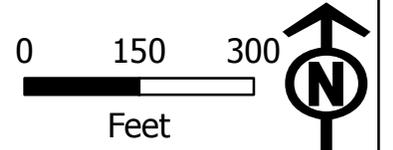


17-034AFDP  
 Amended Final Development Plan- Signs  
 Shell Service Station  
 6695 Perimeter Loop Rd





PLANNING AND ZONING COMMISSION

RECORD OF ACTION

July 12, 2007

CITY OF DUBLIN.

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

Phone: 614-410-4600  
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The Planning and Zoning Commission took the following action at this meeting:

9. **Shell Gas Station** **6695 Perimeter Loop**  
**07-047AFDP** **Amended Final Development Plan**

Proposal: A 24-square-foot sign for an existing gas station within Subarea E of Perimeter Center, located on the west side of Perimeter Loop, approximately 500 feet south of the intersection with Avery-Muirfield Drive.

Request: Review and approval of an amended final development plan under the Planned District provisions of Code Section 153.050.

Applicant: Stanley Young, Allied Sign Company, Inc.

Planning Contact: Claudia D. Husak, AICP, Planner  
(614)410-4675, chusak@dublin.oh.us

**MOTION:** To disapprove this Amended Final Development Plan application because fails to meet the following criteria set forth in Section 153.050 of the Dublin Zoning Code:

- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property; and
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;

**VOTE:** 6 – 1.

**RESULT:** This Amended Final Development Plan was disapproved.

STAFF CERTIFICATION

Claudia D. Husak, AICP  
Planner

~~Mr. Zimmerman seconded the motion, and the vote was as follows: Mr. Walter, no; Mr. Fishman, yes; Mr. Saneholtz, yes; Ms. Amorose Groomes, yes; Mr. McCash, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 6 – 1.)~~

~~Mr. Walter said he voted no because he does not think this is a two and a half story building.~~

~~8. **Martino's Bar and Grille** **6645 Dublin Center Drive**  
**07-043CU/CDDS** **Conditional Use**  
**Corridor Development District Sign Review**~~

~~Mr. Gerber swore in those who intended to speak in regards to this case. The applicant, Alan Bornstein, agreed to the two conditions contained in the Planning Report:~~

- ~~1) That no streamers, flags, or other decorations be allowed on the patios and that the umbrellas exhibit no logos, signs, names or other advertising; and~~
- ~~2) That the proposed music system provided for the patios be limited to normal noise levels, subject to Noise Ordinance and hours of operation.~~

~~**Motion and Vote (Conditional Use)**~~

~~Mr. Gerber moved for approval of this Conditional Use application noting that the applicant had agreed to the two conditions listed above, and Ms. Amorose Groomes seconded. The vote was as follows: Mr. Zimmerman, yes; Mr. Saneholtz, yes; Mr. Fishman, yes; Mr. Walter, yes; Ms. Amorose Groomes, yes; and Mr. Gerber, yes. (Conditional Use – Approved 6 – 0.)~~

~~**Motion and Vote (Corridor Development District Sign Review)**~~

~~Mr. Gerber made a motion to approve this Corridor Development District Sign application because it complies with the Corridor Development District criteria and the existing development standards within the area, with no conditions and Mr. Zimmerman seconded. The vote was as follows: Mr. Walter, yes; Mr. Fishman, yes; Mr. Saneholtz, yes; Ms. Amorose Groomes, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. Corridor Development District Sign Review – Approved 6 – 0.)~~

~~9. **Shell Gas Station** **6695 Perimeter Loop**  
**07-047AFDP** **Amended Final Development Plan**~~

~~Mr. Gerber swore in those who intended to testify in regard to this case.~~

Claudia Husak presented this request for review and approval of an amended final development plan to increase the height and size of a previously approved sign for the Shell Gas Station at Avery-Muirfield Drive. She said the final development plan for this site was approved in April 1999 and the sign permit was issued in March 2000. She said the site is located in Subarea E of the Perimeter Center Planned Commerce District, and the site and all surrounding properties are also zoned PCD and are part of this center. Ms. Husak said to the north is a BP gas station and to the south is the Panera Bread restaurant. Ms. Husak presented slides showing the site which is fully developed with a gas station/convenience store, fuel pumps, gas canopies, and a car wash. She said a 12.5-foot bikepath easement is located on the eastern portion of the site and the sign is to be located along Avery-Muirfield Drive.

Ms. Husak said in July 1999, the City of Dublin began improvements along the Avery Road/Muirfield Drive corridor, and the construction activity included the widening of the pavement at the interchange and associated ramps, as well as installing a bikepath along Avery-Muirfield Drive. She said the construction activity caused the bike lane to be raised and the topography changed slightly in this general area. She said it decreased the visibility of the existing sign somewhat. Ms. Husak presented a slide provided by the applicant, showing a section view of a car traveling along Muirfield Drive and what the proposal would do to the sign as far as raising it and putting it closer to eye level.

Ms. Husak said the applicant is proposing to raise the current six-foot high sign to eight feet. She said the sign consisted of a stone base and pillar construction with a rectangular burgundy interior illuminated sign cabinet with white lettering. She said there are no modifications proposed to the general design of the sign, but the stone base and the sign cabinet will be enlarged. Ms. Husak said the proposal will continue to meet the text, as well as the Zoning Code. She said Planning has evaluated this proposed based on the review criteria for an amended final development plan, and it is their opinion that the modifications meet the criteria as outlined in the Planning Report, therefore, Planning is recommending approval of this request with no conditions.

Stanley Young, Allied Sign Company, Inc. said his company was contacted by the owner of the gas station to review the sign's visibility and height since the development of Avery Muirfield Drive. He said they worked with staff to developing a sign that would maintain the approved colors and the stone base, raising it up to make it more visible. He said the BP sign is 44.2 square feet and the Panera Bread sign is 49.5 square feet. He said they are proposing a 24-square-foot sign with an eight-foot overall height.

Mr. Gerber asked if people were having trouble finding the gas station. Mr. Young said they were not really having a problem, but from the standpoint of them knowing that it was a Shell station and a food mart and that a car wash is offered, it was important to the owner having made a multi-million dollar investment. He said the owner wanted the sign to be readable and aesthetically pleasing. He said they propose to increase the sign size to make it more in proportion to the base so that it looks more aesthetically correct.

Mr. Walter noted that the road was widened seven years ago. He said the existing sign was a little smaller than the other signs, but he did not think the existing sign size was impacting the business. Mr. Walter said he did not see a need to enlarge the sign.

Mr. Gerber said the Commissioners have been appointed by City Council, and the policy has been that signage is for identification purposes. He said he heard no testimony saying that there was a problem with identifying that this is a Shell food mart/car wash/gas station. He said he was concerned that the Commission would be setting a precedent and all other business owners will come back and say because the road was raised, they want a bigger sign.

Mr. Young said signage was the most dollar for any type of investment a business owner can make and it was very important. He said they were allowed up to 50 square feet in area and nine feet in height. Mr. Young said the existing sign location is low and he believed that the sign was under designed originally

Mr. McCash said he thought there was plenty of attracting light coming out of the building with the neon that has been added.

Ms. Amorose Groomes noted that there was a second request to change the faceplate along Perimeter Drive. Ms. Husak said that the faceplate change along Perimeter Drive did not require review and approval by the Commission because the Zoning Code allows minor modifications to be done to an approved final development plan administratively. She said however, the height of the sign needs review and approval by the Commission. She said the Perimeter Drive faceplate change was included in the packet for information purposes only.

Mr. Walter said the BP sign was approximately twice as big and sits up three feet higher than the existing Shell sign, and is in line with the McDonald's sign. Mr. Sanholtz noted that the Panera sign topped out at nine feet, but they are closer to the ramp. He asked about the height of the BP sign. Mr. Young said it was approximately seven feet, six-inches high.

Mr. Gerber confirmed that Criteria 1, 3, 9, and 10 were combined in the Planning Report. Ms. Husak reminded the Commissioners that a detailed list of criteria was included in the Commissioners' Planning and Zoning Handbook. Mr. Walter commented that he would like to receive the criteria sheet each time in the Commission packet.

Mr. Walter said if this was going for approval, he wanted to talk about the neon. Ms. Amorose Groomes said she would think even if it was going to be considered for approval, it would be conditional upon the balance of the facility meeting Code.

Mr. Langworthy said that was not necessary. He said if they do not meet Code, then that is an enforcement issue Planning has to handle. Mr. Sanholtz suggested a night drive by an Enforcement Officer. Mr. Langworthy agreed to follow up and sent someone to check for compliance. Mr. McCash said the car wash doors were supposed to be closed when there are no cars in it and it is not. Mr. Langworthy said Planning would check the approval on it and see. He said he did not know of any Code issue that related to that. Mr. McCash said it was discussed as part of the review and approval of the development plan in 1999. He referred to Condition 8 of the 1999 Development Plan approval: Using an opaque door that remains closed at all times except when a car is entering or exiting. Mr. Langworthy said that would be an enforcement issue as well and he would have someone check it.

Mr. Young said looking at consistency, the stone base on the BP sign is at or above grade and when you look at Panera Bread, the stone base and cap are above grade, and that is why, based on Planning's recommendation he provided a section drawings showing exactly where the street level is and where that lower edge of the cabinet should be so that at a minimum, the base of this sign would be at street level.

Mr. Gerber asked what affect the higher sign would have on visibility. Ms. Husak said Planning did not believe there would be any visibility issues.

Mr. Walter said the existing sign is fine. He did not want to see a proliferation of signs.

Mr. Langworthy read the criteria and asked for a Commission discussion as to whether or not this sign is coordinated within the PUD and with adjacent development. Ms. Husak said the

current Shell sign is six feet high, and the text permits signs to be a maximum of nine feet, which was the Panera sign's height. Mr. Saneholtz confirmed that all these owners in the same subarea had the same sign standards to follow. Ms. Husak pointed out that the 7.5-foot high BP sign was located higher toward the road. Mr. Langworthy asked the Commission if the proposed sign was or was not coordinated or out of character within the PUD and the adjacent area. Mr. Saneholtz said when he considered the PUD as a whole, he considered it coordinated with Chase, McDonald's, and the other signs of what would be more comparable to its present state.

Mr. Gerber said he found that adding more sign precedents to be inconsistent with the entire area from the aesthetic standpoint.

Mr. Young said when looking at the overall PUD text language this sign meets all criteria: a) it has the Algerian red stone; b) the background is opaque; c) it is half the size it should be, so in the spirit of conformity, this sign is not an issue as far as size, setback, height, etc. He said they were just asking for some conformity in the general area for this applicant to get a little more visibility and be consistent with BP and Panera Bread by giving it an equal opportunity to be at least level with the road.

Mr. Fishman said the Commission does not want a sign competition. He said the sign is there to identify the business, which the existing sign size does. He said he believed that the existing sign conforms to the PUD. He did not think anyone could drive down the road and miss the Shell station if they are looking for gas.

Mr. Young said he thought the applicant made a decision in 2000 to go under the maximum required size of the sign. Mr. Gerber suggested that back then, the Commission looked at the text, Code, aesthetics and criteria and made a decision that the sign should be the existing size. He said by adding additional height to this sign, it is going contra to that balance that the previous Commission was trying to obtain. He said specifically, it affects the aesthetics of the area and will change it. Mr. Gerber said that was out of kilter with the spirit and intent of the text. Mr. Fishman said he served on that Commission and agreed the decision was based on the car wash, pumps, no print on the pumps, etc.

Mr. Langworthy pointed out that the Planning Report recommended approval, stating that it met all the criteria.

Mr. McCash said when looking at this in the context of the overall pedestrian scale of the sign along the bikeway/bikepath component, it fits with its present scale to that. He said if the sign is raised, BP will want to raise theirs, and the taller signs will be closer to where the pedestrian element is located. He said it changes the whole character of the road. Mr. Langworthy confirmed that Mr. McCash was considering Criteria 2. Mr. McCash said the sign is too close to the road and bikepath for the proposed height. He said the text has a number, but it needs to be looked at in the overall context. He noted that the McDonald's sign was too big in relation to the building and where it sits next to the bikepath. He said it is really the whole scale of the whole environment along the roadway and how it works within the PUD.

Mr. Langworthy confirmed that Mr. McCash was also saying that it was not coordinated with the rest of the PUD because of the reasons he stated, and the second part was that it is the appropriate size, scale, and design relationship to the principal building site and surroundings.

Mr. McCash said it was not a safety issue from the pedestrian, it is the overall impact to the environment that is in there and the context of the size

Mr. Gerber read the continuation Criteria 6: ...relationship with the principal building surroundings and are located so as to maintain safe and orderly pedestrian circulation. He said he was finding under Criteria 2 and 6.

Mr. Young asked if the Commission was more concerned about the height or the size of the sign. He asked if the Commission could deal with leaving the sign the same size; why not let them raise it. Mr. McCash said not only the height, but when the size is increased, the intensity of the light output will be increased and it will be a brighter element. He said the letters are bigger and brighter with illumination and will have a bigger impact than the existing sign.

Mr. Walter said there was another criteria problem with Criteria 6: ...they are located so as to maintain safe and orderly pedestrian and vehicular circulation. He said as the sign is raised, it becomes more massive, it is down further in the swale, and it is quite possible, as it happened a couple of years ago for someone to go off the side of the road, it could be done on the other side, down off the swale as you go around and hit the massive wall that would be created by the sign.

Mr. Young said no one had answered his question. Mr. Walter said if the sign size is kept the same, and it is moved up, the base gets much larger, and a car going off the road, is going to hit a much larger base and it is unsafe.

Mr. McCash said he answered Mr. Young's question by saying that he did not mind the height if the same sign was raised up. He said it was still the height issue in the overall context.-He said if the sign were larger, then there are bigger letters, bigger lighting coming through, and that has it would have a different impact on the overall existing environment there.

Mr. Young said if the height complied with Code, he does not see the relevance.

Mr. Fishman said when the station was approved, the Commission looked at what covered the land, and they eliminated print on pumps and a lot of things to minimize the intensity of the station. He said it was all those things together that were an accommodation that got it approved. He said the apartments are close. He said it was the whole character. He said the Commission really hated to start a contest, having everyone saying that they wanted to make their sign larger, to the maximum size allowed by Code. He said it was approved as a package, and because of that, they got the car wash and so many gas bays, etc. He said nothing had changed since the original approval. He said there is no hardship, and you know there is a Shell station without a doubt there as soon as you turn the corner.

Mr. Gerber made motion to disapprove this Amended Final Development Plan application because fails to meet the following criteria set forth in Section 153.050 of the Dublin Zoning Code:

- 2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property; and
- 6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the Planned Unit Development and with adjacent development; are of an appropriate size,

scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation.

**Motion and Vote – Amended Final Development Plan**

Mr. Gerber made motion for disapproval of this Amended Final Development Plan based on Criteria 2 and 6 for the reasons previously stated. Mr. Zimmerman seconded the motion and the vote was as follows: Mr. McCash, yes; Ms. Amorose Groomes, no; Mr. Sanholtz, yes; Mr. Fishman, yes; Mr. Walter, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Disapproved 6 – 1.)

**10. Post/Perimeter Office Building  
07- 049Z/FDP**

**6655 Post Road  
Rezoning/Preliminary Development Plan  
Final Development Plan**

Mr. Gerber swore in the applicant’s representative for this case, William Loveland, Loveland and Brosius, who agreed to the two conditions listed below for the Rezoning/Preliminary Development Plan.

**Motion and Vote – Rezoning/Preliminary Development Plan**

Mr. Gerber made a motion to approve this Rezoning/Preliminary Development Plan application because it complies with the criteria set forth in Section 153.050 of the Dublin Zoning Code and the existing development standards within the area, with two conditions:

- 1) A signed and dated copy of the development text that includes the modifications to allow Post Road access and the reduction in the loading space area should be submitted to Planning prior to the issuance of building permits; and
- 2) The traffic study be finalized to the satisfaction of the City Engineer, prior to the scheduling for a public hearing by City Council.

Mr. Zimmerman seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Sanholtz, yes; Mr. Fishman, yes; Mr. Walter, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 6 – 0)

**Motion and Vote – Final Development Plan**

Mr. Gerber made a motion to approve this Final Development Plan because it complies with the criteria set forth in Section 153.050 of the Dublin Zoning Code and the existing development standards within the area and Mr. Zimmerman seconded. The vote was as follows: Mr. Walter, yes; Mr. Fishman, yes; Mr. Sanholtz, yes; Ms. Amorose-Groomes, yes; Mr. Zimmerman, yes; and Mr. Gerber, yes. (Approved 6 – 0)

**11. Tutor Time Learning Center  
07- 052FDP**

**5660 Emerald Parkway  
Final Development Plan**

Mr. Gerber swore in those who intended to testify in regards to this case.

Abby Scott presented this Final Development Plan request for review and approval for a 10,500-square-foot daycare building within the Thomas Kohler PCD. She said correspondence regarding this case was given to the Commissioners. She said the site was located on the west side of Emerald Parkway. Ms. Scott said the proposed parcel is located in the southwest portion



CITY OF DUBLIN

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**DUBLIN PLANNING AND ZONING COMMISSION**  
**RECORD OF ACTION**  
**April 15, 1999**

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

**1. Development Plan 99-009DP - Perimeter Center Subarea E - Shell Gas Station - 6695 Perimeter Loop Road**

**Location:** 1.72 acres located on the east side of Avery-Muirfield Drive, approximately 300 feet north of the US 33/SR 161 off-ramp, and also having frontage on Perimeter Loop Road.

**Existing Zoning:** PCD, Planned Commerce District (Perimeter Center Plan).

**Request:** Approval of a development plan under the PCD provisions of Section 153.058.

**Proposed Use:** A 3,360 square foot gas station/convenience store with twelve gas pumps, a 3,750 square foot canopy, and a 1,650 square foot car wash.

**Applicant:** Huntington National Bank, c/o Byron Wilson, 41 South High Street, Columbus, Ohio 43215; and Robert S. Sherry, Sherry Architect and Planner, 415 Glensprings Drive, Suite 302, Cincinnati, Ohio 45246.

**MOTION:** To approve this development plan because it is consistent with the Perimeter Center composite plan and it promotes the high quality character of the surrounding development, with 18 conditions:

- 1) That a permanent bike path easement and a temporary construction easement, consistent with the City's plans, be dedicated along Avery-Muirfield Drive and be submitted prior to issuance of building permits;
- 2) That evidence of recorded cross access easements with the adjacent properties to the north and south be submitted prior to issuance of building permits;
- 3) That all windows have a 20 percent solar tint, subject to staff approval;
- 4) That a revised landscape plan be submitted that meets all Code and text requirements and includes a high percentage of shade trees, subject to staff approval;
- 5) That building elevations be revised to include additional brick pillars on the west elevation, downspouts that are architecturally integrated into the brick pilasters,

**DUBLIN PLANNING AND ZONING COMMISSION**  
**RECORD OF ACTION**  
**April 15, 1999**

**1. Development Plan 99-009DP - Perimeter Center Subarea E - Shell Gas Station - 6695 Perimeter Loop Road (Continued)**

- and painted to match the brick and stone, and canopy columns that are doubled in size in the east/west direction, subject to staff approval;
- 6) That all roof top accessories be painted to match the roof shingles, subject to staff approval;
  - 7) That the canopy be separated into two smaller canopies, subject to staff approval;
  - 8) That the car wash be revised by adding brick pilasters on both the north and south elevations, increasing the height of the stone watercourse, providing evergreen trees to screen the door from Avery-Muirfield Drive, consistent with Code, and installing a door timer, subject to staff approval;
  - 9) That signage meets the requirements of the Code and text, and that window signs and signs on the pumps be prohibited;
  - 10) That no corporate color trim, accents, etc. be allowed on the buildings or around the site, and that trim color be substantially similar to the BP Station or the approved "Lambswool" color;
  - 11) That the lighting plan be revised to meet the provisions of the Dublin Lighting Guidelines, utilize fixtures consistent with surrounding development, and that all canopy fixtures be flush mounted with flat lenses;
  - 12) That stormwater management design complies with the Perimeter Center master stormwater plan and the provisions of the City's Stormwater Regulations;
  - 13) That the car wash escape lane be reduced in width to 13 feet;
  - 14) That the applicant provide a revised staking plan, acceptable to staff, within 20 days;
  - 15) That the satellite dish be ground mounted and properly screened, subject to staff approval;
  - 16) That there be no front window display;
  - 17) That the sign match the design for the existing BP sign on Avery-Muirfield Drive with stone base and column, subject to staff approval; and
  - 18) That the applicant schedule a pre-submittal meeting after Conditions 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, and 17 have been resolved to the satisfaction of staff and prior to applying for building permits.

\* Robert Sherry agreed to the above conditions.

VOTE: 7-0.

RESULT: This development plan was approved.

STAFF CERTIFICATION



John Talentino, Planner

**Administrative Business:**

~~Ms. Clarke announced the Board and Commissioner recognition dinner on Wednesday, April 21.~~

~~She also updated the commissioners on the Southwest Area Plan being prepared by Wallace, Roberts, and Todd. A session about conservation techniques in subdivisions is scheduled for Friday, April 16 and will be led by Randall Arendt.~~

~~Ms. Clarke reported on staff recommended guidelines for informal hearings, as requested by the Commission. She said a 30-minute for one informal case would be strictly enforced at the start of a meeting. Staff suggested setting up three ten-minute segments: staff report, applicant presentation and Commission discussion, each including a time for questions). Ms. Clarke emphasized the importance of informal hearings, but believed they also need strict time limits. Mr. Lecklider asked about public input. Ms. Clarke said 30 minutes will not permit public input but the Commission has the option to change the rules. Mr. Eastep, Mr. Peplow, and Mr. Sprague agreed with the suggested format. Mr. Fishman and Mr. Harian agreed and emphasized the importance of the informal hearings. Mr. Fishman said the format could be used experimentally and adjusted as necessary. This format will be used beginning in May, 1999.~~

~~Mr. Eastep made the motion to accept all documents presented into the record, and Mr. Fishman seconded. The vote was as follows: Mr. Sprague, yes; Mr. Lecklider, yes; Mr. McCash, yes; Mr. Peplow, yes; Mr. Harian, yes; Mr. Eastep, yes; and Mr. Fishman, yes. (Approved 7-0.)~~

~~Mr. Lecklider noted the “eleven o’clock rule” would be in effect.~~

**1. Development Plan 99-009DP - Perimeter Center Subarea E - Shell Foodmart – 6695 Perimeter Loop Road**

John Talentino said the Commission had discussed this development plan previously with feedback to the applicant . The plan has been modified to eliminate the restaurant, relocate the car wash, and downsize the building by 700 square feet. Mr. Talentino show slides of the site located in Subarea E of Perimeter Center. The canopy has been widened by ten feet to allow traffic between the pillars. He said the parking requirement had dropped substantially without the restaurant. Staff recommends dividing the canopy into two smaller sections. Mr. Talentino said a stone watercourse wraps the building except by the front entry, and staff wants the stone to continue to the entry, along with more brick pillars. Mr. Talentino noted that the gas station complies with both the composite plan and the text., provided that the 15 conditions are met.

Mr. Talentino said the revised plan gives more green space, has a more appealing architecture, and fits well within the high quality development in Perimeter Center. He said the roof now has an 8:12 pitch, and that the downspouts would be integrated into the brick wall. The landscape plan is currently not in compliance. He said site lighting has minor problems that need to be resolved. Mr. Talentino said the architecture of the proposed development has a residential character consistent with the text. Staff recommends approval with 15 condtions.

- 1) That a permanent bike path easement and a temporary construction easement, consistent with the City's plans, be dedicated along Avery-Muirfield Drive and be submitted prior to issuance of building permits;
- 2) That evidence of recorded cross access easements with the adjacent properties to the north and south be submitted prior to issuance of building permits;
- 3) That the amount of pavement in front of the canopy be reduced as far as practicable, subject to staff approval;
- 4) That a revised landscape plan be submitted that meets all Code and text requirements and includes a high percentage of shade trees, subject to staff approval;
- 5) That building elevations be revised to include a stone water course under the storefront windows flanking the front doors, additional brick pillars on the west elevation, and downspouts that are architecturally integrated into the brick pilasters and painted out to match the brick and stone, subject to staff approval;
- 6) That all roof penetrations be painted out to match the roof shingles, subject to staff approval;
- 7) That the canopy be separated into two smaller canopies, subject to staff approval;
- 8) That the car wash be revised by adding brick pilasters on both the north and south elevations, increasing the height of the stone water course, and using an opaque door that remains closed at all times except when a car is entering or exiting, subject to staff approval;
- 9) That signage meets the requirements of the Code and text, and that window signs and signs on the pumps be prohibited;
- 10) That no corporate color trim, accents, etc. be allowed on the buildings or around the site;
- 11) That the lighting plan be revised to meet the provisions of the Dublin Lighting Guidelines, utilize fixtures consistent with surrounding development, and that all canopy fixtures be flush mounted with flat lenses;
- 12) That stormwater management design complies with the Perimeter Center master stormwater plan and the provisions of the City's Stormwater Regulations;
- 13) That the car wash escape lane be reduced in width to 13 feet;
- 14) That the applicant revise the staking plan, acceptable to staff, within 10 days; and
- 15) That the applicant schedule a pre-submittal meeting after Conditions 1, 3, 4, 5, 6, 7, 8, 9, 12, 13, and 14 have been resolved to the satisfaction of staff and prior to applying for building permits.

Furthing the discussion regarding the opaque car wash door, Mr. Talentino said the goal is to have the door shut when there are no cars waiting to be washed, not necessarily after each vehicle. Mr. Talentino said the BP door has been inconsistent in terms of opening and closing between vehicle washes. He said the BP watercourse was not extended because the entrance is at the corner of the building.

Mr. Talentino said Conditions 5, 8, and 14 had not yet been settled. Mr. Talentino said Shell was requesting twelve pumps, and BP has 10.

Mr. McCash asked about the downspout color. Mr. Talentino showed the paint samples and said it is an off-white/light gray. Lot coverage for the site is 60 percent.

Mr. Lecklider asked about windows on the car wash. Mr. Talentino said there would be one window, internally oriented to the site.

Bob Sherry, representing the applicant, said the revised plan eliminated the restaurant (which also eliminated the parking concerns) and the roof top mechanical issues. They have relocated the car wash, per the Commission's suggestion, to the north side. There will be two canopies (with increased setback) at the pumps. The landscaping has been increased to 45 percent. He said the downspouts would be incorporated into the building, possibly internally. He distributed a downspout drawing and emphasized that they would not look like those at BP. He believed these changes have tremendously improved the plan and have given the site more residential characteristics, enabling it to bond with the other uses in the area.

Mr. Sherry said that condition #3 (increased landscaping) was inconsistent with the direction given by the Commission at the previous meeting.

They were told to open up the front area for better circulation. He said they would agree with Condition 3, if the Commission voted. On Condition 4, they will comply with the landscape requirements. They want flexibility to move the car wash lane further to the west, and they will work with staff on this issued. (Cond. #5)

Mr. Sherry believes the building looks better without the stone watercourse adjacent to the front door. He said they would not stack anything unsightly against the windows. Condition 7 – He thought they could do a better job with the two canopies by reducing the landscaping on both property lines and providing 14 feet on each property line. Condition 8 – Mr. Sherry did not want an opaque door that closed when not in use. He said BP only closed their car wash to keep the heat inside. Other time, the doors are kept open, like any other car wash. He asked for equitability. His conveyor type car wash will not function with the door closing after each vehicle. He said they could close it when it was raining, cold, at night, and at slow periods, but not every 30 seconds.

Mr. Sherry accepted the lambswool color. He agreed to remove the window on the car wash.

Mr. Sherry said he will submit revised plans in 20 days. Mr. Talentiono said that was acceptable.

Mr. Harian asked how much space was lost between the canopies after the plans were revised. Mr. Sherry said ten feet. They are currently setback 85 feet from the property line. Mr. Harian said he liked greenspace, but did not like getting mixed up with traffic.

Mr. Harian did not care if the additional stone watercourse was there or not.

Regarding car wash doors, Mr. Harian suggested that after five-minutes, if no cars entered, the doors would close. Mr. Sherry agreed. Mr. Fishman said the problem was noise, and Mr. Sprague said visual clutter was another problem.

Hish Shtayyeh, 4149 Waggoner Road, Sugar Creek, Ohio, the proprietor, said they had no

problem closing the doors after a ten-minute delay between vehicles. Their main concern was with the safety of the people. The conveyor may malfunction.

Mr. Fishman said, there is heavy landscaping, he felt it would be impracticable to close the doors. He would rather see the area heavily landscaped with evergreen trees instead of deciduous trees, and he would appreciate if the number of pumps were reduced from 12 to 10.

Mr. Fishman was concerned about the size of the canopy pillars. Mr. Sherry said they match those at BP.

Mr. Fishman wanted the extra ten feet of landscaping in the front.

Mr. McCash said he was not concerned with the car wash door being closed if landscaped and screened from Avery Road, but he did about moving it closer to Avery Road. He liked having the additional greenspace along Avery Road.

Mr. McCash suggested making the filter area on the stormwater plan more freeform. Perhaps landscape features could be added to the slopes in those areas.

Mr. McCash said the widths of the piers holding up the canopies looked too thin. Mr. Sherry said the pillars had the same look as the BP ones. Mr. Shtayyeh agreed to change them.

Mr. McCash asked if a satellite dish was planned. Mr. Sherry said yes. It will be ground-mounted, screened and enclosed behind the mechanical area wall. He did not believe BP's dish was in compliance. Mr. McCash asked that Condition 16 state that the satellite dish be ground-mounted.

Mr. Sprague and Mr. Harian thought additional greenspace might make the layout too tight for traffic circulation. He asked if the applicant would agree to refrain from displays in the window area instead of using a watercourse. Mr. Shtayyeh agreed.

Mr. Sprague also wanted a reduction to ten pumps. Mr. Shtayyeh said with only ten pumps, the canopy was asymmetrical and could not be split.

Mr. Sherry agreed with all of Condition 8, except the closure of the car wash doors. Mr. Shtayyeh said the car wash window is for merchandising.

Mr. Eastep commended the revised plans. He disliked the carwash being closer to Avery Road. Mr. Shtayyeh said increasing the approach to the car wash 60 feet improved it because of the right turn. The detention and filtering area can be improved by moving it. so.

Mr. Eastep wanted a greener (landscaping) entry and exit of the car wash. He concurred that one of the primary concerns is stacking and traffic congestion. He said there needed to be greener landscaping in the islands. Mr. Shtayyeh agreed to work with staff. Mr. Shtayyeh agreed the landscaped areas could be sodded instead of seeded.

Mr. Lecklider did not like the decreased landscape area along Avery-Muirfield Drive. He appreciated the efforts made by the applicant in accommodating the Commission's concerns. Mr. Lecklider also preferred the increased pavement at the entry. He liked the idea of widening the canopies center space. Mr. Lecklider said it would be apparent to most people that it is a car wash without having the window on the side and it is not necessary. He said the car wash doors should be screened with more evergreens. He would like to see the evergreens doubled at the right turn and near the entry. Mr. Lecklider asked if the dumpster would be moved closer to Avery-Muirfield Drive when the car wash entry drive is moved to the west. Mr. Sherry said no.

Mr. Lecklider said the approved Perimeter Center color palette should be strictly enforced., and he liked the stone watercourse under the front windows. It would make it consistent with the rest of the center. Mr. Talentino said clear glass was proposed. Mr. Eastep said McDonald's and BP's windows were clear. Mr. Lecklider said Bob Sumerall, Monroe Muffler, Bank One, and Fifth Third had tinted glass.

Mr. Sherry said the car wash lane needed to be moved approximately 20 feet which would provide a 50-foot area for landscaping.

Mr. McCash suggested moving the car wash east (toward Perimeter Loop Road) in order to solve the right turn problem. Mr. Sherry agreed.

Mr. Sprague asked, if the car wash building was moved 20 feet, it impair the flow around the northern end of the canopy. Mr. Sherry said the canopy would only need to be moved three or four feet to create the extra lane.

Mr. McCash had no problem with the car wash window, because it faced inward. It would not be seen with the deciduous trees in front. Mr. Fishman, Mr. Eastep, and Mr. Peplow agreed.

Mr. Harian and Mr. Fishman said the front elevation looked fine without the added stone watercourse. Mr. McCash said as long as there was not any display in the front window, the watercourse was not necessary. Mr. Sprague and Mr. Peplow concurred. Mr. Lecklider and Mr. Eastep wanted the watercourse.

Mr. Eastep said in regard to the widening of the setbacks at the entry that he thought they should remain the same and the landscaping there should be upward instead of outward. Mr. Peplow, Mr. Fishman, Mr. Harian, and Mr. Sprague agreed.

Mr. Sprague wanted all the windows to be tinted to match the majority of Perimeter out parcels. Mr. Peplow and Mr. Harian had no preference. Mr. Eastep wanted a 20 percent solar tint. Mr. Fishman and Mr. McCash wanted all the windows (including the car wash) tinted.

Mr. Eastep asked if the car wash doors would be opaque to match the architecture. Mr. Shtayyeh said yes. Mr. Sherry said the door would be aluminum colored. Mr. McCash said if the door cannot be painted to match the adjacent brick surfaces, it should be the same type of door as BP, screened with evergreen shrubs.

Mr. McCash made the motion to approve this plan because it is consistent with the Perimeter Center composite plan and promotes the high quality character of the surrounding development, with 18 conditions:

- 1) That a permanent bike path easement and a temporary construction easement, consistent with the City's plans, be dedicated along Avery-Muirfield Drive and be submitted prior to issuance of building permits;
- 2) That evidence of recorded cross access easements with the adjacent properties to the north and south be submitted prior to issuance of building permits;
- 3) That all windows have a 20% solar tint, subject to staff approval;
- 4) That a revised landscape plan be submitted that meets all Code and text requirements and includes a high percentage of shade trees, subject to staff approval;
- 5) That building elevations be revised to include additional brick pillars on the west elevation, downspouts that are architecturally integrated into the brick pilasters, and painted out to match the brick and stone, and canopy columns that are doubled in size in the east/west direction, subject to staff approval;
- 6) That all roof penetrations be painted out to match the roof shingles, subject to staff approval;
- 7) That the canopy be separated into two smaller canopies, subject to staff approval;
- 8) That the car wash be revised by adding brick pilasters on both the north and south elevations, increasing the height of the stone water course, providing evergreen trees to screen the door from Avery-Muirfield Drive, consistent with Code, and installing a door timer, subject to staff approval;
- 9) That signage meets the requirements of the Code and text, and that window signs and signs on the pumps be prohibited;
- 10) That no corporate color trim, accents, etc. be allowed on the buildings or around the site, and that trim be the same as the BP Station or substantially similar to the approved lambswool color;
- 11) That the lighting plan be revised to meet the provisions of the Dublin Lighting Guidelines, utilize fixtures consistent with surrounding development, and that all canopy fixtures be flush mounted with flat lenses;
- 12) That stormwater management design complies with the Perimeter Center master stormwater plan and the provisions of the City's Stormwater Regulations;
- 13) That the car wash escape lane be reduced in width to 13 feet;
- 14) That the applicant provide a revised staking plan, acceptable to staff, within 20 days;
- 15) That the satellite dish be ground mounted and properly screened, subject to staff approval;
- 16) That there be no front window display;
- 17) That the sign match the design for the existing BP sign on Avery-Muirfield Drive with stone base and column, subject to staff approval; and
- 18) That the applicant schedule a pre-submittal meeting after Conditions 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, and 17 have been resolved to the satisfaction of staff and prior to applying for building permits.

Mr. Sherry agreed with the above conditions. Mr. Eastep seconded the motion. The vote was as follows: Mr. Fishman, yes; Mr. Harian, yes; Mr. Peplow, yes; Mr. Lecklider, yes; Mr. Sprague, yes; Mr. Eastep, yes; and Mr. McCash, yes. (Approved 7-0.)



**DUBLIN PLANNING AND ZONING COMMISSION  
RECORD OF ACTION  
March 4, 1999**

CITY OF DUBLIN

**Division of Planning**  
5800 Shier-Rings Road  
Dublin, Ohio 43016-1236

Phone/TDD: 614-761-6550  
Fax: 614-761-6566  
Web Site: www.dublin.oh.us

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

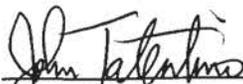
2. **Development Plan 99-009DP - PerimeterCenter Subarea E - Shell Foodmart/Charley's Steakery - 6695 Perimeter Loop Road**  
**Location:** 1.72 acres located on the west side of Perimeter Loop Road, east of Avery-Muirfield Drive, approximately 300 feet north of the US 33/SR 161 off-ramp.  
**Existing Zoning:** PCD, Planned Commerce District (Perimeter Center Plan).  
**Request:** Approval of a development plan under the PCD provisions of Section 153.158.  
**Proposed Use:** A 4,090 square foot convenience store with twelve gas pumps, a 3,500 square foot canopy, and a 1,650 square foot car wash.  
**Applicant:** Byron Wilson, Huntington National Bank, 41 South High Street, Columbus, Ohio 43215; Robert Sherry, Architect, 415 Glensprings Drive, Suite 302, Cincinnati, Ohio 45246.

**MOTION:** To table this application as requested by Hish Shtayyeh, the proprietor.

**VOTE:** 6-0.

**RESULT:** The Commission discussed at length issues including site layout, parking, car wash location, architecture, roof top mechanical screening, and traffic circulation. Generally, the Commissioners agreed that the gasoline station was an appropriate use for the site and that the restaurant and drive-thru uses should be eliminated. This application was tabled.

**STAFF CERTIFICATION**

  
\_\_\_\_\_  
John Talentino  
Planner

~~Mr. Lecklider congratulated Randy Bowman who was hired as Hilliard's City Engineer, and he said his wit will be missed. Mr. Banchefsky recalled the time Randy Bowman, when a large tree was to be removed, said he was "coming to the Commission with sap on my hands." Randy Bowman said in his absence, Barb Cox will be attending Commission meetings, as well as Balbir Kindra.~~

~~Regarding informal reviews, Mr. Eastep said these absorb a lot of staff time, and require no fee. The applicant saves money by not using his professionals to do the proper designs. He proposed that informal reviews be limited to one per case and that half an application fee be charged. Mr. McCash noted City Council sets fees.~~

~~Mr. Fishman did not think a fee should be charged and thought informal reviews were useful. Mr. McCash suggested there be rules on time and the number of reviews per case, etc. Mr. McCash said if an informal review is really bad, it can be stopped before it takes more time. Mr. McCash asked for a staff recommendation limiting the time spent on a single informal review or a fee. Mr. Sprague asked that a recommendation to Council be drafted.~~

**~~1. Concept Plan and Rezoning Application - Preliminary Development Plan 98-119CP and 98-120Z - Cardinal Health, South Campus~~**

~~Jack Reynolds asked that this case be tabled so unresolved issues could be addressed with staff. Mr. Fishman made the motion for tabling as requested, and Mr. McCash seconded. The vote was as follows: Mr. Eastep, yes; Mr. Peplow, yes; Mr. Lecklider, yes; Mr. Sprague, yes; Mr. McCash, yes; and Mr. Fishman, yes. (Tabled 6-0.)~~

**~~2. Development Plan 99-009DP - Perimeter Center Subarea E - Shell Foodmart B 6695 Perimeter Loop Road~~**

~~John Talentino presented this development plan for 1.7 acres within Subarea E of the Perimeter Center PCD. Permitted uses are office, retail, gas station, and drive-thru facilities. The text requires this subarea to present a non-commercial character toward Avery-Muirfield Drive. This proposal is for a 4,000 square foot convenience store, 12 gasoline pumps with a 3,500 square foot canopy, and a 1,650 square foot car wash. Mr. Talentino showed several slides.~~

~~Mr. Talentino said staff recommends that a stone watercourse be continued across the front windows, to tie the architecture together. To enhance the rear building corners, projecting brick pilasters are shown. Mr. Talentino said stormwater quality details have not been completed. He said staff suggested that the front elevation and entrance element be more prominent, bringing it higher and more in scale with the rear of the building.~~

~~The staff report has an error: the sign proposal exceeds the Code in the area of its secondary image, not primary image. Both signs are six feet tall. One sign is 18 square feet and the other is 21 square feet. He said the Shell sign has no text and is the graphic logo only (the shell shape). Mr. Eastep said this looks to be four signs to him. Mr. Talentino said only the "Charlie's Steakery" text is a primary image. The other texts would be considered secondary images by the text, and are limited to 20 percent of the maximum sign area permitted. On a 50 square foot sign,~~

the secondary image is limited to ten square feet. They seem to be penalized for having the secondary and primary images intertwined. He said the sign's background color is not permitted in the approved Perimeter Center palette, and the lighting fixture needs to be similar to those at BP or Perimeter Center.

Mr. Talentino said staff is recommending approval of this application with 15 conditions:

- 1) That a permanent bikepath easement and a temporary construction easement, consistent with the City's plans, be dedicated along Avery-Muirfield Drive and be submitted prior to issuance of building permits;
- 2) That evidence of recorded cross access easements with the adjacent properties to the north and south be submitted prior to issuance of building permits;
- 3) That the plan meet the parking Code;
- 4) That a revised landscaping plan be submitted that meets all Code and text requirements and includes a high percentage of shade trees, subject to staff approval;
- 5) That building elevations be revised to include a stone watercourse under the storefront windows, an enhanced front entrance design, and downspouts that are painted out to match the brick and stone, subject to staff approval;
- 6) That roof top mechanicals for the restaurant be screened per Code and designed to minimize the staining of the roof materials, subject to staff approval;
- 7) That the canopy elevations be revised with enlarged columns and a three-foot stone watercourse on each column, subject to staff approval;
- 8) That the carwash be revised by removing the windows on the south elevation, adding brick reveals on both the north and south elevations, and using an opaque door that remains closed at all times except when a car is entering or exiting, subject to staff approval;
- 9) That signage meet the requirements of the Code and text, and that window signs and signs on the pumps be prohibited;
- 10) That no corporate color trim, accents, etc. be allowed on the buildings or around the site;
- 11) That the lighting plan be revised to meet the provisions of the Dublin Lighting Guidelines;
- 12) That storm water management design meet the provisions of the City's Stormwater Regulations;
- 13) That the carwash approach lane be widened to at least 16 feet;
- 14) That the applicant provide a revised staking plan, acceptable to staff, within 10 days; and
- 15) That the applicant schedule a pre-submittal meeting after Conditions 3, 4, 5, 6, 7, 8, 12, 13, and 14 have been resolved to the satisfaction of staff and prior to applying for building permits.

Mr. Talentino said the lot coverage was approximately 60 percent and cannot exceed 70 percent. He said lot coverage at BP is less because the building is smaller and on a corner site.

Mr. Sprague said BP's traffic flow seemed too tight. Mr. Talentino said the storefront needs to be oriented towards Perimeter Center. Mr. Sprague suggested, since this lot was closer to SR 161/Avery-Muirfield Road than BP, giving special attention so that it is not so apparent visually.

Mr. Talentino said the facades of the building, especially the rear and sides, are broken up, etc. He said staff's biggest concern is with rooftop kitchen mechanicals. The text requires the eave height of the adjacent buildings to be within two feet of each other.

Mr. Sprague asked about the car wash doors. Mr. Talentino said the doors of the car wash remain open when weather permits. Mr. Sprague asked about noise from the car wash and said others have been required to keep the doors closed. Mr. Talentino said that is the staff recommendation.

Mr. Sprague asked if the dumpster, as proposed, would be obtrusive. Mr. Talentino said no.

Mr. Sprague asked if staff could come up with a material for the rooftop vents that will be durable and will resist grease or rust deposits. Mr. Talentino said the applicant has proposed making it look like a residential chimney or alternatively, a wall vent might be used.

Mr. Peplow asked if the landscape screening for the car wash-stacking lane was sufficient. Mr. Talentino said it would have to meet Code with a 3.5-foot mound or hedge, a tree every 40 feet and the Avery-Muirfield landscape treatment.

Mr. Peplow asked if there was sufficient space for traffic circulation with only one curbcut. Mr. Talentino said the Perimeter Center text has curb cut restrictions, and a cross access lane is needed.

Mr. Eastep asked how much of the future Avery-Muirfield Road widening will be on the east side of this road. Randy Bowman thought the initial intent was to preserve the curb on the east site and do all the widening on the west side. A bikepath easement from this site is being obtained.

Mr. Eastep asked about stormwater. Randy Bowman said all the existing Perimeter Center storm sewers, with a few exceptions at the Big Bear center, were built when the mall was planned. The entire storm sewer outlets into two wet basins on Post Road. The calculations were submitted for this project, and some refinements will be necessary. Randy Bowman said BP's storm sewers predated the new Stormwater Regulations. He said the stormwater plan meets the quantity portion of the requirements, but Perimeter Center was not master-planned for water quality. However, the wet basins remove some pollutants from the run-off. Mr. Eastep felt it was very important to control the run-off from a gas station, with its high level of petroleum products.

Mr. Eastep wanted the invert headwalls screened from view. Randy Bowman said the new Stormwater Regulations require that exposed headwalls have a stone or brick laminate covering.

Mr. Eastep asked if the kitchen had a grill and fryer because screening is needed. He also wanted all PVC and/or galvanized roof penetrations painted to match the shingle color. He suggested eliminating the drive-thru to reduce lot coverage and parking.

Mr. Talentino showed a cardboard model of the building. Mr. McCash asked where the HVAC and kitchen exhaust fans would be located. He said the Shoppes at Athenry has a problem because Code requires a screened working platform on the roof. Mr. Talentino said possibly the kitchen fans could be located in a wall vent. Mr. McCash did not think a wall vent would work.

Mr. Fishman did not think this proposal was ready for the Commission's review. He asked about the additional 16 parking spaces needed.

Mr. Banchevsky said the Planning Commission has the ability to vary the number of parking spaces, if it chooses, but it is under no obligation to do so. Mr. Banchevsky said the existing zoning text provides for parking per Dublin Code.

Lisa Fierce said the Planning staff believes that the PCD does not give discretion to the Commission. In a PCD, the development text and whatever requirements it contains, should control. The Parking Code requirements must be followed. She said a text amendment, or a BZA appeal on staff's method of calculation could be pursued. Mr. Banchevsky said staff's position is not unreasonable. He said the Commission originally approved the requirements, and it can vary from that.

Ms. Fierce said the BZA no longer considers variances in planned districts. Issues such as this are resolved with text amendments.

Mr. Sprague noted that BP went before the BZA on an administrative appeal of their sign, which was subsequently withdrawn.

Mr. Lecklider said there was a discussion at the joint dinner with Council. He thought that under circumstances such as these, that whether it was a parking variance or a sign, etc., that they would come back to the Commission, instead of the BZA. Mr. Banchevsky said the Code may not provide for that, but operationally, that has been the policy that he believed staff has followed (definitely on PUDs). He said that few PCDs are seen where this request has come through. The preference has been, in planned districts (PUD, PD) to bring variance requests before the Planning Commission since this is the entity that created the district and is familiar with the district's history. Mr. Banchevsky said a text change would come back to the Commission.

Mr. Fishman said if this application is disapproved, it should be based upon more than the parking.

Mr. Eastep said the PCD was a minimum text standard. He asked why parking would be handled differently than signs, palette color, etc., all of which are addressed in the PCD text.

Mr. McCash said the Commission reviews applications to assure they are consistent with the text as originally approved. Mr. Banchevsky said it was not a clear-cut scenario, and upcoming Code changes will address it. He said staff is not in error, but it seems to be an unreasonable process.

Mr. Fishman said McDonald's and BP sites are very congested. This proposal is for multiple uses on a small site and it should meet the Code for parking. He asked if the Code permitted three uses on one site. Mr. Talentino said yes, if they are all permitted uses.

Mr. Lecklider did not think a carwash needed windows because the interior was not visually appealing. He suggested that heavily tinted glass could be used to break up that side of the building.

Mr. Eastep said the Perimeter Center text requires a minimum of 8:12 pitch on the roof, but two saddle areas have approximately a 4:12 pitch. He noted that Dublin does not have any drive-thru restaurant/gas stations, and he was concerned about setting a bad precedent. He thought there were too many uses for the size of this site.

Bob Sherry, the applicant, said they pioneered "co-branding" with a Shell dealer and a Subway sandwich store. Their plans have never had parking issues before. Mr. Sherry agreed with all conditions except Conditions 3, 5, and 8. He said the watercourse requirement was because BP displays products behind their window, which they do not intend to do. He said they would comply with the rooftop Mechanical Code. Mr. Sherry said it is physically impossible to comply with the car wash door condition. This car wash has a conveyor belt that moves a vehicle into the building every 25 seconds. The door cannot go down after every car.

Mr. Sherry thought they complied with the parking requirements. He presented photos of similar Shell stations in other Ohio cities. This restaurant will be 900 square feet, but the staff calculated it incorrectly at 1,500 square feet. He said the coolers, storage areas, mechanical and work areas are not related to the restaurant.

Mr. Fishman said he had never seen a restaurant without coolers and asked if there would be coolers even without the restaurant. Mr. Sherry said no. Mr. Fishman said the coolers, in his opinion, were clearly part of the restaurant. Mr. Sherry disagreed.

Mr. McCash asked if the fast food counter was counted as part of the fast food restaurant. Mr. Sherry said no, it was part of the self-serve fast food service area, not the restaurant.

Mr. Sherry said his concept is similar to the BP store, which only has 17 parking spaces.

Mr. Fishman noted there was a problem with the parking at BP. Mr. Sherry said the problem was a lack of competition.

Mr. Sherry presented a handout to the Commissioners which described the occupant load for the building. Based on the Building Code, they could have 70 occupants in the building. Fifty parking stalls for 70 occupants did not make sense to him. Mr. Fishman said if there are 70 customers, there could be 70 vehicles on the property.

Mr. McCash noted that all the front windows have shelving.

Mr. Eastep said another petroleum station is needed in this vicinity. He said eliminating the restaurant would solve the parking and congestion issues.

Hish Shtayyeh, 4149 Waggoner Road, Sugar Creek, Ohio, the proprietor, said new stations include fast food for customer convenience. Seating is not intended for dine-in customers.

Mr. Eastep thinks there are too many uses on the site. He asked if the business would still be viable without the drive-thru restaurant and seating. He also suggested relocating the car wash. He did not want it to be the first thing seen when getting off the US 33 exit ramp.

Mr. Eastep asked if the windows could be removed from the car wash. Mr. Shtayyeh agreed.

Mr. Eastep said every Shell station he had seen uses front window displays. Mr. Shtayyeh said the new concept was to have no displays in the windows.

Mr. Peplow said Shell is not being penalized for BP's display in the windows, but he agreed that a watercourse should be along the front of the building. He asked if Charley's Steakery had provided any information regarding the percentage of drive-thru business. Mr. Shtaygel said Charley's has no drive-thrus.

Mr. Shtayyeh said the car wash doors could close if no cars were waiting.

Mr. Sprague remembered that nearby residents were concerned about noise and visual clutter when another gas station was proposed on the corner of Avery-Muirfield Drive and Post Road. He had the same concerns here. Ms. Newcomb said there was a noise concern at that site, and as a result, the hours of operation were restricted.

Mr. Shtayyeh and Mr. Sherry agreed that Shell would not have text on pumps or vacuums.

Mr. Fishman said mistakes were made with McDonald's and BP that caused traffic congestion. Dublin is trying to avoid making other mistakes. The plan is too crowded, and he cannot support it. He has seen many near accidents because of the cars lined up for the carwash. He said, however, a gas station is welcomed on this site.

Mr. McCash could not see how the required mechanical screening for the kitchen hood could be addressed without substantially changing the building elevations and this design. Mr. Sherry said it had been discussed with Charley's architect and several mechanical contractors. Common concurrence was that it would be put in a chimney with an in-line fan without the mushroom at the top. Mr. McCash asked where the in-line fan went. He did not think a Type 2 hood could be stuck in a chimney if it emitted a grease-laden vapor.

Mr. McCash noted the competition of Tim Horton's/Wendy's did not solve the congestion and parking problems at McDonald's. He said Shell is proposing 12 pumps and BP has ten; and Shell's vacuums are beside two parking spaces which eliminates their use.

Mr. McCash suggested the plan might be mirror imaged on the site, locating the two car washes next to each other. Mr. Shtayyeh said locating the car wash next to the BP car wash would not allow for stacking. Mr. Eastep said there would be stacking, only it would be a right turn. Mr. Sherry said right turns into a car wash are extremely difficult. Mr. Sprague said the Shell car washes at Tuttle Road and Sawmill Road both use right turns.

Mr. Shtayyeh said the air pumps will be located next to the vacuums, and the outside telephones will be located according to staff's direction.

Mr. Lecklider asked why windows were needed for the car wash. Mr. Shtayyeh said it was a marketing tool because signs were not permitted. He said they would remove them if necessary.

Mr. Lecklider was concerned about the direct view from the west into the car wash entrance and that it might not be adequately screened. With effective screening, he is less concerned about closing the car wash doors. At the Tuttle Shell car wash, the exit air door opens and closes after each car.

Mr. Sherry said 50 parking spaces was too many, but maybe 34 spaces are not enough. He said they wanted approval tonight. Mr. Sherry showed the Commission new plans for additional parking.

Mr. Fishman asked how many employees there would be. Mr. Sherry said eight.

Mr. Eastep said the parking issue relates to the restaurant use, and the site is packed with too many uses. For him to approve this plan, it would require the elimination of the restaurant and drive-thru (bringing the site into parking compliance), and decreasing the square footage which would permit a better roof design, making the roof pitch conform to the text. He also would like to see the car wash on the opposite side near the BP carwash, with better screening. He does not want windows on the car wash. Mr. Eastep said the watercourse should be added to the front elevation.

Mr. Peplow said an additional gas station is needed in this area. He did not want windows in the carwash. Mr. Peplow wants the opaque carwash door closed when there is no one cued up to use it. He also would like to see the continuation of the stone watercourse.

Mr. Peplow is concerned about traffic circulation. The parking and roof top mechanicals are also concerns. Without the restaurant, those would not be problems. He agreed that the restaurant should be eliminated. Messrs. Sprague, Eastep and Fishman, also agreed on these issues.

Mr. McCash said he needed to see the supporting data for the parking. He was concerned also about the traffic flow at the gas pumps. He wants to see how the kitchen exhaust will be handled. The location of the car wash would be ideal on the north side, but in any case, screening is important.

Mr. Lecklider generally agreed with the other Commissioners. This proposal is too intense for the site, and the pumps were too close to the entrance. The drive-thru creates traffic conflicts, and the parking is unresolved. Without the fast food restaurant, the main building and pumps can be pushed back to the west. This should minimize the conflicts. He thought the car wash should either be reversed to the north or situated at an angle from northwest to southeast, with more screening. He understood that closing the car wash door after each car would not work with a conveyor system. However, it might be addressed with proper screening. The carwash windows should be 70 to 80 percent opaque. Mr. Lecklider said the Commission was not ready to vote to approve this application. He suggested a tabling.

Mr. Sherry agreed to eliminate the restaurant use. Mr. Shtayyeh said their contract expires soon. He asked if the restaurant was eliminated, would they be any closer to receiving approval.

Mr. Eastep said even without the restaurant, there were too many unresolved issues and changes to receive approval tonight. He said the Commission wanted to see the changes made to the plan.

Mr. Lecklider appreciated the concession made, but said it changed everything on the site.

Mr. Fishman said eliminating the restaurant was commendable effort, but that would change the whole shape of the building. He suggested this application be placed early on the March 18 agenda. Ms. Fierce said time is needed for revising the plans and then for staff to update the staff report.

Mr. Shtayyeh agreed with all the conditions, except those concerning the car wash doors, and the restaurant and related equipment.

Mr. Lecklider said it is very unlikely that the Commission would approve this application tonight. Revisions need to be prepared, and the Commission needs to know what they are approving.

Mr. Fishman said this is an entranceway to Dublin which needs good screening and to be attractive.

Mr. Lecklider asked if this application could be placed on the April 8 agenda. Ms. Fierce said that was reasonable. She reminded the Commissioners that Cardinal Health will be scheduled in April.

Mr. Sherry said by removing the restaurant and drive-thru, planning the site would be easier. He requested tabling.

Mr. Eastep made the motion for tabling, and Mr. Sprague seconded. The vote was as follows: Mr. Lecklider, yes; Mr. Peplow, yes; Mr. McCash, yes; Mr. Fishman, yes; Mr. Sprague, yes; and Mr. Eastep, yes. (Tabled 6-0.) [Mr. Lecklider called a short recess.]

**~~3. Conditional Use 99-013CU - BBC&M - 6235 and 6245 Enterprise Court~~**

~~[Mr. McCash recused himself from this case.] Chad Gibson presented this conditional use application for a 20,000 square foot office building within the RI, Restricted Industrial District. He said a recent Code change made it possible to integrate office uses within the RI District. He showed several sides of the area. Mr. Gibson said one of the existing curbcuts will be used. He noted the staff report incorrectly stated these are three separate parcels; they have been combined.~~

~~Mr. Gibson said Phase 1 of the office building will be 8,000 square feet, and Phase 2 is 12,000 square feet. Cramer Ditch is on the north side of the site and will affect the stormwater for the site. Split face masonry, similar to the other buildings in the area, with upright metal panels and a standing seam metal roof are proposed. Glazing for framing and glass will be dark bronze.~~

~~Mr. Gibson said this proposal fits within the area's land use character for the area. Staff recommends approval with five conditions:~~