better. Ms. Amorose Groomes thought it is a cool option.

Ms. Newell said she appreciated the sidewalks across the street frontage that connects and it was a response to her comment that it did not have much pedestrian access and appreciated the solution.

Ms. Amorose Groomes said they have circled the entire property in sea green junipers and asked that they change the back side of the rear of the property and stop at the east and west entry points out with wintergem boxwood and appreciated that they have the plantings held back more than 5 feet off of the parking surface. Mr. Ghidotti said they had a different spec tree and staff suggested junipers as one of the options.

Ms. Newell said that boxwood is not a hardy plant for snow piled on them and wanted to know if that was a concern. Ms. Amorose Groomes said in the area that is in the back location because the push of snow would go in the different direction and far enough away from the drive lane to be clear of the salt spray.

Mr. Ghidotti said he is concerned with the location of the dumpster at the northwest corner and not sure if they should change the plant material north of the entry drives and if they could just change out the plantings at the north drive because of the screening is mirrored on both sides. Ms. Amorose Groomes agreed to make the change on the north property line.

### **Motion #1 and Vote**

Mr. Taylor moved to recommend approval to City Council for this Rezoning with Preliminary Development Plan application because it complies with the applicable review criteria and the existing and anticipated development standards, with four conditions:

- 1) That the development text be revised to limit the size of permitted restaurant use to 11,000 square feet (excluding outdoor dining patios) and that any additional restaurant square footage, exclusive of outdoor dining areas, require review and approval by the Planning and Zoning Commission;
- 2) That the development text be modified to allow patio furniture be used when the weather permits outside of the permitted dates, subject to approval by Planning;
- 3) That the development text be modified to limit sign lighting to the proposed band lighting; and
- 4) That the development text be revised to adhere to Code for sign colors including logos and that window signs be prohibited, excluding informational window signs.

Mr. Ghidotti agreed to the above conditions.

Mr. Fishman seconded the motion.

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

**Motion #2 and Vote**

Mr. Taylor moved to approve this Final Development Plan application because it complies with the applicable review criteria and the existing and anticipated development standards, with five conditions:

- 1) That the plans be revised to change the color of the standing seam metal roof from grey to a deep red and the metal awning color be changed to match the metal roof, subject to approval by Planning;
- 2) That the applicant provide the shared parking agreement with Champaign Bank with the building permit application;
- 3) That the elevations be revised to replace the gable returns with a more appropriate style;
- 4) That the site plan be revised to increase the size of the landscape island to one parking space to the west along the parking area to the north of the building; and
- 5) That the sea green junipers on the north side of the site be replaced with wintergem boxwood.

Mr. Ghidotti, agreed to the above conditions.

Ms. Newell seconded the motion.

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

Ms. Amorose Grooms said she wanted to thank the applicant's team for taking seriously their comments at the informal review and were able to get both the rezoning/preliminary development plan and the final development plan done, so hopefully it is a net gain. Mr. Ghidotti thanked the commission for their time and effort and apologized for the sloppiness in the text and that is not how they operate and he accepted responsibility for them and said it will not happen next time.



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## PLANNING AND ZONING COMMISSION

### RECORD OF ACTION

SEPTEMBER 6, 2012

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

**3. Riverside PCD North, Subarea A3 – The Perimeter  
12-050INF**

**Perimeter Drive  
Informal Review**

|   |  |
|---|--|
| <p>Proposal:</p> <p>Request:</p> <p>Applicant:</p> <p>Planning Contact:</p> <p>Contact Information:</p> | <p>The potential development of a vacant 2.9-acre site with an approximately 14,000-square-foot retail building including two 5,000-square-foot restaurant spaces and associated patios in Subarea A3 of the Riverside Planned Commerce District North. The site is located on the north side of Perimeter Drive, between the intersections with Avery-Muirfield Drive and Hospital Drive.</p> <p>Review and informal feedback.</p> <p>Paul Ghidotti, Daimler.</p> <p>Claudia D. Husak, AICP, Planner II.</p> <p>(614) 410-4675, chusak@dublin.oh.us</p> |
|---|--|

**RESULT:** The Commission commented informally on this application for informal feedback for the potential development of a vacant 2.9-acre site with an approximately 14,000-square-foot retail building including two 5,000-square-foot restaurant spaces and associated patios in Subarea A3 of the Riverside Planned Commerce District North. The site is located on the north side of Perimeter Drive, between the intersections with Avery-Muirfield Drive and Hospital Drive. The Commission generally agreed with the applicant's proposal and understood the challenges for the development of the site as originally zoned and the changes in surrounding conditions. The Commission appreciated the architectural concept for the building and encouraged the applicant to address signs innovatively.

#### STAFF CERTIFICATION

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

## PLANNING AND ZONING COMMISSION

### MEETING MINUTES

SEPTEMBER 6, 2012

### 3. Riverside PCD North, Subarea A3 – The Perimeter 12-050INF

### Perimeter Drive Informal Review

Chris Amorose Groomes introduced the following application requesting a informal review and non-binding feedback for the potential development of a vacant 2.9-acre site with an approximately 14,000-square-foot retail building including two 5,000-square-foot restaurant spaces and associated patios in Subarea A3 of the Riverside Planned Commerce District North. She said the site is located on the north side of Perimeter Drive, between the intersections with Avery-Muirfield Drive and Hospital Drive.

Claudia Husak presented this case. She explained that the next step the applicant would take after this informal, non-binding discussion was a rezoning/preliminary development plan application. She said the entire Riverside Planned Commerce District includes the Shoppes of Avery Square, Primrose Daycare, and several office buildings, which are mostly medical. She said this site is in the center of the PCD and the other vacant pieces within the District have approved final development plans but have not been built yet. She said the Community Plan shows this site as the General Commercial category, which is also the category for the eastern portion of this development district as well as the Avery Square Shopping Center and the area of the Giant Eagle Shopping Center, Perimeter Shopping Center.

Ms. Husak said the General Commercial District is described as including most of the existing and commercial development within the City and it is also described that a lot of the pattern of that development in the commercial district is very auto-oriented with uses such as retail, restaurants, personal services, offices, lodging and other auto-oriented services. Ms. Husak presented a subarea map and said that a majority of this site is in Subarea A1, which permits medical offices and regular offices, the Suburban Office and Institutional District in the Zoning Code.

Ms. Husak said that Subarea A3 is the one that the applicant would be proposing to rezone to expand the uses permitted. She said currently permitted are all of the uses listed under the Permitted section in the SO, Suburban Office portion of the Zoning Code, which are mostly office uses and financial institutions. She said also permitted in the subarea currently are two restaurants limited to a total of 11,000 square feet. Ms. Husak said that there was a specific exclusion for drive-thru, drive-up windows.

Ms. Husak presented the applicant's contemplated site plan, which centered around a 14,000-square-foot retail building which could accommodate two restaurants potentially at either end. She said the applicant is proposing to open up the text to allow general commercial uses in addition to the uses currently permitted to mirror what the Matt the Miller's building is currently laid out as with a restaurant and different kinds of uses that would be permitted in a general commercial district. Ms. Husak said that would require a rezoning because those uses are not currently permitted within the current district. She reiterated that there was a cap on the square footage of restaurants permitted within this subarea. Ms. Husak said if the applicant wanted to have those uses opened up to allow all kinds of commercial uses, an ice cream or coffee shop or a use like that which could also be considered a restaurant could be envisioned. She said there is some limitation if the text is kept at the 11,000 square-feet of restaurant use.

Ms. Husak said if the patios are included as this proposal suggests with the restaurant, they would be limited in size because quickly they add up to 500 square feet each and they are at 11,000 square feet,

the current cap for the restaurants. So a discussion point outlined was should the patios be counted as part of the restaurant space number, or is there the opportunity to allow patios to be bigger and more of an amenity and more integrated and potentially not be counted as part of an overall square footage number.

Ms. Husak said that they would look at something similar to what they have done at Giant Eagle and at the Kroger shopping centers with allowing a certain overall number of patio space by right with certain amenities that they have come to be used to in Dublin.

Ms. Husak said that the applicant also provided some conceptual elevations of this type of building. She said that the development text currently requires non-office buildings to have a more residential feel and style. She said the applicant is trying to mirror what has been the look of the Matt the Miller's building and other buildings that Daimler has developed around the area.

Ms. Husak said that Planning suggests the following four general questions for the Commission to discuss:

1. Does this proposal warrant a change to the development text to allow retail uses in this Subarea?
2. Would the Commission allow additional restaurants to occupy the retail spaces, which would exceed the number of restaurants currently permitted?
3. Does the Commission support excluding patio spaces from the restaurant size limitation?
4. Is the proposed architectural character appropriate for this development?

Paul Ghidotti, 6840 McNeil Drive, Dublin, with the Daimler Group, said the architectural style of this building was similar to the Wine Bistro building, across from the Shoppes at Lane Avenue. He said they thought this architecture was a step above that of the Matt the Miller building. Mr. Ghidotti said that in 2003, they partnered with OhioHealth on this 24-acre development and created a mix of uses, 100,000 square feet of office and medical office space. He said they had talked to five restaurants over the eight-year period since they started the development. He said every time a restaurant laid out a 5,000 to 7,000 square-foot restaurant, they found that after they met setback and parking requirements and did a freestanding building, that they needed 2.2 to 2.4 acres which left them with an unusable parcel. He said the second problem they encountered was that they could not afford to build a building that met the standard of the Shoppes at Avery.

Mr. Ghidotti said it was his impression most of the second and third generation space that had been developed at Avery Square and the Giant Eagle center have mostly been quick service restaurants which are wonderful to have, but they have not generated any real nice sit down restaurants other than Matt the Millers and The Rusty Bucket. He said two restaurants have come to them; one an Italian family-oriented pizza, pasta restaurant and the tenant previously mentioned that was on Lane Avenue would like to have a Dublin location.

Mr. Ghidotti said the reason why bringing the uses together and creating a single building make sense is that the type of uses he is talking about cannot afford a \$2M restaurant, but they can afford to rent a restaurant like this. He said they can have complementary uses if they can make it one building when there is a restaurant that is only busy at night and a user that may be a neighborhood retail service that can provide a service that people will use during the day, but not necessarily at night. Mr. Ghidotti said they did not have anyone identified yet for what is known as a retail space or letters of intent signed for the restaurant spaces. Mr. Ghidotti asked for the Commissioners' questions and feedback so that they could come back with a plan that incorporated the things the Commissioners would like to see.

Ms. Amorose Groomes invited public comments with respect to this application. [There were none.]

Amy Kramb said that she was in favor of the building being shared with two restaurants, but not in favor of the retail. She was also fine with adding patio space not being included and/or adjusting the amount of square footage allowed. She said she was okay with the character of the building, but she was tired of seeing the same thing repeatedly and would like to see something new. Ms. Kramb said asked if the Development Text would need to be changed to allow the restaurant use.

Ms. Husak said the development text would not need to be changed to allow a restaurant at the site, but it would require a rezoning to add other non-office commercial uses.

Ms. Kramb said that she would be willing to change the development text to allow a larger square footage or somehow not include the patio space in the square footage.

Ms. Husak asked if Ms. Kramb would be in favor of allowing more than two restaurants.

Ms. Kramb said no, due to the strained parking in the entire development.

John Hardt said that he thought this was a good proposal and supported it. He said having dealt with similar sites in his profession, he could sympathize how a freestanding restaurant really did not work on this site, so the fundamental approach is okay to him. Mr. Hardt said that he was not concerned about the retail. He said the size they are talking about make them Mom and Pop shops. He said there was 100,000 square feet of retail across the street, so he did not see how this would markedly change the character of the area. Mr. Hardt said that in the past, there had been some concern about retail creep going westward down Perimeter Drive, and he was sympathetic to that, but he was okay with this proposal for a couple of reasons. He said most of the land to the west is developed and he did not think there was a lot of opportunity for retail left. Mr. Hardt said that the Community Plan had this site being contemplated as being commercial and the offices to the west. He said if they leaned on the Community Plan, this was an appropriate use.

Mr. Hardt said there were two different related issues and one was the quantity of restaurants and the other is the area of the restaurants. He said he had the same concern as Ms. Kramb about the parking and he wanted to be convinced that they deal with that. Mr. Hardt said he was willing to consider some latitude in terms of the square footage and if it was 11,500 square feet, it would allow potentially one of the small retail spaces to be a restaurant. He said he agreed with the comments in the Planning Report regarding the patios. He said he was in favor of the patios because he thought we needed more of them. Mr. Hardt said he would like to see them incorporated into this project in a creative way. He said regarding the eastern restaurant, the entire area between the building and parking lot could be a patio, as long as it was done well, well appointed, and landscaped. He said he did not think it needed to be a 500-square-foot box.

Mr. Hardt said architecturally, he agreed with Ms. Kramb about being over this style and tired of it. He said he would love to see some more interesting, creative things happen, but probably somewhere else. He said on this site, the die has been cast and this is what we have. He said he had no trouble matching the existing center because he thought it was the appropriate thing to do and he thought this building did a good job of it. He said he was willing to look and consider more creative and different approaches to the signs, but on this site, it has been established and done and continuing it was fine with him in this case. Mr. Hardt said overall, this was a good proposal with some details left to be worked out. He said that as a resident of the nearby area, he would welcome the restaurants.

Victoria Newell agreed that the architecture has been established in the area and what had been presented looked nice and it matched. Ms. Newell said she could support having the restaurants in the area and agreed that if the outdoor patio spaces should be done well and creatively. She said she was concerned about retail in terms of how she perceived it would remain empty and add to the existing empty retail all around which was not a good thing. Ms. Newell said that there was not a means of

getting foot traffic to the location, so more car traffic is being generated with it. She said the area gets very congested with traffic and she was concerned that more retail would add to the traffic.

Joe Budde referred to the south elevation and asked if something similar would be on the other side. He asked about deliveries and trash pickup.

Carter Bean, Carter Bean Architects, 4400 North High Street, explained that it was very similar to the existing shops where all the services come and go through the front door.

Mr. Budde suggested if they were building a 15,000 square-foot building, why not have three similarly sized restaurants if the retail created heartburn.

Warren Fishman emphasized that he would want to see the restaurant be very successful, and the big problems are parking and access. He said the parking lot is packed by Matt the Miller's Sunday Brunch customers. He said parking for retail customers may be a potential problem due to large restaurant crowds. He said he was in favor of the proposal for the restaurants, but had mixed feelings about the retail use. He said he liked the architecture. He said he thought there might be a parking and access problem having a high volume restaurant along with Matt the Miller's.

Richard Taylor said that as long as the parking situation was remedied, he was not very concerned whether there were two or three restaurants, patios or not, and retail or not. He said it was interesting that when uses are set in the development text to look back at conversations that took place and try to figure out where that came from. He said that Mr. Ghidotti did a good job of explaining it to him. He said when there was nothing there, it made sense to limit the uses, but there is nowhere else for retail to go except here at this point. He said they were talking about small retail, so he had no problem with that.

Mr. Taylor said the architecture of the building looked fine. He said he would rather retail centers that have a common architecture have it be this Irish town theme than storefront, glass, and brick like is seen everywhere but Dublin. Mr. Taylor said they are facing the back of a retail center, so if the signs were neon, which are not allowed, they would not offend anybody because they would not face a residence or business. He said to get away from these scallop edged, colonial signs and do something interesting and creative. Mr. Taylor said not to just use channel letters. He said at Bridgepointe, they did not use gooseneck fixtures but used a light that lights more evenly and did not draw attention to the fixture so just the light is seen. He said he saw on the plan four identical signs with different words on them. He suggested four signs that reflected the businesses inside. Mr. Taylor said regarding the trade-off on the building size and patios, as long as the total number of parking spaces is addressed, there should be the opportunity.

Ms. Amorose Grooms said she did not have any heartburn about the retail. She said there was not one vacant retail spot near Piada. She said that we may be a little underserved on retail right through there. She said if it was the right retail, it is healthy, and she anticipated that this would experience that same sort of evolution. She said she did not have a problem with two restaurants or the size. Ms. Amorose Grooms said she would like to see shared parking agreements, so at least the employees could park somewhere else. She said that there were many medical office uses that would have significantly different peak hours than the applicant's. Ms. Amorose Grooms said that the patio spaces are great, as long as they are treated well and their boundaries are treated well with landscape treatments and the proper fencing and all that creates an environment that is welcoming, rich, and warm. She said she was okay with architecture.

Ms. Kramb added a caveat to her opposition to the retail use was tied to parking. She said the problem she saw with retail was that parking spaces are assigned to them only. She said the shared parking agreements were a great idea. She said this is definitely better than the other plaza and easier to access.

Mr. Ghidotti agreed that the access for the Shoppes at Avery is awful on a private drive which was forced with the geometry to ensure that vehicles could only go in and not come out of there. He said this plan is completely different because the access points are already established and there are two points on both the east and west side where the two private drives come out to Perimeter Drive. He said it will be much easier to get in and out of this site. He said that although there are complaints about the access, Matt the Miller's revenue has increased double digits every year they have been open.

Mr. Ghidotti said regarding concerns mentioned about retail, he said the complementary uses of the restaurants and the retails are such that they really could not do 15,000 square feet of restaurant on this site. He said it would not work from a parking standpoint. He said the reason why they can try to make this work with this kind of complementary use is about daytime, travel times, and parking is that it works better. He said if the Commission is comfortable with this, they will come back with a use that is this size and type of use. He said there are no walls between each of the spaces inside, and if a restaurant needs 400 square feet or 5,200 square feet, they will make it work for their use.

Ms. Newell clarified her comment in regards to the retail. She said her concern was that it was isolated and there is no encouragement for foot traffic.

Mr. Ghidotti said at the Shoppes at Avery for FedEx they established three dedicated parking spaces at their front door for drop offs. He said most retail tenants love that because their customers can park at their front door. He said that might be an option.

Ms. Newell said she actually would like to see the retail foot traffic encouraged. She said when there are interconnected walking paths from one location to the other and it is a pleasant transition, people who go to restaurants want to wander before or after dinner or while they are waiting for tables.

Ms. Amorose Groomes said there was nothing that required a vote and she concluded the discussion. She thanked Mr. Ghidotti and said the Commission looked forward to great things.