

Conditional Use Statement

A. Describe the property and its intended use.

The applicant is proposing to develop a small commercial center of approximately 12,000 sq. ft. along with two (2) small patio spaces located one on the north side of the building and the other on the south side. The patios are intended for future restaurant tenants, who are unknown at this time. The patio spaces are approximately 300 sq. ft. in size and will be appropriately fenced with a black 48' high wrought iron or aluminum barrier with a gate. The fencing will match in materials and color on both the north and south side of the building. Additionally, the chairs, tables and umbrellas will match, although the fabric for the umbrella might be different depending on the tenant's selection.

B. State the necessity or desirability of the proposed use to the neighborhood or community.

The patios will offer outdoor seating areas in the temperate times of the year. Customers like the opportunity to dine al fresco and the provision of the two (2) patios will further enhance the dining experience for those diners. The patios are in keeping with those tenants have been granted for other similar tenants in the Kroger's Shopping Center and have become desirable venues for the dining experience.

C. State the relationship of the proposed use to adjacent properties and land uses.

The patios are located on the north and south sides of the proposed building and as such will face parking areas within the site. The patio on the south will face the ingress and egress drive off Sawmill Road and the drive thru aisle areas of the Chase Bank site on the abutting lot. The patio on the north side of the building will face an internal parking area and the landscaped island located along Emerald Parkway. The distances that the patios sit from surrounding properties will serve to mitigate any impacts on abutting neighbors.

D. State how the proposed use will relate to the Dublin Community Plan and any other development standards applicable to the property.

The use for Subarea 5B of the Dublin Northeast Master Plan was adopted by Council and subsequently amended over time since the mid-1990's and as a part of the list of permitted uses within the 5B Subarea restaurants are identified as a permitted activity and therefore the patios requested are a conditional use under the provisions of the Dublin Northeast Master Plan. The developer is providing the required fencing and parking as delineated in the applicable City Codes and further will identify the furniture to be utilized on each patio as a part of the requested conditional use.

Conditional Use Review Criteria

1. The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code and/or Community Plan.

Yes, the two (2) small patios will be in harmony with surrounding uses and in accordance with the adopted general objectives outlined in the Dublin Northwest Area Plan.

2. The proposed use will comply with all applicable development standards, except as specifically altered in the approved conditional use.

Yes, the two (2) patios will comply with all the applicable development standards and no variances are requested for the proposed patios.

3. The proposed use will be harmonious with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

Yes, the proposed patios will be in harmony with the existing community and the character of the general area. The location of the new shopping center is located along the Sawmill Road corridor and the intended use is common place within the area.

4. The use will not be hazardous to or have a negative impact on existing or future surrounding uses.

No, the proposed patio will not have a negative impact on the surrounding areas as the use of patios within the area was established with a number of conditional uses for patio that were reviewed and approved in Subarea 5A of the Kroger Shopping Center.

5. The area and proposed use(s) will be adequately served by essential public facilities and services as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewers, and schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

Yes, the two (2) small patios are ancillary to proposed restaurant tenant spaces so all necessary public facilities will be provided for the proposed building with the small patios.

6. The proposed use will not be detrimental to the economic welfare of the community.

No, the patio uses will not be detrimental to the economic welfare of the community. They will offer another dining experience to future tenants who visit the new restaurants.

7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions or operations, including but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the use permitted in the base zoning district.

No, the use of the two (2) patio areas will not be detrimental to any persons, property or the general welfare in the adjoining neighborhoods by creating distractions or other impacts on surrounding properties.

8. Vehicular approaches to the property shall be so designed as not to create interference with traffic on surrounding public and/or private streets or roads.

Yes, the vehicular approaches to the site were determined previously so the two (2) patio spaces will not impact traffic or pedestrian activities on surrounding drives or roads.

9. The proposed use will not be detrimental to property values in the immediate vicinity.

No, the proposed two (2) patios will not be detrimental to the property values in the immediate vicinity as they are small in scale and interior to the lot protected by parked vehicles and landscaping.

10. The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

No, the two (2) patios will in no way impede the normal or orderly development and improvement of surrounding properties.

Divergence Request

1. The request for the reduction of the required number of loading spaces to one was made because the size of the new shopping center is small, only 12,000 sq. ft. in size and the proposed mixture of tenants will not need two (2) loading spaces to deliver the amount of freight and materials to the future users. There is still ample areas to the rear of the building for small panel and van trucks to make deliveries as many of the tenants will not need a loading space in order to off load cargo for delivery to the various tenant spaces within the small building.

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